MINERALS LOCAL PLAN: MAIN CONSULTATION DOCUMENT (CLICK HERE TO COMMENT)

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Foreword

As planning authorities for minerals and waste in their respective areas, Derbyshire County Council and Derby City Council have a duty to make decisions on planning applications for those types of developments. Both authorities also have a duty to produce planning policies, in the context of national planning policy, which are used to help take those decisions. Due to the scale, nature and location of these forms of development, those decisions can often be controversial.

Minerals such as limestone, sand and gravel, clay and vein minerals are essential raw materials, which are used to provide the infrastructure, buildings and goods that our country needs and which help support economic growth and development. Other minerals, such as coal and onshore oil and gas, are important in helping meet our energy needs. The area of Derbyshire has a wealth of mineral resources and has a long history of mining and quarrying which has influenced how the area now appears and functions. In some areas, mining and the other industries they supported, created significant numbers of jobs and were an important part of local community life. Whilst the decline of the coal mining sector has resulted in a significant decline in mineral based employment, the local mining industry remains a very important facet of the area and its economy.

Derbyshire is renowned for its varied and attractive landscapes which support an important tourist industry. The geographical county includes part of the Peak District National Park area which is also an important visitor attraction. Many of the important mineral resources are to be found in these areas of

high landscape value, whilst other minerals are located in areas close to the main built-up areas and the historic environments they contain. It is therefore especially important to ensure that the working of essential minerals takes place without causing harm to these features and local communities.

Ensuring a steady and adequate supply of the important minerals which are required to meet our needs can lead to pressure for new development, such as new or extended quarries and other forms of mineral extraction. As well as delivering benefits, these developments can generate impacts which could affect our environment, communities, our quality of life and climate change. Obvious examples of impacts include noise and dust, lorry movements and even changes to the landscape of the area.

The two authorities are working together, therefore, to prepare a new Minerals Local Plan, which once finalised, will set out planning policies to help us take decisions on matters such as where, when and how minerals developments should be planned, controlled and allowed up to the end of the Plan period in 2030.

The focus of work on this Plan began in 2009 and included a series of consultations, the most recent being the rolling consultation exercise in 2015/16 when we sought views on the development of the overarching vision and objectives and the broad approach to the future provision for the important minerals present in the area. The feedback from these consultation exercises, particularly the most recent consultation, has helped us develop and progress the Plan to this current stage.

About this Consultation

This Proposed Approach consultation is an important step in the preparation of the Minerals Local Plan. It takes account of the evidence base built-up during the earlier stages of this plan, the requirements of national mineral planning policy and the responses to the previous consultation exercises, to present a draft version of the new Plan. It sets out the draft vision and objectives and overarching strategic sustainability principles which will underpin the Plan, together with the approach to the provision for each of the important minerals found in the area and which are likely to be in demand during the Plan period. It also contains a set of draft policies which will be used to assess and determine new development proposals. Importantly, it provides an opportunity for you to let us know your views on these matters before the Plan is finalised.

How to Get Involved

It is very important that as many people as possible get involved and tell us what they think. By doing so, you can shape decision making policy on applications within the Plan area. You can help by telling us your thoughts on the draft we have set out. In particular, we would welcome your thoughts on whether we have identified:

- An appropriate vision and objectives for the Plan

- An appropriate statement of the overarching strategic sustainability principles for the area
- The right approach to the future provision for minerals found in the area
- The right polices for future mineral development

Further details of the consultation, including a range of supporting documents are available on the website:

www.consultations.derbyshirepartnership.gov.uk

For the documents in alternative formats please contact 01629 533190

Comments can be submitted;

online at www.consultations.derbyshirepartnership.gov.uk

emailed to etewastemin@derbyshire.gov.uk

or posted to Development Plan Team, Planning Services, North Block, County Hall, Matlock, DE4 3AG

Chapter 1 - Introduction and Background to the Plan

1.1 The Minerals Local Plan is being produced for Derbyshire, covering the City of Derby and the administrative County of Derbyshire, apart from the area within the Peak District National Park. Map 1 in Chapter 2 shows the area covered by the new Plan. It will be called the Derbyshire and Derby Minerals Local Plan and will cover the period up to 2030.

Statutory Requirement

1.2 Planning authorities are required to prepare Development Plans, setting out policies for the development and use of land in their area. Derbyshire County Council and Derby City Council are minerals and waste planning authorities, with Derby City having responsibility for all other types of development. The two authorities are also preparing a Waste Local Plan which will be the subject of a separate consultation exercise at a later date.

1.3 The role of the Development Plan is to guide future development of the area. It forms the starting point for decision making on planning applications. Proposed development that accords with an-up-to-date plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Why Produce a Joint Plan

1.4 There is recognition that minerals (and waste) planning issues often affect larger than local areas and can best be planned for at a wider than local level. This was previously recognised by the two authorities, resulting in the agreement to jointly prepare the current Minerals and Waste Local Plans. In addition, one of the key changes to the planning system under the 2011 Localism Act has been the introduction of the 'duty to co-operate', which seeks to enhance the way planning authorities work together to consider preparing joint plans. As a result, the two authorities have decided to continue this arrangement and prepare new joint plans. On 25 January 2017, Derby City Council adopted the Derby City Local Plan – Part 1 Core Strategy setting out the long-term strategy for the spatial development of the City area to 2028 for matters other than minerals and waste.

Sustainability Appraisal

1.5 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated.

1.6 The findings of the Sustainability Appraisal are incorporated and discussed in each chapter of the Plan.

What's Been Done So Far?

1.7 Work began in 2009 on preparing a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000 (and the subsequent 2002 amendment). At the time it was intended to produce a plan in the form of a Core Strategy setting out the Vision and Objectives, Key Strategies and identifying strategic sites where appropriate. This was to be accompanied by an Implementation Document containing development management policies and other site allocations. Following the introduction of the National Planning Policy Framework in 2012, the Councils are now preparing a single, all-embracing plan.

1.8 The initial work in 2009 consisted of hosting a series of Key Stakeholder workshops to develop the Vision and Objectives and to scope the issues that would need to be addressed in the new plan. These issues were used as a basis for the first formal consultation stage; the Issues and Options exercise, April 2010. This consultation developed the main issues identified previously and suggested how we could deliver an environmentally sound plan that would continue to deliver an appropriate amount of minerals, whilst maintaining environmental and other safeguards, and which had the support of communities and the minerals industry.

1.9 Further consultations were carried out in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. As work on the provision for sand and gravel was more advanced than some other aspects of the Plan, the authorities hosted a series of drop-in sessions and meetings in the areas where further potential extraction sites had been identified. Views

expressed on these sites and the overall provision that should be made for sand and gravel were incorporated into the 2015/16 consultation exercise and further into this consultation.

1.10 The rolling consultation in 2015/16 sought to develop the vision and objectives, together with the strategies and policies of the new Plan by seeking to establish the proposed broad approach towards all these aspects. It consisted of a series of papers setting out the background to each mineral and issue (Supporting Papers) and a range of potential options in the Consultation Papers relating to the underlying sustainability principles, the vision and objectives, provision for each mineral and the policies that would be included to assess and determine future development proposals. The most recent consultation took place in 2016/17 and consisted of a methodology and assessments of hard rock sites that were promoted by mineral operators for inclusion in the Plan.

Consultation Responses

1.11 Consultation activities have been carried out to ensure that the views of individuals, the minerals industry, statutory bodies and other interested parties are taken into account during the early stages of Plan preparation. Details of the responses received to the previous consultation stages can be found at

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations and Responses, December 2017.

1.12 Views expressed in response to the 2015/16/17 consultation together with relevant information gathered from previous work at earlier stages has been carried forward into the development of the new Plan and has been incorporated into this consultation.

What is the Proposed Approach Consultation Stage?

1.13 The previous consultation stages have looked at all the important aspects of the new Plan but with a focus on individual issues and minerals. This consultation seeks to develop those important aspects and present them in a coherent and comprehensive way that will be incorporated in the Draft Plan. It attempts to progress towards a draft version to present the intended Plan in its entirety and so that it is possible to see how the respective parts inter-relate. It will show how the vision and objectives relate to the overarching strategic sustainability principles, which in turn relate to and influence the suggested approach to each mineral and issue and the policies that will be included.

1.14 The consultation provides an important opportunity for interested parties, including Town and Parish Councils, District and Borough Councils, operators, developers, landowners, community and interest groups and the people of Derbyshire, to influence the content of the Plan before a Draft Plan is prepared and a final version is subsequently published for Examination in Public. The consultation responses received at this stage, along with the Sustainability Appraisal and further consideration of the

evidence base and other relevant policy, will then help us prepare the Draft Plan, which will itself be subject to further consultation before an independent examination takes place.

Chapter 2 - Spatial Context

Introduction

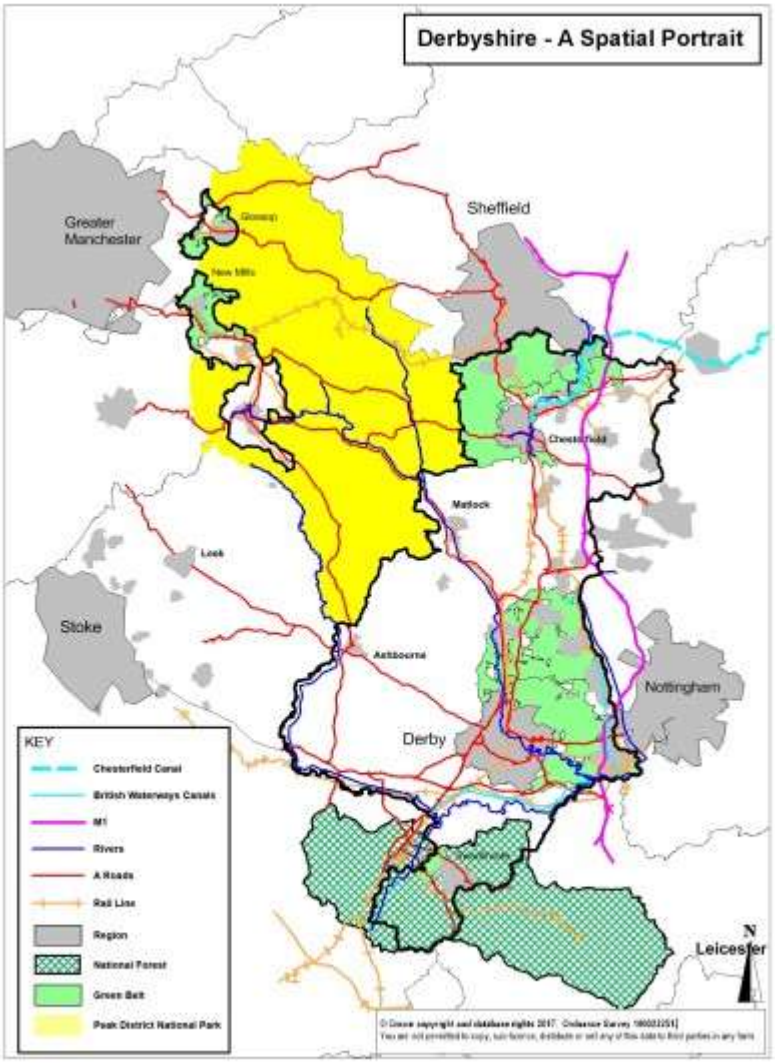
2.1 Derbyshire is renowned for its stunning and diverse landscapes, which underpin a valuable leisure and tourism industry. The underlying mineral resources have, to a large degree, helped shape these landscapes. The county is a national leader in minerals production, exhibiting a wealth and diversity of important mineral resources, which bring significant benefits to the area and the UK as a whole, in terms of jobs and economic prosperity and the many products derived from minerals which underpin our modern way of life. Appropriately restored mineral sites have also been of benefit to the environment and biodiversity interests and from the new uses which have been made of restored sites. Mineral development can also bring negative impacts, particularly in terms of the social and environmental impact of extracting the minerals.

2.2 Derbyshire and Derby cover a total area of 983 square miles (including the area of the Peak District National Park (PDNP) which lies within Derbyshire). The Plan area (as shown on Map 1) does not include the PDNP, which covers much of the north-west of the county. Within the county of Derbyshire, there are eight district and borough councils; Amber Valley Borough, Bolsover District, Chesterfield Borough, Derbyshire Dales District, Erewash Borough, High Peak District, North East Derbyshire District and South Derbyshire District. Derby City is a unitary authority, situated in the southern part of the Plan area.

2.3 Map 1 gives a broad picture of the geography of Derbyshire and Derby. It shows the National Park, a largely upland area which makes road transport difficult, and it shows the main roads and railways, river valleys, towns and other features. Also, it shows the major cities, such as Sheffield, Nottingham and Manchester, which are outside the Plan area but are important markets for some of its minerals.

2.4 There are a number of market towns in the Plan area, including Glossop and Buxton in the north-west, Chesterfield and Bolsover in the north-east, Matlock and Alfreton in the central area and Ashbourne and Swadlincote towards the south. These urban areas are separated by large rural areas, particularly in the north-west, central and southern parts of the Plan area. The eastern part of the Plan area is, in general terms, of a more urban nature than the other parts of the Plan area.

Map 1: Derbyshire and Derby



Population

2.4 At the 2011 Census, Derbyshire had a population of around 769,700 and Derby City had a population of 248,700[1]. The majority of the population of Derbyshire lives in urban areas, with around three-quarters of the population living in settlements in the eastern half of the county. By 2035, Derbyshire and Derby is expected to have a population of approximately 1,110,000 people, an increase of about 8% on the figure for 2011[2] .

2.5 The City of Derby, with a population of some 250,000, is the largest settlement and lies in the south of the county. Chesterfield, in the north-east of the county, is the other major town, having a population of around 100,000[3] .

2.6 In 2011, there were about 435,000 households in Derbyshire. By 2021 this is expected to have risen to about 474,000 households, or by about 9%[4] . In terms of construction of new dwellings, the

most recent figures provided by the individual local authorities suggest an annual increase in homes of about 3,500 per annum[5] . Much of this will be in Derby and parts of southern Derbyshire.

1. ONS, 2012, Population and Household Estimates for England and Wales. [back]
2. Oxford Economics, 2013, Derbyshire County Council Employment Forecast Report, p14 [back]
3. Oxford Economics, 2013, Derbyshire County Council Employment Forecast Report, accompanying tables [back]
4. Household Interim Figures [back]
5. Figures compiled from most recent district council consultation papers, April 2013 [back]

Economic and Social Conditions

2.7 Derbyshire and Derby has a diverse and thriving economy. Following the recession of 2008, the local economy began to recover in 2013 and this growth has continued. This should help to maintain the demand for minerals. It is a county of great variety, much of it rural in character, but it also contains a number of urban areas, which are based historically on coal mining and other heavy industries. Some of the older urban areas also contain significantly deprived populations, especially in Derby and within the former coalfield areas. Within these areas, there are thirty seven Super Output Areas[6] which are amongst the 10% most deprived areas in the country.[7]

2.8 As in all areas, there are strong correlations between health and deprivation, so the most deprived areas of the county, in terms of health, are in areas within Bolsover, Chesterfield and North East Derbyshire Districts. Overall, the general health of residents is worse than the national and regional averages, with 6.1% of people suffering 'bad' general health compared to 5.5% in England and 5.6% in the East Midlands.[8]

2.9 In contrast to the areas' historic industrial base, employment is now dominated by the service industries (>70%). Employment in manufacturing industries (≈15%) however remains high compared to the national average (≈8%). In 2011, around 1.8% of people aged 16-74 were employed directly in the mining and quarrying and utilities industrial sector[4], which was the same as the regional figure and slightly higher than the national average (1.4%). Related transport and support services also provide some employment. The largest proportions of workers from this sector are found in the limestone quarrying areas of Buxton and Wirksworth. Despite there having been a very significant decline in employment levels in the mining and quarrying sector over the last three decades, especially as a result of the decline of the coal industry, Derbyshire has maintained its position as a national leader in minerals production.

2.10 In August 2017, the unemployment rate in Derbyshire (1.3%) and Derby (1.7%) was broadly in line with the national average (1.9%). Youth unemployment (2.1%[9]) was significantly lower than the national average (11.9%)[10] . It should be noted that the average rate masks significant variations between different parts of the county, with some areas, such as parts of inner Derby or the former coalfield areas around Chesterfield having significantly higher levels of unemployment.[11]

6. 2011 Census [back]
7. 2011 Census [back]

8. https://observatory.derbyshire.gov.uk/IAS/Custom/Resources/Economy/Unemployment/muninfo_Aug17.pdf [back]

9. https://observatory.derbyshire.gov.uk/IAS/Custom/Resources/Economy/Unemployment/muninfo_Aug17.pdf [back]

10. http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05871 [back]

11. 2011 Census [back]

Transport

2.11 The Plan area generally has a good quality road transport network, which provides excellent links to other regions, particularly to the north and the south via the M1, the A38 and the A61. The A50 provides an important link to the M6 to the west and the A42 to the south of the Plan area provides links to the M5. It is easily accessible, therefore, to and from a number of large neighbouring conurbations, including Manchester, Sheffield, Leeds and Nottingham. In line with the rest of the country, traffic levels have increased significantly throughout the Plan area over the last few decades, but at a slightly slower rate than the regional average.

2.12 A significant issue in the Plan area in relation to transport is the impact of heavy lorries, including mining and quarrying traffic, on local communities and other road users. In some areas, heavy goods vehicles can account for up to 25% of traffic[12] .

2.13 There is a somewhat fragmented railway system in the county with five separate operators running trains through the area. Only one freight operator (EWS), however, transports minerals in Derbyshire.

2.14 There is some limited potential for the transportation of minerals on inland waterways i.e. rivers and canals, but this form of transport is not currently used in the Plan area.

2.15 In terms of air quality, a number of areas suffer from air pollution, mainly associated with traffic, and within the Plan area, seven areas are covered by Air Quality Management Areas (AQMAs). These are in Derby (2), Erewash (2) and Bolsover (3). A further one is proposed for the A61, A617 and A619 corridors through Chesterfield.

12. Derbyshire Local Transport Plan 2011-2026 [back]

Natural and Historic Environment

2.16 The geology of a landscape is a key determinant of landscape character, its habitats and the historic evolution of an area; at the same time it is inextricably linked to the mineral resource.

2.17 The county contains a variety of very different landscapes, from the upland limestone plateau and gritstone moorlands in the north of the county adjacent to the Peak District National Park, through the rolling pasture lands in the central area to the broad river valleys in the south. Many parts of the county exhibit the legacy of large-scale mineral extraction; for example the limestone quarries in the north and west of the county and the former coal mining areas in the east.

2.18 The landscape of Derbyshire attracts significant numbers of tourists and day visitors, who provide important economic benefit to the county.

2.19 Much of the county is worked as farmland, almost all of which is classified under the Agricultural Land Classification (ALC) as grade 3 and 4, with a small amount of grade 2 land to the south of Ashbourne.

2.20 Ancient Woodland has been assessed by Natural England, and suggests that Derbyshire contains one of the five biggest areas of interconnected ancient woodland in the country. This is focused within the Peak Fringe and the Lower Derwent Valley. Part of the National Forest lies within the south of Derbyshire around Swadlincote and Melbourne. This is shown on Map 1 above.

2.21 The three main rivers in the county are the Trent, the Derwent and the Dove. All the rivers have important flood defence regimes, including functional flood plains, which need protecting, especially with the additional stress put on them from the potential effects of climate change. Mineral extraction presents an opportunity to restore and improve the quality of many stretches of heavily modified rivers, through the redesign of floodplains during restoration.

2.22 There are significant areas of ecological importance in the Plan area, which support valuable populations of national and local Biodiversity Action Plan (BAP) priority species. Changes in farming practices and other factors over the past 50 years have, however, resulted in the loss of hedgerows, wetlands, floodplains and other habitats.

2.23 Special Areas of Conservation (SACs) are designated under the EC Habitats Directive and form part of the Natura 2000 Network of internationally important wildlife sites. Special Protection Areas (SPAs) are areas of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the 'Birds Directive 1979'. SACs and SPAs in Derbyshire, outside the Peak District National Park, are:

- South Pennine Moors SAC (Goyt Valley, west of Burbage and Darley Forest, north of Darley Dale). Also designated as the Peak District Moors SPA
- Gang Mine; also on the south-eastern edge of the Peak District; and
- Bees Nest and Green Clay Pits on the south-eastern edge of the Peak District;
- River Mease on the border of South Derbyshire and Leicestershire
- Peak District Dales SAC (Wye Valley near Buxton, small area outside the PDNPA), Matlock Woods SSSI and Via Gellia Woods SSSI).

2.24 In terms of other designations for biodiversity, there are 87 Sites of Special Scientific Interest (SSSIs); 1 National Nature Reserve (at Calke Abbey, 12 km south of Derby, managed by the National Trust); and around 1200 local wildlife sites and 101 Regionally Important Geological Sites, half of which lie within the Derbyshire Dales area.

2.25 The Plan area has a wealth of archaeological and historic features and sites, with 9,500 entries on the Sites and Monuments Record; 476 Scheduled Monuments; 5,941 Listed Buildings and 486 Conservation Areas. Registered Historic Parks and Gardens include Sudbury, Calke Abbey, Hardwick Hall and Kedleston Hall, and there is also a wealth of other very high quality mansion houses and their

associated estates, such as Melbourne Hall. The Derwent Valley Mills World Heritage Site, lying between Matlock Bath and Derby, is of international importance and is also a significant tourist attraction. Creswell Crags in the north-east of the county is a candidate World Heritage Site, in part because it is the location of the only Upper Palaeolithic cave art so far discovered in Britain.

2.26 The nature of the archaeological heritage of the county is very dependent on the underlying geology, which influences both the character and type of the surviving remains and nature of their survival.

A Profile of Minerals in Derbyshire and Derby

2.27 The underlying geology has shaped the landscape of the Plan area, giving rise to its diverse and contrasting characteristics. The limestones, sandstones and coal measures, which are today exploited commercially, were formed during the Carboniferous, Permian and Triassic Periods, which covered the time between 354 and 200 million years ago. The river valley sand and gravels were laid down much more recently, during the last ice age (around 14,000 years ago). Rocks were eroded by the glacial melt waters and deposited as sand, gravel and silt materials in wide tracts alongside the major rivers.

Mineral Resources

2.28 The majority of mineral resources[13] in the Plan area are in Derbyshire. There are only limited resources of sand and gravel in Derby City and these are not currently worked.

2.29 In terms of quantity, by far the most significant mineral extracted in Derbyshire is limestone, accounting for over 80% of all minerals produced (by weight) in the county. The next most significant mineral produced is sand and gravel (about 9%).

2.30 Minerals extracted in smaller amounts include coal (about 5%), vein minerals (mainly fluorspar & barytes), gas, sandstone, silica sand & clay and shale (unknown quantities, but likely to each be less than 1% of the total county production by weight). Although the tonnage of these minerals extracted is low compared to that of limestone and sand and gravel, their higher value per tonne often makes them very significant in economic terms. They are used by several nationally important industries, such as brick making, electricity generation and steel making.

2.31 The Minerals Local Plan notes that Derbyshire's other minerals, namely gypsum, ironstone, ganister and peat have been worked in the past. However, in view of their limited occurrence in Derbyshire, they are unlikely to be worked in this county again in the foreseeable future. In some cases (for example, ganister) their use has largely been superseded by other minerals or by changes in process technology.

2.32 Derbyshire's production of limestone is highly significant in national terms, providing about 20% of England's overall production. Minerals such as sand and gravel provide a smaller proportion of England's mineral production (sand and gravel about 2% and coal about 6%), but are still important both in local and regional terms.

13. Figures used in this section come from the 2013 Derby & Derbyshire Aggregates Survey, the 2010 Coal Authority Returns and the 2010 Minerals Year Book. [back]

Distribution of Mineral Resources

2.33 As shown by Map 2 below; large areas of the Plan area have some potential for the extraction of a wide variety of valuable mineral resources.

2.34 Limestone resources, whether of aggregate or industrial quality, are located mainly in the north-west of the county (Carboniferous), in the Matlock/Wirksworth area (Carboniferous) and in the north-east area of the county, east of Bolsover (Permian). In 2016, there were a total of twelve active quarries within Derbyshire extracting limestone, of which eleven exploit the Carboniferous resource and one the Permian resources.

2.35 Sand and gravel resources are concentrated along the river valleys, the most important being the Trent Valley to the south of Derby, as well as the adjoining river valleys of the Lower Derwent and Dove. In 2016, there were three active operations spread along the Trent Valley.

2.36 There is a less widespread sand and gravel deposit in the hard rock formation of the Sherwood Sandstones (whilst these are called sandstones they are poorly consolidated and are used in the same way as traditional sands and gravels). It is found in a small area around Mercaston, between Ashbourne and Belper. This resource is currently worked in one quarry at Mercaston.

2.37 There remain substantial resources of coal in the exposed coalfield, particularly in the east of the county in the North Derbyshire Coalfield, despite the cessation of large scale coal production in the 1990s. Whilst some surface coal resources remain in South Derbyshire, this coalfield is of a limited size and is now largely exhausted by previous surface mining operations.

2.38 Additionally, there is a potential resource of deep coal in north-east Derbyshire contiguous with the surface coal resource shown on the map, and dipping beneath the Permian Limestone to the east. However, development of a new deep mine or the re-opening of a closed deep mine seems unlikely due to very high costs. It is unlikely also that this resource would be suitable for coal bed methane extraction as a result of the low methane content and uncertainty over the permeability of the coals.

2.39 The most important economic resources of clay and shales are of Carboniferous age and are associated with the Millstone Grit and the coal measures, the latter being also a potential source of fireclays. The Mercia Mudstones are found in a band in the south of the county, as shown on Figure 3 but currently are not of economic importance.

2.40 In the UK, workable deposits of vein minerals, such as Fluorspar and Barytes are found exclusively in mineralised veins and related deposits in the Carboniferous Limestone. Fluorspar occurs in only two areas in the UK – the Northern Pennines and the Southern Pennines. Production in the northern area (Durham) ceased in 1999, leaving the Peak District area as the remaining potential source. However, production of these minerals in the Plan area is limited, with extraction opportunities arising from the quarrying of limestone. The majority of national supply comes from sites within the Peak District National Park.

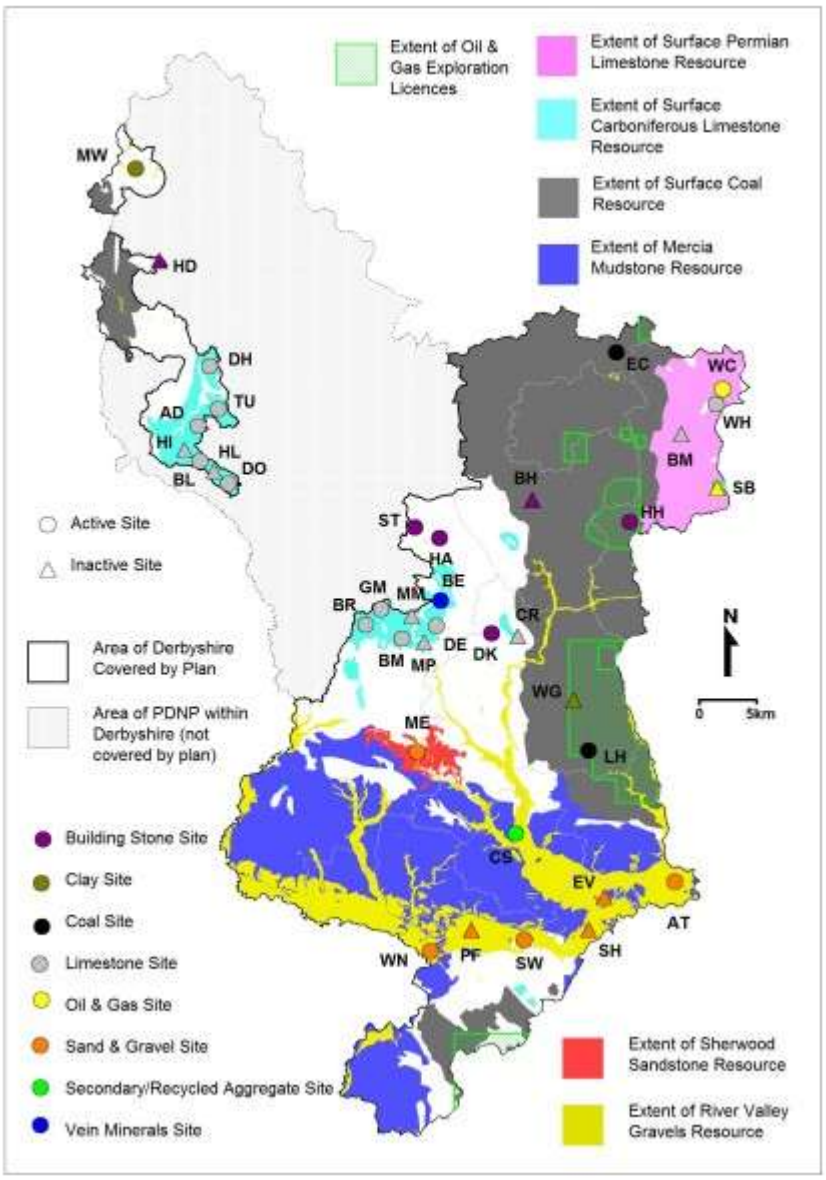
2.41 Building stone (mostly sandstone and gritstone, but including some limestone) is produced mainly from small quarries in the central part of Derbyshire around Matlock and Darley Dale, but also from the north-west of the county around Hayfield and Glossop.

2.42 There is some potential for finding conventional oil and gas deposits in Derbyshire, particularly to the east of Calow, Hardstoft and Ironville on the western margin of the East Midlands oil province. The area to the west has less potential because the main East Midlands reservoir sands, which hold the oil deposit, are absent or only shallow here. One site within Derbyshire currently produces methane from an abandoned coal mine.

2.43 There are very limited natural deposits of Silica Sand in Derbyshire and these lie near Brassington. They have been worked to some extent in the past, with little likelihood of being worked in the foreseeable future.

2.44 There are a number of permanent, dedicated recycled aggregates production facilities (e.g. Chaddesden Sidings and Cotes Park Industrial Estate) in the area together with other, smaller sites which incorporate recycled aggregate production as part of their wider waste management operations. There are also a number of temporary mobile recycling operations within the county.

Map 2 Significant Mineral Resources and Permitted Sites in 2016 (location indicative)



Mineral Reserves

2.45 At 31st December 2016[14] , current reserves (i.e. that part of the overall mineral resource that has planning permission to be worked) of limestone for aggregate uses totalled some 639 million tonnes, enough to last for over 90 years at Derbyshire's current level of annual apportionment. Reserves of industrial limestone are estimated to be around 182 million tonnes.

2.46 Reserves of sand and gravel are significantly lower, standing at 12.53 million tonnes at the end of 2016. Based on Derbyshire's current level of apportionment, it is likely that these reserves will last for around 12 years.

2.47 The last traditional deep mined colliery in Derbyshire closed in 1993 so all recent production has been from surface coal mining operations, apart from a small drift mine near Eckington which produces up to 20,000 tonnes per year and operates by virtue of a planning permission that expires in 2023. At present there are no other coal mining sites in operation.

2.48 In Derbyshire, there are three quarries that produce stone specifically for building purposes. Larger quarries, producing mainly aggregate as their principal product, also produce some quantities of building stone to order, as an ancillary product. In 2016, the quarries produced around 180,000 tonnes of building stone.

2.49 There is currently one site in Derbyshire producing gas (abandoned mine methane) at the former Whitwell Colliery. It is known that parts of the area are underlain by methane bearing shale but information about the scale of this resource and its commercial viability is limited.

14. Annual Minerals Survey, 2016 [back]

Contribution to the Local Economy

2.50 Derbyshire is a national leader in the provision of minerals. As a result, the minerals industry plays an important and positive role in benefitting the economy of Derbyshire. In 2015, 1,739 people were employed by the mining and quarrying industry in Derbyshire (incl. the Peak District National Park), 642 of these in direct employment and 1097 employed by related contractors and as drivers[15] . We estimate that up to 50 million pounds is paid annually in salaries to employees in the minerals industries in Derbyshire, with many of these jobs located in rural areas where employment can be scarce.

2.51 The minerals industry in Derbyshire also supports a network of production and processing facilities, such as the cement works at Tunstead. In turn, these industries supply the raw materials for other essential industries, such as construction.

15. Annual Mineral Raised Inquiry Survey 2015 [back]

Chapter 3 - Vision and Objectives

Introduction

3.1 Minerals and minerals-based materials, products and the physical structures made from them underpin our way of life and are essential to modern society. Minerals are the basic ingredients used in the construction of our homes, schools and other buildings, our transport infrastructure and other essential services such as health and recreation. They provide the raw materials for manufacturing and

a major part of our energy generation and are therefore vital to enable the new development that is necessary to support our economy and future economic growth.

3.2 The Plan area is rich in a variety of economically viable minerals, many of which are extracted to meet not only the needs of the local area but also to support the economy of the country and society as a whole. The minerals industry is an historic and important part of the local economy and contributes to the prosperity of the national economy, all enabled by the skills of the local workforce and the established supply infrastructure. The impact of the minerals industry has been significant and has influenced and shaped how the Plan area now looks and functions.

3.3 The minerals which are present in the Plan area will continue to be required over the Plan period to sustain economic growth and to maintain our quality of life. They are, however, a finite resource and can only be worked where they are found. It is important, therefore, that we make the best use of them to ensure their long-term availability for future generations.

3.4 Most mineral developments require prior planning permission. The Minerals Local Plan will contain a set of policies, which will provide a series of tests to ensure that approval is only given to those developments that would not have unacceptable impacts on the environment and local communities. Those policies will be based on the guiding principles of the Plan; that is the Vision and Objectives.

3.5 The Vision and Objectives are central to the Plan; setting out the high level, strategic requirements for future mineral development. The Vision will help to define the direction of the Plan, by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. In turn, the policies and other detailed proposals of the Plan will help to deliver those objectives.

Consultations Undertaken and Comments Received

Stakeholder Workshop 2009

3.6 In July 2009, Derbyshire County Council and Derby City Council held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to all stakeholders.

3.7 These comments were taken into account in the preparation of the Issues and Options Report. There were a number of additional matters that had to be included in the vision and objectives in order to accord with various aspects of central government policy on minerals. These included the requirement to contribute to the national and local need for minerals, safeguarding, climate change and the need to address the social and environmental impact of mineral extraction. Comments from stakeholders reflected some of these matters, but in addition they were particularly useful in adding and developing a more local dimension to the vision and objectives.

Issues and Options 2010

3.8 The Issues and Options Paper put forward a draft vision and a set of objectives to show how it was anticipated that the Plan area would look in terms of minerals development by 2030. It proposed twelve elements to the vision and eleven separate objectives.

3.9 In response to the draft vision, about half of respondents considered that we had got it right and the remaining responses suggested more specific additions or changes. Generally, the issues raised were concerned with taking up opportunities that mineral extraction provides and seeking more restraint on mineral extraction.

3.10 In response to the set of draft objectives, about half agreed that they covered all the necessary points, whilst the other respondents put forward further objectives or amendments. Generally, these were concerned with seeking greater environmental protection and enhancement.

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

3.11 The draft vision and objectives set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision and objectives for the new Plan. Accordingly, the earlier draft statements were revised for the latest consultation exercise.

3.12 Three organisations responded and together made several broad comments and numerous detailed suggestions about the wording of the draft vision and objective statements. The broad observations included:

- The emerging local plan should recognise the critical importance of feasibility and economic viability to the working or use of any safeguarded resource, and the range of benefits which can be reaped from the restoration and development of sites where mineral workings have permanently ceased or are not feasible or viable.
- The paper should make reference to NPPF policy relating to the effective use of previously developed land, with a view to ensuring that the goals of the Minerals Local Plan relate to wider objectives in relation to communities, minimising impact upon the natural and built environment, minimising flood risk and minimising climate change.
- The Vision and Objectives for the Minerals Plan substantially address the issues of concern within South Derbyshire and can be supported.
- The widespread nature of the mineral resource provides the Mineral Planning Authority with the opportunity to pro-actively drive minerals development to locations – and at a scale – that will provide the greatest opportunities for delivering strategic restoration benefits.

- Concerned by the narrow focus of the consultation document on adverse environmental impacts. We believe that it is also important to identify the potential for environmental enhancements, particularly through the opportunities provided by mineral site restoration.
- The Plan should be much more visionary and aspirational than simply aiming to minimise and mitigate adverse environmental impacts.
- Whilst mineral sites can be restored to a variety of after-uses, the Plan should acknowledge that mineral site restoration provides nationally significant opportunities for enhancing biodiversity, in particular.

Assessment of Comments and Outcomes for the Proposed Approach

3.13 The respondents were generally supportive of the vision and objectives but in addition, the main themes of the specific comments were that the statements could be more encompassing of the issues in the Plan area. Some of the suggestions in this regard were based on the particular issue or area of concern of the respondent and were too detailed and specific for inclusion in the vision and objectives. Some conflated several issues or repeated statements already submitted in response to other consultation papers which again were inappropriate for the intended purpose of this part of the Plan. Further information on the representations made and responses to them can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations and Responses, December 2017

Duty to Cooperate

3.14 The Duty to Co-operate was created by the Localism Act 2011, which places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross-boundary matters. This is embodied in the NPPF and NPPG. The provision for a steady and appropriate supply of minerals and the implications of the corresponding development could have significant cross-boundary implications for neighbouring areas.

3.15 The Councils have undertaken discussions with authorities within the Plan area and with neighbouring authorities with an interest in mineral development issues. The outcome of these discussions so far is that the authorities have agreed jointly to set out how they will proceed to ensure the development of a consistent and complementary approach towards minerals policy, to new development and proposals, and to undertake joint monitoring and evidence base production as required.

3.16 The outcome and messages from the Duty to Co-operate have been taken into consideration in the revised draft vision and objectives.

Sustainability Appraisal

3.17 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers included in the Towards a Minerals Local Plan Rolling Consultation 2015-2017.

3.18 It concluded that the emerging draft vision supports a number of sustainability objectives. There is a clear aim to achieve a sustainable balance between economic, social and environmental impacts. In particular, there is a focus on protecting valuable minerals that can be processed and transported sustainably with minimum negative effects and maximum benefits through aftercare. This will help to support the local economy. Addressing the contribution towards and adaption to climate change impacts is a positive aspect of the vision. Achieving sustainable modes of transport is also comprehensively discussed.

3.19 Logically, the objectives follow on from the vision but provide additional detail. Overall, the SA was supportive of the objectives as a means of delivering sustainable development. Some potential conflict between them was identified but this was not considered to be inappropriate as they reflect different aspects of sustainability.

3.20 The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

Emerging Vision and Objectives

3.21 All the comments received have been taken into account in preparing this chapter and the suggested amendments and additions, where appropriate, have been incorporated into the revised vision and objective statements. The development of these statements however, has had to have regard to a number of other factors including the need to maintain consistency with national planning policy.

Adopted Derby and Derbyshire Minerals Local Plan April 2000

3.22 The current Plan does not contain specific statements setting out the vision and objectives in the same way that will be incorporated in the new Plan. It did however, set out the purpose of the Plan which included statements of the aims it was intended to deliver and the reasons why the policies were considered appropriate and necessary to achieve those aims.

3.23 It is acknowledged that the evidence base of the adopted Plan is now of limited relevance to the new, emerging Plan but monitoring reports produced since adoption demonstrate that it was successful in delivering the stated aims. Accordingly, it is appropriate to revisit the Plan to examine what may still be relevant and what lessons can be learnt for the new Plan.

National Planning Policy

3.24 There have been a number of significant developments in national planning policy in general and in mineral planning policy in particular since the adoption of the current Plan and also since commencement of work to prepare a new Plan for the area. Most of the former Planning Policy Guidance notes, Planning Policy Statements and Mineral Planning Statements have been rescinded and replaced by the National Planning Policy Framework and National Planning Practice Guidance in 2012 and 2014 respectively.

3.25 Derbyshire County Council and Derby City Council fully recognise the significance and role of the mineral industry in the Plan area and the many benefits it delivers, both locally and nationally, and the way that the industry has influenced how the area now looks and functions. Accordingly, the approach of both authorities to the administration of their planning responsibilities has always been positive and pro-active, but it remains necessary to ensure that the new Plan is formulated in accordance current national planning policy and continues to help deliver sustainable mineral development and sustainable economic growth.

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

3.26 The recent consultation exercise presented a series of papers which sought to obtain views, not only on the draft emerging vision and objectives, but also on all other issues in order to help formulate the overall strategy and overarching sustainability principles of the Plan and the policies it will contain. The vision and objectives has taken account of any relevant messages from those responses.

The Vision

Minerals Provision

Over the Plan period to 2030, Derbyshire will continue to provide a steady and adequate supply of minerals to meet its share of local and national needs. Minerals development will continue to reflect the importance of the industry to the area and to make a positive contribution to delivering the materials required to support planned growth and to sustain the local, regional and national economies, whilst protecting and enhancing the area's environment.

The supply of minerals will have the support of those who live and work in the area through the close co-operation between the minerals industry, local communities, local authorities within and adjacent to the area and all other interested parties.

Sustainable Development

Minerals development will be located, designed and operated in accordance with the economic, social and environmental principles of sustainable development. Minerals will continue to be recognised as a valuable natural resource whereby they are extracted and used as efficiently as possible and the maximum benefit is obtained by reusing minerals wherever possible.

Spatial Distribution of Minerals Development

Within natural geological constraints, minerals development will be located in areas to optimise the match between the locations of supply and demand and which allow the use of the most sustainable form of transport.

Safeguarding of Mineral Resources and Facilities

Mineral resources and the facilities which enable the sustainable processing and transport of extracted minerals will be safeguarded from inappropriate development.

Protection of Local Communities, the Natural and Built Environment and Cumulative Impacts, Restoration

Minerals developments will contribute to the protection and enhancement of the areas outstanding environmental assets and the quality of the built environment. All developments will be located, designed and operated in accordance with the highest practicable standards to ensure that they do not adversely impact on, and where possible, enhance the historic environment, landscape character and biodiversity of the area and will incorporate proposals to ensure that sites are restored to the most appropriate use, providing maximum benefit to the area and local communities. Where possible, minerals development will also be located in areas - and at a scale - that provide the greatest opportunities to deliver strategic restoration benefits.

Minerals development will also be located, designed, operated and restored to prevent any adverse cumulative impacts on the area, either as a direct result of the development or in association with other developments.

Protection of the Peak District National Park

Derbyshire will help to protect the special quality and characteristics of the Peak District National Park area by assisting in achieving a progressive reduction of minerals obtained from sites in the Peak Park.

Flood Risk and Climate Change

Minerals developments will be located, designed and operated in ways which help to reduce flood risk and maintain or enhance water quality. Developments will also be located, designed and operated to ensure that impacts on climate change are minimised.

The Objectives

3.27 The Plan will need to include appropriate mechanisms to ensure that the Vision is delivered. The identification of Objectives is one way the Plan can express the mechanisms that it will include. Some aspects of the Vision may only be deliverable by one particular mechanism, whilst others could be delivered by a variety of methods and a variety of different methods in combination. The list below identifies those mechanisms and methods that could be used for this purpose.

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

3.28 The provision for a steady and adequate supply of minerals will be delivered by the identification and maintenance of future supply requirements in line with national planning policy and locally agreed estimates. This will include the figures identified in the Local Aggregate Assessment and maintaining adequate landbanks for other minerals and the provision of an adequate number of sites to deliver the identified supply requirement.

Objective 2 - Delivering Sustainable Minerals Development

3.29 Delivering sustainable minerals development will be achieved by the combined implementation of all the policies and proposals of the new Plan. This will include policies to direct the location of new and extended mineral extraction sites to areas which can help to deliver the economic, social and environmental principles of sustainable development and by ensuring the best use is made of primary mineral resources to ensure their long-term conservation by minimising waste, maximising levels of secondary and recycled aggregates and the reuse of all other minerals.

Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development

3.30 This includes developing locational policy which encourages new or extended minerals developments in locations as near as possible to where they will be used and which can be delivered using the most sustainable transport links. Locational policy will be developed with regard to the restrictions which are imposed by choices being limited to where mineral resources are present and to sites which are genuinely deliverable.

Objective 4 - Safeguarding Mineral Resources and Facilities

3.31 Mineral resources and the facilities which are used to process and transport extracted minerals will be protected from inappropriate development that would impair their availability and use for future

generations. This will include the identification and safeguarding of surface and underground mineral resources of local and national importance, important aggregates supply and transport infrastructure such as rail heads, coating and concrete plants and effective co-operation with the district and borough councils in the area.

Objective 5 - Minimising Impacts on Communities

3.32 The Plan will seek to minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further cumulative impacts. This will include developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development proposals are allowed, which incorporate appropriate mitigation measures and secure appropriate forms of restoration and beneficial after-uses.

Objective 6 - Protecting the Natural and Built Environment

3.33 The Plan will conserve and enhance the area’s natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.

Objective 7 - Protecting the Peak District National Park

3.34 The Plan will continue to help protect and preserve the special qualities and characteristics of the Peak District National Park through the implementation of its policies and proposals. This will include making sufficient provision for minerals from within the Plan area to help achieve a progressive reduction in mineral extraction from the Peak Park area to help minimise the impacts of further developments.

Objective 8 - Minimising Flood Risk and Climate Change

3.35 The Plan will seek to minimise and mitigate the risk of flooding, both on site and elsewhere, as well as the impacts of climate change arising from minerals developments. This will include the development of locational policy to avoid inappropriate locations and encouraging well designed and operated developments that make provision for the management of water, minimise the use of machinery emissions and transport, the most appropriate location and use of processing plant and by securing appropriate forms of restoration which address how sites interact with their surroundings in the longer term.

Monitoring and Implementation

3.36 The effectiveness of the Plans' policies towards achieving the objectives and delivering the vision will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part. Details of the monitoring to be undertaken are addressed in detail in chapter 15.

Chapter 4 - Strategic Sustainability Principles

4.1 - General Principles

Introduction

4.1.1 All proposals for minerals development should be in accordance with the overarching national principle for sustainable development. This is encompassed in national planning policy and has also been identified as a key issue for the Minerals Local Plan (MLP) through discussions with all stakeholders and through local consultation responses.

Vision and Objectives

4.1.2 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented. Further information on the Vision and Objectives can be found in Chapter 3.

4.1.3 The policies in this chapter will seek to help deliver the following objectives of the Plan:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals
Objective 2 - Delivering Sustainable Minerals Development
Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development
Objective 4 - Safeguarding Mineral Resources and Facilities
Objective 5 – Minimising Impacts on Communities
Objective 6 - Protecting the Natural and Built Environment
Objective 8 – Minimising Flood Risk and Climate Change

Evidence Base

National Planning Policy Framework

4.1.4 The National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development, without defining precisely the concept for local areas. It highlights the combination of an economic, environmental and social role for planning policy in delivering sustainable development, adhering to the basic principle that we should meet the needs of the present generation without compromising the needs of future generations. It goes on to state that sustainable development involves seeking improvements to the quality of the built, natural and historic environment, as well as to people's quality of life. How this is interpreted for our area will be an important part of the MLP.

4.1.5 The NPPF gives a steer on what sustainable development means in terms of minerals issues. It sets out that minerals are essential to support sustainable economic growth and the importance, therefore, of ensuring that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country and its economy needs. It also sets out in this context that since minerals are a finite resource it is important to make best use of them to secure their long term conservation.

National Planning Practice Guidance

4.1.6 The National Planning Practice Guidance (NPPG) contains planning policy and practice guidance on a wide range of planning issues, including planning for the extraction of minerals. It acknowledges that minerals are a finite resource with restricted availability, such that locations where they are economically viable and where extraction would be environmentally acceptable may be limited. It also repeats the statement in the NPPF that minerals make an essential contribution to the country's prosperity and quality of life.

Consultations Undertaken and Comments Received

4.1.7 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshops 2009

4.1.8 From the initial stages in the preparation of the MLP, people have consistently highlighted sustainability as being a key issue which should underpin all policies and proposals in the MLP. The need to support economic growth in the Plan area, whilst minimising the impact of mineral development

on the environment and on local communities was a fundamental part of discussions at the first stakeholder workshop held in 2009.

Issues and Options 2010

4.1.9 Although there was not a specific section of this document which covered sustainability principles, the comments referred to above were reinforced through general responses received to the issues and options paper, as well as at subsequent engagement events, discussions with stakeholders and drop-ins.

Towards a Minerals Local Plan - Rolling Consultation 2015/16

4.1.10 The Issues and Options Paper was prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. The documents in the "Towards a Minerals Local Plan" consultation took account of this, as well as other emerging local policies and strategies and new evidence in the formulation of the strategic sustainability principles for the new Plan.

4.1.11 33 comments were made on this part of the Plan at this stage. Overall support has continued to be shown through this consultation for an emerging approach in Derbyshire and Derby, whereby the Councils, when considering proposals for minerals development, will take a positive approach that reflects the national policy presumption in favour of sustainable economic development.

4.1.12 There were also comments to improve the wording of the text. Amendments have been made to take account of these comments where appropriate. Further information on the representations made and responses to them can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Assessment of Comments and Outcomes for the Plan

4.1.13 Since there has been overall support for the inclusion of this element of the Plan, subject to the above suggested amendments, it is proposed that the MLP will include an overarching sustainability policy, which will guide all proposals for mineral development, to deliver what is considered to be sustainable minerals development for Derbyshire and Derby. This will mean making provision for a steady and adequate supply of minerals in Derbyshire and Derby to meet identified needs throughout the Plan period, ensuring the efficient and prudent use of these resources and the minimisation and re-use of waste from mineral operations. This approach will support proposals for mineral extraction that facilitate economic development, maintaining and enhancing Derbyshire's position as a nationally important producer of minerals, including the creation of jobs, whilst at the same time seeking to improve

the social conditions of the Plan area and minimising any damage to the environment. Social and environmental benefits will also be sought through the restoration of mineral workings.

Duty to Cooperate

4.1.14 In order to obtain as much relevant information as possible about this part of the Plan, Derbyshire County Council and Derby City Council engaged in meetings and discussions with relevant organisations. This has helped to develop the evidence base for the approach set out below.

Sustainability Appraisal

4.1.15 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017. These recommendations have been used in the development of this approach.

Policy SMP1 reiterates national policy, so is unlikely to have any effect on the majority of sustainability factors. Notwithstanding this, the strong emphasis placed upon ensuring developments come forward ought to be positive with regards to minerals and the economy.

4.1.16 The full appraisal is set out in the following document

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

The Proposed Approach

Policy SMP1: General Principles

When considering proposals for mineral development, the Councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Councils will always work proactively with applicants to find solutions, which mean that proposals can be approved wherever possible and appropriate, and to secure well-designed schemes and development that improves the economic, social and environmental conditions in the Plan area. The Plan will also ensure that economic resources of mineral are not sterilised needlessly. Planning applications that accord with the relevant policies in this Minerals Local Plan will be approved, unless material considerations indicate otherwise.

If there is an issue that is not addressed in this Plan, it will be judged in accordance with the policies in the National Planning Policy Framework.

4.2 - Principles Distinctive to Derbyshire

Introduction

4.2.1 Through discussions with stakeholders during the preparation of the MLP and from comments received through on-going consultation events, people have raised a number of more locally distinctive sustainability issues, which they consider to be of particular significance and importance to Derbyshire and Derby. These are:

- Derbyshire's status as a national leader in the production of minerals, providing significant materials to maintain the national economy, and requiring the specific skills that are needed to maintain this production.
- The built and natural environment of the Plan area, including its rich heritage, biodiversity and varied landscapes, particularly those areas which people consider to be the most sensitive, in the north of the county, related closely to the adjoining Peak District National Park.
- That, generally, people recognise that winning and working of minerals is necessary in the Plan area, and that some social and environmental damage is unavoidable. In this respect, they have told us that we should continue to strive to promote high standards of working, restoration and aftercare of mineral workings, which bring real and positive benefits to the local communities and which help to offset any adverse impacts that may result from mineral working, including the transportation of minerals.
- That the most efficient use should be made of the mineral resources in the Plan area, avoiding wastage and making the best use of recycled materials, in order to reduce the amount of primary material that is quarried, therefore reducing the amount of land that is lost to mineral extraction in the Plan area.
- Cumulative impact from successive mineral workings and other commercial and industrial development in an area over a number of years has been raised by local people as being of particular relevance to their communities.

Vision and Objectives

4.2.2 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan Period. The Objectives will set out how the Vision will be delivered and implemented. Further information is set out at Chapter 3.

4.2.3 The policies in this chapter will seek to help deliver the following objectives of the Plan:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development

Objective 4 - Safeguarding Mineral Resources and Facilities

Objective 5 – Minimising Impacts on Communities

Objective 6 - Protecting the Natural and Built Environment

Objective 8 – Minimising Flood Risk and Climate Change

Consultations Undertaken and Comments Received

4.2.4 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshops 2009

4.2.5 From the initial stages in the preparation of the MLP, people have consistently highlighted sustainability as being a key issue, both nationally and locally. The need to support economic growth in the Plan area, whilst minimising the impact of mineral development on the environment and on local communities was a fundamental part of discussions at the first stakeholder workshop held in 2009.

Issues and Options 2010

4.2.6 Although there was not a specific section of this document which covered key local issues and principles, the comments referred to above were reinforced through general responses received to the issues and options paper, as well as at subsequent engagement events, discussions with stakeholders and drop-ins.

Towards a Minerals Local Plan - Rolling Consultation 2015/16

4.2.7 The Issues and Options Paper was prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. The documents in the “Towards a Minerals Local Plan“ consultation took account of this, as well as other emerging local policies and strategies and new evidence in the formulation of this part of the Plan.

4.2.8 Four representations were received to this policy at this stage. One states that the policy should not refer to efficiency of use of minerals, which is a misinterpretation of policy in NPPF, which refers to the best use being made of minerals to secure their long term conservation. Another requests that the policy should refer to recycled aggregates.

4.2.9 Another sets out that the proposed policy relating to the environmental designations is very broad brush and does not distinguish between the different levels of nature conservation designation ranging from international to national to local. It goes on that it is unclear what the term special circumstances will actually mean in practice. It recommends that the policy needs to distinguish between different levels of designation and the weight placed upon each needs to reflect legislation, the NPPF and best practice guidelines.

4.2.10 Another sets out that the wording of Policies SMP3 and SMP4 is slightly at odds with SMP1 (Overarching Sustainability Options) which sets out a presumption in favour of sustainable development and seeks to secure well designed schemes and development that make the most efficient use of resources and improves the economic, social and environmental conditions in the plan area. Whilst the inconsistencies of these policies are not likely to affect the overall soundness of the Plan it may be beneficial for the MPA to refine the policies.

Assessment of Comments and Outcomes for the Plan

4.2.11 The policy is intended to be broad brush and strategic in nature, setting the scene for a more detailed development management policy later in the Plan. Some more detailed comments have been used to inform the elements of the more specific chapters later in the Plan. It is accepted, however, that the text should refer to varying levels of protection according to the status of environmental designations. Changes have also been made to refer to the “best use” of minerals rather than “efficient” use and a criteria is included to promote the use of secondary recycled aggregates. The inconsistency with Policy SMP1 has also been addressed. Details of the representations received and responses to them can be found in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Sustainability Appraisal

4.2.12 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers, which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017. This reported as follows:

It sets out that Policy SMP2 (SMP3 in the Rolling Consultation 2015/2016) is likely to have a positive effect on minerals development as it is generally supportive of development if reasonable requirements are met. The policy seeks to protect communities as well as heritage and landscape character. The

effect on biodiversity is potentially negative as it allows for harm in special circumstances. Also there is no mention of non-designated biodiversity areas or priority species. For a clearer and more proactive policy approach, it is recommended that the policy makes specific reference to the need to mitigate effects as far as possible, followed by compensation and enhancement. The policy does not allude to potential impacts on soil, air or water resources in terms of their protection, mitigation and enhancement.

4.2.13 These recommendations have been addressed in the revised policy below. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

4.2.14 In order to reflect these issues which are particularly important to local people in dealing with proposals for minerals development in the Plan area, a strategic approach has been developed in the following policy.

The Proposed Approach

4.2.15 Having taken all evidence into consideration, the following approach is proposed.

Policy SMP2: Economic, Social and Environmental Principles for Minerals Development in Derbyshire and Derby

Proposals for minerals development will be supported:

- Where they maintain the continued and sustained production of minerals from the Plan area over the Plan period to support the economy of Derbyshire and Derby, as well as the national economy.
- Where the best use is made of mineral resources and the contribution that secondary recycled materials as alternatives to primary minerals has been taken into account.
- Where alternatives to road transport have been considered.
- Which ensure that any minerals development and the transportation of minerals does not harm the special environmental qualities of the area (including the adjoining Peak District National Park) and does not cause harm to local communities, including to human health, either individually or cumulatively.

- Where international, national and local environmental designations (heritage, biodiversity and landscapes) as well as non-designated areas would be afforded appropriate protection commensurate with their status.
- Where measures are put in place to mitigate any adverse impacts of mineral development.
- Where high standards of working, restoration and aftercare of mineral workings will be promoted.

4.3 - Climate Change

Introduction

4.3.1 The Minerals Local Plan will include policies to show how mineral development in Derbyshire can provide opportunities to help reduce the impacts of, and strengthen resilience to, climate change.

National Policy Considerations

4.3.2 The National Planning Policy Framework (NPPF) sets out that Local Plans should take account of climate change over the longer-term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. It states that new development should be planned to avoid increased vulnerability to the range of impacts from climate change and where development is deemed necessary, it should be made safe without increasing flood risk elsewhere. It also sets out that where new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. It also sets out that Local Plans should apply a sequential risk based approach to the location of development to avoid flood risk to people and property and manage any residual risk.

4.3.3 National Planning Practice Guidance (NPPG) sets out that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. In doing so, local planning authorities should ensure that protecting the local environment is properly considered alongside the broader issues of protecting the global environment. Planning can also help increase resilience to climate change impact through the location, mix and design of development.

Vision and Objectives

4.3.4 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered

successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

4.3.5 The policies in this chapter will seek to help to deliver the following objectives of the Plan:

Objective 2 - Delivering Sustainable Minerals Development

Objective 5 – Minimising Impacts on Communities

Objective 6 - Protecting the Natural and Built Environment

Objective 8 – Minimising Flood Risk and Climate Change

Duty to Cooperate

4.3.6 National Planning Practice Guidance sets out that in planning for minerals extraction, mineral planning authorities are expected to co-operate with other authorities on strategic matters. Climate change by its very nature is an overarching strategic issue, which the Plan must address. It will be important, therefore, that the climate change policy of this MLP is consistent with those of other local authorities in the Plan area. In order to obtain as much relevant information as possible about this part of the Plan, Derbyshire County Council and Derby City Council engaged in meetings and discussions with relevant organisations. This has helped to develop the evidence base for the approach set out below.

Progress So Far - What you have said and how we have responded

4.3.7 Climate change has been identified as a key issue from the initial stages in the preparation of the MLP. It was raised as an issue that should be addressed in the MLP at the Stakeholder Workshop in 2009. There was continued support shown for the inclusion of the reference to climate change in the vision and objectives of the Issues and Options paper. This ensured that it was taken into account as a principle when developing the issues further.

4.3.8 The vision, objectives and issues have evolved since the Issues and Options Report was published, taking account of new national policy in the NPPF, the NPPG and comments received through on-going engagement with communities and stakeholders until 2017. In all these engagement exercises and responses, climate change has continued to be highlighted as an important consideration in the Plan. Views expressed have supported consistently the view that the MLP should tackle this as a key issue.

4.3.9 As a result of national policy and views expressed on this issue, the emerging approach is to include a separate policy for climate change in the MLP.

Climate Change and Minerals Planning

4.3.10 There are two key aspects of climate change that are identified consistently as being of particular relevance to minerals planning. These are:

- Reducing carbon emissions and the carbon footprint of the minerals industry
- Preparing for, and adapting to, the effects of climate change

Reducing Carbon Emissions

4.3.11 Some aspects of mineral development, particularly mineral processing, can produce significant greenhouse gas emissions. These will vary depending on the minerals involved and the ways in which they are processed. It is likely also that vehicular emissions, both on site in the extraction process and off site, as a result of transportation of the mineral to markets, will be a significant factor.

4.3.12 In preparing the MLP, the potential to reduce harmful emissions will be considered. Developments can help to reduce greenhouse gas emissions by the careful design, construction and operation of facilities, enabling energy efficient, low carbon schemes for the winning and working of minerals. Measures could include use of sustainable transport or low carbon emission vehicles and the use of renewable sources to power the facility.

4.3.13 Greater use of recycled aggregates helps to reduce carbon emissions. If minerals are not re-used or recycled, then more primary mineral resources have to be extracted and new products manufactured, resulting in the use of additional energy. Also, recycling and re-use of construction and demolition material on site reduces transportation, an important consideration given that they are bulky and therefore costly to transport.

Adapting to Climate Change

4.3.14 There are also opportunities to increase resilience to climate change through the restoration of mineral operations. Restoration schemes, for example, could be tailored to contribute towards reducing the risk and scale of flooding through, for example, river braiding.

4.3.15 Other measures include providing opportunities for the provision of winter water storage in reclaimed quarries and ensuring that reclamation schemes take into account the effect of climate change and, where appropriate, provide opportunities for the creation of habitats for species affected by climate change. This includes the provision of wildlife corridors and making links to the wider green infrastructure network to improve the resistance of the natural environment to climate change.

4.3.16 From a wildlife perspective, ensuring that water is managed so that water bodies, water courses and wetlands are receiving and storing water will be essential. Creating space for flood waters can also provide new habitats for wildlife, whilst the management of habitats should try to maintain a variety of micro-habitats to include shady, cooler areas as well as more open, hotter habitats.

4.3.17 The potential role of the MLP in climate change adaptation will depend on the nature of the changes to climate that are likely to be experienced in Derbyshire and Derby and the areas where

mineral working is likely to take place. This will also need to be balanced against other objectives of the Plan. Further information can be found in the following document:

Derbyshire and Derby Minerals Local Plan: Spring 2018 Consultation

Climate Change Background Paper – December 2017

Sustainability Appraisal

4.3.18 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

It sets out that the draft Climate Change Policy is likely to have a positive effect on a number of sustainability factors. Primarily, the requirement for developments to minimise greenhouse gas emissions should have a positive effect on energy and climate change. Encouraging re-use and recycling of materials as well as smarter transportation of materials should also have positive effects on air quality. In some instances, it may be possible to contribute to increased resilience to climate change. An uncertain effect is predicted at this stage as such opportunities will depend on location and details of development. However, in principle the policy is positive in this respect. No change required.

The Proposed Approach

4.3.19 Following engagement and discussions, the following policy has emerged, which incorporates the comments and issues that have been put forward and discussed as the Plan has developed.

Policy SMP3: Climate Change

Planning permission will be granted for proposals for minerals development that take account of climate change for the lifetime of the development, from construction through to operation, decommissioning and restoration.

Adverse climate change impacts should, as far as possible, be avoided and schemes resulting in greenhouse emissions that are unreasonably high or are disproportionate to the public benefits of the scheme are likely to be refused.

Proposals should, where appropriate, incorporate measures to minimise greenhouse gas emissions (mitigation) and to allow flexibility for future adaptation to the impacts of climate change (adaptation) or demonstrate that they have been addressed in other ways, which are proportionate to the scale and type of development and which may include some or all of the following:

- Using renewable, decentralised, or low carbon energy sources to power the facility.
- Locating and designing the facility, and designing transport related to the development, in ways that seek to minimise greenhouse gas emissions.
- Incorporating carbon off-setting measures.
- Incorporating measures to make the development safe without increasing flood risk elsewhere.

Incorporating measures to respond to the predicted effects of climate change, such as ensuring that new development in the floodplain is made safe without increasing flood risk elsewhere, and providing for enhanced water storage during droughts.

- Incorporating landscaping and planting around the scheme during operation and as a key feature of restoration and after-use.
- Ensuring that development does not affect the integrity or continuity of existing flood defences.
- Provision of wildlife corridors and making links to the wider green infrastructure network to improve the resistance of the natural environment to climate change.

4.4 - Transport

Introduction and Background

4.4.1 The efficient transport and delivery of minerals is vital to support national and local economic activity and facilitate growth and jobs. The majority of minerals produced within the Plan area are delivered to the market by road in heavy goods vehicles; the wider impact of this traffic includes increased congestion on both the local and strategic highway network within and beyond the Plan area, and increased greenhouse gas emissions.

4.4.2 Locally, the transportation of minerals and associated traffic is one of the most significant impacts relating to minerals development and is often a major issue for local communities. The movement of minerals and the importation of fill material to restore mineral workings can generate large volumes of traffic which mainly results in heavy goods vehicles travelling on roads. Such traffic can have a considerable impact on local communities causing problems such as public safety, noise and vibration, air pollution and visual intrusion. These problems are most severe where heavy good vehicles use roads unsuited to their weight and size, where they pass through sensitive areas and at the access to the site from the public highway.

4.4.3 The Plan area has a wide range of mineral resources, which include limestone, sand and gravel, coal, vein minerals and brick clay. Minerals within the Plan area supply not only local markets but also

regional, national and, in some cases, international markets. In terms of quantity, by far the most significant mineral extracted is limestone, around 9 million tonnes in recent years (average annual production 2009-2016)[1] accounting for over 80% of all minerals produced (by weight) within the Plan area. Other minerals produced within the Plan area include sand and gravel (9%), coal (5%) and small quantities of vein minerals (mainly fluorspar & barytes), gas, sandstone, silica sand and clay and shale (each less than 1%).

4.4.4 Detailed information on the transport of minerals within the Plan area is limited; the last East Midlands Regional Aggregate Working Party survey on transport occurred in 2009 when, of the total limestone produced for use as aggregates, i.e. 7.2mt, approximately 71% was transported by road and 30% by rail.[2] Of the limestone aggregate that was exported, i.e. 4.9mt, 58% was transported by road and 42% by rail.[3] Additionally, we know that a small amount of the 3mt of limestone produced for industrial uses is also transported by rail. All of the other minerals are reliant on road transport and this is likely to be the case in the future. Historically, there has also been the very small scale transport of minerals by barge along the River Trent.

4.4.5 In general terms, the overall scale of mineral working from within the Plan area is not expected to rise significantly over the Plan period to 2030 and consequently any increase in mineral transportation should be minimal. It is anticipated that there will be a small increase in the production of crushed rock aggregate as production in the Peak District National Park is decreased over time and replaced from quarries within the Plan area. It should be noted, however, that the demand for minerals and particularly, those used in the construction sector, such as aggregates, fluctuates widely in line with the performance of the economy, which will impact on production and hence mineral transportation levels.

4.4.6 The principal transport network in the Plan area is shown on the Map below. The Plan area has a good strategic road network, which provides excellent links to other regions, particularly to the north and the south via the M1, the A38 and the A61. The A50 provides an important east-west route in the south of the county linking the M1 to the M6 to the west of the Plan area. It is therefore easily accessible to and from a number of large neighbouring conurbations, including Manchester, Sheffield, Leeds and Nottingham which greatly influence transport movements. There are frequent relatively short-distance movements of minerals across these boundaries, which are likely to continue in the future.

4.4.7 The Plan area has good rail links to major cities including Nottingham, Leicester, London, Birmingham, Sheffield, Manchester and Leeds, however, there are few rail lines solely dedicated to rail freight. Generally, rail transport is only viable at high volume, long-life quarries where the significant capital costs can be recovered, although smaller operations can sometimes access the rail network when opportunities arise. Within the Plan area, rail transport is currently only possible at the large scale limestone quarries and this is unlikely to change in the foreseeable future. In 2016, there were three active rail facilities in the Plan area, at Tunstead Quarry, Dowlow Quarry and Doveholes Quarry.

4.4.8 There may be some potential for the transportation of minerals on inland waterways i.e. rivers and canals, but this form of transport is likely to be very limited. More detailed information can be found in the following background paper:

Towards a Minerals Local Plan: Spring 2018 Consultation

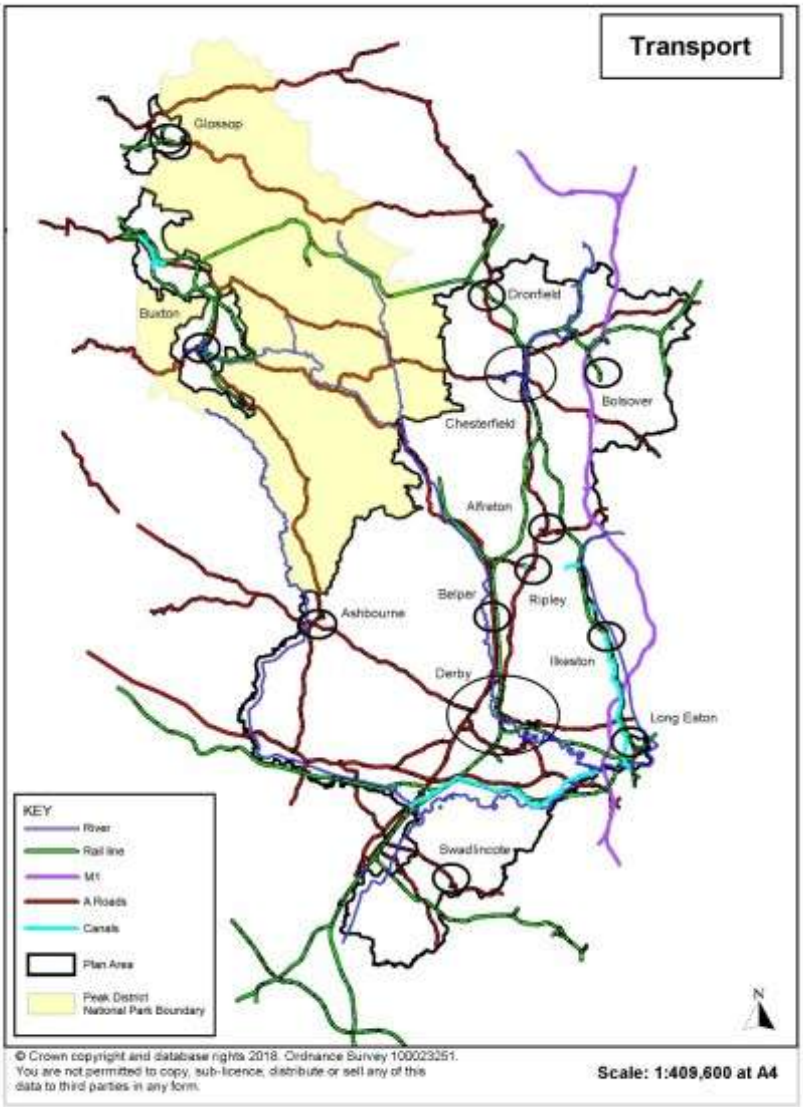
Transport Background Paper – December 2017

[1] Annual Mineral Survey Derbyshire (2009-2016)

[2] East Midlands Regional Aggregates Working Party Report 2009

[3] East Midlands Regional Aggregates Working Party Report 2009

The Principal Transport Network within the Plan Area



National and Local Policy

4.4.8 The following section explains the policy context for considering transport issues as part of the development plan process.

Department of Transport - National Policy Statement for National Networks, January 2015

4.4.9 The NNNPS (paragraph 2.1) recognises that national road and rail networks that connect our cities, regions and international gateways play a significant part in supporting economic growth, as well as existing economic activity and productivity. Well-connected and high performing road and rail networks with sufficient capacity are vital to meet the country's long-term needs and support a prosperous economy.

National Planning Policy Framework (NPPF)

4.4.10 The National Planning Policy Framework [1] (NPPF) sets out the Government's planning policies and how these are expected to be applied. Further guidance is provided in the National Planning Practice Guidance (NPPG). Promoting sustainable transport is one of the twelve core principles set out in the NPPF which should underpin both plan making and decision taking. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.

4.4.11 Local Plans, therefore, are required to support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. Encouragement should also be given to solutions which support reductions in greenhouse gas emissions and reduce congestion[2].

4.4.12 Transport routes don't stop at local authority boundaries. It is important therefore, that LPAs should work together to develop strategies for the provision of viable infrastructure necessary to support sustainable development including large scale facilities such as rail freight interchanges.[3]

4.4.13 Where developments will generate significant levels of vehicular movement they are required to be supported by a Transport Statement or Transport Assessment. Local Plans and decision making should take account of whether:

- 'The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'[4]

4.4.14 Section 13 of the NPPF sets out the Government's policy approach towards achieving the sustainable use of minerals. It[5] recognises that the safeguarding of transport infrastructure is an important means of encouraging and enabling sustainable minerals transport and therefore Local Plans are required to safeguard: existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland

waterways of minerals, including recycled and secondary materials; and existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute recycled and secondary aggregate material.

4.4.15 Additionally, Local Plans will need to set out environmental criteria, in line with the NPPF, against which planning applications for mineral development will be assessed to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including traffic impacts, and take into account the cumulative effects of multiple impacts from individual sites/and/or a number of sites in the locality.

[1] National Planning Policy Framework (NPPF), DCLG, 2012

[2] National Planning Policy Framework (NPPF), DCLG, 2012, Paragraph 30

[3] National Planning Policy Framework (NPPF), DCLG, 2012, Paragraph 31

[4] National Planning Policy Framework (NPPF), DCLG, 2012, Paragraph 32

[5] National Planning Policy Framework (NPPF), DCLG, 2012, Paragraph 143

National Planning Practice Guidance (NPPG)

4.4.16 National Planning Practice Guidance (NPPG) provides additional advice on how LPAs should plan for sustainable transport and sets out key issues that should be considered in developing a transport evidence base to support the Plan. Evidence will be needed to develop, both an overarching strategy for minerals transportation and more detailed development management policies to address the transport impacts of site specific development proposals. It will also be needed to assess potential mineral sites that have been promoted by operators to determine their suitability for allocation in the Plan.

Current Local Plan Policy

4.4.17 Policy MP5 of the adopted Derby and Derbyshire Minerals Local Plan (2002) states that, ‘proposals for mineral development involving the transport of minerals by road will be permitted provided that there is no environmentally preferable feasible alternative to road transport, the access and capacity of the highway network are acceptable and the traffic generated would not be detrimental to road safety nor have an unacceptable impact on the environment.’

Consultation so far – what you have told us and how we have responded

Issues and Options Consultation 2010

4.4.18 The impact of transporting minerals on communities was raised as a major concern at the Stakeholder Workshop held in 2009 to scope the issues to be addressed in the Plan. The Issues and Options Paper, published in 2010 included the following draft Vision setting out what the transportation of minerals will be like in 2030.

4.4.19 'Minerals will be transported more sustainably, the adverse environmental effects of their transportation will have been be minimised, including the effects of moving minerals long distances and the effects on communities, and opportunities will have been taken to achieve a modal shift in their transportation.'

4.4.20 The Paper also included strategic Objectives for minerals development which would deliver the vision and be translated into a spatial strategy and policies. The specific objective for minerals transportation was 'to make the best use of existing infrastructure and ensure that new infrastructure provision encourages opportunities for sustainable means of transporting minerals.'

4.4.21 The Paper identifies that the sustainable transport of minerals is regarded as an issue where the policy approach is clear and therefore could be addressed in the future through the development of generic transport policies, without the need to develop alternative strategies. Respondents to the Paper, at this stage, supported the need to transport minerals more sustainably and cited not only the environmental and community benefits that alternatives to road transport would provide but also the economic benefits, in that rail transport could open up wider markets for minerals extracted in the Plan area. More detailed evidence can be found in the following Papers:

Derby and Derbyshire Minerals Plan: Issues and Options Consultation Paper, 2010

Responses to Derby and Derbyshire Minerals Plan Issues and Options Consultation Paper, 2011

Sustainability Appraisal (SA) of the Issues and Options Paper 2010

4.4.22 Details of the purpose of the SA process is set at section 5. A sustainability appraisal was carried out on the Issues and Options Paper. It identified transport as a key topic that needs to be considered in addressing the likely significant effects of the Plan. The sustainability objective identified for transport that the Plan's policies will be tested against, is to minimise traffic levels, journey lengths, the number of road traffic related accidents, and to encourage sustainable forms of transport in the Plan area. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

Interim Sustainability Appraisal (SA) Report, November 2013

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

4.4.23 Since the Issues and Options Consultation, the NPPF and NPPG have been published; the MPAs, therefore, have revisited the issues and options surrounding planning for the sustainable transportation of minerals, in the light of this new policy and guidance. The MPAs have looked at the extent to which the Issues and Options Consultation and the responses to it remain helpful to developing a strategy and taken on board the findings of the Sustainability Appraisal and additional evidence collected since 2010. The next stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015 and consisted of a series of individual Papers.

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Towards a Strategy for transporting Minerals

4.4.24 The 'Towards a Strategy for transporting Minerals' Paper, April 2016 identified several issues that would need to be considered in developing a strategy for transporting minerals sustainably and included an emerging policy approach. It was accompanied by a background supporting Paper. Further information can be found in the following documents.

Towards a Minerals Local Plan: Rolling Consultation 2015-2016:

Towards a Strategy for transporting Minerals, April 2016

Towards a Minerals Local Plan: Rolling Consultation 2015-2016

Transport Supporting Paper, April 2016

4.4.25 The key issues identified were:

- The need to maximise the use of alternatives to road transport;
- The need to safeguard existing operational and non-operational rail and water infrastructure to promote more sustainable modes of transport;
- The need to minimise the impact of mineral transport on climate change through reducing greenhouse gas emissions and reducing congestion;
- The need to ensure that access to the strategic highway network and that impacts on road safety and congestion are acceptable;
- The need to minimise any adverse impacts of transporting minerals on the environment and communities;
- The need to consider whether developer contributions are required for highway improvements;

4.4.26 The emerging policy approach was as follows:

The Proposals for minerals development, including restoration proposals, should seek to minimise the impact of transport movements on the environment and local communities and maximise the use of alternatives to road transport. Proposals for minerals development should demonstrate:

- how transport movements relate to mineral resources and markets;
- how opportunities for alternative methods of transport have been evaluated;
- how access to the strategic highway network is suitable and how impacts on road safety and congestion have been addressed; and
- what measures have been incorporated, including mitigation, to avoid unacceptable harm to the environment and local communities.

4.4.27 Where appropriate, developer contributions will be sought for transport/highway improvements to mitigate the impacts of mineral development.

4.4.28 This Consultation generated one response which considered the proposed policy approach towards sustainable transport to be appropriate in principle but suggested that the plan should be more explicit about the type and level of 'transport' information that would be required to support a planning application in relation to the scale and destination of movements.

4.4.29 Details of the representation and response, and the outcome for the Preferred Approach is set out in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Duty to Cooperate

4.4.30 NPPG sets out that, in planning for minerals extraction, mineral planning authorities and other bodies are expected to co-operate on strategic cross-border matters. The main issue that has been identified in terms of transport is the need to safeguard transport routes and distribution facilities in District and Unitary prepared Local Plans from other development. There may also be other duty to co-operate issues relating to the provision of strategic infrastructure, for example, the HS2 rail line and strategic rail freight facilities.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Cooperate: Background and Progress Report, December 2017

Sustainability Appraisal

4.4.31 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017 and all of the sites that were promoted by operators.

4.4.32 The emerging policy approach for the transportation of minerals has been appraised. The SA acknowledged that the dominant mode of transport is road and likely to remain so and therefore impacts on environmental factors are likely to remain neutral as existing transport routes are likely to be used. The policy approach is positive however, which should ensure that alternative methods of transport are used where feasible; this would have positive impacts on air quality and transport, climatic factors and communities and health. The greatest potential for reducing the transport of minerals is to reduce the demand for primary minerals; the need for minerals and the use of alternatives is considered in the individual mineral Chapters of the Plan. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

Outcomes for the Proposed Approach: Transport

4.4.33 The MPAs have developed a draft approach to planning for the sustainable transport of minerals, taking into account representations to previous Consultations, the Interim Sustainability Report 2017, NPPF and NPPG, Duty to Co-operate considerations and additional evidence collected since the Rolling Consultations in 2015/16. The MPAs have particularly noted that transport issues cut across several different Chapter areas of the Plan; the proposed approach, therefore, is to include a Strategic Management Policy set out in this Chapter whilst more detailed transport policies can be found in other relevant chapters of the Plan.

Vision and Objectives

4.4.34 Chapter 3 of this consultation contains the Plan's preferred Vison and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The contribution that the individual draft transport policy set out in this Chapter will make towards achieving the overall draft Vision and Objectives of the Plan, is set out at paragraph 4.4.48.

Sustainability Principles

4.4.35 This Chapter of the Proposed Approach sets out at Policy SMP2 the sustainability principles that will deliver what is considered to be sustainable minerals development for the Plan area including the sustainable transport of minerals. The principles include the need to ensure that alternatives to road transport have been considered and that transport impacts do not harm the environment or local communities.

Transport Issues

Issue: Sustainable Transport Modes

4.4.36 The key aim of the NPPF is for the planning system to deliver sustainable development; the NPPF recognises that transport policies not only have an important role to play in facilitating this, but also in contributing to wider sustainability and health objectives. The NPPF requires that, where reasonable, the Plan supports a pattern of development that facilitates the use of sustainable transport options to reduce the environmental and amenity impacts of transporting minerals, particularly in relation to greenhouse gas emissions and congestion.

4.4.37 A key constraint to developing this approach for mineral development is that due to geological conditions, minerals can only be worked where they are found and, therefore, are not necessarily well located to take advantage of more sustainable modes of transport. Furthermore, the cost of transporting the mineral to the market is a huge consideration in the overall viability of mineral working and therefore the cost of developing rail or water infrastructure tends to restrict such opportunities to those minerals where larger volumes of material, over long time periods, encompassing more broader and distant markets, make them economically viable.

4.4.38 The transportation of minerals over long distances would be more sustainable by alternative modes of transport such as rail, however, realistically the scope for this within the Plan area remains limited and is more suitable for some minerals than others. Currently, rail transport is only used at large scale, high volume, long-life, limestone quarries, where the significant capital costs can be recovered. The existing and potential transport movements of the principal minerals within the Plan area are set out in the Background Paper.

4.4.39 The Government recognises[1] that well-connected and high performing road and rail networks with sufficient capacity are vital to meet the country's long-term needs and support a prosperous economy and, in the mid to longer-term, the Government is seeking to expand transport infrastructure to facilitate more sustainable modes of transport. Within the Plan area key investment areas for roads are to increase capacity and reduce congestion on the M1 and A38 and Trans-Pennine Routes. For rail, capacity for freight will be increased through electrification and the development of HS2 and through the development of Strategic Freight Interchanges. There is very little potential for using water to transport minerals within the Plan area and often and the use of water to transport minerals is not always compatible with the ecological and recreational value of the rivers and canals.

4.4.40 The vast majority of movements to and from mineral sites are by road. Realistically, heavy goods vehicles are likely to remain the most effective and economic means of transporting minerals and fill material over the Plan period; they provide relatively low costs and flexibility to serve a wide range of

local and varied markets. Nevertheless, other more sustainable methods of transport should be encouraged and supported, wherever feasible, in order to minimise the environmental and amenity impacts of transporting minerals by road.

4.4.41 Pipelines and conveyors can be used to import waste short distances on to quarries, such as colliery spoil or power station ash, or to export minerals short distances to processing plants and factories, both on and off site; these alternatives to heavy goods vehicles should be encouraged, in principle, as they minimise road transport movements. Similarly, in some cases, rail can be used to transport the mineral to the processing plant. The use of extensive haul roads internal to the site can also be used to minimise impacts on the local road network.

4.4.42 Taking account of the above considerations a preferred policy approach is included at 4.4.48 to promote sustainable transport modes for the movement of minerals.

[1] The Eddington Transport Study: The Case for Action 2006, NN NPS 2014, Paragraph 2.1

Issue: Safeguarding Transport Infrastructure

4.4.43 To support alternative modes of transporting minerals such as rail and water, existing rail head facilities and rail links to quarries will be safeguarded along with wharfage and associated storage, handling and processing facilities for the bulk transport of minerals by rail, sea or inland waterways. Safeguarding will encourage the long distance haulage of minerals by rail to continue and to protect non-operational rail heads and links for possible use in the future. Further details can be found in Chapter 10 of this Consultation.

Issue: Transport and Climate Change

4.4.44 Vehicle emissions have been identified as a significant source of greenhouse gas emissions which impact greatly on climate change. The encouragement of alternatives to road transport for the movement of minerals is an important measure to reduce greenhouse gas emissions and reduce congestion which exacerbates the pollution. Policy SMP3 Climate Change in this Chapter includes further details on this matter.

Issue: Transport Impacts on the Environment and Communities

4.4.45 Transport impacts are an important factor to take into account in considering the overall acceptability of minerals development. The NPPF, therefore, requires that where new development is likely to have significant transport implications, as is usually the case for minerals development, a Transport Assessment should be submitted with a planning application.

4.4.46 The Assessment will need to show that the proposed method of transport is the most efficient and sustainable means of moving the material. It will need to identify anticipated transport impacts and set out what measures will be taken to deal with them and to improve accessibility and safety for all modes of travel. It should include matters such as proximity and suitability of routes to the principle highway network, the capacity of the existing highway network, highway safety for all modes of transport and access arrangements. Where new transport/highway improvements are required to mitigate impacts, developer contributions may be sought through Section 106 agreements.

4.4.47 Traffic associated with minerals can have a considerable impact on the environment and local communities, causing problems such as public safety, noise and vibration, air pollution and visual intrusion. These problems are most severe where heavy good vehicles use roads unsuited to their weight and size, where they pass through sensitive areas and at the access to the site from the public highway. Minerals development proposals will need to ensure that any adverse impacts on the environment and local communities are acceptable or can be mitigated. A detailed development management policy is included in Chapter 13 which sets out the detailed matters that will need to be addressed.

4.4.48 Taking account of national planning policy and the nature of mineral working the following preferred policy approach is put forward to enable the sustainable transportation of minerals.

Proposed Approach: Policy for Sustainable Transport Modes

Policy SMP4: Sustainable Transport Modes

Proposals for minerals development, including restoration proposals, should seek to minimise transport movements and maximise the use of alternatives to road transport.

Where practicable mineral development should be located, designed and operated to enable transport by rail, water, pipeline or conveyor.

Contributes towards achieving Objectives:

- **Objective 2 - Delivering Sustainable Minerals Development**
- **Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development**

Monitoring

4.4.49 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part. Policy SMP4 of this

document requires the use of alternatives to road transport to be maximised. Planning proposals will be monitored to calculate the percentage of mineral transported by modes other than road.

Chapter 5 - Spatial Strategy for Mineral Extraction

Introduction

5.1 The Minerals Local Plan must ensure that there will be a steady and adequate supply of minerals over the Plan period. It must show that there are sufficient landbanks of certain minerals to sustain production over and beyond the Plan period. This may mean that additional sites will have to be identified in the Plan which will be available to meet this demand. The strategy will show the broad location of these sites.

Consultations Undertaken and Comments Received

5.2 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

5.3 From discussions and comments that have been received as part of the on-going process of engagement on the MLP, people have told us broadly where and how they think future mineral extraction should take place in Derbyshire and Derby.

Stakeholder Workshops 2009

5.4 From the initial stages in the preparation of the MLP, people have told us where they think mineral development should take place.

Issues and Options 2010

5.5 Although there was not a specific section of this document which covered a spatial strategy, the comments referred to above were reinforced through general responses received to the issues and options paper, as well as at subsequent engagement events, discussions with stakeholders and drop-in events.

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

5.6 Five comments were received to this part of the Plan during the Rolling Consultation. These were as follows:

- The policy should seek compensation for/ replacement of community facilities that are lost to minerals development.
- The policy should expect developers to demonstrate how their restoration proposal would seek a positive contribution to the strategic improvement of the river valleys.
- The policy should refer to net gains from restoration and reflect local landscape initiatives.
- The policy should not need to prove that secondary and recycled materials cannot meet the demand proposed by primary minerals.
- The wording of the policy is at odds with Policy SMP1.

5.7 These comments have been used to revise this part of the Plan and where applicable the restoration strategy. Taking account of these comments and other considerations including key issues and the evidence base, this section sets out firstly, in broad terms, where sites could be worked for minerals over the Plan period. Secondly, it sets out the key spatial principles that will guide mineral development in the Plan area, both allocations in the Plan and other proposals which come forward over the Plan period. This spatial element is an important aspect of the Plan, giving a geographic dimension to the vision.

5.8 Further information can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations and Responses, December 2017

Duty to Cooperate

5.9 In order to obtain as much relevant information as possible about this part of the Plan, Derbyshire County Council and Derby City Council engaged in meetings and discussions with relevant organisations. This has helped to develop the evidence base for the approach set out below.

Sustainability Appraisal

5.10 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017.

It can be assumed that there will be a focus on extensions to existing sites, secondary materials and a link to strategic transport networks. Although there could be some localised effects upon communities and amenity, landscape and heritage, it is possible that these could be mitigated and issues associated with existing sites should be well known. There are no significant constraints with regards to biodiversity and good links to the strategic road network which should help to minimise transport emissions. With regards to crushed rock and other minerals, there are concentrations of quarries in the area. Those close to the Peak District and Cromford are close to SSSIs, so there is potential for negative effects if expansion occurs here. However, this could be mitigated. The principles ought to have a positive effect on land resources and energy use by encouraging reuse of materials and focusing on extensions to sites. The effect on housing and employment should also be positive.

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

Spatial Principles

Broad Locations of New Minerals Workings

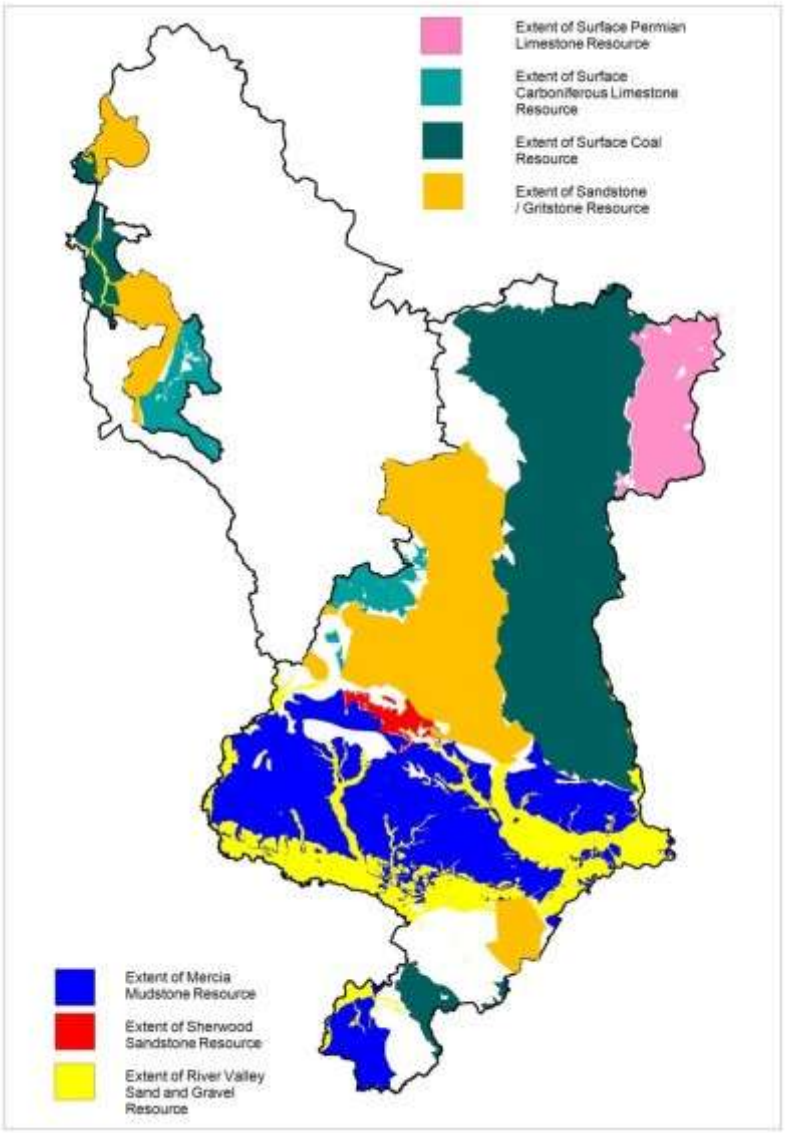
5.11 People have recognised throughout the engagement process that any strategy for minerals planning is constrained by the geographic distribution of mineral resources in the Plan area. These are shown on the map below. This means that minerals can only be extracted where they occur naturally. In broad terms, therefore, this means that sand and gravel will be extracted in the south of the Plan area and limestone (Carboniferous and Permian) in the more central, north-western and north-eastern parts of the Plan area. Coal and other hydrocarbons are found in the more eastern parts of the Plan area.

Extensions to Sites

5.12 Throughout the engagement process on the MLP, people have highlighted issues which are appropriate to include within the spatial strategy. These include a preference for extensions to existing sites rather than wholly new sites because they make best use of existing resources and infrastructure, and for these sites to be in locations which minimise disruption to local communities and the local environment.

5.13 In response to what people have told us through the engagement process and taking account of national minerals policy and guidance, the Plan will give preference to extensions to existing mineral workings because they make the best and most efficient use of resources and existing infrastructure. These extensions to sites will be allocated in locations that will minimise transportation distances, and that seek, as far as is possible, to use more sustainable modes of transport.

5.14 This will represent the most sustainable approach to site selection in overall terms, making best use of resources and infrastructure, helping to reduce harmful emissions, minimising the impacts of mineral development on the causes of climate change, including reducing the incidence of flooding (See the Strategic Flood Risk Assessment). In accordance with what people have told us, the Plan will also help to ensure that sites for all types of mineral working are developed in a way which respects the social and environmental sensitivities of the area.



Map 1: Derbyshire and Derby's Mineral Resources

Provision of Aggregates

5.15 In terms of aggregate, further provision will be achieved to some extent by ensuring the availability of sufficient sites that produce secondary and recycled aggregates. Not all primary minerals can be replaced by these alternatives. Industry often requires primary minerals because of their specific qualities, and also the availability of alternative materials can be less reliable. It will be necessary,

therefore, to allocate some sites for the extraction of primary aggregates where existing reserves would not be sufficient for the Plan period. The 2017 Local Aggregates Assessment (LAA) shows that there are sufficient supplies of crushed rock for aggregate use. There may still be cases however, where sites will be permitted in exceptional circumstances.

5.16 The 2017 LAA indicates that further reserves of sand and gravel will have to be identified to maintain production over the Plan period. The site selection process has included criteria that reflect the principles in the spatial strategy and any other sites that come forward during the Plan period will be judged against the same principles.

Provision on Non-Aggregates

5.17 In terms of non-aggregate minerals, there is a requirement to allocate sites in the Plan to maintain supplies of industrial limestone. Proposals may also come forward for other minerals, such as building stone, coal and other hydrocarbons, and these will first be considered against the strategic principles set out in this spatial strategy.

Restoration on Sites

5.18 The strategic restoration of mineral workings will be an important consideration from the initial stages in planning for new quarries or for proposals for extensions to existing ones. Operators will be required to show that restored quarries will provide real and substantial benefits to the local community and to the environment and that the restoration scheme is not planned in isolation i.e. it has taken account of the wider area.

Policy SS1: Spatial Strategy

Proposals for mineral development in Derbyshire and Derby which embrace the following spatial principles will be supported:

- Where sites are proposed for primary mineral production, it can be shown that it provides overall gains across the three sustainability themes, giving priority to the extension of existing sites.
- Where, so far as is practicable, proposals take account of the contribution that substitute or secondary and recycled material can make as an alternative to primary minerals.
- Where the site is in a location where the use of sustainable modes of transport can be maximised, thus helping to ensure that the development minimises its impact on the causes of climate change.
- The development will be located in areas where there would be no unacceptable adverse impacts on the local environment and the amenity and quality of life of local communities and any benefits are maximised, including where maximum use will be made of the primary road network to reduce the need for transport through villages.

- Where the strategic restoration of mineral workings has been considered from the outset in their planning and development and that the sites will be restored at the earliest opportunity and in the most appropriate manner for the area, resulting in after-uses which provide benefits to the environment and local communities and compensating for the loss of any community facilities that may occur as a result of the development taking place.
- Proposals for restoration in the river valleys should demonstrate how they contribute to the comprehensive restoration strategy and lead to a more coherent ecological network alongside community and economic benefits within and beyond the boundaries of Derby and Derbyshire.

Chapter 6 - Supply of Aggregates

6.1 - Secondary and Recycled Aggregates

Introduction

6.1.1 Whilst the resource of minerals that are present in the UK may be enormous, they are a finite resource and our continued use of those minerals can only progress towards their ultimate depletion. Modern society relies heavily on the continued availability and use of certain minerals to support our economy and our way of life. In order to ensure we continue to have access to the benefits those minerals provide we need to use and re-use minerals in a prudent and sustainable manner. This is an important message of national planning policy as expressed in the National Planning Policy Framework and other related statements. The NPPF also refers to the need to ensure that mineral extraction developments are designed and operated in an efficient manner, maximising the volume of mineral extracted whilst balancing this with the need to minimise the impact on the environment and local communities.

6.1.2 On a related theme, international and national policy seeks to reduce the amount of waste that is produced and to obtain the maximum use and benefit from the waste that is generated. This applies to mineral developments whereby the volume of waste material generated at extraction sites is minimised by efficient practices and by making the maximum use and re-use of the extracted minerals wherever possible.

6.1.3 The use of minerals for aggregate purposes in construction projects is an important element in the delivery of the buildings and infrastructure that support our way of life. The delivery of these buildings and infrastructure requires the use of substantial volumes of aggregate minerals and the re-use of such minerals can play an important role in reducing the amount of newly excavated mineral that has to be extracted and an important contribution to securing sustainable mineral development. This can be achieved by maximising the use of secondary and recycled aggregates.

6.1.4 Whilst the production of secondary and recycled aggregates involves the use and re-use of minerals, it involves minerals that have previously been used for another purpose and which may have been discarded as waste. This issue is therefore relevant to both the emerging Minerals Local Plan and

the emerging Waste Local Plan and will be reflected in the content of both plans and the policies they contain.

Vision and Objectives

6.1.5 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented. Further information can be found in Chapter 3.

6.1.6 The policies in this chapter will seek to help deliver the following objectives of the Plan.

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Objective 4 - Safeguarding Mineral Resources and Facilities

Objective 5 – Minimising Impacts on Communities

Objective 6 - Protecting the Natural and Built Environment

Objective 7 – Protecting the Peak District National Park

What are Secondary and Recycled Aggregates

6.1.7 In minerals terms, aggregates are the pieces of crushed stone and gravel used in making concrete or the bulk fill material used in the construction industry. Traditionally, most aggregate materials have been obtained directly from limestone and sand and gravel quarries (known as primary minerals). Secondary and recycled aggregates are alternative forms of aggregate materials, derived from sources other than the direct excavation of primary mineral resources. The terms secondary and recycled aggregates are often regarded as interchangeable but there is a distinct difference between the two.

Secondary Aggregates

6.1.8 Secondary aggregates is the term used to describe materials produced as a by-product of other activities. The main source is from mineral and quarrying activities, utilising left-over materials which would otherwise be regarded as wastes. Another source is from discarded ‘waste’; for example, materials extracted from former colliery spoil tips. Secondary aggregates can also be obtained from other industrial processes such as blast furnace slag, incinerator ash or ash from the pulverised fuel ash from coal-fired power stations.

Recycled Aggregates

6.1.9 Recycled aggregates are produced from materials sourced from the recycling of construction and demolition wastes. The waste streams can include concrete, bricks, glass, asphalt (material from road surfaces removed during roadworks) or spent rail ballast. Processing involves the crushing and screening of the raw materials (similar to the processing of primary aggregates) but normally requires additional works to remove unsuitable contaminants such as metal, plastic or wood contained within the waste stream. The quality of recycled aggregates is therefore dependent on the type and source of the raw materials and the processes undertaken.

Uses of Secondary and Recycled Aggregates

6.1.10 The uses of secondary and recycled aggregate materials are many and varied but the determining factor is the type and standard of construction that is to be achieved. Higher quality aggregate materials from limestone are used in more demanding circumstances such as road construction and concrete making where the strength and chemical qualities of the components are paramount and have to meet specific standards. Sandstone based aggregate is a more porous material and tends to be used as a construction fill material. The uses which can be made of recycled aggregates were previously quite limited but are now expanding as processing techniques improve. Ash from furnaces and incinerators is being used in the manufacture of building blocks, whilst glass is now an ingredient in the materials used in the manufacture of road surfacing products. Old road planings are also now capable of being used in the manufacture of new asphalt based products.

6.1.11 Under the appropriate European Standards for Aggregates 2004, mineral wastes are included in the definition of ‘natural aggregates’, whereas aggregates derived from industrial processes are defined as ‘manufactured aggregates’. The main assessment criteria used in these Standards is fitness for purpose. Further information about secondary and recycled aggregates and how they are produced can be found in the following Paper:

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper: Secondary and Recycled Aggregates, December 2017

National and Local Policy Considerations

6.1.12 There are no specific national policies relating to the production of secondary and recycled aggregates but the issues involved do feature in several European Union and national Government policy statements.

6.1.13 The high level impetus supporting the production of alternative aggregates is provided by the EU Waste Framework Directive, 2008/98/EC which requires waste management authorities to plan on the basis that, over time, there should be a significant reduction in the amount of Construction, Demolition and Excavation waste that is sent for disposal to landfill. The move towards delivering sustainable

development and the increasing cost of landfill disposal have resulted in new initiatives to produce secondary and recycled aggregates from otherwise waste materials. Whilst the legislative role of such policy statements following the withdrawal of the UK from the European Union are as yet unclear, the philosophy advanced by this Directive are already enshrined in national legislation and guidance and these will continue to influence the emerging local plans.

National Planning Policy Framework

6.1.14 The introduction to the NPPF states that the purpose of the planning system is to help achieve sustainable development. The NPPF sets out twelve core planning principles to help deliver sustainable development, which includes maximising the re-use of existing resources, proactively delivering the homes, businesses and other infrastructure requirements to support our way of life, whilst conserving and enhancing the natural environment. It supports the delivery of economic growth which requires the use of resources, including the use of minerals for construction and other purposes. It recognises, however, that minerals are a finite resource and therefore the importance of making the best use of those resources. It encourages local planning authorities to take account of the contribution that substitute or secondary and recycled materials and mineral waste can make to the supply of construction products in preference to the extraction of new, primary materials (paragraph 143).

National Planning Practice Guidance, 2014

6.1.15 The NPPG reiterates the importance of maintaining a steady and adequate supply of minerals to meet the needs of the country whilst recognising that they are a finite resource and the need for them to be used in a sustainable manner for the long-term benefit of the country. The NPPG also reiterates support for the Waste Hierarchy which gives priority to the reduction of waste generation, followed by seeking to obtain as much benefit from the waste that is generated by re-use and recycling, rather than disposal by landfill.

6.1.16 The NPPG advocates the use of the Managed Aggregate Supply System (MASS) to ensure a steady and adequate supply of aggregate mineral, to handle the significant geographical imbalances in the occurrence of suitable natural aggregate resources, and the areas where they are most needed. It states that the MASS works through national, sub-national and local partners working together to deliver a steady and adequate supply of aggregates through Local Aggregate Assessments, Aggregate Working Parties and the National Aggregate Co-ordinating Group.

6.1.17 A Local Aggregate Assessment is an annual assessment of the demand for and supply of aggregates in a mineral planning authority’s area and should include an analysis of all aggregate supply options, including secondary and recycled aggregates. Further information about the development and outcome of the Local Aggregate Assessment for Derbyshire and Derby can be found in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper: Sand and Gravel, December 2017

Waste Management Plan for England, December 2013

6.1.18 The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management by a number of ways including:

- Delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

6.1.19 It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the Waste Framework Directive. By reinforcing the philosophy of the waste hierarchy, including the importance of reusing waste materials, it supports the use of secondary and recycled aggregates.

National Planning Policy for Waste, October 2014

6.1.20 The National Planning Policy for Waste sets out detailed waste planning policies to ensure the positive contribution that waste management can bring to the development of sustainable communities. When preparing local plans, it states that waste planning authorities should use a proportionate evidence base to ensure that plans provide sufficient opportunities to meet the identified needs of their areas. In addition to the provision of facilities to meet the overall needs of the area, it states that the waste management systems that plans deliver should provide for a mix of type and scale of facilities to drive the management of waste up the waste hierarchy. It therefore supports in principle, the provision of aggregate from secondary and recycled sources rather than disposing of the material by landfill and the use of primary aggregate.

Waste Resources Action Programme Quality Protocol

6.1.21 In 2002, WRAP Aggregates Programme funded by the Department for Environment, Food and Rural Affairs, was launched to minimise the demand for primary aggregates through promoting greater use of recycled aggregates. This complemented the Mineral Products Association (MPA) strategy to ensure that aggregates were more sustainable.

6.1.22 Concerns by the building industry about the specification of alternate aggregates, in particular the consistency of the specifications achieved, was previously a barrier to their increased usage. To ensure that demolition waste could be processed into recycled aggregate of an appropriate quality and which conformed to the appropriate European aggregate product standard, WRAP worked with the industry to formulate a Quality Protocol. This was entitled "The Quality Protocol for the production of aggregates

from inert waste" and was first published and implemented in 2004. It was reviewed again in 2008 resulting in the current edition.

Derby and Derbyshire Minerals Local Plan, 2000

6.1.23 Production of secondary aggregates from mineral wastes and other low-grade resources, where the materials to be produced will be used as substitutes for primary aggregates is supported, in principle, by policy MP24: Secondary and Recycled Aggregates. The relevant criteria for sites and methods of production are that they would not result in unacceptable damage to the environment, and that they do not involve the re-working of tips where the land has been satisfactorily reclaimed, or has naturally regenerated, to an acceptable after-use.

Derby and Derbyshire Waste Local Plan, 2005

6.1.24 The Plan took account of Government policy on sustainable development and the waste hierarchy. At the time it was adopted it contained policy W1a: Sustainable Development, which stated that proposals for new development would be assessed against sustainability considerations, including the waste hierarchy. The supporting text in the Plan encouraged maximising the re-use of waste materials, including the use of waste materials to produce aggregate materials. This policy was deleted after the adoption of the East Midlands Regional Spatial Strategy 2009. As this document was subsequently deleted by Government, the issue will need to be re-assessed for inclusion in the emerging Plans.

Production and Facilities in Derbyshire

6.1.25 In order to develop the approach of the new Plans to the provision for secondary and recycled aggregates it is necessary to explore the current situation in terms of the facilities that are available within the Plan area to produce these alternative resources and to quantify the amount of alternative resources that they generate. Unfortunately it is not currently possible to obtain wholly complete and accurate information about the number and location of all the sites producing alternative aggregates in Derbyshire and Derby or the amount they produce. However, the area does contain examples of all the four main types of facilities:

- Secondary aggregate production at quarries using mineral not suitable for other purposes. Limestone, gritstone and sandstone quarries in the area are noted for the high grade quality of mineral they offer (used for specialist purposes) but are also important sources of secondary aggregates as such quarries often contain bands of lower grade materials. Vein minerals such as fluorspar and barytes are high-value specialist minerals but are often contained in narrow bands within host limestone and this secondary mineral is used for aggregate purposes.

- Secondary aggregate production at stand-alone facilities receiving material from other industrial processes such as slag from furnaces and incinerators or previously discarded mineral disposed in old spoil tips. Some of the discarded mineral in old tips is now capable of economic use and represents a readily available source of material. These extraction operations may be undertaken as part of a wider reclamation scheme providing additional benefits to the area.
- Recycled aggregate produced at dedicated waste management sites processing construction and demolition wastes. The number of small but important waste recycling facilities in the Plan area has increased significantly over the last 20 years and many now incorporate equipment to process construction and demolition wastes into various grades for use as alternative aggregate. These facilities are normally located on older industrial estates where there are fewer sensitive receptors.
- Recycled aggregate produced on a temporary basis at demolition sites. By definition, the number of such sites will vary in line with the volume of redevelopment work taking place at any one time. The location of demolition sites relative to other developments sensitive to the processing operations involved will affect the production of recycled aggregate from such sources.

6.1.26 The section below highlights some relevant facts about the overall production and use of aggregates. The use of mineral products in the UK is largely based on indigenous supplies. Aggregates imports account for no more than 3% of the UK markets. It is a bulky material that is costly to transport – the average delivery distance is around 30 miles and the cost of transport doubles for each additional 30 miles travelled. In 2012, the GB aggregates supply mix consisted of 44% from crushed rock, 22% land won sand and gravel, 5% marine won sand and gravel and 29% from recycled sources. Typically, 90% of mineral production is used by the construction industry and the variation in the amount that is produced reflects the varying fortunes of the construction industry. In 1955, the supply of aggregates in Great Britain was about 100 million tonnes. This rose to almost 300 million tonnes in the early 1970s and, after a short decline, peaked at almost 350 million tonnes in the late 1980s. Thereafter, supplies have fallen to slightly over 200 million tonnes in 2012. The most marked decline followed the recession in 2008.

6.1.27 In 1980, the Mineral Products Association estimated that the use of recycled aggregates was about 20 million tonnes per year, rising to 30 million tonnes in 1997. This peaked in 2007 at 71 million tonnes (out of a total of 275 million tonnes of aggregates used in that year in the United Kingdom as raw construction materials), although this fell back immediately after the onset of the recession in 2008 to just over 70 million tonnes in 2009. The figures obtained by the Mineral Products Association indicate that the share of total aggregate materials derived from such sources increased from about 10% to 26% over this period. Latest figures indicate that this rose to 28% in 2015 (based on the use of 63 million tonnes), considerably higher than the European average of only 10%. The MPA figures also indicate that some 60% of waste construction and demolition materials are now used as aggregates and fill material.

Impacts of Secondary and Recycled Aggregate Production

6.1.28 In order that the emerging Minerals and Waste Local Plans can meet their objectives of delivering a steady and adequate supply of minerals and waste management sites and facilities to manage the volume of waste arising in the area whilst also protecting the environment, local

communities and the local economy, it is necessary to examine the potential impacts of secondary and recycled aggregate production.

6.1.29 The potential impacts of secondary and recycled aggregates will vary considerably in accordance with the nature of the different forms of production and the locations where they are undertaken. There are however, many broad impact issues that are common to all production processes wherever they occur, particularly for those involving similar plant and machinery in the production process. These relate to the visual appearance of the site and operations, the risk of contamination, processing impacts (noise and dust) and transport issues.

6.1.30 Potential impacts could arise from where and how the raw material is obtained, although in many cases they are materials which are ancillary to the other, main activities at the source site. Materials sourced from quarries are normally minerals which have already been excavated as part of the wider quarry operations and therefore any impacts are part of the overall quarry activity and not directly attributable to the production of alternative aggregates. Likewise materials sourced from other industrial operations and demolition sites are materials which arise from another principle activity and which would otherwise be classified as wastes requiring disposal. Materials sourced from old tips however would involve new and additional engineering works at sites that may have been 'dormant' for many years and could result in impacts on the surrounding area. The reworking of old tips however could result in potentially beneficial impacts by improving the visual appearance of the area and/or the potential of further beneficial uses of the land. These beneficial impacts could be enhanced where the extraction formed part of a wider regeneration/redevelopment project.

6.1.31 The production of recycled aggregates, particularly on sites where other recycling activities are taking place, involves the storage of substantial volumes of material, both as raw material imported to the facility and as processed material awaiting transport from the site. These mounds could impact on the visual amenity of an area if not controlled by appropriate planning conditions. In practice, many of the existing sites in the Plan area are located on older industrial estates where the potential impact is mitigated by the surrounding developments.

6.1.32 The production of secondary aggregates at existing quarries may be less visually intrusive where the operation is subsidiary to the extraction works and appears as an integral part of the overall quarry complex. The inappropriate location of these operations could have additional impacts, particularly in areas of high landscape sensitivity. The production of recycled aggregates at redevelopment sites could generate significant impacts on the visual amenity of an area, particularly in locations within built-up areas, although the scale of impact could be tempered by the other ongoing demolition and construction works and the temporary nature of the project.

6.1.33 The raw materials used in the production of both secondary and recycled aggregates are often hard substances (limestone, concrete and brick rubble etc) and are often of a size which requires breaking down to achieve the consistent, smaller fraction to meet re-use specifications. The processing activity requires the use of substantial, industrial based machinery (crushing and screening machinery) which could generate high levels of noise and dust emissions if not operated and managed properly. These emissions can be controlled and reduced by equipment built-in to the machinery (for example spray equipment to suppress dust) and by the deployment of other on-site management measures, but some noise and dust emissions are inevitable. In addition, the tone and pitch of the noise created by the crushing and screening equipment are potential elements of noise nuisance. These tonal issues can give rise to nuisance even where the overall noise levels were within regulatory limits. Dust emissions

could arise from the transport of the raw materials and finished products and from how and where the raw materials are stored on a site in addition to the actual processing operations.

6.1.34 The raw materials are normally bulky and heavy and require the use of large, heavy goods vehicles to transport them from source to processing location and then onwards to final destination for re-use. Even where the processing is undertaken at the source of the waste material, such as a demolition site, it is unlikely that all of the new product could be re-used in the new construction works and therefore some transport movements would be necessary. The movement of these materials could have environmental impacts along the transport routes from the emission of diesel fumes, noise and vibration, dust from the raw materials and traffic congestion. Due to the high transport costs involved however, the transport distance for most materials is relatively restricted.

6.1.35 Some of the raw materials used to make secondary aggregates would normally be classified as inert waste, although other sources, such as from previous disposal sites (colliery tips or other industrial tips) and ash from incineration processes could contain contaminated materials. Raw materials sourced from construction and demolition waste streams could also contain non-inert materials within the bulk of the otherwise inert supply. Whilst the aggregate production operations would be controlled by other regulators (Environment Agency and the local authority Environmental Health Officer) to ensure that the processes involved were safe, it is possible that the processing of these materials could release the contaminants which could adversely affect sensitive receptors.

Other Issues

6.1.36 In addition to potential environmental impacts there are other challenges that can affect the level of production and use of secondary and recycled aggregates, irrespective of the support in principle for their use over virgin materials.

Technical Issues

6.1.37 Whilst production methodologies have expanded and the capacity for generating secondary and recycled aggregates has increased, usage will only increase correspondingly if the resultant products are capable of being used for specific purposes and this requires the production of materials that consistently conforming to specific standards. It is recognised that the wider implementation of the WRAP Quality Protocol first introduced in 2004 has improved he credibility of recycled aggregates but further effort is required to instil confidence with the products across the full range of private and local authority customers. Prior to the introduction of the Quality Protocol, the lack of recognised and adequate technical specifications and control had previously inhibited the wider acceptability and use of recycled materials.

Economic Issues

6.1.38 The continued and extended use of secondary and recycled aggregates will be influenced by economics. The price of such materials will have to remain competitive against primary products but it is recognised that this is influenced by a number of factors. The unit price of the raw material for alternative aggregates may be advantageous, especially where the material would otherwise be a waste requiring disposal. The cost of processing, however, could be higher where the quality is not consistent and contains contaminants requiring removal. Transport costs are a substantial element of the equation and significant increases could make alternative aggregates prohibitively expensive.

Consultations Undertaken and Comments Received

6.1.39 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives. These views, where appropriate, have been taken on board in the ongoing development of the new Minerals Plan.

Stakeholder Workshop, 2009

6.1.40 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals and Waste Local Plans should address and sought the input of stakeholders in developing the vision and objectives for the respective Plans. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

6.1.41 These comments were taken into account in the preparation of the Issues and Options Report. Whilst the Workshops did not raise any specific issues for secondary and recycled aggregates those attending did support a reduction in the amount of waste generated, making the best use of waste wherever possible and the avoidance of waste of minerals that were extracted which support the use of such materials.

Issues and Options, 2010

6.1.42 The issues identified for secondary and recycled aggregates in this exercise were under Objective E; How do we Ensure the Sustainable Use of Minerals? The two issues identified were; Issue 13, 'Safeguarding sites for recycled aggregates' and Issue 14, 'Reworking spoil tips for secondary aggregates'. The suggested approach for Issue 13 was that the safeguarding and finding of individual sites suitable for the recycling, reprocessing and transfer of materials including construction and demolition wastes was a strategic matter and should be addressed by policies in the new Plans. For Issue 14 the two options were to have a criterion based policy relating to the reworking of spoil tips for secondary aggregates or to seek to identify specific sites where the products can be worked.

6.1.43 Of the respondents who answered these questions, 87% indicated support for the suggested approach to issue 13 and for Issue 14, 80% of respondents were in favour of using a criterion based policy rather than identifying specific spoil tip sites.

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

6.1.44 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the provision for secondary and recycled aggregates.

6.1.45 The issue of secondary and recycled aggregates was not included in this part of the consultation exercise and was delayed until the consultation exercise for the emerging Waste Local Plan was more advanced. It was considered that the relevance of the issue to both Plans was such that consultation would be more appropriate at that stage. A full account of the representations made on other aspects of the Plan and considered responses can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Duty to Cooperate

6.1.46 The provision for secondary and recycled aggregates is inextricably linked to the overall provision for aggregates from both crushed rock and sand and gravel. In order to obtain as much relevant information as possible about existing facilities for the production of alternative aggregates, the actual scale of production, and how this affects the need to make provision for new aggregate resources Derbyshire County Council and Derby City Council engaged in meetings and discussions with relevant authorities and mineral companies. We also corresponded with organisations and individuals with relevant knowledge and experience of aggregate minerals to develop our evidence base for the 2015/2016 Consultation exercise and for developing the emerging approach set out below.

Sustainability Appraisal

6.1.47 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017. A paper covering secondary and recycled

aggregates was not included in this consultation, being deferred until the Waste Local Plan had reached a certain stage. As a result, the sustainability appraisal did not report on this issue at this stage.

The Proposed Approach

6.1.48 At this stage, it is acknowledged that there is no recent input from stakeholders on the issues to be addressed in the emerging local plans but it is widely accepted that there is support for the use of alternative aggregates in principle in preference to primary resources. Consultation on this topic had been deferred until the emerging Waste Local Plan reached a certain stage but the development of the emerging Minerals Plan is more advanced and it is considered appropriate for this stage of the process to set out a proposed draft approach (and policy) as part of this consultation exercise.

6.1.49 From the review above, it is evident that the current adopted local plans do not provide for a comprehensive policy coverage for the provision of secondary and recycled aggregates. The relevant policy in the adopted Waste Local Plan was deleted upon the adoption of the Regional Plan for the East Midlands but that plan has been deleted entirely. The relevant policy in the Minerals Local Plan sets out the conditions where proposals for the production of secondary aggregates from mineral wastes and other low-grade resources but this may be considered to be insufficiently comprehensive in terms of other means of producing alternative aggregates and also not as pro-actively positive towards their production in place of new resources.

6.1.50 It is intended that the Plan will support the increased use of secondary and recycled aggregates wherever practicable and appropriate as part of the overall objective of delivering sustainable minerals development and this support is expressed in policies SMP1 General Principles and SMP2 Economic, Social and Environmental Principles for Mineral Development in Derbyshire and Derby. This will be supplemented by a policy setting out criteria for development proposals for the production of secondary and recycled aggregates.

Policy MS0: Secondary and Recycled Aggregates

Proposals for facilities for the production of secondary and recycled aggregates (where planning permission is required) will be granted where the applicant has demonstrated that the development would not result in unacceptable adverse impacts on the environment and local communities in accordance with the criteria set out in the Development Management policies of the Minerals Local Plan.

In assessing the suitability of sites, preference will be given to the following locations and sites:

- On industrial estates or sites with planning permission for new industrial and storage development or is allocated for such uses in a local plan;
- On previously developed land or redundant agricultural and forestry land;
- At active quarries;
- At active landfill sites or other appropriate waste management sites; and

- On demolition and redevelopment sites where the use is for a temporary duration related to the approved redevelopment works.

6.2 - Sand and Gravel

Introduction

6.2.1 National policy requires that we provide for a steady and adequate supply of aggregate minerals to help meet local need for these resources, whilst continuing also to supply a quantity of minerals to those parts of the country that do not have their own resources of aggregate minerals.

6.2.2 Sand and gravel is an important aggregate mineral. It is used mainly locally (within a 25 mile radius of a site) in the production of concrete, mortar and asphalt and in the manufacture of concrete products which have national markets. Around 75% of the sand and gravel produced in Derbyshire is used to produce concrete with the remainder being used to produce mortar, asphalt and also as a fill material.

6.2.3 The strategy for ensuring a steady supply of sand and gravel through the provision of new sites is constrained by the fact that minerals can only be quarried where they occur. This means that sand and gravel sites can only be located in the alluvial sand and gravel resource of the Trent, Derwent and Lower Dove Valleys in the southern part of the Plan area. There are also more limited reserves of hard rock sand in the Sherwood Sandstones near Mercaston.

6.2.4 There are significant opportunities for a more strategic and coordinated approach to the restoration and aftercare of sand and gravel workings in the Trent Valley. The Trent Valley Strategy seeks to promote partnership working to deliver this approach.

6.2.5 This chapter sets out the consultation process which has informed the development of the issues and policies regarding sand and gravel production in Derbyshire and Derby. It then sets out the draft policies and supporting text, having taken the results of the consultation process into account.

Vision and Objectives

6.2.6 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

The policies in this chapter will seek to help deliver the following objectives of the Plan:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development

Objective 5 – Minimising Impacts on Communities

Objective 6 - Protecting the Natural and Built Environment

Further information regarding the Vision and Objectives is set out in Chapter 3 of Towards a Minerals Local Plan: Spring 2018 Consultation.

Evidence Base

6.2.7 Derbyshire County Council and Derby City Council obtained information on sand and gravel from a variety of sources as a foundation for preparing the new Minerals Local Plan as a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000. A summary of the information obtained is presented below.

Sand and Gravel in Derbyshire

6.2.8 Derbyshire and Derby have substantial resources of sand and gravel in the river valleys of the Trent, Lower Derwent and the Lower Dove, occurring within the fluvial/alluvial and terrace deposits. The formation of these drift deposits took place following the last ice age when considerable amounts of sand, gravel, silt and clay, in the form of glacial and weathered rock deposits, were eroded rapidly by glacial melt waters and deposited in wide tracts in the areas alongside these rivers. The thickness of the river valley deposits varies considerably, ranging from less than one metre thickness in some areas to as much as eight or nine metres thick in other areas. The gravel content of the deposits is usually high (50%-70%), the remainder being sand and fine silts. There has been little mineral working in the Lower Dove Valley, with most to date having taken place in the Trent and the Lower Derwent Valleys, with reserves being of particularly high quality, both in geological and commercial terms, in the area of the Trent Valley between Long Eaton and Willington and on into Staffordshire.

6.2.9 Deposits of sand and gravel also occur in the solid bedrock of the Sherwood Sandstones. These are much older than the river valley deposits, having been laid down around 230 million years ago in the Triassic geological period. Their thickness varies considerably from 100m to virtually nothing. The proportion of gravel also varies greatly but is usually much less than in the river valley deposits. It is an important source of soft building sand and there is currently only one operation in the county. This is located at Mercaston in an area between Derby and Ashbourne. The operator of this quarry has indicated that it has sufficient reserves to last this Plan period and beyond and has, therefore, not put forward any proposals for extensions to this quarry during this Plan period.

6.2.10 Mineral resource information for the Plan area was compiled by the British Geological Survey in 1995[16] . Resource information for sand and gravel in the Plan area has been defined from available

geological information. Parts of the sand and gravel resource in the Plan area have, however, been evaluated by mineral companies and, therefore, knowledge of the economic potential of the resource has been established with a high level of confidence. In practice, mineral planning authorities are largely reliant on the mineral companies to supply detailed authoritative information on the quality and quantity of the resource. Further more detailed information regarding sand and gravel can be found in the following background paper.

Towards a Minerals Local Plan: Spring 2018 Consultation

Sand and Gravel Background Paper, December 2017

6.2.11 Information regarding mineral production and reserves is collected annually through the Aggregates Survey organised by the Aggregates Working Party.

6.2.12 As table 1 below shows, production of sand and gravel in Derbyshire between 2007 and 2016 has averaged 1.04 million tonnes (mt).

Table 1: Annual Production of Sand and Gravel in Derbyshire 2007-2016 (figures in million tonnes)

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
1.22	1.10	0.91	1.04	1.1	0.81	0.82	0.95	1.13	1.29	1.04

6.2.13 At the end of 2016, Swarkestone, Shardlow, Willington and Mercaston were the active sand and gravel quarries. There are also two sites which are currently inactive; Elvaston and Potlocks Farm. These sites together have reserves of 12.53 million tonnes of sand and gravel. ("Reserves" are the part of the resource that has planning permission to be worked) (**NB Potlocks Farm is currently the subject of a revocation order. Once this has taken effect, reserves will be reduced to 10.33 mt.)**

6.2.14 This stock of reserves is known as the landbank. The term "reserve" includes sand and gravel at current inactive sites which have an extant (live) planning permission, but excludes those sites where mineral working cannot take place until there has been a review of the planning conditions attached to their planning permission (dormant sites). Government guidance requires landbanks to be maintained for all aggregate minerals, with the recommended landbank period for sand and gravel being at least 7 years. The current length of the landbank for sand and gravel in the Plan area is 12 years (total permitted reserves of 12.53mt divided by annual provision rate of 1.04mt).

6.2.15 Mineral planning authorities such as Derbyshire County Council and Derby City Council are required to determine the level of sand and gravel that they should provide in order to maintain a steady and adequate supply, taking account of the previous 10 years' sales, published national and sub national guidelines and other relevant information and set these out in a Local Aggregate Assessment. The levels set should be reasonable and realistic and should be set within the overall context of the national requirement for minerals.

6.2.16 As set out above, for the 10 year period from 2007 to 2016, sales of sand and gravel extracted from quarries in Derbyshire averaged 1.04 million tonnes. The Local Aggregate Assessment indicates, therefore, that, based on an annual provision rate of 1.04mt, Derbyshire and Derby should provide 14.56 million tonnes of sand and gravel from 2017 to 2030 (i.e. 14 x 1.04). There are already permitted reserves of 12.53 million tonnes, which means that additional provision will have to be made in the Minerals Local Plan for around 2.03 million tonnes of sand and gravel to 2030.

6.2.17 The sand and gravel resources in the Trent and Derwent Valleys are expected to be able to meet this additional provision over the Plan period and it is most likely that extensions to one or two existing sites in these areas would meet this provision. There are also significant resources of sand and gravel in the Lower Dove Valley, yet to be worked to any significant extent. Given the level of remaining requirement it is unlikely that these will be worked during this Plan period, but it is worth noting should operators decide to bring sites forward in this area for various operational reasons.

16. British Geological Survey, Mineral Resource Information for Development Plans, Derbyshire: Resources and Constraints, 1995 [back]

National Planning Policy Framework

6.2.18 As well as the views of stakeholders being taken into account in the development of this Plan, the Councils must also have regard to the Government's national planning objectives and policies. Government policy on planning changed after the Issues and Options Paper was published in 2010. The National Planning Policy Framework (NPPF) was published in March 2012, replacing planning and mineral policy statements.

6.2.19 The parts of national policy which are relevant to the provision of an adequate and steady supply of sand and gravel are:

- Through the preparation of a Local Aggregate Assessment, to plan for an adequate and steady supply of minerals in order to assist in promoting sustainable economic growth and improving our quality of life.
- Provision should take the form of specific sites, preferred areas and/or areas of search as appropriate.
- To encourage the provision of secondary and recycled aggregates to minimise the requirement for primary aggregates.
- To safeguard minerals of national and local importance and develop policies to encourage the extraction of important minerals prior to development.
- To ensure that mineral extraction does not have unacceptable adverse effects on communities and the environment and high standards of restoration and aftercare of mineral sites are promoted.
- To maintain a landbank of sand and gravel, which will provide a sufficient supply for at least seven years.

National Planning Policy Guidance

6.2.20 The National Planning Practice Guidance (NPPG) was published in March 2014 and contains revised and updated planning policy and practice guidance on a wide range of planning issues, including planning for the extraction of minerals. It acknowledges that minerals are a finite resource with restricted availability, such that locations where they are economically viable and where extraction would be environmentally acceptable may be limited. It also repeats the statement in the NPPF that minerals make an essential contribution to the country's prosperity and quality of life.

6.2.21 It also sets out that a Local Aggregate Assessment (LAA) should include a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information and an analysis of all aggregate supply options. It should also look at average sales over the most recent three years to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.

6.2.22 It also sets out that aggregate landbanks should be used as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in any existing adopted Plan.

6.2.23 It states that mineral planning authorities should plan for the steady and adequate supply of minerals by one of three ways. In order of priority these are; designating specific sites where viable resources are known to exist, designating preferred areas (areas of known resources where planning permission might reasonably be anticipated), or designating areas of search for areas where knowledge of mineral resources may be less certain but within which planning permission may be granted.

6.2.24 It sets out that the suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits, taking into account issues such as:

- the need for the specific mineral;
- the economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure);
- the positive and negative environmental impacts (including the feasibility of a strategic approach to restoration);
- the cumulative impact of proposals in an area.

Consultations Undertaken and Comments Received

6.2.25 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshop 2009

6.2.26 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan should address, and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

6.2.27 In terms of sand and gravel, the main issues that stakeholders have identified as being necessary for the Plan to address were firstly the need for mineral and how this is calculated and secondly where broadly the sites should be to provide for the requirement for sand and gravel and whether these should be either extensions to existing workings or new workings. These issues will now be considered in terms of how they have developed during the preparation of the Plan.

Calculating the Provision Figure for Sand and Gravel

Issues and Options 2010

6.2.28 When the Issues and Options report was published in 2010, provision figures for aggregates were produced on a national basis so we were not in a position to determine these ourselves or for the public to have a say. This changed with the publication of the NPPF in 2012 which set out the requirement to determine aggregate requirements on a local basis through a Local Aggregate Assessment (LAA).

Responses to Derby and Derbyshire Minerals Plan Issues and Options Consultation Paper, January 2011

Drop-in Sessions Autumn 2012

6.2.29 In autumn 2012, we were at the initial stages in preparing the first LAA. We asked communities at the drop-in sessions whether they thought future provision should be based purely on the average production of the previous 10 years, or whether an additional 10% should be applied to this figure in order to provide a degree of flexibility to make provision for future economic recovery. There was no clear opinion, however, regarding the approach that people thought should be taken in this respect.

6.2.30 As a result of this response, and taking account of guidance available at the time, we suggested, on balance, that a 10% allowance should be applied to the apportionment figures in the draft LAA.

Summary of Issues Raised at Sand and Gravel Drop-in Sessions, July 2013

Further Consultation on the LAA, 2013/2014

6.2.31 We published the first LAA for comment in March 2013. It set out that sites would have to be allocated to meet the identified shortfall in the need for sand and gravel at that time, including a 10% flexibility allowance.

6.2.32 At this stage, again there was some public support expressed for the 10% flexibility allowance to allow for increased demand to assist the economic recovery. There were also an equal number of reservations regarding this approach, responses stating that annual monitoring of sales figures and other information through the LAA would identify any significant increase in demand, enabling a review of the apportionment figure and, if necessary, further provision of sites later in the Plan period. In accordance with the NPPG, people said that consideration of average sales over the most recent three years would identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply. People also cited a lack of evidence as to why a figure of 10% should be used as opposed to any other figure.

6.2.33 At the time that the draft LAA was published for comment, the East Midlands Aggregates Working Party (EMAWP) agreed an approach whereby the future apportionments should be based on the average sales figure of the previous 10 years.

6.2.34 Having taken account of comments received at the community drop-in sessions and those received through the publication of the draft LAA, the interim Sustainability Appraisal (September 2013), as well as the approach agreed at the Aggregates Working Party in February 2013, and also taking account of the most recent sales figures, it was considered now that the most appropriate approach would be to use the average figure of the previous 10 years of sales on which to base future apportionment of aggregates and to not apply an additional 10%. In the LAA, it is set out that annual monitoring of sand and gravel sales and landbanks would be undertaken and that this would identify any significant increase or decrease in demand for sand and gravel. The provision figure could be revised accordingly during the course of the Plan period.

Towards a Minerals Local Plan – Rolling Consultation 2015/2016

- Two people questioned the method by which the provision figures have been calculated, suggesting that the figure should be higher, using the previous SRA figure until a robust forecast methodology has been developed and to include an element of flexibility. Concerned, therefore, about under provision over the course of the Plan period.
- Support was also expressed for the provision figure.
- One comment set out that the Plan should indicate that production can be maintained at more than 1mtpa.

Assessment of Comments and Outcomes for the Plan

1 & 2. The provision figure has been considered through public consultation and also discussed and agreed through the Aggregates Working Party. Given this overall support and mandate, we consider, therefore, that the figure is appropriate and robust for the Plan period, but it will be monitored on an annual basis and if necessary can be reviewed through the Plan period. The Councils maintain that the 10 year average figure has been widely accepted as being a realistic and robust figure by which to estimate future demand for sand and gravel. It includes figures from periods of growth, recession and recovery and therefore does not only include information from lower periods of growth. It is considered that it should be used to plan for sand and gravel production in Derbyshire over this Plan period. It will be reviewed on an annual basis and any significant changes will be managed. The Plan is likely to include areas of search for future mineral extraction and in the event of under provision occurring at some point through the Plan period, these could be considered as potential allocations.

3. A deliverability schedule will be included showing estimated annual production of sand and gravel over the Plan period.

Provision of Sites for Sand and Gravel

Issues and Options 2010

6.2.37 In 2010, in responses to the Issues and Options Paper, there was overall support (80%) for a strategy that allocated extensions to existing sites in the eastern part of the valley up to 2020 and then, beyond this time, to identify broader areas of search, possibly dispersing to new areas in the Lower Dove Valley. This was reported in “The Analysis of Responses to the Issues and Options Consultation” in 2011 and, as a result of the support shown, we indicated that this was the approach which we would seek to develop further. At this time, the provision of aggregates was determined at a national, rather than a local, level. These figures only covered to 2020. This meant that the identification of broader areas of search for the period beyond 2020, for which levels of provision were not available, would have been a reasonable option at this time.

Drop-in Sessions - Autumn 2012

6.2.38 Given changes to Government policy in 2012 and other considerations, it was appropriate to present the revised issues to communities in the area covered by the sand and gravel resource, and to ask for their views.

The following two options were presented at the 2012 drop-in sessions regarding the future location of sites:

- whether for the period to 2030, all sites continue to be located in the Trent and Derwent Valleys in the more eastern parts of the river valley resource where sand and gravel extraction currently takes place, or

- whether to 2030, some sites continue to be located in the Trent and Derwent Valleys but also that some new sites are identified in the Lower Dove Valley in the more western part of the resource to relieve some of the impact of mineral working on areas in the Trent and Derwent Valleys.

6.2.39 Responses provided at these drop-in sessions gave no clear steer regarding the general location for future sand and gravel sites i.e. whether all new sites should be allocated in the Trent/Derwent Valleys over the Plan period or whether some sites should also be worked in the Lower Dove Valley, where there are currently no active sites. As a result, we concluded that the site assessments should give no specific weighting to sites depending on whether they are located in either the Trent or Lower Dove valleys.

6.2.40 A number of site specific comments were also made, and these were used in the detailed assessments of the sites and helped to determine those sites which should be allocated for mineral extraction in the Plan.

6.2.41 All of this information set out above was used in the development of the draft strategy for sand and gravel which was published as part of the Rolling Consultation in 2015.

Summary of Issues Raised at Sand and Gravel Drop-in Sessions, July 2013

Towards a Minerals Local Plan – Rolling Consultation 2015/2016

- Concern was expressed for opening up sites in the Lower Dove Valley and also in the area around Repton where the road network would not be considered suitable for heavy lorries.
- One comment of support was expressed for the proposal to favour extensions to existing sites over new ones.
- One offered support for the overall approach taken in the Plan.
- One operator supports the allocations at Swarkestone and Elvaston but suggests their potential for working should be regraded to medium/high.
- Three individuals and one organisation object to the allocation at Swarkestone South
- One objects to an allocation at Egginton
- There are three comments about Chapel Farm (Site now withdrawn for consideration)
- One organisation objects to the proposed allocation at Repton/Foremark
- One provides a comment on the ecological value of the Willington site.
- The rest offer suggestions for how the sites should be worked and restored should the allocations proceed

Assessment of Comments and Outcomes for the Plan

6.2.42 All comments received have been taken into account in the assessment of the sites and the preparation of this chapter.

6.2.43 Further details of the responses received during this consultation can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Duty to Cooperate

6.2.44 In order to obtain as much relevant information as possible about the scale, nature and location and supply of sand and gravel resources, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Discussions have focused on the issue regarding the need to maintain a steady and continuous supply of sand and gravel over the Plan period which has included discussion regarding future site allocations.

6.2.45 We have also corresponded with organisations and individuals with relevant knowledge and experience of sand and gravel in order to help develop our evidence base.

Sustainability Appraisal

6.2.46 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning sand and gravel. This reported on the draft sand and gravel strategy as follows:

Applying consistent criteria ensures a fair assessment of sites against sustainability factors and is likely therefore to inform an appropriate strategy. The preference applied to extensions could have mixed effects; on the one hand it will ensure that new development is located in accessible locations, make use of existing infrastructure and continue to provide employment. However, there is potential for continued negative effects on biodiversity, landscape etc. It would however protect new areas from adverse impacts and the potential effects of extensions should be well understood. Furthermore, the approach to restoration should also help to ensure that a managed strategy for restoration is implemented across the area.

6.2.47 This has been taken into account in the development of this approach. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

The Proposed Approach

The Supply of Sand and Gravel

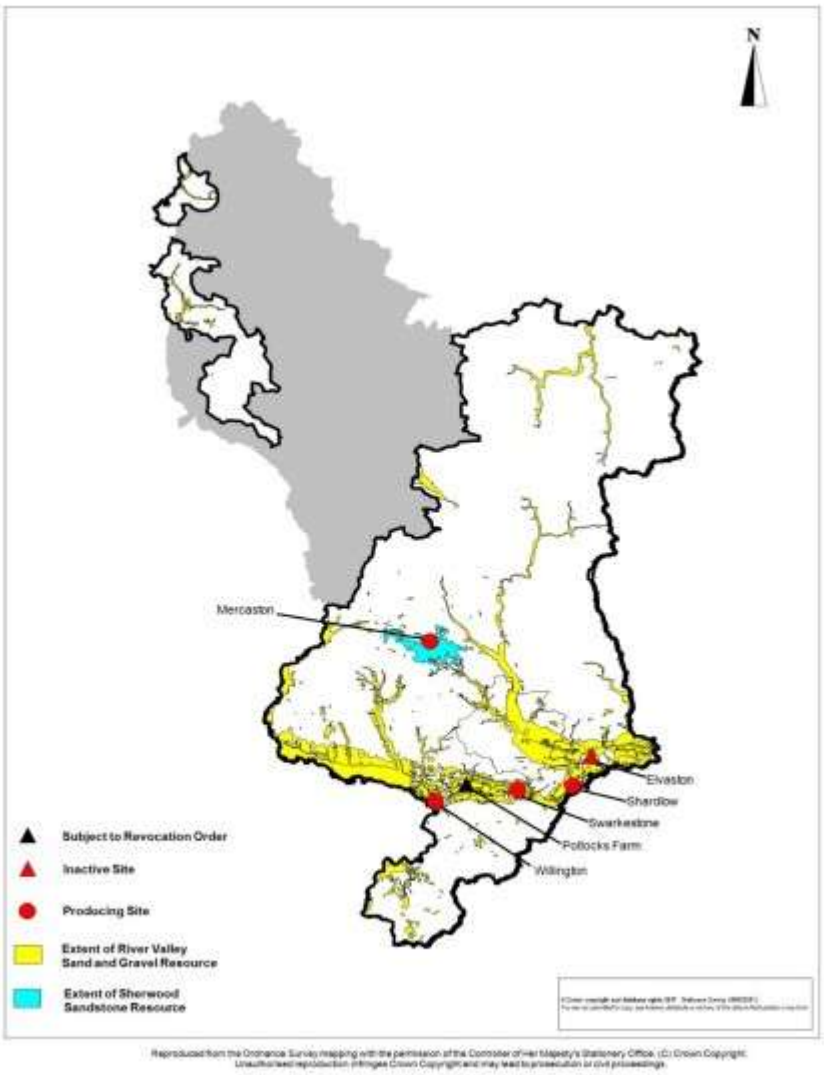
6.2.48 There are substantial resources of sand and gravel in the river valleys of the Trent, Lower Derwent and the Lower Dove, occurring within the fluvioglacial deposits, as shown on Figure 1 below. The formation of these drift deposits took place following the last ice age when considerable amounts of sand, gravel, silt and clay, in the form of glacial and weathered rock deposits, were eroded rapidly by glacial melt waters and deposited in wide tracts in the areas alongside these rivers. The thickness of the river valley deposits varies considerably, ranging from less than one metre thickness in some areas to as much as eight or nine metres thick in other areas. The gravel content of these deposits is usually high (50%-70%), the remainder being sand and fine silts.

6.2.49 There has been little mineral working in the Lower Dove Valley, with most to date having taken place in the Trent and the Lower Derwent Valleys, reserves being of particularly high quality in the area of the Trent Valley between Long Eaton and Willington and then on into Staffordshire. There are currently no sand and gravel workings in Derby City.

6.2.50 Deposits of sand and gravel also occur in the solid bedrock of the Sherwood Sandstones. These are much older than the river valley deposits, having been laid down around 230 million years ago in the Triassic geological period.

6.2.51 There are four sites which are currently producing sand and gravel in Derbyshire. Three of these are in the fluvioglacial resources in the river valleys at Shardlow, Willington and Swarkestone. One is in the Sherwood Sandstones at Mercaston.

6.2.52 Average sales from sand and gravel operations within Derbyshire over the last 10 years (2007-2016) were 1.04 million tonnes per annum. Sales of aggregate within the County remained fairly constant over the period 2006 to 2011, with levels of sand and gravel generally averaging around 1.1 million tonnes per annum. Sales for the period 2012 to 2014 show the effects of the economic recession as production slowed. During this period, sales of sand and gravel fell to an average of 0.81 million tonnes per annum. Sales for 2015 and 2016 showed signs of improvement, with production in 2016 being the highest since 2007.



Sand and Gravel Resources in Derbyshire with Sand and Gravel Sites

6.2.53 Sand and gravel operations within Derbyshire tend to serve local markets. 48% of sales in 2016 were within Derbyshire and Derby. The main destinations for material exported beyond the County were neighbouring areas located close to the County, in particular Nottinghamshire and the West Midlands.

6.2.54 Local factors such as population forecasts, household projections, future house building, local economic objectives and major infrastructure projects have been considered and these suggest that a continued supply of sand and gravel will be required from Derbyshire.

6.2.55 It is considered appropriate to base the provision of sand and gravel in this Plan on average sales over the last 10 years. The situation will, however, be monitored closely through the Local Aggregate Assessment, as any increase in annual outputs very much depends on operational and economic factors outside the control of the County Council. If a higher production rate continues for an extended period, then the overall requirement will need to be re-evaluated.

Existing Reserves

6.2.56 Estimated permitted reserves of sand and gravel in Derbyshire as at the end of 2016 were 12.53 million tonnes. This is sufficient permitted material to last around 12 years, based on the average rate of production over the last 10 years. There is currently a planning application being considered for an extension to Swarkestone Quarry. Reserves at Attenborough Quarry were exhausted in 2016 and this quarry has now ceased production.

Additional Requirements

6.2.57 Table 2 below provides a calculation of potential future requirements for sand and gravel within Derbyshire based on average sales over the last 10 years. The requirements are derived from the latest Local Aggregate Assessment. The calculation is based on making provision for the period up to 2030. The calculations take account of the level of permitted reserves as at 31st December 2016. The table indicates that there would be a shortfall of sand and gravel reserves over the period to 2030 of some 2.03 million tonnes.

Table 2: Sand and gravel provision – reserves and requirements

	Sand and Gravel	**Million Tonnes**
A	Annual Requirement	1.04
B	Total Production Requirement 2017-2030 (Ax14)	14.56
	Reserves	
C	Permitted Reserves (Landbank) at 31/12/2016	12.53[1]
	Shortfall	
E	Shortfall 2017 – 2030 (B-C+D)	2.03

[1] EMAWP Survey 2016 figures. (This will reduce to 10.33 once the Revocation Order for Potlocks Farm has come into force)

Policy MS1: Supply of Sand and Gravel

The Plan will ensure a steady and adequate supply of sand and gravel is made by:

- making provision over the Plan period for the extraction of sand and gravel in accordance with the most recent Local Aggregate Assessment;
- maintaining a landbank of at least 7 years based on the past 10 years average sales;
- giving priority to proposals for extraction to be worked as extensions to existing site operations.

6.2.58 The shortfall will be addressed through the allocation of additional sites as set out below.

Location of Sand and Gravel Operations over the Plan Period

6.2.59 Mineral deposits can only be worked where they occur and so the options for a spatial strategy for future sand and gravel extraction and associated development are limited to a large extent by the geological distribution of resources within the Plan area.

6.2.60 Historically, workings have been located in the more eastern parts of the river valleys in the south of the Plan area, particularly the Trent Valley and the Derwent Valley. Resources exist in the western part of the river valleys, particularly the Lower Dove Valley, but, whilst sufficient resources remain to satisfy need at existing operations in the east, these have yet to be exploited to any significant extent. They are likely to be considered beyond this Plan period once reserves at existing sites become depleted.

Existing Sites

6.2.61 The existing sites are well located in proximity to urban areas within the Plan area and proposed urban growth areas, in particular those to the south of Derby. All of the existing operations are located close to the County's main strategic road network (M1, A50 and A38) and the road traffic generated by the quarries generally avoids residential areas and minor roads.

6.2.62 An approach of giving priority to proposals for sand and gravel extraction to be worked as extensions to existing site operations is considered to offer benefits due to reduced environmental disturbance (especially where access and mitigation measures are already in place), retention of existing employment and greater resource recovery. Its disadvantage is the potential cumulative impact that continued extraction could have on an area if successive extensions are permitted. Overall, however, it is concluded that preference will be given to extensions to existing sites in this Plan

6.2.63 The existing active sites together have a total potential production capacity of around 1.1 million tonnes per annum if they are producing at full capacity. They would not, however, be able to meet the overall future requirements for the plan period without the benefit of extensions to at least some of the currently permitted operations.

Proposed Sites

6.2.64 This means that additional land for the extraction of sand and gravel needs to be identified in order to ensure continuity of production to 2030.

6.2.65 The site proposed as the extension to Willington Quarry emerged from the site assessment process as having the greatest potential for working. The majority of this now has planning permission and it is proposed to allocate the remaining part of this site. This would yield around 0.8 million tonnes

of sand and gravel. This will be the final extension to Willington Quarry so to not allocate the site in this Plan may lead to the sterilisation of these remaining resources.

6.2.66 Swarkestone North and Elvaston also emerged as having high potential for working, however it has become clearer through discussions with the operators during the preparation of the Plan that, for various reasons, these sites are unlikely to be able to be delivered until the latter part of the Plan period. As discussed later, however, they will be included as Preferred Areas to allow for flexibility in the Plan in the latter part of the Plan Period.

6.2.67 More information on the assessment of these sites can be found in the following Paper:

Towards a Minerals Local Plan: Spring 2018 Consultation

Sand and Gravel Site Assessments, December 2017

6.2.68 Swarkestone South can be delivered early in the Plan period. This site was assessed as having medium potential for working. It is proposed, therefore, to allocate this site (the eastern part of the site which was assessed in the Site Assessments document). This would be an extension to the existing sand and gravel extraction operation at Swarkestone. This site would yield around 2.5 million tonnes.

6.2.69 The Councils have assessed both these proposals and considers that the proposed areas set out in Policy MS3 below would be acceptable in overall planning terms, subject to particular issues having been addressed satisfactorily. This includes:

- an assessment of how the sites would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts;
- an ecological assessment of the designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network;
- an assessment of the effects of the development on the water environment;
- an assessment of the landscape and visual impact of the site including the provision of suitable landscaping measures;
- an assessment of the results of a pre-determination archaeological investigation of the site and protection from significant adverse impacts;
- a transportation assessment including an assessment of the existing access arrangements and the potential impact upon the Strategic Road Network; and
- an account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

6.2.70 In order to assess the suitability of promoted sites for inclusion in the Plan as allocations, the MPA has prepared a Site Assessment Methodology and undertaken Assessments of the sites. Further

details of the assessment process and proposed site allocations are set out in the Site Assessments Paper referred to in the blue box above.

Policy MS2: Allocation of Sites for Sand & Gravel

Land is allocated for sand and gravel extraction at Willington and Swarkestone Quarries, as shown on the maps in Appendix 1 below.

The extensions can only be worked following cessation of mineral working within the existing site, unless it has been demonstrated that there are operational reasons why this is not practicable or there would be significant environmental benefits to be gained from alternative phasing.

Additional Sites

6.2.71 The allocation of this site will help to provide sufficient reserves of sand and gravel to ensure a steady and adequate supply over the majority of the Plan period. However, our deliverability forecast indicates that although there will be sufficient reserves available in overall terms, production may be uneven over this time so that in the latter part of the Plan period from 2027 to 2030, there may be insufficient production capacity at existing and proposed sites to meet the proposed annual provision rate.

6.2.72 The timescale involved means that this may change (i.e. the annual provision rate may reduce or sites may not come forward as quickly in the first part of the Plan period as expected) so it would not be appropriate to allocate a specific additional site at this time to cater for this uncertain need. However, it is proposed to identify **Preferred Areas** where sites may come forward towards the end of the Plan period, if needed. (This position will continue to be monitored on an annual basis throughout the Plan period and provision made nearer the time in accordance with the policy set out below).

6.2.73 There may be also instances where allocated sites cannot be developed or existing sites are lost through closure, which may require the need for the release of additional reserves, particularly where this has led to a shortfall in the required landbank.

6.2.74 In order, therefore, to provide a degree of flexibility and to reinforce the Councils' commitment to ensuring the delivery of a steady and adequate supply of sand and gravel for aggregate purposes over the Plan period, the ability to obtain planning permission during the plan period outside the areas identified in Policy MS2 is not ruled out. In accordance with Policy MS1, the Councils' preference would be for proposals for extraction to be worked as extensions to existing site operations. The Council has identified **Preferred Areas** in which these sites may be developed. These are in the areas around Swarkestone and Elvaston as shown in Appendix 2.

These have been assessed through the site assessment process and are likely to be able to be delivered in the latter part of the Plan period. It is acknowledged that sites other than these may also come forward.

Policy MS3: Other Sites for Sand & Gravel Extraction

Outside allocated areas, planning permission will be granted for sand and gravel extraction for aggregate purposes provided that the site is required to meet a specific identified shortfall in the landbank and:

- the site forms an extension to an existing site; or
- where the proposal is for a new quarry, the site is required to replace an existing site that is exhausted or nearing exhaustion

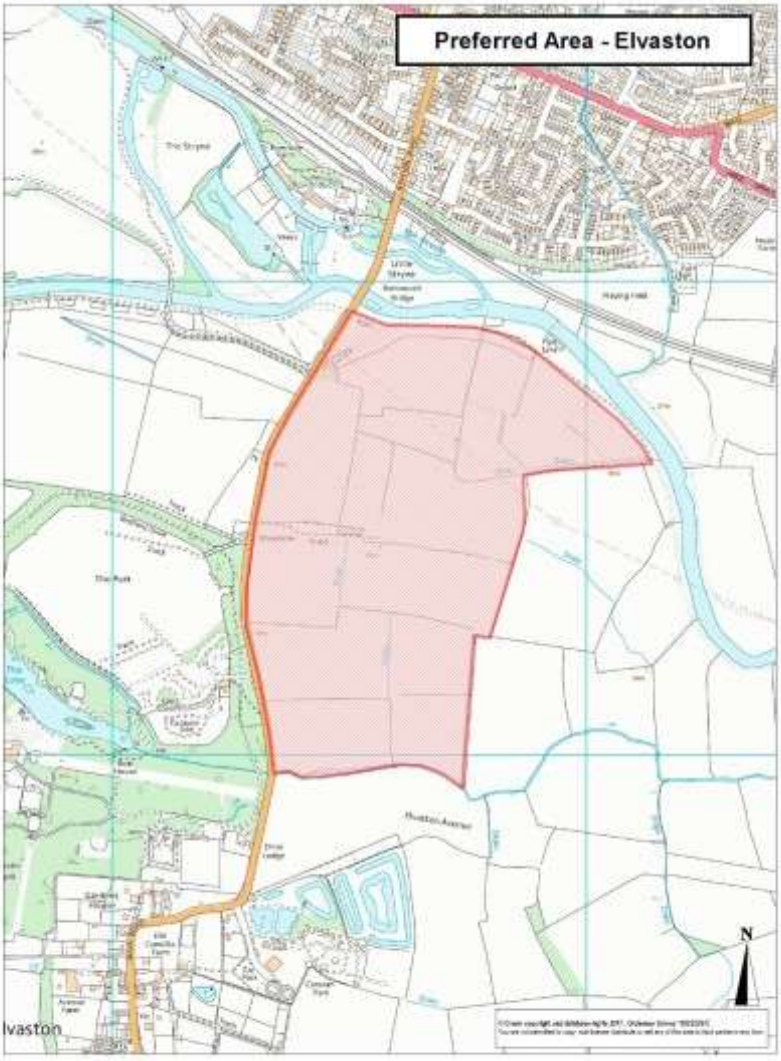
Monitoring

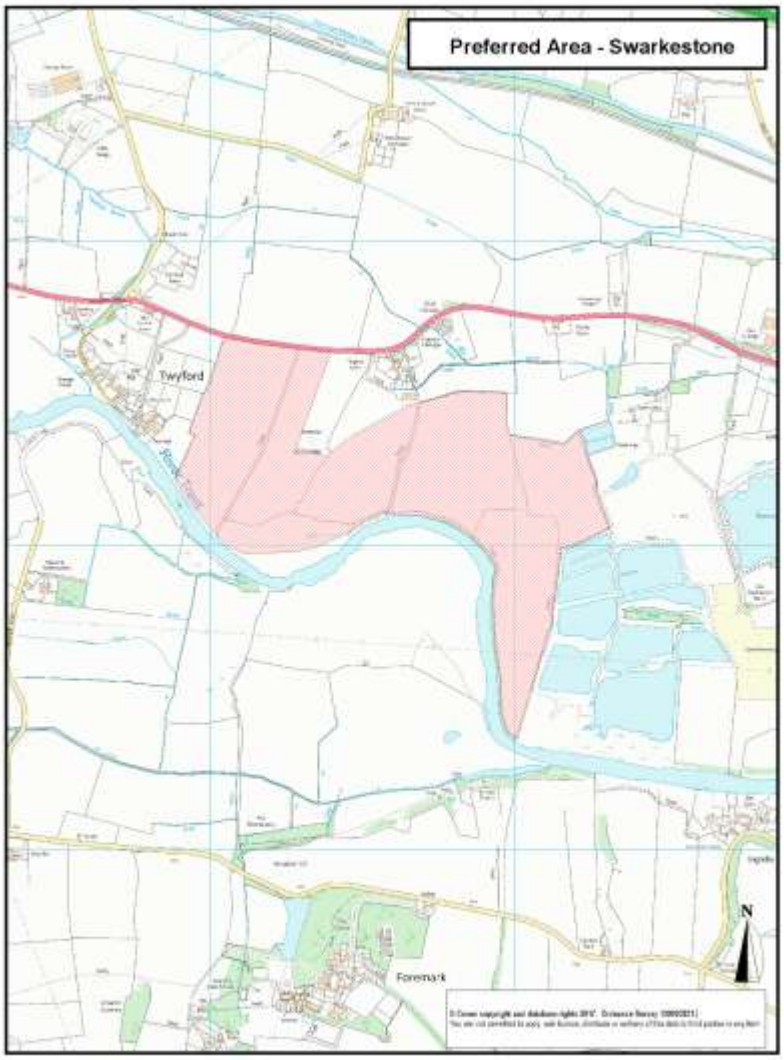
6.2.75 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part.

6.2.76 Policy MS2 requires an adequate and steady supply of sand and gravel to be maintained throughout the Plan period. The maintenance of stocks of permitted reserves (landbanks) is a way of ensuring supply. A minimum 7 year landbank of sand and gravel should be maintained. Through the Local Aggregate Assessment, the MPA will monitor the supply of sand and gravel and liaise with the relevant adjoining MPAs to ensure that supply is maintained. Further information on this issue can be found in the Duty to Cooperate Report.

Appendix 1 - Allocated Sites (Sand And Gravel)

Appendix 2 - Preferred Areas (Sand and Gravel)


Preferred Area - Elvaston
N
Ivaston



6.3 - Crushed Rock

Introduction

6.3.1 Crushed rock is produced from hard rock formations, particularly limestone and sandstone, by mechanical crushing. Crushed rock resources vary greatly and the many markets for its use can be divided into two main types, depending mainly upon the physical or chemical properties of the mineral. Limestone which is valued for its specific chemical properties is used primarily in the chemical and manufacturing industries and is commonly referred to as 'industrial' limestone. This is discussed in chapter 7.2 of the Plan. This chapter 6.3, (is concerned with the limestone), which (together with a small amount of sandstone) is valued mainly for its physical properties and is used as an aggregate for construction purposes, mainly as fill material, roadstone and in the manufacture of concrete.

6.3.2 Derbyshire is one of the main producers of aggregate crushed rock in the country. Aggregate crushed rock from the limestone resource of Derbyshire is a resource of national importance because it is used throughout the United Kingdom. The Local Aggregate Assessment 2017[17] , concludes that there are sufficient permitted reserves of this resource to last well beyond the end of the Plan period. In overall numerical terms, therefore, there will be no requirement for the Plan to identify further reserves. There may, however, be exceptional circumstances where permission may be granted for further reserves.

17. Derbyshire, Derby and Peak District National Park Authority Local Aggregate Assessment, 2017 [back]

Vision and Objectives

6.3.3 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented. Further information can be found in Chapter 3 of the Preferred Approach.

6.3.4 The policies in this chapter will seek to help deliver the following draft objectives of the Plan:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals
Objective 2 - Delivering Sustainable Minerals Development
Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development
Objective 5 – Minimising Impacts on Communities
Objective 6 - Protecting the Natural and Built Environment
Objective 7 – Protecting the Peak District National Park

Evidence Base

6.3.5 Derbyshire County Council and Derby City Council obtained information on aggregate crushed rock from a variety of sources as a foundation for preparing the new Minerals Local Plan as a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000. A summary of the information obtained is presented below.

Demand and Production

6.3.6 Production figures give a good indication of demand. Nationally, demand for aggregate crushed rock declined significantly between 2009 and 2014 as a result of the economic recession and this

affected production in Derbyshire, with sales falling from around 7mt in 2009 to around 4mt in 2014 as a result of the global recession causing a downturn in construction activity. There are indications that production is now recovering, with 2016 figures showing a significant improvement closer to 9mt.

Crushed Rock in Derbyshire

6.3.7The area of Derbyshire covered by the Plan (i.e. excluding the Peak District National Park), produces the second highest annual output of limestone in England.[18] It has long been one of the most important producers of crushed rock from limestone in the country. Limestone is the name given to the group of sedimentary rocks in which the calcium carbonate content exceeds 50%.

6.3.8 Carboniferous limestones were laid down in shallow tropical seas in the Carboniferous Period around 350 million years ago. Many of the sandstones and gritstones quarried in Derbyshire were also laid down during this period. The principal sources of Carboniferous Limestones within Derbyshire are found outcropping mainly around Buxton (Woo Dale and Chee Tor Limestones) and also in the area around Matlock and Wirksworth/Cromford (Bee Low and Monsal Dale Limestones).

6.3.9 Sometimes, there is a significant content of calcium magnesium carbonate within the limestone. Where this occurs and where it is accompanied by a significant quantity of magnesium carbonate, the mineral is known as Dolomite. This is characteristic of the Permian Limestone which was formed slightly more recently, around 250 million years ago. This is found outcropping in the north east of the county around Bolsover and Whitwell.

6.3.10 Whilst total resources of sandstone and gritstone within Derbyshire are large, deposits of acceptable quality for use as aggregates are much scarcer and this restricts substantially the demand for their exploitation. Relatively small amounts of this material are quarried in the north west of the county around New Mills and Hayfield.

> 18. Collation of the Results of the 2014 Aggregate Minerals survey for England and Wales, British Geological Survey 2016 [back]

Current Permissions and Potential Future Developments

6.3.11 In 2016, there were a total of 20 quarries which had permission for the extraction of crushed rock for aggregate in Derbyshire. Thirteen of these were producing aggregate and the other seven were inactive. These sites are listed in the relevant Background Paper.

Towards a Minerals Local Plan: Spring 2018 Consultation

Crushed Rock for Aggregate Background Paper, December 2017

6.3.12 In determining whether any additional sites will need to be allocated for aggregate grade crushed rock in this Plan, we have considered the current supply situation and the level of permitted

reserves (i.e. those with valid planning permissions to extract mineral). This is called the landbank. It is clear that sufficient reserves of aggregate crushed rock are already permitted to satisfy the local provision level for the plan period to 2030 and beyond. As a result, there should be no overall requirement for any additional provision to be made for the extraction of crushed rock for aggregates in this plan period. Having regard to current national policy, however, there may be cases where proposals come forward for new aggregate crushed rock quarries or extensions to existing quarries, which offer significant economic and/or social benefits to the local community and/or the environment, but which would not lead to a significant increase in the overall landbank of aggregate crushed rock. The emerging policy has been developed to address this issue.

National Planning Policy Framework

6.3.13 In general terms, the NPPF states that, 'Minerals are essential to support sustainable economic growth and our quality of life. It is important, therefore, that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'.

6.3.14 NPPF policy states that when preparing local plans, local planning authorities should identify and include policies for the extraction of mineral resources of local and national importance in their area. Aggregate Crushed Rock is a resource of national importance. It also states that local plans should set out environmental criteria, in line with policies in the Framework, against which planning applications will be assessed, so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment and other aspects.

6.3.15 With regard to the determination of planning applications, the NPPF states that local planning authorities should give great weight to the benefits of mineral extraction, including benefits to the economy, and, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside areas of particular merit such as National Parks and to ensure that mineral extraction does not have unacceptable adverse effects on communities and the environment and high standards of restoration and aftercare of mineral sites are promoted.

6.3.16 It sets out that, through the preparation of a Local Aggregate Assessment, mineral planning authorities (MPAs) should plan for a steady and adequate supply of aggregate in order to assist in sustainable economic growth and improving our quality of life and to maintain a landbank of aggregate crushed rock sufficient to provide at least 10 years supply.

6.3.17 At paragraphs 109, 115 and 116, it also sets out that the planning system should contribute to ‘protecting and enhancing valued landscapes’, while ‘great weight should be given to conserving landscape and scenic beauty in National Parks’. This is particularly important for this Plan in terms of protecting the setting of the PDNP.

National Planning Practice Guidance

6.3.18 NPPG explains that the Managed Aggregate Supply System seeks to ensure a steady and adequate supply of aggregate mineral, to handle the significant geographical imbalances in the occurrence of suitable natural aggregate resources, and the areas where they are most needed. It requires MPAs, which have adequate resources of aggregates, to make an appropriate contribution to national as well as to local supply.

6.3.19 It sets out that at the local level, MPAs should prepare local aggregate assessments (LAAs) which should include a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information and an analysis of all aggregate supply options. It should also look at average sales over the last three years to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply. LAAs will be monitored on a sub-national and national level.

6.3.20 It also sets out that aggregate landbanks (resources of minerals which have the benefit of planning permission for extraction) should be used as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the relevant Local Plan.

6.3.21 It also states that the suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits, taking into account issues such as:

- the need for the specific mineral
- the economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure)
- the positive and negative environmental impacts (including the feasibility of a strategic approach to restoration)
- the cumulative impact of proposals in an area.

Consultations Undertaken and Comments Received

Stakeholder Workshop 2009

6.3.22 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

6.3.23 These comments were taken into account in the preparation of the Issues and Options Report. The issues of relevance to aggregate crushed rock were those concerning how to make adequate and proper provision for the future extraction of aggregate crushed rock and the role of the Plan in helping the objective of the Peak District National Park Authority to reduce aggregate crushed rock extraction from within the Peak District National Park area.

Issues and Options 2010

6.3.24 National policy at this time in Minerals Policy Statement 1 encouraged the minerals industry to consider the relinquishment of sites where landbanks were considered to be excessive. Taking account of this, the Issues and Options report considered the possible reduction in the landbank of crushed rock in Derbyshire (Option 1) or in both Derbyshire and the Peak District (Option 2), by proposing an approach whereby applications for new reserves of crushed rock would only be permitted by encouraging mineral operators to relinquish greater amount of reserves elsewhere if the new reserves are more acceptable in overall sustainability terms (Issue 17 of the Issues and Options Report).

6.3.25 There was little public support for such an approach which sought to reduce the landbank just in Derbyshire at that stage; the majority of people saying that we should develop a policy which would help also in enabling the Peak District National Park Authority to achieve its objective of reducing quarrying in the Peak District National Park.

Responses to Derby and Derbyshire Minerals Local Plan

Issues and Options Consultation, January 2011

Period of Ongoing Engagement 2012-2014

6.3.26 There was a period of ongoing engagement regarding the development of the Plan from 2012 to 2014 to take account of, and discuss with stakeholders the implications of, the new national policy guidelines. Government policy changed with the publication of the NPPF in 2012 and the NPPG in 2014, and the reconsideration of excessive landbanks is not referred to in these policy documents. A result, it is not considered that a specific policy could be included to cover this matter. However, given public support expressed for this approach in Derbyshire, it was considered that we may seek to negotiate with mineral operators, as part of the consideration of proposed developments, the relinquishment of reserves which are unlikely to be worked again in exchange for new reserves which offer greater overall benefits in sustainability terms and that this could be included as one of a number of criteria within a policy for the consideration of new sites.

Towards a Minerals Local Plan Rolling Consultation 2015-2016

6.3.27 New national planning policy, as well as other emerging local policies and strategies were taken into account in the formulation of the vision, objectives and policies for the new Plan at this stage, including the approach of the Plan to the provision of aggregate crushed rock.

6.3.28 Sixteen comments were received from ten respondents regarding aggregate crushed rock.

These are the main issues that were raised:

- Opinion is divided as to whether operators should be asked to relinquish reserves in return for new proposals.

- One comment expresses concern that the landbank of over 100 years is misleading since end dates of most permissions are around 2042, so the certain landbank is only considered to be 27 years.
- Concern is expressed that the text is weighted too much towards economic need rather than giving full consideration to the range of sustainability principles and that greater emphasis should be placed on protection of the environment, both natural and historic.
- One operator argues that any policy should be flexible enough to allow for extensions to existing sites and disagrees that, because of the large landbank, these should only be modest sites that do not increase the landbank significantly. Others argue that, because of the large landbank, extensions or new sites should only be permitted in exceptional circumstances.
- One operator objects to a policy requirement that local benefits should be provided in order to make a proposal acceptable, stating that there are environmental benefits from extensions in any case.
- One comment calls for increased transport of aggregate by rail rather than road. Revised and/or additional wording is offered or suggested to address these concerns.
- Three MPAs support the approach of Derbyshire maintaining supplies to other parts of the country.

Assessment of Comments and Outcomes for the Plan

- National policy no longer includes a requirement to reduce excessive landbanks, however, because of previous public support shown for this objective, the Plan proposes to include the possibility for the relinquishment of reserves as one of a number of criteria, which will be taken into account in assessing proposals for a new or extended hard rock quarry. It could be something that might be offered by the operator as a social/environmental benefit of a proposal for new reserves and would only stem from discussions with the operator.
- It is agreed that, for clarity, the Plan should make reference to the end dates of the quarries, as is set out in our LAA. We do not agree, however, that the landbank should be recalculated. We have followed the agreed approach to calculating aggregate landbanks as set out in the NPPG. It is clear from the scale of the landbank that there is no requirement to make additional provision for hard rock quarries over the plan period. As set out in NPPG, this will of course continue to be monitored annually over the Plan period. Notwithstanding this, as a result of comments made throughout the consultation process, there will be a policy in the Plan to permit extensions or new quarries for aggregate crushed rock, but this will only be in cases where there are shown to be clear sustainability benefits and where the landbank would not be increased significantly.
- Policies in the Plan will follow the principles of sustainable development and this will ensure that a range of economic, social and environmental criteria are taken into account in the assessment of proposals for minerals development. All considerations will be carefully balanced in reaching a decision.
- The Councils accept that there may be sustainability benefits for allowing some modest extensions e.g. in return for not working a more sensitive part of the site and the policy is worded to set out this approach. We consider also that the significant permitted land bank for aggregate crushed

rock is a material consideration for the plan making process and, should be taken into account in determining the level of new resources that are permitted. This approach has received overall support through the consultation process.

- It will be important to ensure that the local community receives some benefit from an activity which can often be long term and have a significant impact on the area. This issue will be discussed with operators from the outset of a proposal being submitted.
- Although the Plan can encourage the increased transport of aggregate by rail, it is beyond its remit to ensure that this happens. This is the responsibility of mineral and rail operators.
- Noted

6.3.29 All comments received have been taken into account in developing the proposed approach set out below. Details of the representations received can be found in the following Report:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Duty to Cooperate

6.3.30 In order to obtain as much relevant information as possible about the scale, nature and location of crushed rock resources, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities and organisations. We also corresponded with organisations and individuals with relevant knowledge and experience of crushed rock to develop our evidence base and for developing the emerging approach set out below.

To ensure that Derbyshire continues to provide a steady and adequate supply of aggregate crushed rock thus providing its share of the national provision.

6.3.31 This has involved determining how much of Derbyshire's crushed rock other MPAs will require. The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of aggregate crushed rock of at least 10 years. We identified those areas where significant amounts of Derbyshire's crushed rock is consumed and contacted the relevant authorities to determine whether they could foresee any significant changes in their demand for the product during the Plan period. A number of responses were received and the majority estimated that there would be no significant changes in the amount of aggregate crushed rock they would require from Derbyshire over this Plan period. A small number suggested that there may be some increase in demand as a result of planned infrastructure projects over the Plan period.

6.3.32 A full breakdown of the correspondence and meeting notes is available in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Cooperate Report: Background and Progress, December 2017

Sustainability Appraisal

6.3.33 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal has been undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning aggregate crushed rock.

For aggregate crushed rock, it sets out that provision for a higher rate than the 10 year average will help to facilitate reduced quarrying in the Peak District. Whilst this falls outside the Plan area, there are clearly benefits for the environment and landscapes in the Peak Park. It is difficult to restore crushed rock quarries to their former uses which can have significant environmental effects. However, the provision over the Plan period is already committed and there will be no need for allocation of new sites. Therefore, the effects on the environment should already be understood. As such, a neutral effect is predicted for environmental factors.

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

The Proposed Approach

Provision Figures

6.3.34 There is an estimated reserve of around 639 million tonnes of rock for aggregate use in Derbyshire with annual average sales from 2007 to 2016 being 6.68 million tonnes. These reserves provide a landbank of around 90 years, which extends well beyond the timescale of this Plan. This landbank is capable of providing for an upturn in crushed rock demand provided that sufficient productive capacity is available at the existing quarries and that existing reserves remain capable of being worked.

6.3.35 In accordance with the 2017 LAA, this Plan will continue to provide a greater amount of aggregate crushed rock than suggested by these average figures, in order to compensate for the continued and progressive reduction of quarrying in the Peak District National Park and to provide flexibility to cater for potential increases in demand from other areas that are reliant on supplies of aggregate crushed rock from Derbyshire. Currently, it has been agreed that Derbyshire will increase its annual provision figure by 10% to compensate for a reduction in the Peak Park figure of the same amount. This will be kept under review. The 2017 LAA sets out, therefore, that the area covered by the Councils will seek to provide 6.95mtpa of aggregate crushed rock to 2030.

Policy MS4: The Provision of Aggregate Crushed Rock

Derbyshire and Derby will maintain provision for the production of land won aggregate crushed rock thro Plan period at a rate in accordance with the most recent Local Aggregate Assessment.

The MPAs will maintain a landbank of at least 10 years of planning permissions for the extraction of grade crushed rock.

The Provision of Sites

6.3.36 The scale of the landbank for aggregate crushed rock in Derbyshire of around 90 years means that there should be no overall requirement in numerical terms to permit additional reserves over the Plan period. In general terms, it is likely to be more sustainable to use the existing landbank than to grant permissions for further sites. There may be cases, however, where proposals come forward for new aggregate crushed rock quarries or extensions to existing quarries, which offer significant economic and/or social benefits to the local community and/or the environment, but which would not lead to a *significant increase* in the overall landbank of aggregate crushed rock.

6.3.37 Benefits will be sought to offset any harm that may be caused by a mineral development. A demonstrable local benefit from new proposals for quarrying could include continued local benefit through employment or a reduction of quarrying impact, for example through improvements to access, relocation of plant, better control of working methods, reduction in road transport or an improved restoration scheme.

6.3.38 Where a clear benefit to the local community or environment cannot be identified within the proposal itself, additional benefits might include contributions to local environmental projects or the maintenance of public footpaths through operator owned land. It could also involve the relinquishment of reserves elsewhere in the Plan area or the PDNP, which are considered unlikely to be worked in the future, in exchange for reserves if this would deliver better outcomes in overall sustainability terms.

6.3.39 The issues for industrial limestone are different; provision being highly dependent on the specific chemical composition of the mineral. Additional working may be required for this mineral in order to continue to meet these requirements. This is covered in Chapter 7 of the Plan.

Policy MS5: The Provision of Sites for Aggregate Crushed Rock

Planning permission will only be granted for new reserves of aggregate grade crushed rock either as extensions to existing quarries or new quarries if the operator demonstrates that, without significantly increasing the level of permitted reserves, the proposal will deliver significant material planning benefits to the local community and/or local environment and the proposal includes adequate measures to mitigate any adverse impacts on the environment and local community.

Material planning benefits could include proposals that:

- Provide formal or informal recreation facilities,
- Provide new or improved community facilities, wildlife areas, areas for education,
- Secure significant benefits from co-ordinated and comprehensive working and restoration;

- involve operators agreeing to relinquish mineral permissions where the reserves are unlikely to be worked again, in exchange for reserves which deliver better sustainability outcomes in overall terms.
- are required as part of a major infrastructure project.

Monitoring

6.3.40 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part.

6.3.41 Policy MS5 of the Plan requires an adequate and steady supply of aggregate crushed rock to be maintained throughout the Plan period. The maintenance of stocks of permitted reserves (landbanks) is a way of ensuring supply. A minimum 10 year landbank of aggregate crushed rock should be maintained. Through the Local Aggregate Assessment, the MPA will monitor the supply of aggregate crushed rock and liaise with the relevant adjoining MPAs to ensure that supply is maintained. Further information on this issue can be found in the updated Duty to Cooperate Paper and Chapter 15 of the Plan.

6.4 - Helping to Reduce the Supply of Aggregates from the Peak District National Park

Introduction

6.4.1 National minerals policy seeks to maintain landbanks of non-energy minerals from outside designated areas, such as National Parks. In order to help to deliver this approach on a local scale, the Peak District National Park Authority has a policy in its adopted Core Strategy (2011) to not allow further new quarries or extensions to existing quarries in the National Park in order to help protect the special qualities of the landscape. This strategy sets out how the Councils have cooperated and will continue to cooperate with the Peak District National Park to help achieve this aim by agreeing to compensate for the reduction in quarrying in the National Park by increasing its provision figure for aggregate crushed rock (limestone and gritstone). This can only be achieved for aggregate minerals with a level of accuracy because there is a national system for determining levels of aggregate provision (Managed Aggregate Supply System). Such a system does not exist for minerals which are used for building and roofing stone.

Vision and Objectives

6.4.2 The draft Vision of the Plan, included in Chapter 3, seeks to protect the special qualities of the area by assisting in achieving a progressive reduction of minerals obtained from sites in the Peak Park. The Objectives of the Plan seek to deliver this Vision. The following objectives are relevant to this element of the Plan.

Objective 7 "Protecting the Peak District National Park" refers to the aim of helping to achieve a progressive reduction in mineral extraction from the Peak District National Park. The Plan will continue to help protect and preserve the special qualities and characteristics of the Peak District National Park through the implementation of its policies and proposals. This will include making sufficient provision for minerals from within the Plan area to help achieve a progressive reduction in mineral extraction from the Peak Park area to help minimise the impacts of further developments.

Objective 6, "Protecting the Natural and Built Environment" is also relevant. This sets out that the Plan will conserve and enhance the area's natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.

Evidence Base

Peak District National Park Core Strategy 2011

6.4.3 Minerals Policy 1 in the Peak District National Park Core Strategy seeks to reduce quarrying in the National Park through not permitting new proposals for mineral extraction or proposal which would extend existing operations other than in exceptional circumstances (other than fluorspar and small scale proposals for building stone).

System for Determining the Provision of Aggregate

6.4.4 The Managed Aggregates Supply System (MASS) has provided the mechanism to deliver long term planning for the supply of aggregates. It seeks to meet imbalances in supply and demand for aggregates. The underpinning concept behind the Managed Aggregate Supply System is that Mineral Planning Authorities which have adequate resources of aggregates make an appropriate contribution to national as well as local supply, while making due allowance for the need to reduce environmental damage to an acceptable level.

6.4.5 The key principle under the Managed Aggregate Supply System is now the Local Aggregate Assessment, where each Mineral Planning Authority is expected to prepare an assessment of the demand for and supply of aggregates.

6.4.6 The latest document was published in 2017 using 2016 data. Derbyshire, Derby and the Peak District National Park Authority have agreed, through and with the agreement of the East Midlands Aggregates Working Party, to adjust their provision figures for aggregate crushed rock in the joint LAA to

recognise and cater for the progressive closure of quarries in the Peak District National Park as they become exhausted over the coming years. The similarity of the mineral resources as well as the similarity of the markets for the mineral provide justification for the authorities taking this approach. The Joint LAA reduces the provision figure for the Peak Park by 10% and this is added to the provision figure for Derbyshire.

The joint LAA concludes, therefore, that Derbyshire will provide 6.95mtpa of aggregate crushed rock annually and the Peak District National Park 2.39mtpa.

National Planning Policy Framework

6.4.7 The NPPF, at paragraph 144, seeks to provide for the maintenance of landbanks of non-energy minerals from outside environmentally sensitive areas, such as National Parks.

6.4.8 The NPPF also provides at paragraph 115 that 'great weight should be given to conserving landscape and scenic beauty in National Parks', and at paragraph 116 that planning permission should be refused for major developments in these areas except in exceptional circumstances.

Further more detailed evidence regarding aggregate crushed rock is available in the Crushed Rock for Aggregate Background Paper, November 2017, and the Local Aggregate Assessment, 2017.

Consultations Undertaken and Comments Received

6.4.9 The development of the Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshops 2009

6.4.10 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to all stakeholders.

Issues and Options 2010

6.4.11 Stakeholders identified the reduction in quarrying in the Peak Park as a key issue at the initial stage in the development of the Minerals Local Plan. As a result, we included it in the Issues and Options paper in 2010. Responses to this indicated continued support for the development of an approach which would help to reduce quarrying in the Peak District National Park.

Towards a Minerals Local Plan – Rolling Consultation 2015-2016

6.4.12 The draft proposals set out in the Issues and Options Paper were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the reduction of quarrying in the Peak District National Park.

6.4.13 There were 11 responses to this paper from 6 respondents at this stage, as follows.

- Whilst most support the overall aim of helping to reduce in quarrying of aggregate in the Peak Park over time, this is tempered by concerns relating to whether this would lead to a significant increase in quarrying in Derbyshire and the resulting environmental and social impacts.
- This section seeks to justify an increased apportionment figure by suggesting that providing ‘a secure platform for the economic recovery’ is an important underpinning principle of the NPPF. We consider that this is a misreading of the NPPF. While we agree that the NPPF supports sustainable economic growth, we believe that it is neutral in relation to the economic cycle and that economic recovery does not take precedent over social and environmental concerns.
- One particular area of concern is around Rowsley, where it is feared new stone quarries would open/re-open to compensate for those closing in the adjoining Peak Park.
- One comment sets out that the mineral planning authority must have evidence that the resources are interchangeable; if there are unique resources in the Peak Park this should be addressed.
- One comment suggests that the policy should also cover building stone not just aggregates and therefore that Derbyshire should increase its supply of building stone.
- Amendments and additions to wording to this policy are also suggested.

Assessment of Comments and Outcomes for the Plan

6.4.14

- Permission for extensions to quarries or for new quarries will only be given in exceptional circumstances where they offer significant benefits to the environment and/or community. As part of this, the councils may also seek to negotiate reductions to the overall landbank with the mineral operator concerned. There are considered to be sufficient reserves of limestone in Derbyshire outside the National Park to ensure that the relatively limited additional production as a result of the progressive closure of quarries within the National Park can be replaced without having any

significant additional impact in environmental terms. The issue will of course be monitored over the course of the Plan period.

- The Strategy addresses the need for Derbyshire to replace the production of aggregate crushed rock from the Peak Park over time (not building stone). It is the limestone production which will be replaced and this will come mainly from the quarries around Buxton. It is unlikely to mean that small gritstone quarries near Rowsley will be reopened to meet this run down in production of aggregate in the Peak Park.
- This policy is purely about replacing progressively the production of aggregate crushed rock. This product is of a very similar quality within and outside the National Park in Derbyshire, unlike industrial grade limestone and building stone, which have more specific and unique qualities over a relatively small area.

6.4.15 As a result of all responses received, we have amended the Strategy. In doing so, we have continued to work closely with the Peak District National Park Authority in the development of the strategy.

6.4.16 Given the size of its landbank of crushed rock and the fact the quarries serve similar markets to the Peak District National Park quarries, the two councils have agreed to compensate for the reduction in production in the Peak District National Park by increasing the Derbyshire apportionment figure for aggregate grade crushed rock. The Derbyshire and Derby Councils undertake a joint Local Aggregate Assessment with the Peak District National Park.

6.4.17 The latest LAA was published in 2017 using 2016 data. This has concluded that Derbyshire will provide 6.95mtpa of aggregate crushed rock annually and the Peak District National Park 2.39mtpa. This proposed figure for Derbyshire allows for the continued compensation for the progressive loss of production from the PDNP and also by setting a slightly higher figure than recent past sales would otherwise suggest (the most recent 10 year average for DCC (2007-2016) is 6.68mt and the most recent 3 year average (2014-2016) is 6.18mt), this also provides a degree of flexibility should production increase as a result of infrastructure projects both national and local, and provides a secure platform for the economic recovery (an important underpinning principle of the NPPF).

Duty to Cooperate

6.4.18 In order to obtain as much relevant information as possible about this issue, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities. We also corresponded with organisations and individuals with relevant knowledge and experience to develop our evidence base for the 2015/2016 Consultation exercise and for developing the proposed approach set out below.

6.4.19 National Planning Practice Guidance sets out that in planning for minerals extraction, mineral planning authorities are expected to co-operate with other authorities on strategic matters. This is considered to be a strategic matter by virtue of the implications of increasing gradually the production of

aggregate crushed rock in Derbyshire while production in the National Park reduces. This may affect supply patterns nationally, given the widespread use of the rock from Derbyshire and the Peak District National Park. We have cooperated, and will continue to co-operate, with the Peak District National Park Authority and other relevant bodies regarding this issue.

Sustainability Appraisal

6.4.20 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning the proposed reduction of quarrying in the Peak District National Park. It reported on this issue as follows:

The first Interim Sustainability Appraisal concluded that Option 2 (to reduce the landbank of crushed rock in DCC and the Peak Park) is expected to perform better than Option 1 (to reduce the landbank of crushed rock in DCC) in terms of achieving environmental and social objectives by reducing permitted extraction in the Peak District National Park and therefore assist in the delivery of the Park's objectives and also maintain potential recreational areas for Derby's and Derbyshire's communities.

In terms of meeting economic objectives, both options would reduce the overall land bank for crushed rock however this is not expected to result in provision for less than what is required as part of the apportionment set out in the national and regional guidelines for aggregates provision and both options would still grant new permissions where these are applied for therefore still encouraging minerals extraction where this is needed. This would also help to maintain the important role the extraction of this aggregate plays in national supplies as Derbyshire has the second highest annual output of limestone in England.

6.4.21 The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, November 2017

The Proposed Approach

6.4.22 The Local Aggregate Assessment includes a lower apportionment figure for the PDNP, with Derbyshire compensating for this in its apportionment figure for aggregate grade crushed rock. This strategy will be monitored over the Plan period and Derbyshire may increase its apportionment further to compensate for further reductions in quarrying in the PDNP. The Councils will continue to work with the PDNPA regarding this issue.

Policy MS6: Helping to Reduce Quarrying in the Peak District National Park

Derbyshire will compensate for a continued reduction in quarrying from the Peak District National Park over the Plan period through an increase in the apportionment figures for aggregate crushed rock, as set out in the Local Aggregate Assessment.

Monitoring

6.4.23 As set out at in Chapter 3, the Plan will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part.

6.4.24 Policy MS6 sets out that there will be an increase in the provision of aggregate crushed rock from Derbyshire to allow for the continued reduction of quarrying from the Peak Park. Through the Local Aggregate Assessment, the MPA will monitor the supply of aggregate crushed rock and liaise with the relevant adjoining MPAs to ensure that supply is maintained at the required level to allow this to continue. Further information on this issue can be found in the updated Duty to Cooperate Paper.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Cooperate Report: Background and Progress, December 2017

Chapter 7 - Supply of Non-Aggregates

7.1 - Building and Roofing Stone

Introduction

7.1.1 The main source of building and roofing stone in the Plan Area is the sandstone/gritstone of Carboniferous origin. Limestone is also produced in small amounts for this purpose as a by-product at some of the limestone producing quarries. To be suitable for building purposes, stone has to be of a particular quality and character. Resources of good quality building stone are scarce. As with all minerals, it is a finite resource and can only be worked where it is found, meaning that the location of the quarries has to be restricted to certain areas.

7.1.2 The market for building stone is small but profitable and is concerned mainly with the repair and restoration of historic buildings or with the repair/extension of existing properties or new build properties and structures in areas of high environmental value, such as conservation areas where it is important to preserve and enhance local distinctiveness and local building character. It is, therefore, of great importance for the conservation of Derbyshire's historic and built environment.

7.1.3 The market for building stone fluctuates greatly, meaning future demand is very unpredictable. There are also wide variations in the character of the stone, which are critical to specific market needs. This increases the unpredictability of determining where stone will be extracted for specific projects over the Plan Period.

7.1.4 In the Plan Area, the majority of resources of building and roofing stone are in Derbyshire, often in areas of landscape which are close to the Peak District National Park and which may impact on the setting of the National Park. The need to protect the landscape will, therefore, be an important consideration in many proposals to work this resource.

Vision and Objectives

7.1.5 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan Period. It will set out what the Plan Area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan Period. The Objectives will set out how the Vision will be delivered and implemented. Further information on the Vision and Objectives can be found in Chapter 3.

The following objectives are relevant to this chapter:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development

Objective 5 – Minimising Impacts on Communities

Objective 6 – Protecting the Natural and Built Environment

Objective 7 – Protecting the Peak District National Park

Objective 8 – Minimising Flood Risk and Climate Change

Evidence Base

7.1.6 Derbyshire County Council and Derby City Council obtained information on building stone from a variety of sources as a foundation for preparing the new Minerals Local Plan as a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000. A summary of the information obtained is presented below.

Production and Demand

7.1.7 Through the 20th Century, natural stone was gradually substituted by other materials such as brick, clay, concrete, steel and glass, particularly in domestic housing. The main reason for this substitution is cost, particularly the cost of dressing natural stone to the required size and shape for building. Bricks and concrete blocks are much easier to make; their production is highly mechanised and, as they are of a standard size and shape, building with them is easier, and cheaper, than with stone.

7.1.8 Since the 1970s, however, the use of locally sourced building and roofing stone has increased, becoming an increasingly important factor in the promotion of local identity and together with the desire to create a diversity of building forms with a wider range of materials in new housing, the national demand for traditional building materials has increased. The market for building stone is now relatively small but buoyant. There would appear to be no reason why this general trend will not continue throughout the period of the Minerals Local Plan.

Building Stone in Derbyshire

7.1.9 Three main groups of building stone have been exploited in Derbyshire.

- The Visean (Lower Carboniferous) Limestones were formed around 330 million years ago from an organic rich sediment, made up of the broken shells of millions of marine organisms that accumulated on the seabed in tropical or sub-tropical settings. This material is cemented together with natural calcium carbonate. The limestones are concentrated in the north western part of Derbyshire, mainly around Buxton and the Matlock/Wirksworth area.
- Namurian (Upper Carboniferous) sandstones were deposited by large rivers flowing into these shallow limey seas, forming large deltas around 320 million years ago. They are known as Millstone Grit or gritstone where it is coarse grained, and are located in the north western parts of the county. Finer grained sandstones of the same age are found in eastern parts of the county, in association with the Pennine Coal Measures. This resource is concentrated in the central part of the county between Derby and Chesterfield and in the north west of the county around Glossop. There is also a small outcrop which has been worked recently near Hardwick Hall.

7.1.10 In essence, the Visean Limestones are structurally complicated, but also massive, whereas Namurian sandstones (the Millstone Grits) are a generally thinner and more uniformly bedded stone.

- The Cadeby (Permian) Limestone outcrop on the eastern side of the county was also an important source of building stone. This was deposited around 250 million years ago.

7.1.11 All these stones and less significant local types have been used in Derbyshire for centuries and their particular characteristics have influenced strongly the pattern of traditional building.

7.1.12 The most important attributes of a good building stone are hardness, durability and porosity. The two most common building stone rocks in Derbyshire, as described above; sandstone and limestone, are composed mainly of the minerals quartz and calcite respectively, whose contrasting properties affect the character of the whole rock.

7.1.13 The main sedimentary building stones in Derbyshire have undergone lithification, which involves the closure of voids by compaction during burial, combined with their infill by natural mineral cements. This process makes the rocks extremely tough and less porous.

7.1.14 The geology of the sandstones and limestones often creates landscapes which are rich in environmental, historical and ecological diversity. The need to protect the landscape will therefore be a significant consideration on any new proposals for working these reserves and should be balanced against the need for the material. In practice, compared with aggregate extraction, operations to extract stone for building purposes are often small in scale with modest production levels, enabling their impact to be minimised.

Current Planning Permissions

7.1.15 In the Plan area, four quarries have valid permissions to produce stone specifically for building purposes. Larger quarries, producing mainly aggregate as their principal product, also produce some quantities of building stone to order, as an ancillary product. In 2015, the quarries produced around 30,000 tonnes of building stone. Production has been variable over the last few years, possibly as a result of specific orders for large scale projects. In 2016, there was no production from the building stone quarries but over 170,000 tonnes was produced from larger hard rock quarries.

7.1.16 A combination of architectural or market preferences and technical processing requirements has resulted in a distinct focus upon consistently medium to fine grained stone, available in very thick beds lacking any form of imperfection or weakness. In terms of colour, there is generally a strong desire (subject of course to any detailed matching criteria), for buff/light brown, or peach, pink or lilac tints. Where possible stone which cuts easily when fresh but hardens with exposure is sought after.

7.1.17 Further more detailed information regarding building stone in Derbyshire is available in the following background paper.

Towards a Minerals Local Plan: Spring 2018 Consultation

Building Stone Background Paper, November 2017

National Planning Policy Framework

7.1.18 In general terms, the NPPF states that, 'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'.

7.1.19 NPPF policy states that when preparing local plans, local planning authorities should identify and include policies for the extraction of mineral resources of local and national importance in their area. Building stone is a resource of local and some national importance as a result of importance in

maintaining heritage assets and local distinctiveness. It also states that local plans should set out environmental criteria, in line with policies in the Framework, against which planning applications will be assessed, so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment and other aspects.

7.1.20 At paragraph 144, it states that local planning authorities should consider how to meet demand for small scale extraction of building stone at or close to relic quarries needed for the repair of heritage assets and to recognise the mainly small scale, intermittent nature and impact of building and roofing stone quarries.

7.1.21 Section 12 of the NPPF sets out the national policy approach to the conservation and enhancement of the historic environment, referring to the treatment of historic buildings and the wider historic environment and the wide range of social, economic and environmental benefits that the conservation and enhancement of the historic environment can bring. It recognises that new development within historic areas can make a positive contribution to the area.

National Planning Practice Guidance

7.1.22 The National Planning Practice Guidance (NPPG) and contains planning policy and practice guidance on a wide range of planning issues, including planning for the extraction of minerals. It acknowledges that minerals are a finite resource with restricted availability, such that locations where they are economically viable and where extraction would be environmentally acceptable may be limited. It also repeats the statement in the NPPF that minerals make an essential contribution to the country's prosperity and quality of life.

Strategic Stone Study

7.1.23 The Study is led by Historic England (formerly English Heritage), working with the British Geological Survey and local geologists and historic buildings experts. It covers 35 counties in England. For each county, using a combination of fieldwork and historic records and maps, a representative range of historic structures, from castles and cathedrals to houses and cottages, boundary walls, roofs, bridges, kerbs and paving, has been selected and the types of stones used, identified. This has enabled the most significant building stones in each county to be established and, where possible, the original source of stone for a particular building or settlement was identified. In addition, the location of all quarries that produced these stones has been mapped, so that potential sources for conservation and new build can be recognised and safeguarded. This information is published on the British Geological Survey website.[19]

19. http://mapapps.bgs.ac.uk/buildingStone/BuildingStone.html [back]

Consultations Undertaken and Comments Received

7.1.24 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshops 2009

7.1.25 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

7.1.26 These comments were taken into account in the preparation of the Issues and Options Report.

Issues and Options 2010

7.1.27 At the Issues and Options stage in 2010, we asked you whether we should identify specific quarries or devise a general policy against which to assess all proposals.

7.1.28 There was more support expressed for a criterion based, rather than a site specific, policy, but this was not unanimous. There was also support for a combination of the two options. The sustainability appraisal (see below) also provided no clear direction regarding this issue.

7.1.29 As a result of the responses to the Issues and Options Paper giving no clear steer regarding this issue, and taking account also of the conclusions of the sustainability appraisal, we suggested at that time (as reported in the Analysis of Responses to the Issues and Options Paper, 2011) that specific quarries could be allocated to ensure that specific conservation projects have sufficient stone to meet future needs and that a general criteria based policy would enable other proposals to be assessed as they came forward.

7.1.30 However, since that time, we have had more detailed discussions with experts at English Heritage and the National Stone Centre regarding the issue of building stone, in particular regarding the Strategic Stone Study referred to above, a joint project led by English Heritage with the British Geological Survey and Derbyshire County Council. This establishes the significant building stones that are used in historical buildings in each county and the potential quarries which could supply it.

7.1.31 It became clear through these discussions that the identification of specific sites for the working of building stone would, in reality, be highly problematic. This is because future proposals for building stone result from a specific conservation need and, as shown by the Strategic Stone Study, would therefore relate to a particular location and specification of material. Also, given the specific characteristics of building stone and the significant variation between localities, it is not considered

practical or appropriate to identify sites. It is worth noting also in this respect that operators had not at this time put any sites forward for building stone through the MLP.

7.1.32 In view of these factors, it was not considered a realistic option to make provision for the future working of building stone through the identification of specific sites. The issue with building/dimension stone is not so much *where* it is extracted but more to do with the *quality* of the mineral and the likely end market. For this reason, the Councils do not propose to restrict new building stone quarries geographically but to judge proposals on strict criteria on the quality of the stone, size of site/output and intended markets. As building stone workings are likely to be relatively small scale and limited in number, a criteria policy is considered to be the most appropriate and realistic approach to enable provision to be made for the working of this resource over the Plan period.

Towards a Minerals Local Plan - Rolling Consultation 2015/16

7.1.33 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the provision of building stone.

7.1.34 Seven comments were received to the 2015/2016 rolling consultation in respect of the general approach that we should be taking. The main issues raised are:

- That the policy should not restrict levels of production to only small scale proposals and should also not restrict the amount of aggregate that is sold as a by-product.
- Disagree that it is not possible to predict the need for building stone
- That specific sites should be identified because this increases certainty.
- Comment has also been submitted which suggest a number of criteria that should be included in the policy and supporting text.

7.1.35 These have been considered and included, where appropriate, in Policy MS7 below.

Assessment of Comments and Outcomes for the Plan

7.1.36 Building stone quarries have always been relatively small scale and by their very nature often intermittent in their production. National policy also refers to the need for small scale building stone extraction. However, it is agreed that the policy could be more appropriately worded to be less restrictive. The emerging approach is not restricting the sales of aggregate per se but simply ensuring that building stone is the primary product, which seems entirely reasonable for a policy which is addressing future proposals for building stone. We are well aware that there will always be an element of sub-standard stone extracted from these quarries which will be used as aggregate.

7.1.37 There is little to be gained from attempting to predict the need for building stone. This is because future proposals for building stone result from a specific conservation need and, as shown by the Strategic Stone Study, would therefore relate to a particular location and specification of material. We consider, therefore, that a policy which assesses proposals for building stone as they are submitted would be the most pragmatic and realistic way of dealing with this issue.

7.1.38 Amendments made to policy as appropriate.

Hard Rock Consultation 2016/2017

7.1.39 An additional 12 week consultation was undertaken from December 2016 to February 2017 to consult on sites that had been suggested for hard rock extraction. This included a site that was put forward for building stone extraction at Bent Lane, Darley Dale (New Parish Quarry). An initial assessment of the site was undertaken using the Hard Rock Site Assessment Methodology and published for consultation at this time. A drop-in session was also held at the Whitworth Centre in Darley Dale to allow local people to discuss this proposal with Council officers. 325 individuals and organisations commented on this proposal and 83 people attended the community drop-in session. A summary of the comments made and a response to them can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations and Responses, December 2017.

7.1.40 At the same time, a revised version of the draft strategy was again put out for consultation to take account of the fact that a site has been proposed for allocation.

Derby and Derbyshire Minerals Local Plan: Rolling Consultation, 2015/2016

Towards a Strategy for Building Stone, December 2016

7.1.41 People were given two options; the first asking if they thought this site should be allocated alongside a criteria policy to assess other sites that come forward or the second option, which asked if no sites should be allocated and to instead rely solely on a criteria policy for determining all sites that come forward. Although there were a significant number of responses to the proposed site at Bent Lane, as set out above, there were only four responses to this overall strategy; three supporting Option 2 and one supporting Option 1.

Assessment of Comments and Outcomes for the Plan

A. The Identification of Sites for Building Stone

7.1.42 The evidence base indicates that a variety of building stone resources are to be found in the Plan area and there is a local, and to some extent national, demand for some of those particular minerals. The Councils recognise that the Mineral Products Association, in particular identifies more of a national need for the product.[20] However, the NPPF recognises the need for only small scale building stone extraction. We have weighed all considerations and, on balance, the Councils consider that specific sites should not be allocated in this Plan, for the following reasons:

1. There is no agreed national framework for assessing the future need for building stone. The Councils note the views of the Mineral Products Association in terms of there being a need to meet a national, as well as a local, need for building stone, but in the absence of any specific identified need and the fact that the NPPF refers to small scale need for building stone, the councils consider that there is insufficient certainty to justify the allocation of specific sites in this Plan.
2. The Strategic Stone Study advises that the market for building stone fluctuates greatly, making future demand difficult to predict. Also, given the specific characteristics of building stone and the significant variation between localities, it is not considered practical or appropriate to identify specific sites unless a significant amount of work has been undertaken which proves that there is a need for a particular type of stone from a specific location.
3. The majority of responses to the Plan throughout its preparation have supported the inclusion of a criteria policy for building stone provision rather than the allocation of specific sites.

7.1.43 In conclusion, therefore, as a result of these considerations, the Councils consider that, on balance, the most appropriate and pragmatic approach for this Plan will be to assess any sites that come forward during the course of the Plan period using a criteria policy as set out below. If further evidence comes forward during the course of the Plan Period to suggest that a different course of action is required, we can examine this as part of the ongoing monitoring and review of the Plan.

20. Dimension Stone, An Essential UK Industry, 2015 [back]

B. New Parish Quarry

7.1.44 This site at Bent Lane, Darley Dale has been suggested as an allocation. There were a significant number of objections to this proposal from local people. However, the Councils maintain that, for the reasons set out above, it will not be appropriate to allocate sites for building stone in this Plan. As a result of this proposed approach, the Councils have not applied the site assessment methodology to this site.

7.1.45 For the reasons set out above, it is not considered to be practical to make a specific provision for future building stone extraction. Instead it is intended to maintain the approach of the existing adopted Minerals Local Plan to set out a criteria based policy to determine any proposals for building stone extraction that do come forward over the course of the Plan period.

Duty to Cooperate

7.1.46 National Planning Guidance sets out that in planning for minerals extraction, mineral planning authorities are expected to co-operate with other authorities on strategic matters.

7.1.47 The provision of building stone is considered to be a strategic matter by virtue of the fact that the market for the material involves significant cross boundary movements. We have liaised with and will continue to liaise with MPAs where surveys show that Derbyshire's building stone is sold and with other relevant stakeholders to help ensure that provision of building stone will be maintained at the necessary level to allow these movements to continue.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Cooperate Report: Background and Progress, November 2017

Sustainability Appraisal

7.1.48 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal was undertaken of all the Papers that constituted the Towards a Minerals Local Plan Rolling Consultation 2014-2017, including those concerning building stone.

Broadly speaking, the site proposed for option 1 would not generate significant negative effects on ecology. However, there may be potential to affect the connectivity of habitats, and locally important species. Though mitigation should be possible, a potential negative effect is recorded. For option 2, the effects depend on the location of sites.

Option 1 provides greater certainty of a supply of minerals compared to option 2. It is possible to ascertain that positive effects would occur for option 1, but for option 2 there is greater uncertainty.

Option 1 would provide greater certainty to meet specific needs to support the character of buildings and settlements in Derbyshire and beyond reliant on the types of building stone found in Derbyshire. Effects of this option could therefore secure benefits in terms of local distinctiveness in the County. However, the quarry itself could have negative effects on landscapes with historic environment. Therefore, mixed effects are recorded. Some of the building stone resources are located close to the Peak District National Park and therefore there is potential for extensions to existing sites and proposals coming forward under option 2 to have negative effects upon its setting. However promoting extensions to existing sites could also assist with securing restoration of existing sites. It is uncertain what the effects would be at this stage.

As this is a new site (for option 1), access and exiting infrastructure does not exist. The export route could potentially have negative effects on local road networks. It is also possible that negative effects could occur on sites determined through a criteria-based policy, but there are uncertainties at this stage.

A criteria based policy will seek to ensure that impacts on communities and health are minimised. However, the extent to which effects occurs is dependent upon the location of sites. For Option 1, there are some known issue that could occur with regards to dust, noise and visual amenity. Therefore negative impacts would be anticipated without mitigation. For option 2, the effects are uncertain.

Both options could support the local economy by allowing for extraction of minerals. However, the effects for option 1 are more certain given that a site is identified.

The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, 2017

The Proposed Approach

7.1.49 As it is known that building stone resources are present in the Plan area and in order to be able to determine the acceptability or otherwise of individual proposals that may come forward, it is proposed to include a criteria based policy.

7.1.50 The continued quarrying of local building stone plays an important role in helping to preserve the historic environment and enhancing the local distinctiveness of an area. Local stone is needed to enable existing historic buildings and structures to be repaired and restored effectively and it also means new buildings in historic areas can blend in with the surrounding area more effectively. The main reason for the quarry should be for the production of building stone but it is recognised that there will be a certain amount of stone which is not suitable for this purpose and which may be sold for aggregate or is deemed to be waste material and is used in the final restoration of the site. It will be important that the proposal is of a scale that respects the location where it is proposed and that any adverse impact on the surrounding area can be mitigated.

Policy MS7: The Provision of Building Stone

Proposals for new building stone quarries or extensions to existing ones will be permitted provided that:

- The extraction would be primarily for building stone rather than for aggregate.
- There is a need for mineral of a specific character to be worked in that particular location.
- The scale of the proposal is such that any adverse social and environmental impact could be mitigated satisfactorily.

Monitoring

7.1.51 As set out at in Chapter 3, the Plan will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part.

7.1.52 Policy MS7 of the Draft Plan sets out a series of criteria to allow sites for building stone to come forward as necessary. The effectiveness of these criteria will be monitored over the course of the Plan period through the consideration of how they have been used and implemented in planning applications for building stone. Further information on this issue can be found in Chapter 15 of the Plan.

7.2 - Industrial Limestone and Cement Making Materials

Industrial Limestone

Introduction and Background

7.2.1 Limestone is by far the most significant mineral quarried within the Plan area in terms of the number of quarries and the scale of production (around 9 million tonnes annually in recent years - average annual production 2009-2016[21]).

7.2.2 Limestone is mainly quarried for use in the construction industry where its physical properties have made it the principal source of crushed rock aggregate for use as fill material, road stone and in the manufacture of concrete. Limestone is also used on a very small scale along with sandstone as building stone. Limestone used for these purposes is covered elsewhere in this Consultation at Chapter 6.3 for Aggregate Uses and Chapter 7.1 for Building Stone.

7.2.3 Limestone is also a very important 'industrial' mineral where its chemical properties make it a valuable mineral for a wide range of industrial and manufacturing processes; recently[22] around 3 million tonnes has been quarried annually in the Plan area for this purpose. It can be crushed and used for chemical applications, for example, in flue gas desulphurisation, ceramics or glass production. It can be calcined (heated) and used in the production of cement or in the production of lime for use in steel making or water purification/sewage and effluent treatment. It can be coarsely ground and used in animal feeds/agriculture and carpet backing/plastic floor tiles or finely ground to produce a powder which is used extensively as a filler in a diverse range of products such as paints, plastics, paper, rubber, sealants, pharmaceuticals, food and drink etc.

7.2.4 Although limestones occur widely in England, many are unsuitable for industrial use because of their chemical and/or physical properties. The Plan area makes an important national contribution to the supply of industrial limestone; the three main areas of production are around Buxton and Wirksworth on the Carboniferous Limestone resource and near to Whitwell on the Permian Limestone.

7.2.5 A particular feature of industrial limestone working is the importance of the specification of the mineral which may require multiple extraction faces within one quarry or supplies of feedstock from several different quarries to allow blending. It may also lead to only a small proportion of the mineral being suitable for industrial purposes with the remainder being used for aggregates.

7.2.6 More detailed information about Industrial Limestone can be found in the following Background Papers which have been updated to November 2017.

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper – Industrial Limestone, December 2017

Background Paper – Cement, December 2017

21. East Midlands Aggregates Working Party: Annual Minerals Survey (2009-2016) [back]

22. East Midlands Aggregates Working Party: Annual Minerals Survey (2009-2016) [back]

Existing Position

National

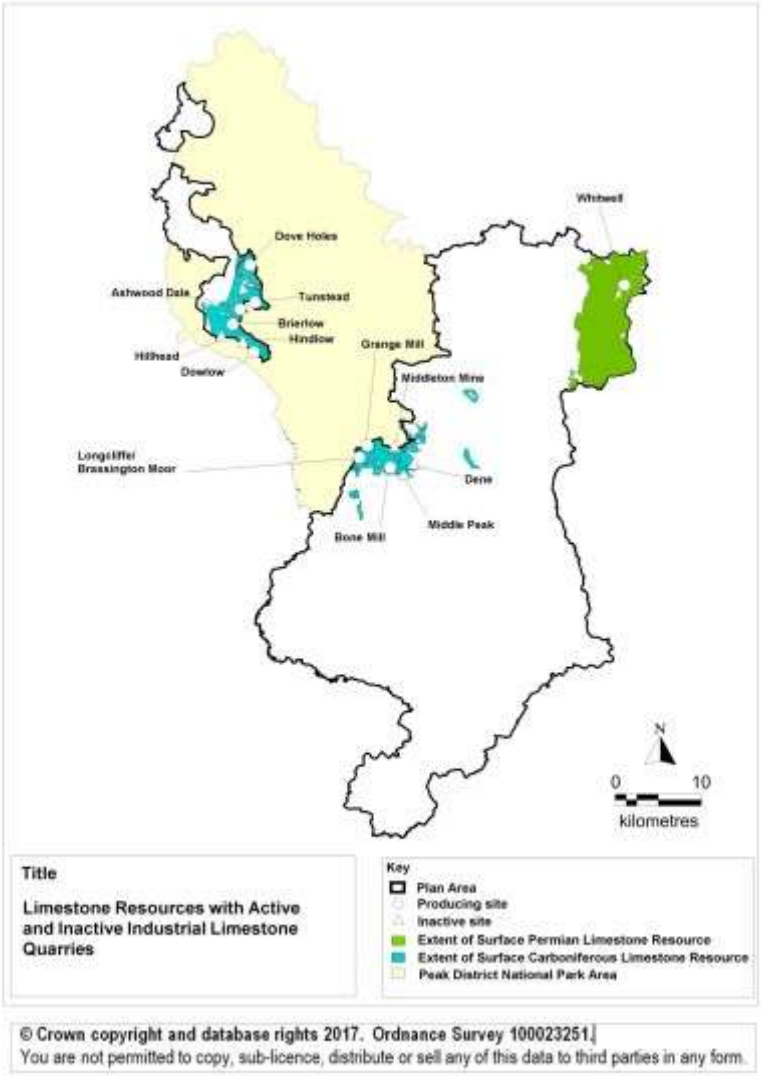
7.2.7 Limestone together with chalk and dolomite are the three types of carbonate rock extracted for industrial purposes in Great Britain. Recent evidence[23] depicts an overall decline in the production of 'industrial carbonates'. This reflects the fact that most of the markets for 'industrial carbonates' are mature or in decline due to the decline of UK manufacturing, particularly iron and steel production. Flue gas desulphurisation was a relatively new market in the mid-1990s but the demise of coal-fired power stations will end this use.

23. UK Minerals Forum: Trends in UK Production of Minerals, February 2014 - Figure 23, GB: Production of industrial carbonates, 1980-2011 [back]

Local

7.2.8 In 2016, a total of nine quarries produced industrial limestone within the Plan area, depicted on Map 1. Most of these quarries also produced limestone for aggregate use and in some cases industrial limestone production is quite low. In addition to the active quarries, a further five inactive quarries have reserves of industrial limestone and would not require a new planning permission to resume extraction, but are not currently producing limestone. Permitted reserves at active and inactive sites for industrial uses totalled some 182 million tonnes in 2016

Map 1 Limestone Resources with Active and Inactive Industrial Limestone Quarries 2017



Future Requirements

National

7.2.9 The production of industrial carbonates, including limestone and dolomite, is not expected to increase over the Plan period due to the national decline in industrial and manufacturing processes in Britain.

Local

7.2.10 The annual production of industrial limestone from the Plan area has remained fairly steady at around 3 million tonnes over the last 5 years[24] . If demand follows the national trend[25] production is not expected to increase. At the end of 2016, permitted reserves in the Plan area were theoretically equivalent to around 60 years of production at current annual rates, well beyond the Plan period to 2030.

7.2.11 At three quarries, however, Whitwell, Ashwood Dale and Aldwark/Brassington Moor, the operators have indicated that they have insufficient reserves to maintain supply throughout the Plan period and are promoting extensions to their existing quarries.

24. East Midlands Aggregates Annual Minerals Survey (2009-2016) [back]

25. UK Minerals Forum:Trends in UK Production of Minerals Feb 2014 – 7.8 Industrial Carbonates [back]

National and Local Planning Policy

National Planning Policy Framework, 2012 and Guidance, 2014 (NPPF and NPPG)

7.2.12 There are no national demand targets for the supply of industrial minerals, such as industrial limestone. Mineral Planning Authorities (MPAs) are required to plan for a steady and adequate supply of industrial minerals to support their likely use in industrial and manufacturing processes. For particular uses, such as cement manufacture, MPAs should make provision for a stock of permitted reserves of limestone to support the level of actual and proposed investment required to maintain or improve an existing plant or to provide a new kiln. For the maintenance and improvement of existing plant the stock of reserves (landbank) should be at least 15 years for primary cement materials (chalk and limestone) and secondary cement materials (clay and shale). To support a new kiln the landbank should be 25 years. These figures apply to individual sites or feeder sites rather than the whole Plan area. The NPPF requires that, as far as practical, landbanks for non-energy minerals should be maintained from outside National Parks.

7.2.13 NPPG provides specific advice on how MPAs should plan for industrial minerals. It notes that recognition should be given to any marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals which can have different implications for their extraction. It also stresses the economic importance of industrial minerals for downstream industries; the loss of supply of one mineral may jeopardise the whole manufacturing process.

7.2.14 NPPG provides advice on how and when the required stock of permitted reserves for industrial minerals should be calculated. It states that stocks of reserves should be calculated when a planning application is submitted or when new capital investment is proposed.

7.2.15 The NPPG[26] provides advice on the way in which MPAs should plan for mineral extraction. It states that priority should be given to identifying (allocating) specific sites for mineral working followed by

preferred areas and areas of search. Site allocations should be restricted to where viable resources are known to exist, landowners are supportive of mineral development and the proposal is likely to be acceptable in planning terms.

7.2.16 The adopted Derby and Derbyshire Minerals Local Plan 2000 contains a policy (MP25) to allow for the extraction of industrial limestone subject to satisfying need and environmental impact criteria. However, the Plan was adopted in 2002 and has not been prepared to accord with the new NPPF and therefore its value in formulating a new strategy is somewhat limited.

26. National Planning Policy Guidance, Paragraph: 008 Reference ID: 27-008-20140306 [back]

Consultation So Far - What You Have Told Us

Issues and Options Consultation 2010

7.2.17 The Issues and Options Paper identified that whilst the overall level of permitted reserves appeared to be sufficient to meet the demand for industrial limestone over the Plan period, there may be a shortage of reserves at some quarries. Where those quarries supply industries that have requirements for particular specifications of mineral that would otherwise not be met there may be a need to grant permission for additional reserves. At that time no specific sites had been put forward for working and therefore the Issues and Options Consultation suggested that the most appropriate way of dealing with this issue would be to include a criteria based policy within the Plan.

7.2.18 99% of respondents supported the approach of having a criteria based policy to allow for new working. The operators of Whitwell Quarry, however, who estimated that permitted reserves were likely to be worked out before the end of the Plan period, suggested that in view of the national importance and investment required in securing sites for industrial limestone, the Plan should identify specific sites for new industrial limestone working. Further information is available in the following documents:

Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010.

Responses to Derby and Derbyshire Minerals Local Plan Issues and Options Consultation, 2011

7.2.19 Since the Issues and Options Consultation, the NPPF and NPPG have been published; we have, therefore, revisited the issues and options surrounding the planning for the supply of industrial limestone, in the light of this new policy and guidance. We have looked at the extent to which the Issues and Options Consultation and the responses to it remain helpful to developing a strategy and taken on board additional evidence collected since 2010.

7.2.20 Of particular importance is that the Issues and Options Consultation included a ‘call for sites’ from any developer wishing to promote a site for mineral development over the plan period. Three quarry operators are promoting extensions to their existing quarries at Whitwell, Ashwood Dale and Aldwark/Brassington Moor.

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Towards a Strategy for Industrial Limestone

7.2.21 The 'Towards a Strategy for Industrial Limestone' Paper, February 2015 identified several issues and options that would need to be considered in developing a strategy to maintain the supply of industrial limestone over the Plan period. It was accompanied by a background supporting Paper. An Addendum was made to this Paper in April 2016 to incorporate an additional promoted site at Aldwark/Brassington Moor Quarry. Further information can be found in the following documents.

Towards a Minerals Local Plan: Rolling Consultation 2014-2016: Towards a Strategy for Industrial Limestone, February 2015

Towards a Minerals Local Plan: Rolling Consultation 2015-2016

Industrial Limestone Supporting Paper, February 2015

Towards a Minerals Local Plan: Rolling Consultation 2015-2016

Addendum – Additional Promoted Site

Aldwark/Brassington Moor Quarry, April 2016

7.2.22 The paragraphs below set out the Representations that were received on the Papers. More detailed information can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017.

Issues for Industrial Limestone Provision

Issue 1: Making Provision for the Supply of Industrial Limestone

7.2.23 In view of the promotion of sites for allocation in the Plan, options for ensuring the supply of industrial limestone were widened from a criteria based policy at the Issues and Options Stage to options which encapsulated both allocations and a criteria policy. Three options were put forward:

Option 1: Make provision through existing permitted reserves and allocated sites

Option 2: Make provision through existing permitted reserves and a criteria based policy

Option 3: Make provision through existing permitted reserves and allocated sites and a criteria based policy

7.2.24 The Consultation resulted in overall support for Option 3.

Issue 2: Industrial Limestone Provision Criteria Based Policy

7.2.25 Options 2 and 3 would require a criteria based policy to implement them. Consultees were asked, therefore, for comments on the different components of a criteria based policy including the level and type of information that an applicant should be asked to submit to inform this approach. The suggested components of such a policy were as follows:

7.2.26 A presumption in favour of proposals for the extraction of 'industrial' limestone where additional reserves are required:

- To meet an identified need for materials
- With particular specifications, and where
- The recovery of the particular materials required to meet that need is maximised.

7.2.27 One respondent considered that it was reasonable to expect applicants for planning permission to demonstrate the quality and quantity and to provide information on products and markets. One respondent considered that it was too onerous to expect applicants to demonstrate need and to require the maximisation of recovery to meet that need; market forces would dictate that industrial limestone is used for industrial purposes.

Issue 3: Specific identification (allocation) of land for industrial limestone working

7.2.28 Options 1 and 3 would require the allocation of specific sites to implement them. The consultation, therefore, asked for comments on the sites being promoted by operators for working during the Plan period at Ashwood Dale, Whitwell and Aldwark/Brassington Moor quarries. Supporting comments were received from the operators proposing the sites. Historic England commented on the need to address any heritage impacts with specific reference to the need to protect Creswell Crags which lies close to Whitwell Quarry. No objections were made to the promoted sites at this stage.

Issue 4: The assessment of sites for allocation

7.2.29 The consultation asked for comments on the way in which sites should be assessed to ensure their acceptability for allocation. Economic justification and heritage impact were cited as important considerations.

Issue 5: Cement Manufacture

7.2.30 The consultation asked for comments on the way in which the plan should make provision for the manufacture. Supporting comments were received for a criteria based policy to ensure that the requisite levels of permitted reserves of primary and secondary materials are maintained to support the manufacture of cement.

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Site Assessment Methodology Hard Rock Quarries

7.2.31 A Site Assessment Methodology, April 2016 that would be used to assess the suitability of hard rock quarry sites for allocation in the Plan formed part of this Consultation. Three responses were received in relation to the weighting of the criteria, the need to take mitigation on board and the use of 'buffer zones' to assess particular impacts. Changes were made to the Methodology Paper which was republished in December 2016 and used to carry out initial assessment of promoted sites.

Towards a Minerals Local Plan – Rolling Consultation 2016-2017: Site Assessment Methodology - Hard Rock Quarry Sites

7.2.32 A revised Site Assessment Methodology (Hard Rock Quarries) and an initial assessment of the promoted extension sites at Whitwell, Ashwood Dale and Aldwark/Brassington Moor quarries were included in this Consultation. Details can be found in the following documents:

Towards a Minerals Local Plan – Rolling Consultation 2016-2017:

Site Assessment Methodology - Hard Rock Quarry Sites

Towards a Minerals Local Plan – Rolling Consultation 2016-2017:

Initial Assessment Sheet and Maps – Whitwell, Ashwood Dale and Aldwark/Brassington Moor Quarries

7.2.33 Over 30 separate representations were made on the Methodology Paper covering a wide range of issues including weighting, buffer zones, mitigation, local amenity impacts and impacts on ecology and the historic environment. Of the sites assessed, Aldwark/Brassington Moor quarry extension generated the most representations mainly in relation to its impact on the wider landscape including the Peak District National Park. Further details of responses made to this Consultation can be found in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation Report of Representations, December 2017

Drop-in Sessions, February 2017

7.2.34 The document referred to above also contains details of issues raised at drop-in sessions held by the MPAs in locations where new areas of working were being promoted by operators.

7.2.35 Where representations have been received they have been used to inform the Proposed Approach set out below at Section 8.

Duty to Cooperate

7.2.36 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the Minerals Local Plan the Councils have identified the following strategic cross boundary issues relating to planning for the provision of Industrial Limestone.

- The supply of industrial dolomitic Permian Limestone;
- Proposed extensions to Whitwell Quarry straddling the county boundary;
- The impact of extending Whitwell Quarry on Creswell Crags;
- The impact of extending Whitwell quarry on the redevelopment of Whitwell Colliery site;
- The supply of cement making materials to Hope Cement Works in the PDNP;
- The supply of cement making materials to Cauldon Works, Staffordshire;
- The supply of cement making materials to Tunstead Cement Works, Derbyshire; and
- The supply of Industrial Carboniferous Limestone/Safeguarding Mineral Resources: safeguarding a proposed extension to Ashwood Dale Quarry from a proposed housing allocation.

7.2.37 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure a continuous supply of industrial limestone; with particular regard to the impacts of promoted sites on adjoining authority areas. Outcomes from the co-operation has fed into the proposed approach as set out at Section 8.

7.2.38 All Duty to Co-operate Issues together with the Stakeholders involved have been set out in the following Background Paper which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following Report.

Towards a Minerals Local Plan: Spring 2018 Consultation Duty to Co-operate Report: Background and Progress, December 2017

7.2.39 A new Duty to Co-operate issue relating to Industrial Limestone is:

- The impact of the promoted extension to Aldwark/Brassington Moor Quarry on the Peak District National Park

Sustainability Appraisal

7.2.40 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017 and all the sites that were promoted by operators. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

Where appropriate the findings of the SA have been incorporated into the Proposed Approach as set out in Section 8.

Outcomes for the Proposed Approach: Industrial Limestone

Vision and Objectives

7.2.41 Chapter 3 of the Winter 2017/2018 Consultation contains the Plan's proposed Vison and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The contribution that the individual draft policies set out in this Chapter will make towards achieving the overall draft Vision and Objectives of the Plan, are set in Section 9.

7.2.42 The Rolling Consultations have included Key Issues and Options that needed to be addressed in order to develop a Strategy for ensuring the supply of Industrial Limestone.

Issue: Making provision for the an adequate and steady supply of Industrial Limestone

7.2.43 There are no national demand targets for the supply of industrial limestone but the Plan is required to make provision for an adequate and steady supply to support its likely use in industrial and manufacturing processes. For cement manufacturing a stock of permitted reserves (landbank) of limestone should be maintained to support the level of actual and proposed investment required to maintain or improve an existing plant or to provide a new kiln. For the maintenance and improvement of existing plant the landbank should be at least 15 years for primary cement materials (chalk and

limestone) and secondary cement materials (clay and shale). To support a new kiln the landbank should be 25 years. These figures apply to individual sites or feeder sites rather than the whole Plan area.

7.2.44 In order to maintain an adequate and steady supply of industrial limestone three Options were put forward for Consultation:

Option 1: Make provision through existing permitted reserves and allocated sites

Option 2: Make provision through existing permitted reserves and a criteria based policy

Option 3: Make provision through existing permitted reserves and allocated sites and a criteria based policy

7.2.45 There was clear support for Option 3 which is considered should be the approach put forward for maintaining supply, for the following reasons. There are no national demand targets for industrial limestone; the Plan has to make provision for the supply of both anticipated and unforeseen demand. Option 3 provides that flexibility through a criteria policy against which proposals for unforeseen demand can be met, together with the allocation of sites, where we know there is an identified need for additional reserves and known economically viable resources exist and operators/landowners are supportive and actively promoting minerals development. At three quarries, Ashwood Dale, Whitwell and Aldwark/Brassington Moor, we know that there is a need for additional reserves before the end of the Plan period and the operators are actively promoting extensions to the quarries.

Alternatives

7.2.46 Option 1 is unsuitable in that whilst three sites have been promoted for allocation over the plan period; the MPA has insufficient information about the scale and commercial viability of the remaining resource that would enable the identification of sites, preferred areas or areas of search from which any other future provision of industrial limestone could be made. This option, in isolation, therefore would not provide sufficient flexibility to meet any unforeseen increased demand for additional reserves of industrial limestone to be worked during the Plan period.

7.2.47 Option 2 would provide flexibility to meet both known and unforeseen needs for new working however it would not provide the same clarity and certainty of delivery that identifying specific areas of land would bring for both, companies and local communities and which NPPG prioritises as the way to ensure supply above preferred areas and areas of search.

Sustainability Appraisal

7.2.48 The Interim SA Report, November 2017 confirmed that Option 3 was the most positive for minerals providing both certainty through allocations and flexibility through a criteria based approach.

Outcome for the Proposed Approach

7.2.49 The proposed approach is to make provision for the supply of industrial limestone through existing permitted reserves; additionally it includes a criteria policy against which proposals for additional reserves will be considered and it will propose the allocation of any sites promoted by operators and considered acceptable for working, in principle, to commence during the Plan period to 2030. The allocation of specific sites is set out in Chapter 14.

Issue: A criteria based policy - proposed approach

7.2.50 Option 3 for the supply of industrial limestone would require a criteria based policy to be used to assess new proposals for industrial limestone working. Consultees were asked to comment on the components that such a policy should contain.

7.2.51 The suggested components were as follows:

A presumption in favour of proposals for the extraction of 'industrial' limestone where additional reserves are required:

- to meet an identified need for materials
- with particular specifications, and where
- the recovery of the particular materials required to supply that need is

7.2.52 This consultation generated conflicting responses as to the level and type of information that an applicant should be expected to provide, as set out at paragraph 5.11. In considering the preferred wording for a criteria policy it is important to take into account the requirements of the NPPF. Paragraph 142 requires that the MPA should make the best use of finite mineral resources to ensure their long term conservation. NPPG[27] states that the need for the specific mineral should be taken into account. NPPG[28] also provides specific advice on planning for industrial minerals; it states that recognition should be given to any marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals which can have different implications for their extraction. In developing a criteria based policy to allow for the extraction of industrial limestone therefore it is considered reasonable that the need for extraction is justified in terms of the quantity, specification, products and markets and for the recovery of the mineral for that purpose to be to be maximised.

7.2.53 In the interests of sustainability and making the best use of minerals to ensure their long term conservation, as required by the NPPF, the MPAs are exploring the best way to ensure that high grade material is restricted to uses requiring high grade material. This could be through the use of section 106 agreements which restrict the use of the mineral.

27. Paragraph: 010 Reference ID: 27-010-20140306 [back]

28. Paragraph: 086 Reference ID: 27-086-20140306 [back]

Outcome for the Proposed Approach

7.2.54 Include a criteria policy to implement Option 3 in line with the components suggested above and contained in the Consultation Paper[29] and include reference to the use of Section 106 agreements as a way of controlling the use of the mineral.

29. Towards a Minerals Local Plan: Rolling Consultation 2014-2016: Towards a Strategy for Industrial Limestone, February 2015. [back]

Issue: Specific identification (allocation) of land for industrial limestone working

7.2.55 Option 3 for the supply of limestone would involve the specific allocation of sites for working where it is established that there is an identified need for additional reserves. The operators of three quarries Whitwell, Ashwood Dale and Aldwark/Brassington Moor have indicated that additional reserves of industrial limestone will be required during the Plan period and are promoting extensions to the existing quarries.

7.2.56 In order to assess the suitability of promoted sites for inclusion in the Proposed Approach as allocations, the MPAs have prepared a Site Assessment Methodology and carried out Assessments of the sites. Further details of the assessment process is set out in Chapter 14 of this Plan.

Cement

Issue: Making provision for an adequate and steady supply of cement making raw materials

7.2.57 Industrial limestone is a primary raw material in the manufacture of cement with clay and shale as secondary materials. Processing plants associated with cement manufacture are generally large and require high capital investment. In view of this, as previously set out at section 4, the NPPF and NPPG establish the need to ensure that sufficient stocks of permitted reserves (landbanks) of primary (chalk/limestone) and secondary (clay/shale) materials are available to support the level of actual and proposed investment required to maintain or improve existing plant or to provide a new kiln for cement manufacture. The landbank requirements apply to individual sites or feeder sites rather than the whole Plan area.

Tunstead

7.2.58 Tunstead is the only cement works within the Plan area and is sourced by two adjoining quarries Tunstead and Old Moor (part of this quarry lies within the Peak District National Park outside of the Plan area). The works has capacity to produce 1 million tonnes of cement per year and despite permission being granted for a second kiln, which would see capacity rise to 2.15 million tonnes when built, the Operator (Tarmac) has confirmed[30] that there are sufficient permitted reserves of limestone to last well beyond the end of the Plan period, even taking into account the NPPF requirement for a landbank of 25 years for the new kiln.

7.2.59 Most of the clay required also comes from the quarries in the form of slurry resulting from the washing of limestone for the production of chemical stone for industry. However 60,000 tpa of shale is imported from Kingsley Quarry and 120,000 tpa of marl is imported from Keele Quarry; both quarries are located in Staffordshire. Importation of these raw materials is expected to increase proportionately with the commissioning of K2. However the date for the development of K2 is presently unknown.

30. Email from Lafarge Tarmac to Derbyshire CC dated 3/2/2015 [back]

Hope

7.2.60 Hope Cement works (operated by Breedon Cement) lies some 10 km away across the border within the Peak District National Park and is supplied from adjacent limestone and shale quarries. We have been informed by the PDNPA that the works will not have a 15 year landbank of limestone reserves from approximately 2019 and the PDNPA has informed us that the operator may seek to extend the quarry. The NPPF requires that as far is practical landbanks of non-energy minerals should be maintained from outside the National Park. Consequently there may be a call on minerals from within the Plan area to support cement manufacture at Hope. The nearest limestone quarry owned by the Company is at Dowlow which lies adjacent to the PDNP boundary to the south of Buxton. The feasibility of using mineral from this quarry is unknown at this stage but alternatives to sourcing additional material from the National Park will have to be explored.

Cauldron

7.2.61 Cauldon cement works (operated by Lafarge Cement) lies 0.6km away just over the border in Staffordshire and is supplied by nearby limestone and shale quarries. Based on the information that we have on permitted reserves it is unlikely that Cauldon quarry would need to call on limestone or clay/shale resources from within the Plan area over the Plan period.

Proposed Approach

7.2.62 Based on the information that we currently know about anticipated production rates and the level of permitted reserves, as set out above, it is unclear as to whether there will be a need for additional reserves of cement making materials over the Plan period. In view of this uncertainty the proposed approach that is being put forward to maintain supply is a criteria based policy that would allow for

additional reserves of primary and secondary minerals to be worked if they are needed to support the manufacture of cement taking into account the 15 and 25 year land bank requirements set out in NPPF. This approach was supported in responses to our previous Consultations on this issue.

Duty to Cooperate

7.2.63 There are several Duty to Co-operate Issues relating to the sufficient provision of cement making materials which are set out in the Duty to Co-operate Report[31] . The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure a continuous supply of cement making materials with particular regard to the movement of material to and from adjoining authority areas. Outcomes from the co-operation has fed into the proposed approach as set out below.

> 31. Towards a Minerals Local Plan: Winter 2017/2018 Consultation: Duty to Co-operate Report – Background and Progress, December 2017 [back]

Outcome for the Preferred Approach

7.2.64 Include a criteria policy based on the key requirement for cement manufacture which is the maintenance of the requisite landbanks as set out in the NPPF.

7.2.65 Include reference to the need to record and monitor cross border movements of cement making materials to ensure that landbank requirements are met and to establish whether there are any implications for Mineral Local Plans in preparation by other Mineral Planning Authorities.

Issue: Safeguarding Industrial Limestone Resources

7.2.66 The NPPF requires Plans to define Minerals Safeguarding Areas and include appropriate policies so that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development. The Carboniferous Limestone resource is of significant local and national importance because Derbyshire is one of the few areas of the country which supplies limestone of industrial and aggregate quality to meet national requirements. The safeguarding of industrial limestone is addressed in Chapter 10.

Proposed Approach: Policies for Industrial Limestone

Policy MS8 Industrial Limestone Provision

Proposals for the extraction of Industrial Limestone will be supported where additional reserves are required to meet an identified need for the mineral and where:

- They are required because of their particular chemical or physical composition and where
- The recovery of the mineral is maximised to meet the identified need

Where appropriate the MPA will use Section 106 agreements to control the use of high grade mineral.

Contributes towards achieving proposed Objectives

- **Objective 1 – Ensuring a Steady and Adequate Supply of Minerals**
- **Objective 2 - Delivering Sustainable Minerals Development**
- **Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development**

Policy MS9 Provision for Cement Making Materials

Proposals for the extraction of Limestone, Clay or Shale for use in the manufacture of cement will be sup materials to supply a cement works and where:

- They will contribute towards the maintenance of a landbank of at least a 15 year stock of permitted permitted reserves to support a new kiln and/or
- They are required because of their particular chemical or physical composition.

Proposals that accord with the criteria set out in MP9 will be supported provided that

- They are extensions of time and/or physical extensions to existing limestone/clay/shale quarries or
- Where this is not possible, they are located as near as possible to the cement works where the mat

Contributes towards achieving proposed Objectives

- **Objective 1 – Ensuring a Steady and Adequate Supply of Minerals**
- **Objective 2 - Delivering Sustainable Minerals Development**
- **Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development**

Monitoring

7.2.67 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan's policies, either in whole or part.

7.2.68 Policy MS9 requires an adequate and steady supply of cement making materials to be maintained throughout the Plan period. The maintenance of stocks of permitted reserves (landbanks) is a way ensuring supply. To support cement manufacture a 15 year landbank of primary (limestone/chalk) and secondary (clay/shale) should be maintained to support the maintenance and improvement to an existing kiln. To support the development of a new kiln the landbank of permitted reserves should be 25 years. The MPA will monitor the supply of cement making materials and liaise with the relevant adjoining MPAs to ensure that supply is maintained. Further information on this issue can be found in the updated Duty to Cooperate Report[32] and in Chapter 15 of the Plan.

32. Towards a Minerals Local Plan: Winter 2017/2018 Consultation, Duty to Co-operate: Background and Progress, December 2017 [back]

7.3 - Brick Clay and Fireclay

Introduction and Background

7.3.1 Brick clay is used in the manufacture of bricks, tiles and other clay products. Most brick clays are red firing, producing red coloured products. Fireclays are important for the manufacture of buff and pale-bodied bricks.

7.3.2 Clay and shale can also be used for engineering and environmental purposes i.e. capping and lining areas of landfill and lining water bodies for general constructional purposes (fill). Minerals used for this purpose are included in Chapter 9 of this Plan. Clay and shale are also used in the production of cement; minerals used for this purpose are included in Chapter 7.

7.3.3 Clay, shales and mudstones occur extensively in the Plan area but, only a small proportion are suitable for brick or clay products manufacture (most are too high in carbon and sulphur). The most economically important are of Carboniferous age and are associated with the Millstone Grit and the Coal Measures, the latter is also a potential source of fireclays.

7.3.4 Brick clay workings tend to be long term operations and may involve working different parts of the quarry for blending purposes. Clay working takes place on a campaign basis rather than continuous. Before delivery to the manufacturing plant there will be a need for the excavated clay to be weathered prior to blending. This requires the creation of stockpiles usually at the quarry.

7.3.5 More detailed information about Brick Clay and Fireclay working can be found in the following Background Paper which has been updated to November 2017.

Towards a draft Minerals Local Plan: Spring 2018 Consultation

Background Paper: Brick Clay and Fireclay, December 2017

Existing Position

National

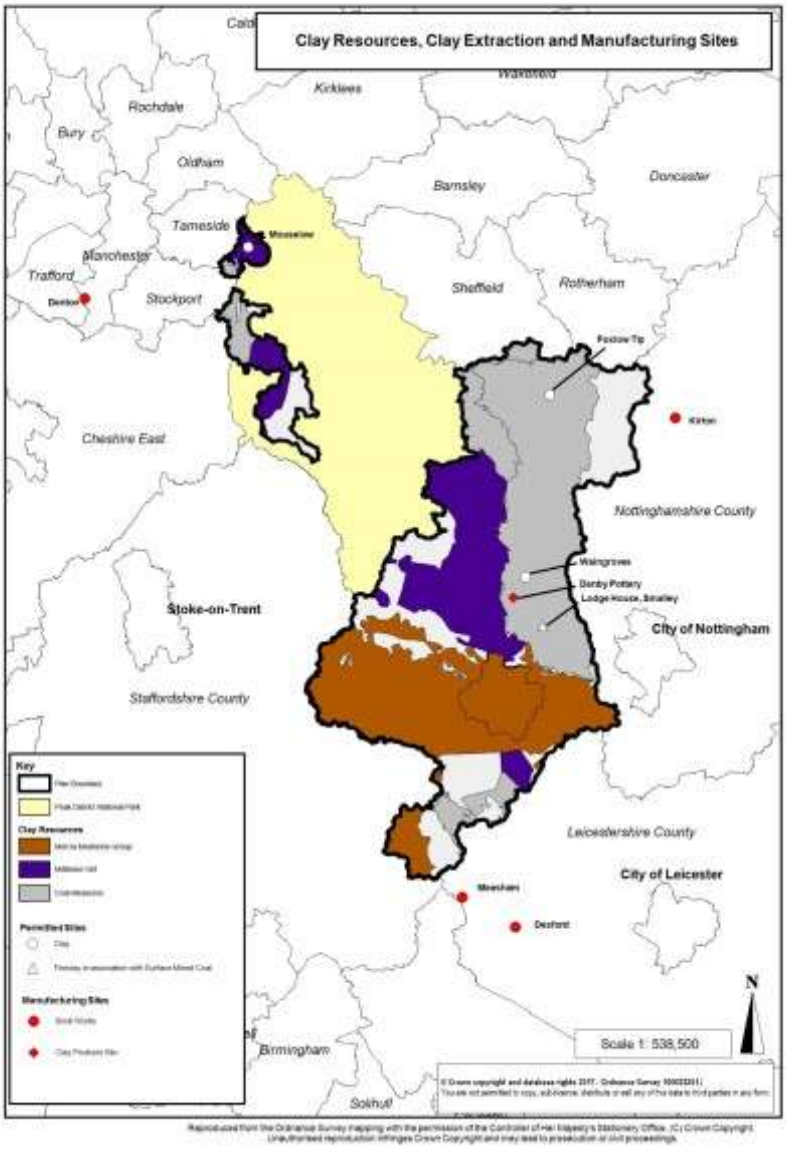
7.3.6A recent report[33] on trends in the UK production of Minerals states that brick clay consumption has declined significantly since the 1970s from 18 million tonnes in 1974 to 4 million tonnes in 2011. The initial decline was mainly attributable to the demise of common bricks in houses as a result of alternative construction methods and smaller houses. More recently, the decline can be attributed to a significant reduction in the number of new houses built and hence the need for bricks.

33. Page 17, Trends in UK Production of Minerals, UK Minerals Forum, January 2014 [back]

Local

7.3.7The national picture is reflected locally in that there are currently, at 2017, no brickworks within the Plan area; all brick clay excavated is exported to works in adjoining mineral planning authority areas. Brick Clay from Mouselow Quarry, Glossop, operated by Wienerberger, is exported to the company's brick works at Denton, East Manchester. Brick Clay from Waingroves Quarry, Ripley, operated by Forterra Building Products Ltd, is exported to the Company's brickworks at Kirton in Nottinghamshire and Measham and Desford in Leicestershire. Brick Clay excavated from Foxlow Tip is stockpiled on site following closure of the brickworks at Barrow Hill. Fireclay extracted at Lodge House, Smalley is used within the Plan area, to supply the pottery manufacturers at Denby. Map 1 shows the resources, quarries and manufacturing sites at 2017.

Map 1: Clay Resources, Quarries and Manufacturing Sites 2017



Future Requirements

National

7.3.8A key factor influencing the demand for bricks and hence the demand for brick clay is the rate of house building. Recent Government's initiatives to stimulate the housing market appear to be having some effects. The production of bricks has increased from 1.4 billion in 2010 to 1.9 billion in 2015 before falling slightly to 1.8 billion in 2016[34] . Brick Clay production increased from 4 mtpa in 2010 to 4.7 mtpa in 2014, the latest year that national figures are available.[35]

34. Table 9, Monthly Statistics of Building Materials and Components, October 2017,, DptBIS [back]

35. United Kingdom Minerals Yearbook 2015, BGS [back]

Local

Mouselow Quarry

7.3.9 Based on a future annual production rate of 45,000 tonnes per annum (tpa) permitted reserves (of sufficient quality for brick making) are estimated to be depleted in 2022, well before the end of the Plan period in 2030. Weinerberger has informed the MPA that the Company wishes to promote a small extension to the extraction area at Mouselow Quarry for inclusion in the Plan.

Waingroves Quarry

7.3.10 Based on a future annual production rate of 80,000 tpa permitted reserves are estimated to last to 2053, well beyond the Plan period.

Foxlow Tip

7.3.11 Clay material consisting of 250,000 tonnes is stockpiled on site. Its future use will depend upon the reopening of the Brickworks at Barrow Hill or an alternative.

Lodge House Farm

7.3.12 The extraction of 50,000 tonnes of fireclay in association with Lodge House Farm opencast coal operation has ended and the clay moved off site to Denby pottery in Derbyshire.

National and Local Planning Policy

National Planning Policy Framework, 2012 and Guidance, 2014 (NPPF and NPPG)

7.3.13 There are no national demand targets for the supply of industrial minerals, such as brick clay. Mineral Planning Authorities (MPAs) are required to plan for a steady and adequate supply of industrial minerals to support their likely use in industrial and manufacturing processes. Safeguarding or stockpiling should also be encouraged to ensure that the minerals remain available for future use. For brick or clay products manufacture a 25 year stock of permitted reserves of brick clay should be maintained to support the level of actual and proposed investment required to maintain or improve an existing plant or to provide a new kiln. MPAs should also take into account the need for the provision of brick clay from a number of different sources to enable appropriate blends to be made. The NPPF requires that, as far as practical, landbanks for non-energy minerals should be maintained from outside

National Parks. Coal producers should be encouraged to extract separately and, if necessary stockpile, fireclay so that it remains available for use.

7.3.14 NPPG[36] provides specific advice on how MPAs should plan for industrial minerals. It notes that recognition should be given to any marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals which can have different implications for their extraction. It also stresses the economic importance of industrial minerals for downstream industries; the loss of supply of one mineral may jeopardise the whole manufacturing process.

7.3.15 NPPG[37] provides advice on how and when the required stock of permitted reserves for industrial minerals should be calculated. It states that stocks of reserves should be calculated when a planning application is submitted or when new capital investment is proposed.

7.3.16 The NPPG[38] provides advice on the way in which MPAs should plan for mineral extraction. It states that priority should be given to identifying (allocating) specific sites for mineral working followed by preferred areas and areas of search. Site allocations should be restricted to where viable resources are known to exist, landowners are supportive of mineral development and the proposal is likely to be acceptable in planning terms.

7.3.17 The adopted Derby and Derbyshire Minerals Local Plan contains a policy (MP32) to allow for the extraction of clay for use in the clay products industry subject to satisfying need and environmental impact criteria. However, the Plan was adopted in 2002 and has not been prepared to accord with the new NPPF and therefore its value in formulating a new strategy is somewhat limited.

36. National Planning Practice Guidance, Paragraph: 086 Reference ID: 27-086-20140306 [back]

37. National Planning Practice Guidance, Paragraph: 088 Reference ID: 27-088-20140306 [back]

38. National Planning Policy Guidance, Paragraph: 008 Reference ID: 27-008-20140306 [back]

Consultation So Far - What You Have Told Us

Issues and Options Consultation 2010

7.3.18 The Issues and Options Consultation 2010 identified that the key issues for making provision for clay were that the demand for brick clay and fireclay was industry led and particularly susceptible to economic fluctuations leading to periods of decline resulting in mothballing or shutting down of extraction and processing facilities. It indicated that any approach would need to maintain essential supplies to consumers, whilst seeking to encourage rapid working and reclamation of sites to minimise environmental impact and avoiding the stocking of clays where it would delay reclamation. The Issues and Options Consultation suggested that the most appropriate way of making provision for clay working would be to have a criteria based policy in the Plan, based on the above considerations.

7.3.19 A criteria based policy approach was well supported by respondents to the consultation. Suggestions were also made that we should look further at the most appropriate location for stockpiling i.e. at the quarry or at the brick works/clay products manufacturing site; some respondents felt that it was not always practicable or desirable to stockpile at the manufacturing unit. Further information is available in the following documents:

Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010.

Responses to Derby and Derbyshire Minerals Local Plan

Issues and Options Consultation, 2011.

Sustainability Appraisal (SA) of the Issues and Options Paper 2010

7.3.20 Details on the purpose of the SA process is set out at paragraph 7.1 of this Chapter. A sustainability appraisal was carried out on the suggested approach set out in the Issues and Options Paper as to how provision should be made for the supply of clay. It concluded that the suggested criteria based policy is in-line with the current adopted Minerals Local Plan. Therefore, the impacts of including a similar policy in the new Local Plan would have a negligible impact on the baseline position. In terms of the merits of this approach, there would be positive implications for landscape, biodiversity, natural resources and local communities. However, restrictions on the working and stockpiling of clays could make extraction less efficient. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

Interim Sustainability Appraisal (SA) Report, November 2013

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

7.3.21 Since the Issues and Options Consultation, the NPPF and NPPG have been published; we have, therefore, revisited the issues and options surrounding the planning for the supply of brick clay and fireclay, in the light of this new policy and guidance. We have looked at the extent to which the Issues and Options Consultation and the responses to it remain helpful to developing a strategy and taken on board additional evidence collected since 2010.

7.3.22 Of particular importance is that the Issues and Options Consultation included a ‘call for sites’ from any developer wishing to promote a site for mineral development over the plan period. None came forward at that time but in December 2014, Wienerberger, the operator of Mouselow Quarry, put forward a small extension to the extraction area at the quarry for inclusion in the Plan.

7.3.23 The next stage in preparing the Plan was the ‘Towards a Minerals Local Plan: Rolling Consultation’ which commenced in 2015. This Consultation consisted of a series of individual Papers. In

the light of the new national policy and guidance, the MPAs were seeking to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision.

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Towards a Strategy for Brick Clay and Fireclay

7.3.24 The 'Towards a Strategy for Brick Clay and Fireclay' Paper, January 2015 identified several issues and options (see paragraph 5.8) that would need to be considered in developing a strategy to maintain the supply of brick clay and fireclay over the Plan period. It was accompanied by a background supporting Paper. Further information can be found in the following documents.

Towards a Minerals Local Plan: Rolling Consultation 2015-2016: Towards a Strategy for Brick Clay and Fireclay, January 2015.

Towards a Minerals Local Plan: Rolling Consultation 2015-2016

Brick Clay and Fireclay Supporting Paper, January 2015

7.3.25 The paragraphs below include a summary of the representations that were received to the Papers. Details of the representations received, together with considered responses and outcomes for this Consultation is set out in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Issues and Options for the emerging Strategy

Issue 1: Making Provision for the Supply of Brick Clay

7.3.26 In view of the promotion of a site for allocation in the Plan, options for ensuring the supply of Brick Clay were widened from a criteria based policy at the Issues and Options Stage to options which encapsulated both allocations and a criteria policy. Three options were out forward:

Option 1: Make provision through existing permitted reserves and allocated sites

Option 2: Make provision through existing permitted reserves and a criteria based policy

Option 3: Make provision through existing permitted reserves and allocated sites and a criteria based policy

7.3.27 Options 1 and 3 received equal support.

Issue 3: Specific identification (allocation) of land for brick clay working at Mouselow Quarry

7.3.28 Two respondents supported the allocation of land at Mouselow Quarry.

7.3.29 The following issues were also included for comment in the Strategy but received no responses.

Issue 2: A criteria based policy – emerging approach

Issue 4: The assessment of sites for allocation in the Plan

Issue 5: Making provision for the stockpiling of brick clay

Issue 6: Fireclay – Options for making provision for an adequate and steady supply of fireclay

Issue 7: Making provision for an adequate and steady supply of clay and shale used for other purposes

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Site Assessment Methodology - Hard Rock Quarry Sites

7.3.30 A Site Assessment Methodology, April 2016 that would be used to assess the suitability of hard rock quarry sites for allocation in the Plan formed part of this Consultation. Three responses were received in relation to the weighting of the criteria, the need to take mitigation on board and the use of 'buffer zones' to assess particular impacts. Changes were made to the Methodology Paper which was republished in December 2016 and used to carry out initial assessment of promoted sites.

Towards a Minerals Local Plan–Rolling Consultation 2016/2017

Site Assessment Methodology - Hard Rock Quarry Sites and Initial Assessments of promoted sites

7.3.31 A revised Site Assessment Methodology- Hard Rock Quarry Sites, December 2016 and an initial assessment of the promoted extension site at Mouselow Quarry were included in this Consultation. Details can be found in the following documents:

Towards a Minerals Local Plan – Rolling Consultation 2016-2017:

Site Assessment Methodology - Hard Rock Quarry Sites

Towards a Minerals Local Plan – Rolling Consultation 2016-2017:

Initial Assessment Sheet and Maps – Mouselow Quarry

7.3.32 Over 30 separate representations were made on the Methodology Paper covering a wide range of issues including weighting, buffer zones, mitigation, local amenity impacts and impacts on ecology and the historic environment. One comment has been received relating to Mouselow Quarry, stating that account should be taken of any impact on the Peak District National Park which is located approximately 2km away. Details of the representations received, together with considered responses and outcomes for this Consultation is set out in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Drop- In Sessions, February 2017

7.3.33 The document referred to above also contains details of issues raised at drop- in sessions held by the MPAs in locations where new areas of working were being promoted by operators.

7.3.34 All responses received have been considered and where relevant used to inform the Proposed Approach set out at Section 8.

Duty to Co-operate

7.3.35 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the Minerals Local Plan the Councils have identified the following strategic cross-boundary issues relating to planning for the provision of Brick Clay.

- The supply of brick clay from Mouselow Quarry in Derbyshire to Denton Brickworks in east Manchester; and
- The supply of brick clay from Waingroves Quarry in Derbyshire to brickworks in Nottinghamshire and Leicestershire.

7.3.36 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure a continuous supply of brick clay to brick works lying outside of the Plan area and fed into the proposed approach set out below.

7.3.37 All Duty to Co-operate Issues together with the Stakeholders involved have been set out in the following Background Paper which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following Report.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Co-operate Report: Background and Progress, December 2017

Sustainability Appraisal

7.3.38 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017 and all of the sites that were promoted by operators. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

Where appropriate the findings of the SA have been incorporated into the Proposed Approach set out below.

Outcomes for the Proposed Approach: Brick Clay and Fireclay

Vision and Objectives

7.3.39 Chapter 3 of this Consultation contains the Plan's draft Vison and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The contribution that the individual draft policies set out in this Chapter will make towards achieving the overall draft Vision and Objectives of the Plan, are set out below the Policies for Brick Clay at the end of the Chapter.

7.3.40 The Rolling Consultations have included key Issues and Options that needed to be addressed in order to develop a Strategy for ensuring the supply of Brick Clay and Fireclay.

Issue: Making provision for an adequate and steady supply of Brick Clay

7.3.41 There are no national demand targets for the supply of brick clay but the Plan is required to make provision for an adequate and steady supply to support its likely use in manufacturing processes. To

support investment in maintaining or developing a new kiln, a 25 year stock of permitted reserves of brick clay should be maintained at individual brick or clay products works.

7.3.42 In order to maintain an adequate and steady supply of Brick Clay, three Options were put forward for consultation:

Option 1: Make provision through existing permitted reserves and allocated sites

Option 2: Make provision through existing permitted reserves and a criteria based policy

Option 3: Make provision through existing permitted reserves and allocated sites and a criteria based policy.

7.3.43 Options 1 and 3 received equal support. It is considered, however, that Option 3 should be the preferred approach for the following reasons. There are no national demand targets for brick clay; the plan has to make provision for the supply of both anticipated and unforeseen demand. Such demand may take the form of additional reserves required at an existing quarry to maintain supply or a new quarry to support a new brick or clay products works. There are currently no such works within the Plan area; the current brick clay quarries supply brickworks outside of the County. At Mouselow quarry which supplies Denton Brickworks we know that there is a need for additional reserves before the end of the Plan period and the operator, Wienerberger, is actively promoting an extension to the quarry.

7.3.44 Option 3 would provide both flexibility to meet unforeseen needs over the Plan period and the clarity and certainty of supply, through the allocation of sites where we know there is an identified need for additional reserves and known economically viable resources exist and operators/landowners are supportive and actively promoting minerals development.

Alternatives

7.3.45 Option 1 is unsuitable in that only one site has been promoted for allocation over the plan period and the MPA has insufficient information about the scale and commercial viability of the remaining resource that would enable the identification of sites, preferred areas or areas of search from which any other future provision of brick clay or fireclay could be made. This option, in isolation, therefore would not provide sufficient flexibility to meet any unforeseen increased demand for additional reserves of brick clay to be worked during the Plan period.

7.3.46 Option 2 would provide flexibility to meet both known and unforeseen needs for new working, however, it would not provide the same clarity and certainty of delivery that identifying specific areas of land would bring for both, companies and local communities and which NPPG prioritises as the way to ensure supply above preferred areas and areas of search.

Sustainability Appraisal

7.3.47 The Interim SA Report, November 2017 confirmed that Option 3 was the most positive for minerals providing both certainty through allocations and flexibility through a criteria based approach.

Outcome for the Proposed Approach

7.3.48 The Proposed Approach proposes to make provision for the supply of brick clay through existing permitted reserves; it also includes a criteria policy against which proposals for additional reserves will be considered and it will propose the allocation of any sites promoted by operators and considered acceptable for working, in principle, to commence during the Plan period to 2030. The allocation of specific sites is set out at Chapter 14 of the Plan.

Issue: A criteria based policy – proposed approach

7.3.49 Option 3 for the supply of brick clay would require a criteria based policy to be used to assess new proposals for brick clay working. Consultees were asked to comment on the components that such a policy should contain; no comments were received on this matter.

7.3.50 The suggested components were as follows:

A presumption in favour of proposals for the extraction of brick clay where additional reserves are required to meet an identified need for materials to supply a brickworks or clay products manufacturing site and where,

- they will contribute towards the maintenance of a landbank of at least a 25 year stock of permitted reserves and/or
- they are required to enable the appropriate blending of clays and/or
- they are required because of their particular chemical or physical composition.

7.3.51 In view of the lack of comments, it is considered reasonable to develop a policy approach in line with the ‘suggested components’ which accord with NPPF policies on planning for industrial minerals with particular regard to maintaining stocks of permitted reserves, allowing for blending and taking into account mineral specifications.

7.3.52 Additionally, whilst there are currently no brickworks within the Plan area, the Plan has to make provision for any unforeseen demand. In the interests of achieving sustainable development, the policy approach will include a requirement that, where possible, proposals for new brick clay quarries should be located as near as possible to the brickworks that they supply.

Outcome for the Proposed Approach

7.3.53 Include a criteria policy in the Plan to implement Option 3 in line with the components suggested above and contained in the Consultation Paper.[39]

39. Towards a Minerals Local Plan: Rolling Consultation 2014-2016: Towards a Strategy for Brick Clay and Fireclay, January 2015. [back]

Issue: Making Provision for the stockpiling of Brick Clay

7.3.54 The stockpiling of Brick Clay is a particular feature of clay working which can impact on the speedy restoration of sites. Responses to the Issues and Options consultation suggested that the MPA should look further at the most appropriate location for stockpiling i.e. at the quarry or at the brick works/clay products manufacturing site; some respondents felt that it was not always practicable or desirable to stockpile at the manufacturing unit. In the most recent Consultation Paper[40] consultees were asked to comment on the detailed wording of an emerging approach to clay stockpiling. No comments were received on this issue.

7.3.55 The suggested wording was as follows:

'Planning proposals will need to include evidence to support the proposed location for stockpiling brick clay. This evidence should have regard to matters such as , size of site, topography, surrounding land uses, transport etc.

7.3.56 Where proposals include the location of stockpiles at the excavation site provision should be made for their progressive restoration as material is removed in order to minimise their impact.'

7.3.57 In view of the lack of comments it is considered reasonable to develop a policy approach that accords with the 'suggested wording' which would implement the NPPF policies on planning for industrial minerals with particular regard to stockpiling.

40. Towards a Minerals Local Plan: Rolling Consultation 2014-2016: Towards a Strategy for Brick Clay and Fireclay, January 2015. [back]

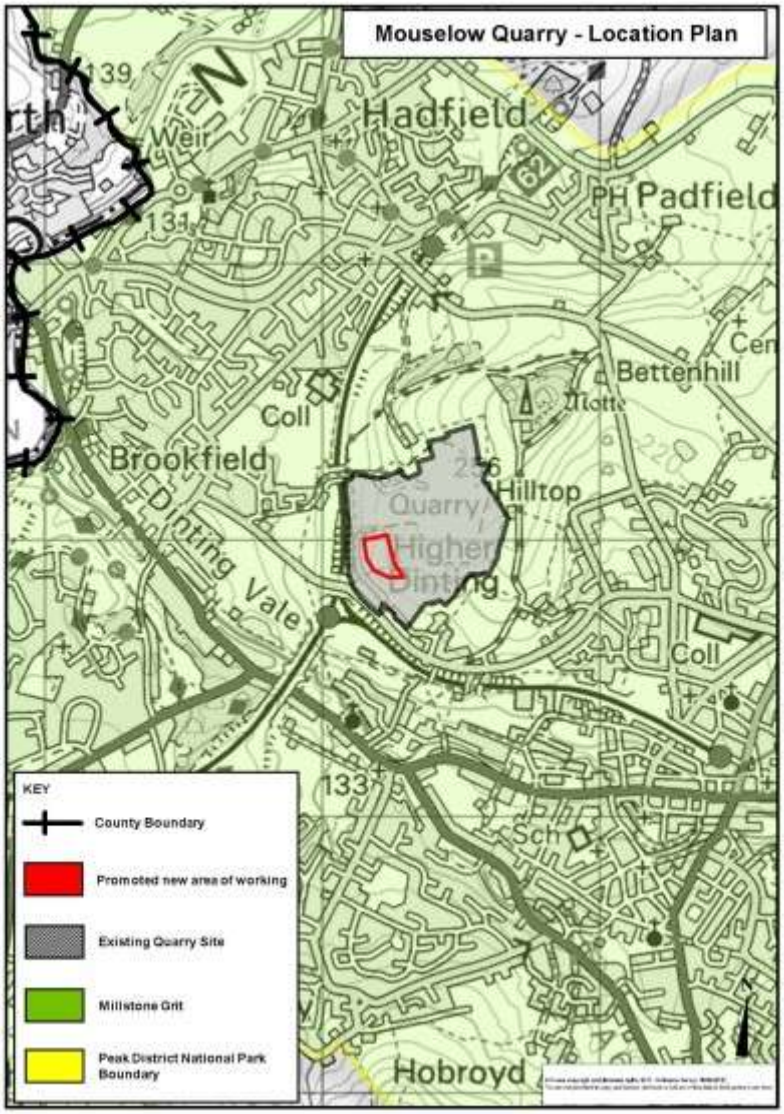
Outcome for the Proposed Approach

7.3.58 Include a policy in the Plan in line with the wording suggested in the Consultation Paper.

Issue: Specific Identification (Allocation) of Land for Brick Clay Working

7.3.59 Option 3 for the supply of brick clay would involve the specific allocation of sites for working where it is established that there is an identified need for additional reserves. The operator of Mouselow Quarry has indicated that additional reserves of high quality brick making shale will be required during the Plan period and is therefore promoting an extension to the area of extraction within the site boundary of the existing quarry as shown on the Map below.

7.3.60 In order to assess the suitability of promoted sites for inclusion in the Plan as allocations the MPA has prepared a Site Assessment Methodology and undertaken Assessments of the site. Further details of the assessment process and proposed site allocations are set out in Chapter 14.



Issue: Fireclay - Options for Making Provision for an Adequate and Steady Supply of Fireclay

7.3.61 Fireclay is not normally commercially viable on its own and almost all production is as a co or by-product of coal mining. In recognition of this the NPPF states that, coal producers should be encouraged to extract separately and, if necessary stockpile, fireclay so that it remains available for use.' In view of this, Consultees were asked whether the Plan should adopt the approach of taking into account the benefit of working fireclay resources in association with coal resources in determining the

overall acceptability of proposals for new coal working. No responses were received to this suggested approach.

Outcome for the Proposed Approach

7.3.62 In view of the lack of response and local steer, the MPA is reliant on national policy in formulating an approach. It is considered reasonable therefore to incorporate the need to make provision for the supply of fireclay in the development of a policy to allow for new coal working. Information on this policy can be found in Chapter 8 of this Plan.

Issue: Safeguarding Brick Clay and Fireclay Resources

7.3.63 The NPPF requires Plans to define Minerals Safeguarding Areas and include appropriate policies so that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development. Whilst clay, shale and mudstones are widespread, only limited deposits have sufficient qualities to make them economically important for the manufacture of bricks and clay products. The safeguarding of clay resources is addressed in Chapter 10 of the Plan.

Issue: Making provision for an adequate and steady supply of clay and shale used for other purposes

7.3.64 Clay and shale can also be used for engineering and environmental purposes i.e. capping and lining areas of landfill or lining water bodies and for general constructional purposes (fill). Generally, the extensive clay and shale deposits within the Plan area can be used to source these uses (although it is recognised that sometimes the specialist properties of brick clay or fireclay may be required for some construction purposes). Clay and shale for these purposes is often worked incidentally both in association with the extraction of other minerals and prior to non-mineral development or as borrow pits in association with major construction projects. The MPA therefore put forward an approach in the most recent Consultation[41] that the working of clay for such purposes should be dealt with by other policies in the Plan covering borrow pits, prior extraction and the incidental working of clay in association with other minerals. No responses were received on this approach.

> 41. Towards a Minerals Local Plan: Rolling Consultation 2014-2016: Towards a Strategy for Brick Clay and Fireclay, January 2015 [back]

Outcome for the Proposed Approach

7.3.65 In view of the lack of response and local steer, the MPA is reliant on national policy in formulating an approach. The NPPF and NPPG do not include specific policies about clay working in such instances. It is considered reasonable therefore to include general polices in the Plan which would cover the working of clay from borrow pits in association with construction projects and the incidental working

of clay in association with other minerals or prior to other development. These policies can be found in Chapter 9 of this Plan.

Proposed Approach: Policies for Brick Clay

Policy MS10 Brick Clay Provision

Proposals for the extraction of Brick Clay will be supported where additional reserves are required to meet an identified need for materials to supply a brick works or clay products manufacturing site and where:

- They will contribute towards the maintenance of a landbank of at least a 25 year stock of permitted reserves and/or
- They are required to enable the appropriate blending of clays and/or
- They are required because of their particular chemical or physical composition and where
- The need for stockpiling will not significantly delay the reclamation of the site.

Proposals that accord with the criteria set out in MS10 will be supported provided that

- They are extensions of time and/or physical extensions to existing brick clay pits/quarries or
- Where this is not possible, they are located as near as possible to the site where the clay will be used

Contributes towards achieving proposed Objectives

- **Objective 1 – Ensuring a Steady and Adequate Supply of Minerals**
- **Objective 2 - Delivering Sustainable Minerals Development**
- **Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development**

Policy MS11 Stockpiling Brick Clay

Planning proposals will need to include evidence to support the proposed location for stockpiling brick clay i.e. at the excavation site or processing site. This evidence should have regard to matters such as such as, size of site, topography, surrounding land uses, transport, etc.

Where proposals include the location of stockpiles at the excavation site provision should be made for their progressive restoration as material is removed in order to minimise their impact.

Contributes towards achieving proposed Objectives

- **Objective 5 – Minimising Impacts on Communities**
- **Objective 6 - Protecting the Natural and Built Environment**

Monitoring

7.3.66 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part.

7.3.67 Policy MS13 of the Proposed Approach requires an adequate and steady supply of brick clay to be maintained throughout the Plan period. The maintenance of stocks of permitted reserves (landbanks) is way ensuring supply. To support a brick works a 25 year landbank should be maintained in accordance with NPPF. Whilst there are no brick works within the Plan area there are brick clay quarries which export to works in adjoining authorities. The MPA will monitor brick clay supply as set out in the Table below and liaise with the relevant adjoining MPAs to ensure that supply is maintained. Further information on this issue can be found in the updated Duty to Cooperate Report[42] and in Chapter 15 of the Plan.

Table: Assessment of Stocks of Permitted Reserves (Landbanks) for Brick Clay

Brick Works and MPA Area	Quarry	Annual Brick Clay production in tonnes	Reserves at 31/12/2016	Current landbank to support works in years
Denton, Greater Manchester	Mouselow	45,000	180,000 (1,260,000)1	6
Kirton, Nottinghamshire	Waingroves	80,000	3,050,000 (2,800,500)2	35
Desford, Leicestershire	Waingroves	see above		see above
Measham, Leicestershire	Waingroves	see above		see above

Note 1 Reserve figure taken from EM1 0617 16 Pre Application Advice Statement, June 2017. Figure in brackets includes permitted lower shales which will be relinquished if additional reserves secured

Note 2 New reserve figure in brackets estimates annual production of 80,000 tpa for the years 2014-2015, 90,000 for 2016.

42. Towards a Minerals Local Plan: Winter 2017/2018 Consultation, Duty to Co-operate: Report of Background and Progress, December 2017 [back]

7.4 - Vein Minerals

Introduction

7.4.1 Vein minerals are a distinct type of mineral consisting of a crystallized ore within a wider band of host rock. The mineral veins with which we are most familiar are those of quartz and carbonate of lime. Within the County of Derbyshire (including the area within the Peak District National Park), lead was historically the major vein mineral worked, but in modern times the primary interest has been in fluorspar. The presence of a number of other vein minerals is also a common feature of the limestone deposits in the Plan area. Barytes is also often obtained from fluorspar workings, in varying proportions, as a secondary material. A lead ore (Galena) may also be present in these deposits and was sometimes used as a by-product. Calcite (calcium carbonate) is a common rock forming mineral and is the principal constituent of all limestones, including chalk, which largely consists of the fossil remains of marine organisms.

7.4.2 They are important for the many specialist industrial uses that can be made of them. They are valuable ingredients in the chemical, oil and steel industries and in modern high technology products. They are recognised as a mineral of national importance although there is no national policy specifically dedicated to the working of vein minerals. Vein minerals are subject to the general national policy which requires that mineral planning authorities make provision for an adequate and steady supply of such minerals, reflecting their importance to sustaining economic growth, but recognising they are a finite resource and should be worked in a manner which does not have unacceptable impacts on the environment and local communities. Further information about the geological formation of vein minerals, how they are mined and the uses to which they are put can be found in the following Background Paper.

Towards a Minerals Local Plan: Spring 2018 Consultation

Vein Minerals Background Paper, December 2017

Vision and Objectives

7.4.3 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms

of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented. The objectives of relevance to vein minerals are:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Objective 4 - Safeguarding Mineral Resources and Facilities

Objective 5 – Minimising Impacts on Communities

Objective 6 - Protecting the Natural and Built Environment

Objective 7 – Protecting the Peak District National Park

Objective 8 – Minimising Flood Risk and Climate Change

Further information regarding the Vision and Objectives is set out in Chapter 3.

Evidence Base

7.4.4 Derbyshire County Council and Derby City Council obtained information on vein minerals from a variety of sources (see the background paper referred to above for details) as a foundation for preparing the new Minerals Local Plan as a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000. A summary of the information obtained is presented below.

Global Production and Demand

7.4.5 Information about the production of vein minerals in the United Kingdom is limited with the most recent and accurate figures relating to the production of acid-grade fluorspar. Significant production of this mineral began at the beginning of the 20th Century, where demand largely derived from its use in steelmaking. Production increased in line with the rising demand for fluorine-bearing chemicals, which are ultimately derived from fluorspar. The peak in fluorspar production was 235,000 tonnes achieved in 1975, but output has declined progressively since the mid-1980s, due largely to the decline in demand by indigenous chemical and steel industries. Approximately 61,000 tonnes of acid-grade fluorspar was produced in England in 2005, falling to just under 37,000 tonnes by 2008 and 24,000 tonnes by 2014.

7.4.6 Internationally, the main fluorspar producing countries are China, Mexico, Mongolia and South Africa. World production was 9.3 million tonnes in 2011, falling to 6.4 million tonnes in 2015 with China producing about 59% of the total. Prior to the mid-1980s the UK was a net exporter of fluorspar but has subsequently become a net importer as indigenous supplies became less competitive. In 2010 imports of acid-grade fluorspar were restricted to Spain because of the elevated levels of heavy metals and phosphorous from other sources. Imports of metallurgical fluorspar are chiefly from Mexico and China.

7.4.7 The production of barytes has been closely linked to the oil and gas industry and world-wide production increased rapidly from the 1950s and 1960s. Latest available figures indicate world production of 9.3 million tonnes in 2011, falling steadily to 7.9 million tonnes in 2015. Although barytes is not uncommon in the UK, economic deposits are rare and the mineral has been extracted from only a few localities. Following the cessation of working in Wales, Shropshire, South Devon and the intermittent working in the Pennines, the major UK source has been the Foss mine near Aberfeldy in Scotland which opened in 1984 with a capacity of about 50,000 tonnes per year. Despite the decline in the oil and gas industry, demand in the UK outstrips supply and we are no longer self-sufficient in barytes, as indicated by the import of 89,500 tonnes of the mineral in 2010. The latest production figures indicate that 44,000 tonnes were produced in the UK in 2014.

7.4.8 Domestic sourcing of vein minerals is now a key issue. In 2008, the European Union declared fluorspar as one of the 14 endangered strategic minerals. A reappraisal is due shortly but it is expected that it will remain on the list. Fluorspar is included on the list as it is regarded as a critical mineral and one where there are uncertainties about the security of long-term supplies. China is the major producer but there are concerns that it may seek to retain domestic production purely for added-value use in China and therefore restricting future exports. Barytes was in the original EU top 30 critical list and the correlation of sourcing with fluorspar is such that concerns also remain for this mineral.

Vein Minerals in Derbyshire

7.4.9 Mineralised veins running through the Carboniferous Limestone of Derbyshire have been of economic importance for centuries. Within Derbyshire, the majority of vein mineral deposits occur within the Peak District National Park area. In the Plan area, the vein mineral deposits lie within the areas of high landscape value bordering the National Park (as classified by the 'Landscape Character of Derbyshire' first published in 2003), limited mainly to a line along the eastern edge of the Carboniferous Limestone around Matlock, Wirksworth and Brassington.

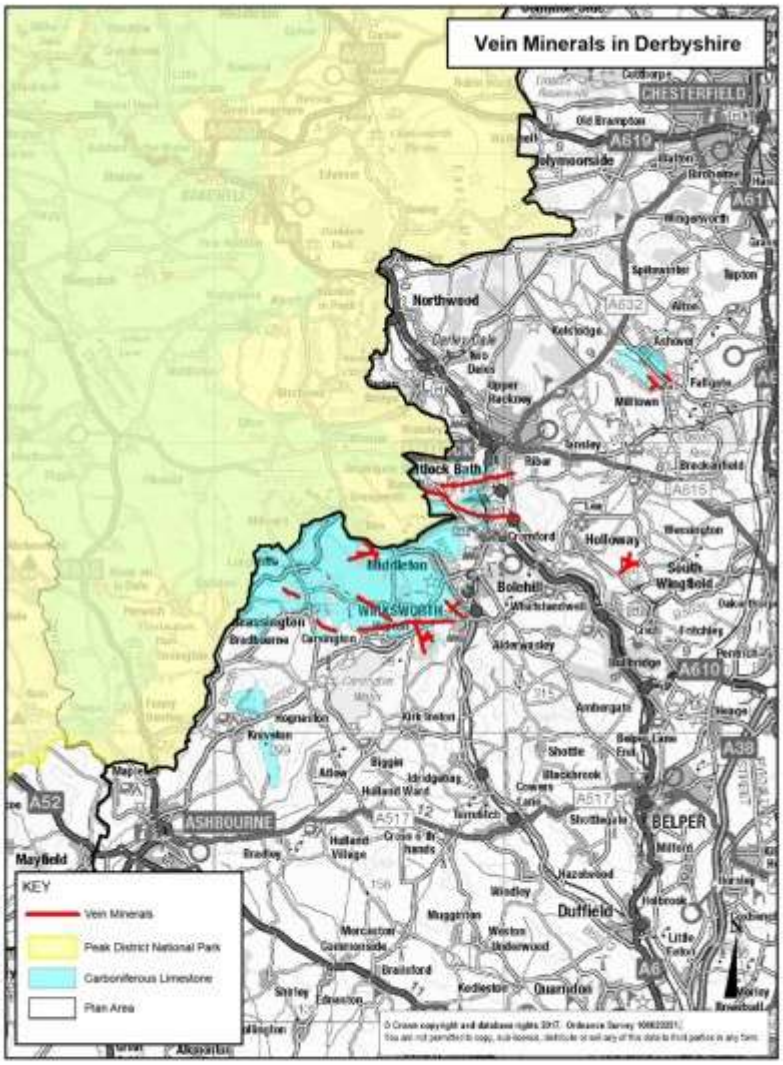
7.4.10 Mining activity has declined substantially over the last two decades and now the only extraction and processing activity in Derbyshire is in the Peak District National Park area which has also experienced a significant fall in production levels.

7.4.11 In recent years, fluorspar operations in the Peak District have largely been focused on the sites operated by British Fluorspar Ltd., who operate the country's only processing plant at Cavendish Mill near Stoney Middleton. The future of this operation has been in doubt on several occasions. In 1999 Laporte Minerals (owner at the time) announced the closure of their fluorspar operations in the Peak District, but it was subsequently acquired in 1999 by Glebe Mines Ltd. INEOS Fluor (a UK-based chemical manufacturer) took control of the business in 2007.

7.4.12 Extraction and processing then ceased in 2010, but once again following the purchase of the business by British Fluorspar Ltd in 2012, extraction recommenced at the Bow Rake/High Rake site on Longstone Edge. The company has also invested in the refurbishment of the Cavendish Mill processing plant.

7.4.13 Surface mining extraction of fluorspar by BFL ceased in autumn 2017. All fluorspar is now produced from the underground mine at Milldam Mine near Great Hucklow for which the Peak District

National Park Authority granted planning permission in 2015 to extend the life of operations to 2028 providing access to an estimated reserve of 2.4 million tonnes of ore. The permission also allows the output rate to increase from 60,000 tonnes per year to 150,000 tonnes. In addition, Furness Bros have been extracting and processing metallurgical spar on behalf of High Peak Spar Ltd. at Smalldale Head Quarry.



Current Planning Permissions and Potential Future Developments

7.4.14 Whilst it is known that further resources of vein minerals are present in the Plan area it is not possible to quantify the scale of the overall resource, the volume of potentially economic reserves or even the volume of vein minerals with outstanding planning permissions, as often the main permission relates to limestone extraction where vein mineral extraction is stated as an ancillary operation and where the volume of the vein mineral was not quantified. Potentially economic reserves with the benefit of planning permission remain in Ball Eye Quarry, Cromford, although the working of the veins is restricted by the terms of the main mineral planning permission which is for limestone extraction and

requires that any vein mineral extraction follows the limestone faces. The level of extraction at this quarry has been limited in recent years although the site owner has stated that the site is rich in fluorspar. No drilling has been undertaken to confirm the extent of the resource.

7.4.15 There are also some dormant vein mineral extraction sites at Ashover, Brassington, Matlock, and some other areas where the planning permissions have been revoked, including sites at Cromford and Milltown. Some areas of historical extraction have been worked out, yet are still covered by extant planning consents and some vein mineral deposits may simply be uneconomic to extract. Given the uncertainty surrounding these potential resources and the uncertainty over their future planning status, these sites have not been considered in the overall picture of supply.

7.4.16 A small amount of vein mineral (mainly barytes) is supplied from Slinter Top Quarry, Cromford. This amounts to approximately 20 tonnes a month.

7.4.17 The Peak District National Park is now the focal point of the fluorspar-barytes-lead vein mineral industry in the UK, being the sole location for current working. The largest permitted reserves are those which are accessible via the Milldam Mine at Great Hucklow. Vein reserves below Hucklow Edge, Bretton Edge and Eyam Edge are estimated to be more than 2 million tonnes. There are permitted reserves of at least half a million tonnes of fluorspar at Watersaw Mine (currently mothballed), the underground mine on Longstone Edge where the current planning permission permitted working until 2015 (and subject to a current application to extend its lifespan to 2028).

National Planning Policy Framework (NPPF)

7.4.18 In general terms, the NPPF states that, 'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'.

7.4.19 NPPF policy states that when preparing local plans, local planning authorities should identify and include policies for the extraction of mineral resources of local and national importance in their area. Vein minerals are a resource of national importance. It also states that local plans should set out environmental criteria, in line with policies in the Framework, against which planning applications will be assessed, so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment and other aspects.

7.4.20 With regard to the determination of planning applications, the NPPF states that local planning authorities should give great weight to the benefits of mineral extraction, including benefits to the economy, and, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside areas of particular merit such as National Parks. This is of particular relevance to the issue of vein mineral extraction in the Derbyshire area where the situation is affected by the scale and availability of vein mineral reserves with the benefit of planning permission for extraction from sites in the Peak District National Park area and the availability of processing plant close to those sites.

National Planning Practice Guidance

7.4.21 The National Planning Practice Guidance (NPPG) was published in March 2014 and contains revised and updated planning policy and practice guidance on a wide range of planning issues, including planning for the extraction of minerals. It acknowledges that minerals are a finite resource with restricted availability, such that locations where they are economically viable and where extraction would be environmentally acceptable may be limited. It also repeats the statement in the NPPF that minerals make an essential contribution to the country's prosperity and quality of life.

7.4.22 The NPPG states that mineral planning authorities should plan for the steady and adequate supply of minerals by one of three ways. In order of priority these are; designating specific sites where viable resources are known to exist, designating preferred areas (areas of known resources where planning permission might reasonably be anticipated), or designating areas of search for areas where knowledge of mineral resources may be less certain but within which planning permission may be granted. The last two options are not expected of National Park authorities. It also states that mineral planning authorities should recognise that there are marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals, which can have different implications for their extraction.

Derby and Derbyshire Minerals Local Plan, 2000

7.4.23 The relevant policy in the adopted Derby and Derbyshire Minerals Local Plan is Policy MP33; Vein Minerals, which states that:

'proposals for the working and processing of vein minerals will be permitted only where:

- the duration and scale of operations is limited to the minimum necessary to meet a proven need for the vein mineral
- the development can be carried out in an environmentally acceptable way and the least damaging means of production are employed
- the proposals are designed to avoid damage in the form of subsidence or landslips, and
- the waste disposal arrangements are acceptable particularly in relation to slurry from processing plants'.

Consultations Undertaken and Comments Received

7.4.24 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshops, 2009

7.4.25 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

7.4.26 These comments were taken into account in the preparation of the Issues and Options Report. The issues of relevance to vein minerals were those concerning how to make adequate and proper provision for future extraction and the role of the Plan area in reducing vein mineral extraction from within the Peak District National Park area.

Issues and Options 2010

7.4.27 The Issues and Options exercise recognised the world market for fluorspar and barytes but also noted that it is very difficult to plan for that need as demand fluctuates widely over time, the increasing availability and supply from other countries and the uncertainty, at the time, of the only processing facility of its type operating in Derbyshire at a site in the Peak District National Park. The exercise also recognised the inherent problems arising from the location of vein mineral resources which often corresponded with areas of high landscape value and the limitations of information about the scale and commercial viability of resources in the area.

7.4.28 The Paper proffered the scenario that the national need for these important vein minerals would support a case for allowing proposals for extraction but that this must be balanced against any impact of working on sensitive locations, the environment and local communities. In proposing how to manage provision for vein minerals it suggested the inclusion of a policy which set out similar criteria to those in the existing Mineral Local Plan policy (Policy MP33). All respondents agreed with this suggestion. Further information is available in the following documents:

Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010.

Responses to Derby and Derbyshire Minerals Local Plan Issues and Options Consultation, 2011.

Interim Sustainability Appraisal (SA) of the Issues and Options Paper 2010

7.4.29 The SA concluded that there are no distinct alternatives other than not to include a policy. Details of a criteria policy would determine the impacts of vein mineral working and the SA process could

influence the development of this policy without the need to consider alternatives. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

Interim Sustainability Appraisal (SA) Report, November 2017

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

7.4.30 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the provision for vein mineral extraction.

7.4.31This consultation exercise included a specific vein mineral based paper setting out a series of issues and options to help determine the approach of the new Plan to future vein mineral extraction. It recognised that vein minerals are a scarce, but very important resource due to the specialist uses to which they can be applied. It also recognised that the winning and working of these resources in Derbyshire has been on a small scale compared to other minerals, although the extraction operations have provided some economic benefits, but with some adverse impacts on the environment. The significance of these impacts has been particularly noticeable in those situations where the extraction sites were located in the more sensitive parts of the County. The demand for these minerals has varied in line with the fortunes of particular industries and domestic production has met growing competition from sources elsewhere in the world. Notwithstanding the uncertainties for future demand and production, it was acknowledged that it was important that the Minerals Local Plan sets out how provision can be made and how any proposals for the extraction of vein mineral reserves in Derbyshire in the future will be assessed and accommodated.

7.4.32 The consultation listed the factors that the MLP will need to take account of as follows:

- The small scale nature of the fluorspar and barytes industry compared to other minerals and the marked decline in domestic production over the last thirty years.
- The unpredictable level of demand for fluorspar and barytes in the United Kingdom.
- The availability of cheaper resources from other countries.
- The economic need for processing facilities to be located close to the sources of the raw material (due to the high cost of transport of the raw vein bearing ore).
- The high cost of the processing plant relative to the volume of material processed and the limited prospects for new facilities being established in Derbyshire.
- The availability of an existing and recently refurbished processing facility within the Peak District National Park.
- The existence of known and permitted reserves at new or partly worked sites in the Peak District National Park.

- The lack of permitted reserves in the rest of Derbyshire and the limited level of information about the location and economic viability of reserves in the area.
- The absence of interest from vein mineral operators in sites within Derbyshire outside the Peak District National Park during the last ten years or more.

7.4.33 The consultation also set out the main mineral related requirements and guidance of national planning policy as the framework for the range of options available for the approach of the new Plan. This summary included the recognition of the continued supply of important minerals to the economic prospects of the country, the benefits to maintaining modern standards of living from the use of those minerals, the preference to provide as much information as possible about the location of vein minerals in the area and the potential acceptability of extracting those minerals and the need to set out how future vein mineral extraction proposals will be assessed and determined. Accordingly the consultation indicated that it would:

- Include a Plan identifying those areas where vein minerals are known to exist, but
- Not attempt to assess and define the likely level of acceptability of extraction from sites in those areas, nor
- Set out any specific provision figure for vein mineral extraction over the Plan period.

7.4.34 The consultation repeated the question in the Issues and Options exercise, concerning the inclusion of a specific, vein mineral criteria based policy in the new Plan and the range of criteria that could be included in such a policy . In line with national policy, the consultation also sought to canvas opinion about a preference for future extraction of vein minerals to be focused on sites outside the Peak District National Park to help preserve the special character of that area. Further information can be found in the following documents:

Towards a Minerals Local Plan: Rolling Consultation 2015-2016:

Towards a Strategy for Vein Minerals, April 2016

Towards a Minerals Local Plan: Rolling Consultation 2015-2016

Vein Minerals Supporting Paper, April 2016

7.4.35 Only one representation was received which recognised the scarcity of vein minerals resources in Great Britain, which in turn supported the need to safeguard all known fluorspar resources in Derbyshire. Further details can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations and Responses, December 2017

Assessment of Comments and Outcomes for the Proposed Approach

7.4.36 The very limited number of responses meant that it was not possible to draw any conclusions directly from the consultation exercise. In the absence of responses and also by inference, any opposition to the approach set out in the consultation paper, the new Plan will include an approach to future vein mineral extraction in line with national policy and which generally maintains the approach of the existing Mineral Local Plan.

Duty to Cooperate

7.4.37 In order to obtain as much relevant information as possible about the scale, nature and location of vein mineral resources remaining in the United Kingdom and the approach of mineral planning authorities in those areas towards further vein mineral extraction, the Councils engaged in meetings and discussions with relevant authorities. We also corresponded with organisations and individuals with relevant knowledge and experience of vein minerals to develop our evidence base for the 2015/2016 Consultation exercise and for developing the emerging approach set out below.

Sustainability Appraisal

7.4.38 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning vein minerals. The SA concluded that:

> The list of site assessment criteria are wide ranging and ought to address and potential effects upon environmental and social factors. However, it is difficult to predict the extent of effects at this stage as no firm criteria have been established and the policy is also high level and not site specific. Nevertheless, positive implications have been recorded for biodiversity, land and water resources, heritage and landscape, air quality, flooding and communities and health. A neutral effect on the economy and housing is predicted. A criterion could potentially be added to the list of criteria to cover the potential for minerals development to ensure that local communities benefit from employment opportunities.

7.4.39 The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report 2017

The Proposed Approach

Identification of Vein Mineral Resources

7.4.40 The evidence base indicates that a variety of vein mineral resources are to be found in the Plan area and there is national and international demand for some of those particular minerals. However, the level of information available is insufficient to be able to identify with any reasonable level of certainty, any specific sites where extracting the resource would be both commercially viable and environmentally acceptable, so it is not possible to identify individual sites. Instead it is intended that the new Plan will maintain the suggestion put forward in the recent consultation exercise and include a Plan which identifies the areas where vein minerals are known to be present.

Scale of Provision for Vein Minerals

7.4.41 For the reasons set out above it is not practical to make a specific provision for future vein mineral extraction. It is not known how much vein mineral will be required by indigenous industries up to 2030 or how much of that unknown requirement will be met by imported supplies. In addition, and in the absence of detailed interest from mineral operators, it is not possible to indicate where and how much commercially viable vein mineral is available and in demand. Instead it is intended to maintain the approach of the existing mineral plan to set out a policy to determine any proposals for vein mineral extraction that do come forward.

Use of Policies to Assess Development Proposals

7.4.42 As it is known that vein mineral resources are present in the Plan area and in order to be able to determine the acceptability or otherwise of individual proposals that may come forward, it is intended to adopt the guidance of the NPPF and include a criteria based policy in the new Minerals Local Plan. It is also intended to maintain the approach of the existing mineral plan and include a specific criteria based policy for vein mineral developments. The manner in which vein mineral ore is hosted within other rock and the implications that has for the form of extraction and the impacts it could generate are considered to merit the use of a policy specific to vein mineral. In addition to addressing impacts the policy would also seek to minimise the volume of host rock that is extracted to limit potential adverse impacts and also set out requirements for post extraction restoration.

Policy for Vein Mineral Extraction

7.4.43 It is proposed to include a policy based largely on that in the adopted Minerals Plan, as set out below.

Policy MS12: Vein Minerals

Proposals for the working and extraction of vein minerals will be permitted, subject to the provisions of the Development Management policies of the Plan and where the applicant can demonstrate that:

- The duration and scale of the development is limited to the minimum necessary to extract the vein mineral
- The development can be carried out in an environmentally acceptable manner
- The proposals are designed to avoid damage from subsidence or landslips
- The proposals provide appropriate and acceptable means of disposing of any waste generated by the mineral extraction
- Any processing plant is located and designed to minimise its appearance in the local landscape and is removed on the completion of the extraction operations
- The proposal includes plans to demonstrate how the site will be restored in the context of the local landscape and the uses that will be made of the site post restoration

Chapter 8 - Supply of Energy Minerals

8.1 - Coal and Colliery Spoil

Introduction

8.1.1 Coal has been a very important mineral resource in the UK and has played a major role in the development of the country. It has been mined for several centuries to utilise the energy that can be obtained from its combustion and other forms of processing. That energy has been harnessed to fuel industrial development and it has also been one of the main sources of domestic heating.

8.1.2 The abundance of coal resources in the Plan area has shaped the way the county now looks and operates, particularly along the eastern area, around Swadlincote in the south and Glossop in the north-west. Coal mining has traditionally been one of the main employment sources in the area, providing up to 60,000 jobs in the 1950s and 1960s. As a result of the use of imported coal supplies and the move away from coal as a source of energy generation, the industry declined significantly thereafter and all deep mined collieries closed by the mid-1990s.

8.1.3 It is known that all UK coal-fired power stations are set to close by 2025, or move to using alternative fuels which would indicate a very limited demand for coal, other than for domestic heating, throughout the Plan period. However, future energy policy and the technologies that can and will be used to meet our energy needs are somewhat uncertain. Whilst earlier mining activity has removed and used significant quantities of coal, it is known that the Plan area still contains substantial resources which could be extracted by either surface mining or deep mining methods. It is possible that

circumstances could once again lead to a demand for that coal and it is important that the new Plan sets out the approach to any new development proposal that may come forward.

How is Coal Extracted?

8.1.4 There are two principal methods of extracting coal. Where coal seams are at shallow depths below the surface, i.e. within the 'exposed coalfield' area, the coal can be extracted by surface mining methods. Where the seams are deeper, underground methods are employed. The Coal Authority defines shallow mining as extraction at depths of less than 30 metres but surface mining can take place at much greater depths. Both methods have been used in Derbyshire, and in some cases both have been used at the same site with surface mining taking place at former deep mine collieries. Further information about the geological formation of coal, its' properties and how they affect the way it is used, and how coal is mined can be found in the following Background Paper:

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper – Deep Mined and Surface Coal Mining, December 2017

Vision and Objectives

8.1.5 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented. The policies in this chapter will seek to help deliver the following draft objectives of the Plan.

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Objective 4 - Safeguarding Mineral Resources and Facilities

Objective 5 – Minimising Impacts on Communities

Objective 6 - Protecting the Natural and Built Environment

Objective 7 – Protecting the Peak District National Park

Objective 8 – Minimising Flood Risk and Climate Change

Further information regarding the Vision and Objectives is set out in Chapter 3.

Evidence Base

Coal in Derbyshire

8.1. 6 There are two coalfield areas within Derbyshire shown on the Map below. The North Derbyshire Coalfield is the southern part of the much wider Yorkshire/ Nottinghamshire/Derbyshire Coalfield stretching from southern Leeds in the north to the Nottingham area in the south. The South Derbyshire Coalfield is part of the Midlands Coalfield, which extends from Staffordshire in the west through southern Derbyshire into Leicestershire. The coal seams vary in thickness up to several metres and, in Derbyshire around 30 seams in all are substantial enough to be worked commercially.

8.1.7 The South Derbyshire Coalfield is a north-west to south-east trending coalfield located to the south-east of Burton-on-Trent. It covers an area of 36km², and is contiguous to the west, beyond the Neverseal fault, with the East Staffordshire area of concealed coal measures. It is connected to the adjacent Leicestershire Coalfield to the east by the north-west trending Ashby anticline. Coals are known from the Lower, Middle and Upper Coal Measures. The main seams are the Upper Kilburn, Block, Little, Little Kilburn, (Over & Nether) Main, Little Woodfield, Lower Main, Woodfield, Stockings, Eureka, Stanhope, Kilburn, Fireclay and Yard. The seams in the South Derbyshire Coalfield are mainly high volatile and non-caking. There is very little variation in rank across the coalfield. Seams in the South Derbyshire Coalfield are fairly shallow, typically less than 450m in the deepest parts of the coalfield.

8.1. 8 Within Derbyshire, the shallow coal measures occur in a substantial tract of the County in the area around Chesterfield, between Bolsover in the east and the Peak District National Park in the west, extending southwards, east of a line from Holymoorside to Belper, as far west as Ilkeston. Around Swadlincote, shallow coal deposits occur in the area from Burton-on-Trent and Repton Common in the north to Measham, in Leicestershire, in the south. Shallow coal deposits also occur in the north-west of the County, mainly outside the National Park boundaries between Charlesworth and Whaley Bridge, but these are not, generally, of commercial quality.

8.1.9 There is also the underground coal resource; located to the east of the main Derbyshire shallow coal measures, below an area of Permian Limestone. Whilst there is no potential for surface extraction in this area (the thickness of the limestone beds would make this uneconomic), there may be some potential for either underground mining or alternative extraction methods such as coal gasification or coal bed methane extraction.

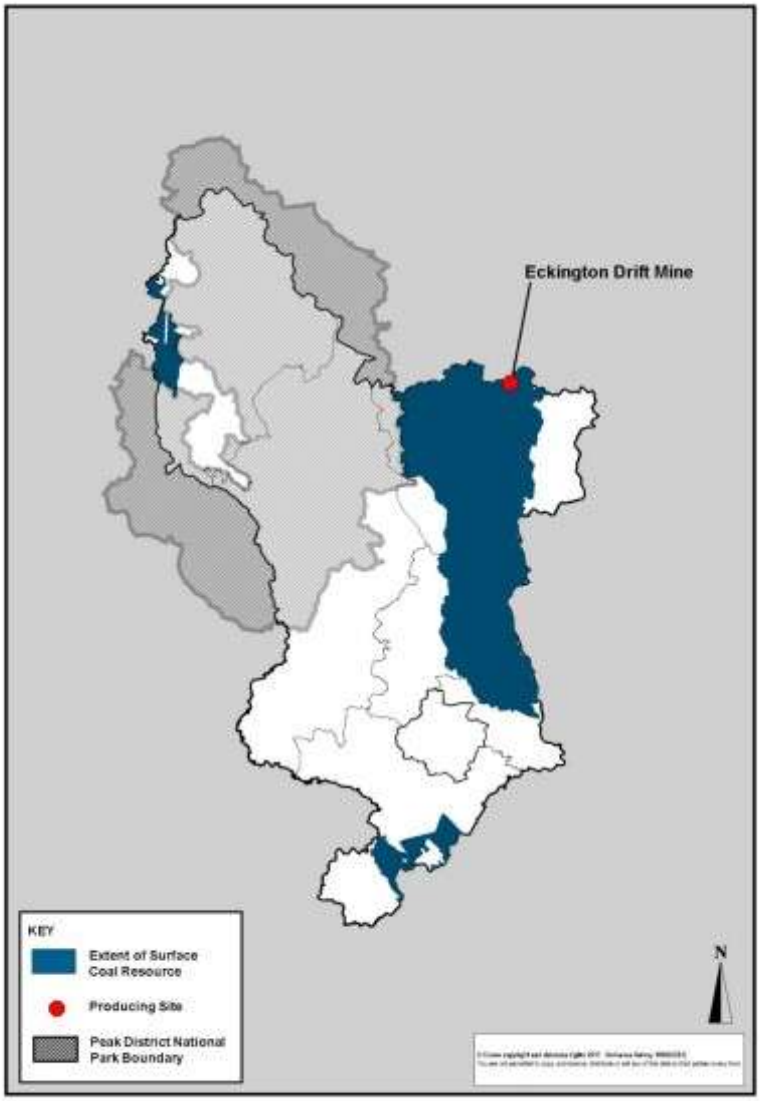
Coal Production

8.1.10 In 2016, global coal production reached a record level of 7460 million tonnes, down by 6.5% in comparison to 2015. Production of coal in the UK peaked in 1913 at 290 million tonnes. Thereafter, output declined, due in part to the loss of export markets during and subsequent to the First World War and also in part to competition from oil and other fuels. However, the UK remained a net exporter of coal until the early 1980s.

8.1.11 Production of coal in Derbyshire has fallen from over 2.6 million tonnes per annum in 1996 to about 200,000 tonnes in 2012, a decline of over 90%. Over that period, Derbyshire's proportion of

national coal production has fallen from over 5.1% to about 1.2%. The last traditional deep mined colliery in Derbyshire closed in 1993 so all recent production has been from surface coal mining operations, apart from a small drift mine near Eckington which produces up to 20,000 tonnes per year and operates by virtue of a planning permission that expires in 2023. At present there are no other coal mining sites in operation.

Derbyshire Surface Coal Resource and Operating Sites (December 2017)



National and Local Coal Related Policy

National Planning Policy Framework

8.1.12 National policy for the extraction of coal and the disposal of colliery waste is set out in the National Planning Policy Framework, which replaced most previous policy guidance and statements, specifically that in Mineral Planning Guidance Note 3: Coal Mining and Colliery Spoil Disposal, 1999.

8.1.13 In general terms, the NPPF states that, "Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation."

8.1.14 The NPPF includes advice on the need to balance the need for minerals with appropriate environmental considerations and sets out the broad approach to mineral plan making and procedures. Specifically in regard to coal, it states at paragraph 147 that minerals planning authorities should “indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable”. Further guidance is provided at paragraph 149 relating to the extraction of coal which states that, "Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission."

8.1.15 The main changes from MPG3 are the removal of the requirement to identify coal constraint areas, the omission of any specific mention of coal extraction in green belts and the addition of ‘national’ benefits to the consideration of coal extraction proposals. The NPPF does not contain any Government target for coal production, either from underground sources or by surface mining. It states that decisions concerning the supply of energy derived from different fuels is a matter for the markets, reinforced by long-term policy measures.

8.1.16 In addition, paragraph 147 states that mineral planning authorities should provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use. This issue is addressed in more detail in Chapter 7: Supply of Non-Aggregates, Brick Clay and Fireclay.

National Planning Practice Guidance, 2014

8.1.17 The National Planning Practice Guidance states that “The environmental impacts of coal extraction should be considered in the same way as for other minerals. However, both coal operators and mineral planning authorities must have regard to the environmental duty placed on them under section 53 of the Coal Industry Act 1994 when preparing and determining planning applications.”

8.1.18 In addition it states that underground mining can raise additional issues to surface coal mining which mineral planning authorities may wish to take into consideration. These are identified as; the potential effects of subsidence, including potential hazards of old mine workings; the treatment and pumping of underground water; monitoring and preventative measures for potential gas emissions; and the method of disposal of colliery spoil.

National Energy Policy

8.1.19 The Government position on national energy policy is now changing and evolving quickly in comparison to the situation in the last century. With its abundant reserves, indigenous coal was previously a very important element of the energy infrastructure of the United Kingdom. Whilst coal is still

an important element (at least in the short-term), it is now one of many options for energy production and of the coal that we do use, the proportion obtained from outside the UK has risen significantly in the years since the large-scale colliery closures of the 1980s. Issues about how we will produce energy in the future and how reliant on external sources of fuel we will be to produce that energy are matters of increasing importance. The Government has identified two long-term energy challenges which bring into question the role that coal will play in the medium term over the Plan period and thereafter:

- Tackling climate change by reducing carbon dioxide emissions both within the UK and abroad as part of wider EU initiatives; and
- Ensuring secure, clean and affordable energy as we become increasingly dependent on imported fuels.

8.1.20 Whilst the Department of Trade and Industry paper, Meeting the Energy Challenge, 2007 stated that England, Wales and Scotland's substantial remaining coal reserves have the potential not only to help meet our national demand for coal and to reduce our dependence on imported primary fuels, but also to contribute to the economic vitality and skills base of the regions where they are found, the position of coal is also influenced by other external forces. Industry responses to the Large Combustion Plant Directive indicates that the number of coal-fired power stations in the UK is set to decline throughout the Plan period as some have decided not to invest in the emission reduction features required for longer-term use.

8.1.21 The draft National Policy Statement for Energy, published in 2009, builds on the 2007 Energy White Paper. Together they form an evolving international and domestic energy strategy in response to the changing circumstances in global energy markets. They set out to address the long-term energy challenges of security of supply, whilst acknowledging the implications of climate change. Whilst emphasis is on the development of renewable energy supplies, the Government recognises the important and continuing role that coal will play in meeting national energy requirements. It is seen as a flexible source of energy generation, an alternative to an over dependence on gas and as a back-up to intermittent renewable energy supplies.

8.1.22 These issues were highlighted in Government statements leading up to the publication of the 2009 Energy statement. In a written reply to the House of Commons on 18 November 2008 Mike O'Brien, Minister of State for Energy and Climate Change stated that "coal needs to remain an important part of our energy mix. It provides the most flexible generation (increasingly needed as back up as the percentage of intermittent renewables increases in the overall mix) and an alternative to over dependence on gas. We are supporting development of clean coal technologies including carbon capture and storage (CCS), higher efficiency processes, and co-firing with biomass. Our ambition is to see CCS commercially deployable by 2020. The extent of coal's future use will depend on decisions by operators and technological development". It would now appear that CCS will not be progressed, casting further doubt on the future of coal as a major energy generation source.

Energy Act 2013

8.1.23 The Energy Act received final assent on 18 December 2013. The Act has several objectives and in relation to hydrocarbons it seeks to make provision for the setting of a decarbonisation target range

and duties in relation to it; or in connection with reforms to the electricity market for purposes of encouraging low carbon electricity generation, or ensuring security of supply. It is also about the designation of a strategy and policy statement concerning domestic supplies of gas and electricity. It does not actually proscribe a new strategy or policy at this stage but instead sets the procedural requirements for doing so. It is likely however that future policy and strategy will reflect the overall objective of the Act to reduce our carbon footprint and in turn this will affect the future demand for fossil fuels, including coal.

Written Ministerial Statement November 2015, 'Priorities for UK Energy and Climate Change Policy'

8.1.24 This Written Ministerial Statement (WMS) was presented to Parliament in November 2015 by the Secretary of State for Energy and Climate Change. The WMS does not change national planning policy or guidance but it does set out Government thinking on the approach to energy supply. The Secretary of State stated that one of the greatest and most effective contributions we can make to emissions from electricity generation is by replacing coal fired power stations with gas. The programme was to be subject to consultation but indicated a restriction on the use of coal by 2023 and the possible closure of all coal-fired power stations by 2025. This was subject to the development of the infrastructure to enable the shift to take place. This could have implications for the UK onshore oil and gas industry and the utilisation of indigenous resources.

Derby and Derbyshire Minerals Local Plan 2000 (amended in 2002)

8.1.25 Local policy is set out in policy MP27: Coal Extraction and Colliery Spoil Disposal, of the Derby and Derbyshire Minerals Local Plan. It was based on national policy of the period and stated that coal extraction and colliery spoil disposal proposals would not be permitted unless the impact on the environment was acceptable, or capable of being made so by conditions or obligations. Exceptions were permitted where it could be demonstrated that the impact would be clearly outweighed by local or community benefits that the development would provide. The policy sets out tests and factors to be used in the assessment of impacts and benefits.

Environmental Issues of Coal Mining

8.1.26 The experience gained by the County and City Councils in processing coal mining development proposals and from the messages provided by the people of Derbyshire in response to previous local plan consultation exercises have enabled the identification of the main environmental impact issues that will need to be taken into account in the development of the approach of the new Plan to future coal mining and the form and content of any policy or policies to be used to determine development proposals.

8.1.27 The relevant impacts are as follows:

- Visual intrusion
- Noise
- Dust
- Transport
- Impacts on the water environment
- Impacts on ecology
- Impacts on agricultural land
- Impacts on heritage and archaeological features
- Ground stability and subsidence
- Rights of way and recreation facilities
- Cumulative impacts

Social and Economic Impact of Coal Mining

8.1.28 In addition, coal mining can give rise to social and economic impacts. Social impacts can be experienced by the community or communities who live and work close to a mining development. Impacts can be direct and physical, such as the loss of local facilities, including footpaths and recreational areas or the loss of the ability to visit and enjoy an area of countryside. Other impacts can be ones perceived by the community at large which affect the quality of life and their living experience. The perception of these impacts will be greater where the community has experienced other similar effects in the past. This relates to the issue of cumulative impacts which is addressed below.

8.1.29 In contrast, where mining activity has formed the main focus of an area, the sudden loss of a mine, the jobs it provided and the income it generated can have adverse social implications. Where the mine was the main reason for the existence of a settlement, the impact of the loss could be profound leading to the decline of the area and deprivation.

8.1.30 There are a number of direct economic benefits which are derived from coal mining. The coal produced has a value which contributes to the national, gross domestic product. Coal produced in this country contributes to our energy requirements and also reduces the amount we need to import, which helps to reduce our international trade deficit. The income derived also contributes to the profitability and viability of the operating company. Coal mining developments create job opportunities, although for surface mining the jobs are limited in duration. Surface mining companies normally maintain a group of key staff with particular skills and knowledge who travel from site to site and not all of the employment opportunities may be available to local residents. Nevertheless the presence of the additional income will result in an increase in spending in the area.

8.1.31 Mining developments can also give rise to negative economic impacts. The main issue is the potential discouraging effect on the economy of an area by the presence of mining activity. The decline of the Derbyshire coal industry left many areas suffering long-term adverse social, environmental and economic effects. Many initiatives have been brought forward during the last 40 years to help regenerate these areas. The focus has been on measures to improve the image of the area, to encourage economic

regeneration and assist in alleviating economic and social deprivation. Some former colliery sites have been redeveloped as new industrial estates, providing alternative employment opportunities. Observations received by the County Council in response to coal mining development proposals indicate that some people consider the introduction of further mining activities in areas where regeneration activities are in train would deter developers from moving to the area, stifling the success of such initiatives.

Cumulative Impact of Coal Mining

8.1.32 This is a particularly important issue for the former coalfield areas of the County where the long-term cumulative effects of previous and ongoing mining and other traditional industries has made it more sensitive to further development. These areas have suffered from the presence of the underground and surface mines. They have suffered the visual effects of the mines and associated tips and other ancillary facilities, from the adverse impacts on the landscape, on the quality of the environment and the overall image of the area. These impacts have often been exacerbated by the simultaneous presence of other heavy industries which utilised the coal obtained from the mines. The loss of the mining industry and associated businesses has also left a legacy of environmental pollution and degradation, of social deprivation and inequalities and profound impacts on the economies of the respective towns and villages.

8.1.33 The sensitivity of these areas to further adverse impacts will be an important element in the determination of future mining proposals. The ways in which the sensitivity of an area will be assessed and how cumulative impacts could be evaluated will be addressed in a separate paper.

Consultations Undertaken and Comments Received

8.1.34 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshops 2009

8.1.35 We held a stakeholder workshop in 2009, which scoped the issues that the MLP should address. At this event, people recognised and identified the need for mineral extraction, provided that its social and environmental impact is minimised.

8.1.36 These comments were taken into account in the preparation of the Issues and Options Report. The group identified that the importance of coal as an energy mineral could increase over the Plan period due to the need to provide greater security over energy production, but this was balanced by the need to reduce the impacts of climate change.

Issues and Options 2010

8.1.37 The Issues and Options exercise identified two coal related issues. These were firstly, the areas where future coal extraction could take place and, secondly, the continued use of surface mining restraint areas.

8.1.38 For the former issue it was suggested that the most appropriate manner in which to deal with the issue would probably be to indicate the general extent of the shallow coalfield and define within that area the main areas of environmental constraints. Beyond this, a criterion based policy such as that in the Minerals Local Plan would most likely be the most appropriate route by which to assess individual proposals. All respondents agreed with this approach.

8.1.39 The approach to the second issue referred to national guidance at the time which advocated that areas of the coal resource where working would be unacceptable should be shown. In support, it stated that the application of Constraint Areas in the current Minerals Local Plan had been an effective way of protecting areas of environmental importance. In contrast, the exercise recognised that the use of Constraint Areas may have had adverse consequences for other areas and canvassed opinion on their continued use. In response 80% favoured their continued use. Further information can be found in the following documents.

Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010.

Responses to Derby and Derbyshire Minerals Local Plan Issues and Options Consultation, 2011.

Interim Sustainability Appraisal of the Issues and Options Paper 2010

8.1.40 The Interim Sustainability Appraisal concluded that a criterion based policy should be adequate to avoid sterilisation of coal resources, particularly in light of the lack of technical information about the location, scale and viability of those resources. It was also considered an appropriate approach in climate change terms by not pre-empting the use of coal in preference to other alternatives. It was considered that the designation of constraint areas would protect the most sensitive areas with positive implications for biodiversity, landscape, heritage and natural resources. In contrast, the lack of detailed information about the extent of constraints could mean that non-designated areas with unknown constraints could be more vulnerable to development pressures.

8.1.41 The full Appraisal is set out in the following document:

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

Interim Sustainability Appraisal (SA) Report, November 2013

Towards a Minerals Local Plan – Rolling Consultation 2015/2016

8.1.42 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the provision for coal extraction and related developments.

8.1.43 This consultation exercise contained three coal mining papers; including a background support paper and two separate strategy papers for surface mining and deep coal mining. The support paper provided facts and figures together with historical coal mining information, and a review of current national and local policy. It also identified the planning issues pertaining to coal mining.

8.1.44 The two strategy papers identified a series of topic related issues and then set out options to help develop the approach of the new Plan to future coal mining developments. As a context for the issues and options put forward, the deep mine paper identified the factors which may need to be taken into account and the issues to be addressed in developing an approach for the provision of deep mined coal and the policies which will apply in the assessment and determination of future planning applications for coal development over the Plan period. These were to:

- the volatility of the price of coal
- the impact of the Large Combustion Plant Directive on the future demand for coal
- the role of CCS in enabling coal to continue to be used as a raw material for the generation of electricity
- the need for indigenous coal against the availability of imported sources at lower prices
- the limited amount of information available to the Councils about the location and level of coal resources in the area and the economic viability of extraction
- the future, if any, of deep mine working in the country as a whole
- the adverse impacts of subsidence from deep mined coal extraction
- the scale of further surface working during the Plan period
- the impact of extraction on the environment and local communities, particularly the cumulative impact on those communities with a long history of previous mining activities or other traditional industries which have had an adverse impact on the area concerned
- the development of a policy approach, including detailed criteria, which would be used to assess and determine future coal extraction applications
- the definition of potential benefits, how they should be assessed and the role to be played in the determination of proposals for new working
- the development of policies to be adopted to inform and guide the reclamation of extraction sites to acceptable standards

- the overriding requirement of the NPPF that all local plans take full account of the viability and deliverability of their proposals and do not impose restrictions that adversely affect these requirements.

8.1.45 The issues set out for deep mined coal extraction included a) how the Plan could make provision for possible future colliery developments, b) how to develop a policy for such development proposals, c) whether it was necessary to have a separate policy for deep mined coal developments and, d) if so, what tests and criteria should it include.

8.1.46 The issues set out for future surface mining included, a) how to identify possible extraction areas, b) the use of constraint areas, c) how to approach the provision for further coal extraction, d) need for a surface coal mining policy separate from deep mining, e) the matters to be included in such a policy, f) the methodology for the assessment of cumulative impacts, g) how to assess the benefits of coal extraction, h) guidance on prior coal extraction in advance of other developments and, i) the approach to the working of former colliery spoil tips. The full details can be found in the following documents:

Towards a Minerals Local Plan – Rolling Consultation 2015-2016:

Towards a Strategy for Coal and Colliery Waste, December 2015

Towards a Strategy for Deep Mined Coal, December 2014

Assessment of Comments

8.1.47 A limited number of responses were received to the consultation on deep mined coal extraction. There was some support for having a separate policy but also opposition on the basis that a general coal policy based on national guidance should suffice.

8.1.48 In comparison, there were significantly more responses to the surface coal mining consultation. Eight individuals or organisations provided written responses with a further forty-one respondents providing comments via the website. Of the written responses:

- Four respondents support the option of identifying the shallow coal resource and listing the constraints to coal mining development to assess any future proposals for extraction.
- There is support shown for the option of not identifying surface mining constraint areas in the Plan.
- Respondents agree that the proposed sustainable principles for coal extraction are correct and should be related to NPPF.
- There is support for a general policy for cumulative impacts covering all minerals rather than there also being a separate one for coal.

8.1.49 Other responses (submitted electronically) supported the proposed approach and reflect the support for the various options as indicated above. Further details can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Duty to Co-operate

8.1.50 The Duty to Co-operate was created by the Localism Act 2011 which places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross-boundary matters. This is embodied in the NPPF and NPPG. The distribution of coal resources in the UK and the energy needs of the country represent significant cross-boundary matters for this Minerals Local Plan and those of neighbouring authorities. Details of the Duty to Co-operate issues identified to date can be found in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Cooperate Report: Background and Progress, December 2017

8.1.51 The Councils have undertaken discussions with neighbouring authorities with an interest in coal related issues. The outcome of these discussions so far is that the authorities have jointly agreed to set out how they will proceed to ensure the development of a consistent and complementary approach towards minerals policy, to new development and proposals, and to undertake joint monitoring and evidence base production as required.

Sustainability Appraisal

8.1.52 A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, November 2017

8.1.53 The SA considered that there would be benefits from the identification and allocation of sites for coal extraction but acknowledged that it was not a realistic option given the limitations on the information available. It considered that the option for identifying the area of the known coal resource does not assume that the coal would be extracted and enables the setting of criteria that ensure extraction is concentrated in areas where environmental impact is acceptable and which reduces the need to travel. In terms of climate change it concluded that it is desirable to encourage the use of alternative sources of fuel, so allocating sites would not be attractive in this respect as it pre-empts the use of coal, although allocation could be good for the economy. With regard to the potential approach for deep mined coal it

concluded that, generally, the inclusion of a policy was positive as it would help to set out what was expected of proposals.

The Proposed Approach

Identification of Future Coal Extraction Areas

8.1.54 Although limited in number, respondents favoured the option for the Minerals Local Plan to identify on a map, the general extent of the shallow coal resource and also to identify the main constraints, although the way in which the constraints would be presented was not established. This approach would not conflict with the policy and advice in the NPPF and NPPG, which, unlike the situation for some other minerals, does not require the identification of specific areas or sites for future coal extraction or set out the need for a specific landbank provision figure.

8.1.55 This option could be achieved within the information which is available to the County and City Councils. It would represent a flexible approach where all the remaining coal resources (in effect one large area of search) could be subject to appropriate, detailed consideration and would avoid imposing any targets or limits on the amount of coal that could be extracted. It would not automatically exclude any of the resource from future consideration. It would also avoid the potential for planning blight arising from the identification of specific sites or areas for future coal working. In accordance with the advice in the NPPF, the responsibility for developing individual proposals would be placed in the hands of the mining industry. Whilst the identification of specific sites for future coal extraction would be of benefit to the industry, the information that would be required to do so is not available to the mineral planning authorities.

Surface Mining Constraint Areas

8.1.56 The use of surface mining constraint areas was a feature of the current minerals plan and there was support in the Issues and Options consultation for their continued use. Whilst it was known that their further use is not included in the NPPF, the issue was presented in the consultation exercise so that the reasons why they were no longer advocated could be explained and to examine what alternatives may be available. The consultation repeated the stated reason that such a designation would not now grant any statutory, additional levels of protection to the particular areas. Designation would not mean that all planning applications for coal extraction on sites falling within constraint areas would be automatically refused. For these reasons, surface mining constraint areas will not be used in the new Plan and no practical alternative has been put forward. Planning applications for coal mining developments in all parts of the Plan area will be assessed and determined against the criteria set out in the relevant policies.

Sustainable Principles for the Provision for Coal Extraction

8.1.57 Coal mining has been a major aspect of the mineral industry of Derbyshire for a long time and has affected the lives of many people in the area, possibly more so than any other industry. Whilst the industry has now declined to the point where it is no longer active, apart from one small development, it remains a very important issue for the area and the emerging Plan. The area still contains large resources which may, at some point in the future, become the focus of further developments. It was in recognition of this that the consideration of sustainable principles for the provision for coal extraction was included in the consultation exercise. This was a deliberate choice in addition to the inclusion of issues relating to the form and content of policies for the assessment and determination of development proposals. The intention was to determine the sustainability principles which would form the foundation of the policies prior to the establishing their specific formulation.

8.1.58 The sustainability principles set out in the consultation are specific to coal mining and are in addition to the more general sustainability principles that will be included for the Plan as a whole. It is intended that these principles, as set out in the consultation, will be incorporated into the new Plan.

The Need for a Specific Criterion Based Policy for Coal Extraction and Related Development Proposals

8.1.59 In addition to the identification of the sustainable principles for coal mining developments, the consultation sought to determine whether or not the new Plan should continue to include a separate policy setting out the criteria and minimum requirements for coal mining and related development proposals.

8.1.60 The NPPF requires that local minerals plans should set out environmental criteria against which planning applications for all types of mineral development will be assessed, although it does not prevent the use of additional policies for the assessment of specific minerals such as that provided by Policy MP 27: Coal Extraction and Colliery Spoil Disposal of the adopted Derby and Derbyshire Minerals Local Plan. In response to the options put forward people indicated a preference for the inclusion of another policy with similar requirements.

8.1.61 Given the support for the continued use of such a policy and the effectiveness of the current policy over the last 17 years it is intended that the new Plan will include a similar policy which has been updated to accord with current national planning policy.

In Addition to the Environmental Criteria Policy, What Additional Matters Should be Included in a Separate and Specific Coal Development Policy?

8.1.62 It was recognised that the terms of the current coal development policy did not match those in the more recent guidance in the NPPF and it was considered appropriate to canvas opinion on all the matters which could be included in a new policy. Whilst the NPPF had added national benefits to those to be considered in the event of a development proposal being assessed to generate unacceptable environmental impacts it was considered that a policy based solely on those elements listed in the guidance may not wholly reflect the range of coal issues pertaining in Derbyshire.

8.1.63 In recognition that, historically, coal mining operations have, and would probably continue to have further economic and social implications, the consultation included an option for such issues be included in the coal related policy. It was acknowledged that the NPPF guidance highlighted the environmental factors that could be taken into account but in the case of coal mining it was considered that this would not encompass the social and economic aspects which actually form integral parts of the definition of sustainable development. It was considered that any coal policy for the area should take full account of all the potential benefits and costs of coal related development. Based on the comments received and the need to make the Plan fully reflect the circumstances of the area it is intended that these elements be included in the coal policy.

Methodology for the Assessment of Cumulative Impacts

8.1.64 This issue was the subject of a separate and specific consultation topic, but due to the importance of cumulative impacts in Derbyshire and the connection to the local coal mining industry over a long period, it was considered appropriate to repeat the options here for the benefit of those who may have missed that part of the consultation exercise. The continued consideration of cumulative impacts as part of the development management process was supported and the way forward on this subject is provided elsewhere in the coverage of that part of the consultation exercise.

How to Assess the Benefits of Coal Extraction and Other Coal Related Developments

8.1.65 The NPPF states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission. This adds national benefits to the list of benefits included in the existing policy (MP27) in the adopted Derby and Derbyshire Minerals Local Plan which increases the need to reassess the approach of the new Plan.

8.1.66 The NPPF does not define the range of benefits in each category and does not advise how to assess those benefits or how to weigh them against adverse impacts, so the consultation exercise included this as an issue to help develop the approach of the new Plan to this matter.

8.1.67 The determination of all development proposals involves an assessment of the respective benefits and any adverse impacts, and decisions often rest on the balance between the two. The point at which the value of national, local and community benefits of coal mining developments could outweigh any adverse impacts is difficult to determine but it is a judgement that the mineral planning authorities will have to make. It is therefore important that the MLP provides an appropriate framework for these decisions.

8.1.68 Two options were presented. One adhered to the terms of the NPPF where benefits were not further defined and the consideration and assessment of any benefits would be on a case by case basis, taking account of local circumstances and consultation with the local community. The second option would be based on a policy where the range and nature of acceptable community and local benefits that

will be taken into account would be defined and which included guidance on the level of benefits that would need to be achieved to offset and outweigh adverse environmental impacts.

8.1.69 The consultation listed the most obvious and common benefits and drew a distinction, where appropriate, between those benefits that would be derived directly from the development and could not be delivered otherwise, and those benefits that have been offered by developers but do not stem from the development itself.

8.1.70 No conclusions could be drawn from the consultation responses on this issue.

Prior Extraction of Coal

8.1.71 Due to the abundance of shallow coal measures in some parts of the County it is likely that there will continue to be some non-mineral development proposals where it will be necessary or expedient to extract and remove the coal lying close to the surface prior to the development proceeding. This can be for a variety of reasons, including structural integrity issues where it is necessary to remove the soft coal to ensure that buildings have suitable foundations, and for health and safety reasons where the removal of the coal or the treatment of old mine entrances would prevent the release of contaminants or gases into the new buildings. An added benefit of the prior extraction of coal at that stage is that it would provide an amount of coal and avoid the long-term and possibly permanent sterilisation of those reserves.

8.1.72 The issue of safeguarding of all important mineral resources was explained in a separate paper; Minerals Safeguarding Supporting Paper, September 2014, and the objective of this consultation was to determine whether or not the MLP should include a specific policy concerning situations where there may be a need to extract coal close to the surface prior to another development.

8.1.73 Government policy supports the prior extraction of coal in principle. The NPPF requires local planning authorities to set out policies to encourage the prior extraction of all minerals, where practicable and environmentally feasible, if it is necessary to enable non-mineral development to take place. The existing Derby and Derbyshire Minerals Local Plan includes two policies which refer to the prior extraction of minerals. Policy MP17 refers to the prior extraction of minerals in general, whereas Policy MP27 focuses on the prior extraction of coal only. Responses to the Issues and Options consultation favoured a preference to continue with this approach, but it is necessary to revisit the subject in light of the NPPF and to obtain your current views as to the approach we should take now.

8.1.74 Only limited responses were received on this issue but in light of the importance of the coal industry to the area it is likely that the new Plan will maintain the approach of the existing MLP and retain a general prior extraction policy and a separate one for coal, setting out the criteria for acceptability.

Reworking of Colliery Spoil Tips

8.1.75 The NPPF does not address the issue of the reworking former colliery spoil tips directly but it does advocate the sustainable and prudent use of our mineral resources. In this respect it highlights the advantages of using secondary materials in preference to the extraction of primary materials. It therefore

gives implicit support for this form of development. Responses to the Issues and Options consultation exercise indicated support in principle for the reworking of old tips and favoured the inclusion of a criterion based policy to determine the acceptability of development proposals. Policy MP15 in the current adopted Minerals Local Plan refers to the working of former tips but specifically excludes developments for the purposes of producing secondary aggregates. The guidance and tests it provides are also limited, being restricted to stating that proposals where the land has been satisfactorily reclaimed or naturally re-generated to an acceptable degree will be considered as a new proposal on a greenfield site.

8.1.76 The coal processing plant used at collieries in the 20th Century were generally inefficient by modern standards and resulted in substantial quantities of coal being deposited in the spoil tips along with other discarded materials. Advances in coal processing technology now make it possible to recover the coal from these tips, although the viability varies in accordance with the price of coal and the quantity available. Some of the tips also contain other materials which were previously regarded as waste (for example red shale) but are now in demand. Whilst many of the former colliery tips in the plan area have been removed or restored a number of substantial sized tips remain and could be the subject of proposals to rework them in their own right, or for removal/re-contouring as part of a wider development proposal. Coal and other material obtained from these tips could help reduce the need for resources from other sites.

8.1.77 The recent consultation put forward two options; one continuing the current approach and the other not to have a separate policy for the reworking of former colliery tips but to rely on the criteria in a general policy covering all former mineral waste tips. Only a limited number of responses were received on this issue but in the absence of any desire to the contrary and to reflect the importance of the issue it is likely that the new Plan will continue the approach of the current adopted minerals local plan.

Coal Policies

Policy MS13: Coal Extraction and Colliery Spoil Disposal Criteria

General Considerations for Coal Mining and Colliery Spoil Disposal

Proposals for the extraction of coal by surface mining methods or deep mined coal and the disposal of colliery spoil will only be permitted where the applicant can demonstrate that the development satisfies the following requirements:

- that it is environmentally acceptable, or can be made so by planning agreements and obligations; or
- that it provides national, local or community benefits of a scale which clearly outweigh the likely impacts sufficient to justify the grant of planning permission.

Policy MS14: Reworking of Former Colliery Tips

Proposals for the extraction of coal and other minerals previously deposited minerals in colliery spoil tips will be permitted where the applicant has demonstrated that:

- it is environmentally acceptable, or can be made so by planning agreements and obligations;
- it would not adversely affect local amenity;
- it would not result in the loss of important wildlife and habitats on the site;
- it would not adversely affect any previous reclamation works that have been carried out on the site, or, if so, it would result in further, significant improvements to the previous reclamation scheme.

Where an application does not satisfy these requirements, planning permission may still be granted where the applicant can demonstrate that there would be other benefits which would clearly outweigh the adverse impacts of the development.

Policy MS15: Assessment of the Benefits of Coal Mining Development

In the assessment of benefits of coal mining development against adverse impacts the mineral planning authority will take into account:

- the contribution of the coal to national energy requirements;
- the contribution of the coal from that site in comparison to other sites;
- the potential benefits to the site, in terms of improved soil condition, drainage, landscaping, after-uses;
- the removal of pollution and dereliction or the resolution of ground stability problems;
- the relationship of the benefits to the actual development, including both on and off-site benefits;
- the relevance of the benefits to the local area and local requirements

Policy MS16: Incidental Coal Extraction

Proposals for the prior extraction of coal from sites where the applicant can demonstrate that:

- the removal of the coal is necessary for the safe implementation of another approved development;
- it would avoid the permanent or long-term sterilisation of coal resources;
- it would enable the stabilisation of abandoned coal mine workings and reduce the risk of gas leakage;
- it improves the efficiency of the intended land use by the treatment of unstable ground conditions;

- it enables the removal of ground obstructions (from previous developments) and locates high walls;
- it enables the remediation of contamination; and
- it would not give rise to unacceptable impacts on the environment and local amenity.

Where the scale and extent of ancillary coal extraction is small the respective district or borough council will be the appropriate planning authority. Where the scale and extent of ancillary coal extraction is of a significant level or the volume of coal to be extracted is greater than the minimum necessary to enable the development to proceed, then the mineral planning authority will be the appropriate planning authority. For the purposes of this policy ancillary coal extraction will be the responsibility of the mineral planning authority where the area of coal extraction exceeds 1 hectare or the volume of coal exceeds 5,000 tonnes.

8.2 - Hydrocarbons: Conventional (Oil and Gas), Unconventional Gas (Shale Gas) and Gas from Coal

Introduction

8.2.1 Hydrocarbons are the simplest of organic compounds containing only hydrogen and carbon. The majority of hydrocarbons occur in crude oil deposits where decomposed organic matter provides an abundance of these elements, which, when bonded, can frequently occur in forms we can utilise in energy production. Other components are used as raw materials for the petro-chemical industry and in the manufacturing of drugs and plastics. Hydrocarbons are therefore an important mineral resource and the working of these resources in the Plan area can contribute to the prosperity of the local area and the national economy. The working of these resources however, could potentially have adverse impacts on the environment and the communities close to the sites. It is important therefore that the Minerals Local Plan (MLP) recognises the respective costs and benefits and sets out an approach to guide the assessment of future proposals for hydrocarbon developments, taking account of the appropriate balance between economic, social and environmental considerations. This chapter charts how the County and City Councils have progressed towards the proposed approach set out below, including the development of an evidence base, a review of relevant national planning policy, identification of the issues and factors that need to be taken into consideration and the series of consultations undertaken to develop an approach which carries the highest level of support possible.

Geology and Production

8.2.2 Oil and gas (mostly methane) are the two main hydrocarbon resources of relevance in the Plan area. The area has a long association with the onshore oil and gas industry. The first UK oil wells were sunk in the area around Calow and Hardstoft in the early part of the 20th Century and other oil and gas wells were developed at sites in Heath, Whitwell, Golden Valley (near Ripley) and Sawley. The geology of the area is such that there is the potential for further resources of oil and gas to be found in commercial quantities. A substantial part of the area is underlain by coal. Methane gas is commonly found in coal measures and therefore the coalfield along the eastern county boundary is a potential source of further resources.

8.2.3 Gas can also be obtained from shale deposits and research by the British Geological Survey[43] has identified substantial resources within the Bowland-Hodder shale deposits. This area extends from Lancaster in the north-west, across to Scarborough in the north-east. The broadly rectangular area extends as far south as Derby and Loughborough and therefore covers a large part of the County.

8.2.4 Hydrocarbon sources have been classified into two mains categories: conventional and unconventional. Conventional hydrocarbons are oil and gas where the reservoir is sandstone and limestone. Unconventional hydrocarbons refers to oil and gas which comes from sources where shale or coal seams act as the reservoir. The Plan area therefore has the geological potential for both sources of hydrocarbons. Further information about hydrocarbon resources, how they are extracted and the regulatory regime governing such developments can be found in the following Background Papers:

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper – Conventional Coal and Gas, December 2017

Background Paper – Unconventional Gas, December 2017

Background Paper – Unconventional Gas, Shale Gas, December 2017

43. British Geological Survey and DECC report: The Carboniferous Bowland Shale Gas Study, Geology and Resource Estimation, 2013. [back]

Vision and Objectives

8.2.5 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

8.2.6 The objectives which are relevant to hydrocarbon development are:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Objective 4 - Safeguarding Mineral Resources and Facilities

Objective 5 – Minimising Impacts on Communities

Objective 6 - Protecting the Natural and Built Environment

Objective 7 – Protecting the Peak District National Park

Objective 8 – Minimising Flood Risk and Climate Change

Further information regarding the Vision and Objectives is set out in Chapter 3.

National and Local Policy

8.2.7 Government policy and guidance on the exploration and extraction of hydrocarbons is developing rapidly in response to the discovery of new resources and the emergence of new techniques for working those resources. The Minerals Local Plan will have to take account of this emerging guidance and the policies that develop. The following section reviews the main publications which currently apply and the guidance they provide on future hydrocarbon developments.

National Planning Policy Framework, 2012 (NPPF)

8.2.8 National guidance for the extraction of minerals, including hydrocarbons, is set out in the National Planning Policy Framework. In general terms, the NPPF states that, "Minerals are essential to support sustainable economic growth and our quality of life. It is important therefore that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation."

8.2.9 Specific but limited guidance on hydrocarbons is set out in Paragraph 147 of the NPPF which states that, “Minerals Planning Authorities should also…when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production…”. In addition it states that mineral planning authorities should: “encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility; and encourage capture and use of methane from coal mines in active and abandoned coalfield areas”.

8.2.10 When determining planning applications the NPPF states that “…mineral planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.”

National Planning Practice Guidance, March 2014 (NPPG)

8.2.11 In July 2013 the Department for Communities and Local Government published new guidance relating to onshore oil and gas developments (Planning Practice Guidance for Onshore Oil and Gas). This has now been superseded although most of the advice and guidance it contained has been incorporated into the National Planning Practice Guidance which contains guidance for oil and gas developments from both conventional and unconventional sources.

8.2.12 The NPPG states that, as an emerging form of energy supply, there is a pressing need to establish through exploratory drilling, whether or not there are sufficient recoverable quantities of unconventional resources such as shale gas and coal bed methane present to facilitate economically viable full scale production. In terms of new guidance, the NPPG encourages mineral planning authorities to make appropriate provision for hydrocarbons in local mineral plans, based on emerging information, to allow them to highlight areas where proposals for extraction may come forward, as well as managing potentially conflicting objectives for the use of land.

8.2.13 Where mineral planning authorities consider it is necessary to update their local plan and they are in a Petroleum Licence area, the NPPG states that they are expected to include Petroleum Licence Areas on their policies maps and include criteria based policies for each phase; that is exploration, appraisal and production, setting clear guidance for the location and assessment of hydrocarbon extraction within those areas. Existing hydrocarbon extraction sites should be identified in local plans, through the local plan site allocation process, where appropriate, and mineral planning authorities may include specific locations should the oil and gas industry wish to promote specific sites. In contrast to the practice established for other minerals resources, the guidance does not advocate the creation of formal safeguarding areas for hydrocarbons due to the depth of those reserves, the ability to use drilling equipment and the small surface area required for the installations. It also does not repeat or expand on the requirement of the National Planning Policy Framework that minerals local plans should address constraints on production and processing within areas that are licensed for oil and gas exploration or production.

8.2.14 The NPPG provides a description of the different operations involved in the three phases, the technical issues associated with hydrocarbon working and the planning issues which arise from hydrocarbon developments. It includes an explanation of the role of the planning system in obtaining permission together with a summary of the role of the other official regulators also involved in the process.

8.2.15 With regard to the determination of development proposals, mineral planning authorities are advised to assess applications for each phase on their respective merits and applications for the exploratory stage of development should not involve the consideration of the potential impacts of extraction. Mineral planning authorities should take account of Government energy policy, which indicates a preference for energy supplies to be obtained from a variety of sources, including onshore oil and gas. Mineral planning authorities should use appropriate conditions, having regard to the issues for which they are responsible, to mitigate against any adverse environmental impact. The NPPG provides some examples of model conditions. It states that above ground separation distances would be acceptable in specific circumstances where it is clear that, based on site specific assessments and other forms of mitigation measures (such as working scheme design and landscaping) a certain distance is required between the boundary of the minerals site and the adjacent development. Operators and mineral planning authorities are also encouraged to seek appropriate restoration schemes for sites once mineral extraction is completed.

National Energy Policy

8.2.16 There have been several important stages in the evolution of current national energy policy. The Department of Trade and Industry paper, Meeting the Energy Challenge, 2007 states that England, Wales and Scotland's substantial remaining coal resources, including gas contained within the coal, have the potential not only to help meet our national demand for coal and to reduce our dependence on imported primary fuels, but also to contribute to the economic vitality and skills base of the regions where they are found.

8.2.17 The draft National Policy Statement for Energy, published in 2009, built on the 2007 Energy White Paper. Together they formed an evolving international and domestic energy strategy in response to the changing circumstances in global energy markets. They set out to address the long-term energy challenges of security of supply, whilst acknowledging the implications of climate change. Whilst recent emphasis has been on the development of renewable energy supplies the Government recognised the important and continuing role that indigenous sources of coal, oil and gas will play in meeting national energy requirements. This was reaffirmed in the Overarching National Policy Statement for Energy (EN-1) July 2011 which provided further clarification of the Government's plans for a transition to a low carbon economy.

8.2.18 This policy is set against the background of changes in the sources of our energy requirements. By 2004 the United Kingdom became a net importer of natural gas and a net importer of oil in 2010. By 2020, it was then estimated that the UK is likely to be importing about three-quarters of its energy supplies.

8.2.19 On 27 June 2013 the Government announced its long-term infrastructure investment plans which included a package of reforms to facilitate shale gas exploitation. The Government recognised that the simultaneous announcement of the British Geological Survey study highlighting the extent of potential reserves required further appraisal but it considers that shale gas has the potential to contribute significantly to the UKs' energy security, inward investment and growth.

8.2.20 The announcement did not make any specific statements concerning the planning system but it did expand on the provision of community benefits from shale gas extraction. It stated that the companies involved in this industry would fully engage with the local communities as early as possible and that they would provide direct benefits to the areas where shale gas extraction took place. The benefits would include £100,000 for each community situated near each exploratory well and 1% of the revenue from every production site. More recently the Government has introduced changes to the system of notifying landowners and tenants about the submission of hydrocarbon related planning applications which now only applies to the owners and tenants of land where surface operations are to take place. Notification is not now required for purely underground operations.

8.2.21 The infrastructure investment plan statement indicated that a key role for gas is consistent with the need to decarbonise our economy. It is regarded by the Government as the cleanest fossil fuel, and much of the new gas capacity needed would be replacing the ageing coal capacity. Gas is also seen as important for balancing the increasing levels of intermittent and inflexible low-carbon energy on the system.

Energy Act 2013

8.2.22 The Energy Act received final assent on 18 December 2013. The Act has several objectives and in relation to hydrocarbons it seeks to make provision for the setting of a decarbonisation target range and duties in relation to it; or in connection with reforms to the electricity market for purposes of encouraging low carbon electricity generation, or ensuring security of supply. It is also about the designation of a strategy and policy statement concerning domestic supplies of gas and electricity. It does not actually prescribe a new strategy or policy at this stage but instead sets the procedural requirements for doing so. It is likely however that future policy and strategy will reflect the overall objective of the Act to reduce our carbon footprint and in turn this will affect the future demand for minerals including fossil fuels.

Written Ministerial Statement November 2015, 'Priorities for UK Energy and Climate Change Policy'

8.2.23 This Written Ministerial Statement (WMS) was presented to Parliament in November 2015 by the Secretary of State for Energy and Climate Change. The WMS does not change national planning policy or guidance but it does set out Government thinking on the approach to energy supply. The Secretary of State stated that one of the greatest and most effective contributions we can make to emissions from electricity generation is by replacing coal-fired power stations with gas. The programme was to be subject to consultation but indicated a restriction on the use of coal by 2023 and the possible closure of all coal fired power stations by 2025. This was subject to the development of the infrastructure to enable the shift to take place. This could have implications for the UK onshore oil and gas industry and the utilisation of indigenous resources.

Department for Business, Energy & Industrial Strategy, Guidance on fracking: developing shale gas in the UK, January 2017

8.2.24 The latest version of this guidance note was published on 13 January 2017. The introductory overview states that the Government believes that shale gas has the potential to provide the UK with greater energy security, growth and jobs and that it is encouraging safe and environmentally sound exploration to determine this potential. It reported that in 2015, just over a third of the UK's energy came from natural gas, and another third from oil. Coal (13%), nuclear (7%), and renewables – mostly biomass and wind (10%) – supplied the rest. Just over two fifths of the natural gas came from the North Sea and Irish Sea whilst the rest was imported. Imported supplies came via pipeline from Europe but supplies were also obtained from the Middle East, Africa and the Caribbean by tanker ships. These figures underpin Government policy to provide greater supply security by increasing the production and use of domestic resources.

8.2.25 The main part of the guidance note provided information about the sources of shale gas, how it can be extracted, the environmental issues raised and the regulatory regime that controls the industry.

Derby and Derbyshire Minerals Local Plan April 2000

8.2.26 The current local plan was adopted well before the possible extraction of oil and gas from unconventional sources became such a prominent issue. The plan focused on the issues relating to the more traditional exploitation of oil and gas from conventional sources and reflected the approach of national oil and gas policy at the time. The plan contained policy MP35: Oil and Gas which stated that:

8.2.27 *"Proposals for the development of oil and gas, including facilities associated with the production, processing or transportation of oil and natural gas will be permitted only where they can be carried out in an environmentally acceptable way, and provided that:*

- *Any irreparable damage to interests of acknowledged environmental importance is outweighed by a proven need for the development in its proposed location*
- *The proposal is consistent with an approved overall scheme for the appraisal of, or production from, the area*
- *The proposed location of the development is the best having regard to geological, technical and environmental considerations*
- *Satisfactory arrangements have been made for the avoidance of seepage pollution, the off-site disposal of drilling mud and other drilling residues and the flaring and disposal of unwanted gas."*

8.2.28 The new Minerals Local Plan will need to include an expanded approach for all forms of hydrocarbon extraction and the techniques involved, as well as recent national energy policy and the developing national policy on energy based mineral extraction and the wider regulatory regimes that control such developments.

Need for Oil and Gas

8.2.29 Modern society and the benefits it enjoys are highly dependent on the continued supply of energy, including the continued supply of oil and gas. Given the volatility of the price of energy and the uncertainty about continued availability, especially imported energy supplies, the need to be more self-sufficient is a paramount requirement and this is reflected in national energy and mineral planning policy, as referred to above. The Government has given its support, in principle, to the onshore oil and gas industry, including the further exploitation of conventional sources and the promotion of oil and gas from unconventional sources such as shale gas.

8.2.30 It is known that further resources of conventional based oil and gas are present in the Plan area and recent studies demonstrate that shale bearing gas is present also. The limitations on the information about these resources does not yet enable the quantity of shale gas in the area to be quantified with any certainty and the commercial viability of those resources has still to be ascertained. However, it is likely that the oil and gas industry will seek to examine and extract these resources, if commercial viability is proven, and the new Plan will need to set out the approach to such developments to ensure that an appropriate balance between supply and environmental, social and economic impacts is delivered. At present two companies have informed the County Council that they were undertaking preliminary stages

of exploration of the shale gas resource on serval sites in the plan area. One company, Ineos, has progressed to submitting a planning application (not determined at the time of writing) for an exploratory well at a site in Marsh Lane near Eckington. Further information about the volume of oil and gas production in the UK and the rest of the world and remaining resources is available in the Background Papers referred to previously.

Consultation so far – What you have told us

Consultation Stages

8.2.31 The County and City Councils have undertaken several stages of consultation in the course of the development of the new Minerals Local Plan and a summary of the hydrocarbon related issues included is presented below.

Stakeholder Workshop 2009

8.2.32 We held a stakeholder workshop in 2009, which began to identify the issues that the Minerals Local Plan should address. At this event, people recognised and identified the need for mineral extraction in general, provided that its social and environmental impact is minimised.

Issues and Options Consultation 2010

8.2.33 The issues identified for hydrocarbon minerals in this exercise were Issue 10, 'managing how we make provision for conventional oil and gas', and Issue 11, 'managing how we make provision for new coal exploitation technologies'. The 'Suggested Approach' for Issue 10 was to include a policy for oil and gas developments from conventional sources which sets out criteria similar to those in the existing Minerals Local Plan (policies MP13 and MP35). For Issue 11 the 'Suggested Approach' was to include a policy for new coal exploitation technologies which sets out criteria similar to those for conventional oil and gas developments in Policy MP35 of the existing Minerals Local Plan. It did not specifically address the issue of hydraulic fracturing which was then a new issue and with little known relevance to Derbyshire and Derby.

8.2.34 There was agreement from all the respondents to the Issues and Options consultation to this question that a criterion based policy would be the most appropriate way of dealing with the future working of hydrocarbons. No other possible options for dealing with the issue were suggested by the respondents.

8.2.35 Further information is available in the following documents:

Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010.

Responses to Derby and Derbyshire Minerals Local Plan

Issues and Options Consultation, 2011.

Sustainability Appraisal (SA) of the Issues and Options Paper 2010

8.2.36 The SA concluded for both Issues 10 and 11 that 'there are no reasonable alternatives. The SA can influence the development of the policy approach. Full details can be found in this Report.

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

Interim Sustainability Appraisal (SA) Report, November 2013

Towards a Minerals Local Plan Rolling Consultation 2015/16

8.2.37 In recognition of the limited scope of the two earlier consultation exercises and the changes in national minerals and energy policy and procedures for plan preparation that had been introduced since 2010, the County and City Councils undertook a more comprehensive consultation exercise over the 2015 and 2016 period. This was a rolling consultation consisting of the distribution of 'support papers' setting out the background information for each mineral or mineral topic and 'strategy papers' that posed a series of issues and options for the development of the approach of the new plan to each of those minerals and mineral topics.

8.2.38 For hydrocarbons, separate support papers were produced and distributed for conventional oil and gas, unconventional oil and gas and gas from coal measures. One combined strategy paper was produced for all of these separate papers to provide a comprehensive coverage of future hydrocarbon developments.

8.2.39 In order to provide an appropriate context for the issues and options posed in the consultation, the support and strategy papers set out the regulatory system that controls the operation of onshore oil and gas development and the role of the planning system within the wider regulatory framework. They also identified the main planning, environmental, economic and social issues that are pertinent to hydrocarbon developments. In order to explain the rationale for the approach suggested below, a summary of these aspects are presented here as follows:

- The potential scale of the hydrocarbon resource in the Plan area. How much more may be discovered, how economical it could be to work those resources and the economic, environmental and social impacts of extraction set against the potential benefits.
- The difference in the surface site area requirements to facilitate the extraction of onshore oil and gas compared to from other forms of mineral extraction.
- The visual impact of hydrocarbon developments taking account of the size of the drilling equipment and well-head structures.

- Factors involved in the choice of location for the surface installations (need to maximise the volume of oil and gas that can be extracted whilst minimising environmental and amenity impacts).
- Potential impacts of noise, dust and vibration during initial drilling and longer-term extraction.
- Potential pollution risks and wider impacts on the water environment.
- Traffic generation.
- Impact on agricultural land take and usage.
- Potential impacts of areas of acknowledged interest (landscape, biodiversity, archaeology and heritage assets.
- Seismic activity.
- Risk of subsidence.
- Risks from drilling through coal measures, particularly through former coal workings.
- Methane leakage.

8.2.40 The papers also included a list of other factors that would need to be taken into account in developing a strategy for the provision and extraction of hydrocarbons, and which were developed from the issues set out above, together with the experience of the Councils of processing planning applications for mineral development, including coal and hydrocarbons, and the responses of local communities to those proposals. The relevant factors were identified as:

- Government energy policy to secure sufficient supplies of energy to serve the requirements of the country whilst also reducing our carbon footprint and the role of renewable energy production as part of that policy
- The benefits of an indigenous supply compared to a growing reliance on imported sources
- The uncertainty about the future of coal as a means of energy production
- The limited supply of our energy requirements currently met by renewable facilities
- The current support, in principle, of the Government for more energy supplies to be obtained from hydrocarbons
- The known availability of oil and gas resources in the Plan area and the potential for further resources to be discovered
- The limited level of information about the location, scale and economic viability of the hydrocarbon resource in the Plan area
- The likelihood that these questions may be resolved during the Plan period leading to the development of proposals to extract those resources
- The environmental and social impacts of extracting those resources, some of which are well known whilst other potential impacts are less certain
- The likelihood that proposals for exploration and appraisal will be forthcoming during the Plan period
- The potential for new extraction technologies to be developed over the Plan period
- The possible identification of potential areas for hydrocarbon extraction

- The issue of the identification of constraints
- The development of policies, including detailed criteria, which would be used to assess and determine future hydrocarbon extraction applications
- The definition of potential benefits, how they should be assessed and the role to be played in the determination of proposals for new working

8.2.41 Further details can be found in the following document:

Towards a Minerals Local Plan: Rolling Consultation 2015-2016:

Towards a Strategy for Hydrocarbons, November 2015.

8.2.42 The consultation received a larger number of representations compared to some of the other consultation papers but most stated an objection in principle to further oil and gas extraction, particularly the extraction of shale gas by hydraulic fracturing and did not provide responses to the options set out. Representations to the specific issues and options set out in the consultation were very limited, which in turn also limits the conclusions that can be drawn from the consultation exercise. In the absence of representations and also by inference, any opposition to the approach set out in the consultation paper, the new Plan will therefore include an approach to future hydrocarbon mineral extraction in line with national policy and which generally maintains the approach of the existing Mineral Local Plan, amended to address the issues raised by hydraulic fracturing and the use of new extraction techniques. Details of the Representations received and a considered response to the comments is set out in the following Report:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Duty to Co-operate

8.2.43 The Duty to Co-operate was created by the Localism Act 2011 which places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross-boundary matters. The distribution of hydrocarbon resources in the UK and the energy needs of the country as a whole represent significant cross-boundary matters for this Minerals Local Plan and those of neighbouring authorities. The geological fields which underlie the Plan area and which contain hydrocarbon resources also underlie neighbouring Counties and beyond, and some of the current PEDL areas straddle the county boundary. Derbyshire County Council and Derby City Council have, and will continue to engage with all relevant authorities and public bodies over matters relating to the development of a complementary approach to the extraction of hydrocarbons to reflect those linkages and this will be used to help formulate the policies of the new Minerals Local Plan. Further details are set out in the following report:

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Co-operate Report: Background and Progress, December 2017

Sustainability Appraisal

8.2.44 The Sustainability Appraisal noted that the proposed approach was in-line with the NPPF and NPPG, which ought to lead to neutral effects in the main. Not allocating sites was considered positive with regards to climate change as it does not pre-empt the use of fossil fuels. It noted the obstacles to identifying and allocating sites at present. The draft list of criteria was considered appropriate to ensure that most aspects of environmental sustainability are addressed but suggested the addition of soil resources to the list. A full Appraisal is set out in the following Report:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, November 2017

The Proposed Approach

Provision for Hydrocarbons

8.2.45 It is intended that the Plan will adopt an approach to the provision for hydrocarbons in line with national planning policy as expressed in the NPPF and NPPG, reflecting the need to provide for a steady and adequate supply of these resources as a mineral of national importance. It will not seek to enumerate the provision as Government guidance is that the volume and mix of energy mineral extraction is a matter for the relevant industries to determine. In addition, the scale of resources available in the Plan area and the commercial viability of those resources are very uncertain, rendering it impossible to set out an appropriate yearly or overall level of production.

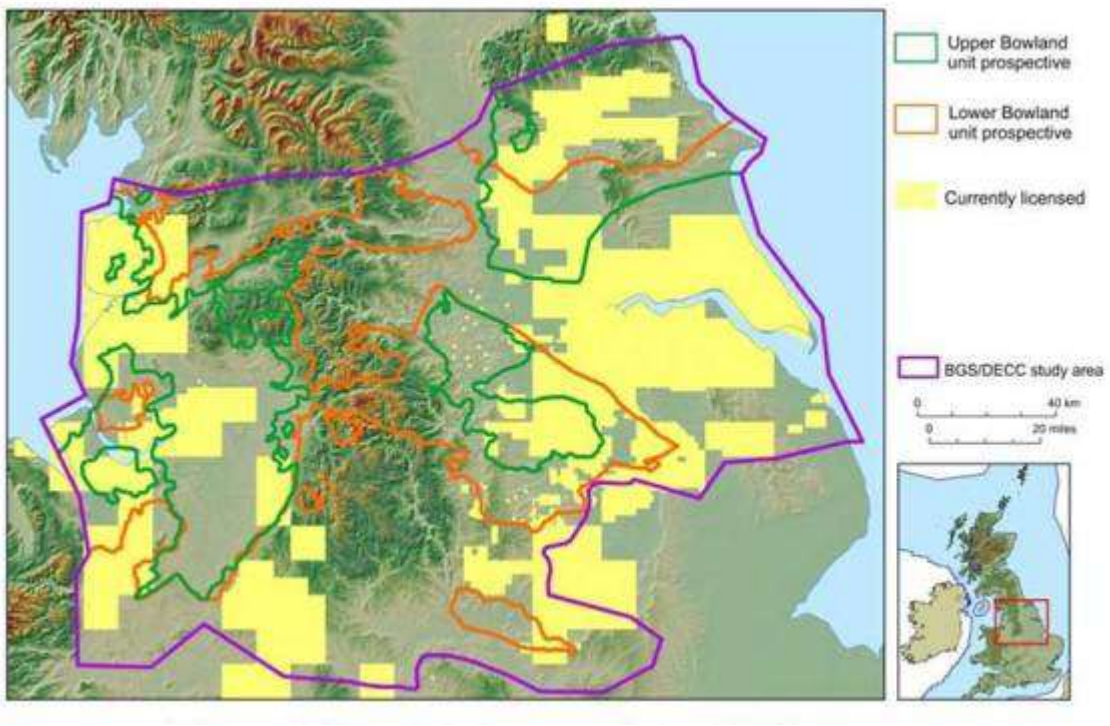
8.2.46 In line with national planning policy, the Plan will seek to ensure that developments which do proceed represent sustainable mineral development, and only those that would not give rise to unacceptable adverse impacts would be allowed to proceed. In order to deliver this important objective, the Plan will set out policies to assess the level of acceptability, or otherwise, of individual development proposals. The policies will recognise the three distinct phases of hydrocarbon development; that is exploration, appraisal and production, but the decision on whether this would involve a separate policy for each stage will not be determined until the form and content of the policies is developed further and agreed.

Identification of Hydrocarbon Resources within the Plan Area

8.2.47 The National Planning Practice Guidance states that the exploratory, appraisal and production phases of hydrocarbon extraction can only take place in areas where the Department of Energy and

Climate Change (now Department for Business, Energy & Industrial Strategy) has issued a licence under the Petroleum Act 1998 (Petroleum Licence). These licence areas together with the Bowland-Hodder shale resource referred to at paragraph 8.2.3 are shown on the map below. The new Minerals Local Plan will identify Petroleum Licence Areas and any existing oil and gas extraction sites which are present in the Plan area.

8.2.48 In addition, the NPPG also encourages mineral planning authorities to make provision for hydrocarbons by the use of published data on the location of conventional and unconventional hydrocarbons, use of ordnance survey based policies maps and available data on existing wells. There are practical limitations concerning the extent to which the new Minerals Local Plan can identify other areas where hydrocarbon extraction may be possible and also potentially acceptable. The limitations for the identification of these resources are similar to those for coal. The level and accuracy of information which is currently available about the location, scale and the economic viability of the remaining hydrocarbon resource is very limited. In the absence of detailed information about an individual site and how the hydrocarbon would be extracted it is difficult to assess the acceptability of working the resource on particular sites.



Identification of Constraints on the Production and Processing of Hydrocarbons

8.2.49 The National Planning Policy Framework states that mineral local plans should address the constraints on the production and processing of hydrocarbons within the areas that are licensed for oil and gas exploration or production (paragraph 147).

8.2.50 The limited responses to the consultation did not provide support or opposition to any of the options put forward. In terms of area coverage, it is therefore likely that the Plan will identify constraints, where possible, for all areas where hydrocarbon resources are known to exist and which could potentially be subject to development proposals. It is likely that the Plan will seek to identify those

constraints listed in the NPPF and NPPG which relate to environmental constraints which are matters within the remit of mineral planning authorities when determining planning applications together with constraints of a cumulative, social and economic nature.

Use and Range of Criteria Based Policies

8.2.51 Most respondents who commented on the relevant options supported the approach advocated in the NPPF of setting out criteria based policies to assess and determine planning applications for hydrocarbon based developments. In addition, the NPPF states that planning permission is required for each of the three separate stages of hydrocarbon development; exploration, appraisal and production, and that local plans should include policies for each stage. It doesn't clarify whether each stage should be covered by separate policies with differing sets of criteria or whether the three phases could be addressed by one all-embracing policy, and the responses to the relevant options were not supportive of any one option more than another. It was noted in the consultation that the range of criteria available to a mineral planning authority is now well established and these are set out in in relevant guidance. Most, if not all of these criteria could be relevant to each phase of development. Whilst the form and wording of policies is to be addressed further in this and subsequent consultations, initial indications are that there may be sufficient similarities for one policy covering both exploration and appraisal and a separate policy for production. The policies set out below are examples of how those of the new Plan could appear and the form they could take.

Specific Issues Relating to Hydraulic Fracturing

8.2.52 The consultation exercise considered options for including one criteria policy for all hydrocarbon developments or having a separate, additional policy specifically for hydraulic fracturing. Again the limited number of responses and the contrasting suggestions did not provide definitive support for either option. Whilst the authorities have experience of processing planning applications for oil and gas production from conventional sources, at this point we have received a limited number of development proposals from unconventional sources. However, and on the basis that only those parts of a policy or policies which are relevant to a particular development proposal will be taken into consideration, there is no indication, as yet, that one policy only for hydrocarbons would not enable all the relevant issues of developments from the differing sources or the use of different extraction technologies to be fully examined.

Possible Draft Policies

8.2.53 As stated above, the approach of the Plan to hydrocarbon development is not yet as advanced as for some other minerals. The consultation responses did not provide the steer we were hoping to receive but it is important that the approach is developed as part of this consultation so that we can progress towards a draft plan. It is acknowledged that national planning policy requires the plan to include policies setting out the criteria against which mineral development proposals will be determined. The emerging

Plan will therefore include such policies for hydrocarbon development, although the number and form of those policies has yet to be agreed.

8.2.54 In order to stimulate debate and progress this issue we have included a set of potential policies covering the range of factors that will need to be included in the hydrocarbon policies of the new Minerals Local Plan. They are intended to show how the policy requirements for hydrocarbons could appear.

Policy MS17: Proposals for Oil and Gas Exploration and Appraisal

Proposals for exploration and appraisal of onshore oil and gas will be permitted where they meet all of the following criteria:

Well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed

- It has been demonstrated that possible effects that might arise from the development would not adversely affect the integrity of sites designated or recognised for their landscape, historic heritage or biodiversity interests
- The application demonstrates that there would be no adverse impact on the underlying integrity of the geological structure
- The application provides an indication of the extent of the reservoir and the extent of the area of search within the reservoir
- Exploration and appraisal operations are for an agreed temporary period
- Well sites and associated facilities are restored at the earliest opportunity if oil and gas is not found in economically viable volumes, or they are developed within an agreed time frame.

An alternative option is:

Proposals for the exploration and appraisal of onshore gas and oil will be permitted where the applicant can demonstrate that the development would satisfy all of the following criteria:

Well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed;

- The applicant has demonstrated that all potential adverse environmental, social and economic impacts can be mitigated to levels which are acceptable to the Mineral Planning Authority;
- The applicant has demonstrated that the integrity of the geological structure is suitable;
- An indication of the extent of the reservoir and the extent of the area of search within the reservoir is provided to the Mineral Planning Authority;
- The exploration and appraisal operations are for an agree, temporary length of time; and

- Well sites and associated facilities are restored at the earliest practicable opportunity if oil and gas is not found in economically viable volumes, or they are developed within a time frame which has been agreed in writing by the Mineral Planning Authority.

Policy MS18: Proposals for Oil and Gas Production and Ancillary Development

Proposals for hydrocarbon production well sites and facilities, and other related ancillary development, will be permitted where they meet all of the following criteria:

- A full appraisal programme for the oil and gas field has been completed to the satisfaction of the Mineral Planning Authority;
- A framework for the full development of the field is submitted for approval by the Mineral Planning Authority;
- Facilities required for hydrocarbon production sit within the agreed development framework, are justified in terms of their number and extent, and are progressively installed wherever possible;
- Extraction, processing, dispatch and transport facilities are sited, designed and operated to minimise environmental and amenity impacts and provide proportionate environmental enhancements;
- Any adverse impacts, both individual and cumulative, can be avoided or mitigated to the satisfaction of the Mineral Planning Authority;
- It has been demonstrated that possible effects that might arise from the development would not adversely affect the integrity of designated and non-designated biodiversity sites, either alone or in combination with other plans or projects;
- It can be demonstrated that there would be no adverse impact on the underlying integrity of the geological structure, including any disturbance to former coal mining shafts and seams that could result in additional adverse impacts from those sources;
- Existing facilities are used for the development of any additional fields discovered unless the applicant satisfies the Mineral Planning Authority that this would not be feasible and any adverse impacts can be mitigated;
- Where a proposal uses existing production facilities, the integrity of the existing infrastructure can be demonstrated, having regard to local environmental factors;
- The development includes the use of pipelines for the transport of the oil or gas unless it is demonstrated that this is not feasible. In such cases rail or road will be considered but in the case of road it will only be allowed where it has been demonstrated that it would not give rise to unacceptable impacts on the environment or highway safety.

Chapter 9 - Supply of Other Minerals

9.1 - Borrow Pits

What are Borrow Pits

9.1.1 Borrow pits is the term used to describe temporary mineral extraction or disposal sites which are used in association with major building or civil engineering projects, such as the construction of new road schemes or reservoirs. They are used solely to supply mineral based construction materials for these projects, and which are sometimes used for the disposal of other surplus materials from the construction site. They normally involve the excavation of large quantities of material over a short period from a site lying adjacent or very close to the development site. Typically, the materials are used to provide bulk fill but they can also be used for specialist purposes, for example the supply of clay with particular qualities for placement around bridge supports over water courses. The void created by the mineral extraction can, where necessary, be used to dispose of surplus excavation materials from the construction works. Examples in the Plan area include the borrow pits used in connection with the construction of the A50 Stoke-Derby link between the M1 motorway and Doveridge.

Why are they Used?

9.1.2 Borrow pits can have a number of advantages over established quarries. Major construction projects such as road schemes are normally intensive developments and require large quantities of material over a relatively short period. For a developer, the use of a borrow pit operated under their control can ensure the availability of the material that is required in the right quantities and the right times to serve the needs of the construction project. In contrast, an established quarry may have a number of existing supply contracts and may not be able to guarantee delivery in the volumes which are required, especially if the quarry output is limited and controlled by the terms of the planning permission. In addition, sourcing the material from an adjacent site reduces the volume of traffic on public roads and the associated impacts that can have, as well as minimising the use of fossil fuels. The use of borrow pits can also help conserve reserves at established quarries and ensure that the construction project uses materials of an appropriate quality.

9.1.3 In contrast, proposals for borrow pits often involve greenfield sites in areas where mineral working would not normally be acceptable. In the past, the Mineral Planning Authorities have maintained a restrictive approach towards these forms of development. Developers have been required to demonstrate that the proposed site would present a range of benefits that would offset any adverse impacts of mineral extraction in such locations, that they set out a clear and acceptable method of operation with appropriate mitigation measures and provide for an appropriate form of restoration. Where the principle of development has been accepted, planning conditions have been imposed to control the working and reclamation of the site.

National and Local Planning Policy

National Planning Policy Framework and National Planning Practice Guidance

9.1.4 The issue of borrow pits is not addressed explicitly in either of these national planning policy and guidance statements. Borrow pits however, are a form of mineral development and the guidance of these documents relating to the need to deliver sustainable mineral development to support economic growth and provide for the needs of society whilst protecting the environment and local communities applies to these developments.

Derby and Derbyshire Minerals Local Plan 2000

9.1.5 Borrow pits are mineral developments and the Plan contains a number of policies which are used to assess and determine all such developments. These policies are applied in the same way as for other mineral development to determine the balance between the need for the mineral to be worked and the environmental and other interests which may be affected, and will only be accepted where they offer net environmental gains over alternative sources of supply.

9.1.6 As stated above, borrow pits are particular forms of mineral development and are often proposed in areas where mineral extraction would not normally be allowed. Accordingly the Plan includes an additional policy setting out a further set of criteria which are relevant to the particular circumstances of this type of mineral development. These requirements are currently set out in policy MP11: Borrow Pits, of the adopted Derby and Derbyshire Minerals Local Plan. This states that:

Proposals for temporary minerals workings related to specific construction projects (borrow pits) will be permitted only where there are net environmental benefits, compared with supplying the project from established sources, and in particular, where:

- *there is a need for the development to supply major construction works, which cannot reasonably be met from established sources, or the supply of material from such sources would be seriously detrimental to local amenities because of the scale, location and timing of the operations*
- *the site is adjacent to the proposed construction project so that use of the public highway for the transport of materials is minimised*
- *the proposal would not cause irreparable or unacceptable damage to interests of acknowledged environmental importance and*
- *satisfactory provision is made to reclaim the site, as far as possible without the use of imported materials.*

Where planning permission is granted a condition would be imposed to ensure that the mineral operation and all material removed is limited solely to that necessary for the related construction project.

Consultations Undertaken and Comments Received

9.1.7 The issue of borrow pits was not explicitly set out in the Issues and Options exercise or the 2015/16 Rolling Consultation. However, the minerals obtained from borrow pits normally consist of aggregate bulk fill or clay and the approach towards the provision for, and extraction of, these materials has been subject to extensive consultation. Likewise, the range of criteria to be included in the policies of the Plan and used to determine planning applications has also been the subject of consultations. The messages from these exercises is that the need for the Plan area to contribute to the supply of minerals is acknowledged and accepted but that mineral extraction should only be allowed where an acceptable balance between the need for the mineral and the environmental, social and economic interests of the area can be achieved. These requirements formed the underlying principles to policy MP11 and will be continued through to the new Plan.

Duty to Co-operate

9.1.8 The County and City Councils have engaged with a wide range of other local planning authorities, bodies and organisations to identify strategic cross-boundary issues and develop a consistent approach to those issues. Borrow pits have not been identified as a strategic issue and have not been included in Duty to Co-operate discussions.

Sustainability Appraisal

9.1.9 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017. Whilst borrow pits were not included as a specific matter, the SA has assessed all other matters relating to the provision for aggregate and clay minerals and the criteria for the assessment and determination of development proposals. The proposed approach for borrow pits will be subject to the SA process at the next stage of Plan preparation.

Proposed Approach

9.1.10 As the use of borrow pits is so closely linked to new, major development proposals, it is not possible to predict the level of demand for them over the Plan period. However, based on the major projects that have been announced, it is very likely that there will be a demand for borrow pits at some point. The Plan needs to set out the approach to the use of borrow pits and it is considered that the existing policy of the adopted plan has proved to be satisfactory. It is therefore proposed to include a similar policy, updated in line with current national mineral planning policy.

Policy MS19 Borrow Pits

Proposals for borrow pits associated with construction projects will be permitted, subject to satisfying the criteria in the development management policies and:

- The site is adjacent to or sufficiently close to the project so that the material can be conveyed to or from the site without using the public highway and without undue interference to footpaths and bridleways
- The material extracted will only be used in connection with the project or will be used to receive material from the project
- It can be demonstrated that the supply of material from the borrow pit could not be obtained from other permitted sites nearby or would have significantly less environmental impact than if it were supplied from an existing source
- The borrow pit can be restored to the standards specified elsewhere in the Plan without the use of imported material, other than that generated from the construction project and
- The use of the borrow pit is limited to the life of the project.

9.2 - Reworking of Former Spoil Tips

Introduction

9.2.1 The underlying objective of the planning system is to deliver sustainable development and that involves making the best use of our resources. Minerals are a finite resource and it is particularly important to use and re-use minerals in a prudent manner.

9.2.2 The Plan area contains a number of historic spoil tips associated with former collieries and other large scale manufacturing and heavy engineering industries. Chapter 8 considers the reworking of former colliery spoil tips as part of the overall approach to coal mining, but as the Plan area contains a number of other tips that probably contain minerals of interest, the wider aspects of the reworking of all such tips is considered separately.

9.2.3 The processing plant used at collieries in the 20th Century were generally inefficient by modern standards and resulted in substantial quantities of coal being deposited in the spoil tips along with other discarded materials. Some of the tips also contain other materials which were previously regarded as waste (for example red shale) but are now in demand. The recent reworking of one of the former spoil tips at the St Gobain site (formerly the Stanton and Staveley works) to the south of Ilkeston is a recent example of this form of development.

9.2.4 Advances in processing technology now make it possible to recover the coal and other minerals from these tips, although the viability varies in accordance with the price and the quantity available. The new Minerals Plan has an underlying objective to deliver sustainable development and it will need to incorporate an agreed approach to this issue as part of the overall approach to sustainable minerals development.

Benefits of Reworking former Spoil Tips

9.2.5 The reworking of spoil tips has a number of obvious benefits. It helps to reduce the need for coal and other minerals to be obtained from new sites, thus retaining primary minerals for use in the longer-term. It could extend the life of established quarries and even avoid or delay the need for new extraction sites. In addition, the reworking of spoil tips has the potential to facilitate the improvement of those sites that did not benefit from a high standard of reclamation at the time and which detract from the environment and character of the area.

Potential Impacts of Reworking former Spoil Tips

9.2.6 Whilst the reworking of former spoil tips may represent a small scale development compared to traditional mineral extraction sites, the operations can involve substantial engineering works requiring the use of large machinery and other plant such as screening and washing equipment. These activities therefore have the potential to generate a range of adverse environmental impacts similar to those for more regular mineral extraction sites. The benefits of the mineral to be obtained by such developments therefore need to be balanced against those potential impacts.

9.2.7 A further consideration is the current condition of the spoil tip. In recent years, many of the older spoil tips have been restored and are now an established feature of the landscape. Reworking of these tips could negate the benefits derived from the earlier restoration programme and this would need to be taken into consideration in the overall balance of costs and benefits.

National and Local Policy

9.2.8 The National Planning Policy Framework does not address the issue of the reworking former colliery and other types of spoil tips directly, but it does advocate the sustainable and prudent use of our mineral resources. In this respect it highlights the advantages of using secondary materials in preference to the extraction of primary materials. It therefore gives implicit support for this form of development.

9.2.9 Policy MP15: Working of Former Tips (For Purposes Other Than Secondary Aggregate Production) in the current adopted Derby and Derbyshire Minerals Local Plan refers to the working of former tips but this does not address all the circumstances where such developments may be considered. The guidance and tests it provides are also limited, being restricted to stating that proposals where the land has been satisfactorily reclaimed or naturally re-generated to an acceptable degree will be considered as a new proposal on a greenfield site.

Consultations Undertaken and Comments Received

Issues and Options 2010

9.2.10 The consultation included 'Reworking Spoil Tips for Secondary Aggregates' as a specific issue. Whilst this issue does not cover the whole range of circumstances where the reworking of old spoil tips may be considered it did introduce the issue as a topic for discussion. The response to this consultation exercise indicated support in principle for the reworking of old tips and favoured the inclusion of a criteria based policy to determine the acceptability of development proposals.

Towards a Minerals Local Plan Rolling Consultation 2015/2016

9.2.11 This consultation raised the issue in several ways. The consultation paper, Towards Strategic Sustainability Principles, sought views relating to the production of secondary aggregates in general, whilst the consultation paper for coal mining sought views relating to the reworking of former colliery spoil tips in light of the policy guidance in the NPPF and for the purposes of obtaining other valuable and re-usable mineral resources within them.

9.2.12 It presented two options:

Option 1: Include in the Minerals Local Plan a separate criteria based policy for the reworking of former colliery spoil tips for coal and any other mineral. Or

Option 2: Do not include a separate policy for the reworking of former colliery spoil tips and rely on the general criteria established in the main policy for coal extraction developments.

Two responses were received on this issue; one supporting option 1 and one supporting option 2, and did not provide any specific steer for the new Plan.

Duty to Cooperate

9.2.13 Whilst the general distribution of coal resources in the UK, the energy needs of the country and the supply of some of the minerals contained in former tips represent significant cross-boundary matters for this Minerals Local Plan and those of neighbouring authorities, the reworking of former spoil tips was not considered to represent a duty to co-operate issue.

Sustainability Appraisal

9.2.14 A sustainability appraisal has been undertaken on all the papers which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017. It did not however evaluate the options concerning the reworking of former colliery and other spoil tips. The proposed approach to these forms of mineral development will be subject to the SA process at the next stage of Plan preparation.

Proposed Approach

9.2.15 Whilst many of the older spoil tips in the Plan area have been removed as part of redevelopment or regeneration schemes or restored and landscaped, some remain and are likely to contain important minerals which could form the basis for commercially viable operations. The policy approach of the current adopted Minerals Local Plan has proved to be an effective mechanism in combination with other development management policies but it is acknowledged that it did not cover all development possibilities. In the absence of any steer from the recent consultation exercise, it is proposed to include a policy on the reworking of spoil tips in the new Plan that relates to the extraction of all the minerals they contain and which establishes a more explicit set of criteria for this form of mineral development. In view of the contribution that minerals from such sources can make, it is intended that the policy will be supportive of such proposals subject to compliance with the established criteria.

Policy MS20 Reworking of Former Colliery and Other Spoil Tips

Proposals for the extraction of coal and other minerals previously deposited minerals in colliery and other spoil tips will be permitted where the applicant has demonstrated that:

- it is environmentally acceptable, or can be made so by planning conditions, agreements and obligations;
- it would not adversely affect local amenity;
- it would not result in the loss of important wildlife and habitats on the site;
- it would not adversely affect any previous reclamation works that have been carried out on the site, or, if so, it would result in further, significant improvements to the previous reclamation scheme.

Where an application does not satisfy these requirements, planning permission may still be granted where the applicant can demonstrate that there would be other benefits which would clearly outweigh the adverse impacts of the development.

9.3 - Incidental Working of Clay

Introduction

9.3.1 The Plan area contains resources of both brick clay and fireclay and the specific approach to the provision for these minerals is addressed in Chapter 7. This section addresses the incidental working of clay; that is the removal of clay to enable the commencement of another approved development. Chapter 8 addresses the incidental working of coal as a separate issue although it is noted that coal and clay resources are often synonymous.

9.3.2 Clay is commonly found in association with coal and the Plan area still contains a substantial resource of coal, including coal lying close to the surface. It is likely therefore that, during the Plan

period, there will be a number of non-mineral developments on sites where coal and or clay deposits are close to the ground surface and where it may be necessary or desirable to remove the mineral prior to development.

National and Local Policy

9.3.3 The National Planning Policy Framework states that, when preparing local plans, local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place. In turn, it provides guidance on the issues that mineral planning authorities should take into account when determining mineral development proposals. This guidance, therefore, relates to the incidental working of clay.

9.3 4 The adopted Derbyshire and Derby Minerals Local Plan includes policy guidance on the prior extraction of coal but does not address the prior removal of clay or other minerals. The relevant guidance is provided within the overall policy (MP27: Coal Extraction and Colliery Spoil Disposal) relating to coal developments. It makes provision for the removal of coal where the extraction is necessary in advance of other approved development in order to avoid sterilisation of reserves, or to provide local or community benefits subject to a set of requirements. These include the minimisation of any additional adverse effects to an acceptable level and that the extraction would be completed and the land reclaimed in time, and to a standard, to allow the subsequent development to take place as planned without unreasonable delay. It also provides support in principle where it is necessary to remove coal to facilitate the efficient and economic working of other minerals in an environmentally acceptable way and the extent to which the proposal would provide employment opportunities or other economic benefits.

Prior Extraction Issues

9.3.5 The main issues relating to the incidental working of clay are similar to those for other minerals. The main issues concern the benefits of prior, incidental extraction, especially in terms of delivering sustainable mineral development and the adverse impacts of the additional works that are involved.

9.3.6 Most of the benefits have already been outlined in Chapter 8 on coal. In summary, the presence of mineral (clay, coal or other mineral) close to the surface may compromise the integrity and safety of any built development or use of land and prior extraction would remove such obstacles. The presence of mineral close to the surface may physically inhibit new built development and prior extraction could be the only means of enabling the approved development to be delivered.

9.3.7 Prior extraction of clay prevents an important mineral resource from becoming sterilised, either permanently or at least for the long-term. Mineral resources are a finite resource and prior extraction would ensure the best and most prudent use of the resource and reduce the need for primary resources from established quarries.

9.3.8 In contrast, the prior extraction of clay from an approved development site has the potential to give rise to additional adverse impacts over and above those from the implementation of the approved development. It is therefore necessary to consider the scale and nature of such adverse impacts against

the benefits of the mineral obtained. The extraction of the mineral would involve the use of heavy engineering based plant and machinery which could generate impacts from noise, dust and vibration. Transporting the mineral off-site would also generate additional vehicle movements which could generate additional impacts along the route taken.

Consultations Undertaken and Comments Received

9.3.9 The issues involved with the prior extraction of coal formed part of the 2015/16 Rolling Consultation exercise and the responses are addressed in Chapter 8. The prior extraction of other minerals, including clay, was not included as a specific issue. It is evident however, that there is strong support of sustainable mineral development and it is considered that incidental working of all minerals, where appropriate, forms part of that approach.

Duty to Cooperate

9.3.10 Whist the supply of clay represents a significant cross-boundary matter for this Minerals Local Plan and those of neighbouring authorities, the incidental of clay was not considered to represent a duty to co-operate issue.

Sustainability Appraisal

9.3.11 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017. It did not however, address incidental mineral extraction (clay or other minerals) as a specific issue as it was considered to be an implicit part of the overall approach to the provision of minerals against the overarching vision, objectives and sustainability principles. The proposed approach to these forms of mineral development will be subject to the SA process at the next stage of Plan preparation.

Proposed Approach

9.3.12 As stated above, the National Planning Policy Framework requires mineral planning authorities to set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place. It is proposed, therefore, to include such a policy in the new Plan and a version is presented below for consideration. The policy would apply to the incidental working of clay and other minerals except coal, which is addressed in a separate policy.

Policy MS21 Incidental Working of Clay and Other Minerals (except coal)

Proposals for the prior extraction of clay or other minerals, except coal, will be supported where the applicant can demonstrate that:

- the removal of the mineral is necessary for the safe implementation of another approved development;
- it would avoid the permanent or long-term sterilisation of mineral resources;
- it enables the remediation of contamination; and
- it would not give rise to unacceptable impacts on the environment and local amenity.

Where the scale and extent of incidental mineral extraction is small the respective district or borough council will be the appropriate planning authority. Where the scale and extent of incidental extraction is of a significant level or the volume to be extracted is greater than the minimum necessary to enable the development to proceed, then the mineral planning authority will be the appropriate planning authority. For the purposes of this policy incidental extraction will be the responsibility of the mineral planning authority where the area of extraction exceeds 1 hectare or the volume exceeds 5,000 tonnes.

9.4 - Mineral Related Development

Introduction

9.4.1 The winning and working of minerals at extraction sites and quarries usually involves the use of plant, machinery and buildings directly associated with the extraction operation. In addition, there is usually a need for ancillary developments close by for the treatment, preparation and processing of the extracted mineral prior to transport off site or for use in the production of products at the site. Examples of the former include plant to crush and screen raw mineral to a specified size or to wash raw mineral to remove impurities. Examples of the latter include ready-mix concrete plants, concrete products and asphalt plants.

9.4.2 There a number of operational reasons why it is advantageous to co-locate ancillary services with the main mineral extraction operation. It can reduce overall transport requirements and concentrate development on one site rather than a number of separate sites. The focus of additional plant, buildings and machinery (sometimes substantial in scale) can generate adverse environmental impacts, for example, in terms of visual intrusion, noise and traffic generation where the extraction site is not well related to the highway network. Therefore, the need for such development, often in countryside locations, needs to be justified in net environmental terms.

Control over Mineral Related Development

9.4.3 Not all mineral related development requires planning permission. A limited range of development is permitted under the General Permitted Development (England) Order (GPDO) 2015, although the exemptions apply to specified development carried out on land used as a mine. To qualify, the development must be for purposes principally in connection with the winning and working of minerals from the mine, and includes the treatment, storage or removal of minerals and derived wastes. A wider range of development, including secondary industry is also permitted under the GPDO but subject to prior approval by the mineral planning authority.

9.4.4 Other forms of mineral related development require planning permission. For some mineral extraction sites, particularly those of a limited duration, the range of ancillary equipment may have been identified in the original planning application and the use would be included in the planning permission. Some of the quarries in the Plan area however, area are substantial in size and will continue to operate for many years. The need for ancillary development at these quarries will vary over time and may involve the installation of new or replacement services on different locations within the quarry. The new Plan needs to set out how it will determine the acceptability of such development to ensure that any benefits of co-location are not outweighed by environmental and amenity impacts.

National and Local Policy

9.4.5 Neither the National Planning Policy Framework nor the National Planning Practice Guidance specifically address the issue of mineral related development. Guidance is provided for mineral development in general only. The issue was addressed in the adopted Derby and Derbyshire Minerals Local Plan under policy MP12: Mineral Related Development. This states that proposals for mineral related development will be permitted where there are net environmental benefits in a close link between the industrial and mineral developments, provided that the development is located, designed and landscaped to minimise any adverse effect on the environment and the development will not create unacceptable traffic problems. In addition, it stipulates that permissions will be conditioned to ensure that the mineral to be used is produced on site and that on completion of mineral working, all plant and machinery is removed, and the site is satisfactorily reclaimed.

Consultations Undertaken

9.4.6 The issue of mineral related development is inextricably linked to mineral development in general and was not identified as a specific consultation issue in any of the previous consultation exercises. Mineral related development is most likely to take place at or close to an approved mineral development site and the criteria to be included in the policies of the plan to determine the acceptability of mineral extraction development will automatically apply to related development.

Duty to Cooperate

9.4.7 Mineral related development was not considered to be an issues of strategic significance as the main issues raised are focused on the impact of the specific site, notwithstanding that the visual impact of such plant can affect a wider area.

Sustainability Appraisal

9.4.8 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal has been undertaken on all the papers which constituted the Towards a Minerals Local Plan Rolling Consultation 2015-2017. It did not address mineral related development as a specific issue as it was an implicit part of the overall approach to the provision of minerals against the overarching vision, objectives and sustainability principles. The proposed approach to these forms of mineral development however will be subject to the SA process at the next stage of Plan preparation.

Proposed Approach

9.4.9 It is considered that the approach and policy of the existing minerals plan has been an effective way of determining mineral related development and it is proposed to continue this into the new Minerals Local Plan. It is considered that it is a positive policy and accordance with the guidance of the National Planning Policy Framework.

Policy MS22 Mineral Related Development

Proposals for mineral related development which require planning permission will be permitted where there are net environmental benefits in a close link between the industrial and mineral developments, and provided that:

the development is located, designed and landscaped to minimise any adverse effect on the environment and

- the development will not create unacceptable traffic problems.

Where permission is granted, conditions will be imposed to ensure that:

the mineral used is produced mainly on site and

- on completion of mineral working, all plant and machinery is removed, and the site is satisfactorily reclaimed.

Chapter 10 - Minerals Safeguarding

10.1 - Mineral Resources

Introduction

10.1.1 Minerals provide essential raw materials for developing and sustaining our society – whether this is for construction, manufacturing, agriculture or energy production. Minerals are a non-renewable resource, and can only be worked where they occur. To protect these valuable resources for the long term and to ensure that they are available for use by future generations, it is important that they are not sterilised by non-mineral development being built over, or in close proximity to, them, such as housing, retail or industry.

10.1.2 Mineral Safeguarding Areas (MSAs) are designated to provide long term protection to areas of proven mineral resource that are considered to be of local and national importance.

10.1.3 The designation of MSAs does not convey any presumption that mineral extraction is acceptable; nor do they preclude other development from being permitted; their purpose is to provide a policy tool to ensure that mineral resources are taken into account alongside all other considerations when they are at risk from being lost to other forms of non-mineral development. There is also no presumption against mineral extraction in areas that are not safeguarded, as MSAs may not necessarily capture every viable resource.

Vision and Objectives

10.1.4 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals
Objective 2 - Delivering Sustainable Minerals Development
Objective 4 – Safeguarding Mineral Resources and Facilities
Objective 6 - Protecting the Natural and Built Environment

10.1.5 The following objectives are relevant to this chapter:

Of these, Objective 4 is particularly relevant to this chapter. This sets out that mineral resources and the facilities which are used to process and transport extracted minerals will be protected from inappropriate

development that would impair their availability and use for future generations. This will include the identification and safeguarding of surface and underground mineral resources of local and national importance, important aggregates supply and transport infrastructure such as rail heads, coating and concrete plants and effective co-operation with the district and borough councils in the area.

Evidence Base

10.1.6 Derbyshire County Council and Derby City Council obtained information on safeguarding of minerals from a variety of sources as a foundation for preparing the new Minerals Local Plan as a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000. A summary of the information obtained is presented below.

British Geological Survey: Good Practice Guidance

10.1.7 The British Geological Survey (BGS) published the document “Minerals Safeguarding in England: Good Practice Advice” in September 2011. This complements the NPPF by supporting and facilitating MPAs in their implementation of national policy with respect to the safeguarding and prior extraction of minerals. It provides independent advice and a step by step methodology on how to define MSAs to prevent the needless sterilisation of minerals, as required by the NPPF. It advises that in most cases, MSAs should cover the full extent of mineral resources considered to be of economic importance and that they should also cover urban areas under which mineral resources lie.

National Planning Policy Framework

10.1.8 Government policy in the National Planning Policy Framework (2012) sets out that mineral resources should be considered equally alongside all other natural assets when determining planning applications for new development. It requires, therefore, that all mineral planning authorities define Mineral Safeguarding Areas (MSAs) so that known locations of specific mineral resources of local and national importance are not needlessly and unnecessarily sterilised by non-mineral development.

National Planning Practice Guidance

10.1.9 This guidance was published in 2014. In terms of safeguarding of minerals, it states that minerals are a non-renewable resource, and that safeguarding ensures that non-minerals development does not needlessly prevent the future extraction of mineral resources, which are of local and national importance. It states that minerals should be safeguarded in designated and urban areas where considered necessary, and that policies may be included that encourage the prior extraction of minerals if it is necessary for non-mineral development to take place in Mineral Safeguarding Areas. It explains also that Mineral Planning Authorities (MPAs) should determine the extent of MSAs using the best

available information on the location of all mineral resources in the authority area. This, it states, may include the use of British Geological Survey maps, as well as industry sources.

10.1.10 The British Geological Survey (BGS) published the document "Minerals Safeguarding in England: Good Practice Advice" in September 2011[44] . This complements the NPPF by supporting and facilitating MPAs in their implementation of national policy with respect to the safeguarding and the prior extraction of minerals. It provides the most up to date, independent advice on an approach to defining MSAs.

44. Minerals Safeguarding in England: Good Practice Advice, September 2011. [back]

Consultations Undertaken and Comments Received

10.1.11 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshop 2009

10.1.12 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders. Safeguarding was identified by stakeholders as a key issue which should be addressed in the MLP in the preparation of the Plan.

Issues and Options 2010

10.1.13 In the Issues and Options Paper (2010), two issues were included relating to the safeguarding of mineral resources. The first asked people how they think we should define mineral safeguarding areas. Responses indicated support for an approach which safeguards all proven mineral resources of local and national importance (83%). This approach is broadly in accordance with national policy and guidance and with the approach to safeguarding set out in the 2011 BGS guidance on minerals safeguarding, which is the most recent up to date guidance regarding mineral safeguarding.

10.1.14 The second issue set out an initial policy approach to safeguarding. 94% (16 out of 17 responses) thought that we should continue broadly the approach set out in Policy MP17 of the adopted Minerals Local Plan. One response disagreed, saying that Policy MP17 is inadequate because it merely says that proposals for development which would sterilise minerals will be resisted and does not constitute an effective means of safeguarding those resources. It goes on that there should be a presumption against competing development, conveyed by policies in the Development Plan, which will

only allow permission to be granted in exceptional circumstances as defined by those policies. The emerging policy has been drafted to address this comment.

Towards a Minerals Local Plan – Rolling Consultation 2015/2016

10.1.15 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence were also taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the safeguarding of mineral resources.

10.1.16 There were 43 responses to this part of the document from 20 individuals or organisations. The following is a summary of the main issues raised:

- One comment suggests that the high grade industrial element of the Permian Limestone should be safeguarded separately to distinguish them from the aggregate grade mineral.
- Three consider that safeguarding of building stone should not be as restrictive and it should cover all the resource. One of these refers also to clays and Sherwood sandstone
- Most agree that urban areas should be washed over but one considers it impractical except for shallow coal or sand and gravel.
- One asks whether the policy can safeguard non- designated minerals for example on the line of proposed HS2.
- It is suggested by the Coal Authority that there may be cases where deep coal could be safeguarded so as not to conflict with sensitive surface land development.
- The opinion regarding the definition of buffer zones is split. The MPA states that we should build the buffers into the MSAs in accordance with good practice rather than use the MCA. It is also stated by others that there should be no set buffer zones but that they should be determined on a case by case basis and only where absolutely necessary.
- There are 11 comments of support for the overall approach as proposed and for the minerals which are proposed to be safeguarded.
- Support is expressed for the exempt categories of development but to include also applications for Listed Building consent and revised to ensure that any alterations/intensifications of use does not increase sensitivity.
- There are other comments requesting wording changes.

Assessment of Comments and Outcomes for the Plan

10.1.17 The following is the Councils response to the issues raised above. All comments received have been used to determine the content of the Plan.

- The Councils do not have the same detailed information available regarding the specific grades of mineral in the Permian Limestone deposit.

- The proposal to safeguard only parts of the sandstone/gritstone resource resulted from the fact that this resource is so extensive and only small areas are found to be of sufficient quality to use as building stone. Safeguarding those areas which are known to contain good quality resources (i.e. existing building stone quarries) and the area around these quarries is considered to be a pragmatic approach.

- BGS guidance advises that MSAs should be defined to cover all urban areas, in order to highlight the potential for extracting significant quantities of mineral which can exist beneath urban regeneration projects and brownfield sites, and which may otherwise be overlooked. A series of exemptions will apply so that district councils will not have to consult the MPA on minor developments in these areas.

- The County Council will be consulted on the final route for HS2, and the issue of mineral sterilisation will be one of the issues that we will raise at that time.

- There is no requirement in the NPPF or Planning Practice Guidance to safeguard deep coal resources. The only issue of mineral sterilisation that needs consideration in relation to deep coal resources is whether licensed underground coal workings may become operationally sterilised by non-mineral surface development.

- BGS Good Practice sets out that it will be appropriate to include buffer zones beyond the mineral resource to address potential risks from incompatible development. The buffer zones will be determined according to the particular mineral and these, together with the mineral resource, will form the Mineral Safeguarding Area. This whole area will also be the Mineral Consultation Area and this will be used to ensure that district/borough councils consult the mineral planning authority on non-mineral planning applications that may affect the mineral.

- Changes made as appropriate.

Duty to Cooperate

10.1.18 National Planning Practice Guidance sets out that in planning for minerals extraction, mineral planning authorities are expected to cooperate with other authorities on strategic cross boundary matters.

10.1.19 In order to obtain as much relevant information as possible about safeguarding of mineral resources, Derbyshire County Council and Derby City Council has engaged in meetings and discussions with relevant authorities. We have also corresponded with organisations and individuals with relevant knowledge to develop our evidence base for the 2015/2016 consultation exercise and for developing the approach set out below.

10.1.20 The safeguarding of mineral resources is considered to be a strategic cross boundary matter by virtue of the fact that minerals are of national and local economic importance, which straddle administrative boundaries and are often transported significant distances to where they are used. It is important, therefore, to ensure that a co-ordinated approach is taken to the safeguarding of minerals which cross administrative boundaries and to ensure also that safeguarding policies are compatible between authorities. We have liaised with, and will continue to liaise with, adjoining MPAs regarding this issue.

Further detail is included in the Duty to Cooperate Paper, December 2017.

Sustainability Appraisal

10.1.21 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning safeguarding of mineral resources. The following is a summary of the report regarding safeguarding.

The proposed approach would have positive implications by ensuring a steady supply of minerals for economic development. It would also help to ensure that the need for mineral imports was minimised, which would reduce carbon emissions. Larger development will need to demonstrate that resources cannot be extracted as part of the development. This could discourage the redevelopment of some sites but also provide the opportunity to extract resources which could partially fund the development. An uncertain effect is predicted for economy and housing, although it is not expected that significant effects would occur as the policy ought to take account of the viability and feasibility of resource extraction.

The full appraisal is set out in the following document:

Interim Sustainability Appraisal Report 2017

The Proposed Approach

10.1.22 Taking account of comments received and all other considerations referred to above, the following approach to safeguarding of mineral resources is proposed.

Minerals to be Safeguarded

10.1.23 The following minerals will be safeguarded to ensure that they are taken into account in proposals for non-mineral development:

- Glaciofluvial sand and gravel.
- Carboniferous limestone (aggregate, industrial and building stone grades).
- Fluorspar (found within the carboniferous limestone).
- Permian limestone (industrial and aggregate grade).
- Surface mined coal.
- Namurian sandstone (building stone).
- Sherwood sandstone.
- Fireclay (found within the coal measures).
- Brick clay.

10.1.24 For this Plan period, it is proposed to safeguard the entire resource of the Carboniferous Limestone (including associated Fluorspar) Permian Limestone, alluvial sand and gravel and surface mined coal (including associated Fireclay). These areas are shown on the maps in Appendix 1.

A more selective approach is proposed for resources of sandstone/gritstone used for building/roofing purposes, other clays and Sherwood Sandstone, for which it is proposed to only safeguard those resources within existing quarries and disused quarries with known remaining resources and potential areas for extension around these quarries. The precise areas of these resources will be published shortly.

Development Close to Mineral Resources

10.1.25 Development which is close to, but not actually within, a mineral resource may also lead to the sterilisation of part of the resource. For example, if a house was built in this zone close to a mineral resource, a quantity of the resource may not be able to be worked (it would be sterilised) as the property would lie within the area that could be affected by the effects of mineral working to an unacceptable degree. To take account of such risks and to also account for the inexact nature of mapped geological boundaries, particularly for more scarce resources, it has been considered whether it will be necessary to extend the MSA beyond the actual resource boundary, using a buffer zone. Responses to this approach have not provided a clear steer either way. We have to rely on national guidance and BGS Good Practice therefore, which supports an approach which includes buffer zones. It is considered to be a pragmatic and appropriate approach to this issue, which is also used by many other mineral planning authorities. In accordance with recent examples of good practice, for resources where blasting is not required, this buffer zone has been set at 250m. The use of blasting requires the buffer zone for crushed rock resources to be greater and has therefore been set at 500m.

10.1.26 It may well be the case that, with modern blasting techniques, the issue can be resolved satisfactorily and development can take place close to mineral workings with neither party being affected to a significant extent, but at least this approach will ensure that the issue can be considered at an early stage in the process of determining a planning application, hopefully at pre-application stage.

10.1.27 The resource, together with the additional buffer zone, is designated as the Mineral Safeguarding Area to ensure that the mineral is afforded the appropriate protection from non-mineral

development. Because Derbyshire is a two tier area, this area will also be the Mineral Consultation Area. In areas covered by this designation, the District/Borough Planning Authorities will be required to consult the Mineral Planning Authority on planning applications within this area.

Further more detailed information regarding the background to the approach taken to mineral safeguarding is available in the Background Paper on Mineral Safeguarding, December 2017.

Policy SG1: Safeguarding Mineral Resources

The following mineral resources and associated buffer zones will be safeguarded from other forms of surface development to protect the resource for the future:

i) All crushed rock resources (Carboniferous (with associated Fluorspar) and Permian Limestone) with an additional 500m buffer;

ii) All sand and gravel and shallow coal resources (with associated fireclay) with an additional 250m buffer;

iii) Safeguarding of resources of sandstone/gritstone for building and roofing purposes, Sherwood Sandstone and clays will be limited to existing quarries and disused quarries with known remaining resources and potential areas for extension around these quarries with an additional 250m buffer.

Development within Mineral Safeguarding Areas

10.1.28 There will be cases where non-mineral development can take place within mineral safeguarding areas. The following policy shows when this will be possible. Where it can be shown to take place, to prevent the unnecessary sterilisation of mineral resources, there may be opportunities for extraction of the mineral prior to or as part of the development. The developer will be required to provide the necessary justification.

10.1.29 The extraction of mineral prior to or as part of the redevelopment of the site may be of economic advantage due to the availability of mineral on site for the development proposed or the shorter distance to market if sold. There will be different issues regarding prior extraction depending on the mineral involved, but it is most likely to be viable for shallow resources such as sand and gravel and surface coal. In the case of coal, in particular, prior extraction can help to rectify issues associated with land stability.

10.1.30 As a two-tier planning system exists in the planning authority area, the District and Borough councils in that area will be responsible for ensuring that development proposals that they determine in Safeguarding Areas are assessed appropriately. This will be done by using defined Minerals Consultation Areas, within which the District/Borough Councils would consult with Derbyshire County Council, as minerals planning authority, before decisions are taken on certain forms of non-mineral development which could sterilise minerals resources.

Exempt Development

10.1.31 Given that the majority of planning applications are submitted for development within urban areas, the designation of MSAs covering urban areas could potentially lead to a large amount of unnecessary notification between district planning authorities and mineral planning authorities. To overcome this, we have included a list of exempt developments, which will have no significant implications for mineral safeguarding and therefore on which the district planning authority will not be required to consult the mineral planning authority. These are set out below.

- Applications for householder development (extensions).
- Applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site.
- Applications for advertisement consent.
- Applications for reserved matters, including subsequent applications after outline consent has been granted.
- Development which is in accordance with the development plan where the plan took account of the prevention of mineral sterilisation and determined that prior extraction should not be considered when applications in a MSA/MCA came forward.
- Prior notifications (telecoms, forestry, agriculture, demolition).
- Certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development.
- Applications for works to trees.
- Applications for temporary planning permission.
- Applications for Listed Building Consent

Policy SG2: Development within Mineral Safeguarding Areas

Within a Mineral Safeguarding Area, non-mineral development will only be permitted where:

1. a) It can be shown that it would not sterilise the mineral or prejudice future extraction; or
2. b) it constitutes exempt development (as defined in the Safeguarding Exemption Criteria list, above) or
3. c) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or
4. d) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or
5. e) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed or;

6. f) it can be shown that the proposal for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations, or;
7. g) where it is necessary for non-minerals development to take place, the mineral will be extracted prior to the development (where this can be achieved in practicable and economic terms without unacceptable impact on the environment or local communities and having regard to the benefits of the restoration of the site),

Applications for development other than mineral extraction in Minerals Safeguarding Areas must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Monitoring

10.1.32 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part.

10.2 - Mineral Related Development

Introduction

10.2.1 This chapter considers how the minerals supply and transport infrastructure in Derbyshire and Derby will be safeguarded. It is important to safeguard minerals related infrastructure to ensure that the minerals which are produced within Derbyshire and Derby and the surrounding areas are supplied to the market in the form required (e.g. concrete or coated road stone), and the potential to transport them in sustainable ways is maintained, including by rail and water. Safeguarding will also ensure that if development is proposed at, or near to, any of the identified locations then the significance of the site in terms of retaining supply can be considered fully before decisions are made.

Vision and Objectives

10.2.2 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

The following objectives are relevant to this chapter:

Objective 1 - Ensuring a Steady and Adequate Supply of Minerals

Objective 2 - Delivering Sustainable Minerals Development

Achieving the most Appropriate Spatial Distribution of Mineral Development

Objective 4 – Safeguarding Mineral Resources and Facilities

More detail on the Vision and Objectives is set out in the following chapter:

Towards a Minerals Local Plan: Spring 2018 Consultation, Chapter 3, Vision and Objectives, December 2017

Evidence Base

National Planning Policy Framework

10.2.3 National policy for the safeguarding of minerals infrastructure is set out in the National Planning Policy Framework. In paragraph 143, the NPPF states that, "…local planning authorities should… safeguard:

- existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport of minerals by rail, sea or inland waterways, including recycled, secondary and marine-dredged materials; and
- existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material."

National Planning Practice Guidance

10.2.4 This guidance states that planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:

- ensure that sites for these purposes are available should they be needed; and
- prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.

10.2.5 It goes on to explain that in areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will

rest largely with the district planning authority. It sets out that exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.

10.2.6 It concludes by stating that planning authorities should consider the possibility of combining safeguarded sites for storage, handling and transport of minerals with those for the processing and distribution of recycled and secondary aggregate. This will require close co-operation between planning authorities.

10.2.7 The councils have contacted mineral operators and district planning authorities to determine the location of current mineral related infrastructure facilities in the Plan area. These include rail freight lines, concrete batching plants, mineral processing plant and machinery. The information collected has been used to develop the strategy. This is as follows:

Transport Infrastructure

10.2.8 There are currently three known operational railheads, three known non-operational railheads, four rail links to quarries and no wharves in Derbyshire and Derby (see Appendix A of the Background Paper for a list of the sites). These already benefit from the safeguarding of the host quarry.

10.2.9 The authorities are not aware of any current proposals for any more of the above infrastructure types.

Concrete Batching Plants

10.2.10 The councils carried out surveys to determine the location of concrete batching plants in the Plan area. This involved contacting mineral operators and meeting with district/borough council representatives to find this information. This research found 35 concrete batching plants in the Plan area. (see Appendix B of the Background Paper for a list of the sites). We sent letters to the operators of each of these facilities asking for information to inform the preparation of the paper. Response to this was very low. We sent a follow up letter, to which only a small number of responses were received.

10.2.11 As can be seen from the list, some facilities are located on existing mineral workings whilst others are standalone facilities on industrial estates in urban areas. The numbers and distribution of the sites involved do not suggest that any individual plant is critical in its own right; each would appear to serve its own relatively limited local area.

10.2.12 It can be beneficial where the batching plant is located within a quarry as the host operation often supplies a large proportion of the raw materials for the manufacture of concrete or asphalt. Other concrete plants are situated within industrial estates. Large development sites build their own temporary concrete plants to supply the contract.

Coated Stone Plant (Asphalt)

10.2.13 Asphalt is a vital product as it is used in many different applications. These include road construction and maintenance, pavements, airport runways, school playgrounds, car parks, footpaths and cycleways and the roofing of buildings.

10.2.14 Our research has determined that there are four coated stone plants in the Plan area. These are listed in Appendix B of the Background Paper. Two are within quarries and two are in industrial estates. Letters were sent to the operators of these facilities in 2013 to gather information on the facilities. Response was very low and a follow up letter was sent in 2015 to gather further information to enable us to assess whether the sites should be safeguarded, in particular in this respect to determine the size and output of the facility and the geographical area which it serves.

Further more detailed evidence regarding minerals related infrastructure is available in the Safeguarding Minerals Infrastructure Background Paper, December 2017.

Consultations Undertaken and Comments Received

Issues and Options 2010

10.2.15 This issue was not covered in detail in the Issues and Options Report. The Report did ask, however, whether or not respondents agreed that the most appropriate place to consider the safeguarding of sites for substitute, recycled and secondary aggregates would be the Waste Local Plan. Thirteen out of fifteen respondents agreed with this approach and, as a result, this element will be taken forward in the emerging Waste Local Plan for Derbyshire and Derby.

Towards a Minerals Local Plan Rolling Consultation 2015/2016

10.2.16The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the safeguarding of minerals related infrastructure.

10.2.17 Given that this subject was not covered in great detail at previous stages, a number of issues were presented at this stage. Issue 1 related to whether a policy should cover all facilities. Issue 2 as to whether a consultation area should be designated around each facility and what form this should take, and Issue 3, the flexibility of the policy and the protocol between county and district authorities regarding the safeguarding of minerals related infrastructure.

10.2.18 There were three comments from one respondent to this strategy at this stage.

- Issue 1. There should be a blanket approach to safeguarding all minerals infrastructure.

- Issue 2. Support definition of MCAs around sites on a site by site basis
- Issue 3. Policies should be flexible to allow for change i.e. if facilities are removed.

Assessment of Comments and Outcomes for the Plan

1. This has been taken into account in developing the preferred approach to this issue. All minerals related infrastructure will be safeguarded, whether this is in this Minerals Local Plan or district/borough local plans.
2. Having considered this approach further, including discussions with other mineral planning authorities, it appears that it may not be practicable to develop this approach. Generally, the preferred approach emerging amongst other mpas is to develop a standard consultation area around each facility.
3. This would appear to be the most practical and reasonable approach to this issue and will be incorporated into the proposed approach.

Sustainability Appraisal

10.2.19 The Sustainability Appraisal does not yet report on this issue.

Duty to Cooperate

10.2.20 In order to obtain as much relevant information as possible about safeguarding of mineral related infrastructure, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities including mineral operators. We have also corresponded with other organisations and individuals with relevant knowledge and experience of minerals related infrastructure to develop our evidence base for the Plan, in terms of gathering information regarding the location of current mineral related infrastructure and for developing the approach to safeguarding infrastructure.

10.2.21 Whilst the responsibility for minerals planning matters rests with Derbyshire County Council and Derby City Council, the full implementation of the safeguarding policies will require the cooperation and assistance of the district and borough councils who will be required to safeguard some elements of minerals infrastructure outside quarries, as set out in NPPG. All the relevant local authorities have been involved in developing an approach to minerals infrastructure safeguarding under the Duty to Cooperate and this will continue throughout the remaining stages of Plan preparation and its implementation in the future.

Protocol between County and District Planning Authorities

10.2.22 Whilst the responsibility for minerals planning matters rests with Derbyshire County Council and Derby City Council the full implementation of the safeguarding policies will require the co-operation and assistance of the district and borough councils. As set out above, in accordance with NPPG, district/borough authorities will be responsible for safeguarding sites other than those which are located at quarries or aggregate wharves or rail terminals, which will be safeguarded in this Minerals Local Plan. All the relevant local authorities have been involved in developing an approach to mineral infrastructure safeguarding under the Duty to Cooperate and this will continue throughout the remaining stages of Plan preparation and its implementation in the future. The development of an agreed protocol which sets out the circumstances and form of consultation on planning applications which may affect minerals related infrastructure will take place is considered to be an appropriate way to ensure that safeguarding is taken into consideration. Once the policies and procedures for consultation are in place, the protocol and policies will be monitored and reviewed to ensure they are working effectively and remain relevant. This will be achieved through the Duty to Co-operate.

The Proposed Approach

10.2.23 Taking all of the above information into account, it is considered that an overarching policy covering all forms of minerals related infrastructure should be included. It would then be a matter for consideration in the determination of a planning application as to whether the loss of a particular site would be a significant issue in a particular case and over time.

10.2.24 As set out above, in accordance with NPPG, district/borough authorities will be responsible for safeguarding sites in their local plans, other than those which are located at quarries or aggregate wharves or rail terminals.

10.2.25 Much of the infrastructure referred to in paragraph 143 of the NPPF is located within the boundaries of existing minerals operations and their operation is tied to the lifetime of the planning permission. It is not necessary to add another layer of safeguarding as these forms of development already have a sufficient level of protection both from being located within an active mineral working, and also from the site being within a mineral safeguarding area which safeguards the resource which the quarry is working.

10.2.26 To ensure that the presence of the safeguarded facility is taken into account in any planning application that might conflict with and have an impact on the ability of the facility to continue operating effectively (for example, a new housing development built near to a concrete batching plant might prevent the future expansion of the plant or lead to complaints about noise and nuisance from the new residents which may result in the activities of the operation being restricted) a standard consultation area of 250m is designated around each facility. This should help to prevent incompatible development taking place close to a safeguarded facility.

10.2.27 Safeguarding a facility which is currently in operation cannot guarantee that it will remain in operation until the end of the Plan period and beyond. It may be the case that a particular site is no longer required for valid reasons, for example a new supply source may have been developed elsewhere, the company may be consolidating or relocating or the specific project being worked on has ended and the infrastructure is no longer required. In such cases, it would not be appropriate to prevent

alternative, productive forms of development from using the site as this may stifle future economic growth.

10.2.28 It is also possible that other forms of development could be allowed if it can be shown that the loss of the particular infrastructure site would not affect the provision of the resource to which it relates in overall terms or would be replaced elsewhere or there is shown to be sufficient provision of that particular type of facility in the area that it serves. This option would ensure that safeguarding can be maintained but would allow for the importance and role of the facility to be considered at the planning application stage, taking account of the potential contribution of alternative types of development.

Policy SG3: Safeguarding Minerals Related Infrastructure

Existing, planned and potential rail heads, rail links to quarries, sites for concrete batching and processing and distribution of recycled and secondary aggregate within quarries are safeguarded to ensure that they are taken into account when other forms of development are planned in or around the facility.

Should the facility be removed during the course of the Plan period or it can be proved that is no longer required, this will be taken into account when considering a proposal on or in the vicinity of the facility.

Chapter 11 - Cumulative Impacts

Introduction

11.1 Cumulative impacts are a potential consequence of all mineral developments. It is therefore an important for the Minerals Local Plan. This chapter examines why cumulative impacts are such an important issue for the Plan area and seeks to develop the policy approach of the Plan on the issue and establish an appropriate methodology so that the cumulative impact of new minerals development can be evaluated and assessed in the context of the vision and objectives and all the other policies against which they will be determined. It is acknowledged that cumulative impacts can be positive as well as negative. Whilst the benefits of development will form an integral part of the overall assessment of a proposal, the focus of this chapter will be on the approach to the way in which aggregate adverse impacts are addressed.

11.2 Cumulative impacts are also an important issue in the operation of waste management sites and facilities. The issue will be addressed separately in the emerging new Waste Local Plan but this chapter includes references to relevant waste policy statements to provide a comprehensive coverage of the issue.

Legislative Background

11.3 The need to take account of the potential adverse impacts of development proposals as well as the benefits of those developments has been at the heart of the modern planning system. The concept of cumulative impacts has also been a recognized element of the planning system for a long time but the need to take account of such impacts was only formally enacted by legislation arising from EC Directive 85/337/EEC (as amended by 11/99/EC) which introduced Environmental Impact Assessment (EIA) regulations. In the UK the relevant legislation was the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, (notably Schedule 3). The need to take account of the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality is also included in current Government policy in the National Planning Policy Framework (paragraph 143).

What are Cumulative Impacts?

11.4 Cumulative impacts is the term used to describe the combined effects of a number of individual impacts which, in aggregate, are greater than the sum of those individual impacts. They are those which are caused by the combined effects of one action, or of several actions or developments at the same time or from a succession of actions or developments over time. It is recognized that cumulative impacts can be beneficial as well as adverse. For example, the benefits to an area which suffers from a number of derelict, degraded and contaminated sites in close proximity will benefit more from the combined improvement of a number of simultaneous remediation schemes when compared to just one site being restored.

11.5 Mineral developments can often involve substantial areas of land. They can involve the construction of major new buildings and structures (for processing), large-scale disturbance to land and an extensive range of other operations. By their scale and nature, mineral developments have the scope for generating significant adverse impacts on the environment, local communities and the surrounding area in general. The concept of cumulative impacts is to determine if, and how the aggregate sum of these individual impacts is greater than on an individual basis.

Why are Cumulative Impacts so Pertinent to Derbyshire?

11.6 One of the main requirements of the planning system is that the development plan framework for any area should not only accord with national planning policy but also that individual local plans should properly reflect the particular circumstances and conditions of the area to which they apply. The issue of cumulative impacts is particularly important for Derbyshire and Derby. The importance of the issue has been communicated strongly and repeatedly by local communities in response to previous mineral (and waste local plan) consultations and in response to publicity for individual development proposals.

11.7 The most important local factor is the baseline conditions which prevail, arising from the historical pattern and form of development in the area. Based on the responses to local plan consultation exercises and to individual planning applications, people in the Plan area consider that the industrial heritage has created an area, local communities and an economy which is sensitive to change. The

industrial heritage has affected the location of development, the form it has taken and has had a profound impact on the quality of the environment and social and living conditions.

11.8 In summary, it is the wealth of minerals found in the area and the corresponding industries that developed from the availability of those minerals that has influenced the area. Mineral extraction has taken place over several centuries but grew and expanded considerably during the industrial revolution period and onwards. The availability of coal from the many mines across the eastern coalfield supported the development of major metal based engineering firms. Whilst all the collieries have now closed together with many of the engineering firms, much of the legacy remains despite the progression of comprehensive remediation, restoration and redevelopment programmes. Other parts of the area were also influenced and shaped by mineral extraction, including the establishment of large limestone quarries in the north of the County in locations often corresponding with areas of high landscape value, whilst the southern parts saw both coal and clay extraction together with sand and gravel along the river valleys.

11.9 The industrial heritage has left obvious physical manifestations and has affected the form and character of the landscape and wider environment. In addition, it has had a social and psychological effect whereby local communities are sensitive to historic adverse conditions continuing in to the future from some forms of development, particularly those related to major minerals (and waste management) activities.

11.10 A more comprehensive description of the industrial heritage of the area and how it has affected baseline conditions is available in the following background paper;

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper – Cumulative Impacts Support Paper, December 2017

Methods of Assessment

11.11 At present there is not an established methodology which has been adopted by the planning system for use in the assessment and determination of the cumulative impacts of development proposals. The Support Paper referred to above, included a review of the methodologies and techniques that have been developed, including ones in other countries which were used to assess mining related developments. Most methodologies have focused on the evaluation of the combined effects of an individual proposal and the additional impacts of other developments taking place in a location at the same time. However, in order to take account of the historic effect of developments, the research also investigated those methodologies that considered the collective impacts of a series of developments over time. The use of a methodology that included the historic element was considered necessary to properly reflect the circumstances in the Plan area.

11.12 A more comprehensive description of the range of methodologies that were considered is available in the following background paper;

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper – Cumulative Impacts Support Paper, December 2017

National and Local Policy

National Planning Policy Framework (NPPF)

11.13 The NPPF seeks ways to improve the efficiency and effectiveness of the planning system but upholds the foundation that it is a plan-led system. It advocates the use of relevant policies to assess and help determine the acceptability or otherwise of development proposals, in the context of the presumption in favour of sustainable development. A fundamental objective remains the need to ensure the best and appropriate balance between economic, social and environmental factors.

11.14 With regard to facilitating the sustainable use of minerals the advice to mineral planning authorities is to set out environmental criteria, in line with the policies of the Framework, against which planning applications will be assessed. The purpose is to ensure that permitted operations do not have unacceptable adverse impacts, including the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.

11.15 In general terms, the NPPF states that, 'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'.

National Planning Practice Guidance (NPPG)

11.16 The National Planning Practice Guidance reiterates much of the policy approach of the NPPF. For example, it identifies the environmental issues of mineral working that should be addressed by mineral planning authorities. At paragraph 17, however, it acknowledges that some parts of a mineral planning authority area may have been subjected to successive mineral development over a number of years and states that, where appropriate, mineral planning authorities should include appropriate policies in their minerals local plan to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable.

National Planning Policy for Waste 2014

11.16 The National Planning Practice Guidance reiterates much of the policy approach of the NPPF. For example, it identifies the environmental issues of mineral working that should be addressed by mineral planning authorities. At paragraph 17, however, it acknowledges that some parts of a mineral planning authority area may have been subjected to successive mineral development over a number of

years and states that, where appropriate, mineral planning authorities should include appropriate policies in their minerals local plan to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable.

Derby and Derbyshire Minerals Local Plan, 2000

11.18 The importance of cumulative impacts in the consideration of minerals and waste developments was recognised in both current minerals and waste local plans. In the adopted Derby and Derbyshire Minerals Local Plan, April 2000, Policy MP4: Interests of Acknowledged Environmental Importance, states that proposals for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance. With regard to cumulative impacts it states that one of the aspects for deciding whether a development was acceptable or not would be where it would result in an unacceptable cumulative impact on the environment of an area, either in relation to an individual proposal having regard to the collective effect of different impacts, or in relation to the effects of a number of mineral developments occurring either concurrently or successively.

11.19 The supporting text to this policy indicates that cumulative impacts could arise where there is a concentration of mineral workings in a particular location, either concurrently or successively over a period of time, and where the local community has experienced more than its fair share of environmental disturbance. It notes that these concerns can be particularly relevant in the Derbyshire coalfield where the adverse effects of operations should not inhibit efforts to regenerate those areas. In addition it notes that proposals for mineral working may result in a series of environmental impacts which are not individually unacceptable, but which taken collectively and taking account of any impacts of other mineral or non-mineral developments in the same area may create unacceptable damage to the environment.

Derby and Derbyshire Waste Local Plan, 2005

11.20 The adopted Derby and Derbyshire Waste Local Plan, March 2005, contains a corresponding policy for waste developments. Policy W10: Cumulative Impact, states that proposals for waste development will be assessed in the light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. It adds that waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.

11.21 The accompanying text also refers to the creation of unacceptable cumulative impacts from developments operating concurrently or successively. It cites the example of disturbance to a local community from mining and landfill operations over a long period where a proposal to extend the landfill site or develop another waste disposal site or waste management facility, even one that would benefit the wider waste management system, might result in significant, cumulative harm to the community's amenities and may have to be refused. It also provides a guide to potential applicants and decision-makers by setting out the aspects that may contribute to cumulative impact.

Duty to Cooperate

11.22 The Duty to Co-operate was created by the Localism Act 2011, which places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross-boundary matters. This is embodied in the NPPF and NPPG.

11.23 The Councils have undertaken discussions with neighbouring authorities on a number of shared mineral and waste issues. The outcome of these discussions so far is that the authorities have agreed jointly to set out how they will proceed to ensure the development of a consistent and complementary approach towards minerals and waste policy, including the provision for the supply of minerals and the assessment of the benefits and adverse impacts of such development. It has also been agreed to undertake joint monitoring and evidence base production as required.

11.24 The issue of cumulative impacts forms one of the many aspects in the assessment of development proposals and has been recognised jointly as a strategic issue. It is also recognised that cumulative impacts from minerals and waste developments can affect district and borough council areas within the Plan area and adjacent authorities outside the county, and that other forms of development for which those authorities are the local planning authority can influence the assessment of cumulative impacts from new minerals and waste developments.

Sustainability Appraisal

11.25 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning cumulative impacts.

11.26 The SA considered that the significance of effects concerning the different methodology options was difficult to determine given the high level procedural nature of the options but concluded that both ought to have positive effects upon sustainability. It also considered that taking into account the historical context in determining sensitivity could be positive for heritage and landscapes which have already been affected by development and positive for communities by recognising industrial decline but could direct development away from areas that are well served by infrastructure and supply lines.

11.27 The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

Interim Sustainability Appraisal (SA) Report, November 2013

Consultations Undertaken and Comments Received

Early Consultations

11.28 The County and City Councils have undertaken a series of earlier consultation exercises. Whilst these exercises did not identify cumulative impacts specifically as a distinct issue, they did seek to obtain your views about the most appropriate way to assess the acceptability or otherwise of minerals and waste development proposals. The emerging view was that you favoured a criterion based approach, which took all relevant factors into consideration.

11.29 In response to individual planning applications, many people have indicated the need for cumulative impacts to be taken into account, particularly where development proposals were located in the coalfield areas. This message was also prominent in the responses from those attending the sand and gravel drop-in sessions.

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

11.30 As explained above, cumulative impacts were identified as a specific issue for the recent consultation exercise but as the issue is relevant to both minerals and waste management developments it was undertaken as a joint exercise for both plans. The consultation consisted of a support paper setting out background information about the nature and form of cumulative impacts, the methodologies available to assess such impacts, the policy position of cumulative impacts in the current planning system and what makes it an important issue for the local minerals and waste plans.

11.31 The consultation paper identified a series of issues, with options where relevant, whereby the responses would help determine the approach of the new plans to cumulative impacts. The issues concerned the need to continue including cumulative impacts as an element of the policies of the two plans, the preferred methodology for assessment and quantification of such impacts and how the conditions prevailing in different parts of the plan area merited variations in the application of a cumulative based policy.

Assessment of Comments and Outcomes for the Plan

11.32 Very few responses were received which limits the conclusions that can be drawn directly from the consultation exercise. Of those received there was general support for the role of cumulative impacts in the planning process but it was noted that cumulative benefits should be recognised in addition to cumulative adverse impacts.

11.33 In the absence of any clear messages from the responses to this consultation exercise the authorities will continue to develop an approach for the minerals and waste local plans that delivers the messages set out more clearly in earlier consultation exercises and in response to specific development proposals where the issue was more sharply to the forefront of the minds of people in the relevant local communities.

The Draft Approach

11.34 The concept of cumulative impacts is an important element of the planning system and enables a wider perspective of the consequences of development proposals compared to viewing each issue in isolation. It is advocated as one of the criteria in the National Planning Policy Framework and is an established element of the development plan for Derbyshire for many years. It is supported by local communities and will continue to be included in the policy framework of the emerging minerals and waste local plans.

11.35 For the reasons set out above and in the consultation papers, it is considered justified to conclude that parts of the Plan area are more susceptible to further cumulative impacts than other parts of the country. Accordingly it is considered the approach to cumulative impact assessment in Derbyshire needs to be more comprehensive than that stipulated in the National Planning Policy Framework. The authorities will seek to develop the approach set out in the consultation paper which follows that established by Mr Justice Brown which incorporates successive effects, simultaneous effects from concurrent developments and combined effects from the same development.

11.36 Recognition of the differing circumstances in different parts of the Plan area will be achieved by the application of the relevant policy or policies which will sufficiently robust but flexible to allow that objective.

Policy CP1: Cumulative Impacts

Proposals for minerals developments will be granted where the applicant can demonstrate that it would not give rise to unacceptable cumulative impacts on the environment, the social fabric of the area or local economic conditions. In the determination of cumulative impacts the mineral planning authority will take account of:

- the combined effects from the individual development;
- the simultaneous effects from similar developments;
- the simultaneous effects from other forms of development;
- the successive effects of similar and other forms of development.

For each of these issues the mineral planning authority will address the spatial, temporal and linked aspects of cumulative effects.

Chapter 12 - Restoration

12.1 - Restoration Strategy

Introduction

12.1.1 Mineral workings can have a substantial impact on the landscape and the uses of land. Although the extraction process is a temporary use of land, the impacts can be long-term or even permanent. It is important, when mineral working ceases, that the area affected is restored to a beneficial after-use for the local community at the earliest opportunity and is then maintained to a high standard for a period of time until it is established sufficiently to a stage where it can be maintained by more established, less intensive methods. Effective restoration and long-term aftercare of mineral sites is integral to all proposals for mineral extraction in Derbyshire and Derby.

12.1.2 There are opportunities for habitat creation during the life of a quarry, through phased restoration, compensation and mitigation, and moreover, at the end of their working life, all sites should be restored to an appropriate and beneficial after-use, which presents particular opportunities for green infrastructure and recreation.

12.1.3 Well considered restoration schemes should be sympathetic to and have regard to the wider context of the site, helping to ensure that the restored site integrates with the character of the surrounding landscape, mitigates any visual intrusion, enhances biodiversity, improves the appearance of the area and provides benefits to the local community. The potential contribution of restored mineral workings to the UK Biodiversity Action Plan (BAP) targets is considerable.

12.1.4 Improvement to habitats and biodiversity may allow for the creation of green corridors which can help to link important habitats, whilst also playing a role in mitigating and adapting to climate change. Measures to mitigate and adapt to the impacts of climate change should be incorporated into mineral restoration schemes wherever possible.

Vision and Objectives

12.1.5 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

12.1.6 The policies in this chapter will help to deliver the following objectives of the Plan:

Objective 5 – Minimising Impacts on Communities

The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health.

Objective 6 – Protecting the Natural and Built Environment

The Plan will conserve and enhance the area's natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.

Objective 8 – Minimising Flood Risk and Climate Change

The Plan will seek to minimise and mitigate the risk of flooding and the impacts of climate change arising from minerals developments. This will include securing appropriate forms of restoration which address how sites interact with their surroundings in the longer term.

Evidence Base

The National Planning Policy Framework (NPPF)

12.1.7 This sets out that policies should be included in minerals local plans to ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long-term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

12.1.8 The NPPF also advises that the planning system should protect and enhance our valued landscapes and the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity, contributing to the Government's commitment to halt the overall decline in biodiversity (para 109), and that planning policies should promote the preservation, restoration and re-creation of priority habitats at a landscape scale (para 117). When determining applications, planning authorities should encourage opportunities to incorporate biodiversity (para 118).

National Planning Practice Guidance (NPPG)

12.1.9 This sets out that responsibility for the restoration and aftercare of mineral sites, including financial responsibility, lies with the minerals operator and, in the case of default, with the landowner. It goes on to state that there are many potential uses of land once mineral extraction is complete. These include:

- creation of new habitats and biodiversity;
- use for agriculture;
- forestry;
- recreational activities;
- waste management, including waste storage; and
- the built environment, such as residential, industrial or retail, where appropriate.

12.1.10 Some former mineral sites may also be restored as a landfill facility using suitable imported waste materials as an intermediate stage in restoration, prior to the site being restored fully to an appropriate after-use.

12.1.11 Paragraph 38 of the NPPG highlights a number of key stages involved in the restoration and aftercare of mineral sites.

- Stripping of soils and soil-making material and either their storage or their direct replacement (i.e. restoration) on another part of the site;
- Storage and replacement of overburden;
- Achieving landscape and landform objectives for the site, including filling operations if required, following mineral extraction;
- Restoration, including soil placement, relief of compaction and provision of surface features;
- Aftercare to ensure that following restoration the land is brought up to the required standard for its intended after use.

12.1.12 Paragraph 40 of the NPPG sets out the level of detail that should be submitted on restoration and aftercare at the planning application stage. To some extent it will depend on the individual circumstances at each site including the expected duration of operations. The information must be able to demonstrate that the overall objectives of the restoration scheme are practically achievable and it would normally include:

- an overall restoration strategy, identifying the proposed after use of the site;
- information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;
- where land is agricultural land, an assessment of the agricultural land classification grade; and
- a landscape strategy.

1995 Environment Act

12.1.13 This gave Mineral Planning Authorities the opportunity to review existing mineral extraction planning conditions for long established mineral sites and to modify them to reflect modern aspirations and current policy.

12.1.14 When the Mineral Planning Authority considers that a review is necessary, it will take the opportunity to reconsider the restoration scheme for the site, for example, by improving public rights of way, biodiversity enhancements, creation of farmland, etc. Where land is to be used for biodiversity enhancements, it is appropriate that habitat development reflects and respects the surrounding landscape.

The Government's Natural Environment White Paper (2011)

12.1.15 This places the value of nature at the heart of the planning system, ensuring that the environment is enhanced and considered alongside economic growth and social wellbeing.

Consultations Undertaken and Comments Received

12.1.16 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives.

Stakeholder Workshop 2009

12.1.17 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan should address and sought the input of stakeholders in developing the Vision and Objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders. Restoration was highlighted as a key issue which the Plan should seek to address. The idea of a specific restoration strategy for the Trent Valley was also suggested at this stage.

Issues and Options 2010

12.1.18 At the Issues and Options stage in 2010, two issues were presented relating to the restoration of mineral workings. These were for a proposed long-term strategy for the restoration of sand and gravel sites in the Trent Valley and a similar proposal for the series of limestone quarries along the A515 corridor in Buxton. There was overall support for the preparation of these two strategies. 65% of responses at this stage supported the development of these strategies. Support continued to be expressed for the Trent Valley Strategy at the Sand and Gravel Drop-in Sessions in late 2012.

Drop In Sessions 2012

12.1.19 In late 2012, through a series of sand and gravel drop-in sessions, which were held with communities in the river valleys, the local communities continued to express their support for the development of a restoration strategy and to offer comments on how this should be developed.

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

12.1.20 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the restoration of mineral workings.

12.1.21 There were six responses from five organisations to this strategy paper. A summary of these is as follows:

- There was general support for the approach but with some amendments/additions put forward.
- The benefits of green infrastructure should be referred to and incorporated into the strategy.
- It should be made explicit that membership of a trade association with a restoration guarantee fund (e.g. Mineral Products Association) will negate the requirement to demonstrate that adequate financial provision is in place to fulfil restoration and aftercare requirements.
- Reference should be made to natural features which it is suggested should be incorporated into restoration schemes
- It should state that restoration plans should create net gains for biodiversity and reflect local landscape initiatives. This would ensure that should mineral extraction be proposed within the National Forest, then any restoration plans would take into account the creation of the Forest and reflect this in their proposed restoration plans through woodland planting.

Assessment of Comments and Outcomes for the Plan

12.1.22 The comments have been used to inform the development of this chapter. Comments on this part of the Plan have related to minor amendments and additions to the text which have all been accepted and incorporated into the revised text.

Duty to Cooperate

12.1.23 The development of a strategy for the restoration of mineral workings is considered to be a strategic issue as restored mineral sites often cover a large area and can have an impact on land in adjoining administrative areas. As a result, there is the requirement to liaise with a number of organisations in the preparation of the strategy. We have worked, and will continue to work, closely with the mineral operators, local planning authorities and adjoining mineral planning authorities on the development of this strategy to ensure a co-ordinated approach is taken to the restoration of former mineral workings, and also with other organisations (including the Local Economic Partnership and the

Local Nature Partnership and East Midlands Airport, Nature After Minerals and The Canal and River Trust) in the preparation of the strategy.

Sustainability Appraisal

12.1.24 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal has been undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning restoration of mineral workings.

The policy ought to have a positive effect upon biodiversity in the long term by requiring enhancements as part of restoration. The same is the case for landscape and green infrastructure. The certainty of effects should be secured as there is a need to ensure adequate financial contributions to cover restoration and aftercare costs. There is potential for positive effects to communities as restoration should seek to provide community benefits. No changes required.

12.1.25 The full appraisal is set out in the following document

Interim Sustainability Appraisal Report 2017

The Proposed Approach

12.1.26 This section includes a summary of the issues and ideas that have emerged during the process of the preparation of the Plan with regard to the restoration of mineral workings in the Plan area, and have been used to develop the emerging restoration strategy.

Restoration Plans and Phased Working

12.1.27 The form of restoration and after-use of a site will depend on the type of mineral, the nature of extraction, and the availability of fill material as well as the general characteristics and local planning policies for the area. Generally, all mineral workings should be restored to an acceptable and beneficial after-use. Where long-term extraction is anticipated, phased and progressive restoration linked to phased working will be preferable in order to minimise the area of disturbance. Phased restoration allows worked land to be restored as extraction progresses in other parts of the site. It can also help to offset any impacts of the development on biodiversity, the landscape and visual amenity, as well as helping to maintain and enhance local distinctiveness during the life of the development.

12.1.28 At the planning application stage, applicants will be required to demonstrate that the site can be restored to an acceptable condition and after-use. A restoration and after-use scheme, which is integrated fully with the extraction programme from the start of the process, will be expected to be

submitted as part of the planning application for the working of the site. This should provide comprehensive details of the order and timing of phases of mineral working, restoration and of the final main after-uses.

Landscape Character

12.1.29 National policy seeks to protect and enhance valued landscapes. In order to implement this policy, both mineral working and restoration schemes should be informed by the landscape character of the area, ensuring that the schemes fit into, respect and connect with the surrounding landscape.

12.1.30 All restoration schemes should include landscaping proposals, which ensure that sites can be assimilated into the surrounding landscape and which are compatible with the proposed after-use. The Plan will continue to ensure that all mineral extraction sites are restored to beneficial after-uses which are in keeping with the landscape character of the local area.

12.1.31 Mineral operators and the mineral planning authority should seek to develop restoration schemes in partnership, in order to agree the most appropriate after-use of the site and how it will integrate into the surrounding area. Restoration designs should integrate with, and as far as possible, enhance the natural environment and wider landscape and should be informed by an understanding of the development of landscape over time.

12.1.32 Restoration and long-term aftercare schemes should include techniques that aim to work with the natural features and characteristics to manage the sources and pathways of storm and natural waters. These techniques include the restoration, enhancement and alteration of natural features and characteristics, but exclude traditional flood defence engineering that works against or disrupts these natural processes.

Enhancing Biodiversity

12.1.33 The use of sites for mineral extraction could have a significant impact on the biodiversity interests of the site but good restoration offers a significant opportunity to recreate and even improve those interests. It could enable the establishment or re-establishment of priority habitats thus providing net gains in biodiversity, particularly through providing linkages between fragmented blocks of specific habitat types, delivering local ecological networks.

12.1.34 The impact of working and the standard of restoration that can be achieved would be enhanced by careful consideration of these issues in the design of mineral workings, including at both excavation and reclamation stages. Biodiversity is a very important issue and designs should therefore seek to optimise the delivery of biodiversity, balancing the benefits of extraction with the benefits associated with other services, including those associated with the intended after-use and any off-site benefits.

12.1.35 At the local level, the County and City Councils are signatories to the Local Biodiversity Action Plan (LBAP) that aims to aid the recovery of threatened priority habitats and species. Minerals extraction, particularly sand and gravel extraction in the Trent Valley, but also the extraction of resources

in other parts of the county, could contribute significantly towards meeting these targets and add to the success of existing wetland reclamation schemes.

Green Infrastructure

12.1.36 Areas of green open space and public rights of way are a means of using restored sites to improve not only the local environment but also the health and well-being of local residents.

Agricultural Land

12.1.37 National policy requires that the best and most versatile (BMV) agricultural land is safeguarded i.e. it should be afforded long-term protection from development that would adversely affect the quality of the land and the yields it can produce. Where mineral extraction is considered appropriate and necessary in these areas, the soil resources should be managed and conserved throughout the period of extraction, then reinstated under appropriate conditions as part of the restoration scheme. The standard of restoration and the agricultural value of the site post restoration may be prejudiced if they are not.

12.1.38 It is important therefore that sites are chosen, where possible to avoid the best and most versatile resource and where this is not possible the management of soils should be an integral part of the overall design.

Infill

12.1.39 At sites where there is a high volume of mineral extraction it may not be possible to restore the land to pre-extraction levels without the use of imported materials to make up the difference. The ability to restore land to original ground levels will impact on the options for site restoration, particularly where restoration to agricultural use is the preferred option.

12.1.40 Inert infill material, such as pulverised fuel ash (pfa) from coal-fired power stations and construction material (builders' rubble and soils from ground excavations) has been used to restore land to the required level, although this type of material is becoming increasingly scarce as a consequence of firstly, the run-down of the coal-fired power stations which produce pfa and, in respect of construction material, the result of increasing costs from the landfill tax as well as greater incentives to recycle materials. The location of some sites also means that the delivery of infill material by road may not be possible or could result in further and unacceptable adverse impacts.

12.1.41 The potential or limitations on the ability to restore ground levels should be addressed in the planning application documents and be taken into consideration in the design of the development at the earliest opportunity. Mineral operators should be able to demonstrate that sufficient infill material is likely to be available and within an acceptable period to avoid delays in restoration.

Flexibility and Adaptation to Climate Change

12.1.42 The National Planning Policy Framework states that local all planning authorities should adopt proactive strategies to mitigate and adapt to climate change. It adds that local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. Minerals development and the form and quality of restoration are matters which are relevant to the issue of climate change.

12.1.43 There are opportunities to increase resilience to climate change through the restoration of mineral operations. Restoration schemes, for example, could be tailored to contribute towards reducing the risk and scale of flooding through, for example, river braiding.

12.1.44 Other measures include providing opportunities for the provision of winter water storage in reclaimed quarries and ensuring that reclamation schemes take into account the effect of climate change and, where appropriate, provide opportunities for the creation of habitat for species that are most affected by climate change.

Flood Risk

12.1.45 The use of land for mineral extraction will affect the capacity of the site to store water at the surface and the movement of water below ground level which could increase the risk of flooding both on the site and in the surrounding area. Minerals can only be worked where they are found and some important minerals are commonly found near rivers. As set out in National Planning Practice Guidance (flood zone and flood risk tables), water compatible development within the functional floodplain includes sand and gravel workings. This means that it is appropriate for sand and gravel working to take place within areas that are considered to be at risk of flooding. It is very important therefore that the design of a mineral development, including the form of restoration, takes full account of these issues.

12.1.46 Well considered restoration schemes can deliver benefits that may not otherwise be possible. Restored sand and gravel workings can help to store water, diverting it from the river channel, thus reducing the risk of flooding. Opportunities to improve connectivity between the river and floodplain, such as river braiding, which increases space for flood water, can have the additional benefit of leading to the improvement of wetland habitats. Mineral operators will be required to take full account of flood risk issues in the planning application documents and the design of the site.

Aftercare

12.1.47 In order to ensure that a restored site is fit for purpose and remains so it is important that they are properly managed afterwards. Legislation requires a period of 5 years aftercare to rehabilitate mineral sites. However in some cases, in order to achieve a beneficial after-use it may be necessary to secure an extended period of aftercare. Aftercare can include the processes of cultivating, fertilising, planting, draining and otherwise treating the land. An appropriate period of aftercare is needed to ensure mineral sites are restored to a standard suitable for their intended after-use. The length of the aftercare period will normally be at least five years and will be negotiated on a case-by-case basis,

depending on the restoration scheme and after-uses agreed for the site. Where appropriate, the Mineral Planning Authority will seek to ensure that the long-term management of the site is secured through a legal agreement.

Financial Guarantees

12.1.48 National policy requires that financial guarantees are only provided in exceptional circumstances. Large mineral operators tend to be members of trade associations such as the Mineral Products Association which have their own Restoration Guarantee Fund (although this is limited to £1 million). However for a variety of reasons, many large mineral operators are concentrating their resources on larger sites. They are also selling or transferring smaller sites to smaller operators towards the end of the extraction phase or during the restoration phase. For these reasons, it is important to ensure that the developers or land owners left in control of the sites have adequate financial provision to fulfil the final restoration and aftercare requirements. This can be through membership of a trade association with an adequate Restoration Guarantee Fund or by providing an equivalent guarantee bond.

Mineral Specific Restoration

12.1.49 The following section identifies those restoration issues that are associated with specific minerals.

Sand and Gravel

12.1.50 Since the 1960s, sand and gravel extraction in the Trent Valley has led to a gradual change in the landscape, with the incremental loss of traditional water meadows and their replacement with areas of water. A strategy is being developed as part of this Plan, to help address this issue, ensuring that a more strategic and landscape scale approach is taken to the restoration of sand and gravel workings.

12.1.51 River valley sand and gravels are relatively shallow and do not generate large quantities of overburden for use as fill material in the final restoration scheme. Inert infill material, such as pulverised fuel ash, builders' rubble and soils from ground excavations is used, where appropriate and available, to restore land levels. The drive to divert these materials from landfill in general and to increase recycling has reduced the availability of suitable infill materials and this will continue to be an issue throughout the Plan period, which could limit restoration options. The closure of coal fired power stations in the area will also reduce the amount of pulverised fuel ash that will be available in the future.

12.1.52 The shallow nature of sand and gravel workings means that opportunities to assimilate restored sites into the landscape is greater, than for example, restored hard rock quarries where extraction can be very deep into the ground.

Former sand and gravel workings can be restored to a variety of end uses. Sites can be restored to agricultural uses where sufficient infill material is available. Many restored sites provide valuable areas

for nature conservation, providing important opportunities to increase biodiversity (for example by the incorporation of reed beds, wet grasslands, wet woodlands and open water areas). They also provide opportunities for formal recreation (sailing, fishing, bird watching) and informal recreation (walking, cycling and picnicking).

12.1.53 Where restoration of sites involves areas of open water and/or grassland this can result in the attraction of large numbers and species of birds that can pose a strike hazard to aircraft where the site is close to an airport. In general, large and/or flocking bird species are more likely to cause damage to an aircraft given the greater mass involved in the collision. Species such as Mute Swans and Canada Geese are known to pose the greatest risk to aircraft. A 13km safeguarding zone is delineated around airports to ensure that bird strike is taken into account when considering proposals for development in this area. This zone is based on a statistic that 95% of bird strikes occur below 2000ft, and that an aircraft approaching an aerodrome on a normal approach would descend below 2000ft approximately 13km from the runway[45] . This may suggest that the majority of infill material which is available infill material should be used in the restoration of sites which lie within this safeguarding zone.

12.1.54 Where infill material is limited, the risk of bird strike can be reduced by adopting well-considered restoration design and habitat management principles which discourage large flocking birds from settling in these water areas. For example, steep-sided water bodies with no islands and surrounded by areas of wet woodland rather than short grass are less attractive to many of the species of flocking birds which pose the greatest risk to aircraft, but at the same time this has implications for the appearance of the restored site. A balance should be struck between competing interests, and the aim should be to maximise biodiversity benefits while managing the risk of bird strike. Some design approaches to reducing bird strike may not be conducive to a biodiversity-rich restoration, particularly for certain bird species, and so should only be used where a high risk of bird strike is demonstrated and cannot otherwise be overcome.

12.1.55 The councils will work closely with airport authorities and other interested bodies to ensure that sites close to airports are restored in ways which minimise the risk of bird strike. In the Plan area, these include East Midlands Airport, Derby Aerodrome near Egginton and Tatenhill Aerodrome near Burton-Upon-Trent in Staffordshire.

12.1.56 Where infilling is intended to be used as a means of restoring the site it is important that there is confidence that sufficient supplies of suitable material will be available so that restoration is likely to proceed broadly at the same rate as extraction and for the whole operation to be completed within a reasonable timescale.

12.1.57 The emerging Strategy for the Trent Valley area will set out a more detailed long-term strategy for the restoration of sand and gravel workings in the Trent, Lower Derwent and Lower Dove valleys. This will be informed and supported by work which has been undertaken to identify those areas of landscape considered to be of multiple environmental sensitivity relating to ecology, historic environment and landscape attributes. It will provide guidance about how each site in the Trent, Derwent and Lower Dove valleys could be restored in the most appropriate way. It will seek to achieve a more co-ordinated and joined up approach to the way in which sites are restored. This will be supported by a Supplementary Planning Document (SPD). It is expected that this SPD will be developed once the Minerals Local Plan is adopted.

45. CAA (2002) CAP 660 Aerodrome Bird Control [back]

Crushed Rock

12.1.58 The extraction of hard rock has the potential for substantial impact on the environment. The scale of the operations and the relatively small quantities of waste material involved compared to the rock which is removed means that it is not possible generally to restore land to its original levels following completion of working. This means that the configuration of the land is changed permanently, although, where the operation can be designed so as to be contained visually by the existing topography in advance of working, visual impact can be limited. Opportunities for progressive restoration are more limited, although an early start can often be made in the treatment of the quarry face or floor. Final restoration depends to a large extent on the depth of the quarry and level of the water table. In cases where the depth is not too great, the quarry floor can be restored for agriculture. Bolsover Moor Quarry is a good example of this.

12.1.59 Former crushed rock quarries have the potential to provide opportunities for recreational activities such as climbing and abseiling, as well as educational opportunities, for example, providing valuable areas for students to study geological formations and structures.

12.1.60 Natural regeneration is usually more appropriate where the quarry is deeper and many quarries can become important areas for wildlife and natural history in such cases. When informed properly by the character of the surrounding landscape, innovative restoration blasting techniques can be used to create more varied and more natural looking slope sequences consisting of rock screes, buttresses and headwalls, which can be vegetated selectively to replicate natural limestone valley sides.

12.1.61 A Strategy for the restoration of the carboniferous limestone quarries is being developed, which will be included in the Minerals Local Plan. This has emerged and evolved from the idea at Issues and Options stage of preparing a strategy for the four A515 Quarries. In view of the Government's policy support for the concept of landscape scale strategic restoration and taking into account support shown for the approach of having a restoration strategy for the A515 quarries, the Councils have agreed that this should be extended to encompass all hard rock quarries lying within the Carboniferous Limestone. The Strategy will set out a framework of strategic principles that would deliver a preferred pattern of restoration for all hard rock quarries within the Carboniferous Limestone area.

Surface Coal

12.1.62 Although surface coal mining is essentially a temporary use of land, lasting anything from 18 months to 10 years, some of its effects can remain for a period after working has ceased. For example, it can take several years for a restored site, including the landscaping, to mature to a point where the site has been assimilated fully into the surrounding landscape and the footprint is no longer discernible. Poor examples of restoration of these sites in the past has increased the concern of local communities.

12.1.63 These negative effects can be ameliorated to some extent by careful pre-development planning and the effective monitoring of operations. The large amounts of overburden that have to be removed to access the coal means that, through sympathetic and well-managed restoration, original

landforms can be recreated or more attractive ones produced over time. Furthermore, as the volume of coal that is extracted is relatively small in comparison to the surface area, sites can often be restored to original levels.

12.1.64 Surface coal mining schemes often result in the loss of mature trees and hedgerows which, even when replaced, take a long time to mature. However, restoration schemes can provide important local environmental benefits that would not otherwise be achieved, including the creation of additional ecological features and wildlife habitats. For example, surface mining developments have, in the past, enabled areas of despoiled and derelict land to be reclaimed or have involved the removal of problems arising from underground workings such as subsidence and dangerous emissions of methane gas.

12.1.65 One particular area of concern for local communities has been the impact on drainage, particularly where clay is also extracted as part of the scheme to extract the coal. This issue will need to be addressed properly when considering future schemes.

Deep Mined Coal

12.1.66 The underground working of coal at major collieries creates large volumes of waste or 'spoil', the disposal of which is one of the main potential causes of environmental damage. Greater mechanisation resulted in large increases in the production of spoil, and despite the cessation of large-scale deep mine coal production in Derbyshire, the remaining spoil tips are part of the legacy of the mining industry. Some of the tips have been removed completely as part of redevelopment schemes, whilst many others have been restored and landscaped. These restoration schemes often involve re-profiling of the tips rather than complete removal but this, in combination with the landscaping, reduces the appearance of the tips and helps them to be assimilated into the surrounding area. Some of the materials which were previously placed in the tips as unwanted and unusable waste materials now have a commercial use and several tips have since been reworked to extract this previously discarded resource, which has provided an opportunity to revisit the restoration of the landscape.

Building Stone

12.1.67 Quarries which produce building stone usually produce relatively small amounts of stone, intermittently, over long periods of time and often regenerate naturally to some extent between periods of extraction. Final restoration of these quarries depends on the particular characteristics of the site but usually, given their often secluded countryside location, a variety of uses including agriculture, woodland and nature conservation is often most appropriate.

Clay

12.1.68 The nature of the brick clay market raises particular issues for clay working in terms of the length of time taken to work and restore sites and in terms of the need for stockpiling. Fluctuations in the economy impact on the construction industry and the consequent demand for structural clay products

especially bricks. Periods of decline may lead to the mothballing or closure of extraction and processing facilities, including brickworks, which may result in a landscape of inactivity. This presents a particular need to minimise the impact of stockpiled clay material both on the environment and local amenity.

12.1.69 If brick clay or fireclay is worked in association with surface coal, schemes usually require short extraction periods with quick restoration, which limits stockpiling opportunities. Brick and fireclay may be stocked at the brick works or the clay products site rather than at the excavation site.

The Proposed Approach

Policy R1: Restoration and After-Use of Mineral Sites

Planning proposals for all mineral extraction schemes will have to demonstrate that, from the outset of the preparation of the application, provision has been made for the restoration and sustainable after-use of the site.

Proposals for minerals development will be required to show that the following principles have been taken into account:

1. Restoration schemes will need to demonstrate, where applicable, that the scheme complies with any specific restoration strategy for that area, for example the Trent Valley Strategy or the Strategy for Hard Rock Quarries.
2. Restoration should be sympathetic to and have regard to the wider context of the site, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area.
3. Schemes should, where appropriate, make provision for progressive restoration.
4. Schemes should provide details of the final landform on which the restoration scheme is based and include indicative details of the drainage system and landscaping, including the retention of any existing, important landscape features.
5. Where restoration will involve the use of imported materials to achieve the intended ground levels the operator will be required to demonstrate that sufficient infill materials are likely to be available to restore the site within an acceptable timescale.
6. Where restoration would take account of local landscape initiatives.
7. Schemes will need to indicate how soils and subsoils are to be removed, stored during the extraction operations and finally replaced, in accordance with established best practice.
8. Proposals will need to demonstrate how the scheme will retain, enhance and/or replace areas of the best and most versatile agricultural land.
9. Proposals will be required to demonstrate that flood risk on the site or in the surrounding area would not be increased and any opportunities to reduce flooding would be maximised.
10. Where sites lie within an Airport Safeguarding Zone, the issue of bird strike and its impact on the final restoration scheme will be considered carefully.

11. Where possible, proposals should seek to provide benefits to the local and wider community including enhancement and creation of biodiversity and geodiversity interests, linking of site restoration to other green infrastructure initiatives, enhanced landscape character, improved public access, recreation, education, employment or tourism opportunities.
12. The restoration plan should be sufficiently flexible to accommodate changes in design needed during the lifetime of the scheme without affecting the integrity of the overall scheme, including allowing for adaptation to the effects of climate change.
13. Cumulative effects associated with reclamation and long-term management should be considered at the outset of the application process, with a view to minimising impacts and optimising potential benefits.
14. An appropriate period of aftercare should be agreed with the mpa to enable the site to be restored to a standard suitable for its intended after-use.
15. Developers will be required to demonstrate that adequate financial provision has been made to fulfil the restoration and aftercare requirements when proposals are submitted. This can be through membership of trade association with a Restoration Guarantee Bond or by providing an equivalent guarantee bond and be secured as part of a Section 106 Legal Agreement to cover all or part of the restoration and aftercare costs.

12.1.70 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's polices and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan, either in whole or part.

12.2 - Trent Valley Strategy

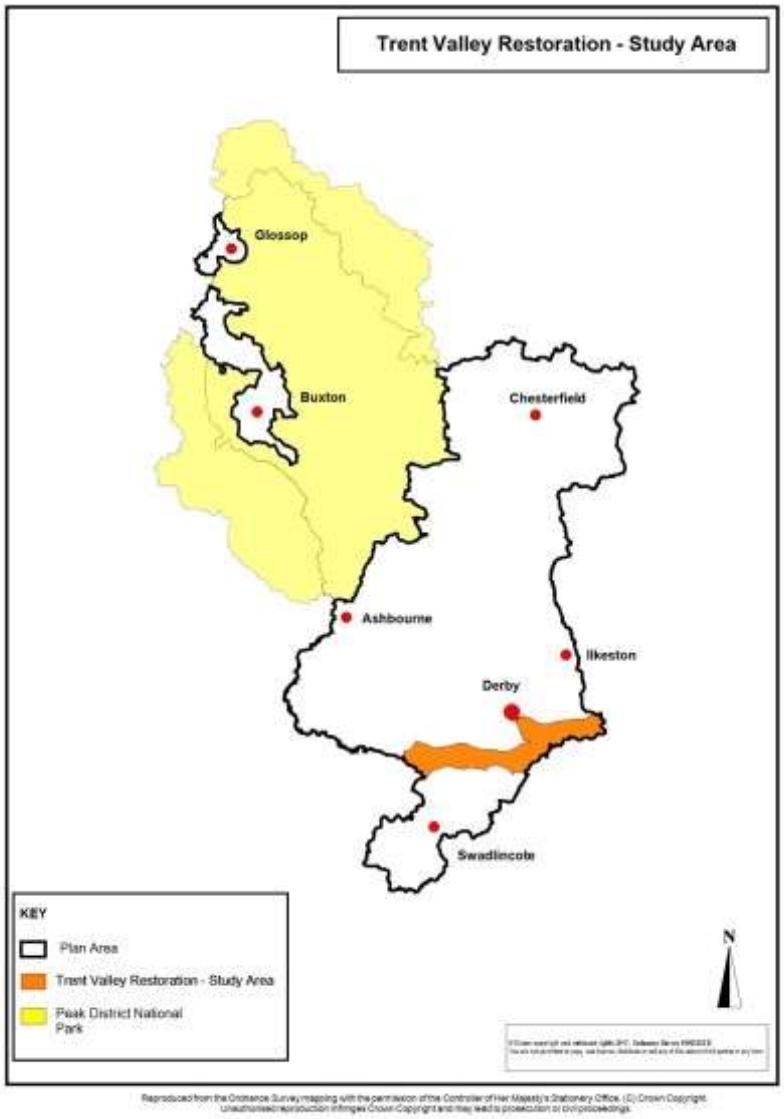
Introduction

12.2.1 In the past, sand and gravel workings in the Plan Area have been restored to after-uses with an approach that has concentrated on the requirements of the specific site rather than also considering fully its context within the wider surrounding landscape of the river corridor. As sand and gravel workings have developed over a wider area, this approach has resulted in a landscape which has become progressively fragmented; the overall environmental and cultural integrity of the landscape is gradually being altered.

12.2.2 This fundamentally disjointed approach to the restoration of mineral workings has triggered the need to take a different approach in the emerging Minerals Local Plan. This alternative approach seeks to develop a long term strategy for the restoration of sand and gravel workings in the Trent, Derwent and Lower Dove Valleys, indicating what the valleys should look like in the future and how the restoration of individual sites would fit into this. It is expected that this would promote a more coordinated landscape scale approach to minerals planning that involves developing an overarching strategy for the working

and restoration of sites in the Trent Valley. It would seek to contribute to the delivery of a new, connected and more attractive, landscape, improving life for existing communities, where people want to come to live, with new economic and recreational opportunities, and which is rich in history and wildlife and attracts visitors to the area. The area covered by this Strategy is shown on Figure 1 below.

12.2.3 This has developed and evolved from what was discussed initially in the early stages of the preparation of the Plan, as a strategy for guiding the future restoration of mineral workings, into one which, by determining the overall integrity and sensitivity of the landscape, can also help to guide the identification of sites for future mineral working. As a result, the environmental sensitivity mapping element of the strategy has helped to inform the assessment of sites for future sand and gravel extraction.



12.2.4 It has also become a wider strategic issue, as neighbouring authorities, including Nottinghamshire and Staffordshire County Councils, have expressed their intent to extend the approach to the areas of the Trent and Dove Valleys which lie within their jurisdiction. It is expected, therefore, that in the longer term the approach will cover an area which includes the majority of the Trent Valley and its main tributaries. The approach has also gained the backing of the Local Nature Partnership

(LNP), which strengthened further the strategic nature of the Trent Valley project. The wider Vision (into which this Strategy will fit) for the Trent Valley area has been identified as a Core Project for the LNP.

12.2.5 The strategy would help to maintain and encourage a thriving minerals industry, providing it with a greater degree of certainty regarding the available mineral resource and clarity about the physical constraints that exist to mineral working in the valleys.

12.2.6 It may also encourage mineral operators to revisit former extraction areas (possibly restored) to undertake additional work that might further benefit the broad long term objective for the valleys, for example connecting existing water bodies or providing a link to the river.

Vision and Objectives

12.2.7 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

12.2.8 The policies in this chapter will seek to help deliver the following Objectives of the Plan:

Objective 5 – Minimising Impacts on Communities

The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health.

Objective 6 – Protecting the Natural and Built Environment

The Plan will conserve and enhance the area's natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.

Objective 8 – Minimising Flood Risk and Climate Change

The Plan will seek to minimise and mitigate the risk of flooding and the impacts of climate change arising from minerals developments. This will include securing appropriate forms of restoration which address how sites interact with their surroundings in the longer term.

Evidence Base

Environmental Sensitivity Mapping

12.2.9 The Environmental Sensitivity Mapping project has been carried out by the County Council's Conservation & Design Section. This is the initial part of a larger project to show how sand and gravel sites should be restored and how these will fit in with the overall changing landscape of the river valleys.

This initial work assessed the relative sensitivity of the river valleys in overall environmental terms. The most sensitive areas are those that are above average with respect to their ecology, historic environment and landscape qualities, and will be most susceptible to change and which should be protected from mineral working. Those areas defined as the least sensitive have the potential for more change and, in particular, change that can help to deliver a range of economic, environmental and community benefits that will help to make the local environment more attractive and accessible.

12.2.10 A technical paper sets out the methodology for establishing a strategic environmental baseline for land-use planning within the Trent, Derwent and Lower Dove Valleys through the assessment of its current assets relating to landscape character, ecology and the historic environment. This work is an important environmental baseline to inform the emerging Minerals Local Plan and feed into the strategy for the river valleys. It will also inform the assessment of sites which have been proposed for sand and gravel extraction.

Further more detailed information regarding the environmental sensitivity mapping is available in the "Methodology to Map Environmentally Sensitive Areas in the Trent Valley" Technical Paper, December 2017.

National Planning Policy Framework

12.2.11 The National Planning Policy Framework sets out that worked land should be reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture, geodiversity, biodiversity, native woodland, the historic environment and recreation.

National Planning Policy Guidance

12.1.12 National Planning Policy Guidance states that following mineral working, land should be restored to make it suitable for beneficial after-use. In assessing sites for future working, it sets out that the feasibility of a strategic approach to restoration should be explored. It also sets out that a site-specific landscape strategy should accompany applications for either a new site or any significant extension to an existing working.

Central Rivers Initiative

12.1.13 The Central Rivers Initiative (CRI) is a broad based partnership representing key interests who are working together to shape and guide the progressive restoration and revitalisation of the Trent valley between Burton, Lichfield and Tamworth.

12.1.14 The vision is to create and connect beautiful places where people can explore and enjoy water, landscape and wildlife, and to ensure that careful extraction and restoration by the area's many sand and gravel quarries will leave a sustainable network of wildlife habitats, public amenities and agricultural

land. The aim is also to inspire and encourage landowners, communities and individuals to get involved in shaping their local landscape.

Bigger and Better - RSPB

12.1.15 This document sets out a vision for the Trent and Tame River Valleys to become one of Britain's greatest wetlands, providing a wetland artery for wildlife, flowing from source to sea in an attractive, multi-functional and inspiring landscape loved and valued by all.

12.1.16 It sets out that the current review of the six minerals local plans covering the area of the Trent and Tame river valleys offers a unique opportunity to develop minerals planning policies that promote a strategic, co-ordinated and landscape-scale approach consistently across county boundaries. This will help to establish a coherent and resilient network of wetlands across the whole of the Trent and Tame River Valleys. It also highlights the scale of opportunity provided by minerals planning and mineral site restoration to help deliver the vision and the multiple benefits that this can bring, for both people and wildlife and seeks to ensure that the Central Rivers Initiative and other strategies such as the emerging Strategy for the Trent Valley in Derbyshire are coordinated.

Consultations Undertaken and Comments Received

Stakeholder Workshop 2009

12.1.17 From the initial stages in the preparation of the Minerals Local Plan, people expressed support for the development of a comprehensive restoration strategy for the Trent Valley.

Issues and Options 2010

12.1.18 As a result of the support for this approach, it was included as an issue in the Issues and Options Report. 65% of responses to the issue supported the development of such a strategy (Option 1 in the Issues and Options report), rather than the current less strategic approach to restoration (Option 2 in the Issues and Options report).

Period of Continuous Consultation 2012/2013

12.1.19 In late 2012, through a series of drop-in sessions held with communities in the river valleys, the local communities continued to express their support for the development of a restoration strategy and to offer comments on how this should be developed. A report of comments raised at these sessions is available in the following document.

Summary of Issues Raised at the Sand and Gravel Drop in Sessions,

July 2012

Towards a Minerals Local Plan - Rolling Consultation 2015/2016

There were 28 comments from 11 individuals or organisations to this part of the Plan during this period of consultation.

- Eleven comments supported the proposed approach.
- Three expressed concern that the Environmental Sensitivity Mapping excludes national environmental designations from its analysis.
- Two consider that the environmental baseline information should not be used in the assessment of sand and gravel sites.
- One asked for the strategy to coordinate with the Central Rivers Initiative for the Trent and Tame Valleys.
- One asked that the RSPB document “Bigger and Better” should be taken into account in the Strategy.
- More general comments relate to wording and the consistency of the strategy with the sand and gravel strategy.

Assessment of Comments and Outcomes for the Plan

- With regards to national designations, these were excluded from the sensitivity mapping because it was considered that these designations are already afforded the highest level of environmental protection so to a large extent already inform where gravel extraction is likely to take place or not. These are included on the plan to show their extent and how they relate to other environmental qualities that were included in the assessment. Local wildlife sites derived from past mineral working were specifically excluded because they are unlikely to influence future mineral workings because the sand and gravel has already been extracted – an approach we thought reasonable in ascertaining those areas of the Trent Valley that still display intrinsic sensitivity to future development. As the methodology explains, the intent is to “identify those areas of landscape that are considered to be of greatest sensitivity with respect to landscape character, biodiversity and the historic environment” – i.e. the combined sensitivity of the landscape with respect to these environmental datasets. I think in this regard our approach fully reflects the expectations of paragraphs 109, 113 and 117 of the NPPF.
- The information from the environmental assessment of the Trent Valley area is only one element that has been used to assess the sites that have been suggested for sand and gravel extraction. The environmental element of the assessments combines both the detailed site assessment work and the strategic environmental sensitivity work. It is considered that this strategic baseline information provides a useful and important element of this assessment work.

- Reference is made to the Central Rivers Initiative and the RSPB document “Bigger and Better”

12.1.20 All comments have been used to inform the development of the proposed approach set out below.

Duty to Cooperate

12.1.21 In order to obtain as much relevant information as possible about this topic, Derbyshire County Council and Derby City Council engaged in meetings and discussions with relevant authorities. We also corresponded with organisations and individuals with relevant knowledge and experience of restoration to develop our evidence base for the Plan and for developing the proposed approach set out below.

12.1.22 The development of a long term strategy for the Trent Valley is a strategic issue as it covers a number of administrative areas and therefore requires the co-operation of a number of organisations which cover these different areas. We have worked, and will continue to work, closely with the mineral operators (Cemex, Hansons, Tarmac), local planning authorities (South Derbyshire District Council) adjoining MPAs (Nottinghamshire, Staffordshire and Leicestershire) to ensure a coordinated approach is taken to the strategy and also with other organisations (including the Local Economic Partnership and the Local Nature Partnership and East Midlands Airport, Nature After Minerals (RSPB) and The Canal and River Trust) in the preparation and development of the strategy. The strategy will be coordinated with the Central Rivers Initiative Strategy to ensure that it links with neighbouring areas.

12.1.23 We have held meetings with Nottinghamshire County Council who also support the development of a new vision for the Trent Valley, and in its Minerals Local Plan Preferred Approach has undertaken a project to assess areas of Multiple Environmental Sensitivity in the Trent Valley. We have had discussions with Staffordshire County Council who are seeking to develop a compatible strategy for its part of the Trent Valley. This should ensure consistency of approach along the Trent Valley. As a result of these developments, the strategic nature of the approach has been strengthened.

Sustainability Appraisal

12.1.24 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including the restoration strategy for the river valleys. It reported on this strategy as follows:

The policy approach is likely to have medium to long term positive effects upon biodiversity and landscape management by delivering a network of green infrastructure. This could have knock on benefits for communities by creating opportunities for recreation. The policy will provide certainty for the minerals industry about

the standard or restoration that is expected as well as guiding the allocation of sites. Some sites could be vulnerable to flooding. However, a joined up approach may better help to identify potential for water/flood management schemes.

The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation, Interim Sustainability Appraisal Report 2017

The Proposed Approach

12.1.25 This work has the opportunity to create more resilient landscapes firstly, through the conservation of areas of highest environmental value, secondly with robust mitigation and management in areas where some change is proposed and thirdly through the planning and enhancement of areas currently deficient in these environmental qualities. There will be resultant environmental, economic and community benefits in all cases.

12.1.26 At this stage, a broad policy will be included in the Local Plan and the detail of the strategy will be included in a Supplementary Planning Document to be prepared once the Plan is adopted.

12.1.27 This will help to ensure that the Mineral Planning Authority will be able to continue to work closely with mineral operators (Cemex, Hansons, Tarmac), landowners, local planning authorities (South Derbyshire and Derbyshire Dales district councils) and adjoining MPAs (Nottinghamshire, Staffordshire and Leicestershire) to help ensure a coordinated approach is taken in the preparation and development of the detail of this strategy, recognising its application to a much wider area. We will also continue to work with other organisations and stakeholders that are important to the development of this strategy, including the Central Rivers Initiative, the RSPB, East Midlands Airport, the Environment Agency, the Canal and River Trust as well as local communities in the Trent, Derwent and Lower Dove river valleys.

Policy R2: Restoration of Sand and Gravel Sites in the River Valleys

When considering the restoration of sand and gravel sites in the Trent Valley area, the overall wider context of the site in the valley should be taken fully into account, including the potential for taking a coordinated approach with the restoration schemes of other sand and gravel workings in the area.

Restoration schemes should also take account of the areas in the Valley area identified as being of highest environmental value and which should be conserved. Secondly, those areas where sand and gravel extraction could take place with robust mitigation and management and thirdly those areas which have been identified as currently being deficient in these environmental qualities and where sand and gravel extraction could occur with the planning and enhancement of these qualities.

The Councils will work with communities and mineral operators and other stakeholders to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the

restoration of sites will fit in with this long term restoration strategy for sand and gravel sites in the river valleys.

12.3 - Hard Rock Strategy

Introduction

12.3.1 A variety of minerals are excavated from 'hard rock' quarries within the Plan area; predominantly limestone but also some sandstone. The majority of the limestone quarries lie on the Carboniferous Limestone deposit, a nationally important source of both aggregate and industrial mineral, which is quarried extensively within the Plan area. The Carboniferous Limestone also gives rise to landscapes and habitats which are designated for their quality and which lie close to the Peak District National Park. The MPAs consider that the restoration of these quarries, taken together with their sensitive location, raises particular issues which merit the preparation of a separate restoration strategy.

12.3.2 Many of these quarries are large scale and were established before the advent of modern planning conditions; they have vast permitted reserves of mineral that will last well beyond the end of the Plan period in 2030. The original planning permissions that established these limestone quarries had few controls by current standards e.g. there were little in the way of environmental controls (no restrictions on hours of operation, no noise or blasting conditions, no dust controls), or landscaping and restoration conditions etc. Whilst planning conditions have now been updated for all existing operational sites under the Review of Old Mineral Permissions (ROMP)[46] process, they remain subject to future periodic reviews.

12.3.3 The scale of hard rock quarries and the often relatively small quantities of waste material involved compared to the rock which is removed means that it is not generally possible to restore land to its original levels following completion of working. This means that the configuration of the land is changed permanently, although where the operation can be designed so as to be visually contained by the existing topography in advance of working, visual impact can be limited. Progressive restoration is difficult to achieve, although an early start can often be made in the treatment of the quarry faces, benches and tips. Innovative restoration blasting techniques can be used to create more varied and more natural looking slope sequences consisting of rock screes, buttresses and headwalls, which can be vegetated selectively to replicate natural limestone valley sides.

12.3.4 Final restoration depends to a large extent on the depth of the quarry and level of the water table. Restoration incorporating water is often an unavoidable consequence of working at depth; deeper remote quarries are often left to regenerate naturally and, in such cases, they can become important areas for wildlife and natural history. In shallower quarries, the quarry floor can be restored for agriculture or informal leisure uses, or in a few cases built development, where appropriate.

12.3.5 The preparation of the Minerals Local Plan presents an opportunity for the mineral planning authority to ensure that a co-ordinated approach is taken towards mineral restoration at Carboniferous Limestone quarries by establishing a framework of strategic principles aimed at delivering a co-ordinated approach to the restoration of the quarries. This strategic framework would guide operators in preparing

their ROMP submissions to review their current planning permissions, and would enable any new or revised working and restoration schemes to be guided by the overall strategic principles. It could also act as a guide for applicants submitting planning applications for any new limestone working.

46. Review of Mineral Planning Conditions (NPPG Reference ID: 27-189-20140306) [back]

National and Local Policy

12.3.6 Paragraph 143 of the National Planning Policy Framework (NPPF) requires that in preparing local plans mineral planning authorities should put in place polices to ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long-term potential of the best and most versatile land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

12.3.7 Paragraph 37[47] of National Planning Practice Guidance (NPPG) advises that the most appropriate form of site restoration to facilitate different potential after-uses should be addressed in firstly both local minerals plans, which should include policies to ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and secondly on a site-by-site basis following discussions between the minerals operator and the mineral planning authority.

12.3.8 Paragraph 38[48] of NPPG highlights a number of key stages involved in the restoration and aftercare of mineral sites.

- Stripping of soils and soil-making material and either their storage or their direct replacement (i.e. restoration) on another part of the site;
- Storage and replacement of overburden;
- Achieving landscape and landform objectives for the site, including filling operations if required, following mineral extraction;
- Restoration, including soil placement, relief of compaction and provision of surface features;
- Aftercare to ensure that following restoration the land is brought up to the required standard for its intended after-use.

12.3.9 Paragraph 40[49] of NPPG (Minerals) sets out the level of detail that should be submitted on restoration and aftercare at the planning application stage. To some extent it will depend on the individual circumstances at each site, including the expected duration of operations. The information must be able to demonstrate that the overall objectives of the restoration scheme are practically achievable and it would normally include:

- an overall restoration strategy, identifying the proposed after-use of the site;

- Information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;
- where land is agricultural land, an assessment of the agricultural land classification grade; and
- landscape strategy.

12.3.10 Paragraph 59[50] of the NPPG advised on the type of information that should be included in a landscape strategy as follows:

- defining the key landscape opportunities and constraints;
- considering potential directions of working, significant waste material locations, degrees of visual exposure etc.;
- identifying the need for additional screening during operations;
- identifying proposed after uses and options for the character of the restored landscape

47. NPPG Reference ID:27-037-20140306 [back]
48. NPPG Reference ID: 27-038-20140306 [back]
49. NPPG Reference ID: 27-040-20140306 [back]
50. NPPG Reference ID: 27-059-20140306 [back]

Review of Old Mineral Permissions (ROMP) process

12.3.11 The Review of Old Mineral Permissions (ROMP) process was established to enable the Mineral Planning Authority (MPA) to review and improve older planning permissions by imposing revised or new operating, restoration and aftercare conditions to ensure that sites, particularly those with long timescales, operate to continuously high working and environmental standards. The Initial Review process, introduced by the 1995 Environment Act, allowed the MPA to update the older mineral planning permissions by imposing improved operating, restoration and aftercare conditions upon the sites.

12.3.12 The Periodic Review process enables the MPA to continually review and update conditions to ensure that sites, particularly those with long timescales, operate to continuously high working and environmental standards. There are limitations on the modifications to conditions which the MPA can make in that it may be liable for compensation claims for restrictions on the winning and working of minerals or the depositing of mineral waste if the revisions 'prejudice adversely and to an unreasonable degree the economic viability of operating the site or the asset value of the site'.

12.3.13 Under the ‘Review’ process, mineral permissions without time limits were given a common expiry date of 2042. At that time, where workable deposits remain, an application for renewal will need to be made.

Adopted Derby and Derbyshire Minerals Local Plan

12.3.14 The adopted Derby and Derbyshire Minerals Local Plan, 2000 with coal alteration adopted 2002, has policies for both existing and proposed mineral workings in the Plan area, which include protecting the environment and providing for progressive restoration to a beneficial after-use. Policies seek to:

- strike a balance between the demand for all mineral resources and the need to protect the environment, having regard to the principles of sustainable development.
- protect the character, quality and the diversity of the County's landscapes including their nature conservation, historic and water environments.
- provide for enhancement of the environment, reflecting the major opportunity that restored mineral sites can contribute.

Consultation So Far – What you have told us

Stakeholder Workshop 2009

12.3.15 We held a stakeholder workshop in 2009, which scoped the issues to be addressed in the Plan. Stakeholders recognised the need for mineral extraction, provided that its impact on communities and the environment is minimised.

Issues and Options Consultations 2010

12.3.16 The Issues & Options Consultation 2010 set out an initial vision and objectives for the Plan area and included the critical issues and options that needed to be addressed. In terms of restoration the main objective was to ensure that after extraction, land is reclaimed at the earliest opportunity, and that high quality restoration and aftercare takes place which maximises community and environmental benefits and makes optimum use of inert fill material.

12.3.17 It was considered that this objective could be achieved in the most part by plan wide development management policies covering restoration. For two areas, however, the Trent Valley and the A515 Carboniferous Limestone quarries, options were put forward that included the preparation of specific strategies to address restoration issues in these areas.

12.3.18 The option of preparing a co-ordinated restoration strategy for the four limestone quarries lying to the west of the A515 near Buxton was suggested in view of the significant impact of these quarries on the surrounding landscape, particularly the Peak District National Park and, in view of the previous co-ordinated restoration approach taken as part of the ROMP process which resulted in revised and consistent planning conditions being issued for all four sites in 1998. The consultation put forward the option of having a comprehensive strategy for the restoration of the four quarries (Option 1). The second option (Option 2) was to apply a strategic criteria based approach to the restoration of these quarries, based on local circumstances, devising restoration schemes for quarries as they arise, guided by circumstances specific to the particular quarry only.

12.3.19 The Consultation generated fourteen responses to the question:

- Eleven of the fourteen thought that Option 1 was the right approach (4 environmental groups; 4 operators; 2 local authorities; 1 parish council)
- Two thought that Option 2 was the right approach (1 individual and 1 interest group)
- One proposed a different option i.e. a combination of both options (individual)

12.3.20 Whilst the response was fairly limited, we can conclude from those initial results that stakeholders have expressed support for the development of a comprehensive restoration strategy for the A515 corridor rather than a piecemeal approach to restoration. Further information is available in the following documents:

Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010.

Responses to Derby and Derbyshire Minerals Local Plan Issues and Options Consultation, 2011.

Interim Sustainability Appraisal of the Issues and Options Consultation 2010

12.3.21 The Interim Sustainability Appraisal Report concluded that, Option 1 is expected to perform better with regards to achieving sustainability objectives related to heritage and landscape, biodiversity (flora and fauna), land and water resources, communities and health and the local economy by providing a strategic landscape management scheme for this area. In particular, significant positive effects upon the local landscape along this corridor and potentially indirect positive effects on the setting of the nearby Peak District National Park are expected under Option 1, as it will ensure a particular standard is met for all sites in terms of restoration objectives, management and aftercare and this will also provide certainty to the minerals industry. We have taken these considerations into account in developing our Strategy for the A515 quarries. The full Appraisal is set out in the following document:

Towards a Minerals Local Plan: Rolling Consultation 2015-2016

Interim Sustainability Appraisal (SA) Report, November 2013

Towards a Minerals Local Plan: Rolling Consultation 2015-2017

12.3.22 Since the publication of the Issues and Options Report 2010, the NPPF (2012) and NPPG (2014) have been published; we have revisited the concept of preparing a strategy for the A515 limestone quarries in light of this new policy and guidance. We have considered the extent to which the Issues and Options Report and the responses to it remain helpful in the development of the strategy and

taken on board additional evidence collected since 2010, including the findings of the Interim Sustainability Appraisal.

12.3.23 The NPPF reaffirms general restoration principles by requiring MPAs, in their local plans, to put in place policies to ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place. The NPPG also advises MPAs to include policies to ensure that the most appropriate form of restoration takes place to facilitate different potential after-uses.

12.3.24 The restoration and after-use of a site will depend on the type of mineral, nature of extraction, availability of fill material, as well as the general characteristics and local planning policies for the area. The NPPF seeks to enhance valued landscapes and sets out that mineral restoration schemes should be informed by the wider landscape character, ensuring that schemes are compatible with the surrounding landscape. The NPPF requires MPAs to plan for biodiversity at a landscape scale. The restoration of mineral workings can offer important opportunities for the establishment or re-establishment of priority habitats and consequently provide net gains in biodiversity, particularly through linking fragmented areas of habitat types, delivering local ecological networks across the wider landscape.

Towards a Minerals Local Plan – Rolling Consultation 2015-2016: Towards a Restoration Strategy for Carboniferous Limestone Quarries

12.3.25 The 'Towards a Restoration Strategy for Carboniferous Limestone Quarries Paper, April 2016 identified several issues that would need to be considered in developing the restoration strategy.

Issue 1: Extending the remit of the Strategy

12.3.26 In view of the Government's policy support for the concept of strategic restoration and taking into account previous support shown for the approach of having a restoration strategy for the A515 quarries and the favourable assessment shown in the Interim Sustainability Appraisal, the Paper considers whether the Strategy should be extended.

12.3.27 The Paper asked the following question and put forward three possible Options for consultation:

What area should the Strategy cover?

- Option 1: Prepare the Strategy to apply to the A515 quarries only
- Option 2: Prepare the Strategy to apply to all of the hard rock quarries within the Carboniferous Limestone
- Option 3: Prepare the Strategy to apply to all hard rock quarries within the Plan area.

12.3.28 The Consultation received only one response from Tarmac who favoured Option 1 because the co-ordinated approach to the restoration of the A515 quarries is logical given their proximity to one

another and the existence of shared opportunities and constraints. In respect of 'Option 2' and 'Option 3', Tarmac stated that 'a blanket restoration strategy for all quarries within the carboniferous limestone/ Plan area is not appropriate as it would not take into account the individual circumstances/ opportunities afforded by limestone quarries located within other parts of the Plan area.' Details of the representation received together with considered responses and outcomes is set out in the following document.

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Issue 2: What are the issues that affect the restoration of hard rock quarries?

12.3.29 The Paper set out the main issues that would need to be addressed in developing the Strategy and asked the question if there were any other issues that should be included. No responses were received to this question.

Issue 3: Draft Principles for the restoration of hard rock quarries

12.3.30 The Paper set out a range of draft principles that would address the issues raised and deliver a co-ordinated approach to restoration. The principles would need to be taken into account by operators in preparing proposals for new developments or those affecting existing quarries. The Paper asked consultees if they agreed with the principles and if there were any others that should be added. No responses were received to this question.

Duty to Co-operate

12.3.31 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. Irrespective of the area that the strategy will cover, the development of the restoration strategy is considered to be a strategic issue as the restored sites will cover a large area and can have an impact on adjoining administrative areas. In view of the location of many of the hard rock quarries adjacent or close to the Peak District National Park it is particularly important that we take into account impacts on the Park and achieve a co-ordinated approach to restoration. The issue is included in the list of Duty to Co-operate topics requiring co-operation. Further details can be found in the following Report.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Co-operate Report: Background and Progress, December 2017

12.3.32 In developing the strategy, therefore, we will work closely with mineral operators, local planning authorities, adjoining mineral planning authorities, the Peak District National Park Authority and other organisations, for example, the Local Nature Partnership, in order to achieve a co-ordinated approach to restoration.

Sustainability Appraisal

12.3.33 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017 and all of the sites that were promoted by operators. The full appraisal is set out in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

Where appropriate the findings of the SA have been incorporated into the Proposed Approach set out below.

Outcomes for the Proposed Approach

Vision and Objectives

12.3.34 Chapter 3 of this Consultation contains the Plan's proposed Vison and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The Strategy will be developed in order to achieve the Objectives and deliver the Vision. The contribution that the individual draft policy in this Chapter will make towards achieving the overall draft Vision and Objectives of the Plan, is set out below the Policy at the end of this Chapter.

12.3.35 The Rolling Consultation included key issues that needed to be addressed in order to develop the Restoration Strategy.

Issue: Extending the remit of the Strategy

12.3.36 The original concept for the strategy was to apply to the four A515 quarries only. However as part of the Rolling Consultation the MPAs put forward a further two options for extending the remit of the strategy to include hard rock quarries on the Carboniferous Limestone and to include all hard rock quarries within the Plan area. Only one response was received which supported restricting the Strategy to the A515 quarries only.

12.3.37 Whilst limiting the area of the Strategy to the A515 quarries would enable a consistent continuation of the earlier work already undertaken for the four quarries, it would result in the established principles applying to a restricted area only. Notwithstanding the response, therefore, the MPAs consider that the area covered by the Strategy should be extended to include all hard rock quarries on the Carboniferous Limestone. The reasons for extending the area of the Strategy are as follows. Many of the hard rock limestone quarries:

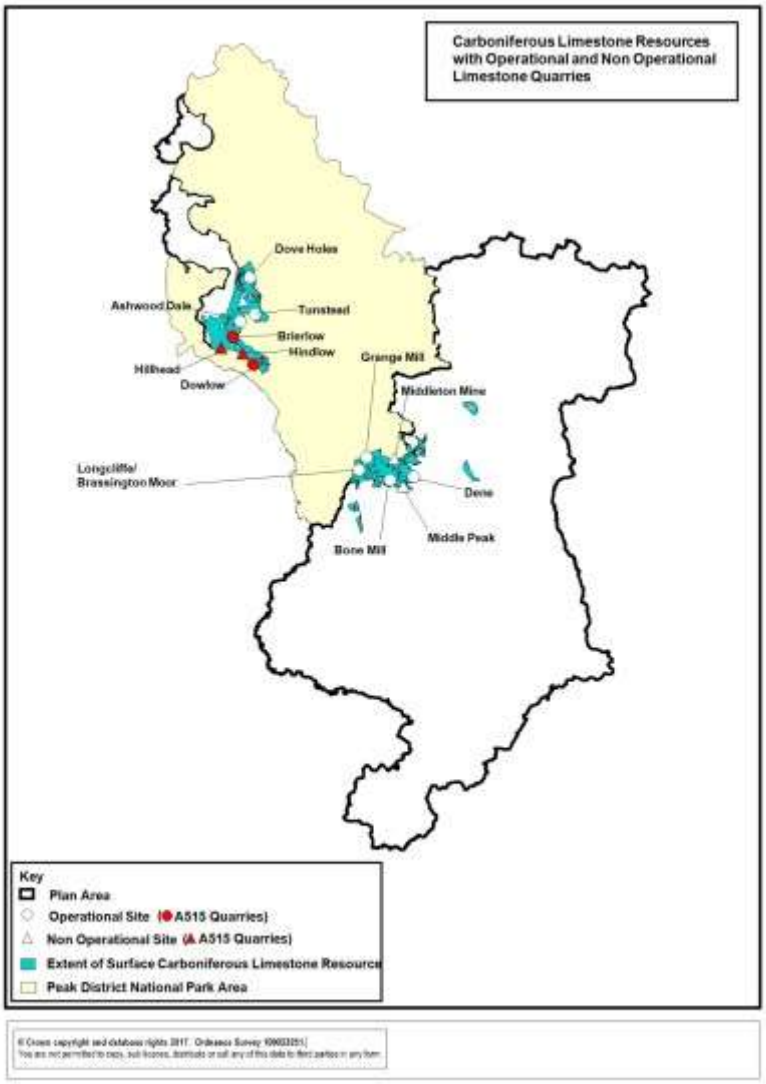
- are large scale and long-term, consequently exerting significant environmental impacts,
- lie in sensitive locations close to the Peak District National Park and in some cases have adjoining boundaries,
- lie close to each other and in some cases have contiguous boundaries and therefore would benefit particularly from co-ordinated restoration schemes,
- were granted planning permission before the advent of the modern planning system and, whilst all existing operational sites have modern conditions they remain subject to future periodic reviews,
- are ‘dormant’ or ‘inactive’ and therefore future working and restoration could be informed by a strategy

12.3.37 The Strategy would set out a framework of strategic principles that would deliver a preferred pattern of restoration for all hard rock quarries within the Carboniferous Limestone and would provide consistent advice to all operators across the White Peak landscape within the Plan area.

12.3.38 The MPAs consider that the third Option to extend the Strategy to include all hard rock quarries within the Plan area is not appropriate for the following reasons. Whilst there are other hard rock quarries lying with the Plan area such as sandstone quarries used mainly for building stone, these tend to be much smaller in scale, worked more infrequently and consequently are less intrusive. Similarly, there are hard rock quarries lying on the Permian Limestone, in the east of the County, but the colour of the stone, scale of working and the character of the surrounding landscape tends to make them less intrusive and easier to restore.

Outcome for the Proposed Approach

12.3.39 Extend the remit of the Strategy to include all hard rock Carboniferous Limestone quarries. The Map below shows the location of existing permitted active and inactive carboniferous limestone quarries at the end of 2017.



Issue 2: What are the issues that affect the restoration of hard rock Carboniferous Limestone quarries?

12.3.40 In order to develop restoration principles for the hard rock quarries on the Carboniferous Limestone it is important to think about what the issues are that particularly affect the restoration of such quarries. The previous Consultation set out what we thought the main issues were that would need to be addressed in developing the Strategy. In the absence of any response the MPA consider that all the necessary issues have been taken into account. These are set out below:

- The scale of the quarries in terms of surface area and depth of extraction prevents infilling to original ground levels and landforms. New landforms and levels therefore impose restoration constraints.
- The quarries are often very long-term developments (i.e. +25 years), with the current quarry form having evolved over many years, but with full restoration often not due for several decades more.

- Workings often involve simultaneous extraction from different parts of the quarry to obtain appropriate blending so affecting timing and ability for phased restoration.
- The quarries are often located in areas of high landscape value, including areas bordering the Peak District National Park and contrasting distinctly with the established landscape character of the area.
- The quarries are often liable to water infiltration affecting the scope of restoration options.
- The high level of connectivity of the water environment in limestone areas means that impacts of quarrying in one area could affect a much wider area. Some of the most ecologically rich, internationally important biodiversity sites are dependent on existing stream flows, seepages and springs, which can be threatened by quarrying if flows are intercepted or diverted. These ecological designations and the need to protect such sites may define or curtail site working in some areas.
- The quarries often lack sufficient soils to achieve traditional restoration through infilling.

Outcome for the Proposed Approach

12.3.41 Develop the Strategy's restoration principles based on the issues identified above.

Issue 3: Principles for the restoration of hard rock quarries

12.3.42 The Strategy will include a framework of strategic principles that will address the issues raised and deliver a co-ordinated approach to restoration. These principles will need to be taken into account by operators in preparing proposals for new developments or those affecting existing quarries. The previous Consultation set out what we thought the range of principles should cover; in the absence of any response the MPA consider that the principles form a comprehensive basis on which to inform the development of the Strategy.

Outcome for the Proposed Approach

12.3.43 Develop a restoration strategy based on the principles set out in the previous Consultation.

The Proposed Approach

12.3.44 The preparation of a restoration Strategy for the Carboniferous Limestone quarries will ensure that a co-ordinated approach is taken towards mineral restoration that will deliver a preferred pattern of working and restoration. The Strategy will establish a set of principles intended to guide operators in preparing their ROMP submissions to review their current planning permissions; any new or revised

working and restoration schemes would be guided by the strategic principles. It will also act as a guide for applicants submitting planning applications for any new limestone working.

12.3.45 At this stage, a policy setting out the strategic principles has been included. The MPA is considering whether to produce more detailed guidance on the restoration of hard rock Carboniferous Limestone quarries in the form of a separate Supplementary Planning Document to the Local Plan, to be prepared after the Plan is adopted.

12.3.46 This would enable the MPA to work closely with mineral operators, landowners, district planning authorities (High Peak and Derbyshire Dales) and adjoining MPAs (Peak District National Park Authority) to help ensure a co-ordinated approach is taken in the preparation and development of a detailed strategy, recognising its application to the wider area.

Policy for the Restoration of Hard Rock Carboniferous Limestone Quarries

Policy R3: Restoration of Carboniferous Limestone Quarries

Proposals for the restoration of Carboniferous Limestone quarries should take into account the following principles:

- The design of quarry development proposals should inform and take into account the requirements for progressive restoration;
- Waste placement needs to be carefully planned to avoid sterilisation of mineral resource, minimise double handling of material where possible, or lead to the imposition of artificial constraints to restoration;
- Development should seek to achieve the highest possible standard of restoration to minimise the long-term impacts of the site regardless of the level of that impact;
- Restoration proposals should be based around a clear and comprehensive restoration strategy, and seek to maximise opportunities for phased and progressive restoration.
- The form of restoration should reflect the character of the White Peak landscape in which the quarry is located taking into account:
- The high landscape value and distinctive character of the area
- The proximity to the Peak District National Park
- Restoration proposals should aim to reduce the visual footprint of the quarry and assimilate it into the surrounding landscape.
- Restoration proposals should incorporate the techniques most appropriate to the location and size of the quarries.
- The form and design of restoration proposals should seek to deliver conditions for appropriate after-uses which provide benefits to the economy, environment and local communities.
- The form and design of restoration proposals should seek to increase the biodiversity interests of the area, recognising the value of key habitats (limestone grasslands, limestone dale grasslands

and woodlands) in the surrounding landscape, and the opportunities to recreate/replicate these within the new landform of a worked out and restored quarry.

Contributes to achieving proposed Objectives

- **Objective 5 – Minimising Impacts on Communities**
- **Objective 6 – Protecting the Natural and Built Environment**
- **Objective 8 – Minimising Flood Risk and Climate Change**

Chapter 13 - Development Management Policies

Introduction

13.1 The new Plan will have to perform three complementary tasks. It will have to set out the Vision, Objectives and a Spatial Strategy for the area; it will have to set out how the Plan will make provision for those minerals found in the area, and thirdly, how proposals for new minerals developments will be assessed and determined. The first task will be covered by the specific vision and objectives to be included in the Plan and the general policies setting out the strategic approach of the new Plan, the second will be addressed via policies for each of the respective minerals likely to be worked in the area over the Plan period, whilst the task of setting out how new development proposals will be assessed and determined will be established though appropriate Development Management policies. This chapter identifies the range of development management policies that will be included in the new Minerals Local Plan.

National and Local Planning Policy

National Planning Policy Framework (NPPF)

13.2 The NPPF sets out national planning policy for the extraction of minerals. In general terms, the NPPF states that, "Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation."

13.3 The NPPF recognises that mineral development can generate adverse impacts on the environment and on local communities and, when determining planning applications, it advises local planning authorities to “ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality”.

13.4 In addition, it requires local planning authorities to “ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties”.

13.5 The NPPF advises that when preparing local plans, local planning authorities should “set out environmental criteria, in line with the policies of the Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable impacts…” These criteria are set out in the Development Management policies of a local plan.

National Planning Practice Guidance (NPPG)

13.6 The National Planning Practice Guidance (NPPG) was published in March 2014 and contains revised and updated planning policy and practice guidance on a wide range of planning issues, including planning for the extraction of minerals. It acknowledges that minerals are a finite resource with restricted availability, such that locations where they are economically viable and where extraction would be environmentally acceptable may be limited. It also repeats the statement in the NPPF that minerals make an essential contribution to the country’s prosperity and quality of life.

13.7 The NPPG provides further advice and guidance on planning for mineral extraction and the planning application process. It identifies the principal issues that mineral planning authorities should address when determining planning applications. These include:

- Noise associated with the operation
- Dust
- Air quality
- Lighting visual impact on the local and wider landscape
- Landscape character
- Archaeological and heritage features
- Traffic
- Risk of contamination to land
- Soil resources
- Impact on best and most versatile agricultural land
- Blast vibration
- Flood risk

- Land stability/subsidence
- Internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks
- Nationally protected geological and geo-morphological sites and features
- Site restoration and aftercare
- Surface and, in some cases, ground water issues
- Water abstraction

13.8 The NPPG provides additional advice about the methods for evaluating the potential impacts for some of these issues in the assessment of individual planning applications.

Derby and Derbyshire Minerals Local Plan, 2000

13.9 The current adopted Plan contains a series of policies which have been used to set the requirements of acceptability for new mineral development. These include:

- MP1 – The Environmental Impact of Mineral Development
- MP2 – The Need for Mineral Development
- MP3 – Measures to Reduce Environmental Impact
- MP4 – Interests of Acknowledged Environmental Importance
- MP5 – Transport
- MP6 – Nature Conservation – Mitigation Measures
- MP7 – Archaeology – Mitigation Measures
- MP8 – Planning Conditions
- MP9 – Planning Obligations
- MP10 – Reclamation and After-Use
- MP11 – Borrow Pits
- MP12 – Mineral Related Development
- MP13 – Mineral Exploration
- MP14 – Disposal of Non-Mineral Waste in Association with Mineral Development
- MP15 – Reworking of Tips (for purposes other than Secondary Aggregate Production)

13.10 Monitoring of development proposals over the current Plan period indicates that these policies have been effective in delivering mineral development, maintaining supplies, whilst providing protection of the environment and to local communities. The policies however, were formulated prior to the introduction of the National Planning Policy Framework and it is necessary to reconsider them in light of this new policy guidance.

Consultations undertaken and Comments Received

13.11 The development of the new Minerals Local Plan has included a series of consultations to ascertain the views of relevant local authorities, organisations and bodies with an interest in mineral development and the potential implications of mineral development and the people of Derbyshire and their representatives. These views, where appropriate, have been taken on board in the ongoing development of the new Minerals Plan.

Stakeholder Workshops 2009

13.12 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals and Waste Local Plans should address and sought the input of stakeholders in developing the vision and objectives for the respective Plans. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

13.13 These comments were taken into account in the preparation of the Issues and Options Report. Whilst the Workshops did not consider any specific policies, those attending did support mineral development provided it did not result in unacceptable impacts on the environment and local communities. This implicitly supports the use of appropriate policies to determine the acceptability of individual mineral development proposals.

Issues and Options 2010

13.14 This consultation exercise identified specific issues relating to the future provision for individual minerals but, as above, did not address the number or wording of policies to be used to determine mineral developments, although the issues identified did include the use of criterion based policies for particular minerals.

Towards a Minerals Local Plan – Rolling Consultation 2015/2016

13.15 The consultation included a support paper entitled 'Policies for Inclusion in the New Mineral Local Plan' which set out why it was necessary to include policies in the new Plan and set out a list of potential policies under particular headings, including development management policies.

13.16 There was a limited response to this paper but those that did were generally supportive of the range of policies put forward, including the Development Management policies. Observations included suggestions on the criteria that could be included and these have been considered in the proposed

policies below and those included in the other chapters. A full account of the representations made and considered responses can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

Duty to Cooperate

13.17 The wording of individual policies was not considered to be a strategic cross-boundary issue, although the outcome of discussions by the County and City Councils with relevant authorities has been to develop a consistent approach to the supply of the respective minerals and the policies to be used to determine individual proposals.

Sustainability Appraisal

13.18 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the strategy Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017 but it did not address the support paper on policies for inclusion in the Plan. The individual development management policies will be subject to the SA process at the next stage of Plan preparation.

Proposed Approach

13.19 As stated in the Introduction above, the Plan will have to perform several functions and these will be achieved through the implementation of the Plan policies. The policies that will be included in the other chapters of the Plan include:

Strategic Policies

SMP1: General Principles

SMP2: Economic, Social and Environmental Principles for Minerals Development in Derbyshire and Derby

SMP3: Climate Change

SMP4: Sustainable Transport Modes

Spatial Strategy

SS1: Spatial Strategy

Minerals Supply

MS1: Supply of Sand and Gravel

MS2: Allocations for Sand and Gravel

MS3: Other Sites for Sand and Gravel Extraction

MS4: The Provision of Aggregate Crushed Rock

MS5: The Provision of Sites for Aggregate Crushed Rock

MS6: Helping to Reduce Quarrying in the Peak District National Park

MS7: The Provision of Building Stone

MS8: Industrial Limestone Provision

MS9: Provision for Cement Making Materials

MS10: Brick Clay Provision

MS11: Stockpiling Brick Clay

MS12: Vein Minerals

MS13: Coal Extraction and Colliery Spoil Disposal Criteria

MS14: Reworking of Former Colliery Spoil Tips

MS15: Assessment of the Benefits of Coal Mining Development

MS16: Incidental Coal Extraction

MS17: Proposals for Oil and Gas Exploration

MS18: Proposals for Oil and Gas Production and Ancillary Development

MS19: Borrow Pits

MS20: Reworking of Former Spoil Tips

MS21: Incidental Working of Clay

MS22: Mineral Related Development

Safeguarding

SG1: Safeguarding Mineral Resources

SG2: Safeguarding Mineral Related Infrastructure

Cumulative Impacts

CP1: Cumulative Impacts

Restoration

R1: Restoration and After-Use of Mineral Sites

R2: Emerging Approach for the Trent Valley Strategy

R3: Restoration of Carboniferous Limestone Quarries

Allocations

SA1: Whitwell

SA2: Ashwood Dale

SA3: Mouselow

13.20 In addition to these specific policies, the Plan requires criteria to assess and determine the wider, more general potential impacts of mineral development. The Plan will include development management policies on the following topics:

DM1: Development Management Criteria

DM2: Planning Conditions and Obligations

DM3: Transport

DM4: Landscape and Green Infrastructure

DM5: Biodiversity

DM6: Historic Heritage (buildings, archaeology, conservation)

DM7: Water Management and Flooding

DM8: Extensions to Sites

DM9: Bird Strike Management

Why these Development Management Policies are to be Included in the new Minerals Plan

13.21 Most mineral development requires planning permission or other forms of prior approval from the mineral planning authority, and, as stated above, the new Plan will include specific policies to ensure that only those developments which constitute sustainable development and would not result in unacceptable adverse impacts will be allowed to take place.

DM1: Development Management Criteria

13.22 The NPPF reiterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It does not change the statutory status of the development plan but it does provide clarification about material considerations, including the role of the policies of the NPPF. In this regard it advocates a presumption in favour of sustainable development and the need for such developments to be approved without delay. The NPPF states that, when preparing minerals local plans, planning authorities should set out environmental criteria, in line with the policies of the Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts.

Policy DM 1 Development Management Criteria

Proposals for minerals development, including extensions to existing sites, will be permitted where the applicant has demonstrated a need for the mineral and that there will be no significant adverse impacts arising from the development which cannot be mitigated to acceptable standards. In determining planning applications for mineral development, potential impacts related to the following issues will be taken into account, where relevant:

- Local amenity, including noise, dust, odour, air quality, light pollution, vibration, air over pressure impacts
- Human health
- Flood risk, including opportunities to enhance flood storage capacity, dewatering and its' potential impacts, land drainage, water quality and the availability of resources
- Agricultural, horticultural and forestry interests including soil resources and land stability
- Aircraft safety and the need to manage bird strike risk
- Highway safety and capacity
- Public open space, rights of way and recreation facilities
- The appearance, quality and character of the landscape and visual intrusion
- Natural environment including geological and biodiversity interests
- Heritage interests including archaeological features
- Any other environmental, social and economic matters relevant to the application

DM2: Planning Conditions and Obligations

13.23 The NPPF reaffirms the role of planning conditions and obligations imposed on, or attached to planning approvals; that is that they make acceptable those development proposals which would otherwise be unacceptable. The current Derby and Derbyshire Minerals Plan provided policy guidance on the use and form of planning conditions and obligations and it is proposed that the new Plan will include a revised policy taking account of current NPPF guidance.

Policy DM 2 Planning Conditions and Obligations

When granting planning permission for minerals development, the Minerals Planning Authority will impose conditions and/or legal agreements to mitigate and control the effects of development and to maintain and enhance the quality of the environment, local communities and amenity.

DM3: Transport

13.24 All extracted minerals require transport to either a facility for processing or to the place of use. Minerals are bulky and heavy materials which require large containers for efficient movement. Development Management Policy 1 referred to above may, subject to agreement, include a criteria relating to the impact of development proposals on the highway network, but it is considered that the range of issues which the transport of minerals generates requires the inclusion of a specific transport policy which will reflect the guidance in the National Planning Practice Guidance.

Policy DM 3 Transport

Minerals developments will be permitted where the applicant has demonstrated that:

- There is no practicable alternative to the use of road-based transport that would have a lower impact on communities and the environment;
- Arrangements for site access would not have any significant adverse impacts on highway safety, air quality, residential amenity, the environment or the effective operation of the highway network.
- The highway network is of an appropriate standard for use by the traffic generated by the development or can be suitably improved;

In order to ensure these requirements are met and maintained, developments may be subject to the completion of appropriate legal agreements relating to signage, traffic routing or any necessary improvements to the highway.

DM4: Landscape and Green Infrastructure

13.25 The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation and soils. The Minerals Plan will include policies to ensure that these interests are properly taken into consideration in the determination of minerals development proposals.

Policy DM4 Landscape and Green Infrastructure

Minerals developments will be permitted where the applicant has demonstrated that they would not have a significant adverse effect on the existing landscape and should protect and/or enhance the landscape character, quality and visual amenity.

Proposals will be supported where the applicant has demonstrated that throughout the life of the development, including restoration:

- There is no loss of important or locally distinctive landscapes and no unacceptable visual intrusion;
- Any visual impact can be mitigated or minimised by appropriate measures,
- Protection of designated and other important landscape features and sites are maintained;
- Continued long-term improvements are made to the wider ecological networks and green infrastructure, and
- The landscape is strengthened, enhanced and the highest practicable environmental standards are achieved.

DM5 Biodiversity

13.26 The NPPF states that the planning system should contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystem services and by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Minerals Plan will include policies to ensure that these interests are properly taken into consideration in the determination of minerals development proposals.

Policy DM 5 Biodiversity

Minerals development will be permitted where the applicant has demonstrated that it would not have a significant adverse effect on the biodiversity interests of the site and surroundings. Where developments affect such interests and sites applicants will be required to demonstrate that, throughout the life time of the development, including restoration:

- The impact on biodiversity through loss of or damage to habitats and/or species is minimised;
- There is net gain in biodiversity, during restoration and aftercare, where appropriate;
- Biodiversity networks can be enhanced and contribute to the wider ecological networks and local green infrastructure;
- There is no irreversible or significant adverse impact on Internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, Sites of Special and Scientific Interest, national Nature Reserves, Ancient Woodland any sites identified to counteract adverse impacts on internationally designated sites, and European Protected Species;
- Nationally designated sites including Sites of Special Scientific Interest and national Nature Reserves, nationally protected species and Ancient Woodland;
- The protection and enhancement of other sites of priority habitats, locally designated and non-designated sites of biodiversity interest are promoted and maintained

Development which is likely to have a significant adverse impact upon such sites, habitats and species will only be permitted where it is judged, in proportion to their relative importance, that the merits of the development outweigh any likely environmental damage. Appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.

DM6: Historic Heritage

13.27 The NPPF states that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The Minerals Plan will include policies to ensure that these interests are properly taken into consideration in the determination of minerals development proposals.

Policy DM 6 Historic Heritage

Minerals development will be permitted where the applicant has demonstrated that it would not have an adverse impact:

- on important heritage assets (designated or non-designated), on the historic landscape or the setting of these features unless the applicant can demonstrate that there would be significant local, national or community benefits that clearly outweigh that harm or loss;
- on sites or features of local architectural, archaeological or historic importance.

Developments on sites of archaeological interest may be permitted subject to the agreement of an appropriate archaeological watching brief and/or measures to ensure that such features are protected in situ or provision is made for their recording or preservation elsewhere if appropriate.

DM7: Water Management and Flooding

13.28 Minerals are a finite resource and can only be extracted from where they are found. For sand and gravel, sites are often close to rivers and other watercourses where extraction results in the infiltration of water into the voids, changes in the level of the water table and changes to existing drainage systems. Extraction of limestone and other minerals can also significantly affect the existing drainage patters of an area. The NPPF advises that inappropriate development (in general) in areas of risk of flooding should be avoided and that increased flood risk, together with other impacts on the flow and quantity of surface water and groundwater, are criteria to be assessed in the determination of mineral development proposals. The Plan will include a policy which incorporates the most up to date guidance for this issue.

Policy DM 7 Water Management and Flooding

Proposals for mineral development will be permitted where the applicant can demonstrate that:

- it would not have an adverse impact on water quality, water availability, nature conservation interests and the amenity value of water resources and features;
- it would not increase flood risk on site or elsewhere, and, where possible, will reduce flood risk overall;
- it would not increase surface water run-off.

Applicants will need to incorporate flood risk protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site. Applicants will also need to demonstrate that the restoration of the site has been designed to enhance the water management of the site and alleviate the risk of flooding in the long-term.

DM8: Extensions to Sites

13.29 Mineral extraction can take place in new development sites or as extensions to existing sites. The current Mineral Plan includes a policy which indicates a preference for extensions provided they can be accommodated in an environmentally acceptable manner. The new Plan could also include a separate and specific policy on this issue or, alternatively, it could be addressed as one of the elements in the general criteria based policy (see DM1 above). At present it is proposed to include a separate policy in the new Plan.

Policy DM 8 Extensions to Sites

Proposals for the extension to established minerals extraction sites, or for variations to the site boundaries will be permitted in preference to new sites provided they satisfy all the environmental, social and economic criteria specified in the development management policies of the Plan.

DM9: Bird Strike Management

13.30 Many previous and current mineral sites, particularly sand and gravel sites, are located in the south-eastern part of the Plan area and are within the East Midlands Airport Safeguarding Area. Mineral extraction in this area often involves sites where the water table is close to the surface and excavations are prone to infiltration with water that could attract birds which pose a risk to aircraft using the airport. This temporary situation may become permanent where the proposed restoration includes new water areas. The risk to aircraft can be minimised by appropriate forms of development and restoration and it is proposed to include a policy specifying the criteria to avoid or reduce the risk to aircraft from large birds that may be attracted to water features created as part of the restoration.

Policy DM9 Bird Strike Management

Minerals development within the airport safeguarding area(s) will only be permitted where the applicant has demonstrated that the development and associated operations and the form of restoration would not constitute a significant hazard to air traffic. Restoration proposals in sites in these areas will be

based on minimising the attractiveness to birds that constitute a risk to air safety and the operation of the site will be subject to the provisions of an agreed Bird Management Plan.

Chapter 14 - Site Allocations

Introduction and Background

14.1Chapter 7 of this Consultation sets out that, for Industrial Limestone and Brick Clay, the proposed approach for planning their adequate and steady supply, throughout the Plan period, is through permitted reserves, a criteria policy and the allocation of specific sites for working. This Chapter sets out the way in which Industrial Limestone and Brick clay sites that have been promoted by mineral operators have been assessed to determine their suitability for allocation in the Plan.

14.2 In order to assess the suitability of promoted sites for inclusion in this Consultation as draft allocations, the MPAs prepared a Site Assessment Methodology. The original Methodology and brief details of the promoted sites were published for consultation in June 2016. The Methodology was refined and used to carry out an Initial Assessment of the promoted sites; these documents were published for consultation in December 2016. This consultation generated as significant number of representations on both the Methodology and some of the promoted sites.

14.3 Details of the previous Site Assessment Methodologies and the Initial Site Assessments can be found in the following Papers:

Towards a Minerals Local Plan: Rolling Consultation 2015-2016:

Site Assessment Methodology Hard Rock Quarries, April 2016.

Towards a Minerals Local Plan: Rolling Consultation 2016-2017:

Site Assessment Methodology Hard Rock Quarries,

December 2016.

Towards a Minerals Local Plan: Rolling Consultation 2016-2017:

Initial Site Assessments & Maps, Ashwood Dale, Whitwell, Mouselow, Aldwark/Brassington Moor, new Parish Quarry, December 2016.

14.4 Details of the representations made on these Papers, considerations and outcomes for this Consultation can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Report of Representations, December 2017

14.5 The Site Assessment Methodology has been refined in the light of these comments and published as a Background Paper to this Consultation for information. Further information can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Background Paper: Revised Site Assessment Methodology - Hard Rock Quarries, December 2017

14.6 The revised Methodology has been used to undertake a further Initial Assessment of the promoted hard rock sites. The purpose of this Assessment is intended to discover any positive factors that would support the allocation of the site and any negative factors that would constrain its allocation. This Assessment sets out that where potential negative impacts have been identified, the MPA will carry out further detailed work, in consultation with appropriate bodies, to ascertain if that impact could be mitigated or avoided to enable the site to progress forward for allocation.

14.7 Where sites are found to be acceptable they are proposed for allocation in this Chapter.

14.8 This Chapter sets out the Assessment findings and conclusions for the three promoted Industrial Limestone sites at Ashwood Dale, Whitwell and Aldwark/Brassington Moor Quarries and for the promoted Brick Clay site at Mouselow Quarry.

Duty to Cooperate

14.9 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the Minerals Local Plan the Councils have identified strategic cross-boundary issues and the relevant stakeholders involved. These have been set out in the following Background Report which has been updated to add additional matters that have arisen since the Plan has progressed. Detailed issues affecting the sites promoted for working are set out below. Further information on all Duty to Co-operate Issues can be found in the following Report.

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Co-operate Report: Background and Progress, December 2017

Sustainability Appraisal

14.10 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017 and all of the sites that were promoted by operators. The findings of the SA relating to the individual promoted sites are set out below. The full appraisal can be found in the following document:

Towards a Minerals Local Plan: Spring 2018 Consultation

Interim Sustainability Appraisal (SA) Report, December 2017

Potential Site Allocations

14.1 Industrial Limestone: Whitwell Quarry

Consultation so far – what you have told us

14.1.1 Tarmac, the operator of Whitwell Quarry, has indicated that additional reserves of industrial limestone will be required during the Plan period and therefore is promoting four small extensions to the existing quarry.

14.1.2 In order to assess the suitability of the promoted sites for inclusion in the Plan as allocated sites for future working, the MPA carried out an Initial Assessment. Details of this Assessment together with the Methodology used can be found in the documents referred to above at paragraph 14.3.

14.1.3 Several Duty to Co-operate issues have been identified relating to the expansion of the quarry. These involve its possible long-term expansion into Nottinghamshire; potential impacts on nearby Creswell Crags a Scheduled Monument, SSSI and potential world heritage site and potential impacts on a proposed strategic housing/industrial site resulting from the redevelopment of the former Whitwell Colliery site. The MPAs have and will continue to liaise with the relevant stakeholders to ensure that these matters are fully taken into account.

14.1.4 The Interim SA concluded that the Whitwell site performs well against most of the site assessment criteria. As an existing site, it has good access to markets, established infrastructure and transport links. However, the potential for sustainable transport modes is somewhat limited. Whilst there could be a small loss of best and most versatile agricultural land and the site lies over an aquifer, the effects on the environment are mostly limited. There are 'positive effects' recorded in relation to ecology due to the relatively insensitive nature of the site. The effects on landscape and heritage would also be mostly 'positive' as the character of the existing areas is already affected by previous workings and the site is also relatively well contained visually. There are some potential noise and dust issues in parts of the sites that could affect sensitive receptors. However, it ought to be possible to implement appropriate mitigation.

Summary of Representations

14.1.5 Representations received on the four extension sites are as follows. One respondent, the operator of the quarry, Tarmac, supported the allocation of the site and referred to the importance of continuing to protect nearby important heritage assets and their settings. Tarmac recognised and welcomed the continuing joint working between the County and City Councils and Nottinghamshire County Council in view of the proximity of the County boundary and the Company's possible interest in developing a new dolomitic limestone quarry in Nottinghamshire in future to replace Whitwell. Tarmac suggest, in assessing environmental impacts, that account should be taken of evidence submitted in support of the currently submitted planning application to work the four promoted extension areas.[1]

14.1.6 Concerns were raised particularly about impacts on the nearby important heritage assets and their settings; the existing quarry and proposed extensions are close to Creswell Crags which is a scheduled monument, forms part of the Welbeck Registered Park and Garden and a Conservation Area. The Crags are also on the UK tentative list for World Heritage Site designation. It is also a designated SSSI. The quarry is also in close proximity to the Holinhill and Markland Grips SSSI. Additional issues raised at the Drop-In Session included the use of Whitwell Colliery Tip for restoration purposes and the need to distinguish between impacts from Whitwell Works and impacts from the quarry.

14.1.7 In progressing the Assessment, updated information, co-operation on strategic cross border matters, recommendations from the Interim Sustainability Report and representations received at earlier Consultation stages have been taken into account.

[1] Planning Application CM5/0416/4

Revised Initial Assessment

14.1.8 A revised Initial Assessment has been undertaken using the revised Methodology. The reassessment of the Whitwell Quarry sites reaches the same conclusions as the initial assessment. It identifies the following matters as key positive factors favouring allocation:

- Nationally and internationally important resource supplying the UK's only producer of steel refractory products, exported to many countries
- Quarry well located to serve aggregates market in the east of the Plan area
- Detailed borehole information available justifying quality of deposit
- Important local employer and provider of wealth to local economy in area previously decimated by coal mine and related industrial manufacturing closures and currently undergoing regeneration
- The extension areas are small and the eastern and south-eastern sites in particular are relatively isolated from sensitive receptors and would not impact on local amenity

- Whilst transport is road based the site has good transport and access arrangements and HGV's would not pass sensitive receptors to reach the strategic road network

14.1.9 It identifies the following matters as key negative factors that would constrain allocation:

- Working would extend the duration of the quarry to around 2040; the latter years would be for aggregate working only
- Working the northern and north-eastern extension would extend the quarry closer to the edge of Whitwell village and appropriate safeguards would need to be in place to protect local amenity
- The south-eastern extension would extend working towards Creswell Crags, appropriate safeguards regarding blasting and vibration would need to continue
- The quarry lies on a principal aquifer and appropriate safeguards would need to continue to protect the water regime
- There are few landscape characteristics that can be employed in the satisfactory mitigation/restoration of the quarry; careful consideration needs to be given to achieve its acceptable restoration.

4.1.10 The revised Initial Assessment, together with accompanying Mapped Information and Background Evidence can be found in the following three Papers:

Towards a Draft Minerals Local Plan: Spring 2018 Consultation

Revised Initial Site Assessment, Maps and Background Information - Whitwell Quarry, December 2017

Further Assessment

14.1.11 The MPA has set out that where potential negative impacts have been identified it would carry out further detailed work, in consultation with appropriate bodies, to ascertain if that impact could be mitigated or avoided to enable the site to progress forward for allocation.

14.1.12 Whilst there are several key negative factors that have been identified in the initial assessment, a planning application has been submitted to the County Council for mineral extraction from the promoted sites. Following detailed consideration of all planning matters involved in working the sites the County Council's Regulatory Planning Committee on 9th October 2017 resolved to approve the application subject to the completion of a Section 106 Agreement on detailed requirements.

Outcome for the Proposed Approach

14.1.13 Planning permission has been granted in principle for the working of the four promoted sites at Whitwell Quarry and, therefore, they are considered acceptable for mineral extraction. Given that the planning permission has not yet been finalised, awaiting the section 106 agreement, or subsequently

implemented, the promoted sites are not counted as permitted reserves in the Plan but will be put forward as allocations in the Proposed Approach.

14.1.14 Allocate the promoted extensions at Whitwell Quarry for mineral extraction to commence during the Plan period, as set out in Policy SA1 and shown on the Map below.

14.1.15An allocation in the Plan is acceptance in principle that a site is suitable for working to commence during the Plan period, subject to satisfying detailed planning requirements. The Report[1] of the Strategic Director of Economy, Transport and Communities includes planning conditions to protect local amenity and environmental interests. The conditions, amongst other matters, cover the following aspects of the proposal:

- Commencement and Duration
- Site and Scope of Permission
- Extraction Limits
- Ancillary Development (Installation, Plant, Machinery and Stockpiles)
- Hours of Operation
- Hours of Blasting
- Transport and Highways
- Traffic routing
- Control of Noise
- Dust Management
- Blasting and Blast Vibration
- External Lighting
- Water Quality, Surface Water Drainage and Pollution Control
- Soil Handling and Conservation
- Archaeology
- Ecology
- Conservation of Seed Resource
- Landscaping and Restoration
- Community Access Provision
- Aftercare of the Restored Land
- Premature Permanent Cessation

14.1.16 The Section 106 Agreement sets out requirements that are needed to make the development proposal acceptable in planning terms. They are set out below:

- The continued operation of the Whitwell Quarry Liaison committee
- The use of the stone resource.

- The eventual removal of the underpass to the eastern extension area.
- Traffic routing.
- Opportunities for rail freight from the site.
- Monitoring and protection of the Millash Overbridge (if it has not been removed during the redevelopment of the former Whitwell Colliery Tip) during works in the eastern extension area.
- Measures to protect Creswell Crags, including the appointment of an independent specialist.
- Measures to protect visitors to Creswell Crags.
- Measures to protect the railway tunnel, including appointment of an independent specialist for this purpose;
- A scheme and programme of monitoring of the impact of bat populations in Creswell Caves and Foraging Grounds and Mitigation.
- Whitwell Works Complex: Study for Decommission or Diversification.
- Whitwell Colliery Tip 11/091 – provision to accommodate into restoration at a later date.
- Monitoring of ground water levels.
- Monitoring of flow rates and water quality in the Millwood Brook and the Millash Brook.
- Restored site management.
- Restored nature conservation management.

[1] The Report of the Strategic Director of Economy, Transport and Communities to Derbyshire County Council, Regulatory Planning Committee 9th October 2017

Proposed Approach

Policy SA1 Whitwell Site Allocations

Land is allocated for mineral extraction at Whitwell Quarry, shown on the Map below.

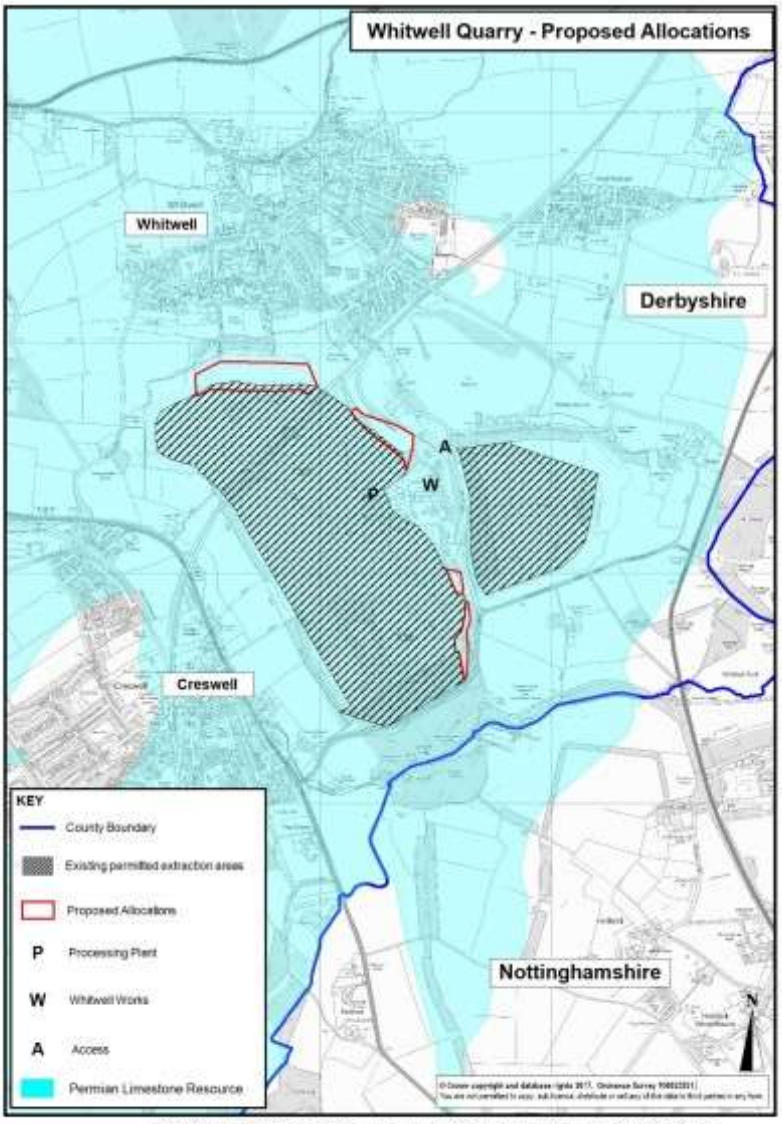
Proposals for the extraction of mineral from allocated sites will be permitted provided that:

1) the processing and distribution of material produced at the site will be carried out via the established and permitted plant, access and transport arrangements unless there are significant benefits in alternative arrangements and

2) the proposed extraction will follow on after the cessation of extraction from existing permitted areas unless there are significant benefits in alternative phasing.

Contributes towards achieving Proposed Objectives of Plan

- Objective 1 – Ensuring a Steady and Adequate Supply of Minerals
- Objective 2 - Delivering Sustainable Minerals Development
- Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development
- Objective 4 – Safeguarding Mineral Resources and Facilities
- Objective 5 – Minimising Impacts on Communities
- Objective 6 - Protecting the Natural and Built Environment



14.2 Industrial Limestone: Ashwood Dale Quarry

Consultation so far – what you have told us

14.2.1 Omya UK Ltd, the operator of Ashwood Dale Quarry has indicated that additional reserves of industrial limestone will be required during the Plan period and therefore is promoting an extension to the existing quarry.

Initial Assessment

14.2.2 In order to assess the suitability of the promoted site for inclusion in the Plan as an allocated site for working, the MPA carried out an Initial Assessment. Details of this Assessment together with the Methodology used can be found in the documents referred to above at paragraph 14.3.

Duty to Co-operate

14.2.3 A Duty to Co-operate issue has been identified regarding a potential conflict of interest between the expansion of the quarry and the development of a potential housing site. A statement of common ground was agreed between Omya, Derbyshire County Council (and on behalf of Derby City Council) and High Peak Borough Council which set out a mutually agreed solution to enable both developments to proceed. The agreement proposes a modest relinquishment of mineral resources, approximately 200,000 tonnes and a reduction in area and scale of the proposed housing allocation. Both requirements would need to be taken into account in their respective local plans.

Sustainability Appraisal

14.2.4 The Interim SA concluded that Ashwood Dale as an existing site, has good access to markets, established infrastructure and transport links. However, the potential for sustainable transport modes is somewhat limited. Though the extension would not be on best and most versatile agricultural land it demonstrates historic pastoral field patterns which contribute to the wider landscape character. The extension would also be visually intrusive in some locations and there could be dust and noise issues. On the other hand, the ecological impacts are likely to be limited.

Summary of Representations

14.2.5 Representations received on the promoted site are as follows. One respondent, the operator of the quarry, supported the allocation of the site. Others raised concerns about heritage impacts, impacts on Peak District Dales SAC and Wye Valley SSSI, particularly when taking into account the proposed scale of housing as well in the vicinity and impacts on nearby Ancient Woodland. Additional matters raised at the Drop-In Session included questions about how the blasting ‘buffer zone’ would work in practice between the quarry extension site and the proposed housing on the edge of Buxton. Further details of the representations to the Rolling Consultations together with considerations and outcomes for this Consultation and comments made at the Drop-in Session can be found in the Report of Representations.

14.2.6 In progressing the Assessment, updated information, co-operation on strategic cross border matters, recommendations from the Interim Sustainability Report and representations received at earlier Consultation stages have been taken into account.

Revised Initial Assessment

14.2.7 A revised Initial Assessment has been undertaken using the revised Methodology. The reassessment of the Ashwood Dale Quarry site reaches the same conclusions as the initial assessment. It identifies the following matters as key positive factors favouring allocation:

- Nationally important resource; the quarry principally supplies high quality fine industrial powders for a variety of applications
- The quarry serves national markets for industrial applications and local markets for aggregates. It is well located to serve markets in the Manchester conurbation to the north-east of the Plan area
- Detailed borehole information available confirming quality of deposit
- Important local employer and provider of wealth to local economy in a predominantly rural area where mining is a traditional important local employer
- Whilst transport is road based, HGV's would not pass sensitive receptors to reach the strategic road network
- The relinquishment of permitted reserves below the water table would potentially benefit the adjoining SAC

14.2.8 It identifies the following matters as key negative factors that would constrain allocation:

- Working would extend the duration of the quarry to around 2066 (taking account of only the light stone)
- There are some sensitive visual receptors (footpaths and dwellings) to the north and the south of the site that would be able to gain views of part of the extension area, including views from the Peak District National Park.
- The site lies outside of any designated sites of ecological value, but in between two dale systems, Ashwood Dale and Cunning Dale, the latter of which is designated as a SSSI and SAC, and the former is (in part) a Local Wildlife Site. The existing Ashwood Dale Quarry is the only working in the immediate vicinity, and has not directly impacted on the most important ecological features such as the Dale systems. It is important that any future working does not compromise the nearby ecological assets.
- Working the site will lead to the loss of an area that generally accords with the established landscape character and the loss of some historic landscape features.
- There are few landscape characteristics that can be employed in the satisfactory mitigation/restoration of the quarry; careful consideration would need to be given to achieve its acceptable restoration.

- The promoted site would extend mineral working towards existing and proposed housing on the edge of Buxton; appropriate safeguards would need to be in place to protect local amenity from the impact of mineral working,
- The quarry lies on a principal aquifer; appropriate safeguards would need to continue to protect the water regime.

14.2.9 The revised Initial Assessment, together with accompanying Mapped Information and Background Evidence can be found in the following three Papers:

Towards a Draft Minerals Local Plan: Spring 2018 Consultation

Revised Initial Site Assessment, Maps and Background Information - Ashwood Dale Quarry, December 2017

Further Assessment

14.2.10 The MPA has set out that where potential negative impacts have been identified it would carry out further detailed work, in consultation with appropriate bodies, to ascertain if that impact could be mitigated or avoided to enable the site to progress forward for allocation.

14.2.11 Whilst there are several key negative factors that have been identified in the initial assessment, a planning application (CM1/0315/158) has been submitted to the County Council for mineral extraction from the promoted site, and a further application (CM1/0315/159) seeks to vary planning condition 3 of R1/0298/8 to extend time for the duration of working. Although the planning applications have not yet been determined it is at an advanced stage of consideration.

14.2.12 Key negative aspects requiring further assessment:

Duration of operation

14.2.13 Whilst working the promoted area would prolong the life of the site to over 30 years, the scale of the promoted area is relatively modest at 6 hectares containing 9.8mt of reserves. Annual production is not anticipated to increase and the proposal would involve the relinquishment of 10 mt of permitted reserves of dark stone.

Landscape and Visual impacts from sensitive visual receptors and PDNP

14.2.14 The Assessment noted, and representations were received on the fact that some receptors (footpaths and dwellings) to the north and the south of the site would be able to gain views of part of the extension area, including views from the National Park. Detailed consideration of these matters as part of the planning application process has resulted in the submission of a revised restoration scheme incorporating screening bunds, dry stone walling and tree planting appropriate to the local landscape to mitigate impacts to the satisfaction of the PDNPA and Natural England.

Impacts on adjoining ecological assets

14.2.15 The Assessment noted, and representations were received on the proximity of the site to designated sites of ecological value which would need adequately protecting, particularly from the impacts of dust. Detailed consideration of these matters as part of the planning application process indicates that these impacts can be adequately mitigated through the imposition of planning conditions to the satisfaction of Natural England.

Impacts on adjoining ancient woodland

14.2.16 The Woodland Trust is concerned about the impact of the promoted site on a section of ancient woodland in Ashwood Dale, as it considers that the site will be directly adjacent to the remainder of the ancient woodland that follows the railway line adjacent to the A6. Detailed consideration of this matter as part of the planning application process indicates that this impact can be adequately mitigated through the imposition of planning conditions.

Impact on the water regime

14.2.17 The site lies on a principal aquifer which usually provide a high level of water storage and may support water supply and/or river base flow on a strategic scale. Consequently they require the greatest protection from development that might be harmful to them. The new proposed limit on the depth of excavations would be above the level of groundwater. The Environment Agency has no objection in principle subject to detailed planning conditions to protect the ‘water environment’.

Impact on proposed housing allocation

14.2.18 A potential conflict of interest was identified between the expansion of the quarry and the development of a potential housing allocation. A statement of common ground was agreed between Omya, Derbyshire County Council (and on behalf of Derby City Council) and High Peak Borough Council which set out a mutually agreed solution to enable both developments to proceed. The agreement required a 200 metre buffer between the extraction area and housing development resulting in a modest relinquishment of mineral resources, approximately 200,000 tonnes and a reduction in area and scale of the proposed housing allocation. Agreed changes to the proposed housing allocation have been incorporated in the adopted High Peak Local Plan and agreed changes to the proposed mineral extraction area have been incorporated in the planning application.

14.2.19 Following consideration of the key negative factors that would constrain the allocation of the site and with particular regard to detailed work undertaken as part of the process to consider the planning application it is considered that the site should be put forward for allocation in the Proposed Approach.

Outcome for the Proposed Approach

14.2.20 Allocate the promoted extension at Ashwood Dale Quarry for mineral extraction to commence during the Plan period, as set out in Policy SA2 and shown on the Map below.

14.4.21 An allocation in the Plan is acceptance in principle that a site is suitable for working to commence during the Plan period, subject to satisfying detailed planning requirements. The requirements that would need to be addressed in any planning application to work the proposed

allocated site are set are out below; they are not a comprehensive set of matters. Proposals will need to satisfy all the policies and proposals of the Plan, where appropriate.

14.4.22 The MPA consider that mineral extraction from the proposed allocated site is likely to be acceptable in planning terms subject to the following issues having been addressed satisfactorily. This includes:

- an assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts;
- an ecological assessment of the designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network;
- an assessment of the effects on the historic environment, including designated sites and settings and archaeological remains
- an assessment of the effects of the development on the water environment;
- an assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures;
- a transport assessment including an assessment of the existing access arrangements and the potential impact upon the Strategic Road Network; and
- an account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

Updated Information December 2017

4.2.23 The MPA has very recently been made aware that Omya UK Ltd, the current operator of the existing quarry and promoter of the extension, is reviewing its investment and operations at a number of sites. The operator has informed the MPA that Ashwood Dale will close in the short-term, in 2018, whilst Omya considers the long-term future and development of its sites. In view of this, the MPA consider there to be uncertainty as to whether additional reserves will be required to be worked at the quarry during the Plan period. Nevertheless, the MPA is proposing to allocate the promoted extension to Ashwood Dale at this stage but will continue to liaise with Omya about the long-term development of the quarry.

Proposed Approach

Policy SA2 Ashwood Dale Site Allocation

Land is allocated for mineral extraction at Ashwood Dale Quarry, shown on the Map below.

Proposals for the extraction of mineral from allocated site will be permitted provided that:

1) the processing and distribution of material produced at the site will be carried out via the established and permitted plant, access and transport arrangements unless there are significant benefits in alternative arrangements and

2) the proposed extraction will follow on after the cessation of extraction from existing permitted areas unless there are significant benefits in alternative phasing.

Contributes towards achieving Proposed Objectives of Plan

- Objective 1 – Ensuring a Steady and Adequate Supply of Minerals
- Objective 2 - Delivering Sustainable Minerals Development
- Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development
- Objective 4 – Safeguarding Mineral Resources and Facilities
- Objective 5 – Minimising Impacts on Communities
- Objective 6 - Protecting the Natural and Built Environment

14.3 Industrial Limestone: Aldwark/Brassington Moor Quarry

Consultation so far – what you have told us

14.3.1 Longcliffe Quarries Ltd, the operator of Aldwark/Brassington Moor Quarry has indicated that additional reserves of industrial limestone will be required during the Plan period and therefore is promoting an extension to the existing quarry.

Initial Assessment

14.3.2 In order to assess the suitability of the promoted site for inclusion in the Plan as an allocated site for working, the MPA carried out an Initial Assessment of the Site. Details of this Assessment together with the Methodology used can be found in the documents referred to above at paragraph 14.3.

Duty to Co-operate

14.3.3 A Duty to Co-operate issue has arisen regarding a potential conflict of interest between the expansion of the quarry and the protection of the interests of the Peak District National Park. The Councils have and will continue to liaise with the relevant stakeholders to ensure that the matter is fully taken into account.

Sustainability Appraisal

14.3.4 The Interim SA concluded that the Aldwark/Brassington Moor site would have major positive effects with regards to the use of minerals and the efficiency of extraction. As an existing site, it has good access to markets, established infrastructure and transport links. However, the potential for sustainable transport modes is somewhat limited. The rural nature of the site means that potential dust and noise issues are less likely to affect sensitive receptors. However, there is potential for major negative impacts on landscape character, and visual intrusion, including in the Peak District National Park. Though the effects on ecology are not anticipated to be significant, there is potential for priority species to be affected nearby.

Summary of Representations

14.3.5 Representations received that would constrain the allocation of the promoted site can be summarised as follows. There are concerns about the impact of the site on the wider landscape, including the Peak District National Park, the statutory purpose of which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park. The site abuts the PDNP boundary forming part of its immediate setting and large parts of the site would be clearly visible from the Park generally and more specifically from recreational trails, including the High Peak Trail and Limestone Way. Other concerns include the impact of mineral working on tourism and the tranquillity of the area and impacts on the amenity of nearby Aldwark village. The operator of the quarry states that the impact of the site on the

Park should be viewed in the context of the existing quarry and can be mitigated. Issues raised at the Drop-In Session are included in the above summary. Representations have been made by individuals, local and national interest groups, Natural England and the PDNPA.

14.3.6 In progressing the Assessment of promoted sites, updated information, co-operation of on strategic cross border matters, recommendations from the Interim Sustainability Report and representations received on earlier Consultation stages have been taken into account.

Revised Initial Assessment

14.3.7 A revised Initial Assessment has been undertaken using the revised Methodology. The reassessment of the Aldwark/Brassington Moor Quarry site reaches the same conclusions as the initial assessment. It identifies the following matters as key positive factors favouring allocation:

- Nationally important resource - 85% of industrial grade limestone for animal feeds, glass, sealants and adhesives etc. are quarried in Longcliffe supplies 30% of that output
- Important local employer and provider of wealth to local economy in a predominantly rural area where mining is a traditional important local employer
- Whilst transport is road based the site has good transport and access arrangements and HGV's would not pass sensitive receptors to reach the strategic road network
- The site lies in an area where it is predicted that agricultural land will be of poor quality

14.3.8 The following matters have been assessed as key negative factors that would constrain allocation:

- Working the site is a very long-term proposal which would see the life of the quarry extended by 30 plus years
- There is a concentration of mineral working in the area; the site lies adjacent to Grangemill Quarry operated by Ben Bennetts. Both the quarries have been in operation for a long period of time.
- The landscape character of this site is typical of the wider landscape of the area with features in good condition
- The site would be visible from a number of surrounding locations
- The site lies adjacent to the Peak District National Park from which large parts of the site would be visible.

14.3.9 The revised Initial Assessment, together with accompanying Mapped Information and Background Evidence can be found in the following three Papers:

Towards a Minerals Local Plan: Spring 2018 Consultation

Revised Initial Site Assessment, Maps and Background Information - Aldwark/Brassington Moor Quarry, December 2017

Further Assessment

14.3.10 The MPA has set out that where potential negative impacts have been identified it would carry out further detailed work, in consultation with appropriate bodies, to ascertain if that impact could be mitigated or avoided to enable the site to progress forward for allocation. There are several key negative factors that have been identified in the initial Assessment which are considered below.

Key negative aspects requiring further assessment:

Duration of operation

14.3.11Working the site is a very long-term proposal which would see the life of the quarry extended by 30 plus years. The current permitted area has sufficient reserves to last until the latter part of the Plan period (between 2025 and 2031). The promoted area contains 38mt of reserves which based on a simple calculation of 1mt per year output would extend the life of the quarry to (between 2063 and 2069). The site also lies adjacent to Grangemill Quarry, operated by Ben Bennetts which has permission to work to 2042. Both the quarries have already been in operation for a long period of time.

Landscape and Visual impacts on sensitive visual receptors and PDNP

14.3.12 Whilst there are no sensitive receptors close to the promoted extension area, it would be visible from a number of locations around the site that would allow for views of parts of the area. These include some properties in Aldwark and Ible, local footpaths, recreational trails including the High Peak Trail and the Limestone Way, Harboro Rocks and the local road network. These impacts would also be in the context of the existing quarry and the adjoining Grangemill quarry which already exert significant adverse visual effects on surrounding visual receptors.

14.3.13 In terms of the specific impact on the landscape the promoted site area comprises pastoral fields enclosed by limestone walls with boundaries generally in good condition typical of the established character of the wider landscape. The site abuts and seamlessly connects to the PDNP to the North West.

14.3.14 In terms of the specific impact on the PDNP, the site abuts the PDNP boundary forming part of its immediate setting and large parts of the site would be clearly visible from it. The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. The assessment should take into account whether the proposed working of the site would have a significant impact on or harm those statutory purposes. There is also a duty on the MPA to ‘have regard’ to those statutory purposes in carrying out its functions; this duty also applies to proposals outside the designated area but impacting on its natural beauty. Concerns have also been expressed about effects on the tranquillity of the area and on its attractiveness to tourists.

14.3.15 Having regard to the above concerns, the scale of the promoted site but particularly its location adjoining the PDNP, very careful consideration is required to establish whether the site is likely to be acceptable in planning terms and therefore suitable for allocation. The MPA consider that in order to carry out such an assessment the level of information required would be more akin to that needed to support a planning application i.e. a detailed working scheme and mitigation proposals for the promoted site together with a detailed landscape and visual assessment.

Impact on the water regime

14.3.16 The site lies on a principal aquifer which usually provide a high level of water storage and may support water supply and/or river base flow on a strategic scale. Consequently they require the greatest protection from development that might be harmful to them. The site also lies within a Groundwater Source Protection Zone 1; protection zones are designated for important groundwater abstraction sources such as wells, boreholes and springs used for drinking water supply, and defined according to the groundwater travel time to an abstraction. It is important within these zones not to interrupt the flow or to pollute the groundwater. In principle, source protection zones 1 are the most important to protect from harmful development. Detailed planning conditions will be required to protect the 'water environment'.

Traffic Impacts

14.3.17 Although the criteria used to initially assess the traffic impacts of the development do not result in any negative scores, this assessment is based on a continuation of the operation as established under the 2007 permission when anticipated loaded vehicle daily movements was 100, with an average despatch load of 25 tonnes. Information submitted by the Company in support of the promoted extension site indicates that vehicle movements have doubled to 200 loads per day (400 in – out movements) although production has not and is not anticipated to increase. The Company do state that smaller lorries are in use although it is unclear as to whether this pattern of movements will be for a sustained period. The County Council as Highway Authority has concerns about the junction of the B5036 and A5012 in terms of emerging vehicle visibility. It also has concerns about the number of HGVs which travel west along the Via Gellia to join the A6 at Cromford causing congestion and negative impacts on the Conservation Area. These matters would be exacerbated if there was to be a significant increase in the number of HGVs. This matter will need to be addressed in a detailed Transport Assessment.

14.3.18 Following consideration of the key negative factors that would constrain the allocation of the site, the MPA is particularly concerned about matters relating to landscape and visual impacts, both on sensitive visual receptors and the PDNP. It considers that these matters have not been satisfactorily addressed in sufficient detail to enable the MPA to establish that the site is likely to be acceptable in planning terms and therefore, suitable to be put forward for allocation at this stage.

Outcome for the Proposed Approach

14.3.19 In view of these unresolved negative constraints the MPA is proposing not to allocate the site at this stage of Plan preparation. The MPA will however liaise further with the operator on these outstanding matters. Notwithstanding this proposed outcome, Chapter 7 of the Proposed Approach includes a criteria based policy which allows for planning permission to be granted for additional reserves of industrial limestone to be worked over the Plan period subject to meeting the detailed criteria and all other relevant policies of the Plan.

14.4 Brick Clay: Mouselow Quarry

Consultation so far – what you have told us

14.4.1 The operator of Mouselow Quarry has indicated that additional reserves of high quality brick making shale will be required during the Plan period and is therefore promoting a small extension to the area of extraction within the site boundary of the existing quarry.

Initial Assessment

14.4.2 In order to assess the suitability of the promoted site for inclusion in the Plan as an allocated site for working, the MPA carried out an Initial Assessment of the Site. Details of this Assessment together with the Methodology used can be found in the documents referred to above at paragraph 14.3.

14.4.3 A Duty to Co-operate issue has arisen regarding the continued supply of mineral from Mousleow to Denton brickworks which lies across the border in east Manchester; the quarry supplies over 50% of the raw material used at the works. The Councils will liaise with the relevant stakeholders to ensure that the matter is fully taken into account.

14.4.4 The Interim SA concluded that the Mouselow site would have major positive effects with regards to the use of minerals and the efficiency of extraction. As an existing site, it also has good access to markets, established infrastructure and transport links. However, the potential for sustainable transport modes is somewhat limited. The potential for effects on environmental factors is mostly limited in the context of the exiting workings. However, the extension could affect areas with some value for landscape and ecology. These issues ought to be possible to mitigate though. In respect of amenity concerns, noise and dust could present minor issues, but the site should present safe and effective transport access.

Summary of Representations

14.4.5 Representations received on the promoted site are as follows. Two respondents, including the operator of the quarry, support the allocation of the site at Mouselow. One response stated that account should be taken of any impact on the Peak District National Park which is located approximately 2km away. Additional matters raised at the Drop-In Session included concerns from a Higher Dinting resident about views, land instability and any increases in dust, noise or traffic on the surrounding area.

14.4.6 In progressing the Assessment, updated information, co-operation on strategic cross border matters, recommendations from the Interim Sustainability Report and representations received at earlier Consultation stages have been taken into account.

Revised Initial Assessment

14.4.7 A revised Initial Assessment has been undertaken using the revised Methodology on the promoted smaller site. The reassessment of the Mouselow Quarry site reaches different conclusions, particularly in relation to the visual impact of the proposal on the landscape and the Peak District National Park. It identifies the following matters as key positive factors favouring allocation:

- Mouselow quarry clay and shale is essential for the continued operation of the brickworks at Denton. The quarry operator and brickworks owner Wienerberger is one of the leading brick manufacturers in the UK and markets are nationwide.
- The quarry is also an important supplier of high quality building stone. Markets are nationwide, generally to high value projects in major cities.
- Important local employer (both quarry and brickworks) and provider of wealth to local economy in a semi-rural area where mining is a traditional important local employer

14.4.8 The following matters were assessed as key negative factors which would constrain allocation:

- Working would extend the duration of the quarry to around 2049
- The greatest visual impact of the promoted allocation area would be on the higher ground receptors to the south and west within 3km of the site. This includes parts of the Peak District National Park but the views are part of a wider panorama. Whilst the existing quarry site is already visible the removal of some of the hillside to the south-west would only marginally increase the visual exposure of the existing quarry and this would be offset by the progressive restoration of the existing quarry void.
- The allocation of the promoted sites would remove a parcel of land that is currently down to pastoral farming and a small section of existing woodland. Although this land accords with the established landscape character of the wider area it is well contained by a low hill landform, woodland, and drystone walls. In the wider area the landscape is generally intact and in good condition in places but includes detracting areas of disturbed land associated with the urban fringe.

14.4.9 The revised Initial Assessment, together with accompanying Mapped Information and Background Evidence can be found in the following three Papers:

Towards a Minerals Local Plan: Spring 2018 Consultation

Revised Initial Site Assessment, Maps and Background Information – Mouselow Quarry, December 2017

Further Assessment

14.4.10 The MPA has established that where potential negative impacts have been identified it would carry out further detailed work, in consultation with appropriate bodies, to ascertain if that impact could be mitigated or avoided to enable the site to progress forward for allocation.

14.4.11Whilst there are several key negative factors that have been identified in the initial assessment, the Company has submitted information in support of their pre-application enquiry (EM1/0617/16) for the promoted site and has had preliminary site visits with the MPA to discuss matters of concern.

14.4.12 Key negative aspects requiring further assessment:

Duration of operation

14.4.13 Whilst working the promoted area would prolong the life of the site to around 23 years, this timescale is in line with NPPF policy which requires landbanks for brick clay to be maintained at a minimum of 25 years to support investment in the maintenance and improvement of plant.

Landscape and Visual impacts on sensitive visual receptors and PDNP

14.4.14 At the 2016/2017 Consultation stage a larger area was promoted for allocation and this was assessed as having a major negative impact in terms of impacts on sensitive visual receptors, landscape and the PDNP. Of particular concern was the removal of the entire hillside which would expose large parts of the existing quarry to visual receptors on the higher ground to the south and west of the site. These receptors lie some distance away but includes parts of the PDNP. In response to this concern a reduced area is now being promoted which would see less of the hillside removed; it has reassessed as having a minor negative impact which would not constrain the site from going forward for allocation.

14.4.15 Following consideration of the key negative factors that would constrain the allocation of the site and having regard to more detailed pre-application discussions it is considered that the site should be put forward for allocation in the Proposed Approach.

Outcome for the Proposed Approach

14.4.16 Allocate the promoted extension at Mouselow Quarry for mineral extraction to commence during the Plan period, as set out in Policy SA3 and shown on the Map below.

14.4.17 An allocation in the Plan is acceptance in principle that a site is suitable for working to commence during the Plan period, subject to satisfying detailed planning requirements. The requirements that would need to be addressed in any planning application to work the proposed allocated site are set out below; they are not a comprehensive set of matters. Proposals will need to satisfy all the policies and proposals of the Plan, where appropriate.

14.4.18 The MPA consider that mineral extraction from the proposed allocated site is likely to be acceptable in planning terms subject to the following issues having been addressed satisfactorily. This includes:

- an assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts;
- an ecological assessment of the designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network;

- an assessment of the effects on the historic environment including designated sites and settings and archaeological remains
- an assessment of the effects of the development on the water environment;
- an assessment of the landscape and visual impact of the site including the provision of suitable landscaping measures;
- a transport assessment including an assessment of the existing access arrangements and the potential impact upon the Strategic Road Network; and
- an account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

Proposed Approach

Policy SA3 Mouselow

Land is allocated for mineral extraction at Mouselow Quarry shown on Map below.

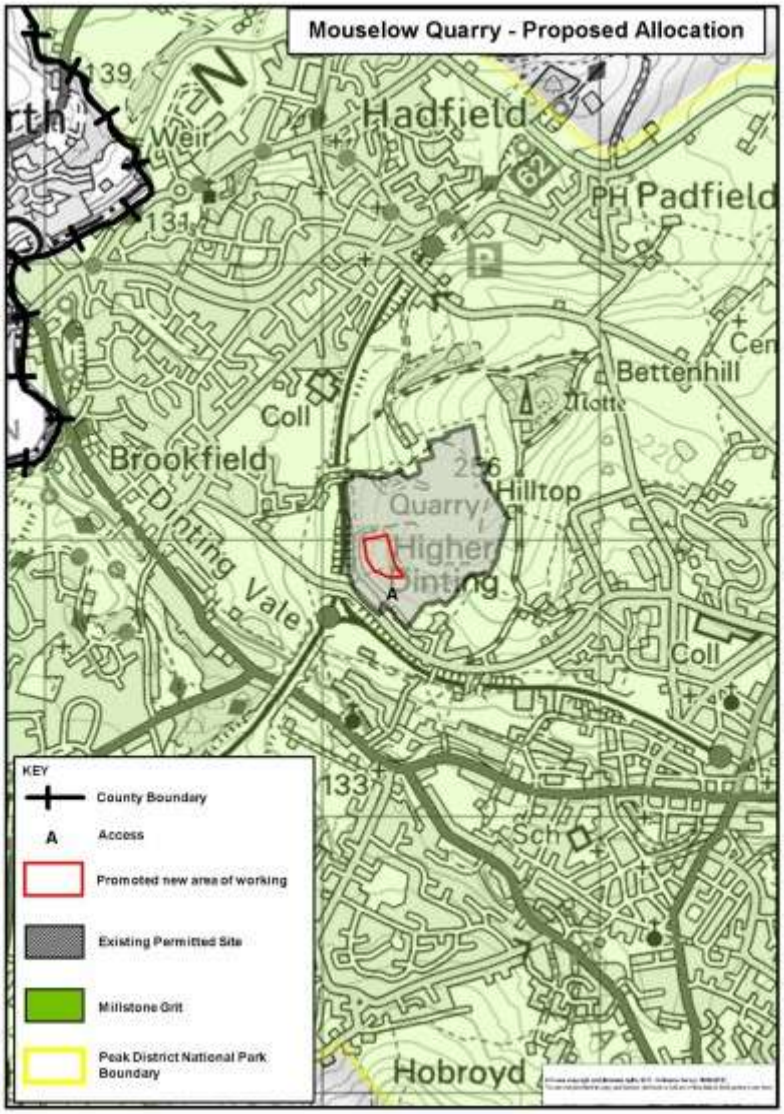
Proposals for the extraction of mineral from allocated sites will be permitted provided that:

1) the distribution of material produced at the site will be carried out via the established and permitted access and transport arrangements unless there are significant benefits in alternative arrangements

2) the proposed extraction will follow on after the cessation of extraction from existing permitted areas unless there are significant benefits in alternative phasing.

Contributes towards achieving proposed approach Objectives

- Objective 1 – Ensuring a Steady and Adequate Supply of Minerals
- Objective 2 - Delivering Sustainable Minerals Development
- Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development
- Objective 4 – Safeguarding Mineral Resources and Facilities
- Objective 5 – Minimising Impacts on Communities
- Objective 6 - Protecting the Natural and Built Environment



Chapter 15 - Monitoring and Implementation

Introduction

15.1 The National Planning Policy Framework (NPPF) requires mineral planning authorities (MPAs) to monitor their local plans to ensure that the policies and proposals within them are deliverable and are being implemented. MPAs are required to prepare reports containing information on how plan production is progressing and, in relation to adopted plans (which is the subject of this chapter), the extent to which the objectives set out in those plans are being achieved. This report must be made available to the public. This chapter lists some of the potential aspects of the adopted Minerals Local Plan that may be

monitored and looks at the general approach to monitoring and implementation that the Minerals Local Plan may take.

15.2 The Derbyshire and Derby Minerals Local Plan (the Plan) will contain a number of objectives to be achieved over the life of the Plan, in order to deliver the Plan's overall Vision. The effectiveness of the Plan's policies and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Minerals Local Plan, either in whole or part.

15.3 The Plan will ultimately be implemented through the development management process of the Minerals Planning Authority (MPA), via the grant or refusal of planning permission for new proposals, the monitoring of the compliance of existing minerals development's with their planning conditions and obligations and action taken on unauthorised mineral development. Planning permission will be granted where proposals are in accordance with the NPPF, the policies of the adopted Minerals Local Plan and any relevant policies in the adopted Local Plans for the area in which the proposed development in located.

15.4 At this stage of plan production it is not possible to identify precise indicators as these will depend upon the policies that are included in the final Plan. However, based upon the information which is currently monitored, it is considered that the following broad topic areas could be considered for monitoring (the individual issue chapters detail further the implementation and monitoring topics for that issue):

- Contextual information – background information relating to the state of the Plan area (or authority area) such as demographics, environmental designations, the economy
- Sales and reserves of aggregate crushed rock and sand and gravel
- Sales of secondary and recycled aggregates
- Production levels and reserves of non-aggregate minerals (coal, oil and gas (conventional and unconventional), building stone, brick clay and fireclay, industrial limestone, vein minerals), including landbank requirements where applicable
- Details of planning permissions granted for new mineral workings or extension or alterations to existing ones
- Details of planning refusals, including the reasons for refusal
- Details of any workings which have closed, been abandoned or mothballed
- Details of progress with any restoration schemes
- Number of enforcement issues addressed
- Usage of Plan policies in the determination of planning applications
- Location of new development relative to the spatial distribution set out in the Plan
- Conformity of new development with the Strategic Principles set out in the Plan
- Mineral tonnage moved by type of transport

Consultation Undertaken and Comments Received

Early Consultations

15.5 The County and City Councils have undertaken a series of earlier consultation exercises. Monitoring and implementation issues have been addressed explicitly through a proposed methodology in 2015/16 and also implicitly through questions in individual issues papers.

Towards a Minerals Local Plan – Rolling Consultation 2015/2016

15.6 Monitoring and Implementation was identified as a specific issue for the recent consultation exercise. The consultation included a proposed approach to monitoring and implementation and a list of possible issues to be monitored.

15.7 The paper asked whether consultees agreed with the proposed approach and whether there were any additional or alternative approaches that should be adopted.

15.8 There was a single response to the consultation which supported the approach taken.

Duty to Co-operate

15.9 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the Minerals Local Plan the Councils have identified strategic cross-boundary issues and the relevant stakeholders. Further information can be found in the following Report:

Towards a Minerals Local Plan: Spring 2018 Consultation

Duty to Co-operate Report: Background and Progress, December 2017

15.10 The MPA will establish a monitoring regime with relevant stakeholders to monitor the outcome of co-operation for the Minerals Local Plan and other Local Authority Plans, where appropriate.

The Proposed Approach

15.11 The draft Minerals Local Plan identifies a range of potential strategies for how the MPAs might make provision for an adequate and steady supply of minerals in the Plan area over the Plan Period.

15.12 The strategy for most minerals will probably take the form of criterion based policies, as there are no specific national or local targets to be met for their production. For aggregate minerals, there are production targets and this will require more detailed monitoring, through the Local Aggregate Assessment (LAA). A proposed approach for monitoring and implementation is included in each issue chapter in this draft plan.

15.13 The MPAs will produce a monitoring report each year to review;

- Progress in preparing the new planning policy documents that will make up the development framework
- How well existing minerals and waste planning policies are working
- New national or other relevant policy guidance that needs to be taken into account
- Updates on local social, economic and environmental indicators that may influence existing and future minerals policies