
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 14
DATE OF MEETING:	20 AUGUST 2015	CATEGORY
REPORT FROM:	DIRECTOR OF COMMUNITY & PLANNING SERVICES	OPEN
MEMBERS' CONTACT POINT:	KEVIN EXLEY (EXT. 8717) Kevin.exley@south-derbyshire.gov.uk	DOC:
SUBJECT:	DERBY AND DERBYSHIRE MINERALS LOCAL PLAN	REF:
WARD(S) AFFECTED:	DISTRICT	TERMS OF REFERENCE: EDS03

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

2.1 That the contents of Derby City Council's and Derbyshire County Councils 'Towards a Minerals Local Plan Consultation be noted; and

2.2 That Derbyshire County Council and Derby City Council, in their role as Minerals Planning Authority, (MPA) be informed that:

- policy SMP2 (Climate Change) is unlikely to conform with the NPPF as drafted and should be strengthened to ensure that new development be made safe without increasing flood risk elsewhere;
- that the Authority notes the proposed sand and gravel apportionment and the MPAs preference for extensions in the Trent and Derwent Valley over the opening up of new sites on the western part of the Trent Valley or Lower Dove Valley;
- that the Authority supports a coherent and comprehensive approach to managing change within the Trent Valley including through the restoration of existing and future minerals sites;
- that appropriate provision is made for considering cumulative effects through the plan making and development control processes to ensure that communities affected by continued and further development, particularly to sand and gravel working in the Trent Valley, are not unacceptably impacted by minerals operations;
- that a specific coal extraction policy be included in the plan reflecting the potential for this resource to be worked in South Derbyshire to ensure that communities, businesses and the local environment are not unduly effected should further development come forward within the Plan period;
- that further liaison regarding the scope and wording of a minerals safeguarding policy may be beneficial between the MPA and this Authority.

3.0 Purpose of Report

- 3.1 To inform Members on the proposals set out in the current consultation on the Minerals Local Plan being undertaken by the Minerals Planning Authorities for Derbyshire, (Derby City Council and Derbyshire County Council).
- 3.2 Responses are required to be submitted to Derbyshire County Council by 31st August 2015. A copy of the draft documents are available online at www.tiny.cc/MinsPlan

4.0 Executive Summary

- 4.1 The Minerals Local Plan will set out the detailed planning strategy and policies to enable the delivery of minerals development within Derby and Derbyshire to 2030. The Plan will seek to ensure that sufficient opportunities for mineral development are provided in order to maintain the adequate and steady supply of minerals to support growth, regeneration and economic development, whilst protecting the environment and local communities from any significant adverse impacts from extraction.
- 4.2 The current consultation consists of a series of thematic based papers considering issues such as sand and gravel, hard rock; coal and brick clay and fireclay as well as overarching issues such as cumulative impacts of minerals working and a strategy for the River Valleys. The result of this consultation will inform the emerging Draft Minerals Local plan and will be used to develop the vision, objectives, strategies and policies (including allocations) to be included in the Plan.
- 4.3 Once adopted the Minerals Local Plan will provide the main policy guidance for assessing planning applications for minerals development in Derbyshire and Derby City.

5.0 Detail

- 5.1 The County of Derbyshire has a wealth of minerals resources. Minerals extraction and development has, for a long time, been a part of the Derbyshire Landscape and an important part of the Local Economy. The County Council and City Council jointly (as the Minerals Planning Authorities for Derbyshire) are seeking to bring forward a Minerals Local Plan to set out the future scale and location of minerals working in Derby and Derbyshire to support economic growth whilst protecting the environment and local communities.
- 5.2 The preparation of the Plan commenced in 2009 when a stakeholder event was held by the Authorities to scope in issues to be addressed in the Plan. An Issues and Options Consultation was then held in 2010. This was followed by a number of drop sessions which were held in the autumn of 2012 in respect of sand and gravel extraction. A further consultation was held on the Local Aggregate Assessment (LAA) which identified the amount of aggregate minerals (crushed rock and sand & gravel) that each MPA will need to provide to maintain continuity of production for a seven year period was consulted upon in 2012. An officer response to this consultation is appended to this report for information.
- 5.3 This current consultation, sets out a series of papers, which seek to develop further the emerging vision, objectives and strategies and policies of the Minerals Local Plan.

This committee report will concentrate on those issues of relevance to South Derbyshire only and for the sake of simplicity will consider issues on a thematic basis consistent with the approach adopted by the MPAs in presenting the consultation.

Towards Strategic Sustainability Principles

- 5.4 This part of the broader consultation incorporates four draft policies. These are of a strategic nature and help set out broad principles which will apply to future minerals development. However, having reviewed the scope and wording of these it is considered by this Authority that a number of policies will require further refinement if they are to be effective and in some cases consistent with the National Planning Policy Framework (NPPF). Policies which could benefit from amendment are as follows:

Emerging Policy SMP2: Climate Change.

- 5.5 This policy, as currently drafted, would be inconsistent with the requirements of the NPPF. Whilst the consideration of flood risk is an important part of any climate change policy, currently the policy indicates a possible requirement of the policy would be to incorporate measures to minimise flood risk associated with development. The NPPF requirement sets a higher bar than this requiring that where development [in the floodplain] is necessary it must be made safe without increasing flood risk elsewhere (paragraph 100). In light of this it is considered that the policy would need amending to properly reflect national planning policy.
- 5.6 As the joint authorities note in their consultation, it is a matter of fact that minerals resources must be worked where they are found and in the case of sand and gravel resources they are often found on the floodplain and terraces around river channels which are often prone to flooding. In order to reduce flood risk to many of the communities which lie close to the District's main rivers flood defences have been constructed in a number of locations in South Derbyshire (For example around Shardlow and Ambaston around the Derwent/ Trent confluence and around Hatton, Scropton and Egginton in the Lower Dove Valley). Given the importance of these schemes to protecting existing homes and businesses within these vulnerable locations it would be appropriate to ensure that any policy also includes a criteria to 'Not affect the integrity or continuity of existing flood defences'.
- 5.7 These two policy revisions together would help safeguard key flood prevention infrastructure and provide clear requirements for new development to not exacerbate flood risk and could help allay some of the concerns raised by local communities during previous drop in events about the potential of additional sand and gravel developments to increase flood risk and undermine existing defences.
- 5.8 Emerging Policy 3 (Other Principles More Locally Distinctive to Derbyshire) and Emerging Policy 4 (Spatial Strategy). The wording of these policies appear to allow for developments that can (in special circumstances) have an adverse effect on environmental designations and harm the special and natural character of the areas, or allows for developments to have a negative impact on local amenity, quality of life and the environment respectively. Whilst given the scale and nature of minerals operations it is often likely that some impacts from development could arise, it would appear 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.

Towards A Strategy for Sand and Gravel

5.9 The draft policy for the Provision of Sand and Gravel in the MPA states the following: Derbyshire and Derby will maintain the provision for the production of land won sand and gravel at a rate of 1.09mtpa throughout the Plan period. This figure will be kept under review and revised if necessary in accordance with the Local Aggregate Assessment. The MPAs will maintain a land bank of at least seven years of planning permissions for the extraction of sand and gravel.

Overall Need

5.10 This document sets out a summary of the MPAs consideration of National Policy, its own vision and objectives as well as its progress to date in calculating the overall sand and gravel requirements for the County. Officers have previously engaged the County Council in respect of its approach to defining the annual sand and gravel requirements in Derbyshire for the purposes of identifying an appropriate methodology on which to calculate its land bank through the Local Aggregate Assessment. This document, together with other evidence and consultation undertaken by the County Council has led to the MPA identifying a need for 1.09mt of sand and gravel per annum. This is markedly lower than a forecast need identified in the Draft Local Aggregate Assessment published in 2012 which indicated a need for 1.35mt per year (although this made an allowance for extra provision to provide flexibility to increase supply should it be required). The lower level, as now proposed would lead to a total requirement of 18.5mt rather than 23.00mt needing to be met on existing or new sites within the plan period. Clearly such a notable reduction could reduce the overall number of sand and gravel sites allocated within the Plan period.

5.11 The justification for setting the sand and gravel requirement at the level now proposed is largely based on historic sand and gravel extraction in the County (see figure 1 below). It is clear there is a trend towards the long term decline in the extraction of sand and gravel in the County, (this trend has occurred nationally also). This decline is most likely to due to the more efficient use of minerals and the reuse of secondary or recycled minerals. However the decline in extraction of sand and gravel accelerated from 2007 with the onset of the recession, although appeared to recover slightly in 2011/12 before falling again in 2012. Much of this most recent fall in production in the County is likely to be attributable to the mothballing of Shardlow Quarry in January 2013, which again is likely to reflect the weak state of the economy at this time. However once this site comes back into production there is likely to be a step up in extraction rates and this could well bring production back towards the rolling ten 10 year average and hence the level forecast in the Plan.

Figure 1: Sand and Gravel Extraction in Derbyshire (in millions of tonnes)

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Ave
1.36	1.34	1.20	1.22	1.10	0.91	1.04	1.1	0.81	0.82	1.23

5.12 Given that there is an expectation that future sand and gravel need will increase to meet local construction demand as the economy picks up, it is likely that the requirement of 1.09mt identified by the County Council could reflect actual average demand, at least in the medium term, although it may be the case that the long term trend towards declining demand could continue at some level though out the Plan period. Equally there could be greater demand should a number of large scale infrastructure projects come forward in the Plan period. In order to address this the County Council has indicated that it would revise the sand and gravel requirement in accordance with the Local Aggregate Assessment.

5.13 In light of the above it is likely that the sand and gravel requirement expressed in the policy is reasonable and the inclusion of a clause to keep under review local need is

a sensible policy approach for managing sand and gravel extraction over the course of the Plan period.

Site Selection Process

- 5.14 The County Council has not sought to weight individual sites based on location. As a result no sites are identified as less appropriate for development on the basis of which general area or river valley they fall within. However, it is worth noting that the MPA does set out a preference for extensions rather than the opening up of new sites partially on the basis of guidance included in the National Planning Policy Guidance (and the likely sustainability benefits which flow from being able to reuse existing plant and safeguarding existing jobs etc.) but also based on previous consultations responses on this issue.
- 5.15 However it is worth noting that as existing sand and gravel workings within South Derbyshire are restricted to the Trent and Derwent Valley areas, this approach does, in effect, significantly reduce the likelihood of any minerals workings being allocated for the Lower Dove Valley for the current plan period to 2030 as there are no current workings within this area.

Towards a Strategy for the River Valleys

- 5.16 Historically the restoration of sand and gravel sites in the Plan area has concentrated on the specific requirements of the site rather than considering its context in the wider surrounding landscape of the river corridor. As working has taken place over a wider area this has created a landscape which has become increasingly fragmented.
- 5.17 A number of local authorities and governance bodies are seeking to promote a more integrated approach to minerals planning (and restoration) as well as other types of development in the Trent Valley in order to create a more connected, attractive landscape which can deliver economic, cultural and environmental benefits for the people who live within or visit the area. This project has received backing from the Local Nature Partnership (LNP) who have identified work to deliver the Trent Valley Vision as a core project. It is also worth noting that the Part 1 Local Plan includes the following policy [INF7 Green Infrastructure] to support the delivery of this vision:
- 5.18 Extract from Policy INF7:
“Within the Trent Valley the District Council will support and help deliver the landscape scale change as promoted by the Lowland Derbyshire and Nottinghamshire Local Nature Partnership. Any development within the area defined by the Trent Valley Vision will be expected to contribute towards and assist in delivering the vision in accordance with the strategy. Such contributions may be in the form of appropriate design, suitable form and function, the delivery of Green Infrastructure, landscape and habitat enhancement, financial contributions or other mechanisms as appropriate, to deliver an overall benefit within the Trent Valley Vision area”.
- 5.19 The evidence collated by the County Council’s Conservation and Design Section to inform the emerging Trent Valley Vision and presented alongside the consultation indicates that generally areas located in the western part of the Trent Valley (from Willington westwards) and within the Lower Dove Valley are more sensitive to change in respect of landscape, the historic environment and nature conservation value than those located to the east. As such this evidence highlights that there is greater capacity to accommodate further minerals sites in the eastern half of the Trent Valley – at least in respect of environmental capacity. Clearly this could lead to cumulative impacts given that extensive minerals working have taken place in this broad area in the past (and indeed working is still taking place at a number of sites) and this issue is considered later in the report.

- 5.20 However the potential concentration of sites within a more narrowly defined area does present greater opportunity to coordinate and affect positive change in a part of the Trent Valley which lacks many of the essential qualities or features found in the more sensitive parts of the Trent and Lower Dove River Corridors. As such the strategic assessment of environmental sensitivity undertaken by the County Council represents a positive approach to identifying sites for minerals allocation as well as a useful tool for guiding and coordinating site restoration across existing and future sites.
- 5.21 Moreover the creation of vision and strategy for the Trent Valley could help deliver long term economic, environmental and community benefits in areas identified as being less sensitive and could in the medium to long term have a transformative effect on the landscape, as well as the environmental and cultural quality of the District's River Valleys. On this basis, irrespective of the sites eventually allocated by the MPA, a more holistic and coherent approach to allocating and restoring minerals sites should be supported.

Towards a Strategy for Cumulative Impacts

- 5.22 National Planning Policy Framework and National Planning Policy Guidance requires that mineral planning authorities should include appropriate policies in their minerals local plan, where appropriate, to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable. The cumulative impact of mineral development is also capable of being a material consideration when determining individual planning applications.
- 5.23 Given the potential for new minerals provision within the Trent and Derwent Valleys as extensions to existing sites it is crucial that both successive effects (for example arising from extensions to existing sand and gravel sites) and simultaneous effects (arising from the additive effects of a number of sites in relatively close proximity) be considered through the plan-making process and appropriate policies included in the Plan to ensure that local communities and the local environment are not unacceptably impacted by minerals development.

Towards a Strategy for Coal

- 5.24 The consultation considers a number of issues relating to Coal extraction. The first relates to shallow coal resources. The MPA has indicated a range of options for identifying future coal extraction in the County. These are as follows:
- **Options 1:** Identify on a plan the extent of the shallow coal resource and separately list the main environmental, social and economic constraints to coal mining development
 - **Option 2:** Identify on a plan the broad locations where coal extraction may be acceptable. If you favour this option please indicate the methodology you would use to help define these broad locations.
 - **Option 3:** Identify on a Plan specific sites where coal extraction could be suitable.
- 5.25 Having reviewed the three options and considering the current economic and political position in respect of coal and the lack of current sites in the District (within the South Derbyshire Coalfield) it is suggested that Option 1 would represent the most sensible approach to managing shallow coal resources. This approach would avoid the need for identifying specific areas or sites for future extraction, which in turn could protect local communities from planning blight. Moreover as there is no requirement in the NPPF to identify specific areas or sites for coal extraction or set out a need for a landbank in respect of coal this approach would conform to national guidance.

5.26 A further issue considered in the Mineral Local Plan in respect of coal relates to 'sustainable principles for the provision of coal'. The Plan states the following:

5.27 Emerging Sustainable principles for coal development should seek to ensure that:

- The development can be carried out in an economic, social and environmentally acceptable manner, where the impacts can be appropriately mitigated by planning conditions or obligations.
- The development does not result in significant adverse cumulative impacts
- Satisfactory provision has been made for the restoration and aftercare of the site, including where possible, progressive restoration and to a standard which enables beneficial after-uses of the restored site
- The development would provide national, local or community benefits which clearly outweigh the adverse impacts.

5.28 Whilst it is accepted that the above general environmental principles provides a reasonable basis on which to guide decision making in respect of minerals development in general, often coal extraction leads to social and economic issues which the above criteria are silent on. On this basis the MPA has consulted whether an additional policy specifically concerning coal extraction is required. Having considered this issue it is likely that such a policy would provide greater clarity regarding the issues which would need assessing prior to development decisions being taken on both shallow and deep mined coal and would be consistent with the NPPF. Dependent on the scope of any proposed policy this could place greater emphasis on the consideration of social and economic issues. Moreover coal mining often gives rise to legacy issues and impacts which do not occur in other developments, these issues can more carefully be controlled through a specific coal policy rather than a generic environmental policy which would apply to all types of development. It is also worth noting that development in much of the South Derbyshire Coalfield has the potential to affect the River Mease Special Area of Conservation SAC both during and post operation where minerals working take place in this catchment. Given the importance and sensitivity of this site to changes in water quality and discharges any policy should seek to ensure adequate provision for the protection of this site.

Brick Clay and Fireclay

5.29 There no Brick Clay or Fireclay sites currently operating in South Derbyshire. Based on the level of permitted reserves and estimated future production rates at active brick clay sites the Plan can meet the anticipated demand for brick clay to 2030. It is likely however that additional sites will be required through the Plan period to ensure consistency of supply.

Minerals Safeguarding

5.30 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.

5.31 South Derbyshire District Council has already proposed a minerals safeguarding policy in its emerging Part 1 Local Plan. (Policy SD5). This states that development proposals will not be allowed in 'minerals safeguarding areas where they may sterilise economically workable minerals deposits except where development conforms with the criteria set out in the Minerals Safeguarding Policy included in the Derbyshire Minerals Local Plan'.

5.32 Part of the MPAs approach to minerals safeguarding is the proposed creation of buffer zones around sites. Whilst this may create a more effective policy as it could prevent development immediately adjacent to a safeguarded area this approach may not be fully compatible with the wording of our own emerging policy and indeed that of other local planning authorities in Derbyshire and further discussion on the scope or wording of this policy may be beneficial. Should you wish to discuss this issue further please contact Planning Policy on 01283 228717.

5.33 Finally, please note no comments are made in respect of the following consultation chapters as these are not considered to be of significance to this Authority.

- 1 Spatial Strategy
- 2 Aggregate Crushed Rock
- 3 Building Stone
- 4 Industrial Limestone
- 5 Reducing quarrying in the Peak Park

6.0 Financial Implications

6.1 None.

7.0 Corporate Implications

7.1 Proposals will have a short to medium-term impact negative impact on a number of the Councils Corporate objectives. Not least those to enhance the quality of life for all South Derbyshire Residents and to protect the environment now and for the benefit of future generations. However, the policies included in the plan should help ameliorate the worst effects of minerals development during extraction and in the longer term proposals could allow progress against both these objectives depending on the after use of sites.

8.0 Community Implications

8.1 Proposals will have a significant negative impact of a number of local communities within the District particularly in the short-term to medium term. The after use of site can have a significant beneficial impact to local communities in the longer-term through the provision of new green infrastructure including recreational or leisure uses.

9.0 Background Papers

1. Towards a Strategy for Aggregate Crushed Rock
2. Towards a Strategy for Brick Clay and Fireclay
3. Towards a Strategy for Building Stone
4. Towards a Strategy for Coal
5. Towards a Strategy for Cumulative Impacts
6. Towards a Strategy for Deep Mined Coal
7. Towards a Strategy for Industrial Limestone
8. Towards a Strategy for Reducing Quarrying in the Peak Park
9. Towards a Strategy for Safeguarding Mineral Resources
10. Towards a Strategy for Sand and Gravel
11. Towards a Strategy for the River Valleys
12. Towards Strategic Sustainability Principles
13. Aggregate Crushed Rock Supporting Paper

14. Building Stone Supporting paper
15. Cement Supporting Paper
16. Local Aggregate Assessment
17. Trent Valley Project Methodology
18. Brick Clay and Fireclay Supporting Paper
19. Climate Change Supporting Paper
20. Coal Supporting Paper
21. Cumulative Impacts Supporting Paper
22. Industrial Limestone Supporting Paper
23. Safeguarding Mineral Resources Supporting Paper
24. Sand and Gravel Supporting Paper
25. Spatial Portrait

All available by following the link or at: www.tiny.cc/MinsPlan

Appendix 1

Officer response regarding Consultation on the Draft Local Aggregate Assessment published in 2012.