REPORT TO:	**ENVIRONMENT AND DEVELOPMENT SERVICES COMMITTEE**	**AGENDA ITEM:10**
DATE OF MEETING:	**12th NOVEMBER 2020**	**CATEGORY: DELEGATED**
REPORT FROM:	**ALLISON THOMAS, STRATEGIC DIRECTOR (SERVICE DELIVERY)**	**OPEN**
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SUBJECT:	**"SAND AND GRAVEL CONSULTATION"**	**REF:**
WARD(S) AFFECTED:	**All Wards**	**TERMS OF REFERENCE: EDS17**

1.0 Recommendations

1.1 That the Committee agrees the Council's proposed response to Derby City Council and Derbyshire County Council's Sand and Gravel Consultation as part of their Minerals Local Plan (MLP) by objecting to:

(i) the methodology adopted for calculating future demand, based on a three rather than ten-year sales average, on the grounds that it is unjustified and significantly overstates the likely quantity of sand and gravel needed within the proposed plan period.

(ii) the allocation of sites other than the four assessed as having 'high' potential in the MLP on the grounds that these alone can provide more than sufficient capacity to meet sand and gravel needs over the plan period.

(iii) the allocation of the proposed Foston site on the grounds of:

(a) a potential increase in flood risk, as identified by the Environment Agency (EA), and

(b) the setting of a precedent in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.

1.2 That the Committee should also agree to state in the Council's response that notwithstanding the objection to the proposed Foston site, should the Minerals Planning Authorities (MPAs) decide to proceed with this allocation, no development should be progressed in advance of the establishment of a community-focused body to ensure a strategic and co-ordinated approach to

mitigation, restoration and aftercare in respect of any minerals related development in the Dove Valley.

1.3 That concerns relating to aspects of the site assessment methodology and its application, as set out in para's 8.9– 8.12, be forwarded to the MPAs.

2.0 Purpose of Report

2.1 The purpose of the report is to agree the Council's response to the Derby City Council and Derbyshire County Council 'Sand and Gravel Consultation', being undertaken as part of the MLP preparation process.

3.0 Executive Summary

3.1 In response to a change in national policy the MLP end date has been moved forward from 2030 to 2036. As a consequence the quantum of sand and gravel forecast to be required has been revised upwards and the site selection process has had to be revisited to ensure that sufficient suitable allocations to meet the additional need have been identified.

3.2 The consultation sets out and invites comments on:

- The method used for calculating the quantum of sand gravel to be planned for over the period to 2036
- The additional sites put forward for consideration
- The assessment methodology used to inform site selection
- The sites assessed as being suitable for allocation

3.3 Concerns are raised in this report in relation to:

- The use of the three rather than ten-year annual average sand and gravel sales figure as a basis for calculating needs to 2036 as this is considered to be unjustified, unnecessarily inflating the overall requirement
- The proposed over-allocation of sites to meet this unnecessarily high target
- Aspects of the assessment methodology and its application
- The proposed allocation of the Foston site, situated immediately to the west of Scropton, as the EA has expressed major concern about it being used for sand and gravel extraction on flood risk grounds and development in this location could set a precedent for further minerals extraction in the Dove Valley, irreversibly changing the character of that part of the District.

3.4 Notwithstanding the recommended objection to the Foston site, it is considered that any decision to proceed with the allocation should be accompanied by the establishment of a community-focused body to ensure a strategic and co-ordinated approach to mitigation, restoration and aftercare in respect of any minerals related development in the Dove Valley.

4.0 Detail

4.1 The MLP is being prepared jointly by Derbyshire County Council and Derby City Council, the MPAs for their respective areas, and will cover the City and County with the exception of the Peak District National Park. The Plan will replace the current Derby and Derbyshire MLP, adopted in 2000. Members may recall that consultation papers dealing with different aspects of the emerging MLP have been reported to previous meetings of the Environmental and Development Services Committee, most recently on 19th April 2018 (minute EDS/86 refers). Members may recall that the previous consultation proposed two new sand and gravel extraction allocations, these being 'Swarkestone South' and 'Willington', whilst identifying two other sites, 'Swarkestone North' and 'Elvaston' as 'Preferred Areas', which could be brought on line toward the end of the plan period if needed, thereby providing flexibility. It should be noted that Derbyshire County Council granted planning consent for the working of minerals on the 'Swarkestone South' site in 2019 (CM9/1215/four122).

4.2 The previous consultation exercise stated that the replacement MLP would have an end date of 2030. Since then a revised National Planning Policy Framework (NPPF) has been published, which requires Local Plans to have a 15-year time horizon. The sand and gravel allocations proposed as part of the previous consultation offer insufficient capacity to meet forecast needs over this period and further sites have therefore been considered to make up this shortfall.

4.3 The NPPF indicates that need should be calculated on the basis of a rolling average of sales data over ten-years, other relevant local information and an assessment of all supply options. The average sales over the ten-year period 2009-2018 have been calculated as 1.01mt. However, the MPA's have instead proposed to base the calculation on sales over the past three-years (2016-18), which gives an annual average of 1.09mt, as set out in the Local Aggregates Assessment, 2019.

4.4 On this basis the Councils calculate that, over the period 2019-2036, 19.62 mt will be needed (1.09 mt x 18 years). Taking account of current commitments, including the Swarkestone Quarry site for which planning consent was granted by the County Council in 2019, this would leave a shortfall of 8.27mt. To help meet this need four potential additional sites have been put forward for consideration. These are listed below and briefly described in the following paragraphs:

- Site to the North of Repton (referred to as the 'Foremark' site)
- Site to the East of Twyford and North of Twyford Road (this includes the adjacent Swarkestone North site for the purposes of assessment)
- Site to the West of Scropton (referred to as the 'Foston' site)

- Site to South West of Swarkestone Quarry (referred to as the Swarkestone South' site)

4.5 Plans of newly proposed sites and those sites identified as potential allocations are set out at Annexe A.

Foremark

4.6 This 72 hectare (ha) site is located on open arable fields between Twyford and Repton to the south of the River Trent. It is proposed by Hanson as a replacement for its current operation at Shardlow Quarry, which is expected to run out of reserves by 2027. It would be for the extraction of around five mt of sand and gravel, and with a proposed annual extraction rate of 500,000 tonnes, would have an expected life of around ten-years. A wetland/water-based biodiversity restoration scheme with an element of improved public access is proposed.

4.7 The site was considered and assessed previously by the MPAs during the earlier stages of the preparation of the emerging MLP, but as part of a larger site that extended west towards Repton. The assessment of this larger site indicated that it had a low potential for allocation due to its sensitivity in social and environmental terms. As other less sensitive sites were available, this larger site was not proposed as a draft allocation.

Twyford (including Swarkestone North site)

4.8 This site includes the 89ha Swarkestone North site, which was proposed as a 'Preferred Area' in the 2018 consultation. In addition to this, Cemex has proposed the inclusion of a further 70ha comprising land to the north of Twyford Road (A5132) and four ha area to the north of the Round Barrow Scheduled Monument. However, these additional areas have been found to be of significant sensitivity, particularly in terms of landscape character, visual impact and historic value. The MPAs have, therefor,e assessed only the Swarkestone North part of the site, which would yield 4.25mt of sand and gravel.

4.9 Although the Swarkestone North area is being promoted by Tarmac, that company would be unable to work the site before the completion of its operation at the Swarkestone South site in around 2034. It has, therefore, been assumed that the site would be worked by Cemex, following the completion of its Willington operation in 2025, producing 30,000-350,000mt per year. In terms of restoration the site has been identified as offering potential for wetland habitat creation.

Foston

4.10 This is a 71 ha site, which has estimated sand and gravel reserves of around 3.1 mt. It would be worked at around 450,000-500,000 tonnes per annum over six years toward the end of the plan period. A wetland/water-based biodiversity restoration scheme with improved public access is proposed. The site has been put forward by Hanson as the eventual replacement for Barton Quarry in Staffordshire, which is likely to cease production in 2030. Barton Quarry currently meets demand for sand and gravel at times when Shardlow

Quarry is not operating. The precise location of the plant site and new highway access would be subject to more detailed consideration by the operator. The operator has confirmed that all Heavy Goods Vehicle (HGV) traffic (other than local deliveries) would be routed to the west to join the A50 at the Sudbury roundabout.

Swarkestone South

4.11 This 79 ha site lies to the south west of the existing active Swarkestone Quarry, being worked by Tarmac, and would represent an extension to that site. The western boundary is formed by a private access road and the southern boundary by a brook. Repton village is situated to the south-west and Ingleby and Foremark villages to the south-east. The terrain is generally flat and in agricultural use, predominantly as pasture land. Restoration would be likely to comprise water bodies, wetland areas for wildlife and some grassland.

4.12 Taking account of proposed stand offs, the proposed extraction area would be around 70 ha. It is estimated that the site would yield over 2.5 million tonnes of sand and gravel. Annual output is estimated at 300,000 tonnes. Operations are likely to commence after the current permitted area to the east has been worked out, in around ten-years' time. The lifespan of the site is estimated at around eigh to nine years. Tarmac proposes that the existing access road onto the A5132 and the existing processing plant be used. No details of the intended arrangements for transporting the mineral across the River Trent are known at this stage.

Site Assessment and Selection

4.13 To ensure consistency both the new sites put forward and those considered as part of the previous consultation have been assessed using a slightly amended methodology, described in Appendix 1 of the consultation document. The methodology criteria are intended to take account of national policy and representations submitted by consultees at previous consultation stages. They favour sites which would utilise existing infrastructure, retain jobs, avoid sterilisation of mineral resources and take account of cumulative impact and potential for restoration.

4.14 The sites are scored using this methodology according to social, economic and environmental criteria and on this basis are categorised into those which have 'high', 'medium' or 'low' potential for working.

4.15 The assessment shows that the Elvaston, Swarkestone North, Swarkestone South and Willington sites have 'high' potential for minerals working and in numerical terms have sufficient sand and gravel to meet the overall requirement for the plan period. However, Swarkestone North is not expected to be completed by 2036, meaning that its full workable capacity will not be realised before the end of the plan period. The MPAs have therefore concluded that a further site will be needed.

4.16 The remaining sites assessed all fall within the 'medium' and 'low' categories. Of the sites assessed to have 'medium' potential, the one with the highest score is Foston and for this reason that site is proposed as an allocation.

4.17 The expected sand and gravel yield of the proposed allocations within the plan period is as follows:

Elvaston	1.5 mt
Foston	3.1 mt
Swarkestone North	3.3 mt within plan period (4.25 mt total)
Swarkestone South	2.5 mt
Willington	0.8 mt
Total within plan period	11.2 mt

4.18 In total this exceeds what the MPAs consider to be the required amount of 8.27 mt, but they consider that the surplus is needed for flexibility to accommodate uncertainties in demand and supply.

5.0 Financial Implications

5.1 There are no direct financial implications for the Council.

6.0 Corporate Implications

6.1 The emerging Minerals Plan has implications for the following key aims of the Corporate Plan:

- "Enhance biodiversity across the District", in that the reclamation of minerals workings often provides opportunities to enhance biodiversity through the creation of new habitats.
- "Attract and retain skilled jobs in the District", in that the minerals industry provides local employment.
- "Influence the improvement of infrastructure to meet the demands of growth" in that minerals' development can often provide infrastructure benefits as part of a mitigation package.

7.0 Community Implications

7.1 The emerging Minerals Plan has implications for the following themes of the Sustainable Community Strategy:

- "Sustainable development" in that mineral workings and their restoration can potentially impact upon the environment and can provide economic and ecological benefits

- "Healthier communities", in that mineral working restoration schemes often provide opportunities for enhanced public access.

8.0 Conclusions

Assessment of Future Demand

8.1 As stated in para 4.3, rather than basing the forecast of future demand on the ten-year rolling annual average of sales, as required by the NPPF, the MPAs have chosen, in their Local Aggregates Assessment, 2019 (LAA) to use the three-year annual average. Whilst the former method yields an annual average need of 1.01mt, the latter yields an annual average of 1.09mt. This figure is then multiplied by 18 to calculate the overall requirement over the plan period 2019 to 2036. Use of the ten- year based average yields an overall figure 18.18mt, whilst use of the three-year based average yields an overall figure of 19.62mt, a difference of 1.44mt.

8.2 In seeking to justify the use of the three-year based average, the LAA states: *"Having taken account of all relevant factors (as set out in national policy), outlined above, particularly the forecast house building in the area covered by this LAA and the surrounding area, as well as current and planned future infrastructure projects, (in the south of the Plan area in particular) which are likely to draw on Derbyshire's sand and gravel resources, it is considered that using the slightly higher most recent three-year average figure of 1.09mt (rather than the ten-year average figure proposed by the East Midlands Aggregates Working Party (EMAWP) or identified as a starting point for identifying need) would be the most pragmatic and robust approach to take determining future provision at the current time. This figure is still close to the ten- year average figure".*

8.3 It is considered that use of the three-year average to calculate demand is unjustified and will be likely lead to the over allocation of sand and gravel sites in South Derbyshire.

8.4 Sand and gravel sales continue to show a long-term stability, as illustrated in Table 1, below:

Table 1: Sand and Gravel Sales by Year

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
1.1	0.91	1.04	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05

Source: Derbyshire County Council Monitoring

8.5 It can be seen that the data demonstrates relative long-term stability in annual sales. Even in the recent past, aside from a single year (2016), delivery has remained broadly within the range seen since 2008. The trend data does not, therefore, support setting a higher requirement than the average over the past ten-years.

8.6 The MPAs suggest that higher housing delivery could create a greater need for minerals. However, a comparison of housing delivery figures across

Derbyshire, Nottinghamshire and Leicestershire since 2008, as set out in Table 2 below, with sand and gravel sales over the same period shows no clear relationship between the two.The highest delivery of homes was experienced in the years 2017 and 2018 at a point where sand and gravel sales declined slightly. There is no clear evidence the recent and planned increase in housing delivery has had a significant impact on sand and gravel sales to the extent that it justifies an uplift in identified need going forwards.

Table 2: Recent housing delivery in Derbyshire, Nottinghamshire and Leicestershire (including UAs)

2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
9,279	8,503	8,147	6,892	7,286	7,597	9,814	11,567	12,825	14,139

Source: Table 122 Net additional dwellings1 by local authority district, England, 2001-02 to 2018-19, ONS, 2020.

8.7 In regard to the suggestion that infrastructure projects are planned to take place in coming years, the same was been true during the previous ten-year period. Major infrastructure projects that have taken place in the recent past include the M1 and A453 widening and the construction of the tramline around Toton and Beeston. Demand arising from such projects is therefore already accounted for in the historic delivery rates, indeed past sand and gravel production has fallen even as such projects have occurred. There is, therefore, no justification for uplifting the sand and gravel demand forecast in respect of future infrastructure needs.

8.8 To summarise, whilst the need to ensure a sufficient supply of sand and gravel to meet needs is understood, in light of the above it is considered that the case has not been made to justify deviating from the ten-year average delivery rate. This is particularly the case given that current and emerging economic conditions may weigh on demand for some time. Moreover, the planning system already includes a high degree of flexibility to allow the MPAs to respond to changes in circumstances in terms of the NPPF requirements to maintain a seven-year supply of deliverable sites through an annual review of the LAA and to review the Local Plan every five years.

Site Assessment Methodology

8.9 The site assessment methodology incorporates a wide range of considerations including amenity impacts arising from visual intrusion, noise and dust; landscape impacts; flood risk; the transport impacts of heavy goods vehicles travelling to and from the sites; economic benefits; ecological impacts and opportunities; heritage impacts and the need to minimise the risk of aircraft bird strike.

8.10 Whilst the use of a standardised methodology for site selection is sensible, it should not be the sole basis for decision making as the process should also allow for planning and other factors to also be taken into consideration.

8.11 It is noted that issues such as ‘deliverability’ have informed site selection, but the potential for mitigation of adverse effects should also be accounted for. For example, a site that has a notable impact on a local community and therefore performs poorly against a particular criterion might be capable of mitigation to a greater degree than another site that scores better against the same criterion, but lends itself less well to mitigation.

8.12 Some inconsistencies in the site assessment narratives and the expression of effects in relation to the scoring criteria have been noted. For example, in the Egginton site assessment the indication under the ‘jobs creation’ criterion that the site would be a new operation but would be unlikely to result in job losses elsewhere (Assessment (-)) is confusing.

8.13 Finally, it is likely that some evidence will change during plan preparation process and this should be fed into the assessments to ensure they remain up to date and robust.

. For example, in regard to fluvial flood risk, the Trent in Derbyshire has recently been remodelled. Any assessment should be updated to reflect both this and any strategic flood risk assessment that may be undertaken to inform plan making.

<u>Proposed Allocations</u>

8.14 Notwithstanding the concerns relating to aspects of the assessment methodology and its application, as set out in paras 8.9-8.12, it is noted that all but one of the proposed allocations has been assessed as offering ‘high’ potential. The exception is the Foston site, which has been assessed as falling within the ‘medium’ potential category, making it less suitable as an allocation.

8.15 A matter of particular concern in relation to the Foston site is that it lies within a flood storage area, constructed by the EA as part of the Lower Dove Flood Risk Management scheme in 2012/13. In a letter to Derbyshire County Council, dated 19 December, 2019, the EA indicates that the site boundary and indicative proposed working location encroach upon the area where the reservoir dam and spillway have been constructed. It states that these flood risk assets are essential infrastructure under the jurisdiction of the EA, in accordance with the Reservoirs Act and that the proposed extraction area has the potential to both result in an increase in flood risk and result in dam failure. The EA therefore states that it has major concerns with the site being allocated for sand and gravel extraction on flood risk grounds.

8.16 The EA indicates that any resubmission of the site would have to be supported by a report undertaken by a Reservoir Panel Engineer and a site-specific Flood Risk Assessment. It states that any allocation of the site without being supported by a detailed assessment, may result in a proposal which is likely to be subsequently demonstrated as not being feasible. It stipulates the particular technical requirements of such an assessment. Given these serious concerns and the fact that the allocation of additional land beyond those sites identified in the assessment as having high potential is unnecessary in light of

the ten-year-based need calculation, it is considered that this site should not be identified allocation.

8.17 An additional consideration is that this proposal would be likely to set a precedent for further sand and gravel extraction in the Dove Valley going forwards. Whilst the site assessment indicates that the proposed allocation itself has few characteristics that accord with the established 'Riverside Meadows' Landscape Character Type and is in poor condition, the overall impact of further sand and gravel extraction in the Dove Valley would irreversibly change the overall character of the area, just as it has the Trent Valley.

8.18 Notwithstanding the objection to the Foston site, if the MPAs nevertheless decide to proceed with it, there will be a need to be a coordinated approach to mitigation, restoration and aftercare in the area based on a strategic assessment of I issues and opportunities and fully involving local communities. As noted above, the allocation of this site could set a precedent for further minerals extraction in the Dove valley and there should not be a piecemeal approach to such development.

Alternative Demand and Supply Calculation

8.19 Application of the ten-year average annual sand and gravel sales figure of 1.01mt as a basis for calculating the plan period demand produces an overall need of 18.18mt.

8.20 Deducting the contribution that the Foston allocation would make to the proposed overall sand and gravel supply for the plan period gives a total supply of 18.84mt, thereby providing a surplus of 0.66mt above the overall need.

9.0 Background Papers

"Sand and Gravel Consultation"	Derby City Council, Derbyshire County Council, 2020
"Local Aggregates Assessment"	Derby City, Derbyshire County Council, Peak District National Park Authority, 2019
Letter to Derbyshire County Council	Environment Agency, 19 December, 2019