

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

2022-2038

Pre-submission Draft Plan

Spring 2023 Consultation

**Developing the Pre-submission
Draft Plan
Development Management Policies**

January 2023

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1. Introduction

- 1.1 The purpose of this Paper is to show how the proposed draft plan has been developed over time, through several stages of consultation, starting initially with the key issues and options in 2010. It explains how we have taken into account national planning policy and guidance (including revisions), representations made at the consultation stages, interim sustainability appraisals and co-operation with appropriate bodies on strategic cross-border issues leading to outcomes for Chapter 11 the proposed draft plan.
- 1.2 The Paper is set out in sections for each consultation stage. Where relevant, each section is set out in the following order: representations from the previous stage, drop-in sessions, duty to co-operate issues, sustainability appraisal, outcomes for the current consultation stage.
- 1.3 There have been some significant changes to the structure of the Plan from our last consultation in Spring 2018. Chapter 11 of the Proposed Draft Plan brings together matters that were previously contained in Chapters 12.3: Restoration Strategy for the Carboniferous Limestone Quarries; 11: Cumulative Impacts; 12.1: Restoration, Aftercare and After-use; and 9: Other Minerals.
- 1.4 In order to provide a clear audit trail of the way that the plan has developed and the MPA's decision making process, this paper has been structured so that issues relating to cumulative impacts, development management policies, restoration, aftercare and after-use, the restoration strategy for the carboniferous limestone quarries, other minerals and the development management policies are set out in their own discrete sections up to and including the preparation of the proposed draft plan.

2. Development Management

2.1 Stakeholder Workshop 2009

- 2.1.1 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.
- 2.1.2 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.

2.2 Issues and Options 2010

- 2.2.1 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.

2.3. Towards a Minerals Local Plan – Rolling Consultation 2015/2016

- 2.3.1 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.
- 2.3.2 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:

Duty to Cooperate

- 2.3.3 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

- 2.3.4 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 (SA) 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 were subject to the SA process at the next stage of Plan preparation (see paragraph 2.4.3 below).

2.4. Towards a Minerals Local Plan – Spring 2018 Consultation

- 2.4.1 The Proposed Approach set out criteria to assess and determine the wider, more general potential impacts of mineral development and included the following issues/development management policies:

- Issue: Policy DM1: Development Management Criteria
- Issue: Policy DM2: Planning Conditions and Obligations
- Issue: Policy DM3: Transport
- Issue: Policy DM4: Landscape and Green Infrastructure
- Issue: Policy DM5: Biodiversity
- Issue: Policy DM6: Historic Heritage
- Issue: Policy DM7: Water Management and Flooding
- Issue: Policy DM8: Extensions to Sites

- Issue: Policy DM9: Bird Strike Management

Duty to Cooperate

- 2.4.2 The wording of non-strategic 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 an approach to the supply of the respective minerals and the policies to be used to determine individual proposals, that would be consistent with the development plan for the wider Plan Area.

Sustainability Appraisal

- 2.4.3 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.

- 2.4.4 The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan, Spring 2018 Consultation: 3rd Interim Sustainability Appraisal Report 2017

2.5 Towards a Minerals Local Plan: Spring 2021 Consultation – Proposed Draft Plan

Revised NPPF and PPG

- 2.5.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and PPG on several occasions. We have revisited our approach towards the proposed development management policies in the light of this new policy and guidance as well as any relevant legislative changes. The development management policies previously consulted on as

part of the Proposed Approach have now been replaced with the following set of policies:

- Policy DM1: Protecting Local Amenity, Health and Well-Being
- Policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals
- Policy DM3: Transport of Minerals
- Policy DM4: Landscape
- Policy DM5: Biodiversity and Geodiversity
- Policy DM6: Trees, Woodland and Hedgerows
- Policy DM7: Historic Environment
- Policy DM8: Water Management and Flood Risk
- Policy DM9: Soil Quality and Agricultural Land
- Policy DM10: Aviation Safety
- Policy DM11: Green Belt
- Policy DM12: Green Infrastructure
- Policy DM13: Public Access
- Policy DM14: Cumulative Impacts
- Policy DM15: Restoration, Aftercare and After-Use
- Policy DM16: Planning Obligations
- Policy DM17 Borrow Pits
- Policy DM18 Reworking of Former Colliery and Other Spoil Tips
- Policy DM19 The Incidental and Prior working of Clay
- Policy DM20 Mineral Related Development
- Policy DM21 Mineral Exploration

2.5.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, draft policies for the provision of each of the important minerals found in the Plan area, together with non-strategic development management policies against which all proposals will need to be assessed. The paragraphs below set out the outcomes for the Proposed Draft Plan in relation to the then proposed draft

development management policies, in the light of previous consultation exercise undertaken in respect of the Proposed Approach. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Representations on the Proposed Approach Spring 2018 Consultation

2.5.3 In total, the MPA received 22 representations from eight different organisations on the Proposed Approach in respect of development management policies. These are summarised below. No specific comments were received in respect of the following Issues: Policy DM3: Transport; Policy DM8: Extensions to Sites; and Policy DM9: Bird Hazard Management.

Issue – Policy DM 1: Development Management Criteria

2.5.4 The responses received, whilst generally supportive of the proposed approach to Policy DM1: Development Management Criteria, highlighted concerns relating to the then proposed range of amenity impacts provided for in the policy. Comments were also raised regarding the terminology used for geological and biodiversity interests and the need to demonstrate the hierarchy of international, national and locally designated sites. One consultee also commented that it is unnecessary for the applicant to demonstrate need for the mineral and that this requirement should be removed from the draft policy.

2.5.5 The MPA notes that a demonstration of need is not necessary for some minerals extracted in the Plan area e.g. hydrocarbons, although it is necessary for others. However, it is also acknowledged that this could be made more explicit. The criteria set out in the draft policy were considered comprehensive and it is considered that the factors identified in the response are already adequately covered. Likewise, the criteria include heritage interests which cover all categories. Where proposals could affect heritage sites of international and national status, this would be demonstrated in the weight that was given to the issue in the overall determination.

Outcomes for Proposed Draft Plan

- 2.5.6 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM1: Development Management Criteria has now been replaced by Policy DM1: Protecting Local Amenity, Health, and Well-Being which sets out an extensive range of amenity impacts, including those referred to in the consultee comments. Proposed draft plan policy DM1 does not include a requirement to demonstrate need in the development management policies, the MPA has instead adopted an approach that focusses on detailed criteria for the assessment of the benefits of minerals development, which can include an identified need. This approach is set out in policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals. The MPA considers that the comments set out above have been given consideration in the drafting of the relevant revised development policies listed in paragraph 2.5.1 above.

Issue – Policy DM2: Planning Conditions and Obligations

- 2.5.7 The policy wording set out in the proposed approach was not considered to be justified nor an effective strategy and viewed it as unsound. In particular, enhancement of environment, communities and amenity is not justified in all circumstances and development needs to be considered on its merits. Revised policy suggested.

Outcomes for Proposed Draft Plan

- 2.5.9 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM2: Planning Conditions and Obligations has now been replaced by Policy DM16: Planning Obligations. The new policy has been worded to reflect the circumstances where the MPA may seek to secure planning obligations to ensure that sustainable development objectives would be met where these could not, in the first instance, be secured by planning condition.

Issue – Policy DM3: Transport

2.5.10 No responses were received in respect of this Issue following the consultation on the Proposed Approach. As highlighted in the Proposed Approach, all extracted minerals require transport to either a facility for processing or to the place of use. Furthermore, minerals are bulky and heavy materials which require large containers for efficient movement. Policy SP1: Sustainable Minerals Development of the Proposed Draft Plan sets out broad requirements for achieving sustainable minerals development, including the use of sustainable transport methods. In acknowledgement of the range of issues which the transport of minerals generates, the MPA has concluded that it will continue to include a specific transport policy which will reflect the guidance in PPG.

Outcomes for Proposed Draft Plan

2.5.11 In recognition of the need to reduce carbon emissions associated with all forms of development, including minerals, the MPA has redrafted the policy to prioritise the use of sustainable transport methods over traditional, road-based methods. Where minerals can only be transported by road, schemes will be expected to meet a number of criteria and will have to set out climate change mitigation and adaptation measures sufficient to offset the likely carbon emissions associated with that development.

Issue – Policy DM4: Landscape and Green Infrastructure

2.5.12 Comments received were broadly supportive about the policy, although one consultee highlighted the need to require development to 'protect and enhance' the landscape of the Plan Area. One consultee also considered that the policy was not consistent with the relevant paragraphs of the NPPF, which sought to ensure that the level of protection for important landscapes is based on their value and therefore any impact commensurate, and suggested that the policy be revised. Finally, to be consistent with national

policy, it was suggested that policy DM4 should require EIA for all hydraulic fracturing proposals.

2.5.13 The MPA notes and welcomes the general support for the policy. The enhancement of landscapes following the completion of restoration on mineral sites is the desirable outcome, however the policy is worded to acknowledge that this is not possible in all circumstances. It is considered that the ultimate test is whether the restored site is acceptable or not in the context of the surrounding landscape. It is therefore considered that the policy is entirely consistent with the NPPF (former version references and current version). With regard to the point about EIA for hydraulic fracking proposals, the MPA does not consider this policy to be an appropriate vehicle for stating legislative requirements for the form and content of mineral planning applications.

Outcomes for Proposed Draft Plan

2.5.14 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM4: Landscape and Green Infrastructure has now been replaced by proposed Policy DM4: Landscape and proposed Policy DM12: Green infrastructure. The comments raised above have been taken into account in the drafting of newly proposed Policy DM4: Landscape.

Issue – Policy DM5: Biodiversity

2.5.15 Comments received were generally supportive of the proposed approach to the policy. Concerns were, however, raised regarding a potential lack of compliance with the NPPF in respect of biodiversity e.g. its requirement to ensure that the level of protection for ecological features is commensurate with their status, compliance with the ‘mitigation hierarchy’ and that opportunities for net gain in biodiversity should be taken where possible. Typographical errors in the policy wording were also noted.

2.5.16 The MPA notes and welcomes the general support for the policy. The MPA acknowledges that text was missing from the policy contained in the

Proposed Approach consultation document which resulted in a lack of clarity. Whilst it is considered that the proposed policy was NPPF compliant, the policy has been rewritten and this issue is no longer relevant.

Outcomes for Proposed Draft Plan

- 2.5.17 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Policy DM5: Biodiversity has now been replaced with an updated and revised version of Policy DM5 which is now entitled Biodiversity and Geodiversity. The revised policy includes amendments to better reflect the different levels of biodiversity designation, updates to national policy and legislation as well as the mitigation hierarchy which is embedded within the NPPF and PPG.

Issue – Policy DM6: Historic Heritage

- 2.5.18 Mixed comments were received from three consultees in respect of policy DM6 in the Proposed Approach. The majority commented that the policy be retitled to 'Historic Environment' and rewritten to better reflect NPPF requirements, making the protection of heritage assets more robust.
- 2.5.19 As the policy relates to historic landscapes as well as built features it is considered that a change to the title to Historic Environment would better encapsulate the scope of the policy. The MPA acknowledges that the wording of the policy requires revising.

Outcomes for Proposed Draft Plan

- 2.5.20 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM5: Historic Heritage has now been replaced by Policy DM7: Historic Environment. The revised policy incorporates amendments made to take account of previous representations received.

Issue – Policy DM7: Water Management and Flooding

- 2.5.21 Comments were received from one respondent in respect of this issue, expressing the view that the policy wording should be expanded to impacts

on the characteristics or existing and potential aquifers. The MPA accepts that the Proposed Approach did not specify water resources and acknowledges that the implication, via the terms quality and availability, may not be sufficient to provide the level of protection required. The comments have been considered when preparing the Proposed Draft plan.

Outcomes for Proposed Draft Plan

- 2.5.22 The Proposed Draft Plan now includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM7: Water Management and Flooding has now been replaced by Policy DM8: Water Management and Flood Risk. The policy has been reworded to take account of the comments received.

Issue: Policy DM8: Extensions to Sites

- 2.5.23 No comments were received in respect of this policy following the Spring 2018 consultation on the Proposed Approach. However, the MPA recognises that the approach, which prioritised development proposals for extensions to existing sites over new sites, was not in accordance with the NPPF. The policy has now been removed from the Proposed Draft Plan.

Issue: Policy DM9: Bird Hazard Management

- 2.5.24 No comments were received in respect of this policy following the Spring 2018 consultation on the Proposed Approach. The MPA therefore proposes to continue to include a policy in the Proposed Draft Plan. Following redrafting, the policy has now been renumbered/reworded as Policy DM10: Aviation safety.

Representations to the Spring 2018 Consultation are set out in the following Report:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan -Report of Representations, December 2021

Drop- In Sessions, Spring 2018

2.5.25 The Report of Representations also contains details of issues raised at drop-in sessions held by the MPAs in each of the 'Borough/District Local Planning Authorities within the Plan area. All comments received have been considered and where relevant used to inform the Proposed Draft Plan, Spring 2021 Consultation. No specific issues were raised in relation to the proposed development management policies.

Duty to Co-operate

2.5.26 Local Planning Authorities and County Councils (in two tiers areas) are under a duty to co-operate with each other and with other prescribed bodies on strategic matters which cross administrative boundaries. Joint working is particularly important in identifying whether development needs that cannot be met within a particular plan area could be met elsewhere. The wording of non-strategic 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 an approach to the supply of the respective minerals and the policies to be used to determine individual proposals, that would be consistent with the development plan for the wider Plan Area. Further information can be found in the following Report:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan - Duty to Co-operate Report: Introduction and Overview, SOCG, December 2021

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

2.5.27 A sustainability appraisal was undertaken on the Proposed Approach including the development management policies. The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan: 3rd Interim Sustainability Appraisal (SA) Report, August 2020

2.5.28 The Sustainability Appraisal concluded that the approach to the development management policies set out in the Proposed Approach would, in general, result in neutral effects when measured against sustainability objectives. The exceptions to this were policies DM5: Biodiversity, which was predicted likely to result in significant positive effects in respect of biodiversity; policy DM7: Water Management and Flooding, which was predicted to result in positive effects; and Policy DM8: Extensions to Sites, which was assessed as likely to result in mixed effects when viewed against the sustainability objectives. Where appropriate the findings of the SA have been incorporated into the Proposed Draft Plan, Spring 2021 Consultation.

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

2.5.29 A 4th interim sustainability appraisal has been undertaken on the Proposed Draft Plan. The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan: 4th Interim Sustainability Appraisal (SA) Report, January 2022

2.5.30 In general, the SA concluded that the effects of the development management policies in the Proposed Draft Plan would be neutral or minor positive when measured against the sustainability objectives. The exceptions to this were policies DM5: Biodiversity and Geodiversity, which was predicted to result in significant positive effects; policy DM6: Historic Environment, which was assessed as likely to have moderate positive effects; policy DM12: Green Infrastructure, which was predicted to result in significant positive effects for biodiversity; and policy DM15: Restoration, After-care and After-use, which was predicted to result in significant positive effects for biodiversity and also for communities in the long term. The SA also predicted that policy DM13: Public Access was likely to result in minor negative effects when measured against the criteria for land and water resources and waste and minerals.

3. Cumulative Impacts

3.1 Stakeholder Workshop 2009

3.1.1 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.

3.1.2 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, including cumulative impacts.

3.2 Issues and Options Consultation 2010

3.2.1 The Issues and Options Consultation 2010 did not specifically identify cumulative impacts as a distinct issue. However, the exercise did seek to obtain 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.

3.2.2 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 coalfield areas. This message was also prominent in the responses from this attending sand and gravel drop-in sessions. The MPA concluded that the Plan should include a policy in respect of cumulative impacts.

3.3 Towards a Minerals Local Plan – Rolling Consultation 2015/2016

- 3.3.1 Cumulative impacts were identified as a specific issue as part of the rolling 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.
- 3.3.2 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.

Representations and Outcomes for the Proposed Approach

- 3.3.3 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.
- 3.3.4 In the absence of any clear messages from the responses to this consultation exercise the MPA concluded that it would 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.

Duty to Cooperate

- 3.3.5 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 PPG.

- 3.3.6 The MPA has 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.
- 3.3.7 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

- 3.3.8 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 was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning cumulative impacts.
- 3.3.9 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. 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

3.4. Towards a Minerals Local Plan – Spring 2018 Consultation: Proposed Approach

3.4.1 The concept of cumulative impacts was identified as 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 NPPF 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.

3.4.2 For the reasons set out above, the MPA concluded that parts of the Plan area were more susceptible to further cumulative impacts than other parts of the country. Accordingly, it considered the approach to cumulative impact assessment in Derbyshire needed to be more comprehensive than that stipulated in the NPPF. As part of the Proposed Approach, the MPA sought to develop an approach (set out in the background and consultation papers) which followed that established by Mr Justice Brown which incorporates successive effects, simultaneous effects from concurrent developments and combined effects from the same development. The suggested policy wording is set out below.

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

3.4.3 At the same time the MPA considered that recognition of the differing circumstances in different parts of the Plan area would be achieved through the application of the relevant policy or policies which will be sufficiently robust but flexible to allow that objective.

3.5 Towards a Minerals Local Plan – Winter 2021/2022 Consultation: Proposed Draft Plan

3.5.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised PPG. There are no specific changes to government policy in respect of cumulative impacts. There is a new requirement in terms of Duty to Co-operate planning authorities are required to produce one or more statements of common ground (SOCG). These should document the cross-boundary matters being addressed and progress in co-operating to address these. There are no identified strategic matters in respect of cumulative impacts.

3.5.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, together with draft policies for the provision of each of the important minerals found in the Plan area. It includes a Chapter for non-strategic development management issues including cumulative impacts. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Representations and Outcome for the Proposed Draft Plan

- 3.4.4 Comments were received from two respondents in respect of the Proposed Approach towards cumulative impacts. Both supported the policy, given the continued impacts of mineral development in the area. one respondent also suggested that the terminology used needed further explanation.
- 3.4.5 Support for the policy and the reasons why it is considered an important issue in the Plan area are welcomed by the MPA. Comments concerning the need to clarify and/or define words and phrases relating to cumulative impacts are noted.
- 3.4.6 The methodology to be used to assess cumulative impacts will be developed further as well as the wording of the policy to be included in the Plan. This will be an appropriate stage to ensure that the policy is as unambiguous as possible. In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the previously proposed Cumulative Impacts chapter (including previously proposed Policy CP1: Cumulative Impacts) into a new policy, DM14: Cumulative Impacts, as set out at Chapter 11 of the Plan. Noting the comments received regarding terminology, the MPA has decided to simply the wording of the policy. Detailed information relating to the assessment of cumulative impacts will be placed in a supplementary planning guidance note (SPG).

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

- 3.4.7 A further interim SA has been undertaken on the Proposed Draft Plan and its policies. With regard to policy DM14: Cumulative Impacts, the SA predicts that it would have a positive effect on environmental factors and communities but notes that such effects would be broadly dependent on the site, locational context and the nature of the proposed mineral development, and therefore the effectiveness of the policy is somewhat unclear. The SA also notes that the policy could prevent further extraction of minerals in areas that are economically viable and direct development away from areas that are well served by infrastructure, potentially having an adverse effect with regards to

increased emissions from transport. Such effects were not considered to be significant, as the policy includes economic prosperity as part of the mix of factors to be considered.

4. Restoration Strategy for the Carboniferous Limestone Quarries

4.1 Stakeholder Workshop 2009

4.1.1 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 attendees 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.

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

4.2 Issues and Options Consultation 2010

4.2.1 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.

4.2.2 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.

4.2.3 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. Further information is available in the following document:

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

4.3 Towards a Minerals Local Plan: Rolling Consultation 2015-2017

4.3.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore the MPA revisited the issues and options surrounding the restoration of carboniferous limestone quarries, in the light of this policy and guidance. The Councils examined the extent to which the Issues and Options Consultation and the responses to it remained helpful in developing a strategy and took on board additional evidence collected since 2010. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011.

4.3.2 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 sought to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision. The paragraphs below set out the outcomes for the rolling consultation – emerging approach, in the light of previous consultation. A paper specifically about the restoration

of Carboniferous Limestone Quarries was included. Further details can be found in the following document:

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Towards a Restoration Strategy for Carboniferous Limestone Quarries paper, April 2016

Representations on the Issues and Options Consultation 2010

4.3.3 At the previous issues and options stage consultees were asked to choose between two options. Option 1 suggested having a comprehensive strategy for the restoration of the four quarries whilst Option 2 was to continue 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.

4.3.4 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)

4.3.5 Whilst the response was fairly limited, the MPA concluded from those initial results that stakeholders expressed support for the development of a comprehensive restoration strategy for the A515 corridor rather than a piecemeal approach to restoration. Further information can be found in the following document:

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

Duty to Co-operate

- 4.3.6 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. 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. In developing the strategy, therefore, the MPA identified the need to 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. The Councils consulted on the duty to co-operate issues that had been identified and an approach to recording and processing those issues. Further information can be found in the following Report:

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach Duty to Co-operate Report, April 2016

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

- 4.3.7 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.
- 4.3.8 A SA was carried out on the suggested options set out in the Issues and Options Paper. The SA found that overall, option 1 is expected to perform better with regards to achieving 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 management and after care and this will also provide certainty to the minerals industry. These effects are somewhat uncertain as it will depend on the types of restoration proposed and when sites are expected to be restored which is unknown. These findings were taken into account in developing the strategy approach set out in the Rolling Consultation. Further information can be found in the following document:

Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach 1st Interim Sustainability Appraisal (SA) Report, July 2013

Outcomes for the Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach

Towards a Restoration Strategy for Carboniferous Limestone Quarries paper, April 2016

- 4.3.9 The 'Towards a Restoration Strategy for Carboniferous Limestone Quarries paper', April 2016 identified several issues and options that would need to be considered in developing a strategy for the restoration of Carboniferous Limestone quarries.
- 4.3.10 The NPPF, published 2012, reaffirmed 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. PPG also advised MPAs to include policies to ensure that the most appropriate form of restoration takes place to facilitate different potential after-uses.
- 4.3.11 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 sought to enhance valued landscapes and set out that mineral restoration schemes should be informed by the wider landscape character, ensuring that schemes are compatible with the surrounding landscape. The NPPF required 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.

Issues and Options for the emerging Strategy

Issue 1: Extending the remit of the Strategy

4.3.12 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.

4.3.13 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.

Issue 2: What are the issues that affect the restoration of hard rock quarries?

4.3.14 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.

Issue 3: Draft Principles for the restoration of hard rock quarries

4.3.15 The Paper set out a range of draft principles that would address the issues raised and deliver a coordinated 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.

4.4 Towards a Minerals Local Plan - Spring 2018 Consultation: Proposed Approach

4.4.1 The Proposed Approach set 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 Plan area. The paragraphs below set out the outcomes for the proposed approach, in the light of previous consultation, in relation to the restoration of carboniferous limestone quarries. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 – Chapter 12.3 Restoration Strategy for the Carboniferous Limestone Quarries.

Representations to the Rolling Consultation 2015-2017

4.4.2 The Rolling Consultation received no responses to Issues 2 and 3 and only one response to Issue 1 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: Proposed Approach
Report of Representations, December 2017*

Duty to Co-operate

- 4.4.3 This issue was identified as a duty to cooperate matter early on in the preparation of the Plan. In view of the location of many of the carboniferous limestone 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.
- 4.4.4 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders and has fed into the proposed approach, Spring 2018. 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.

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan - Spring 2018 Consultation: Proposed Approach
Duty to Cooperate Report - Background and Progress, December 2017*

Sustainability Appraisal of the Rolling Consultation 2015-2017

- 4.4.5 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:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan - Spring 2018 Consultation: Proposed Approach
2nd Interim Sustainability Appraisal (SA) Report, December 2017*

- 4.4.6 Where appropriate the findings of the SA have been incorporated into the Proposed Approach, Spring 2018 Consultation as set out below at paragraph 5.11.

Outcomes for the Proposed Approach: A Restoration Strategy for Carboniferous Limestone Quarries

Vision and Objectives

- 4.4.7 Chapter 3 of this Consultation contained the Plan's proposed Vision 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 has been 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 the Chapter.
- 4.4.8 The Rolling Consultation included key issues and options that needed to be addressed in order to develop the restoration strategy in the proposed approach.

Issue: Extending the remit of the Strategy

- 4.4.9 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.
- 4.4.10 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

4.4.11 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. The Sustainability Appraisal acknowledged that covering a wider area could potentially lead to stronger ecological connections and green infrastructure corridors however it noted that a standard approach would not possibly reflect local specific issues. It put forward the benefit of preparing a restoration strategy to coincide with the landscape character type in which the quarry was located having regard to the proximity of other quarries which could form part of a wider strategy.

4.4.12 The MPAs considered that the third Option to extend the Strategy to include all hard rock quarries within the Plan area was not appropriate for the following reasons. Whilst there are other hard rock quarries lying within 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

- 4.4.13 The remit of the Strategy was extended to include all hard rock Carboniferous Limestone quarries.

Issue: What are the issues that affect the restoration of hard rock Carboniferous Limestone quarries?

- 4.4.14 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 considered 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

4.4.15 The restoration principles of the restoration strategy were developed based on the issues identified above.

Issue: Principles for the restoration of hard rock quarries

4.4.16 It is proposed that the restoration 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 Rolling 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

4.4.17 A restoration strategy was developed based on the principles set out in the previous Consultation.

The Proposed Approach

4.4.18 The Proposed Approach included a restoration Strategy for the Carboniferous Limestone quarries which would ensure that a co-ordinated approach is taken towards mineral restoration that will deliver a preferred

pattern of working and restoration. The Strategy established a set of strategic principles intended to guide operators in preparing their ROMP submissions to review their current planning permissions and any new or revised working and restoration schemes. The Strategy would also act as a guide for applicants submitting planning applications for any new limestone working.

4.4.19 A policy setting out the strategic principles was included in the Proposed Approach. The MPA also consulted on 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.

4.4.20 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

4.4.21 **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.

4.5. Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan

Revised NPPF and PPG

4.5.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised PPG. There are no specific changes to government policy in respect of the restoration strategy, however, the MPA has revisited the concept of preparing a strategy for the restoration of

Carboniferous Limestone Quarries in the light of the new policy and guidance. There is a new requirement in terms of Duty to Co-operate planning authorities are required to produce one or more statements of common ground (SOCG). These should document the cross-boundary matters being addressed and progress in co-operating to address these.

- 4.5.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, together with draft policies for the provision of each of the important minerals found in the Plan area. The MPA has taken the decision to only retain the restoration of sites in the river valleys as a specific strategic issue, all other restoration requirements, including the issues previously set out in the restoration strategy for Carboniferous Limestone quarries, has been combined into a single development management policy – DM15: Restoration, Aftercare and After-use. Other matters previously contained in former policy R3: Restoration Strategy for Carboniferous limestone quarries are covered by Policy SP1: Sustainable Minerals Development and policy DM4: Landscape. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Representations on the Spring 2018 Consultation Proposed Approach

- 4.5.3 The PDNPA were supportive of extending the remit of the restoration strategy to include all Carboniferous Limestone quarries. They added that the quarries located in these areas are all adjacent to the PDNP, are located in the White Peak landscape and have similar impacts. They should, therefore, all be restored in a similar manner. The PDNPA agreed with the Proposed Approach at paragraph 5.12 not to extend the remit of the strategy to encompass all hard rock quarries. Historic England were supportive of the suggested policy R3 setting out restoration principles. Detailed information on the representations made can be found in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan:
Winter 2021/2022 Consultation: Proposed Draft Plan
Report of Representations, December 2021*

Drop-In Sessions, Spring 2018

- 4.5.4 The Report of Representations also contains details of issues raised at drop-in sessions held by the MPAs in each of the 'Borough/District Local Planning Authorities within the Plan area. All comments received have been considered and where relevant used to inform the Proposed Draft Plan, Winter 2021/2022 Consultation. No specific issues were raised in relation to the restoration strategy.

Duty to Co-operate

- 4.5.5 Local Planning Authorities and County Councils (in two tiers areas) are under a duty to co-operate with each other and with other prescribed bodies on strategic matters which cross administrative boundaries. Joint working is particularly important in identifying whether development needs that cannot be met within a particular plan area could be met elsewhere.
- 4.5.6 Strategic policy making authorities should collaborate to establish cross border matters which they need to address in their plans and in accordance with the new NPPF produce one or more statements of common ground. These should document the cross-boundary matters being addressed and progress in cooperating to address these.
- 4.5.7 In preparing the Proposed Draft Plan the MPA has revisited the strategic cross-boundary issues. Whilst appropriate restoration of the carboniferous limestone quarries remains an important issue, due to the redrafting of a number of policies particularly policy DM4: Landscape, which requires development to have regard to the setting of the Peak District National Park, and renumbered policy DM15: Restoration, Aftercare and After-Use (previous policy R1) which duplicates many of the criteria previously contained in policy R3, and the inclusion of a new strategic policy SP1: Sustainable Minerals Development, the MPA has taken the decision to create

a single, non-strategic, policy relating to the restoration of all mineral sites. The decision to amalgamate restoration requirements into a single policy is in part an acknowledgment of the potential for duplication of issues that were contained in policies R1 and R3 as set out in the proposed approach. Recent approval of long term working and restoration schemes for many of the carboniferous limestone quarries has also resulted in a reduced need for a specific strategy. For this reason, whilst the MPA continues to be mindful of potential impacts of minerals development on the setting of the Peak District national Park, it is no longer considered that it should form part of the SOCG.

- 4.5.8 A sustainability appraisal was undertaken on the policies of the Proposed Approach. The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan 3rd Interim Sustainability Appraisal (SA) Report, August 2020

- 4.5.9 The Sustainability Appraisal concludes that in relation to policy R3 which sets out criteria for the restoration of carboniferous limestone quarries a positive effect is predicted on biodiversity (SA topic 1) and heritage and landscape (SA topic 4) as the policy seeks to restore and enhance biodiversity, wildlife and landscapes to a standard and quality coherent with key local habitats and the surrounding area including the Peak District National Park. This is likely to create recreational opportunities and potentially support local tourism depending on the nature of the restoration scheme, potentially having a positive effect on communities and local employment (SA topics 7 and 8). The policy seeks to ensure that any waste placement in worked areas is carefully placed to avoid the sterilisation of any remaining material resource. The policy provides clarity about the standard of restoration and aftercare expected to the minerals industry which should subsequently provide greater certainty of the improvements being implemented. The effects on water are uncertain. Whilst measures to improve landscape and biodiversity could have knock-on benefits in terms of protecting water resources, this is not explicit. The need to ensure that hydrology and flood risk are tackled at the outset of

minerals schemes through appropriate restoration strategies should be mentioned to ensure that the longer-term effects are considered and managed. At this stage an uncertain effect is predicted. Where appropriate, the findings of the SA have been incorporated into the Proposed Draft Plan, Winter 2021/2022 Consultation.

Outcomes for the Proposed Draft Plan

- 4.5.10 The Proposed Draft Plan sets out a proposed draft vision and objectives and overarching strategic policies which will underpin the Plan, together with proposed draft policies for the provision of each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the Proposed Draft Plan, in the light of previous consultations, in relation to a restoration strategy for Carboniferous Limestone quarries.

Vision and Objectives

- 4.5.11 Chapter 3 of the Proposed Draft Plan contains the Vision and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2038 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 the Development management chapter will make towards achieving the overall draft Vision and Objectives of the Plan, will be set out in Chapter 12 entitled Implementation and Monitoring.

Proposed Draft Restoration Strategy

- 4.5.12 The Spring 2018 Consultation included key Issues that needed to be addressed in order to develop a Strategy for the restoration of Carboniferous Limestone quarries and strategic principles set out in proposed policy R3.
- 4.5.13 Policy R3 received supporting comments from the PDNPA and Historic England. The findings of the SA advised that it should be amended to ensure that restoration proposals include hydrology and flood risk from the outset. However, it is considered that this matter is one for all quarries and therefore has been included in the general restoration policy.

Outcome for the Proposed Draft Plan

4.5.14 The MPA has taken the decision to create a single, non-strategic, policy relating to the restoration of all mineral sites. The decision to amalgamate restoration requirements into a single policy is in part an acknowledgment of the potential for duplication of the issues previously contained in policies R1 and R3 as set out in the proposed approach with those now contained in strategic policy SP1: Sustainable Minerals development and development management policies DM4: Landscape and DM15: Restoration, Aftercare and After-use. Recent approval of long term working and restoration schemes for many of the carboniferous limestone quarries has also resulted in a reduced need for a specific strategy. Notwithstanding this, the comments received in response to the proposed approach in respect of policy R3 have been taken into account in the wording of the policies of the Proposed draft plan.

Supplementary Planning Guidance

4.5.15 The MPA also consulted on 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. The MPA received no responses on this issue.

Outcomes for the Proposed Draft Plan

4.5.16 Include the restoration principles in this Plan rather than producing separate guidance

5. Restoration, Aftercare and After-use

Stakeholder Workshop 2009

5.1.1 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.

5.2 Issues and Options 2010

5.2.1 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.

5.3 Drop-in Sessions 2012

5.3.1 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.

5.4 Towards a Minerals Local Plan – Rolling Consultation 2015/2016

5.4.1 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 NPPF. 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.

5.4.2 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 Proposed Approach

5.4.3 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.

Sustainability Appraisal

5.4.4 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 full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan, Spring 2018 Consultation: 3rd Interim Sustainability Appraisal Report 2017

- 5.4.5 The SA concluded that policy R1 should 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.

5.5 Towards a Minerals Local Plan – Spring 2018 Consultation

- 5.5.1 Fourteen comments from seven respondents were received in respect of this section of the Plan. These are summarised as follows:

Issue: Green Corridors

- 5.5.2 Two respondents noted the reference to green corridors in the supporting text to Policy R1, commenting that they could also contribute towards managing and reducing flood risk and that such networks would only achieve optimum benefit if habitats and species are considered over a wide area.

Outcome for the Proposed draft plan.

- 5.5.3 The MPA notes the comments regarding green corridors. The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). A new policy, policy DM13: Green Infrastructure has been written which covers the issues raised in the comments.

Issue: Policy R1: Restoration, Aftercare and After-use

- 5.5.4 Comments received in respect of Policy R1 following the consultation on the proposed approach were generally supportive. One respondent suggested that the policy wording should be strengthened to always seek positive change for biodiversity and expand the criteria to include a broader range of habitat types and biodiversity restoration with recreational uses. One respondent considered the policy unsound as it was not prepared positively, nor an effective strategy, having the potential to place undue onerous constraint on operators.

Outcome for the Proposed Draft Plan

- 5.5.5 The MPA notes and welcomes the general support for policy R1. The comments regarding range of criteria and positive wording of the policy are noted. The Proposed Draft Plan has been refined and includes an updated and revised development management chapter (now renumbered as Chapter 11). The MPA has taken account of the comments in the amended policy.

Duty to Cooperate

- 5.5. 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.

5.6 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan

Revised NPPF and PPG

5.6.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and PPG on several occasions. The Environment Act 2021 has also come into force which includes the requirement for a minimum biodiversity net gain for all development from November 2023. We have revisited our approach towards the proposed development management policies in the light of this new policy and guidance as well as any relevant legislative changes.

5.6.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, together with draft policies for the provision of each of the important minerals found in the Plan area. The MPA has taken the decision to only retain the restoration of sites in the river valleys as a specific strategic issue, all other restoration requirements, including the issues previously set out in the policy R1: Restoration, Aftercare and After-use and policy R3: Restoration Strategy for Carboniferous Limestone Quarries, have been combined into a single development management policy – DM15: Restoration, Aftercare and After-use. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

5.6.3 A 4th Interim SA was undertaken on the proposed draft plan. The full text can be found in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan: 4th Interim Sustainability Appraisal (SA) Report, January 2022

5.6.4 The SA concluded that policy DM15 ought to have significant positive effects for biodiversity in the longer term, particularly given that there is a need to consider strategic linkages in green infrastructure and how improvements can be secured. A positive effect was also predicted for land resources (SA

topic 2), as the policy requires proposals to demonstrate how best and most agricultural land would be retained or enhanced, which should limit the loss of such resources in the longer term (ensuring minimal negative changes and possible enhancements to the baseline position). There is potential for significant positive effects to communities in the longer term, as restoration proposals should seek to provide community benefits, recreational opportunities and where possible, employment opportunities (SA topics 7 and 8). The effect on waste and minerals (SA topic 3) were predicted to be neutral as restoration schemes ought not to hold back mineral extraction, and waste materials could be used as part of infill materials (preferably from sources of close proximity).

6. Other Minerals

6.1.0 In addition to the strategic policies for the supply of minerals that are contained in Chapters 4 to 10 of the Proposed Draft Plan, there are a number of other minerals/minerals related issues that the Plan needs to be consider. These are as follows:

- Borrow Pits
- Re-working of former colliery and other spoil tips
- Incidental working of Clay
- Minerals Related Development

6.1.1 For each mineral/mineral related issue, this section of the chapter is set out in sections for each consultation stage. Where relevant, each section is set out in the following order: representations from the previous stage, drop-in sessions, duty to co-operate issues, sustainability appraisal, outcomes for the current consultation stage.

6.2 Stakeholder Workshop 2009

6.2.1 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

attendees 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.

6.2.2 These outcomes were taken into account in the preparation of the Issues and Options Report.

6.3 Borrow Pits

6.3.1 Issues and Options Consultation 2010

6.3.1.1 The Issues and Options Consultation did not contain a specific section on borrow pits; it was about identifying the key issues that the Plan would need to address. The full text can be found in the following document:

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

6.3.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017:Emerging Approach

6.3.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the MPA took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The MPA also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. Borrow Pits was not identified as a Duty to Cooperate matter.

6.3.2.2 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. Borrow Pits were not included in the emerging approach.

6.3.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach

6.3.3.1 The Proposed Approach set 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 Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for borrow pits. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017

6.3.3.2 The Proposed Approach acknowledged that it was likely that proposals for borrow pits would come forward over the Plan period and therefore a policy approach was required. It included a criteria-based policy similar to that contained in the adopted Minerals Local Plan but updated in line with current national mineral planning policy. The fundamental criterion was that any borrow pit should be linked to a specific construction project.

6.3.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan

6.3.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of borrow pits.

6.3.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing

those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation, in relation to borrow pits. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Representations on the 2018 Spring Consultation Proposed Approach

6.3.4.3 None

Sustainability Appraisal of the 2018 Spring Consultation Proposed Approach

6.3.4.4 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.

6.3.4.5 A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

6.3.4.6 The Appraisal reported that Policy MS19 allows for borrow pits to be utilised to support construction projects where appropriate. This should provide flexibility for projects and reduce the need to import materials from further

afield. The benefits are therefore likely to include a reduction in traffic and transport (SA5) associated with construction activities, potential to dispose of waste generated on site (SA3), and support for infrastructure projects that can boost the local economy (SA8). The effects are not predicted to be significant as this approach is not a substantial departure from the adopted minerals local plan policy framework. With regards to environmental factors such as biodiversity, land and water resources and heritage and landscape, it is unclear whether borrow pits would lead to increased local impacts. However, the development management policies of the plan should address such issues. The policy is unlikely to have major implications with regards to flooding or energy (SA6).

Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan

6.3.4.7 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM17 is specifically about Borrow Pits, apart from a few changes to reflect the overall style of policies in the new Plan it remains unchanged from the 2018 Proposed Approach version.

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

6.3.4.8 A 4th interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal: 4th Interim, SA Report

6.3.4.9 The SA noted that draft Policy DM17 allows for borrow pits to be utilised to support construction projects where appropriate, noting that this should provide flexibility for projects and reduce the need to import materials from

further afield. For this reason, it concluded that effects on transport and traffic, waste disposal and the local economy were not likely to be significant as this approach is not a substantial departure from the current policy framework. With regards to environmental factors such as biodiversity, land and water resources and heritage and landscape, it is unclear whether borrow pits would lead to increased local impacts. However, other plan policies ought to address such issues. The policy is unlikely to have major implications with regards to flooding or energy (SA6).

6.4 Reworking of Former Colliery and Other Spoil Tips

6.4.1 Issues and Options Consultation 2010

6.4.1.1 The consultation included 'Reworking Spoil Tips for Secondary Aggregates' as a specific issue. Whilst this issue does specifically 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 full text is set out in the following document:

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

6.4.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach

6.4.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the MPA took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The MPA also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. The reworking of former spoil tips was not identified as a Duty to Cooperate matter.

6.4.2.2 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. The paragraphs below set out the outcomes for the rolling consultation – emerging approach, in the light of previous consultation.

6.4.2.3 A paper entitled Coal Mining sought views relating to the reworking of former colliery spoil tips and the purposes of obtaining other valuable and re-usable mineral resources within them. Further details can be found in the following documents:

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Towards a Strategy for Coal and Colliery Waste, December 2014

Representations on the Issues and Options Consultation 2010

6.4.2.4 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.

Outcomes for the Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach

Towards a Strategy for Coal and Colliery Waste, December 2014

6.4.2.5 This Paper 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.

6.4.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach

6.4.3.1 The Proposed Approach set 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 Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for the reworking of former coal and other spoil tips. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 - Chapter 9 Other Minerals

Representations on the Emerging Approach 2015/2016 Rolling Consultation

6.4.3.2 Two responses were received on this issue; one supporting option 1 and one supporting option 2 which did not provide any specific steer for the new Plan.

Sustainability Appraisal of the Rolling Consultation 2015-2017 Emerging Approach

6.4.3.3 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.

6.4.3.4 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:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach

6.4.3.5 The SA reported that the two options put forward i.e. whether to have a separate policy for the reworking of coal were procedural matters and as such were not likely to lead to any substantial differences in SA terms.

Outcomes for the Proposed Approach

6.4.3.6 In the absence of any steer from the recent consultation exercise, it was decided to include a policy on the reworking of former colliery and other spoil tips in the Proposed Approach that related to the extraction of all the minerals they contain and which established a more explicit set of criteria for this form of mineral development. In view of the contribution that minerals from such sources can make, the policy is supportive of such proposals subject to compliance with the established criteria.

6.4.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan

6.4.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of the reworking of former spoil tips.

6.4.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous

consultation, in relation to borrow pits. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Representations on the 2018 Spring Consultation Proposed Approach

- 6.4.4.3 Representation was received on the reworking of former spoil tips in respect of the need to protect areas within quarries that have naturally revegetated and now form important sites for biodiversity. Representation was received on the need to avoid pollution if spoil tips are reworked in relation to any toxic material that has been deposited in them. Representation was made that this policy duplicated Policy MS14 Reworking of former colliery tips.

Sustainability Appraisal of the 2018 Spring Consultation Proposed Approach

- 6.4.4.4 A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

- 6.4.4.5 The SA noted that Policy MS20 deals with the reworking of former tips, requiring environmental and social factors to be taken into account to obtain planning permission. In principle the policy details are positive as they seek to ensure that there would be no loss of important features and that any changes would lead to significant improvements in the longer term. However, the policy is flexible enough to allow development in special circumstances even if effects upon environmental and social factors remain. This is positive with regards to waste and minerals (SA3) and economic activity (SA8) but adds uncertainty about the level of protection that the policy will provide for environmental factors. Therefore, uncertain effects are predicted for SA1 (Biodiversity, Flora and Fauna), SA2 Land and Water Resources, SA4

Heritage and Landscape, SA5 Air Quality and Transport, SA6 Climatic Factors and Energy and SA7 Community and Health. The detailed Development Management policies of the Proposed Draft Plan will take into account any impacts on these sustainability issues.

Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan

6.4.4.6 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM18 is specifically about the reworking of Former Colliery and Other Spoil Tips, it has been changed to reflect the overall style of policies in the new Plan. A key criterion is the need to take impacts on any previous restoration that has already taken place. The duplicating policy in the Coal chapter relating to the reworking of colliery spoil tips has been deleted.

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

6.4.4.7 A 4th interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal: 4th Interim Sustainability Appraisal (SA) Report, January 2022

6.4.4.8 With regard to Policy DM18, the SA commented that, in principle, the policy details are positive as they seek to ensure that there would be no loss of important features including any restoration previously undertaken. It further noted that the requirements for development to provide significant net economic, social and environmental improvements should achieve collective positive effects in the longer term above the existing baseline. The SA concluded that the policy would result in positive effects for all SA topics, particularly in regard to waste and minerals and economic activity.

6.5 Incidental Working of Clay

6.5.1 Issues and Options Consultation 2010

6.5.1. The Issues and Options Consultation did not contain a specific section on the incidental working of clay; it was about identifying the key issues that the Plan would need to address. The full text can be found in the following document:

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

6.5.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach

6.5.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the Councils took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. The incidental working of clay was not identified as a Duty to Cooperate matter.

6.5.2.2 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.

6.5.2.3 A paper entitled, 'Coal and Colliery Waste' sought views relating to the prior extraction of coal and other minerals. Further details can be found in the following document:

Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Towards a Strategy for Coal and Colliery Waste, December 2014

Outcomes for the Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach

Towards a Strategy for Coal and Colliery Waste, December 2014

6.5.2.4 This Paper presented two options:

Option 1: Maintain the approach of the adopted Derby and Derbyshire Minerals Local Plan and include a policy specifically for the prior extraction of coal and a separate policy for the prior extraction of other minerals. Both policies would set out criteria for the acceptability of prior extraction.

Option 2: Include only one policy relating to the prior extraction of all minerals.

6.5.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach

6.5.3.1 The Proposed Approach set 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 Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for the prior extraction of clay. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 - Chapter 9 Other Minerals

Representations on the Emerging Approach 2015/2016 Rolling Consultation

6.5.3.2 Five responses were received to this issue. Three supported Option 1, one supported Option 2 and one was neutral.

Sustainability Appraisal of the Rolling Consultation 2015-2017 Emerging Approach

6.5.3.3 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.

6.5.3.4 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:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach
2nd Interim Sustainability Appraisal (SA) Report, December 2017*

6.5.3.5 The SA reported that the two options put forward i.e. whether to have a separate policy for the prior extraction of coal or not were procedural matters and as such were not likely to lead to any substantial differences in SA terms.

Outcomes for the Proposed Approach

6.5.3.6 The Proposed Approach included a policy on the prior extraction of clay and other minerals apart from coal which was addressed in a separate policy in the Coal Chapter. In line with the NPPF the policy adopted a positive approach to prior extraction where practicable and environmentally feasible and where it is necessary for non-mineral development to take place.

6.5.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan

6.5.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of the incidental working of clay.

6.5.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation, in relation to borrow pits. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Representations on the Spring 2018 Consultation Proposed Approach

6.5.4.3 None

Sustainability Appraisal of the 2018 Spring Consultation Proposed Approach

6.5.4.4 A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

6.5.4.5 The SA noted that Policy MS21 allows for the incidental working of minerals where it is necessary to support development or to avoid sterilisation of important resources. This should help to ensure that developments are not held-up SA issue SA8 (Local Economy, Employment and Housing) , whilst also obtaining mineral resources (SA3). Positive effects are predicted with regards to land resources (SA4), as the policy should help to facilitate the

remediation of contamination. The policy also seeks to safeguard environmental features from such working, and so neutral effects on the baseline would be anticipated.

Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan

6.5.4.6 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM19 is specifically about the incidental and prior working of clay, it has been changed significantly both to reflect the overall style of policies in the new Plan and to cover the working of clay in association with other minerals as well as prior to non-mineral development. The working of important minerals is covered in the supply chapters 6,7 and 8 and the prior working of these important minerals before non-mineral development takes place is set out at chapter 9 which deals with safeguarding. Key criteria factors of Policy 19 are the need to avoid adverse environmental or local amenity impacts associated with proposed clay working.

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

6.5.4.7 A 4th interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal: 4th Interim SA Report

6.5.4.7 The SA concludes that Policy DM19, which allows for the incidental extraction of clay where it would help to ensure the most sustainable use of resources as part of the production of other minerals or to avoid sterilisation of important resources in advance of non-mineral development would result in positive effects for land resources, the local economy and use of resources. Neutral effects are predicted on the environmental baseline.

6.6 Minerals Related Development

6.1.1 Issues and Options Consultation 2010

6.6.1.1 The Issues and Options Consultation did not contain a specific section on minerals related development; it was about identifying the key issues that the Plan would need to address. The full text can be found in the following document:

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

6.6.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach

6.6.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the Councils took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. Mineral related development was not identified as a Duty to Cooperate matter.

6.6.2.2 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. Minerals Related Development was not included in the emerging approach.

6.6.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach

6.6.3.1 The Proposed Approach set 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 Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for mineral related development. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 - Chapter 9 Other Minerals

Outcomes for the Proposed Approach

6.6.3.2 In the absence of any steer from the recent consultation exercise, it was decided to include a criteria based policy on minerals related development in the Proposed Approach that adopted a positive approach to such development provided that there would be net environmental benefits in a close link between the mineral operation and the proposed mineral related development.

6.6.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan

6.6.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of minerals related development.

6.6.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the

supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation, in relation to borrow pits. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021

Representations on the Spring 2018 Consultation Proposed Approach

6.6.4.3 None

Sustainability Appraisal of the Spring 2018 Consultation Proposed Approach

6.6.4.4 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.

6.6.4.5A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

6.6.4.6 The SA noted that Policy MS22 is essentially a continuation of the adopted local plan policy framework, and therefore the effects of the policy will represent a continuation of the baseline position. In this respect, the effects upon sustainability factors are predicted to be neutral.

Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan

6.6.4.7 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM20 is specifically about Mineral Related Development, it has been changed to reflect the overall style of policies in the new Plan. The principal requirement of the policy is that proposals should demonstrate the need for a close link between the mineral related development and mineral extraction.

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

6.6.4.8 A 4th interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

Derbyshire and Derby Minerals Local Plan: 4th Interim Sustainability Appraisal (SA) Report, January 2022

6.6.4.9 The SA noted that Policy DM20 continues existing approach, concluding that the effects of the policy would represent a continuation of the baseline position. In this respect, the effects upon sustainability factors are predicted to be neutral.

6.7.1 Mineral Exploration

6.7.1.1 In the interests of completeness the MPA has decided to include a new policy DM21 in the Proposed Draft Plan, in the section under Mineral Related Matters, relating to Mineral Exploration

Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation

6.7.1.2 A 4th interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

6.7.1.3 The SA concluded that Policy DM21 was likely to result in positive effects as it seeks to avoid adverse impacts to biodiversity, heritage and landscape. Where impacts would arise, they would be temporary. The SA also considered that the policy should also safeguard amenity and health and well-being from potential harm arising from mineral exploration. Neutral effects were predicted with regard to climatic factors and energy, minerals and employment.

7. Spring 2023 Consultation: Pre-submission Draft Plan

7.1 This section covers the development of the twenty-one non-strategic other mineral and development management policies that are set out in the Pre-submission Draft Plan. For consistency, each policy contains information about national planning policy and guidance, including any changes to this since the Winter 2021/2022 consultation; the outcome of the winter 2021/2022 consultation on the Proposed Draft Plan, as well as the outcome of the following assessments: Sustainability Appraisal; Habitats regulations Assessment Screening Report, Strategic Flood Risk Assessment, Strategic Transport Assessment, Equality Impact Assessment and the Health Impact Assessment.

7.2 In consideration of the current consultation on the NPPF as well as other amendments set out in the Levelling Up and Regeneration Bill (LURB), which seeks views on the roll out of National Development Management policies, where possible, the MPA has sought to identify where it considers that the development management policies should remain as local mineral specific policies or where the issues would be more appropriate as a national development management policy. **The LURB states xxxxxxxx**

7.1 Policy DM1: Protecting Local Amenity, Health, Well-Being and safety

NPPF and PPG

7.1.1 There have been no specific amendments to the NPPF in respect of the range of issues covered by Policy DM1 since the Winter 2021/2022 consultation.

7.1.2 Significant updates to PPG in respect of flood risk were made in August 2022. The updates were required to bring PPG in line with the requirements of the NPPF, which itself had been updated during 2019. These issues have largely been taken into account in the content of policy DM8: Water Management and Flood Risk and the MPA considers that proposals should be assessed against both policies where issues of flood risk and water management are relevant.

7.1.3 The MPA considers that Policy DM1: Protecting Local Amenity, Health, Wellbeing and safety is a policy that is specific to the environmental effects of minerals development. It mirrors the range of issues highlighted in PPG – Minerals as being common to minerals development. As a consequence, the MPA is of the view that it should remain as a local development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.1.4 In total, the MPA received nine comments from five different respondents in respect of policy DM1. Specific comments were received in respect of the range of specific criteria listed, with requests that criteria relating to water quality, dust impacts to heritage assets, vibration, air quality, visual impacts, induced seismicity and flooding were added to the policy. One respondent also requested that changes were made to the reasoned justification regarding the Environmental permitting regime.

7.1.5 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM1: Protecting Local Amenity, Health, Wellbeing and Safety

7.1.6 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. The pre-submission draft retains this policy with the same title. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: Amendments to scope of policy criteria: Water quality

Representations (*Environment Agency 1137/0599; PDNPA 1159/0903*)

7.1.7 One consultee welcomed the inclusion of ground contamination within the criteria but also commented that the plan should ensure that there is no negative impact to water quality and requested the inclusion of a further criterion relating to water contamination. Another consultee also suggested the inclusion of an additional criterion relating to 'Water Contamination and Quality' due to its importance both in terms of water supply and the purity of water in local springs, brooks and rivers.

Actions/Considerations

7.1.8 Agreed.

Outcomes for pre-submission Draft Plan

7.1.9 Policy text amended to include additional criteria covering water contamination and reduction water levels and flows.

Issue: Amendments to scope of policy criteria: Dust impacts to heritage assets and historic collections

Representation (*National Trust 1160/0941*)

- 7.1.10 One consultee suggested that the requirement for dust monitoring should be applied to heritage assets and historic collections in addition to residential communities and other neighbouring sensitive receptors.

Actions/Considerations

- 7.1.11 Agree that there is the potential for dust emissions from minerals development and minerals related development to impact on the conservation of heritage assets and historic collections, particularly where they are sited in close proximity to those assets.

Outcomes for pre-submission Draft Plan

- 7.1.12 Supporting text at renumbered paragraph 11.2.16 amended to make it clear that the nature and type of dust sensitive properties need to be identified on a case-by-case basis. Footnote also include to expand on this to refer to museums or heritage assets with historic collections

Issue: Amendments to scope of policy criteria: Vibration

Representation (*National Trust 1160/0941*)

- 7.1.13 One consultee expressed its general support for policy DM1 but wished to ensure that the criteria are as broad as possible so that all relevant impacts are included in the assessments. With regard to vibration, it was suggested that the wording of the policy and accompanying support text be amended to read '*Vibration, including blast vibration, and air over pressure*' to take into account vibration impacts associated with HGV/heavy plant movements.

Actions/Considerations

- 7.1.14 Renumbered paragraphs 11.2.7 and 11.2.8 of the supporting text cover this issue. The MPA acknowledges, however, that the wording of the policy did not and that the criterion could be expanded to be less specific rather than focusing on just 'blast vibration etc'.

Outcomes for pre-submission Draft Plan

- 7.1.15 Relevant criterion of DM1 has been amended to now make reference to 'Vibration, blast vibration and air over pressure'.

Issue: Amendments to scope of policy criteria: Air quality

Representation (*National Trust 1160/0941*)

- 7.1.16 One consultee requested that the criterion relating to ‘emissions to air’ be broadened to refer to *‘Emissions and air quality’*.

Actions/Considerations

- 7.1.17 The MPA acknowledges that there can be a difference between emissions to air and air quality, although one is affected by the other and accepts that ‘air quality’ may not be sufficient to encapsulate impacts arising from minerals operations including dust emissions or carbon emissions associated with the use of heavy plant and machinery.

Outcomes for pre-submission Draft Plan

- 7.1.18 The text of policy DM1 has been amended to refer to ‘Emissions to air and air quality’.

Issue: Amendments to scope of policy criteria: Visual impacts

Representation (*National Trust 1160/0941*)

- 7.1.19 One consultee requested that the criterion relating to *‘visual intrusion to adjoining land uses and users’* be amended to say *‘Visual impacts and intrusion’* without limiting this to ‘adjoining’ land and users’.

Actions/Considerations

- 7.1.20 The MPA accepts that visual impacts can affect a far wider range of receptors than adjoining land and agrees that the wording of DM1 should be amended.

Outcomes for pre-submission Draft Plan

- 7.1.21 The text of policy DM1 has been amended to refer to *‘Visual impacts and intrusion’*.

Issue: Amendments to scope of policy criteria: Induced seismicity

Representation (*CPRE 1152/0735*)

- 7.1.22 One consultee requested that the policy criteria relating to land instability be amended to ‘Land instability, including induced seismicity’; alternatively, the

same text could be included in the third bullet which also relates to pressure waves/ seismicity.

Actions/Considerations

- 7.1.23 The responsibilities of the MPA and other regulators in assessing the impacts of hydrocarbon development are clearly set out in Chapter 8.2, from paragraph 8.2.18 onwards. Seismicity and induced seismicity are the responsibility of the North Sea Transition Authority. Supporting paragraphs 11.2.20 and 11.2.21 set out those circumstances where induced seismicity can be a concern, particularly in former coal mining areas. Policy SP16 also covers this issue at sub-paragraph (3) in respect of all proposed for conventional and unconventional oil and gas extraction as well as specifically in respect of proposals for the extraction of shale gas.

Outcomes for Pre-Submission Draft Plan

- 7.1.24 No amendment to the wording of the policy.

Issue: Amendments to scope of policy criteria: Flooding

Representation (*Environment Agency 1137/0599*)

- 7.1.25 One consultee requested that flooding and flood risk be added to the list of criteria in policy DM1.

Actions/Considerations

- 7.1.26 The MPA acknowledges that flooding was excluded from the list of criterion in policy DM1. The reason for the exclusion was the content of policy DM8: Water Management and Flood Risk, which has specific requirements for each development in respect of preventing and, increasing resilience towards, flood risk on the site and elsewhere. However, the MPA notes that, whilst very specific, policy DM8 does not cover the issue of impacts to local amenity and safety in respect of flood risk and agrees that it should also be included in policy DM1.

Outcomes for Pre-Submission Draft Plan

7.1.27 An additional criterion has been added to the text of policy DM1. An accompanying paragraph 11.2.23 has also been inserted into the Reasoned Justification.

Issue: Amendments to Reasoned Justification

Representation (*Environment Agency 1137/0599*)

7.1.28 One consultee noted the reference, at paragraph 11.18, that in certain situations an Environmental Permit may be required.

Actions/Considerations

7.1.29 The MPA notes this comment and acknowledges firstly, the interrelationship between the planning and environmental permitting processes, and secondly, that twin tracking of planning applications and Environmental Permits can be beneficial, avoiding duplication or delays to the commencement of the development.

Outcomes for Pre-Submission Draft Plan

7.1.30 Additional text added to renumbered paragraph 11.2.19 (formerly paragraph 11.18) regarding twin tracking environmental permit applications.

Drop-in sessions 2022

7.1.31 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were received specifically in respect of policy DM1, although issues relating to the impacts to local communities associated with emissions to air, noise and dust resulting from proposals for hydraulic fracturing were raised by one visitor to the Bolsover drop-in session on 1 April 2022.

Actions/Considerations

7.1.32 The policy seeks to ensure that the environmental effects of all forms of minerals development and minerals related development are kept to a minimum to protect local communities.

Outcomes for Pre-Submission Draft Plan

7.1.33 None

Sustainability Appraisal (SA) of the Pre-submission Draft Plan Spring 2023

7.1.34 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.1.35 In respect of policy DM1, the SA made the following statement:

'Policy DM1 is focused primarily on avoiding unacceptable impacts to local amenity, health, wellbeing and safety from adverse impacts related to mineral development and should therefore have a positive effect on protecting amenity and public health (SA7). These effects are not significant as the policy does not deviate significantly above the established baseline in the current planning framework. There is potential for requirements in the policy to indirectly address air quality and road congestion (SA5) by requiring development to be innovative in design and by encouraging alternative mineral transportation modes to road transportation. However, these issues are addressed in other plan policies and any effects from requirements in this policy is not predicted to be significant. The policy does not directly relate to other objectives and thus is predicted to have neutral effects. The policy is unlikely to have a prohibitive effect on waste and minerals development'.

Actions/Considerations

7.1.36 Noted.

Outcome for the Pre-submission Draft Plan

7.1.37 None.

Habitats Regulations Assessment Screening Report January 2023

7.1.38 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.1.39 With regard to Policy DM1, the HRA screening report concluded that the policy would have no likely significant effects on designated European sites, noting '*This is a development management policy which will have a positive or neutral impact on European sites*'.

Actions/Considerations

7.1.40 Noted

Outcome for the Pre-submission Draft Plan

7.1.41 None

Strategic Transport Assessment

7.1.42 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.1.43 The STA noted the inclusion of policy DM1 but did not come to any specific conclusions or make recommendations regarding its content.

Actions/Considerations

7.1.44 None

Outcome for the Pre-submission Draft Plan

7.1.45 None

Strategic Flood Risk Assessment

7.1.46 A SFRA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.1.47 The SFRA did not raise any concerns regarding Policy DM1. The sequential test notes that general wider protection to local amenity, health, well being and safety that Policy DM1 seeks to provide in respect of flooding.

Actions/Considerations

7.1.48 None

Outcome for the Pre-submission Draft Plan

7.1.49 None

Health Impact Assessment

7.1.50 A HIA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.1.51 The HIA raised not specific concerns regarding Policy DM1. However, in noting the absence of a specific monitoring indicator for health notes the following in respect of DM1:

'The Pre-Submission Draft Plan includes a monitoring framework containing monitoring indicators to monitor the effectiveness and continued relevance of the Plan's policies. It does not contain any specific indicators relating to health because the indicator relates to the wider policy e.g., the indicator for DM1 Protecting Local Amenity, Health, Well Being and Safety is that percentage of approved proposals meet the criteria of the policy and the target is for 100% of proposals to meet that. The trigger threshold for action is where more than 1 application is approved/won on appeal contrary to the policy in any one year. As the Plan moves forward to final adoption the

inclusion of further indicators specifically relating to health should be given consideration as minor changes to the Plan.'

Actions/Considerations

7.1.52 Noted.

Outcome for the Pre-submission Draft Plan

7.1.53 To give consideration to including further indicators specifically relating to health should be given consideration as minor changes to the Plan.

Equalities Impact Assessment (EqIA)

7.1.54 An EqIA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.1.55 With regard to Policy DM1, the EqIA concluded that the policy would have high positive impacts on all protected characteristics groups and made the following comments:

'The policy will have a positive impact on the groups but there is potential to explicitly promote equality to public access for those in wheelchairs or using pushchairs.'

Actions/Considerations

7.1.56 The MPA notes the comments regarding the potential to promote public access for those in wheelchairs or using pushchairs and agrees that the promotion of public access for these users is essential. Policy DM1 is intended to protect the local amenity, health, well-being and safety of communities living and using the Plan area by ensuring that proposals for mineral development do not result in any adverse impacts. The Plan includes specific other policies which do relate to public access and recreation – specifically policies DM12: Green and Blue Infrastructure, DM13: Public

Access and Policy DM15: Restoration, Aftercare and Afteruses where it would be more appropriate to promote accessibility.

Outcome for the Pre-submission Draft Plan

7.1.57 None for Policy DM1. Amend policies DM12: Green and Blue Infrastructure, DM13: Public Access and DM15: Restoration, Aftercare and Afteruse to take account of this issue.

Monitoring

7.1.58 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 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 Plan's policies, either in whole or part.

7.1.59 Policy DM1 seeks to ensure that proposals for minerals development and minerals related development would not adversely impacts on the local amenity, health, well-being and safety of local communities and visitors to the Plan area. Chapter 12 of the Plan includes monitoring indicator MO29 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.2 Policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals

NPPF and PPG

7.2.1 Paragraph 211 of the NPPF (July 2021) requires that when determining planning applications, great weight should be given to the benefits of minerals extraction, including to the economy. The exception to this relates to proposals involving the extraction of coal. There have been no changes to either the

NPPF or PPG in respect of this issue since the Winter 2021/2022 consultation on the proposed Draft Plan.

7.2.2 The MPA considers that Policy DM2: Criteria for Assessing the benefits of Minerals Extraction is a policy that is specific to minerals development. It mirrors the approach set out in the NPPF but seeks to provide a framework in which such benefits could be assessed and the extent to which a development proposal is capable of delivering any benefits promoted by applicants. As a consequence, the MPA is of the view that it should remain as a local development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.2.3 In total, the MPA received thirteen comments from nine different respondents in respect of policy DM2. Specific comments were received in respect of contaminated land, relinquishment of reserves, carbon offsetting, broadening the range exceptions to include oil and gas, historic environment, public access, flood risk, biodiversity net gain, remediation of sites and climate change targets.

7.2.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM2: Criteria for Assessing the Benefits of Minerals development

7.2.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: Inclusion of public access as a benefit of mineral development

Representation (*Derby and Derbyshire Local Access Forum 763/0107*)

7.2.6 One respondent welcomed the inclusion of enhanced public access as a benefit within Policy DM2 (d), but highlighted that, in addition, appropriate restoration of mineral sites could deliver a broader range of benefits including landscape character, biodiversity, tourism and outdoor recreational opportunities which should be maximised wherever possible.

Actions/Considerations

7.2.7 Support for the inclusion of a criterion relating to enhanced public access is welcomed. The MPA acknowledges the broader benefits that appropriate, well-designed restoration schemes can deliver. This theme is picked up in a number of the other policies of the Pre-submission Draft Plan.

Outcomes for Pre-submission Draft Plan

7.2.8 No amendments to policy text.

Issue: Inclusion of remediation of contaminated land as a benefit of minerals development

Representation (*Environment Agency 1137/0600*)

7.2.9 One respondent expressed their support of the wording in 2 f) to highlight the requirements and opportunities to clean up contaminated land where development is proposed.

Actions/Considerations

7.2.10 Noted.

Outcomes for Pre-submission Draft Plan

7.2.11 None.

Issue: Amendments to criteria listed in policy - Relinquishment of reserves in sensitive areas

Representations (*Mineral Products Association 938/0330; Tarmac 940/0356*)

7.2.12 Two respondents consider that sub-paragraph 2(b) of policy DM should be deleted as the NPPF does not seek to remove all mineral operations from within 'sensitive areas' but recognises that minerals can only be worked where they are found and that existing operations may justify further working.

Actions/Considerations

7.2.13 The MPA acknowledges that the NPPF does not seek to removal all mineral operations from sensitive areas and concurs that minerals can only be worked where they are found. However, circumstances can exist where historic mineral planning permissions are located on land which has subsequently either been designated for the quality of its heritage assets or nature conservation status or is of equivalent quality. The MPA considers that it is appropriate, where operators come forward with new proposals for minerals development, to seek to secure a commitment from operators to relinquish these planning permissions, particularly where they have not been worked since the early 1980s and are considered 'dormant'.

Outcomes for pre-submission Draft Plan

7.2.14 No change to policy wording. Reasoned justification will be amended to better articulate the justification for this part of policy DM2.

Issue: Amendments to criteria listed in policy – Biodiversity Net Gain

Representations (*Environment Agency 1137/0600; Chesterfield Borough Council 1154/0756*)

7.2.15 Two respondents supported the inclusion of a criterion requiring environmental enhancements, including biodiversity net gain, through site restoration. However, one respondent also considered that the use of the phrase 'consideration will be given' in sub-paragraph 2 should be stronger when applied to matters such as biodiversity net gain, wider multifunctional

enhancements as well as the opportunities to tie into the wider strategies along the river corridors as part of the restoration process of mineral development.

Actions/Considerations

7.2.16 Support for the inclusion of a criterion relating to environmental enhancements including biodiversity net gain (BNG) as part of site restoration is welcomed. The MPA acknowledges the importance of this and that BNG in particular will shortly become mandatory for all development proposals. The suggested strengthening of the phrase 'consideration will be given' is noted but not considered to be necessary as the policy is intended to act as a high-level assessment of the planning balance. The Proposed pre-submission Draft also includes other development management policies dealing with issues such a BNG where the wording is much stronger.

Outcomes for pre-submission Draft Plan

7.2.17 None.

Issue: Remediation/reclamation of sites as benefit of mineral development

Representation (*Chesterfield Borough Council 1154/0756*)

7.2.18 One respondent noted that, in some cases, prior extraction of minerals as part of the remediation and reclamation of sites (covered by DM2 2(f)) may be resolved by the district or borough LPA, where it is purely ancillary to another planning application and stated that the importance of consultation and close working with the MPA in such cases.

Actions/Considerations

7.2.19 The MPA acknowledges that there may be circumstances where prior extraction of minerals for remediation/reclamation purposes may be resolved by the LPA. The recognition of the need for close working and consultation with the MPA in these cases is noted and welcomed.

Outcomes for pre-submission Draft Plan

7.2.20 No amendment to the wording of Policy DM2.

Issue: Amendments to criteria listed in policy - Flood Risk

Representation (*Environment Agency 1137/0600*)

7.2.21 One respondent supported the inclusion, at 2(h) of the opportunities to reduce flood risk or assist with flood alleviation measures as a benefit of mineral development but requested stronger wording to ensure restoration proposals require improvements in the flood risk situation, where it is suitable and does not impact upon any existing flood risk infrastructure.

Actions/Considerations

7.2.22 Support for the policy approach is welcomed. The MPA acknowledges that opportunities to secure improvements to existing flood alleviation measures and to reduce the impacts of flood risk should be applied to all stages of the development, including restoration. However, this policy is intended to act as a high-level assessment of the planning balance. The Proposed pre-submission Draft also includes other development management policies dealing with flood risk and restoration where the requirements for assessing, mitigating and adapting to flood risk is much stronger.

Outcomes for pre-submission Draft Plan

7.2.23 No amendments to the wording of the policy.

Issue: Amendments to criteria listed in policy - Climate change/carbon emissions

Representation (*CPRE 1152/0736*)

7.2.24 One respondent suggested amending the wording of sub-paragraph 2(g) from *‘the extent to which the proposal assists in reducing greenhouse gas emissions through the use of...’* to *‘The extent to which the proposal is consistent with meeting carbon reduction targets specified in national and local carbon budgets and targets through the use of...’*

Actions/Considerations

7.2.25 The MPA welcomes the suggested amendment and agrees that the proposed alternative wording would represent a more accurate and measurable approach to ensuring that the Net Zero target is met in the Plan Area.

Outcomes for pre-submission Draft Plan

7.2.26 Text of paragraph 2(g) of policy DM2 amended.

Issue: Amendments to criteria listed in policy – Historic Environment Representation (*Historic England 1158/0817*)

7.2.27 One respondent suggested that an additional criterion relating to the historic environment should be added to Policy DM2.

Actions/Considerations

7.2.28 The MPA welcomes the suggested amendment, acknowledges that this is an omission and agrees that the suggested insertion of measures in respect of the historic environment would be appropriate.

Outcomes for pre-submission Draft Plan

7.2.29 Text of sub-paragraph 2(d) amended to make reference to historic environment/heritage assets

Issue: Exceptions to attributing great weight to minerals development Representation (*Sustainable Hayfield 1155/0770; Derbyshire County Council Labour Group 1163/0983*)

7.2.30 Two respondents requested that oil and gas proposals should be included with coal as a form of mineral extraction that should not be given great weight in the planning balance due to the serious impact of these extractive sectors and activities on our march towards irreversible climate change.

Actions/Considerations

7.2.31 The wording of policy DM2 replicates that of the NPPF (at paragraphs 211 and 217 and also footnote 71) in respect of the weight to be given to minerals extraction. The MPA acknowledges the reasoning behind the

request to include oil and gas but considers that amended Policies SP2: Climate Change and SP16 (formerly policy SP17 in the Proposed Draft Plan) would be sufficient to deal with those concerns.

Outcomes for pre-submission Draft Plan

7.2.32 None.

Issue: Carbon offsetting as a benefit

Representation (*Derbyshire Labour Group 1163/0984*)

7.2.33 One respondent requested that carbon offsetting should not be included as a benefit when considering minerals development proposals.

Actions/Considerations

7.2.34 Carbon off-setting is included in sub-paragraph 2(g) as one of a suite of possible measures to assist development to meet the carbon reduction targets specified in national and local carbon budgets. The MPA does not prioritise any approach over another but would expect all proposals to include sufficient assessment of likely impacts to climate change arising from emissions as well as appropriate reduction, mitigation and adaptation measures in line with the requirements of SP2: Climate Change.

Outcomes for pre-submission Draft Plan

7.2.35 None

Drop-in sessions 2022

7.2.36 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. One visitor to the Wirksworth drop-in session (April 20th 2022) asked about which minerals were likely to be worked in the local area and recognised the importance of the minerals industry to the local economy in providing skilled and well-paid jobs and was supportive of mineral extraction in principle recognising that we needed minerals.

Actions/Considerations

7.2.37 Noted.

Outcome for Pre-submission Draft plan

7.2.38 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.2.39 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.2.40 With regard to policy DM2, the SA made the following statement:

'Policy DM2 sets out the general framework upon which planning applications will be assessed. There is a need to consider a range of environmental factors, which should help to ensure that effects upon biodiversity (SA1), soil and water (SA2), heritage and landscape (SA4) are protected and potentially enhanced. Protection of amenity is also a key factor to consider, which ought to ensure positive effects (by helping to better manage potential negative effects that may otherwise have occurred in the absence of the plan). Requirements for alternative transportation of resources from road transport should help reduce road congestion and air pollution (SA5), although this is addressed in other plan policies in greater detail and thus the effects are not likely to be significant. Similarly, there is a need to minimise flood risk and make improvements where possible and for the use of sustainable technologies, adaptation and mitigation measures to reduce carbon emissions and risk from climate change (SA6).

Whilst positive effects are likely, they are not significant, as such considerations would be likely to be made to an extent anyway in the absence of this new policy framework. Further detail about specific aspects of sustainability is also covered through other Plan policies. Whilst these principles could be restrictive of development in some locations, it is not likely

that this would lead to a significant negative effect with regards to the ability to extract minerals (SA2). Indeed, the policy states that great weight will be given to the benefits of mineral development, and therefore, minor positive effects are predicted for waste and minerals (SA3). The effects on the economy and house building (SA8) are likely to be positive in terms of supporting the supply of construction materials.'

Actions/Considerations

7.2.41 Noted.

Outcome for the Pre-submission Draft Plan

7.2.42 None.

Habitats Regulations Assessment Screening Report

7.2.43 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.2.44 With regard to Policy DM2, the HRA screening report concluded that the policy would have no likely significant effects on any European sites considering that 'This is a development management policy which will have a positive or neutral impact on European sites.'

Actions/Considerations

7.2.45 Noted

Outcome for the Pre-submission Draft Plan

7.2.45 No amendments required.

Strategic Transport Assessment

7.2.46 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.2.47 The STA did highlight any concerns regarding Policy DM1.

Actions/Considerations

7.2.48 Noted

Outcome for the Pre-submission Draft Plan

7.2.49 None

Strategic Flood Risk Assessment

7.2.50 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.2.51 The SFRA did not raise any concerns regarding Policy DM2.

Actions/Considerations

7.2.52 None

Outcome for the Pre-submission Draft Plan

7.2.53 None

Health Impact Assessment

7.2.54 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.2.55 The HIA raised no specific concerns regarding Policy DM2.

Actions/Considerations

7.2.56 None

Outcome for the Pre-submission Draft Plan

7.2.57 None

Equalities Impact Assessment

7.2.58 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)* 7.2.59 Noted

7.2.59 With regard to policy DM2, the EqlA concluded that the policy would be of medium positive relevance to the protected characteristics with the additional requirement that the policy should be robust in its assessment.

Actions/Considerations

7.2.60 Noted

Outcome for the Pre-submission Draft Plan

7.2.61 None

Monitoring

7.2.62 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 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 Plan's policies, either in whole or part.

7.1.63 Policy DM2 seeks to provide a framework in which the MPA can assess the benefits of development proposals. Chapter 12 of the Plan includes monitoring indicator MO30 which will monitor planning applications granted permission

for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.3 Policy DM3: Transport

NPPF and PPG

7.3.1 The NPPF and PPG contain policies and guidance relating to road transport general to all significant to all development as well as those which are specific to minerals development. There have been no significant amendments to either since the Winter 2021/2022 consultation on the Proposed Draft Plan.

7.3.2 The MPA considers that Policy DM3: Transport is a policy that is specific to minerals development. Recognising firstly that minerals can only be extracted where they are found and that minerals development can take place over many years, it is considered that the transport of minerals is a specific issue that requires broader consideration, including the use of alternative methods of transport. As a consequence, the MPA is of the view that it should remain as a local development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.3.3 In total, the MPA received eight comments from seven different respondents in respect of policy DM3. Specific comments were received in respect of HGV traffic through the PDNP, pipelines, navigable waterways, traffic related carbon emissions, transport assessment and the historic environment.

7.3.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM3: Transport of Minerals

The policy has now been renamed DM3: Transport

7.3.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General

Representation (*Derby and Derbyshire Local Access Forum 763/0108*)

7.3.6 We also welcome Policy DM3 which deals with transportation of minerals by sustainable modes of transport including rail, barge, conveyor or pipeline. This policy is important in terms of helping to improve the safety of other vulnerable road users by reducing the number of heavy goods vehicles on the roads, especially where there is no footway for pedestrians or those which horse riders and cyclists need to use in order to reach the off-road bridleway network. It is also significant in terms of helping to protect an increasingly fragile road network and its associated verges which are susceptible to damage by HGVs.

Actions/Considerations

7.3.7 Noted

Outcomes for pre-submission Draft Plan

7.3.8 None.

Issue: Navigable waterways

Representation (*Canal & Rivers Trust 993/0424*)

7.3.9 One respondent considered reference to barges as an alternative to road transport as appropriate and highlighted the need for early discussions with

the Canal and Rivers Trust if any waterways are considered as potential option for any new minerals development. It was requested that additional text be included to highlight this point. The response also noted an erroneous reference to British waterways.

Actions/Considerations

7.3.10 The MPA agrees that early engagement with stakeholders is important. The erroneous reference to British Waterways is noted.

Outcomes for pre-submission Draft Plan

7.3.11 The text of former paragraph 11.41 (now renumbered as 11.2.43) has been amended to correctly refer to the Canal & River Trust.

Issue: Transport of Minerals via Pipeline

Representation (*Lee Rowley MP, 1136/0588*)

7.3.12 One respondent expressed broad support for the policy including the transport of minerals by pipeline but requested greater clarity regarding procedures for proposals involving long distance pipelines with multiple landowners. It was also considered that proposals should clearly outline the long-term future transportation plans for a site at the time of the application rather than via subsequent planning applications. This would ensure that all likely impacts of a proposal, including cumulative impacts, would be considered from the outset. It was also considered that the policy should include a presumption against future variation of transport modes without a clear identified need.

Actions/considerations

7.3.13 Mineral planning applications can frequently cover large areas of land, cross administrative boundaries and involve multiple landowners. Existing planning legislation allows for notification of multiple landowners to take account of this issue. In some circumstances where they are very long or are above a certain pressure, pipelines may be considered to be Nationally Significant Infrastructure Projects for which the relevant determining authority would be the Planning Inspectorate. With regard to the need to consider all aspects of a proposal from the outset, the MPA agrees that this

Outcome for Pre-submission Draft Plan

7.3.14 Supporting text to DM3 amended at paragraph 11.43 (now renumbered as 11.2.44).

Issue: Transport related carbon emissions

Representation (*CPRE 1152/0737*)

7.3.15 One representation suggested the following wording be added to the policy and supporting text: *'Where proposals... reduce or offset carbon emissions generated by traffic movements associated with the proposal, consistent with national and local carbon budgets and targets'*

Actions/Considerations

7.3.16 The MPA agrees that this is a more precise form of wording.

Outcome for Plan

7.3.17 Policy wording amended.

Issue: Historic Environment

Representation (*Historic England 1158/0818*)

7.3.18 One response requested the inclusion of an additional clause relating to the impact on the historic environment resulting from the transport of minerals which required the assessment of this as well as appropriate mitigation measures.

Actions/Considerations

7.3.19 The MPA notes the request but considers that it would not be appropriate in the context of this policy which primarily seeks to reduce the reliance on road transport. The MPA considers that there is sufficient protection for the historic environment provided by the other policies of the plan.

Outcome for Plan

7.3.20 None

**Issue: Transport of Minerals through the Peak District National Park
Representation (PDNPA 1159/0904)**

7.3.21 It was requested that an additional criterion be added to policy DM3 requiring *'...an assessment of the environmental impact of that traffic on the special qualities of the National Park, including the frequency, numbers, carbon footprint and routes to be taken, determines that the impact is acceptable having regard to National Park purposes'*. It was also requested that the supporting text (at paragraph 11.39 be amended to the following: *"Where road traffic is unavoidable every effort should be undertaken to avoid residential and minor roads and where possible trafficking through the Peak District National Park"*.

Actions/Considerations

7.3.22 The MPA acknowledges that the PDNP is a sensitive area and that special regard should be had to its special qualities. However, it is considered that the other policies of the plan would be sufficient to control impacts on the PDNP, including the environmental effects of the transport of minerals. Many of the long-established quarries are located close to or immediately adjacent to the PDNP boundary. Whilst many of these sites do export to market using rail freight, not all do. Due to their location, export to market via road often has no option other than to use the main routes (A525 and A6) which run through the PDNP. The MPA has no control over the strategic road network, including that which runs through the PDNP, as this is a matter for the police and the highway authority.

Outcome for Plan

7.3.23 No changes to required.

Issue: Transport Assessment

Representation (PDNPA 1159/0904; National Trust 1160/0943)

7.3.24 Two respondents suggested that the policy should make direct reference to the need for a Transport Assessment as per the statements in paragraph 11.40 (now renumbered as 11.2.41).

Actions/Considerations

7.3.25 Noted

Outcome for Plan

7.3.26 Policy amended.

Drop-in sessions 2022

7.3.27 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. Comments relating to the transport of minerals were raised at two separate drop-in sessions by two different individuals. Councillor George raised the issue of the sustainable transport of minerals and how the Plan could facilitate this. One visitor to the Wirksworth drop-in session (5 March 2022) raised the issue of mineral transport and climate change and this could be addressed.

Actions/Considerations

7.3.28 Policy DM3 seeks to promote more sustainable modes of transporting minerals. Where road traffic is unavoidable, the policy includes a requirement for proposals to include climate change adaptation and mitigation measures to reduce to offset carbon emissions generated by traffic movements associated with the development. In addition, Policy SP2: Climate Change of the Plan also seeks to reduce the impacts of climate change, including through the sustainable transport of minerals.

Outcome for Pre-submission Draft Plan

7.3.29 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.3.30 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.3.31 *'Policy DM3 is focused primarily on the reduction in road-based transport and ensuring a suitable highways network. This general approach ought to contribute to reductions in emissions from transport (SA6) and help to reduce air quality impacts (SA5). Where road travel is considered the only option, there is also a focus on safety and minimising amenity effects on communities, which is a positive effect in terms of health (SA7). Whilst the policy seeks to ensure no significant adverse environmental impacts occur due to transport access and movements, this is not likely to have notable effects on biodiversity, land and water resources and heritage and landscape (There are other plan policies that cover these issues in greater detail). There is also need to submit a transport assessment or transport statement, and to demonstrate how carbon emissions and climate change adaptation measures have been factored into development. Overall, a further shift away from road travel, and the need to consider climate change measures, could contribute towards a potential **significant positive effect** with regards to climatic factors and energy (SA6).'*

Actions/Considerations

7.3.32 Noted.

Outcome for the Pre-submission Draft Plan

7.3.33 None.

Habitats Regulations Assessment Screening Report

7.3.34 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.3.35 With regard to Policy DM3, the HRA screening report concluded that the policy would have no likely significant effects on any European sites, further

considering that as it was a development management policy, it would result in either positive or neutral impacts on European sites.

Actions/Considerations

7.3.36 Noted

Outcome for the Pre-submission Draft Plan

7.3.37 None.

Strategic Transport Assessment

7.3.38 A Strategic Transport Assessment has been undertaken. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.3.39 With regard to policy DM3, the STA recommended the following additions to the text of the supporting statement/policy wording.

- 1) encouragement of sustainable haulage practices, such as:
 - promotion of the Fleet Operator Recognition Scheme (FORS), or equivalent;
 - encouragement of back-hauling, where practical, where practical to minimise the number of HGVs on the network. This is most common where there is some infill for restoration activities so HGVs both arrive and depart fully loaded;
 - liaison with local authority and regional partners (e.g. Midland Connect) in relation to the development, adoption and promotion of low emission HGV fuel choices (e.g. hydrogen and electric) and infrastructure as the technology develops.
- 2) encouragement of sustainable staff trips, by:
 - requiring secure & covered cycle parking and e-bike charging; and
 - encouragement of car share schemes.

Actions/Considerations

7.3.40 The MPA has amended the supporting statement/policy text to take account of these issues.

Outcome for the Pre-submission Draft Plan

7.3.41 Policy text and reasoned justification amended to take account of suggested additions.

Strategic Flood Risk Assessment

7.3.42 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.3.43 The SFRA did not raise any specific concerns regarding Policy DM3.

Actions/Considerations

7.3.44 None

Outcome for the Pre-submission Draft Plan

7.3.45 None

Health Impact Assessment

7.3.46 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.3.47 The HIA considered the impact of increased road traffic and safety issues around mineral sites but noted that Policy DM3 comprehensively covers increased road traffic and highway safety. A recommended action was to include references in the plan of the need to provide safe and attractive

walking and cycling routes for employees where possible and to provide cycle storage for employees. Any new cycle paths and pedestrian paths should be linked with wider networks to ensure that people can use them to access facilities and community hubs.

Actions/Considerations

7.3.48 Noted

Outcome for the Pre-submission Draft Plan

7.3.49 Suggest minor changes to the reasoned justification to take account of the above.

Equalities Impact Assessment

7.3.50 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.3.51 With regard to policy DM3, the EqIA concluded that there would be a medium negative impact on the protected characteristics of age, disability, pregnancy/maternity and human/children's rights. It further went on to say that *'The policy seeks to avoid the impact of transporting minerals in residential areas but could impact on health for some protected characteristics.'*

Actions/Considerations

7.3.52 The MPA notes the conclusion of the EqIA with regard to policy DM3 and acknowledges that the transport of minerals by road does have the potential to result in adverse impacts. However, the policy seeks to keep transport of minerals by road to a minimum by actively supporting the use of more sustainable modes of transport. The policy also includes a requirement for development proposals to mitigate or offset carbon emissions associated with the transport of minerals.

Outcome for the Pre-submission Draft Plan

7.3.53 None

Monitoring

7.3.54 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 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 Plan's policies, either in whole or part.

7.3.55 Policy DM3 seeks to encourage the use of sustainable modes of transport thereby reducing the mineral industry on road transport. Chapter 12 of the Plan includes monitoring indicator MO31 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.4 Policy DM4: Landscape

NPPF and PPG

7.4.1 The NPPF seeks to conserve and enhance the natural and local environment. In landscape terms this should be achieved through the protection and enhancement of valued landscapes, recognising the intrinsic character and beauty of the countryside. Great weight is also given to conserving and enhancing landscape and scenic beauty in national parks and development in their setting should be sensitively located and designed to avoid or minimise adverse impacts. Minerals working and restoration schemes should be informed by the landscape character of the area. There have been no changes to the NPPF with regard to landscape since the Winter 2021/2022 Consultation on the Proposed Draft Plan.

7.4.2 Landscape impacts, mitigation and enhancements are an integral part of minerals development, potentially creating change at the landscape scale over

an extended period of time. It is considered that Policy DM4 should be retained as a local development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.4.3 In total, the MPA received twelve comments from five different respondents in respect of policy DM4. Specific comments were received in respect of heritage and landscape designations, visual sensitivity zones, the use of negative wording, historic landscapes, landscape and visual impact assessment, river valleys and historic landscape strategies.

7.4.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM4: Landscape

7.4.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General comments

Representation (*Derby and Derbyshire Local Access Forum 763/0109; National Trust 1160/0944*)

7.4.6 Two respondents expressed general support for policy DM4. One considered that it will help create attractive places to visit and have a positive impact on people's enjoyment of the outdoors, as well as their mental health, sense of well-being and connection with nature.

Actions/Considerations

7.4.7 Noted

Outcome for Plan

7.4.8 None

Issue: Impacts to Heritage and Landscape Designations

Representation (*Lee Rowley 1136/0590*)

7.4.9 One respondent suggested that the requirement to sensitively design and locate any proposals close to the PDNP be extended to also cover sites close to conservation areas, the Green belt, international and national statutory nature conservation designations and Areas of Natural Beauty (AONB).

Actions/Considerations

7.4.10 The wording used in respect of development close to the PDNP reflects the requirements of paragraph 176 of the NPPF. The MPA acknowledges that development proposals should be sited sensitively to avoid adverse impacts to built heritage and nature conservation sites but considers that Policies DM5: Biodiversity and Geodiversity, DM7: Historic Environment and Archaeology and DM11: Green Belt give sufficient protection for each respective issue. There are no AONB located close to or within the Plan area.

Outcome for Plan

7.4.11 None.

Issue: Visual Sensitivity Zone

Representation (*Lee Rowley 1136/0591*)

7.4.12 The Plan should include a 3.5km visual sensitivity zone around National Parks or Areas of Outstanding National Beauty, as included within policy M16 of the North Yorkshire Minerals Plan.

Actions/Considerations

7.4.13 In line with national planning policy, policies SP1 and DM4 require development located close to/within the setting of the PDNP to be sensitively

designed and located. The MPA also notes that many existing hard rock quarries (many of which also incorporate large structures such as cement kilns etc) are located immediately adjacent or cross into the PDNP. A 3.5km visual sensitivity zone would therefore not be considered practicable. There are no AONBs within the Plan area.

Outcome for Plan

7.4.14 No amendments to policy

Issue: Policy not positively worded

Representation (*Historic England 1158/0819*)

7.4.15 The policy should be positively worded, seeking to 'protect and enhance' landscapes, instead of the current wording that states 'not result in significant harm'.

Actions/Considerations

7.4.16 The MPA agrees that the suggested wording would be more positively worded and in line with the NPPF.

Outcome for Plan

7.4.17 Policy text amended to require development to seek *to 'protect and enhance landscapes'*.

Issue: Historic Landscapes

Representation (*Historic England 1158/0820*)

7.4.18 The Plan should make reference to historic landscapes and how they have been shaped by human development and interaction throughout history. Reference to the appropriate evidence base such as historic landscape character assessment, National Park Management Plan, any other relevant studies that the Councils may have and information held on the Historic Environment Record (HER) should also be made.

Actions/Considerations

7.4.19 The MPA agrees that the policy should also require an assessment of historic landscape and make use of the relevant evidence base.

Outcome for Plan

7.4.20 Policy text amended to refer to historic landscape character, historic landscape characterisation and the Historic Environment Record (HER).

Issue: Landscape and Visual Impact Assessment

Representations (*Historic England 1158/0821; PDNPA 1159/0906*)

7.4.21 Two respondents considered that the Plan should specify the need for a Landscape and Visual Impact Assessment (LVIA), with one also requesting additional information about what information may be suitable how this needs to be submitted as a part of a planning application and the need for appropriate professionals.

Actions/Considerations

7.4.22 The MPA agrees that the policy should specify the need for a LVIA.

Outcomes for pre-submission Draft Plan

7.4.23 Policy DM4 has been amended to make direct reference to the need for LVIA.

Issue: Landscape impacts to River valleys

Representation (*Historic England 1158/0822*)

7.4.24 Historic England supported the need to have a coordinated approach to the restoration of sand and gravel sites but expressed the view that restoration principles are appropriate, taking into account historic landscape characterisation as well as any potential cumulative impacts arising from multiple sites in the same locality.

Actions/Considerations

7.4.25 The MPA agrees that the need to identify and assess cumulative impacts is an important one. Continued sand and gravel working in the river valleys, including the Trent Valley have resulted in change at the landscape scale,

including impacts to historic landscapes. The need to coordinate an appropriate landscape response to continued mineral working is set out in Policy SP19: restoration of Sites in the River Valleys (formerly SP20). Proposals will be assessed on a case-by-case basis against all relevant policies of the Plan including, where relevant cumulative impacts associated with development proposals. Policy DM14: Cumulative Impacts deals specifically with the need to assess cumulative impacts associated with proposals for minerals development, including those instances where multiple sites are located in close proximity.

Outcomes for pre-submission Draft Plan

7.4.26 No amendments to policy DM4.

Issue: Amendments to Policy wording – landscape strategies etc Representation (*Historic England 1158/0823*)

7.4.27 The policy wording should be amended to ensure that the documents referred to in the supporting text were appropriately utilised and planning applications sufficiently detailed to aid the decision-making process.

Actions/Considerations

7.4.28 Policy DM4 requires development proposals to have regard to *‘the content of the relevant local landscape character assessment, historic landscape characterisation (where available) and supporting technical documents’*, it also refers to relevant landscape strategies in respect of the proposals located close to the PDNP. The MPA considers that is sufficient to highlight the relevant documents and studies that would need to be utilised when putting together and LVIA. The MPA does not consider it appropriate to specifically refer to the documents by name as these may be replaced or become outdated.

Outcomes for pre-submission Draft Plan

7.4.29 None

Issue: Use of Landscape strategies in assessing site allocations

Representation (*Historic England 1158/0824*)

7.4.30 Historic England asked for more information as to how local landscape character assessments/historic landscape characterisation and other strategies had been utilised to assess to the acceptability, or otherwise of the proposed site allocations set out under policies SP5 and SP? Of the Plan.

Actions/Considerations

7.4.31 All sites that were put forward for inclusion in the plan, including those that have not been brought forward for allocation, have been assessed against the Site Assessment Methodology and were also considered against the Areas of Multiple Sensitivity (AMES) and Tranquility technical documents. Responses received in respect of previous consultation exercises, including the Sand and Gravel Sites Consultation (2018) have also been taken into account. This work is now incorporated into the Site Allocation Principal Planning Requirements set out at Appendix A of the Plan. Further assessment work has also been undertaken in 2022, through the completion of a Heritage Impact Assessment for each of the proposed allocations.

Outcomes for pre-submission Draft Plan

7.4.32 No change.

Issue: Landscape impacts to PDNP

Representation (*PDNPA 1159/0906*)

7.4.33 The PDNPA requested that amendments be made to Policy DM4 and its supporting text to make clear the need to avoid or minimise adverse impacts to the special landscape qualities of the PDNP or any other feature or attribute which makes up its special qualities and sense of place.

Actions/Considerations

7.4.34 The MPA notes the comments and agrees that decision makers should have regard to those features or attributes that make up the special qualities of the PDNP. The MPA considers, however, that the wording of Policy DM4 is sufficient to take account of the potential impacts to the PDNP.

Outcomes for pre-submission Draft Plan

7.4.35 No amendments to Policy DM4 or its supporting text.

Drop-in sessions 2022

7.4.36 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made specifically about policy DM4 during the drop-in sessions.

Actions/Considerations

7.4.37 None

Outcome for pre-submission Draft Plan

7.4.38 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.4.39 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.4.40 In respect of Policy DM4, the SA stated

'Policy DM4 is likely to have positive effects with regards to environmental factors as there is a requirement for proposals to protect and enhance the character, quality and sensitivity of the landscape (SA4), visual amenity (SA7), and therefore ecological networks (SA1). The effects on water resources are less certain. Neutral effects are predicted with regards waste and minerals (SA3), as the policy is not considered likely to affect the delivery of schemes (such environmental protection and enhancement measures are routine requirements as part of minerals development). There is also a need to consider the economic value of landscape character in terms of the visitor economy and recreational enjoyment which has knock on benefits for the

economy SA Objective (SA8). The need to provide appropriate information to support development should ensure that these issues are thoroughly explored and addressed’.

Actions/Considerations

7.4.41 Noted.

Outcome for Pre-submission Draft Plan

7.4.42 None.

Habitats Regulations Assessment Screening Report

7.4.43 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.4.44 With regard to Policy DM4, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

‘This is a development management policy which will have a positive or neutral impact on European sites’.

Actions/Considerations

7.4.45 Noted

Outcome for the Pre-submission Draft Plan

7.4.46 No amendments required.

Strategic Transport Assessment

7.4.47 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.4.48 The STA did not identify any issues relating to Policy DM4.

Actions/Considerations

7.4.49 None

Outcome for the Pre-submission Draft Plan

7.4.50 None

Strategic Flood Risk Assessment

7.4.51 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.4.52 The SFRA did not identify any issues associated with Policy DM4.

Actions/Considerations

74.53 None

Outcome for the Pre-submission Draft Plan

7.4.54 None

Health Impact Assessment

7.4.55 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.4.56 The HIA raised no specific concerns regarding Policy DM4.

Actions/Considerations

7.4.57 None

Outcome for the Pre-submission Draft Plan

7.4.58 None

Equalities Impact Assessment

7.4.59 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.4. 60 With regard to policy DM4, the EqIA concludes that the policy would have a high positive impact on all the protected characteristics.

Actions/Considerations

7.4.61 Noted

Outcome for the Pre-submission Draft Plan

7.4.62 None.

Monitoring

7.4.63 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 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 Plan's policies, either in whole or part.

7.4.64 Policy DM4 seeks to ensure the protection and enhancement of the Plan area's landscape from adverse landscape and visual impacts associated with mineral and minerals related development. Chapter 12 of the Plan includes

monitoring indicator MO32 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.5 Policy DM5: Biodiversity and Geodiversity

NPPF and PPG

7.5.1 The NPPF seeks to ensure that planning should enhance the local and natural environment by protecting and enhancing sites of biodiversity of geological value (in a manner commensurate with their statutory status or identified quality), minimising impacts and providing net gains for biodiversity including through the establishment of coherent ecological networks. It also requires plans to distinguish between the hierarchy of international, national and locally designated sites and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity. There have been no changes to the NPPF since the Winter 2021/2022 consultation on the proposed Draft Plan. Expected guidance relating to the application of biodiversity net gain in respect of mineral sites has not been published at the time of writing.

7.5.2 The MPA considers that policy issues relating to biodiversity and geodiversity should be a national development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.5.3 In total, the MPA received seventeen comments from eight different respondents in respect of policy DM5. Specific comments were received in respect of biodiversity net gain, multifunctional opportunities in river corridors, site allocations, non-statutory designated sites, ecological impact assessment, lack of NPPF compliance and European sites.

7.5.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM5: Biodiversity and Geodiversity

7.5.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. However, for the Pre-submission Draft Plan, policy DM5 has been subject to significant revisions and some comments may no longer be directly relevant to the policy wording in the Pre-submission Draft Plan. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum 763/0109; Environment Agency 1137/0601; National Trust 1160/0945; Chesterfield Borough Council 1154/0757*)

7.5.6 Four respondents expressed their support for Policy DM5: Biodiversity and Geodiversity.

Actions/Considerations

7.5.7 Noted.

Outcomes for the Plan

7.5.8 No changes required.

Issue: Non-compliance with NPPF/policy lacks clarity

Representations (*Mineral Products Association 938/0331; Tarmac 940/0357; National Trust 1160/0945*)

7.5.9 Two respondents considered the policy to be unsound as it was not compliant with national policy, not effective and not positive planning and requested that it be redrafted. With regard to designated sites, the policy was considered to lack clarity and was contrary to the requirement within the NPPF where there is a clear hierarchy to significance of asset and the consideration of impact. There does not appear to be any consideration of the ability to 'avoid, mitigate and compensate' any impacts as advised by NPPF paragraph 180a. The policy needs to be redrafted.

7.5.10 One respondent also suggested changes to the text to avoid any confusion regarding the protection of international and national sites.

Actions/Considerations

7.5.11 The MPA accepts that the policy lacked clarity and was not in accordance with the requirements of the NPPF.

Outcomes for the Plan

7.5.12 Policy DM5 has been comprehensively revised.

Issue: Assessing the planning balance

Representation (*Derbyshire Wildlife Trust 1145/0658*)

7.5.13 Another respondent noted the inherent difficulties that can arise in relation to the weight given to the benefits of development as opposed to the importance of a site and any losses to that site. They further commented that there was a lack of clarity regarding proposed approach towards statutory and non-statutory designated sites and that the Council need to be able to make this judgement based on an objective framework that quantifies and weighs the values on both sides as there is a danger that some biodiversity sites are undervalued and too easily seen as replaceable. Judgements have to be fair and balanced, based on up to date and accurate data, accord with national guidance and best practice and be fully transparent.

Actions/Considerations

7.5.14 Policy DM5 has been comprehensively rewritten and the MPA considers that it now has greater clarity regarding the protection afforded to designated and non-designated sites and how this is to be assessed when weighing the planning balance.

Outcomes for the Plan

7.5.15 No changes to the Plan

Issue: Biodiversity Net gain (BNG)

Representation: (*Environment Agency 1137/0601, Chesterfield Borough Council 1154/0757*)

7.5.16 One respondent noted the reference to BNG and suggested that the policy should highlight that BNG of a minimum of 10% will be required for all proposals. The response also recognises the council's support for proposals that deliver significant and measurable BNG and suggests the following amendments to the wording of the policy: '*Proposals will be supported where they deliver significant net gains **above the minimum requirement of 10%, for biodiversity, based on the....***'.

7.5.17 One respondent suggested that the policy may wish to consider setting out whether the MPA expects BNG to be achieved during the life of development or upon restoration, and the circumstances in which financial contributions to off-site BNG provision will be considered and the mechanisms by which this will be secured and calculated.

Actions/Considerations

7.5.18 The MPA notes the comment regarding the minimum for 10% BNG for all development proposals and the need to set out what is meant by 'significant and measurable' BNG in the policy and agrees that further clarification is required.

7.5.19 The MPA agrees that this would be a useful inclusion in the plan. However, the mandatory implementation of BNG will not take place until November 2023 and, at the time of writing, the MPA is awaiting the publication of

national guidance setting out how BNG is to be applied to phased development and mineral development. It is therefore not possible at this time to state clearly the point of the development when the MPA expects BNG to be secured. It is proposed that BNG supplementary guidance note will be prepared by the MPA and it is anticipated that this issue will be covered in that document.

Outcomes for the Plan

7.5.20 No changes to the wording of the policy. The wording of paragraph 11.2.67 has been amended to make clear that, for the purposes of the plan, 'significant and measurable BNG' means more than the mandatory 10%.

Issue: Multifunctional opportunities of biodiversity enhancements

Representation: (*Environment Agency 1137/0601*)

7.5.21 The policy could be used to highlight the multifunctional opportunities that biodiversity enhancements can produce e.g. water quality and flood risk improvements or natural flood management.

Actions/Considerations

7.5.22 The MPA acknowledges the wider multifunctional opportunities that biodiversity enhancements can deliver. However, Policy DM5 is intended to operate as a high-level policy requiring applicants to undertake appropriate, and site-specific, ecological / geological surveys and assessment work in order to protect and enhance biodiversity and geodiversity in the Plan area. Proposals for development will be assessed against all relevant policies of the Plan. In this context and following the Winter 2021/2022 consultation, the text of policies DM8: Water Management and Flood Risk, DM12: Green and Blue Infrastructure and DM15: Restoration, Aftercare and Afteruse have all been revised to take account of potential multifunctional enhancements.

Outcomes for the Plan

7.5.23 No changes to the plan.

Issue: Impact of Allocated Sites on nearby Local Wildlife Sites (LWS)

Representation (*Environment Agency 1137/0601*)

7.5.24 Where applicable an assessment on the potential of the proposal allocated sites to impact a designated/ non designated site needs to be completed and the relevant party consulted accordingly to ensure that any impact is mitigated appropriately.

Actions/Considerations

7.5.25 The MPA notes the comment regarding proximity of LWS to the proposed site allocations and the need for assessments to take account of any likely impact on these resulting from development proposals. The MPA will expect ecological assessment to identify fully assess the likely impacts of a development proposal on all statutory and non-statutory designated sites as part of the planning application process. Following the Winter 2021/2022 consultation, the content of Policy DM5 has been comprehensively revised.

Outcomes for the Plan

7.5.26 Policy DM5 revised.

Issue: Ecological Impact Assessment

Representation (*Derbyshire Wildlife Trust 1145/0658; PDNPA 1159/0908*)

7.5.27 The policy should explicitly require the submission of an ecological impact assessment.

Actions/Considerations

7.5.28 The MPA agrees that the policy should be revised to explicitly refer to the need for an Ecological Impact Assessment.

Outcomes for the Plan

7.5.29 Policy revised and amended.

Issue: Development near River corridors

Representation: (*Environment Agency 1137/1004*)

7.5.30 The Environment Agency requested the inclusion of additional wording relating to development proposals near river corridors.

Actions/Considerations

7.5.31 The MPA acknowledges the importance of ensuring that proposals located in river corridors should indicate how these habitats should be protected and enhanced and, as a result of the consultation, has revised the text of policies DM4: Landscape, DM8: Water Management and Flood Risk and DM15: restoration, Aftercare and Afteruse to take account of these issues. The MPA considers that, amongst other things, Policy DM5 is intended to operate as a high-level policy requiring applicants to undertake appropriate, and site-specific, ecological surveys and assessment work. It is not considered appropriate to highlight specific habitat types in the policy to the exclusion of others.

Outcome for Pre-submission Draft Plan

7.5.32 No changes to plan

Issue: Non-statutory designated wildlife sites

Representation (*Derbyshire Wildlife Trust 1145/0658*)

7.5.33 Derbyshire Wildlife Trust requested that the following additional text be inserted into the reasoned justification: *'There are over 1400 non-statutory sites including 1196 Local Wildlife Sites (LWS), 52 Local Nature Reserves (LNR) and 198 Regionally Important Geological Sites (RIGS) in Derbyshire. These sites support and protect habitats, populations of species or geological formations of at least local/County importance or greater. They play a key role in maintaining the ecological networks and corridors found across the County'*.

Actions/Considerations

7.5.34 The MPA agrees that the supporting text could be expanded in respect of non-statutory sites in line with the consultation response.

Outcomes for pre-submission Draft Plan

7.5.35 A new paragraph (11.2.63) has been inserted into the supported text.

Issue: Amendments to Reasoned Justification

Representation: (*Derbyshire Wildlife Trust 1145/0658*)

7.5.36 Derbyshire Wildlife Trust request that paragraph 11.64 of the reasoned Justification to Policy DM5 be amended to the following:

*‘not lead to any net loss of habitat, provide the same **or better** type of ecological features as those which will be affected with equivalent **or enhanced** levels of ecological ‘functionality’.*

Actions/Considerations

7.5.37 Agree with the suggested amendments.

Outcomes for pre-submission Draft Plan

7.5.38 Text of paragraph 11.64 (now renumbered as 11.2.66) amended as requested.

Issue: Description of European Sites

Representation (*PDNPA 1159/0908*)

7.5.39 One respondent requested that the text of paragraph 11.58 (now renumbered as 11.2.60) to make it clear that the European designated sites are located in the PDNP as well as in the wider Plan Area.

Actions/Considerations

7.5.40 The purpose of paragraph 11.2.60 is intended to clearly set out those European designated sites that are located in the Plan Area, as well as other that are located close by. The Spatial Portrait provided in Chapter 2 of the Plan sets out further information regarding the interrelationships between the Plan Area and the PDNP.

Outcomes for pre-submission Draft Plan

7.5.41 No amendments to the plan.

Drop-in sessions 2022

7.5.42 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding policy DM5 at the drop in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.5.43 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.5.44 With regard to Policy DM5, the SA made the following comments:

*'Policy DM5 is predicted to have **significant positive effects** with regards to biodiversity, primarily as it seeks significant net gains in biodiversity in accordance with the government's published biodiversity metric and the establishment of coherent and resilient ecological networks. This should help safeguard the biodiversity significance of sites and maintain good long distance ecological connectivity in the long term. Requirements for proposals to deliver gains based on the biodiversity metric is likely to achieve a higher amount of overall net gain than what may otherwise come about from the current policy framework, therefore effects are predicted to be significant.*

There will be a need to submit a proportionate ecological impact assessment to demonstrate how the policy has been taken into account. However, minor negative effects might still occur in the short to medium term given that development is supported in certain circumstances and where harm is not considered to be significant. Protection and improvement of ecological networks should also have knock-on benefits with regards to landscape character and communities (e.g. recreational opportunities). Neutral effects are predicted with regards to the economy (SA8) and waste and minerals (SA3) as the policy is not considered likely to affect the delivery of schemes

(such environmental protection and enhancement measures are routine requirements as part of minerals development). The policy does not cover the transportation of materials and therefore the effects on SA5 and SA6 are also predicted to be neutral'.

Actions/Considerations

7.5.45 Noted.

Outcome for the Pre-submission Draft Plan

7.5.46 None.

Habitats Regulations Assessment Screening Report

7.5.47 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.5.48 With regard to Policy DM5, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This is a development management policy which will have a positive impact on European sites.'

Actions/Considerations

7.5.49 Noted

Outcome for the Pre-submission Draft Plan

7.5.50 No amendments required.

Strategic Transport Assessment

7.5.51 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.5.52 The STA did not identify any concerns regarding policy DM5.

Actions/Considerations

7.5.53 None

Outcome for the Pre-submission Draft Plan

7.5.54 None

Strategic Flood Risk Assessment

7.5.55 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.5.56 The SFRA did not identify any issues associated with Policy DM5.

Actions/Considerations

7.5.57 None

Outcome for the Pre-submission Draft Plan

7.5.58 None

Health Impact Assessment

7.5.59 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.5.60 The HIA raised no specific concerns regarding Policy DM5.

Actions/Considerations

7.5.61 None

Outcome for the Pre-submission Draft Plan

7.5.62 None

Equality Impact Assessment

7.5.63 An Equalities Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.5.64 With regard to Policy DM5, the EqlA concluded that the policy would have a high positive impact on all the protected characteristics.

Actions/Considerations

7.5.65 Noted.

Outcome for the Pre-submission Draft Plan

7.5.66 None

Monitoring

7.5.67 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 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 Plan's policies, either in whole or part.

7.1.63 Policy DM5 seeks to protect and enhance the biodiversity and geodiversity of the Plan area from the impacts of minerals development and minerals related

development. Chapter 12 of the Plan includes monitoring indicators MO33 and MO34 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.6 Policy DM6: Trees, Woodland and Hedgerows

NPPF and PPG

7.6.1 National policy requires local plans to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, as well as the wider benefit, which can include economic and other benefits, derived from trees and woodland. Development resulting in the loss or total deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. There have been no changes to the NPPF relevant to Policy DM6 since the Winter 2021/2022 consultation on the Proposed Draft Plan.

7.6.2 The MPA considers that policy issues relating to trees, woodland and hedgerows should be a national development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.6.3 In total, the MPA received four comments from three different respondents in respect of policy DM6. Specific comments were received in respect of ancient woodland and the protection of hedgerows.

7.6.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM6: Trees, Woodland and Hedgerows

7.6.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have

been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representations (*National Trust 1160/0946; Derby and Derbyshire Local Access Forum 763/0109*)

7.6.6 Two responses expressed support for the policy.

Actions/Considerations

7.6.7 The MPA notes and welcomes the support for Policy DM6.

Outcomes for pre-submission Draft Plan

7.6.8 No changes required.

Issue: Policy provides insufficient protection for ancient woodland

Representation (*Derbyshire Wildlife Trust 1145/0661*)

7.6.9 Derbyshire Wildlife Trust stated that it was unacceptable to allow any development that would impact on ancient woodland when so few fragments remain and urged the County Council to strengthen the policy in this regard.

Actions/Considerations

7.6.10 The MPA considers that the policy is clear that proposals that would result in the loss or deterioration of ancient woodland will not be supported except in wholly exceptional circumstances. This approach is considered sufficiently robust to ensure the protection of ancient woodland in the Plan area.

Outcomes for pre-submission Draft Plan

7.6.11 No amendments to the plan

Issue: Hedgerow protection

Representation (*Derbyshire Wildlife Trust 1145/0661*)

7.6.12 One response highlighted that only 20% of hedgerows are likely to be covered by the Hedgerow Regulations 1997 and that in many cases, hedgerows which are of considerable value for wildlife fall just short of the relevant criteria threshold. Of these, a high proportion do qualify as Habitats of Principal Importance where the definition and ecological characteristics are less exacting. The response also noted that hedgerows are probably the habitat most frequently impacted by minerals development. The response stated that every effort must be made to retain hedgerows in situ and where this cannot be achieved, hedgerow replacement should aim to not only replace the trees and shrubs, but also establish associated woodland flora as part of the hedgerow habitat.

Actions/Considerations

7.6.13 The MPA acknowledges that the supporting text was not precise enough in respect of protection for hedgerows

Outcomes for pre-submission Draft Plan

7.6.14 Supporting text amended at paragraph 11.27 (now renumbered as 11.2.73) to reflect this issue.

Drop-in sessions 2022

7.6.15 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding policy DM6 at the drop in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.6.16 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.6.17 With regard to Policy DM6, the SA made the following comments:

'Policy DM6 sets out a requirement for development to seek to protect trees, woodland and hedgerow and requires a suitable compensation where development will result in loss or deterioration. Special protection is also afforded to ancient woodland and all new trees are required to be of a species appropriate to local character and distinctiveness. Such requirements are predicted to have positive effects for biodiversity (SA1) and landscape (SA4). However, these effects are predicted to be minor, as the policy does not deviate significantly above the established policy framework'.

Actions/Considerations

7.6.18 Noted.

Outcome for the Pre-submission Draft Plan

7.6.19 None.

Habitats Regulations Assessment Screening Report

7.6.20 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.6.21 With regard to Policy DM6, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This is a development management policy which will have a positive or neutral impact on European sites'

Actions/Considerations

7.6.22 Noted

Outcome for the Pre-submission Draft Plan

7.6.23 None

Strategic Transport Assessment

7.6.24 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.6.25 The STA did not identify any issues in respect of Policy DM6.

Actions/Considerations

7.6.26 None

Outcome for the Pre-submission Draft Plan

7.6.27 None

Strategic Flood Risk Assessment

7.6.28 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.6.31 The SFRA did not identify any issues associated with Policy DM6.

Actions/Considerations

7.6.30 None

Outcome for the Pre-submission Draft Plan

7.6.31 None

Health Impact Assessment

7.6.32 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.6.33 The HIA raised no specific concerns regarding Policy DM6.

Actions/Considerations

7.6.34 None

Outcome for the Pre-submission Draft Plan

7.6.35 None

Equalities Impact Assessment

7.6.36 An Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.6.37 With regard to policy DM6, it was assessed as likely to have a high positive impact on all the protected characteristic groups but commented that:

‘The policy is written positively and is expected to affect all equalities groups in a positive manner, however room for explicit support for wheelchairs and push chairs and extra provision of benches for resting. Use of tactile flooring and visual aids.’

Actions/Considerations

7.6.38 The conclusions of the EqIA are noted. However, Policy DM6 seeks to prevent damage to or loss of hedgerows, trees and woodland from minerals development or, where practicable enhance existing hedgerow, woodland

and tree provision through appropriate planting and restoration schemes. Accessibility to such areas is a positive aim, as such the MPA considers that Policies DM12: green and Blue Infrastructure, DM13: Public Access and DM15: Restoration, Aftercare and Afteruse would be more appropriate vehicles to ensure restored sites are accessible to all.

Outcome for the Pre-submission Draft Plan

7.6.39 None for Policy DM6. Amend policies DM12: Green and Blue Infrastructure, DM13: Public Access and DM15: Restoration, Aftercare and Afteruse to take account of this issue.

Monitoring

7.6.40 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 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 Plan's policies, either in whole or part.

7.6.41 Policy DM6 seeks to protect trees, woodland and hedgerows from proposals for minerals development and minerals related development. Chapter 12 of the Plan includes monitoring indicators MO35 and MO36 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.7 Policy DM7: Historic Environment

NPPF and PPG

7.7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on planning authorities to have special regard to the desirability of preserving a listed building or its setting and for special attention to be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. The NPPF requires that great weight should be given to

the conservation of a heritage asset when considering the impact of a proposed development on its setting, irrespective of the level of potential harm. There have been no changes to planning legislation or to the NPPF since the Winter 2021/2022 consultation on the Proposed draft Plan.

7.7.2 The MPA considers that policy issues relating to the historic environment and archaeology should be a national development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.7.3 In total, the MPA received fifteen comments from six different respondents in respect of policy DM7. Specific comments were received in respect of lack of clarity within the policy, enhancing the historic environment, planning obligations, archaeology, Creswell Crags, heritage impact assessment and the environmental impacts of mineral development on the historic environment.

7.7.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM7: Historic Environment

The policy has now been retitled as DM7: Historic Environment and Archaeology. It has also been subject to significant revision.

7.7.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. However, for the Pre-submission Draft Plan, policy DM7 has been subject to significant revisions and some comments may no longer be directly relevant to the policy wording in the Pre-submission Draft Plan. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum; National Trust 1160/0947; Historic England 1158/0825; Historic England 1158/0826*)

7.7.6 Three respondents expressed their support for Policy DM7, with one welcoming the positive approach and the need to protect and enhance the significance of designated and non-designated heritage assets and their settings.

Actions/Considerations

7.7.7 The MPA notes and welcomes the support for Policy DM7.

Outcomes for pre-submission Draft Plan

7.7.8 None

Issue: Use of Planning Obligations

Representations: (*Mineral Products Association 938/0332; Tarmac 940/0358*)

7.7.9 The use of planning obligations to secure appropriate programs for archaeological investigation works is unjustified and should be removed and replaced with planning condition. The use of planning obligations should be a last resort.

Actions/Considerations

7.7.10 The MPA agrees that this part of the policy needs amending.

Outcomes for pre-submission Draft Plan

7.7.11 Policy DM7 has been comprehensively revised and rewritten including a revised section setting out how appropriate archaeological investigation and recording will be secured.

Issue: Policy lacks clarity/non NPPF compliant and does not distinguish between substantial and less than substantial harm.

Representations (*Historic England 1158/0827; National Trust 1160/0947*)

7.7.12 A number of respondents expressed concern that the policy did not distinguish between substantial harm and less than substantial harm in the same way as the NPPF, or the public benefit test that must be met in respect of each. It was suggested that the policy be revised to ensure NPPF compliance.

Actions/Considerations

7.7.13 The MPA agrees that the policy needs revising to improve clarity and ensure compliance with the NPPF.

Outcomes for pre-submission Draft Plan

7.7.14 The text of policy DM7 has been comprehensively revised.

Issue: Opportunities for Enhancement of Historic Environment

Representation (*Historic England 1158/0830*)

7.7.15 Historic England suggested that there may be opportunities for enhancement of the historic environment/ heritage assets as a result of mitigation measures or as part of site restoration, stating that it is important to include how restoration principles for a site had been guided by an understanding of the significance of heritage assets. The inclusion of a specific section addressing restoration principles for the historic environment within the policy specifically dealing with restoration principles was requested.

Actions/Considerations

7.7.16 The MPA notes the comments and agrees that opportunities to enhance the historic environment should be sought as part of site restoration etc

Outcomes for the Pre-submission Draft Plan.

7.7.17 Policy DM7 has been amended to include a clause requiring development proposals to demonstrate that they would:

‘...provide for the enhancement of specific features of the historic environment, including individual heritage assets or historic landscapes, as part of their approved restoration scheme or as part of a wider package of mitigation measures associated with the proposal’.

Issue: Archaeology

Representation (*Historic England 1158/0829; PDNPA 1159/0910*)

7.7.18 Historic England commented that archaeology, including the potential for non-designated archaeology of national importance, unknown and undesignated archaeology, should be specifically addressed in Policy DM7. Historic England also referred to ‘Historic England Advice Note 13: Minerals Development and Archaeology’ and recommended additional wording regarding assessments for archaeology and minerals development. It was also suggested that the policy be amended to ensure that appropriate archaeological investigation is undertaken at the appropriate time. Historic England also stated that it supported the recording of information, where the loss of heritage is unavoidable, and consider that this should be updated on the Historic Environment Record (HER) as the minimum requirement.

7.7.19 Another respondent suggested that the policy should be amended to include reference to a Written Scheme of Investigation.

Actions/Considerations

7.7.20 The MPA acknowledges that the policy didn’t give sufficient consideration to archaeology, particularly non designated archaeology of national significance.

Outcomes for pre-submission Draft Plan

7.7.21 Policy DM7 has been comprehensively revised to better reflect national policy requirements and also give appropriate consideration to archaeology.

Issue: Creswell Crags

Representation (*PDNP 1159/0910*)

7.7.22 One response highlighted the other built heritage designations at Creswell Craggs.

Actions/Considerations

7.7.23 The existing status of Creswell Craggs is noted, however, reference to Creswell Craggs in this instance was in the context of it being on the UK Government's tentative list for inscription as a World Heritage Site.

Outcomes for pre-submission Draft Plan

7.7.24 No change to Plan.

Issue: Heritage Impact Assessment

Representation (*PDNPA 1159/0910; Historic England 1158/0828*)

7.7.25 Two respondents commented that the policy should be amended to explicitly require a heritage impact assessment setting out how the significance of heritage assets, including their setting, may be impacted as a result of the proposed development.

Actions/Considerations

7.7.26 Agree.

Outcomes for pre-submission Draft Plan

7.7.27 Policy DM7 has been revised to expressly require a heritage impact assessment.

Issue: Environmental impacts of mineral development of historic environment

Representation (*National Trust 1160/0947*)

7.7.28 An additional sentence should be incorporated to ensure that heritage impact assessments consider matters such as noise/vibration (e.g. impacts on perception and experience of an asset), dust and air quality (e.g. impacts on historic building fabric and collections). Assessments of these types of impacts are often inadequate as they focus on human health and neglect to consider the quality or experience of the historic environment.

Actions/Considerations

7.7.79 The MPA acknowledges that noise, vibration, dust and air quality can all result in impacts to the historic environment and/or historic collections. However, Policy DM7 is intended to act as a high-level policy relating to the historic environment. Policy DM1: Local Amenity, Health, well-being and Safety covers environmental impacts such as noise and dust. The reasoned justification has been amended to make it clear that, where relevant, such assessments will need to take into account heritage assets and/historic collections.

Outcomes for pre-submission Draft Plan

7.7.80 No changes to Policy DM7. References to environmental impacts to historic environment/historic collections added into the supporting text of Policy DM1.

Drop-in sessions 2022

7.7.81 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding Policy DM7 at the drop-in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.7.82 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.7.83 With regard to policy DM7, the SA made the following comments:

'Policy DM7 is predicted to have neutral effects on the majority of sustainability factors as it focuses primarily on the historic environment. For SA6 a positive effect is predicted, as the policy provides the framework for protecting and

enhancing heritage assets (and their setting), the historic landscape and archaeology. This includes a requirement for proposals that potentially cause harm to designated heritage assets to be accompanied by a heritage assessment / statement. with Greater weight should be placed upon the conservation of heritage their significance assets, relative to their importance or the level of harm involved. Where harm could potentially occur, there will be a need to incorporate mitigation and enhancement measures, as well as demonstrating that substantial harm or loss is unavoidable and provides public benefits that outweigh such effects. This should support the long term preservation of assets as it steers the planning balance away from assessing the extent of harm towards encouraging design which safeguards its historic significance. This is predicted to derive positive effects above the existing baseline. In the longer term, requirements for restoration schemes to enhance specific features of the historic environment should also derive positive effects. Other policy measures broadly align with the current policy framework and therefore an overall moderate positive effect is predicted with regards to heritage’.

Actions/Considerations

7.7.84 Noted.

Outcome for the Pre-submission Draft Plan

7.7.85 None.

Habitats Regulations Assessment Screening Report

7.7.86 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.7.87 With regard to Policy DM7, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This is a development management policy which will have a neutral impact on European sites.'

Actions/Considerations

7.7.88 Noted

Outcome for the Pre-submission Draft Plan

7.7.89 No amendments required.

Strategic Transport Assessment

7.7.90 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.7.91 The STA raised no concerns regarding policy DM7.

Actions/Considerations

7.7.92 None

Outcome for the Pre-submission Draft Plan

7.7.93 None

Strategic Flood Risk Assessment

7.7.94 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.7.95 The SFRA did not identify any issues associated with Policy DM7

Actions/Considerations

7.7.96 None

Outcome for the Pre-submission Draft Plan

7.7.97 None

Health Impact Assessment

7.7.98 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.7.99 The HIA raised no specific concerns regarding Policy DM7

Actions/Considerations

7.7.100 None

Outcome for the Pre-submission Draft Plan

7.7.101 None

Equalities Impact Assessment

7.7.102 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.7.103 With regard to policy DM7, the EqIA concluded that the policy would result in high positive impacts for all protected characteristic groups. However, it further recommended that the policy should include more explicit references to equal access but acknowledged that there may be some conflict between the need to preserve heritage assets and accessibility requirements.

Actions/Considerations

7.7.104 The MPA notes the conclusions of the EqIA with regard to policy DM7.

Policy DM7 is intended to ensure the protection of built heritage and archaeology as a result of proposals for minerals and minerals related development. the policy also includes a requirement to protect and enhance the setting of heritage assets as part of wider restoration schemes. The MPA considers that all policies of the plan will apply and that the requirements of policy DM7 would have to be balanced against the requirements of policies DM12, DM13 and DM15 which will include a need to take account of accessibility.

Outcome for the Pre-submission Draft Plan

7.7.105 None for policy DM7. See comments in respect of policies DM12: Green and Blue Infrastructure, DM13: Public Access and DM15: Restoration, Aftercare and Afteruse.

Monitoring

7.7.106 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.

7.7.107 Policy DM7 seeks to protect the historic environment and archaeology from the effects of minerals development. Chapter 12 of the Plan includes monitoring indicator MO37 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.8 Policy DM8: Water Management and Flood Risk

NPPF and PPG

7.8.1 There have been no amendments to the NPPF relevant to policy DM8 since the Winter 2021/2022 winter consultation on the proposed draft plan. PPG on Flood Risk and Coastal erosion was updated in August 2022 following the Government's review of policy for development in areas of flood risk and to bring it in line with the NPPF. Amendments have been made to the Plan to take account of the updated guidance.

7.8.2 The MPA considers that policy issues relating to water management and flood risk should be a national development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.8.3 In total, the MPA received twelve comments from three different respondents in respect of policy DM8. Specific comments were received in respect of the restoration of minerals sites, flood risk (general, easements and geomorphological assessments), the water framework directive, water supply and disposal of sewage and water resources.

7.8.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM8: water management and Flood Risk

7.8.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representations (*National Trust 1160/0948; Environment Agency 1137/0602*)

7.8.6 Two respondents expressed their support for policy DM8.

Actions/Considerations

7.8.7 Noted

Outcome for the Pre-submission Draft Plan

7.8.8 None.

Issue: Flood Risk (Easements)

Representation (*Environment Agency 1137/3541*)

7.8.9 The policy should be amended to include an additional bullet point requiring appropriate easements from excavation works safeguarding the physical integrity of watercourses such as *‘the physical integrity of watercourses through suitable easements between a river bank and the proposed excavation area’*.

Actions/ Considerations

7.8.10 Agreed

Outcome

7.8.11 Policy DM8 amended as requested.

Issue: Flood Risk (Geomorphology assessment)

Representation (*Environment Agency 1137/3542*)

7.8.12 We would recommend the inclusion of the following paragraph within the policy – *‘As part of any application, a site specific geomorphology assessment must be undertaken to determine the minimum stand-off required from any watercourse.’*

Actions considerations

7.8.13 Agreed

Outcome

7.8.14 Policy DM8 amended as requested

Issue: Flood Risk (General)

Representation (*Environment Agency 1137/3543*)

7.8.15 We would suggest the following amendment is included within the policy wording 'All proposals will be expected to incorporate flood risk protection, flood resilience measures appropriate to the character and biodiversity of the area and the specific requirements of the site *and ensure development does not increase flood risk to the site, or to others*'.

7.8.16 The Environment Agency requested that paragraph 11.96 be revised in respect of the effects of mineral extraction in floodplains and the effects that it can have on flood storage capacity, impede flows and therefore increase the risk of flooding elsewhere. They also raised concerns regarding the description of river and surface water flooding and how sustainable drainage systems can only be used to mitigate the effects of surface water flooding and suggested a separate paragraph for surface water flooding.

Actions considerations

7.8.17 The MPA agrees that the insertion of the additional wording would ensure that the Plan was NPPF compliant. With regard to the content of paragraph 11.96, the MPA considers that this is a misreading of the paragraph which was intended to convey that mineral extraction operations within the floodplain have the potential to reduce storage capacity and increase the risk of flooding elsewhere. Notwithstanding this, the MPA has amended to the wording of the paragraph to provide greater clarity and created a new paragraph (11.2.96) relating to surface water flooding.

Outcome for pre-submission Draft Plan

7.8.18 Policy DM8 amended as requested and paragraph 11.96 (now renumbered as 11.2.95) has been amended accordingly.

Issue: Water Quality (Water Framework Directive)

Representation (Environment Agency 1137/3544)

7.8.19 Proposed mineral developments must ensure compliance with the Water Framework Directive (WFD), which includes maintaining water quality, maintaining the natural geomorphology and ecological value of the water environment and supporting the progress to 'good' or higher of the relevant watercourse or waterbody. We would ask that the following is included within the policy:

'Water quality, both surface and groundwater, should be managed to ensure no deterioration, and where possible enhancement at the time of restoration, to help support and meet the wider requirements of the Water Framework Directive'

Actions/Considerations

7.8.20 Agree. The MPA will amend the policy accordingly.

Outcome

7.8.21 Policy DM8 amended as requested

Issue: Water supply and disposal of sewage

Representation (Environment Agency 1137/3545)

7.8.22 Water supply and the disposal of sewage and foul water from any site should be discussed with the relevant water company and the Environment Agency to ensure no deterioration of surface water or groundwater quality.

Actions/Considerations

7.8.23 Noted. The MPA considered this to be a detailed issue for consideration during the determination of a planning application.

Outcome for Pre-submission Draft Plan

7.8.24 No changes to the plan.

Issue: Water Resources

Representation (Environment Agency 1137/3546)

7.8.25 The Environment Agency also provided comments relating to water resources which should not be impacted by development proposals. The response highlighted that some areas of Derbyshire have tight restrictions, or no water is available for consumptive abstraction. Where water abstraction is required as part of the proposed working scheme, applicants are advised to consult the Environment Agency and refer to the Environment Agency's Abstraction Licencing Strategy for that particular area. The response also covered the issue of dewatering activities at quarry sites. Existing dewatering activities are being licensed through the current new authorisations project, which will see all previously exempt abstractions licensed by 31st December 2022. All new quarry dewatering abstractions will need to apply for a full abstraction or transfer licence. In all instances applicants were recommended to contact the Environment Agency to discuss the abstraction requirements for the proposed development to understand what would and wouldn't be acceptable from an abstraction licencing perspective.

Actions/Considerations

7.8.26 Noted. The MPA agrees that matters relating to dewatering are important but considers this to be a detailed issue for consideration during the determination of a planning application.

Outcome for Pre-submission Draft Plan

7.8.27 No changes to the plan.

Issue: Groundwater

Representation (*Environment Agency 1137/3547*)

7.8.28 The Environment Agency requested that the wording of DM8 relating to groundwater be amended as follows to include the requirement for groundwater resources (quantity) and impacts upon groundwater flows to be assessed: -'groundwater quality, **quantity, levels and flows**'

Actions/Considerations

7.8.29 The MPA agrees that the policy should be amended.

Outcomes for pre-submission Draft Plan

7.8.30 Policy DM8 revised accordingly.

Issue: Amendment to Policy to refer to Flood Risk Assessment and Hydrological and Hydrogeological Assessments

Representation (*PDNPA 1159/0912*)

7.8.31 The PDNP commented to say that the policy should make specific reference to the need for flood risk assessment, hydrological and hydrogeological assessments.

Actions/Considerations

7.8.32 The MPA agrees that the policy should be amended.

Outcomes for pre-submission Draft Plan

7.8.33 Policy DM8 amended as requested.

Issue: Restoration of Mineral Sites

Representation (*National Trust 1160/0948; Environment Agency 1137/3548*)

7.8.34 Two respondents suggested additional text in the policy requiring the design of restoration schemes to consider opportunities for flood storage/alleviation schemes once mineral workings have ceased.

Actions/Considerations

7.8.35 The MPA agrees that the policy should be amended to take account of opportunities for flood storage/alleviation schemes once mineral workings have ceased

Outcomes for pre-submission Draft Plan

7.8.36 Policy DM8 amended to include the following text:

'Where practicable, provide for the incorporation of flood risk reduction measures e.g. flood plain storage and reconnection, flood defence structures, and land management practices to benefit local communities, as

part of their approved restoration scheme or as part of a wider package of mitigation measures associated with the proposal’.

Drop-in sessions 2022

7.8.37 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding policy DM8 during the drop-in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.8.38 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.8.39 The SA made the following comments in respect of policy DM8:

‘Policy DM8 is predicted to have positive effects on sustainability factors that are reliant upon a well-managed water environment. This includes SA2, relating to the protection of water quality and availability, SA6 relating to the need to manage and reduce flood risk, SA1 due to the benefits that water-based environments (particularly SuDS) can have on biodiversity, and SA7 based upon the recreational and potential flood risk alleviation benefits that communities could experience in the longer term with regards to restoration benefits. There is also likely to be a positive secondary effect with regards to landscape effects (SA4) as restoration schemes ought to be attractive and encourage community usage’.

Actions/Considerations

7.8.40 Noted.

Outcome for the Pre-submission Draft Plan

7.8.41 None.

Habitats Regulations Assessment Screening Report

7.8.42 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.8.42 With regard to Policy DM8, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

‘This is a development management policy which will have a positive or neutral impact on European sites’.

Actions/Considerations

7.8.43 Noted

Outcome for the Pre-submission Draft Plan

7.8.44 No amendments required.

Strategic Transport Assessment

7.8.45 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.8.46 The STA raised no issues regarding policy DM8.

Actions/Considerations

7.8.47 None.

Outcome for the Pre-submission Draft Plan

7.8.48 None

Strategic Flood Risk Assessment

7.8.49 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.8.50 The SFRA notes the content of Policy DM8 and its inclusion in the Pre-submission Draft Plan but does not make any comments or recommendations regarding its content.

Actions/Considerations

7.8.51 The Level 1 SFRA is intended to provide a strategic overview of flood risk within the Plan Area and is intended to assist decision makers during the plan making and application determination process. A Level 2 SFRA will be required, where necessary, as part of the application process as part of the site-specific flood risk assessment. The MPA has also undertaken a sequential test on those sites which have been assessed for allocation as part of the Plan making process. The MPA considers that Policy DM8 is sufficiently robust to ensure that proposals for mineral development, particularly those sites which may be located in areas known to be at risk from flooding, would not increase the risk of flooding on the site or elsewhere. The Policy also seeks to ensure that all opportunities to enhance flood capacity are assessed during the application process.

Outcome for the Pre-submission Draft Plan

7.8.52 None

Health Impact Assessment

7.8.53 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.8.54 The HIA raised no specific concerns regarding Policy DM8.

Actions/Considerations

7.8.55 None

Outcome for the Pre-submission Draft Plan

7.8.56 None

Equalities Impact Assessment

7.8.57 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.8.58 With regard to policy DM8, the EqIA concluded that it would have a high positive impact on all the protected characteristics groups.

Actions/Considerations

7.8.59 Noted.

Outcome for the Pre-submission Draft Plan

7.8.59 None

Monitoring

7.8.60 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.

7.8.61 Policy DM8 seeks to reduce the likelihood of flood risk and ensure appropriate management of water resources in the context of proposal for minerals development. Chapter 12 of the Plan includes monitoring indicators MO38, MO39 and MO40 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.9 Policy DM9: Soil Quality and Agricultural Land

NPPF and PPG

7.9.1 The NPPF currently requires local planning authorities to protect and enhance valued soils and prevent the adverse effects of unacceptable levels of pollution. It also requires the MPA to take account of the wider and other benefits of best and most versatile land. The current (February 2023) consultation on proposed revisions to the NPPF seeks to amend the wording of Footnote 58 to read as follows (proposed revisions highlighted in bold):

*'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. **The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.**'*

7.9.2 The stripping, handling, placement, storage and subsequent use of soils during restoration is an integral part of mineral development, with soils potentially being stored on site for many years. The MPA considers that policy DM9 should be retained as a local development management policy within the Plan.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.9.3 In total, the MPA received two comments from two different respondents in respect of policy DM9. Specific comments were received in respect of soil storage and handling to ensure beneficial use of the soil resource.

7.9.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM9: Soil Quality and Agricultural Land

7.9.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account. However, for the Pre-submission Draft Plan, policy DM9 has been subject to revision and some comments may no longer be directly relevant. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General comments

Representation (*National Trust 1160/0949*)

7.9.6 One respondent expressed their support for the policy.

Actions/Considerations

7.9.7 Noted

Outcome for Pre-Submission Draft Plan

7.9.8 None

Issue: Suggested amendments to policy wording

Representation (*PDNPA 1159/0949*)

7.9.9 One respondent suggested the following additional text for inclusion within the policy:

*'Proposals should prioritise the **managed recovery**, retention, **storage, conservation and treatment** of soil including soil making resources for **beneficial and where appropriate selective reuse within the site.**'*

Actions/Considerations

7.9.10 Noted

Outcomes for pre-submission Draft Plan

7.9.11 The policy has been amended.

Drop-in sessions 2022

7.9.12 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were raised regarding soils and agricultural land during the drop-in sessions.

Actions/Considerations

7.9.13 None

Outcomes for pre-submission Draft Plan

7.9.14 None.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.9.15 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.9.16 With regard to Policy DM9, the SA made the following comment:

'Policy DM9 is focused primarily on protecting soil resources and safeguarding the best and most versatile agricultural land. This is predicted to have a minor positive effect on land resources (SA2), due to the protection afforded and priority for onsite reuse of soil resources and the positive effects this will have on restoration. Otherwise, the policy does not deviate significantly (particularly in relation to the protection of the highest quality agricultural land) from the current planning framework. There is some potential for the reuse of soil resources to help sustain onsite biodiversity, but such effects are likely to be negligible and biodiversity is directly afforded protection through other plan policies. The policy is also unlikely to undermine the production of minerals (SA3), as there are ample resources in Derbyshire on lower grade agricultural land, including site allocations in other policies within the plan. The policy does not directly relate to other objectives and thus is predicted to have neutral effects for other SA objectives.'

Actions/Considerations

7.9.17 Noted.

Outcome for the Pre-submission Draft Plan

7.9.18 None.

Habitats Regulations Assessment Screening Report

7.9.19 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.9.20 With regard to Policy DM9, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further considered that as a development management policy, it will have a neutral impact on European sites.

Actions/Considerations

7.9.21 Noted

Outcome for the Pre-submission Draft Plan

7.9.22 None

Strategic Transport Assessment

7.9.23 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.9.24 The STA did not raise any concerns regarding policy DM9.

Actions/Considerations

7.9.25 None

Outcome for the Pre-submission Draft Plan

7.9.26 None

Strategic Flood Risk Assessment

7.9.27 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.9.28 The SFRA did not identify any issues associated with Policy DM9.

Actions/Considerations

7.9.29 None

Outcome for the Pre-submission Draft Plan

7.9.30 None

Health Impact Assessment

7.9.31 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.9.32 The HIA raised no specific concerns regarding Policy DM9.

Actions/Considerations

7.9.33 None

Outcome for the Pre-submission Draft Plan

7.9.34 None

Equalities Impact Assessment

7.9.35 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.9.36 With regard to Policy DM9, the EqIA concluded that it was likely to have a high positive impact on all the protected characteristics groups.

Actions/Considerations

7.9.37 Noted

Outcome for the Pre-submission Draft Plan

7.9.38 None

Monitoring

7.9.39 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.

7.9.40 Policy DM9 seeks to protect and conserve soil quality and agricultural land. Chapter 12 of the Plan includes monitoring indicator MO41 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.10 Policy DM10: Aviation Safety

NPPF and PPG

7.10.1 The NPPF and PPG are both silent on the issue of aviation safety and potential impacts arising from minerals development. No changes have been made to either since the Winter 2021/2022 consultation on the Proposed Draft Plan.

7.10.2 The proximity of sand and gravel sites to airports is of significant concern, particularly where sites may have a mix of unrestored (flooded) areas close to extraction areas etc, or there is potential for cumulative impacts due to a large number of similar operations in a small area. The MPA considers that this is an issue which warrants inclusion as a local development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.10.3 Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

7.10.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM10: Aviation Safety

Drop-in sessions 2022

7.10.5 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were raised regarding policy DM10 during the drop-in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.10.6 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.10.7 With regard to Policy DM10, the SA made the following comments:

'Policy DM10 is primarily focused on aviation safety from mineral related development and restoration schemes. With birds being a key part of the ecosystem, requirements for restoration schemes to minimise attractiveness to birds could undermine biodiversity net gain and the delivery of native and ecologically rich habitats. Equally, avoiding birds from coming into contact with aeroplanes should reduce the probability of bird strike. Therefore, a combination of positive and negative effects are predicted for biodiversity. In the contrary, the measures set out in the policy should help safeguard the safety and operation of airports and airfields, which should have positive

effects for transportation (SA5) and employment (SA8). However, these effects are uncertain.'

Actions/Considerations

7.10.8 Noted.

Outcome for the Pre-submission Draft Plan

7.10.9 None.

Habitats Regulations Assessment Screening Report

7.10.10 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.10.11 With regard to Policy DM10, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This is a development management policy which will have a neutral impact on European sites.'

Actions/Considerations

7.10.12 Noted

Outcome for the Pre-submission Draft Plan

7.10.13 None

Strategic Transport Assessment

7.10.14 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.10.15 The STA does not highlight any concerns in respect of policy DM10.

Actions/Considerations

7.10.16 None

Outcome for the Pre-submission Draft Plan

7.10.17 None

Strategic Flood Risk Assessment

7.10.18 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.10.19 The SFRA did not identify any issues associated with Policy DM10

Actions/Considerations

7.10.20 None

Outcome for the Pre-submission Draft Plan

7.10.21 None

Health Impact Assessment

7.10.22 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.10.23 The HIA raised no specific concerns regarding Policy DM10.

Actions/Considerations

7.10.24 None

Outcome for the Pre-submission Draft Plan

7.10.25 None

Equalities Impact Assessment

7.10.35 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.10.36 The EqIA did not identify any clear link between Policy DM10 and equality.

Actions/Considerations

7.10.37 Noted

Outcome for the Pre-submission Draft Plan

7.10.38 None

Monitoring

7.10.39 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 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 Plan's policies, either in whole or part.

7.10.40 Policy DM10 seeks to ensure that restoration schemes take aviation safety into account. Chapter 12 of the Plan includes monitoring indicator MO42 which will monitor planning applications granted permission for minerals

development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.11 Policy DM11: Green Belt

NPPF and PPG

7.11.1 Minerals can only be worked where they are found. The NPPF states that minerals extraction is not inappropriate development within the green belt where this preserves its openness and does not conflict with the purposes of including land within it. There have been no changes to this aspect of national green belt policy since the Winter 2021/2022 consultation on the Proposed Draft Plan.

7.11.2 The MPA considers that Green Belt is a general planning policy issue and that it could be a national development management policy.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.11.3 One respondent expressed their support for Policy DM11 following the Winter 2021/2022 consultation on the Proposed Draft Plan. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

7.11.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM11: Green Belt

Drop-in sessions 2022

7.11.5 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and

used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding policy DM11 at the drop-in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.11.6 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.11.7 With regard to policy DM11, the SA made the following comments:

'Policy DM11 is primarily focused on preserving the openness of the Green Belt and its purposes from minerals related development. The policy does not deviate from the protection afforded to the green belt in the current policy framework (in particular, the NPPF), and therefore no significant effects are predicted.'

Actions/Considerations

7.11.8 Noted.

Outcome for the Pre-submission Draft Plan

7.11.9 None.

Habitats Regulations Assessment Screening Report

7.11.10 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.11.11 With regard to Policy DM11, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This is a development management policy which will have a neutral impact on European sites.'

Actions/Considerations

7.11.12 Noted

Outcome for the Pre-submission Draft Plan

7.11.13 No amendments required.

Strategic Transport Assessment

7.11.14 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.11.15 The STA raised no concerns regarding policy DM11.

Actions/Considerations

7.11.16 None

Outcome for the Pre-submission Draft Plan

7.11.17 None

Strategic Flood Risk Assessment

7.11.18 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Flood Risk Assessment February 2023*

7.11.19 The SFRA did not highlight any concerns regarding Policy DM11.

Actions/Considerations

7.11.20 None

Outcome for the Pre-submission Draft Plan

7.11.21 None

Health Impact Assessment

7.11.22 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.11.23 The HIA raised no specific concerns regarding Policy DM11.

Actions/Considerations

7.11.24 None

Outcome for the Pre-submission Draft Plan

7.11.25 None

Equalities Impact Assessment

7.11.26 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.11.27 The EqIA concluded that the policy would result in medium negative impacts for the protected characteristics disability, pregnancy/maternity and human/children's rights. It further noted that minerals can only be worked where they are found and therefore it must be ensured that restoration must enhance the area.

Actions/Considerations

7.11.28 The MPA acknowledges the need to ensure development in the Green belt is subject to an appropriate restoration scheme. Policy DM15: restoration, Aftercare and Afteruse covers this issue specifically.

Outcome for the Pre-submission Draft Plan

7.11.29 None for Policy DM11. Amendments to policy DM15: Restoration, Aftercare and Afteruses to encompass accessibility.

Monitoring

7.11.30 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.

7.11.31 Policy DM11 seeks to prevent inappropriate development taking place in the Green Belt. Chapter 12 of the Plan includes monitoring indicator MO43 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.12 Policy DM12: Green and Blue Infrastructure

NPPF and PPG

7.12.1 The NPPF requires MPAs to take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure and plan for the enhancement of natural capital at a catchment of landscape scale across local authority boundaries. PPG sets out guidance on the types of land use that comprise green infrastructure, recognising the benefits it can bring to local communities. There have been no changes to either the NPPF or PPG since the Winter 2021/2022 consultation on the Proposed Draft Plan.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.12.2 In total, the MPA received six comments from six different respondents in respect of policy DM12. Specific comments were received in respect of blue infrastructure, the setting of the PDNP and the recently published Natural England Guidance.

7.12.3 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM12: Green Infrastructure

The policy has been renamed DM12: Green and Blue Infrastructure. Changes have also been made to the policy wording to make direct reference to blue infrastructure.

7.12.4 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum; Chesterfield Borough Council 1154/0758; National Trust 1160/0951*)

7.12.5 Three respondents expressed support for the policy.

Actions/Considerations

7.12.6 Noted

Outcomes for pre-submission Draft Plan

7.12.7 None

Issue: Inclusion of blue infrastructure

Representation (*Environment Agency 1137/0604*)

7.12.8 One respondent requested that the policy be amended to include blue infrastructure and seek to enhance the water environment.

Actions/Considerations

7.12.9 The supporting statement to policy DM12 does provide a definition of Green infrastructure which includes waterbodies. However, the MPA accepts that this may not be explicit in the policy text. The MPA agrees that the restoration of minerals sites should explore opportunities to look at multifunctional environmental enhancements including water quality improvements and/or opportunities to incorporate natural flood management (NFM).

Outcomes for pre-submission Draft Plan

7.12.10 The policy has been amended to refer to blue and green infrastructure and make reference to opportunities to maximise the delivery of multi-functionality and ecosystem services, incorporate water quality improvements and opportunities to improve the water environment.

Issue: Setting of the PDNP

Representation (*PDNPA 1159/0914*)

7.12.11 The Plan should provide for a Green Infrastructure Network Strategy to address the locations within the setting of the PDNP that are affected by historic and current mineral operations.

Actions/Considerations

7.12.12 The MPA notes the suggestion regarding a future Green Infrastructure Network strategy and agrees that it would be useful tool. The MPA is aware that work is currently ongoing to produce Natural Capital and Local Nature Recovery strategies both of which would potentially overlap with/align with

the principles of a Green Infrastructure Strategy. It is considered that further work will be required in this area.

Outcomes for pre-submission Draft Plan

7.12.13 None

Issue: Green Infrastructure Framework

Representation (*Natural England 1161/0970*)

7.12.14 Natural England highlighted the recent launch of a set of national Green Infrastructure standards for local planning authorities to utilise alongside the accompanying GI mapping resource.

Actions/Considerations

7.12.15 the MPA notes the launch of the Green Infrastructure strategy and considers that it will be a useful tool for applicants and decision makers.

Outcomes for pre-submission Draft Plan

7.12.16 Amend supporting statement to make reference to the Green Infrastructure Principles and Standards as a useful resource for applicants.

Drop-in sessions 2022

7.12.17 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding Policy DM12 at the drop-in sessions.

Actions/Considerations

7. 12.18 None

Outcome for the Pre-submission Draft Plan

7.12.19 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.12.20 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.12.21 With regard to Policy DM12, the SA made the following comments:

*'Policy DM12 is likely to have positive effects with regards to environmental factors, in particular biodiversity, as the policy supports the maintenance and improvements to green and blue infrastructure provision. In particular, requirements for development to not compromise the integrity of strategic and local green and blue infrastructure assets or natural capital should help safeguard areas of likely high ecological value and of high ecological connectivity importance. Requirements for new green and blue infrastructure proposals to be supported with a long-term management plan should also help ensure the biodiversity and ecological value of new habitats is maintained in the long term. Therefore, **significant positive effects** are predicted for biodiversity (SA1).*

Requirements in the policy for proposals to incorporate green infrastructure with multi-functional use including climate change adaptation should increase local resilience and help mitigate and potential adverse effects generated during operational stages, which is positive for SA6. The policy also encourages green and blue infrastructure to support health and active lifestyles and recreation, which ought to have positive effects for SA7.

Positive effects are also predicted for landscape quality (SA4) and water quality and resources through sustainable drainage (SA2). Neutral effects are predicted with regards to the economy (SA8) and waste and minerals (SA3), as the policy is not considered likely to affect the delivery of schemes (such environmental protection and enhancements measures are routine requirements as part of minerals development).'

Actions/Considerations

7.12.22 Noted.

Outcome for the Pre-submission Draft Plan

7.12.23 None.

Habitats Regulations Assessment Screening Report

7.12.24 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.12.25 With regard to Policy DM12, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

‘This is a development management policy which will have a neutral impact on European sites.’

Actions/Considerations

7.12.26 Noted

Outcome for the Pre-submission Draft Plan

7.12.27 None

Strategic Transport Assessment

7.12.28 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.12.29 The STA did not identify any issues with Policy DM12.

Actions/Considerations

7.12.30 None

Outcome for the Pre-submission Draft Plan

7.12.31 None

Strategic Flood Risk Assessment

7.12.32 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.12.33 The SFRA did not make any specific comments regarding Policy DM12. However, the supplementary Sequential test which has been undertaken in respect of sites proposed during the Plan preparation process noted that the policy could assist in beneficial improvements to the functionality of the floodplain as part of an approved restoration scheme for sand and gravel sites.

Actions/Considerations

7. 12.35 Noted. It is considered that Policy DM12 would assist in the creation of green and blue infrastructure during site restoration which would have the potential to assist in climate change adaptation and mitigation measures relating to flood risk.

Outcome for the Pre-submission Draft Plan

7.12.36 No amendments to the Plan required.

Health Impact Assessment

7.12.37 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.12.38 The HIA in responding to the screening question 'Will the policy have an impact on social, economic and environmental living conditions that would indirectly affect health' noted that the creation of green and blue infrastructure during the restoration of mineral sites can assist in offsetting GHG emissions and adapting to climate change which may have a positive impact on health and well-being.

Actions/Considerations

7.12.39 Noted. The MPA considers that Policy DM12 would satisfactorily address the need to create more green and blue infrastructure as well as linkages between existing sites. It is acknowledged that this would have positive impacts to health and well-being.

Outcome for the Pre-submission Draft Plan

7.12.40 None

Equalities Impact Assessment

7.12.41 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.12.42 With regard to Policy DM12, the EqIA concluded that the policy would result in high positive impacts to all protected characteristic groups. It further noted that whilst the policy is written positively and is expected to affect all equalities groups in a positive manner, the policy should make explicit support for wheelchair and pushchair users and extra provision of benches for resting as well as tactile flooring and visual aides.

Actions/Considerations

7.12.43 Noted

Outcome for the Pre-submission Draft Plan

7.12.44 None

Monitoring

7.12.45 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 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 Plan's policies, either in whole or part.

7.12.46 Policy DM12 seeks to promote the strengthening and enhancement of the Plan areas green and blue infrastructure network, particularly through the appropriate restoration of minerals sites. Chapter 12 of the Plan includes monitoring indicators MO44 and MO45 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.13 Policy DM13: Public Access

NPPF and PPG

7.13.1 The NPPF requires planning policies to protect and enhance public rights of way and access. It also says that opportunities to provide better facilities for users, such as adding links to existing rights of way should be sought. All proposals for new rights of way will need to consider the needs of people with mobility problems and other disabilities and comply with the requirements of the Equality Act 2010. There have been changes to the NPPF since the Winter 2021/2022 consultation on the Proposed Draft Plan.

7.13.2 Minerals development can have significant direct impacts on the public rights of way network and its users, open spaces and other informal outdoor recreational land. Public access to such routes/land may be restricted for health and safety reasons and temporary or permanent diversions may be required, sometimes for extended periods of time. The restoration of mineral sites also provides opportunities to enhance the public rights of way network and recreational access. The MPA considers that policy DM13 should be retained as a local development management policy in the MLP.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.13.3 In total, the MPA received five comments from four different respondents in respect of policy DM13. Specific comments were received in respect of recreational access, sustainable travel and links with the PDNP.

7.13.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM13: Public Access

7.13.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum 763/0109; National Trust 1160/0952*)

7.13.6 Two respondents expressed support for the policy, particularly its aim to improve and enhance the rights of way network wherever possible.

Actions/Considerations

7.13.7 Noted

Outcomes for pre-submission Draft Plan

7.13.8 None

Issue: Sustainable Travel

Representation (*Derby and Derbyshire Local Access Forum 763/0109*)

7.13.9 One respondent commented that opportunities to upgrade/create new routes associated with PROW affected by minerals development should be considered at the outset rather than at restoration stage. It was also advised that the requirements of Derbyshire County Council's Cycling Plan and Greenway Strategies/Cycle Networks be taken into account as well as the Rights of Way Improvement Plans (ROWIP) as these all support the increased provision of traffic free multi-user routes catering for pedestrians, cyclists, horse riders and those with mobility problems.

Actions/Considerations

7.13.10 The MPA acknowledges the importance of engaging with the ROWIP as well as any relevant Greenway and Cycleway strategies in the Plan area at the earliest opportunity, in order to secure any likely improvements and enhancements to the rights of way network.

Outcomes for pre-submission Draft Plan

7.13.11 None.

Issue: Recreational Access

Representation (*CPRE 1152/0738*)

7.13.12 One respondent requested that the policy wording be revised to the following: '*...and, where possible, recreational access to restored mineral workings...*' to allow for multi-purpose use e.g. walking, cycling and climbing.

Actions/Considerations

7.13.13 The MPA agrees that the suggested revised wording would have the potential to result in broader improvements in terms of recreational access, rather than just the rights of way network.

Outcomes for pre-submission Draft Plan

7.13.14 Policy DM13 has been amended to reflect the suggested alternative wording.

Issue: Rights of Way in PDNP

Representation (*PDNPA 1159/0915*)

7.13.15 One respondent requested that the Plan make clearer the important inter-relationship / linkages between the recreational routes (e.g. trails, footpaths, bridleways, cycleways, trails, greenways) and open access land within the Plan Area and those within the National Park; and opportunities that may be presented by minerals and minerals related development to enhance, further connect and extend those inter-connected routes, including along the corridor settings to the Park.

Actions/Considerations

7.13.16 The MPA notes the comments made regarding the interlinkages between recreational routes and open access land in the Plan area and the PDNP and agrees that proposals for minerals development may present opportunities to enhance and extend those linkages. The wording of the policy has been amended to refer to recreational access rather than 'rights of way network' in the second paragraph which should cover this issue. The Plan also includes a further policy, Policy DM12: Green and Blue Infrastructure which seeks to improve and enhance green and blue infrastructure provision in the Plan area beyond the rights of way/multiuser routes which would also be of relevance.

Outcomes for pre-submission Draft Plan

7.13.17 None

Drop-in sessions 2022

7.13.18 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding policy DM13 at the drop-in sessions.

Actions/Considerations

7.13.19 None

Outcome for the Pre-submission Draft Plan

7.13.20 None.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.13.21 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.13.22 With regard to Policy DM13, the SA made the following comments:

'Policy DM13 seeks to safeguard the existing public rights of way network and associated accessibility. The policy further seeks restoration proposals to utilise opportunities for improvements to the right of way network including through the provision of new routes and by adopting provisions set out in local improvements plans such as new cycle routes. This is predicted to have a positive effect on the air quality and transport objective (SA5) through improvements to accessibility and a minor positive effect on health (SA7), by promoting active travel and recreation. To the contrary, requirements for proposals to provide temporary or permanent diversions which are of at least an equivalent convenience to an existing public right of way may not be possible on some sites without reducing the operational area; which could undermine resource extraction (SA3) and the efficient use of land resources

where sites are not fully utilised (SA2). However, such effects are unlikely to be significant and thus minor negative effects are envisaged.'

Actions/Considerations

7.13.23 Noted.

Outcome for the Pre-submission Draft Plan

7.13.24 None.

Habitats Regulations Assessment Screening Report

7.13.25 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.13.26 With regard to Policy DM13, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated that it was a development management policy which will have a neutral impact on European sites

Actions/Considerations

7.13.27 Noted

Outcome for the Pre-submission Draft Plan

7.13.28 No amendments required.

Strategic Transport Assessment

7.13.29 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.13.30 The STA did not identify any issues with regard to Policy DM13.

Actions/Considerations

7.13.31 None

Outcome for the Pre-submission Draft Plan

7.13.32 None

Strategic Flood Risk Assessment

7.13.33 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.13.34 The SFRA did not identify any issues associated with Policy DM13.

Actions/Considerations

7. 13.35 None

Outcome for the Pre-submission Draft Plan

7.13.36 None

Health Impact Assessment

7.13.37 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.13.38 The HIA raised no specific concerns regarding Policy DM13 but noted that the restoration of minerals sites can increase access to open space and nature

or provide informal/formal recreational after-uses which has the potential to improve an individual's ability to improve their own health well-being.

Actions/Considerations

7.13.39 None. The MPA considers that public access is covered sufficiently by Policy DM13 which covers the protection of the existing rights of way network and its users. Where this is not practicable, it requires satisfactory provision for temporary or permanent diversions, which are of at least an equivalent convenience, quality or interest. The Policy also seeks to secure wider improvements to existing rights of way as well as new accessible routes as part of site restoration.

Outcome for the Pre-submission Draft Plan

7.13.40 None

Equalities Impact Assessment

7.13.41 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.13.42 With regard to Policy DM13, the EqIA concluded that the policy would result in medium negative impacts to the protected characteristic of age, disability, pregnancy/maternity and human/children's rights. It further recommended that the policy should not have an unacceptable impact on existing access rights/

Actions/Considerations

7.13.43 The MPA notes the outcome of the EqIA. Policy DM13 seeks to ensure that where rights of way need to be diverted for the duration of a mineral development, the applicant must provide a replacement of equal or improved quality. The policy also seeks to enhance public access to restored mineral sites.

Outcome for the Pre-submission Draft Plan

7.13.44 None

Monitoring

7.13.45 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.

7.13.46 Policy DM13 seeks to ensure the protection and enhancement of existing public rights of way for the duration of minerals development as well as create additional links to the existing network and provide increased recreational access as part of site restoration. Chapter 12 of the Plan includes monitoring indicators MO46 and MO47 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.14 Policy DM14: Cumulative Impacts

NPPF and PPG

7.14.1 The NPPF requires new development to be appropriate for its locations. This includes taking into account cumulative effects. With regard to minerals, it also requires MPAs to set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable impacts on the natural and historic environment or human health taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality. PPG advises MPAs to include appropriate policies in their minerals plan to ensure that the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality. There have been no changes to the NPPF or PPG since the Winter 2021/2022 consultation on the Proposed

Draft Plan. A current consultation on revisions to the NPPF does not propose any further changes with regard to cumulative impacts.

7.14.2 In light of the requirements of the NPPF and advice contained in PPG, the MPA considers that Policy DM14 should be retained as a local development management policy in the new Minerals Plan.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.14.3 In total, the MPA received four comments from six different respondents in respect of policy DM14. Specific comments were received in respect of EIA and cumulative impacts, cumulative impacts on the PDNP, cumulative impacts from new development in former mining areas and cumulative impacts associated with the proposed site allocations.

7.14.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM14: Cumulative Impacts

7.14.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: Impacts to PDNP

Representation (PDNPA 1159/0916)

7.14.6 One respondent commented that the policy and its supporting statement should have regard to potential cumulative impacts on the setting and special qualities of the PDNP.

Actions/Considerations

7.14.7 The MPA notes the request for the policy to have regard to the setting and special qualities of the PDNP. However, development proposals will be assessed against all relevant policies of the Plan. Policy DM4: Landscape covers the issue of impacts to the PDNP where they are located within its setting. The MPA considers that this, in combination with the requirements of Policy DM14: Cumulative Impacts as currently written, would be sufficient to cover the issue.

Outcomes for pre-submission Draft Plan

7.14.8 None

Issue: EIA and Cumulative Impacts

Representations (*Sarah Marsh 742/0076; Lee Rowley 1136/0587*)

7.14.9 Two comments were made relating specifically to the potential cumulative impacts of hydraulic fracturing. One respondent stated that the Plan only asks for an Environmental Impact Assessment, if the site exceeds 25 hectares. Both respondents highlighted the potential for multiple well sites/increased well pad density to be consented without a full assessment of likely cumulative impacts having taken place. One respondent also stated that they would support clear statements within the plan regarding the need for 'appropriate balance' and assessing well pad density against 'unacceptable cumulative impacts' as per the North Yorkshire Minerals Plan.

Actions/Considerations

7.14.10 Paragraphs 11.2.8 – 11.2.9 of the Plan provide an explanation of the EIA process but do not set out those circumstances when EIA is required. All proposals are required to be screened for EIA and each proposal will be assessed on a case-by-case basis. Where a proposal for minerals development has a site area in excess of 25 hectares, then Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 state that this would automatically be EIA development. Where development falls under this threshold, then Schedule 2 of the EIA regulations require proposals to be screened against the criteria set out in

Schedule 3. Irrespective of the need for EIA, proposals for mineral development and minerals related development will be assessed against all relevant policies of the plan, including, where necessary, policy DM14: Cumulative Impacts. Policy SP16: Supply of Conventional and Unconventional Oil and Gas deals specifically with proposals relating to hydraulic fracturing. Sub-paragraphs 8) and 9) of Policy SP16 require information to be provided in respect of the overall framework of sites likely to be associated with the oil and gas reservoir specifically to enable the assessment of any likely cumulative impacts.

Outcomes for Pre-submission Draft Plan

7.14.11 No changes to the policy required.

Issue: Cumulative Impacts Associated with Site Allocations Representation (*Historic England 1158/0838*)

7.14.12 One response welcomed the policy and considered that it could be applied to the proposed site allocations set out in Chapter 6 of the Plan and to any planning applications where a number are located in a similar geographical area. The response also stated that it would be useful to understand what the threshold would be for determining that cumulative impacts were such to warrant refusal.

Actions/Considerations

7.14.13 The MPA notes and welcomes the support for the policy. Each proposal is assessed on a case-by-case basis and the threshold for likely cumulative impacts, whether associated with a single project or in respect of several simultaneous developments in the same area, is likely to be different in every instance.

Outcomes for pre-submission Draft Plan

7.14.14 No changes to the plan.

Issue: Cumulative Impacts of new mineral development in former mining areas

Representations (*Claire Marple 762/0105; Eckington Against Fracking 1149/0702*)

7.14.15 Two respondents expressed concern regarding the potential cumulative impacts of new mineral development (including hydraulic fracturing) in areas that had previously been subject to extensive mining activity. One respondent referred to the settlement of Marsh Lane and its surrounding areas. One respondent referred to potential contamination issues associated with former coal mines.

Actions/Considerations

7.14.16 The MPA notes the concerns regarding cumulative impacts associated with new mineral development in areas historically subject to large amounts of mineral activity and acknowledges. Such impacts could relate to the socio-economic impacts associated with long term mining activity in a particular area. They could also result in environmental impacts such as land instability (where new development exacerbates existing stability issues) or ground pollution. Policy DM14 is intended to ensure that, where relevant, such impacts are taken into account.

Outcome for the Pre-submission Draft Plan

7.14.17 None.

Drop-in sessions 2022

7.14.18 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. One visitor to the Bolsover drop-in session (1 April 2022) asked whether the proposed draft plan took cumulative impacts into account, both generally and specifically regarding the potential cumulative impacts associated with multiple oil and gas well sites in close proximity to one another.

Actions/Considerations

7.14.19 The MPA considers that the inclusion of Policy DM14 in the Plan would sufficiently deal with potential cumulative impacts. With regard to the issue of cumulative impacts associated with multiple well pads for hydraulic fracturing, policy SP16 requires that proposals provide a framework for the full and timely development of the oil and gas field affected.

Outcome for Pre-submission Draft plan

7.14.20 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.14.21 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.14.22 With regard to Policy DM14, the SA made the following statement:

'Given that mineral resources (and therefore quarries) are often located / concentrated in specific locations, the potential for cumulative effects is an issue within Derbyshire. Policy DM14 requires minerals development to consider cumulative impacts on the environment, amenity of communities and economic prosperity. The policy is therefore predicted to have a positive effect on environmental factors such as wildlife (SA1), landscape and heritage (SA4) natural resources (SA2) and climate change (SA6). There should also be positive effects for communities (SA7) by ensuring that several developments do not contribute to a significant adverse effect locally. However, such effects are broadly dependent on the site, locational context and the nature of the proposed mineral development, and therefore the effectiveness of the policy is somewhat unclear. Conversely, this approach could prevent further extraction of minerals in areas that are economically viable (SA3). This could also direct development away from areas that are well served by infrastructure, potentially having an adverse

effect with regards to increased emissions from transport (SA6). These potential adverse effects are not considered to be significant, as the policy includes economic prosperity as part of the mix of factors to be considered.'

Actions/Considerations

7.14.23 Noted.

Outcome for the Pre-submission Draft Plan

7.14.24 None.

Habitats Regulations Assessment Screening Report

7.14.25 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.14.26 With regard to Policy DM14, the HRA screening report concluded that the policy would have no likely significant effects on any European sites stating:

'This is a development management policy which will have a neutral impact on European sites.'

Actions/Considerations

7.14.27 Noted

Outcome for the Pre-submission Draft Plan

7.14.28 None

Strategic Transport Assessment

7.14.29 A Strategic Transport Assessment (STA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.14.30 The STA did not identify any concerns regarding policy DM14.

Actions/Considerations

7.14.31 None

Outcome for the Pre-submission Draft Plan

7.14.32 None

Strategic Flood Risk Assessment

7.14.33 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.14.34 The SFRA did not specifically highlight any issues regarding Policy DM14. However, the supplementary Sequential test which has been undertaken on the sites assessed during the Plan preparation process does recommend that the issue of cumulative impacts associated with continued and simultaneous work of sand and gravel sites in Flood Zones 2, 3a and the functional floodplain should be considered at planning application stage.

Actions/Considerations

7.14.35 The MPA considers that Policy DM14 is sufficiently robust to cover all potential cumulative impacts, including those associated with simultaneous and continued mineral extraction in a particular locality. The appropriate place in which to highlight the need for cumulative impact assessment is in the Principal Planning Requirements relating to each site allocation which is contained in Appendix A of the Plan.

Outcome for the Pre-submission Draft Plan

7.14.36 None

Health Impact Assessment

7.14.37 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.14.38 The HIA raised no specific concerns regarding Policy DM14.

Actions/Considerations

7.14.39 None

Outcome for the Pre-submission Draft Plan

7.14.40 None

Equality Impact Assessment

7.14.41 An Equality Impact Assessment (EqIA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Equality Impact Assessment*

7.4.42 With regard to policy DM14. The EqIA concluded that there would be a high negative impact for the protected characteristics of age, disability, pregnancy/maternity and human/children's rights. It further recommend that the policy should take account of pollution on health and living conditions and biodiversity.

Actions/Considerations

7.14.43 Policy DM14 is intended to ensure that applicants give consideration to any potential cumulative impacts associated with a proposal by setting out a framework for assessment. Such impacts could be related to several projects

taking place at the same time or a range of impacts associated with the same development. the policy is not intended to set parameters in respect of specific impacts which are covered in policy DM1: Protecting Local Amenity, health, safety and Well-being.

Outcome for the Pre-submission Draft Plan

7.14.44 None

Monitoring

7.14.45 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.

7.14.46 Policy DM14 seeks to provide a framework in which the MPA can assess the potential cumulative impacts of proposals for minerals development. Chapter 12 of the Plan includes monitoring indicator MO48 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.15 Policy DM15: Restoration, Aftercare and After-Use

NPPF and PPG

7.15.1 The NPPF requires that land worked for minerals is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of minerals sites takes place. PPG provides guidance on how best to facilitate appropriate restoration of minerals sites and sets out the key stages involved in the restoration and aftercare of minerals as well as describing the level of detail that should be submitted regarding restoration and aftercare at the application stage. There have been no changes to either

the NPPF or PPG in this respect since the Winter 2021/2022 consultation on the proposed Draft Plan.

7.15.2 The appropriate restoration of mineral sites is a key element of any minerals development. The inclusion of an appropriate restoration, aftercare and afteruse policy is seen as an essential requirement of a Minerals Plan as it presents the opportunity to set out a number of specific requirements relating to each of these issues. In addition, there are often local requirements which would inform the design of appropriately designed restoration and aftercare schemes which would need to be contained within policy. The MPA considers that policy DM15 should be retained as a local development management policy as a consequence.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.15.3 In total, the MPA received eleven comments from eight different respondents in respect of policy DM15. Specific comments were received in respect of flood alleviation, restoration of sites near river corridors, restoration of sites located in the National Forest, restoration of sites close to the PDNP, consideration of the historic environment when designing restoration schemes, biodiversity net gain and a requirement for longer aftercare periods, appropriate/alternative afteruses and the use of waste as a restoration material.

7.15.4 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM15:

7.15.5 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: Restoration scheme to include flood alleviation/natural flood storage

Representations (*National Trust 1160/0953; Environment Agency 1137/0605*)

7.15.6 Two respondents expressed concern that opportunities to consider or alleviate flood risk through restoration schemes had not been included in policy or supporting text. One respondent suggested that the policy could be further improved through the addition of a further criterion requiring the inclusion of natural flood storage and alleviation in proposals for restoration schemes. It was also suggested that restoration schemes should provide every opportunity to reduce flood risk and incorporate possible flood alleviation measures in accordance with the local environment and taking into account flood defence assets and their effective operation.

Actions/Considerations

7.15.7 Agreed

Outcomes for the Plan

7.15.8 Policy text has been amended to include additional criteria

Issue: Restoration of sites near rivers

Representation (*Environment Agency 1137/0605*)

7.15.9 One respondent highlighted the potential issues of restoration schemes for mineral sites located in close proximity to river corridors where there was no interaction between the river, its floodplain and the new waterbodies. In some instances, this can lead to problems and may result in the physical modification of the river. This can result in damage to riverine habitats as well as ongoing natural processes. It was suggested that the Plan should

require restoration schemes to enable natural processes and river-flood plain interaction to recover following the cessation of operations. It was also suggested that the applicant should investigate and model the benefits of connecting the former works ponds with the neighbouring water body in order to show that there is no impact on any existing flood defences, operation of schemes, or high erosion banks, impacts of flood risk is in line with the requirements of the NPPF, as well as highlighting multifunctional benefits including environmental net gain and opportunities to provide reductions in flood risk. The justification for this investigation and flood modelling is that returning lateral connectivity between rivers and their natural floodplain is vital to ensure operators and developers maximise the multiple benefits from their operations (Net Gain).

Actions/Considerations

7.15.10 the MPA notes the comments and agrees that the Plan should be amended to take account of natural processes and river-floodplain interaction following site restoration. Policies DM8: Water Management and Flood Risk and DM12: Green and Blue Infrastructure have also been amended to cover this issue

Outcomes for the Plan

7.15.11 Policy DM15 has been amended through the insertion of a new clause (8) and the supporting text has been amended (paragraph 11.2.149) in order to justify the new requirement.

Issue: Restoration of sites Located in National Forest Representation (*National Forest Company 1113/0549*)

7.15.12 One response requested that insertion of a further criterion specifying that native deciduous woodland will be sought within the National Forest.

Actions/Considerations

7.15.13 The MPA acknowledges that reference to the National Forest should be made in the policy.

Outcomes for the Pre-submission Draft Plan

7.15.14 Policy text amended to include additional criterion for National Forest

Issue: Restoration scheme to include Historic Environment

Representation (*Historic England 1158/0840*)

7.15.15 An additional clause should be inserted into the policy relating to restoration principles relevant to the historic environment.

Actions/Considerations

7.15.16 The MPA agrees that, where relevant, restoration schemes should take account of the historic environment. Policy DM15 requires at sub-paragraph (1) that proposals demonstrate how they have had regard to the character and distinctiveness of, amongst other things, the historic environment. Enhancing the historic environment as part of restoration schemes is also a requirement of Policy DM7: Historic Environment.

Outcomes for Pre-submission Draft Plan

7.15.17 Supporting text amended to include a new paragraph (11.2.148) to cover the historic environment.

Issue: PDNPA

Representation (*PDNPA 1159/0918*)

7.15.18 The PDNP expressed support for the policy but requested the insertion of additional text in the supporting text to make reference to the PDNPA Landscape Strategy and Action Plan where the site is in the setting of the PDNP.

Actions/Considerations

7.15.19 The MPA notes the comments of the PDNPA. This issue is catered for in the wording of Policies SP1: Sustainable Minerals development and DM4: Landscape. The MPA does not consider it necessary to repeat in the context of Policy DM15. Notwithstanding the above, the policy does regard

all proposals to demonstrate that that have had regard to the character and distinctiveness of the surrounding landscape.

Outcome for Pre-submission draft plan

7.15.20 None.

Issue: Aftercare: BNG and requirement of long-term aftercare periods Representation (*Derbyshire Wildlife Trust 1145/0663; Environment Agency 1137/0605*)

7.15.21 It will be important to ensure that management and aftercare of restored and created habitats are secured for sufficient lengths of time such that they are meaningful and effective. A period of five years may be suitable for small-scale restoration such as tree planting, but to secure biodiversity gains longer term management is usually required. In cases where net gain is applied as per the Environment Act 2021 the adoption of 30-year plans will become the norm. We recommend that the policy takes into account the need and benefits of longer periods of management that are often required to ensure restoration for biodiversity is successful. We suggest adding the following wording to *where the creation of new priority habitats is being used as part of the case for the acceptability of the scheme, it is essential that an extended aftercare and management period of at least 30 years must be secured, otherwise the justification for the scheme cannot be accepted.*

7.15.22 One respondent welcomed that significant biodiversity net gain will be expected to be provided as part of any restoration plan but suggested highlighting that 'significant' will be above the minimum requirement of 10% to ensure developers and mineral operators are aware of the higher requirements.

Actions/Considerations

7.15.23 The additional policy wording relating to an extended aftercare and management period of 30 years where the creation of new priority habitats is proposed is noted. Whilst it is possible to do this (Schedule 5 (7) of the

Town and Country Planning Act 1990 allows for an aftercare period of five years or other maximum period) at present, and in the absence of any national guidance in respect of BNG the MPA does not feel it appropriate to include such provision in policy DM15. However, the MPA proposes to produce a BNG supplementary guidance note which will set out its requirements for the delivery of BNG including appropriate aftercare and management.

7.15.24 The MPA agrees that the Plan should clarify what it means by the term 'significant BNG'.

Outcome for Pre-submission draft plan

7.15.25 No changes to the policy in respect of aftercare period. Supporting text amended at paragraph to clarify what the MPA means by 'significant' BNG.

Issue: After uses of mineral sites

Representations (*Derby and Derbyshire Local Access Forum 763/0111;*
Chesterfield Borough Council 1154/0759)

7.15.16 One respondent expressed the view that the needs of local communities, tourism, leisure, housing, industry and agriculture should not be overlooked when considering appropriate after-uses for mineral sites. Whilst restoration to outdoor recreation would be preferable, the response also noted that mixed-use sites which include areas for recreation are more likely to generate landowner support unless the recreational use in itself can provide a reliable source of income. The respondent also considered that the final restoration of mineral sites can be very long term and what is intended at the outset is not always achieved as part of the end result and suggested that it may therefore be necessary to have funding in reserve to ensure the restoration plan can be fully implemented, including the satisfactory construction of any new paths/ multi-user trails.

7.15.17 Another respondent considered that the policy should include a recognition that after uses of sites could include built development and that, the need to

identify the most appropriate end use that informs the proposals for restoration and after care. An example would be the extraction of material at Hartington in Chesterfield Borough. In that case, the restoration plan included the creation of development platforms for subsequent employment development.

Actions/Considerations

7.15.18 The MPA notes the comments regarding the restoration of mineral sites to alternative/mixed land uses but considers that there are inherent difficulties in doing so. Many of the land uses referred to do not fall within the remit of the MPA and would be for the relevant LPA to determine. Schedule 5 of the Town and Country Planning Act 1990, as amended allows MPAs to impose aftercare conditions on mineral planning permissions to bring land to the required standard for agriculture, forestry or amenity but does not grant planning permission for those uses. Whilst the MPA agrees that in some circumstances it might be desirable to allow a site to be restored to an appropriate development platform for future redevelopment, the risk of doing so without a committed future development could result in the site not being restored appropriately. Where proposals for minerals development seeks to incorporate a restoration for a development platform suitable for future redevelopment of a site for commercial/residential use, the MPA will expect a corresponding application to be submitted to the relevant Local Planning Authority at the same time.

7.15.19 The MPA also notes the comments regarding the issues surrounding the long-term delivery of approved restoration schemes and subsequent changes to the scheme. Changes to schemes can be for a number of reasons including onsite conditions, a response to the failure of elements of the scheme (e.g. drainage or tree planting) or a lack of infill materials. Often the restoration of mineral sites also relies on the cooperation of other stakeholders (often outside the control of the MPA) to ensure full delivery. The request for financial bonds is noted, however Paragraph 211(e) of the NPPF states that these should only be sought in exceptional circumstances. Their use is unlikely to be appropriate in most instances.

Outcome for pre-submission draft plan

7.15.20 No change to the policy wording. Supporting text amended to explain the point around alternative afteruses.

Issue: Restoration using waste materials / Environmental permitting Representation (Environment Agency 1137/0605)

7.15.21 One respondent commented on the use of waste material as part of the restoration of mineral sites and highlighted that whilst mineral extraction may be considered appropriate in a particular location, the use of waste material as a restoration/infill material may not be e.g. a site in the Green belt or the proximity of local communities. The response also highlighted that national policy seeks to ensure that recyclable materials are put to beneficial use (waste recovery) rather than being disposed (waste disposal) and that operators should keep the use of waste material to a minimum when designing their restoration schemes. This would ensure the restoration is the optimum solution for the site and that no more material than necessary would be used to achieve the required landform. It was also stated that where an operator proposes to import waste material for infilling purposes, an Environmental Permit from the Environment Agency will be required. Further information was provided about Recovery Permits and Exemptions and the CL:AIRE Code of Practice which allows the reuse of excavated materials on-site or their transfer between sites, without being classified as waste and which can be used as an alternative to the Use of Environmental Permit or exemptions.

Actions/Considerations

7.15.22 The MPA notes and welcomes the information in respect of Environmental Permitting and CL:AIRE. The need for an Environmental Permit and or the issues surrounding the use of waste as a restoration medium are set out on paragraph 11.2.155. With regard to sustainable use of waste materials, the Plan includes a policy SP3: The Supply of Recycled and Secondary Aggregates which seeks to prioritise these over the need to extract virgin mineral.

Outcomes for pre-submission Draft Plan

7.15.23 No changes to the Plan.

Drop-in sessions 2022

7.15.24 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No specific comments were made regarding Policy DM15 at the drop-in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.15.25 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.15.26 With regard to Policy DM15, the SA made the following comments:

*'Policy DM15 requires planning proposals for all minerals extraction schemes to demonstrate that provision has been made for the restoration and sustainable after-use of the site. A wide range of factors must be considered, and proposals should demonstrate how these have been taken into account in the restoration scheme. The criteria outlined in the policy provide particular emphasis on the need to ensure biodiversity and geodiversity enhancements (SA1) and that sites are restored in a sympathetic way with regard to landscape character (SA4). This ought to have **significant positive effects** for biodiversity (SA1) in the longer term, particularly given that there is a need to consider strategic linkages in green infrastructure and how improvements can be secured.*

A positive effect is also predicted for land resources (SA topic 2), as the policy requires proposals to demonstrate how best and most agricultural

*land would be retained or enhanced, which should limit the loss of such resources in the longer term (ensuring minimal negative changes and possible enhancements to the baseline position). There is also a need to promote natural processes with regards to watercourses and flood management, which is beneficial in terms of water quality. There is potential for **significant positive effects** to communities in the longer term, as restoration proposals should seek to provide community benefits, recreational opportunities and where possible, employment opportunities (SA topics 7 and 8). The effect on waste and minerals (SA topic 3) are predicted to be neutral as restoration schemes ought not to hold back mineral extraction, and waste materials could be used as part of infill materials (preferably from sources of close proximity).'*

Actions/Considerations

7.15.27 Noted.

Outcome for the Pre-submission Draft Plan

7.15.28 None.

7.15.29 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.15.30 With regard to Policy DM15, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated that *'This is a development management policy which will have a positive or neutral impact on European sites'*.

Actions/Considerations

7.15.31 Noted

Outcome for the Pre-submission Draft Plan

7.15.32 None.

Strategic Transport Assessment

7.15.33 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

The STA raised no issues in respect of policy DM15.

Actions/Considerations

7.15.34 None

Outcome for the Pre-submission Draft Plan

7.15.35 None

Strategic Flood Risk Assessment

7.15.36 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.15.37 The SFRA did not specifically identify any issues associated with Policy DM15. However, the supplementary Sequential test which has been undertaken on the sites assessed during the Plan preparation process does highlight that Policy DM15 could assist in the delivery of improvements to existing flood capacity during the restoration of mineral sites.

Actions/Considerations

7.15.38 Policy DM15 is intended to ensure that mineral sites are satisfactorily restored and subject to appropriate aftercare following the cessation of mineral extraction. The policy include criteria specifically relating to the

restoration of sand and gravel sites and the restoration techniques than can be utilised in order to ensure that multi-functional benefits (including assisting in the reduction of flood risk) and natural recovery of the functional floodplain are delivered. The appropriate place in which to highlight the need for specific consideration of this issue is in the Principal Planning Requirements relating to each site allocation which is contained in Appendix A of the Plan.

Outcome for the Pre-submission Draft Plan

7.15.39 None

Health Impact Assessment

7.15.40 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.15.41 The HIA raised no specific concerns regarding Policy DM15 but did note that it could assist in delivering benefits that could achieve positive impacts to health and well-being through improved public access for the local and wider community.

Actions/Considerations

7.15.42 None

Outcome for the Pre-submission Draft Plan

7.15.43 None

Equality Impact Assessment

7.15.44 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.15.45 With regard to Policy DM12, the EqIA concluded that the policy would result in high positive impacts to all protected characteristic groups, but also noted that restoration must take place at the earliest opportunity delivering significant and measurable biodiversity net gain.

Actions/Considerations

7.15.46 Noted

Outcome for the Pre-submission Draft Plan

7.15.47 None

Monitoring

7.15.48 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 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 Plan's policies, either in whole or part.

7.15.49 Policy DM15 seeks to ensure that proposals for minerals development and minerals related development include high quality restoration and aftercare schemes and are designed with appropriate after uses. Chapter 12 of the Plan includes monitoring indicator MO49 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.16 Policy DM16: Planning Obligations

NPPF and PPG

7.16.1 The NPPF sets out policy on the use of planning obligations. There have been no changes to the NPPF since the Winter 2021/2022 consultation on the proposed Draft Plan.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.16.2 In total, the MPA received three comments from two different respondents in respect of Policy DM16. Specific comments were received regarding the clarity/purpose of the policy.

7.16.3 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM16: Planning Obligations

7.16.4 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representations (*PDNPA 1159/0919; National Trust 1160/0954*)

7.16.5 Two respondents expressed their support for policy DM16 and its supporting text.

Actions/Considerations

7.16.6 Support for the policy is noted and welcomed.

Issue: Policy Lacks Clarity

Representation (*Chesterfield Borough Council, 1154/0760*)

7.16.7 The policy is unclear as it is not specific about what planning obligations will be used to secure. An alternative approach would be to make clear reference to the purpose and use of obligations in relevant policies and delete Policy DM16.

Actions/Considerations

7.16.8 The MPA notes the comment regarding lack of clarity and accepts that the policy should be amended. It should be noted that, where relevant the strategic policies and other development policies of the Plan do also indicate those circumstances where Planning Obligations may be required.

Outcomes for Pre-submission Draft Plan

7.16.9 The policy has been amended to state that obligations will only be used where it is not possible to address impacts via planning condition and to ensure that otherwise unacceptable development can be made acceptable.

Drop-in sessions 2022

7.16.10 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding Policy DM16 at the drop-in sessions.

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.16.11 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.16.12 The SA also considered Policy DM16 to be a continuation of the existing policy framework, and therefore the effects of the policy will represent a

continuation of the baseline position. Effects upon sustainability factors were predicted to be neutral.

Actions/Considerations

7.16.13 Noted.

Outcome for the Pre-submission Draft Plan

7.16.14 None.

Habitats Regulations Assessment Screening Report

7.16.15 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.16.16 With regard to Policy DM16, the HRA screening report concluded that the policy would have no likely significant effects on any European sites, further stating that:

Actions/Considerations

7.16.17 Noted

Outcome for the Pre-submission Draft Plan

7.16.18 No amendments required.

Strategic Transport Assessment

7.16.19 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.16.20 The STA did not identify any issues with Policy DM16.

Actions/Considerations

7.16.21 None

Outcome for the Pre-submission Draft Plan

7.16.22 None

Strategic Flood Risk Assessment

7.16.23 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.16.24 The SFRA did not identify any issues associated with Policy DM16.

Actions/Considerations

7.16.25 None

Outcome for the Pre-submission Draft Plan

7.16.26 None

Health Impact Assessment

7.16.27 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.16.28 The HIA raised no specific concerns regarding the existing content of Policy DM16 but did recommend that additional reference to the use of HGV routing agreements to avoid sensitive receptors could be inserted in the reasoned

justification. This would assist in reducing impacts to health arising through noise and light pollution levels as well as dust and air quality pollution.

Actions/Considerations

7.16.29 Noted

Outcome for the Pre-submission Draft Plan

7.16.30 Suggest minor modifications to include reference to routing agreements.

Equality Impact Assessment

7.16.31 An Equality Impact Assessment (EqIA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.16.32 With regard to Policy DM12, the EqIA concluded that the policy would result in high positive impacts to all protected characteristic groups. It further noted that where mitigation was not possible, planning obligations must be reasonable and related to the development

Actions/Considerations

7.16.33 Noted

Outcome for the Pre-submission Draft Plan

7.16.34 None

Monitoring

7.16.35 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 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 Plan's policies, either in whole or part.

7.16.36 Policy DM16 seeks to provide clarity regarding the circumstances when the MPA will seek to use planning obligations. Chapter 12 of the Plan includes monitoring indicator MO50 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.17 Policy DM17 Borrow Pits (now renumbered as Policy OM1: Borrow Pits)

NPPF and PPG

7.17.1 The issue of borrow pits is not addressed explicitly in the NPPF or PPG. However, as they are a form of mineral development and the policy and guidance in both relating to the need to maintain the supply of minerals is relevant to borrow pits. No changes have been made to the NPPF or PPG relevant to borrow pits since the Winter 2021/2022 consultation.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.17.2 No comments were received in respect of Policy DM17 following the Winter 2021/2022 consultation.

Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

7.17.3 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM17: Borrow Pits

The policy has now been renumbered as Policy OM1: Borrow Pits to differentiate between the non-strategic mineral supply policies and the more general development management policies in the Plan. No changes have been made to the policy content or its supporting text.

Drop-in sessions 2022

7.17.4 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding Policy DM17 or the issue of borrow pits at the drop-in sessions.

Actions/Considerations

7.17.5 None

Outcome for the pre-submission Draft Plan

7.17.6 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.17.7 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.17.8 With regard to Policy OM1, the SA screening report stated the following:

'Policy OM1 allows for borrow pits to be utilised to support construction projects where appropriate. This should provide flexibility for projects and reduce the need to import materials from further afield. The benefits are

therefore likely to include a reduction in traffic and transport (SA5) associated with construction activities, potential to dispose of waste generated on site (SA3), and support for infrastructure projects that can boost the local economy (SA8). The effects are not predicted to be significant as this approach is not a substantial departure from the current Adopted Local Plan. With regards to environmental factors such as biodiversity, land and water resources and heritage and landscape, it is unclear whether borrow pits would lead to increased local impacts. However, other plan policies ought to address such issues. The policy is unlikely to have major implications with regards to flooding or energy (SA6)'.

Actions/Considerations

7.17.9 Noted.

Outcome for the Pre-submission Draft Plan

7.17.10 None.

Habitats Regulations Assessment Screening Report

7.17.11 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.17.12 With regard to Policy OM1, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This policy makes no allocations but rather sets out the circumstances under which proposals will be determined for acceptability. Individual proposals when they come forward may or may not pose likely significant effects on European sites but that will be assessed as part of the scrutiny process when any applications are made'.

Actions/Considerations

7.17.13 Noted

Outcome for the Pre-submission Draft Plan

7.17.14 None.

Strategic Transport Assessment

7.17.15 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.17.16 The STA raised no issues regarding policy OM1.

Actions/Considerations

7.17.17 None

Outcome for the Pre-submission Draft Plan

7.17.18 None

Strategic Flood Risk Assessment

7.17.19 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.17.20 The SFRA did not identify any issues associated with Policy OM1.

Actions/Considerations

7.17.21 None

Outcome for the Pre-submission Draft Plan

7.17.22 None

Health Impact Assessment

7.17.23 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.17.24 The HIA raised no specific concerns regarding Policy OM1.

Actions/Considerations

7.17.25 None

Outcome for the Pre-submission Draft Plan

7.17.26 None

Equality Impact Assessment

7.17.27 An Equality Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.17.28 With regard to Policy OM1, the EqIA concluded that the policy would result in high positive impacts to the protected characteristic groups of age, pregnancy/maternity and human/children's rights. It further noted the nature of the applications, which tended to be short and adjacent to existing construction sites to reduce the volume of traffic on the public highway.

Actions/Considerations

7.17.29 Noted.

Outcome for the Pre-submission Draft Plan

7.17.30 None

Monitoring

7.17.31 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.

7.17.32 Policy OM1 covers issues associated with the use of borrow pits. Chapter 12 of the Plan includes monitoring indicator MO22 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.18 Policy DM18 Reworking of Former Colliery and Other Spoil Tips (now renumbered as Policy OM2: Reworking of Former Spoil Tips)

NPPF and PPG

7.18.1 The issue of the reworking of former colliery and other types of spoil tips directly but do advocate the sustainable and prudent use of mineral resources and highlight the advantages of using secondary materials in preference to the extraction of primary materials. borrow pits is not addressed explicitly in the NPPF or PPG. No changes have been made to the relevant sections of the NPPF or PPG since the Winter 2021/2022 consultation.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.18.2 In total, the MPA received three comments from three different respondents in respect of policy DM18. Specific comments were received in respect of the

biodiversity value associated with natural regeneration on former tips, impacts to flood risk associated with the removal of old tips and impacts to the PDNP where tips are located in the setting of the national park.

7.18.3 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM18: Reworking of Former Colliery and other Spoil Tips

The policy has now been renumbered as Policy OM2: Reworking of Former Spoil Tips and now only relates to those former spoil tips which do not contain coal. The MPA considered that the specific issues associated with the reworking of former colliery tips would be better placed in the wider coal supply policy SP15: Coal and Colliery Spoil Disposal.

7.18.4 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: Natural Regeneration of Former Spoil Tips

Representation (*Derbyshire Wildlife Trust 1145/0664*)

7.18.5 One respondent highlighted that former colliery and spoil tips which have naturally revegetated over time can become important biodiversity and landscape assets and requested the following amendments to the policy: 'They would not adversely affect any previous benefits from either restoration that has been carried out on the site or natural regeneration, or, if so, they

would result in further, significant improvements to the previous restoration scheme’.

Actions/Considerations

7.18.6 The MPA acknowledges that disused former tips can be important for biodiversity, although notes that such natural regeneration can often be unsightly and not characteristic of the surrounding area. All proposals will be assessed on a case-by-case basis against all policies of the Plan including policies SP1: Sustainable Mineral Development and DM5: Biodiversity and Geodiversity both of which seek to protect the nature conservation interest.

Outcomes for pre-submission Draft Plan

7.18.7 None

Issue: Quarry Tips located in setting of PDNP

Representation (*PDNPA 1159/0920*)

7.18.8 One respondent highlighted the need to give careful consideration to the reworking of tips located in the setting of the PDNP and its special qualities.

Actions/Considerations

7.18.9 The MPA notes that former quarry tips located close to the PDNP need to be given specific consideration. Proposals for the reworking of former tips will be assessed on a case-by-case basis against all policies of the Plan including policies SP1: Sustainable Mineral Development and DM4: Landscape, both of which seek to protect the special qualities of the PDNP.

Outcomes for pre-submission Draft Plan

7.18.10 No amendments to the policy

Issue: Removal of former tips in flood plains

Representation: (Environment Agency 1137/0603)

7.18.11 One respondent welcomed opportunities to create new areas of reconnected floodplain through the reworking of spoil material previously added to the floodplain but also requested that consideration should be given (through

hydraulic modelling) as to whether lowered ground levels and altered flood flows would then affect properties and third-party land which had previously benefited from a degree of protection from the raised ground.

Actions/Considerations

7.18.12 The MPA acknowledges that the removal of spoil material from floodplains, whilst beneficial in reconnecting the floodplain, could potentially also result in unforeseen impacts to third parties. All proposals are assessed on a case-by-case basis against all relevant policies of the Plan. In this instance, it is considered that policies SP1: Sustainable Mineral Development, DM1: Local Amenity, health, Well-being and safety and DM8: Water Management and Flood Risk would cover the issue raised.

Outcomes for pre-submission Draft Plan

7.18.13 None

Drop-in sessions 2022

7.18.14 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were raised regarding the working of former colliery and other spoil tips at the drop in sessions.

Actions/Considerations

7.18.15 None

Outcome for pre-submission Draft Plan

7.18.16 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.18.17 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.18.18 With regard to Policy OM2, the SA made the following comment:

'Policy OM2 relates to the reworking of former tips, requiring proposals to demonstrate significant net economic, social and environmental benefits and to ensure restoration retains or improves on previous development restoration schemes. In principle the policy details are positive as they seek to ensure that there would be no loss of important features including any restoration previously undertaken, Furthermore, requirements for development to provide significant net economic, social and environmental improvements should achieve collective positive effects in the longer term above the existing baseline. Therefore, positive effects are envisaged for all SA topics, particularly in regard to waste and minerals (SA3) and economic activity (SA8).'

Actions/Considerations

7.18.19 Noted.

Outcome for the Pre-submission Draft Plan

7.18.20 None.

Habitats Regulations Assessment Screening Report

7.18.21 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.18.22 With regard to Policy OM2, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This policy makes no allocations but rather sets out the circumstances under which proposals will be determined for acceptability. Individual proposals when they come forward may or may not pose likely significant effects on European sites but that will be assessed as part of the scrutiny process when any applications are made'.

Actions/Considerations

7.18.23 Noted

Outcome for the Pre-submission Draft Plan

7.18.24 No amendments required.

Strategic Transport Assessment

7.18.25 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.18.26 The STA raised no concerns regarding the content of Policy OM2.

Actions/Considerations

7.18.27 None

Outcome for the Pre-submission Draft Plan

7.18.28 None

Strategic Flood Risk Assessment

7.18.29 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.18.30 The SFRA did not identify any issues associated with Policy OM2.

Actions/Considerations

7.18.31 None

Outcome for the Pre-submission Draft Plan

7.18.32 None

Health Impact Assessment

7.18.33 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.18.34 The HIA raised no specific concerns regarding Policy OM2.

Actions/Considerations

7.18.35 None

Outcome for the Pre-submission Draft Plan

7.18.36 None

Equality Impact Assessment

7.18.37 An Equality Impact Assessment (EqIA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.18.38 With regard to Policy OM2, the EqlA assessed the policy as likely to result in low negative impacts to those protected characteristics groups of disability, pregnancy/maternity and human/children's rights. It further noted that the policy supports the sustainable use of resources (including use of waste materials) but that such development could be visually intrusive.

Actions/Considerations

7.18.39 The MPA notes the issues regarding potential visual impacts associated with the reworking of former mineral spoil tips but considers that this issue would be satisfactorily controlled by the other policies of the plan including Policy DM4: Landscape which seeks to keep landscape/visual impacts to a minimum.

Outcome for the Pre-submission Draft Plan

7.18.40 None

Monitoring

7.18.41 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 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 Plan's policies, either in whole or part.

7.18.42 Policy OM2 relates to proposals for the reworking of former spoil tips in the Plan area. Chapter 12 of the Plan includes monitoring indicator MO25 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.19 Policy DM19 The Incidental and Prior working of Clay

NPPF and PPG

7.19.1 The NPPF requires that, when preparing local plans, local planning authorities should include policies to provide for the extraction of minerals of national or local importance and to make the best use of them to ensure their long-term conservation. It also requires policies encouraging the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place. There have been no amendments to these general requirements since the Winter 2021/2022 consultation on the Proposed Draft Plan.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.19.2 In total, the MPA received one response (*PDNPA 1159/0920*) expressing support for the inclusion of policy DM19 in the Proposed Draft Plan following the winter 2021/2022 consultation. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

7.19.3 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM19: The Incidental and Prior Working of Clay

The policy has now been renumbered as Policy OM3: The Incidental and Prior Working of Clay to differentiate between the non-strategic mineral supply policies and the more general development management policies in the Plan. No changes have been made to the policy content or its supporting text.

Drop-in sessions 2022

7.19.4 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation

exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding the

Actions/Considerations

7.19.5 Noted.

Outcome for the Pre-submission Draft Plan

7.19.6 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.19.7 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.19.8 With regard to Policy OM3, the SA stated the following:

'Policy OM3 allows for the incidental extraction of clay where it would help to ensure the most sustainable use of resources as part of the production of other minerals or to avoid sterilisation of important resources in advance of non-mineral development. This should help to ensure that developments are not held-up (SA8), whilst also supporting additional mineral resource (SA3). Positive effects are predicted with regards to land resources (SA4), as the policy should help to facilitate the remediation of contamination and unlock mineral resource which may otherwise be sterilised. The policy also seeks to safeguard environmental features from such working, and so neutral effects on the baseline would be anticipated'.

Actions/Considerations

7.19.9 Noted.

Outcome for the Pre-submission Draft Plan

7.19.10 None.

Habitats Regulations Assessment Screening Report

7.19.11 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.19.12 With regard to Policy OM3, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This policy makes no allocations but rather sets out the circumstances under which proposals will be determined for acceptability. Individual proposals when they come forward may or may not pose likely significant effects on European sites but that will be assessed as part of the scrutiny process when any applications are made'.

Actions/Considerations

7.19.13 Noted

Outcome for the Pre-submission Draft Plan

7.19.14 No amendments required.

Strategic Transport Assessment

7.19.15 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.19.16 The STA raised no concerns with regard to policy OM3

Actions/Considerations

7.19.17 None

Outcome for the Pre-submission Draft Plan

7.19.18 None

Strategic Flood Risk Assessment

7.19.19 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.19.20 The SFRA did not identify any issues associated with Policy OM3

Actions/Considerations

7.19.21 None

Outcome for the Pre-submission Draft Plan

7.19.22 None

Health Impact Assessment

7.19.23 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.19.24 The HIA raised no specific concerns regarding Policy OM3.

Actions/Considerations

7.19.25 None

Outcome for the Pre-submission Draft Plan

7.19.26 None

Equality Impact Assessment

7.19.27 An Equality Impact Assessment (EqIA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.19.28 The EqIA did not identify any clear link between the policy and equality.

Actions/Considerations

7.19.29 Noted

Outcome for the Pre-submission Draft Plan

7.19.30 None

Monitoring

7.19.31 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 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 Plan's policies, either in whole or part.

7.19.32 Policy OM3 seeks to provide a framework for the supply of incidental and prior extraction of clay. Chapter 12 of the Plan includes monitoring indicator MO26 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.20 Policy DM20 Mineral Related Development (now OM4: Mineral Related Development)

NPPF and PPG

7.20.1 The issue of mineral related development is not addressed specifically in the NPPF or PPG. Both, however, provide policy and guidance on the issues that MPAs should take into account when determining mineral and mineral related development proposals, particularly in relation to the need to ensure acceptable environmental and local amenity impacts. There have been no changes to either the NPPF or PPG in respect of mineral related development since the Winter 2021/2022 consultation.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.20.2 In total, the MPA received four comments from four different respondents in respect of the mineral related development policy. Specific comments were received in respect of transport assessment/travel plans, flood risk, impacts to the PDNP and no definition of significant environmental effect.

7.20.3 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM20: Mineral Related Development

The policy has now been renumbered as Policy OM4: Mineral Related Development to differentiate between the non-strategic mineral supply policies and the more general development management policies in the Plan.

7.20.4 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. However, for the Pre-submission Draft Plan, policy OM4 has been subject to revision

and some comments may no longer be directly relevant to the policy wording in the Pre-submission Draft Plan. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: Transport Assessment and Travel Plans

Representation (*Chesterfield Borough Council 1154/0761*)

7.20.5 The policy does not consider how employees on a development will access it or how this can be done in a way that encourages active travel.

Actions/Considerations

7.20.6 The MPA acknowledges that in some circumstances mineral related development can result in significant increases in vehicle movements to and from a site and that proposals should be required to provide a transport assessment and travel plan.

Outcomes for pre-submission Draft Plan

7.20.7 Policy OM4 amended to include requirement for a transport statement/assessment and a travel plan to demonstrate how impacts will be mitigated.

Issue: Impacts on PDNP

Representation (*PDNPA 1159/0922*)

7.20.8 One respondent requested that the following additional wording be added to the policy and its supporting text:

‘Where such development is located within the setting of the Peak District National Park it will need to satisfy Objective 7 by being sensitively located and designed to avoid adverse impacts on the designated landscape of the adjoining National Park...’

Actions/Considerations

7.20.9 The MPA notes the request and agrees that proposals for mineral related development should be sensitively sited and located. It is considered that Policies SP1: Sustainable Minerals Development and DM4: Landscape provide sufficient protection for the PDNP.

Outcomes for pre-submission Draft Plan

7.20.10 None

Issue: Significant Environmental Adverse Impact

Representation (*Historic England 1158/0841*)

7.20.11 The supporting text should be expanded to clarify what may constitute a significant adverse environmental impact.

Actions/Considerations

7.20.12 The MPA notes the comment but does not consider it appropriate to define what this may mean. As set out in paragraph 4.8 of the Plan, whether or not a proposal results in a significant adverse environmental impact will be assessed on a case-by-case basis taking into account the scale, nature and location of a particular proposal, the characteristics of various environment effects likely to arise from the development and the opportunities for mitigation that may be applied.

Outcomes for pre-submission Draft Plan

7.20.13 None

Issue: Flood Risk

Representation (*Environment Agency 1137/3549*)

7.20.14 One respondent highlighted the need for proposals for mineral related development to be sited in the area of lowest flood risk on a site, or a nearby off-site location at lower flood risk, ideally out of the floodplain

Actions/Considerations

7.20.15 The MPA notes the request and agrees that proposals for mineral related development should be located and designed to minimise impacts associated with flood risk. It is considered that Policy DM8: Water Management and Flood Risk provided sufficient protection in this respect.

Outcomes for pre-submission Draft Plan

7.20.16 None

Drop-in sessions 2022

7.20.17 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding minerals related development at the drop in sessions.

Actions/Considerations

7.20.18 None

Outcome for pre-submission Draft Plan

7.20.19 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.20.20 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.20.21 The SA made the following comments regarding Policy OM4:

'Policy OM4 is not too dissimilar to the existing policy position but could bring some benefits with regards to transport and air quality (SA5) by requiring the submission of a transport assessment and travel plan. There is also

encouragement for energy efficiency measures, which is positive with regards to climate change and energy (SA6)'.

Actions/Considerations

7.20.22 Noted.

Outcome for the Pre-submission Draft Plan

7.20.23 None.

Habitats Regulations Assessment Screening Report

7.20.24 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.20.25 With regard to Policy OM4, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

'This policy makes no allocations but rather sets out the circumstances under which proposals will be determined for acceptability. Individual proposals when they come forward may or may not pose likely significant effects on European sites but that will be assessed as part of the scrutiny process when any applications are made'.

Actions/Considerations

7.20.26 Noted

Outcome for the Pre-submission Draft Plan

7.20.27 None

Strategic Transport Assessment

7.20.28 A Strategic Transport Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.20.29 The STA did not identify policy OM4 as likely to result in significant impacts arising from minerals related development.

Actions/Considerations

7.20.30 **None**

Outcome for the Pre-submission Draft Plan

7.20.31 **None**

Strategic Flood Risk Assessment

7.20.32 A Strategic Flood Risk Assessment SFRA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.20.35 The SFRA did not identify any issues associated with Policy OM4. However, the supplementary sequential test which has been undertaken on the sites assessed as part of the plan preparation period does give consideration to the location of mineral related development where it is situated in the floodplain. Mineral processing plant is classified as less vulnerable development and is considered inappropriate in floodzone 3b (functional floodplain). It is considered appropriate in floodzones 2 and 3a, however.

Actions/Considerations

7.20.34 The MPA considers that Policy DM8 sufficiently covers matters relating to flood risk and includes a requirement for flood risk assessments where development proposals are located in areas at risk of flooding. It is also considered that the principal planning requirements set out in Appendix A for those sites located in areas at risk of flooding should make it clear that development should be sited and designed so as not to increase the risk of flooding on site or elsewhere.

Outcome for the Pre-submission Draft Plan

7.20.35 None

Health Impact Assessment

7.20.36 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.20.37 The HIA raised no specific concerns regarding Policy OM4.

Actions/Considerations

7.20.38 None

Outcome for the Pre-submission Draft Plan

7.20.39 None

Equality Impact Assessment

7.20.40 An Equality Impact Assessment (EqIA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.20.41 The EqlA assessed the policy as likely to have a low negative impact on the protected characteristics groups of disability, pregnancy/maternity and human/children's rights. It further noted that such development could result in impacts such as increased noise and dust.

Actions/Considerations

7.20.42 The MPA notes the range of impacts associated with mineral related development but considers that these would be appropriately controlled by policy DM1: Protecting Local Amenity, Health, Safety and Well-being.

Outcome for the Pre-submission Draft Plan

7.20.43 None

Monitoring

7.20.44 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 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 Plan's policies, either in whole or part.

7.20.45 Policy OM4 seeks to control the impacts associated with proposals for mineral related development. Chapter 12 of the Plan includes monitoring indicator MO27 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

7.21 Policy DM21 Mineral Exploration (OM5: Mineral Exploration)

NPPF and PPG

7.21.1 Mineral exploration is not addressed explicitly in either the NPPF or PPG. Both, however, provide policy and guidance on the issues that MPAs should take into account when determining mineral and mineral related development proposals, particularly in relation to the need to ensure acceptable environmental and local amenity impacts. There have been no changes to either the NPPF or PPG in respect of mineral related development since the Winter 2021/2022 consultation.

Representations from the proposed Draft Plan Winter 2021/2022 consultation

7.21.2 In total, the MPA received two comments from two different respondents in respect of policy DM21. One response welcomed the inclusion of the policy, the other response suggested amendments to the Reasoned Justification.

7.21.3 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:

- Policy DM21: Mineral Exploration

The policy has now been renumbered as Policy OM5: Mineral Exploration in order to differentiate between the other general ‘development management’ policies and the non-strategic mineral related nature of this policy.

7.21.4 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed ‘Outcomes for the Pre-submission Draft Plan’ shows how comments have been taken into account based on the previously defined ‘Issues’. For the Pre-submission Draft Plan, the text of Policy OM5 has not been revised. and some comments may no longer be directly relevant to the policy wording in the Pre-submission Draft Plan. Detailed information on the individual representations made can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

Issue: General Comments

Representation (PDNPA 1159/0924)

7.21.5 One respondent expressed support for the policy and supporting text.

Actions/Considerations

7.21.6 Noted

Outcomes for pre-submission Draft Plan

7.21.7 None

Issue: Significant environmental impact

Representation (*Historic England 1158/0842*)

7.21.8 The supporting text should be expanded to clarify what may constitute a significant adverse environmental impact.

Actions/Considerations

7.21.9 The MPA notes the comment but does not consider it appropriate to define what this may mean. Whether or not a proposal results in a significant adverse environmental impact will be assessed on a case-by-case basis taking into account the scale, nature and location of a particular proposal, the characteristics of various environment effects likely to arise from the development and the opportunities for mitigation that may be applied.

Outcomes for pre-submission Draft Plan

7.21.10 No changes to the policy

Drop-in sessions 2022

7.21.11 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No comments were made regarding policy DM21.

Actions/Considerations

7.21.12 None

Outcome for Pre-submission Draft Plan

7.21.13 None

Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023

7.21.14 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

7.21.15 With regard to Policy OM5, the SA stated

'Policy OM5 sets out a framework for the exploration of minerals and requires proposals to be temporary, to not have significant adverse effects on the environment and local amenity, and prompt restoration for any land disturbed. This should ensure any significant harm to biodiversity (SA1) and heritage and landscape (SA4) is avoided and where adverse effects are likely, these are temporary. This should also safeguard amenity and subsequently health and wellbeing (SA7) from potential harm as a result of exploration activity. The policy is therefore predicted to have positive effects for SA1, SA4 and SA7. Whilst mineral exploration and extraction activities are likely to derive some carbon emissions and provide energy resource, particularly where this relates to fossil fuels. This policy does not encourage exploration activities, but instead sets out a framework to minimise adverse effects. Therefore, neutral effects are predicted with regard to climatic factors and energy (SA6). In this regard, neutral effects are also predicted for minerals (SA3) and employment (SA9), as measures are unlikely to encourage or significantly undermine exploration activities.'

Actions/Considerations

7.21.16 Noted.

Outcome for the Pre-submission Draft Plan

7.21.17 None.

Habitats Regulations Assessment Screening Report

7.21.18 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.21.19 With regard to Policy OM5, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

‘This policy makes no allocations but rather sets out the circumstances under which proposals will be determined for acceptability. Individual proposals when they come forward may or may not pose likely significant effects on European sites but that will be assessed as part of the scrutiny process when any applications are made’.

Actions/Considerations

7.21.20 Noted

Outcome for the Pre-submission Draft Plan

7.21.21 None

Strategic Transport Assessment

7.21.22 A Strategic Transport Assessment (STA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan: Strategic Transport Assessment (Stage 2) December 2021*

7.21.23 The STA did not identify policy OM5 as likely to result in significant impacts arising from the transport of minerals.

Actions/Considerations

7.21.24 None

Outcome for the Pre-submission Draft Plan

7.21.25 None

Strategic Flood Risk Assessment

7.21.26 A Strategic Flood Risk Assessment SFRA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)*

7.55 The SFRA did not identify any issues associated with Policy OM5.

Actions/Considerations

7.21.28 None

Outcome for the Pre-submission Draft Plan

7.21.29 None

Health Impact Assessment

7.21.30 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023*

7.21.31 The HIA raised no specific concerns regarding Policy OM5..

Actions/Considerations

7.21.32 Noted

Outcome for the Pre-submission Draft Plan

7.21.33 None

Equality Impact Assessment

7.21.34 An Equality Impact Assessment (EqIA) has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.21.35 The EqIA concluded that policy OM5 would result in a high negative impact to the protected characteristics groups of age, disability, pregnancy/maternity and human/children's rights. It further noted that whilst a necessary step in assessing existence of mineral resources, operations such as exploratory drilling or seismic surveys are likely to raise concerns from the public/increase public anxiety

Actions/Considerations

7.21.36 None

Outcome for the Pre-submission Draft Plan

7.21.37 None

Monitoring

7.21.38.62 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 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 Plan's policies, either in whole or part.

7.21.39 Policy OM5 relates to proposals for mineral exploration. Chapter 12 of the Plan includes monitoring indicator MO28 which will monitor planning applications granted permission for minerals development and minerals related development. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

