

**Derbyshire and Derby  
Minerals Local Plan 2022 – 2038  
Pre-submission Draft Plan**

**Development Paper:  
Recycled and Secondary  
Aggregates**

**January 2023**



Derby City Council



**DERBYSHIRE**  
County Council

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# 1. Introduction and Background

- 1.1 The purpose of this Paper is to show how the current Pre-Submission 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 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 have been taken into account, leading to outcomes for the current approach set out in the proposed draft plan.

## 2. Stakeholder Workshop 2009

- 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 people thought the new Minerals Local Plan (MLP) 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 County Council's website and in a newsletter that was circulated to stakeholders.
- 2.2 In terms of secondary and recycled aggregates, the main issues that stakeholders have identified as being necessary for the Plan to address are the division of responsibilities between the minerals/waste planning authorities and those of the local planning authorities (district and borough councils in the Plan area) and the means by which greater use of these materials could be encouraged to help reduce the need for primary aggregates. These issues will now be considered in terms of how they have developed during the preparation of the Plan.

### 3. Issues and Options Consultation 2010

- 3.1 When the Issues and Options report was published in 2010, only a broad question was asked, relating to whether the recycled and secondary aggregates issue should be covered in the Minerals or Waste Local Plan.
- 3.2 The majority of respondents considered that the most appropriate place to consider the safeguarding of individual sites is the Waste Core Strategy, with clear cross referencing between the two plans.

#### **Sustainability Appraisal**

- 3.3 This was not included as an issue that could be appraised.

## 4. Towards a Minerals Local Plan – Rolling Consultation 2015-2017

- 4.1 An error meant that secondary and recycled aggregates was not covered in this consultation.

### **Duty to Cooperate**

- 4.2 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the Minerals Local Plan the Councils identified the following strategic cross-boundary issues in planning for the provision of secondary and recycled aggregates.

- *To encourage greater use of secondary and recycled aggregate to help reduce the need for primary aggregate.*

- 4.3 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Outcomes from the co-operation have fed into the Proposed Approach, Spring 2018 Consultation.

- 4.4 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 reports.

- *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**

- 4.5 As the topic was not included in the emerging MLP at this stage, it was not able to be appraised in the SA.

## 5. Towards a Minerals Local Plan Spring 2018 Consultation:

5.1 The draft policy at this stage encourages proposals for the production of secondary and recycled materials. It sets out a list of type of sites that would be considered suitable for the production of these materials.

5.2 Two comments were received at this stage. These were as follows:

<b>Representation</b>	
5.3	<p>"Should the policies be re-numbered so this is Policy MS1? The PDNPA consider that the list of types of sites should be made into a hierarchy, with the most favoured being first, through to the least favoured being last.</p> <p>Additionally, the PDNPA question what is meant by 'redundant' and whether this would persuade people to deliberately abandon agricultural and forestry land for the sole purpose of gaining planning permission for this type of development.</p>
<b>Actions/Considerations</b>	
5.4	<p>Agree to the re-numbering of policies. This section will be placed at the beginning of the aggregates chapter.</p> <p>The approach of the Plan is to enable and encourage the development of facilities for the production of secondary and recycled aggregates to reduce the need for primary aggregates. The policy is written to encourage the development of recycling and secondary aggregate production facilities/operations in appropriate locations in response to the market. The Mineral Planning Authorities (MPA) consider it inappropriate to list locations in a hierarchical list as each proposal will be considered on its own merits.</p> <p>Agree with issue relating to 'redundant' buildings</p>
<b>Outcomes for Pre-Submission Draft Plan</b>	
5.5	<p>The Plan contains a revised Policy (SP3) which seeks to support proposals for facilities/operations for the production of recycled and secondary aggregates in appropriate locations, as listed.</p>

<b>Representation</b>	
5.6	<p>It is important that secondary or recycled aggregates are not extracted from former quarries that, under planning regulations, have returned to nature</p>

and are therefore officially classed as greenfield and not brownfield sites. Many such currently disused quarries that may have ceased operations 50 or more years ago are now havens for wildlife and are important feeding grounds for birds, animals and insects, even if rare species are not present within them.

**Actions/Considerations**

5.7 Agree

**Outcomes for Pre-Submission Draft Plan**

5.8 Policy SP3 of the Plan only supports recycled/secondary facilities at operational quarries on a temporary basis where they are linked to the permitted timescale of mineral extraction.

**Duty to Cooperate**

- 5.9 In order to obtain as much relevant information as possible about secondary and recycled aggregate resources, Derbyshire County Council and Derby City Council have continued to engage in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Discussions have focused on the issue regarding the need to maintain a supply of these secondary and recycled resources over the Plan period, which has included discussion regarding the potential types of areas where production of these resources could take place. We have also corresponded with organisations and individuals with relevant knowledge and experience of sand and gravel in order to help develop our evidence base.
- 5.10 Strategic policy making authorities should collaborate to establish cross border matters which they need to address in their plans and in accordance with the 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.
- 5.11 In preparing the Proposed Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to planning for the provision of secondary and recycled aggregate. The following issues remain identified:
- To encourage greater use of secondary and recycled aggregate to help reduce the need for primary aggregate.



5.12 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to make greater use of secondary and recycled aggregate and has fed into the Proposed Draft Plan, Winter 2021/2022 Consultation.

5.13 The Councils have produced a Duty to Co-operate Report setting out the background and overview to duty to co-operate issues. In line with the new provisions of the NPPF they have produced a SoCG which sets out the progress made to date on co-operating to address the strategic cross-border duty to co-operate issues. Further information can be found in the following documents:

- *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**

5.14 The 3<sup>rd</sup> interim Sustainability Appraisal reported that:

Policy MS0 sets out the approach to the preferred types of locations for secondary and recycled aggregates facilities. The types of location preferred are less likely to have a negative effect on visual amenity as they are mostly associated with existing works and industrial areas. The policy also makes it clear that unacceptable effects on local communities must be avoided. Consequently, the overall effects on communities and health (SA8) are predicted to be neutral. Likewise, there is a requirement to ensure that environmental factors are taken into account, and the preferred locations are less likely to support sensitive biodiversity habitats. Therefore, new facilities are unlikely to have a negative effect on biodiversity (SA1), land and water resources (SA2) and the built and natural environment (SA4).

With regards to transport and traffic, it is difficult to determine effects without knowing the precise location of facilities. However, the general support given to development close to existing waste facilities should help to reduce the need for new infrastructure and the distances that materials are transported. A minor (but uncertain) positive effect (SA6) is predicted, but this is uncertain. Similarly, a reduction in greenhouse gas

emissions would be achieved should the policy lead to development of secondary aggregates facilities. This could be in terms of a reduction in the use of virgin materials, but also as a result of transport being able to make use of existing and efficient infrastructure.

Supporting facilities for secondary and recycled aggregates and providing a steer as to the most appropriate locations should be helpful to the waste and recycling industry and could therefore help to support an increase in the use of secondary aggregates. This should have positive effects with regards to a reduction in the need for extraction and a decrease in waste being disposed of (SA3). However, a significant effect is unlikely as the policy does not set strict requirements for the use of secondary aggregates.

The effects on housing are unlikely to be significant as the preferred locations are unlikely to be suitable for housing so there would not be competing land use issues. A minor positive effect could be achieved with regards to the economy (SA8) by helping guide potential developers to suitable locations for recycling facilities (which employ local people).

5.15 The full report can be found at:

- *Derbyshire and Derby Minerals Local Plan: 3<sup>rd</sup> Interim Sustainability Report, August 2020*

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

5.16 The 4<sup>th</sup> Interim Sustainability Appraisal of the Proposed Draft Plan (January 2022) has considered the proposed approach taken to secondary and recycled aggregates. No amendments were required to be made as a result of this. The full report can be found at:

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

## 6. Proposed Draft Plan – Winter 2021/2022 Consultation

### Revised NPPF and NPPG

- 6.1 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 the supply of secondary and recycled aggregates in the light of this new policy guidance. There is a new requirement in terms of Duty to Co-operate whereby 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.
- 6.2 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 Pre-Submission Draft Plan, in the light of previous consultation, in relation to secondary and recycled aggregates.
- 6.3 Seven representations were received to this part of the Plan at this stage. These are summarised as follows:

<b>Representation</b>	
6.4	It is important to ensure that the biodiversity value of previously developed land is fully considered in the determination of applications.
<b>Actions/Considerations</b>	
6.5	It is agreed that biodiversity should be referred to in the chapter. Policy DM5 ensures that biodiversity is taken fully into account in the determination of planning applications for minerals development and minerals related development.
<b>Outcomes for Pre-Submission Draft Plan</b>	

6.6	A sentence will be added to recognise the importance of taking account of biodiversity.
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<b>Representation</b>
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6.7	Suggest adding the words at para 6.1.3: “power station ash (pfa) - used as a cementitious addition with cement manufacture and ready mixed concrete.
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Suggest adding the words at para 6.1.6: “...nowadays mineral operations are so sustainably managed that very little quantities of waste material not required for the restoration of the quarries are generated”,

6.8	At para 6.1.18 add, “It is important therefore that in such circumstances recycled/secondary aggregate production is limited to a temporary period where appropriate concomitant with the timescale of the primary site operations”.
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6.9	At Policy SP3, add “Proposals for facilities/operations for the production of recycled and secondary aggregates will be supported where they are sited at/on the following locations and do not to an unacceptable degree add to the environmental effects of the principal operations being undertaken at those locations.”
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<b>Actions/Considerations</b>
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6.10	Agree to amend the text to include the majority of these suggested changes. Policy SP3 has been amended and restructured but the essence of the representation has been incorporated.
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<b>Outcomes for Pre-Submission Draft Plan</b>
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6.11	Amend text as suggested.
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<b>Representation</b>
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6.12	Support the approach as set out.
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<b>Actions/Considerations</b>
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6.13	Noted.
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## 7. Pre-Submission Draft Plan – Spring 2023 Consultation

### **NPPF and PPG**

7.1 Since the last consultation there have been no revisions to the NPPF or PPG in relation to planning for secondary and recycled aggregates. The Pre-Submission 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.

### **Duty to Cooperate**

7.2 No further meetings were undertaken at this stage in respect of this issue. However, in preparing the Pre-Submission Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to planning for the provision of secondary and recycled aggregate.

7.3 The Councils have produced a Duty to Cooperate Report, setting out the background and overview to duty to co-operate issues. In line with the provisions of the NPPF, they have produced a SoCG which sets out the progress made to date on co-operating to address the strategic cross-border duty to co-operate issues. Further information can be found in the following documents:

- *Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Pre-Submission Draft Plan - Duty to Co-operate Report: Introduction and Overview, SOCG, January 2023*

### **Sustainability Appraisal of the Pre-Submission Plan – January 2023**

7.4 The report states that Policy SP3 sets out the approach to secondary and recycled aggregates proposals and the reasoned justification sets out the potential locations for the production of this resource. It considers that the types of locations supported are less likely to have a negative effect on visual amenity as they are mostly associated with existing works and

industrial areas. Similarly, such locations are less likely to be in proximity to existing communities and are less likely to support sensitive biodiversity habitats. Therefore, facilities are unlikely to have a negative effect on biodiversity (SA1), land and water resources (SA2), the built and natural environment (SA4) and communities and health (SA7) objectives. These objectives are predicted to derive neutral effects.

- 7.5 No amendments are suggested to this part of the Plan as a result of the sustainability appraisal at this stage.

### **Strategic Flood Risk Assessment**

- 7.6 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The SFRA incorporated a Sequential Test required to be carried out on proposed site allocations to ensure that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. The full text can be found in the following document:

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

- 7.7 The SFRA did not identify any issues associated with the Policies in the secondary and recycled aggregates chapter.

### **Actions/Considerations**

- 7.8 None

### **Outcome for the Pre-submission Draft Plan**

- 7.9 None

### **Health Impact Assessment**

- 7.10 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 The HIA raised no specific concerns regarding Policy SP3.

### **Actions/Considerations**

- 7.12 None.

## **Outcome for the Pre-submission Draft Plan**

7.13 None.

## **Equalities Impact Assessment (EqIA)**

7.14 An EqIA has been undertaken on the Pre-submission Draft Plan. With regard to Policy SP3 Secondary and Recycled Aggregates, the EqIA concludes that Subject to no 'unacceptable impacts' does not prejudice or promote a group over another.

The full EqIA is set out in the following document:

- *Derbyshire and Derby Minerals Local Plan 2022-2038 - Spring 2023 Consultation: Equality Impact Analysis, January 2023*