

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

Pre-Submission Draft Plan

Spring 2023 Consultation

**Developing the Draft Plan
Aggregate Crushed Rock**

February 2023

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1. Introduction

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 Council's website and in a newsletter that was circulated to stakeholders.

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

3. Issues and Options Consultation 2010

3.1 National policy at this time, in Minerals Policy Statement 1, encouraged the minerals industry to consider the relinquishment of sites where landbanks were considered to be excessive. Taking account of this, the Issues and Options report considered the possible reduction in the landbank of crushed rock in Derbyshire (Option 1) or in both Derbyshire and the Peak District (Option 2), by proposing an approach whereby applications for new reserves of crushed rock would only be permitted by encouraging mineral operators to

relinquish greater amount of reserves elsewhere if the new reserves are more acceptable in overall sustainability terms (Issue 17 of the Issues and Options Report).

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

Sustainability Appraisal (SA)

3.3 The Sustainability Appraisal (SA) 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.

3.4 An SA was carried out as to how provision should be made for the supply of aggregate crushed rock. It appraised two alternative options set out in the Issues and Options paper for assessing future supply of aggregate crushed rock. This was prior to the development of Local Aggregate Assessments (LAA), so the appraisal is somewhat out of date and there is little benefit reiterating it here.

The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Sustainability Appraisal (SA) of the Minerals Issues and Options Paper, July 2013

4. Period of Ongoing Engagement 2012-2014

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

5. Towards a Minerals Local Plan - Rolling Consultation 2015-2017

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

5.2 Sixteen comments were received from ten respondents regarding aggregate crushed rock. These are the main issues that were raised:

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

Assessment of Comments and Outcomes for the Plan

The comments are addressed in the order they are listed in 5.2 above:

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

This issue will be discussed with operators from the outset of a proposal being submitted.

- f) Although the Plan can encourage the increased transport of aggregate by rail, it is beyond its remit to ensure that this happens. This is the responsibility of mineral and rail operators.
- g) Noted

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

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

Duty to Cooperate

5.4 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 aggregate crushed rock.

- To ensure a steady and adequate supply of aggregate crushed rock is maintained throughout the Plan period.

5.5 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure a continuous supply of aggregate crushed rock. Outcomes from the co-operation have fed into the Proposed Approach, Spring 2018 Consultation.

5.6 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

- 5.7 The SA 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. An SA has been undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning aggregate crushed rock. It reported on crushed rock policies as follows:

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

The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan 2nd Interim Sustainability Appraisal (SA) Report, December 2017

6. Towards a Minerals Local Plan Spring 2018 Consultation

6.1 13 comments were received to this part of the Plan at this stage. These are summarised as follows:

- There appear to be significant supplies of limestone within Derbyshire, sufficient to last for more than 90 years at current provision rates. This suggests that there are likely to be sufficient permitted reserves at Dowlow Quarry to continue supplying the Walsall depot for the rest of the Plan period, although if you have any evidence to the contrary we would be grateful if you would let us know.

Outcome for the Proposed Draft Plan

This is correct according to our current knowledge. No amendments to the Plan are required as a result of this comment.

- We do not consider that paragraph 6.3.38 is worded correctly, as reserves that are unlikely to be worked would not have an impact and therefore could not/should not be used as a bargaining tool for new quarries or extensions. We consider it should read: 'Where a clear benefit to the local community or environment cannot be identified within the proposal itself, additional benefits might include contributions to local environmental projects or the maintenance of public footpaths through operator owned land. It could also involve the relinquishment of consented reserves elsewhere in the Plan area or the PDNP, which are considered unacceptable if they were worked in the future, in exchange for new reserves. Proposals would need to deliver better outcomes in overall sustainability terms'.

Outcome for the Proposed Draft Plan

Agree that the suggested changes should be made.

- MPA should ensure sufficient production capacity to maintain anticipated demand/sales and flexibility to meet upturns in demand. Whilst there is a significant landbank, it is still important to consider the operational capacity of sites,

where they are located and how much mineral Derbyshire is contributing to overall supply.

Outcome for the Proposed Draft Plan

This is considered in the LAA.

The remainder were supporting comments or those asking for minor wording changes which have been incorporated into the chapter.

Duty to Cooperate

- 6.2 In order to obtain as much relevant information as possible about the scale, nature and location of crushed rock resources, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities and organisations. The Councils also corresponded with organisations and individuals with relevant knowledge and experience of crushed rock to develop the evidence base and for developing the emerging approach.
- 6.3 This has involved determining how much of Derbyshire's crushed rock other MPAs will require. The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of aggregate crushed rock of at least 10 years. Those areas where significant amounts of Derbyshire's crushed rock is consumed have been identified and the relevant authorities contacted to determine whether they could foresee any significant changes in their demand for the product during the Plan period. A number of responses were received, and the majority estimated that there would be no significant changes in the amount of aggregate crushed rock they would require from Derbyshire over this Plan period. A small number suggested that there may be some increase in demand as a result of planned infrastructure projects over the Plan period.
- 6.4 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 (SoCG). These should

document the cross-boundary matters being addressed and progress in cooperating to address these.

6.5 In preparing the Proposed Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to planning for the provision of aggregate crushed rock. The following issues remain identified:

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

6.6 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure a continuous supply of aggregate crushed rock and has fed into the Proposed Draft Plan, Winter 2021/2022 consultation.

6.7 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, January 2022

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

6.8 The 3rd interim SA concluded that the provision over the plan period is already permitted, and there will be no need for the allocation of new sites. Therefore, the effects upon the environment should already be understood and form part of the 'projected baseline'. As such, a neutral effect is predicted for environmental factor. No amendments were recommended. The full report can be found at:

Derbyshire and Derby Minerals Local Plan: 3rd Interim Sustainability Report, August 2020

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

- 6.9 The 4th Interim SA of the Proposed Draft Plan (January 2022) has considered the proposed approach taken to aggregate crushed rock. 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

7. Proposed Draft Plan - Winter 2021/2022 Consultation

Revised NPPF and NPPG

- 7.1 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 aggregate crushed rock 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.
- 7.2 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 aggregate crushed rock.
- 7.3 11 representations were made to this part of the Plan at this stage. These are set out below together with the proposed outcome for the Pre-Submission Plan.

Representation

- 7.4 Cemex has acquired land to the east of Dove Holes Quarry and will be investigating the possibility of this being integrated into the quarry in the next 5 years to provide 30mt of aggregate crushed rock. To this end, request that reference to sustainability is included in the accompanying policy to the supporting text reference SP7. Support the wording contained in paragraph 6.3.14 of the Plan but would also request an expansion of the wording to include reference to sustainability.

Actions/Considerations

- 7.5 Agree to include reference to sustainability in these parts of the Plan.

Outcomes for the Pre-Submission Plan

- 7.6 Amend text to include reference to sustainability in the policy and supporting text.

Representations

- 7.7 Consider that the approach referred to in paragraph 6.3.12 of the Plan to support an unsound approach from the PDNP is itself unsound. With the PDNP Plan being considerably out of date, little if any weight should be given to it. In default of that the NPPF has no such policy of 'managed retreat' of aggregate production with areas of designation. There are policies with NPPF to deal with major development within such areas.

Actions/Considerations

- 7.8 This issue is considered in detail in Section 6.4 below.

Outcomes for the Pre-Submission Draft Plan

- 7.9 No changes required to the crushed rock chapter but Chapter 6.4 on reducing quarrying in the PDNP will be altered to reflect the position explained above.

Representation

- 7.10 The supply section should identify the quantity of permitted reserves which are contained within the 13 active operations and how that reflects the operational/available landbank. Reference is made (para 6.3.11) to the LAA, 'setting an annual provision figure'. This isn't the role of the LAA.

Actions/Considerations

- 7.11 Paragraph 6.3.11 (or equivalent) will be altered to address this comment. Amend to "proposing an annual provision figure".

Outcomes for the Pre-Submission Draft Plan

- 7.12 Alter text to address the comment.

Representation

- 7.13 The Plan should make reference to now dated legislation restricting the end date of permissions to 2042 and the need for an update to provide assurances to operators that existing permitted reserves are secured beyond that date.

Actions/Considerations

- 7.14 The Introduction to the Plan will address this issue.

Outcomes for the Pre-Submission Draft Plan

- 7.15 Include new text in the Introduction.

Representation

- 7.16 Policy SP7 should be amended to increase flexibility as per the approach to sand and gravel reserves. The tonnages expressed should be minimum figures and there should be flexibility built in to allow applications to sustain or increase available reserves or those production figures to maintain supply.

Actions/Considerations

- 7.17 Given the scale of the landbank for aggregate crushed rock, the issues are quite different to those for sand and gravel. The policy already includes flexibility by setting out that new proposals would be supported where certain

criteria are met. Agree that the figures can be referred to as minimum tonnages.

Outcomes for the Pre-Submission Draft Plan

- 7.18 Alter Policy SP7 to refer to minimum tonnages.

Representation

- 7.19 What benefits is the Policy SP7 text referring to in clause 2? How will a planning application be judged against this criteria?

Actions/Considerations

- 7.20 The benefits are explained in the reasoned justification at Paragraph 6.3.15. The applicant will have to set out what benefits would arise from a proposal, and they will be considered along with all other issues should a planning application be submitted to the Council

Representations

- 7.21 The figures should be updated to be in accordance with those in the most recent LAA.

Actions/Considerations

- 7.22 The figures will be updated with the most recent 2021 data, as included in the 2022 LAA.

Outcomes for the Pre-Submission Draft Plan

- 7.23 Update figures with 2021 data.

8. Pre-Submission Draft Plan – Spring 2023 Consultation

NPPF and PPG

- 8.1 Since the last consultation there have been no revisions to the NPPF or PPG in relation to planning for aggregate crushed rock. 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

- 8.2 Most discussions with stakeholders took place at previous stages in the Plan preparation process. 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 aggregate crushed rock.
- 8.3 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 Cooperate Report: Introduction and Overview, SOCG, January 2023

Sustainability Appraisal of the Pre-Submission Draft Plan – January 2023

- 8.4 The report sets out that Policy SP7, The Supply of Aggregate Crushed Rock, will continue the supply of the mineral at current rates. This is therefore a continuation of the current baseline, which means the effects upon most aspects of sustainability are likely to be neutral. For waste and minerals, a positive effect is predicted (SA topic 3) as the policy will support the sector to meet existing demand but ensure that mineral resources are protected from excessive extraction.
- 8.5 No changes are suggested by the sustainability appraisal to this chapter at this stage.
- 8.6 The full appraisal is set out in the following document:
Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal, SA Report, January 2023

Strategic Transport Assessment (STA)

- 8.7 A STA has been undertaken on the policies of the Proposed Draft Plan.
- 8.8 Stage 1 concluded that the majority of existing minerals sites are either situated within a good location in terms of transport connectivity or have appropriate planning controls to govern HGV movements to / from the site. All proposed minerals sites are located within a good location in terms of transport access. Stage 2 concluded that, considered cumulatively, the existing and proposed Minerals Local Plan sites would not generate a 'severe' impact on the highway network that would be greater than otherwise expected based upon observations of the existing use of sites.
- 8.9 The appraisal is set out in the following documents:
Derbyshire and Derby Minerals Plan - Strategic Transport Assessment: Stages 1 and 2, September 2021 and December 2021

Strategic Flood Risk Assessment

- 8.10 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)

- 8.11 The SFRA did not identify any issues associated with Policy SP7, the Supply of Aggregate Crushed Rock.

Actions/Considerations

- 8.12 None

Outcome for the Pre-submission Draft Plan

- 8.13 None

Health Impact Assessment

- 8.14 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

- 8.15 The HIA raised no specific concerns regarding Policy SP7.

Actions/Considerations

- 8.16 None.

Outcome for the Pre-submission Draft Plan

- 8.17 None.

Equalities Impact Assessment (EqIA)

8.18 An EqIA has been undertaken on the Pre-submission Draft Plan. With regard to Policy SP7 Supply of Aggregate Crushed Rock, the EqIA concludes that there is no clear link between this policy and equality.

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*