

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN (2022-2038)

**Spring 2023 Consultation –
Pre-Submission Draft Plan**

**Developing the Pre-Submission Draft Plan
7.2 Industrial Limestone**

January 2023



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1 Introduction

- 1.1 The purpose of this Paper is to show how the 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 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 the current strategies set out in the Pre-Submission 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, other assessments, outcomes for the current consultation stage. The relevant documents at each consultation stage are set out in italics.

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

3 Issues and Options Consultation 2010

- 3.1 The Issues and Options Consultation 2010 identified that whilst the overall level of permitted reserves appeared to be sufficient to meet the demand for industrial limestone over the Plan period, there may be a shortage of reserves at some quarries. Where those quarries supply industries that have requirements for particular specifications of mineral that would otherwise not be

met there may be a need to grant permission for additional reserves. At that time no specific sites had been put forward for working and, therefore, the Issues and Options Consultation suggested that the most appropriate way of dealing with this issue would be to include a criteria-based policy within the Plan. Further information can be found in the following document:

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

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

- 4.1 After the Issues and Options Consultation, the NPPF and NPPG were published in 2012 and 2014 respectively and so we revisited the issues and options surrounding the planning for the supply of industrial limestone, in the light of this policy and guidance. We examined the extent to which the Issues and Options Consultation and the responses to it remained helpful to 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.
- 4.2 Of particular importance is that the Issues and Options Consultation included a 'call for sites' from any developer wishing to promote a site for mineral development over the Plan period. Three quarry operators put forward extensions to their existing quarries at Whitwell, Ashwood Dale and Aldwark/Brassington Moor.
- 4.3 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 this rolling consultation – emerging

approach, in the light of previous consultation, in relation to industrial limestone. A Paper specifically about industrial limestone was included accompanied by two background supporting Papers. Further details can be found in the following documents:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Rolling Consultation 2015-2016: Towards a Strategy for Industrial Limestone, February 2015

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Rolling Consultation 2015-2016
Industrial Limestone Supporting Paper, February 2015*

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Rolling Consultation 2015-2016
Cement Supporting Paper, February 2015*

- 4.4 The 'Towards a Strategy for Industrial Limestone' Paper, February 2015 identified several issues and options that would need to be considered in developing a strategy to maintain the supply of industrial limestone over the Plan period. It was accompanied by a background supporting Paper. An Addendum was made to this Paper in April 2016 to incorporate an additional promoted site at Aldwark/Brassington Moor Quarry. Further information can be found in the following documents.

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Rolling Consultation – Emerging Approach 2015-2016
Addendum – Additional Promoted Site
Aldwark/Brassington Moor Quarry, April 2016*

Representations on the Issues and Options Consultation 2010

- 4.5 At the previous issues and options stage 99% of respondents supported the approach of having a criteria-based policy to allow for new working. The operators of Whitwell Quarry, however, who estimated that permitted reserves

were likely to be worked out before the end of the Plan period, suggested that in view of the national importance and investment required in securing sites for industrial limestone, the Plan should identify specific sites for new industrial limestone working. Further information is available in the following documents:

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

Duty to Co-operate

4.6 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 MLP the Councils identified the following strategic cross-boundary issues in planning for the provision of industrial limestone.

- The national supply of industrial dolomitic Permian Limestone;
- Proposed extensions to Whitwell Quarry straddling the county boundary;
- The impact of extending Whitwell Quarry on Creswell Crags;
- The impact of extending Whitwell Quarry on the redevelopment of Whitwell Colliery site;
- The supply of cement making materials to Hope cement works in the Peak District National Park;
- The supply of cement making materials to Caudon Works, Staffordshire;
- The supply of cement making materials to Tunstead Cement Works, Derbyshire; and
- The supply of Industrial Carboniferous Limestone/Safeguarding Mineral Resources: safeguarding a proposed extension to Ashwood Dale Quarry from a proposed housing allocation.

4.7 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 document:

Derbyshire and Derby Minerals Local Plan - 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 Consultation 2010

- 4.8 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.
- 4.9 A SA was carried out on the suggested approach set out in the Issues and Options Paper as to how provision should be made for the supply of industrial limestone. It noted that a criteria-based policy would have a similar impact to the policy in the adopted MLP. However, it suggested that where minerals are of national importance we should consider allocating sites to ensure that there is certainty in their supply. The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan - 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 Strategy for Industrial Limestone

- 4.10 The 'Towards a Strategy for Industrial Limestone' Paper, January 2015 identified several issues and options that would need to be considered in developing a strategy to maintain the supply of industrial limestone over the Plan period.

Issues and Options for the emerging Strategy

Issue 1: Making provision for the supply of Industrial Limestone

4.11 In view of the promotion of sites for allocation in the Plan, options for ensuring the supply of industrial limestone were widened from a criteria-based policy at the Issues and Options Stage to options which encapsulated both allocations and a criteria-based policy. Three options were put forward:

Option 1: Make provision through existing permitted reserves and allocated sites

Option 2: Make provision through existing permitted reserves and a criteria-based policy

Option 3: Make provision through existing permitted reserves and allocated sites and a criteria-based policy

Issue 2: Industrial Limestone Provision Criteria Based Policy

4.12 Options 2 and 3 would require a criteria-based policy to implement them. Consultees were asked, therefore, for comments on the different components of a criteria-based policy including the level and type of information that an applicant should be asked to submit to inform this approach. The suggested components of such a policy were as follows:

4.13 A presumption in favour of proposals for the extraction of 'industrial' limestone where additional reserves are required:

- To meet an identified need for materials
- With particular specifications, and where
- The recovery of the particular materials required to meet that need is maximised.

Issue 3: Specific identification (allocation) of land for industrial limestone working

4.14 Options 1 and 3 would require the allocation of specific sites to implement them. The consultation, therefore, asked for comments on the sites being promoted by operators for working during the Plan period at Ashwood Dale, Whitwell and Aldwark/Brassington Moor quarries.

Issue 4: The assessment of sites for allocation

- 4.15 The consultation asked for comments on the way in which sites should be assessed to ensure their acceptability for allocation.

Issue 5: Cement Manufacture

- 4.16 The consultation asked for comments on the way in which the Plan should make provision for the manufacture of cement.

Site Assessment Methodology Hard Rock Quarries Sites

- 4.17 A Site Assessment Methodology, April 2016 that would be used to assess the suitability of hard rock quarry sites for allocation in the Plan formed part of this Consultation. Three responses were received in relation to the weighting of the criteria, the need to take mitigation on board and the use of 'buffer zones' to assess particular impacts. Changes were made to the Methodology Paper which was republished and consulted on, in December 2016 as part of the next consultation stage and used to carry out initial assessment of promoted sites. Further details can be found in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Rolling Consultation 2015-2016 - Site Assessment Methodology: Hard Rock Quarries, April 2016.

5 Towards a Minerals Local Plan – Rolling Consultation 2016-2017: Hard Rock Sites Consultation

Site Assessment Methodology - Hard Rock Quarry Sites and Initial Assessments of promoted sites

- 5.1 A revised Site Assessment Methodology- Hard Rock Quarry Sites, December 2016 and an initial assessment of the promoted extension sites at Whitwell, Ashwood Dale and Aldwark/Brassington Moor (now referred to as Aldwark South) were included in this Consultation. Details can be found in the following documents:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan – Rolling Consultation 2016-2017: Site Assessment Methodology - Hard Rock Quarry Sites, December 2016

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan – Rolling Consultation 2016-2017: Initial Assessment Sheet and Maps – Whitwell, Ashwood Dale, Aldwark/Brassington Moor, December 2016

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

- 6.1 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 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 7.2 Industrial Limestone and Chapter 14 Site Allocations.

- 6.2 More detailed background information about industrial limestone and cement was updated and set out in the following documents:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach
Background Papers Industrial Limestone, Cement - December 2017*

- 6.3 Revised initial assessments were undertaken on the promoted hard rock sites. Further information can be found in the following documents:

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

Representations on the Rolling Consultation 2015 - 2017

- 6.4 The Rolling Consultation received few representations on the Industrial Limestone Strategy Paper. Issue 1 which was about making provision for brick clay put forward three Options: Option1 - Make provision through existing permitted reserves and allocated sites; Option 2 - Make provision through existing permitted reserves and a criteria-based policy; and Option 3 - Make provision through existing permitted reserves and allocated sites and a criteria-based policy. Option 3 received overall support.
- 6.5 Options 2 and 3 would require a criteria-based policy to implement them. Consultees were asked, therefore, under Issue 2, for comments on the different components of a criteria-based policy including the level and type of information that an applicant should be asked to submit to inform this approach. One respondent considered that it was reasonable to expect applicants for planning permission to demonstrate the quality and quantity and to provide information on products and markets. One respondent considered that it was too onerous to expect applicants to demonstrate need and to require the maximisation of recovery to meet that need; market forces would dictate that industrial limestone is used for industrial purposes.
- 6.6 Options 1 and 3 would require the allocation of specific sites to implement them. Under Issue 3, the consultation asked for comments on the sites being promoted by operators for working during the Plan period at Ashwood Dale, Whitwell and Aldwark/Brassington Moor quarries. Supporting comments were received from the operators proposing the sites. Historic England commented on the need to address any heritage impacts with specific reference to the need to protect Creswell Crags which lies close to Whitwell Quarry. No objections were made to the promoted sites at this stage.

- 6.7 Under issue 4, the consultation asked for comments on the way in which sites should be assessed to ensure their acceptability for allocation. Economic justification and heritage impact were cited as important considerations.
- 6.8 Under issue 5, the consultation asked for comments on the way in which the Plan should make provision for the manufacture of cement. Supporting comments were received for a criteria-based policy to ensure that the requisite levels of permitted reserves of primary and secondary materials are maintained to support the manufacture of cement.
- 6.9 The Rolling Consultation: Hard Rock Sites received over 30 separate representations to the Methodology Paper covering a wide range of issues including weighting, buffer zones, mitigation, local amenity impacts and impacts on ecology and the historic environment. Of the sites assessed, Aldwark/ Brassington Moor Quarry extension generated the most representations mainly in relation to its impact on the wider landscape including the Peak District National Park. Details of the representations received, together with considered responses and outcomes for the Spring 2018 Consultation is set out in the following document.

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

Drop-in Sessions, February 2017

- 6.10 As part of the Hard Rock Sites Consultation drop-in sessions were held by the Councils in locations where new areas of working were being promoted by operators. Key points raised are summarised below:
- Whitwell -Issues raised included how to distinguish between the emissions from Whitwell Works i.e. the kiln and the dust emissions from the quarry and the possible use of material from Whitwell Colliery Tip for reclamation purposes at the quarry.

- Ashwood Dale - Issues raised included the impact of quarrying on Cunning Dale SSSI and the impact of the proposed extension on the proposed adjacently located housing site allocated in the High Peak Borough Council (HPBC) Local Plan.
- Aldwark/Brassington Moor - Issues raised included the impact of the quarry on the wider landscape setting of the adjacently located Peak District National Park and on the tourist economy of the local area.

6.11 All comments received were noted, considered and where relevant used to inform the Proposed Approach, Spring 2018. Details can be found in the following document:

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

Duty to Co-operate

6.12 The following strategic cross-boundary issues relating to planning for the provision of industrial limestone have been identified by the Councils:

- The national supply of industrial dolomitic Permian Limestone;
- Proposed extensions to Whitwell Quarry straddling the county boundary;
- The impact of extending Whitwell Quarry on Creswell Crags;
- The impact of extending Whitwell Quarry on the redevelopment of Whitwell Colliery site;
- The supply of cement making materials to Hope Cement Works in the Peak District National Park ;
- The supply of cement making materials to Cauldon Works, Staffordshire;
- The supply of cement making materials to Tunstead Cement Works, Derbyshire; and

- The supply of Industrial Carboniferous Limestone/Safeguarding Mineral Resources: safeguarding a proposed extension to Ashwood Dale Quarry from a proposed housing allocation.

6.13 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 industrial limestone and other cement making materials; with particular regard to the impacts of promoted sites on adjoining authority areas and the movement of raw materials from other authority areas. Outcomes from the co-operation has fed into the Proposed Approach, Spring 2018 Consultation.

6.14 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

6.15 A new duty to co-operate issue relating to industrial limestone was identified:

- The impact of the promoted extension to Aldwark/Brassington Moor on the Peak District National Park

Sustainability Appraisal of the Rolling Consultation 2015-2017

6.9 A SA 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

- 6.10 Where appropriate the findings of the SA have been incorporated into the Proposed Approach, Spring 2018 Consultation. The paragraphs below set out the outcomes for the proposed approach, in the light of previous consultation, in relation to industrial limestone issues.

Outcomes for the Proposed Approach: Industrial Limestone

Vision and Objectives

- 6.11 Chapter 3 of this Consultation document contains the Plan's draft 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 contribution that the individual draft policies set out in the Industrial Limestone Chapter will make towards achieving the overall draft vision and objectives of the Plan, is set out below in the Policies section at the end of the Chapter.
- 6.12 The Rolling Consultations included key Issues and Options that needed to be addressed in order to develop a Strategy for ensuring the supply of Industrial Limestone.

Issue: Making provision for an adequate and steady supply of Industrial Limestone

- 6.13 There are no national demand targets for the supply of industrial limestone but the Plan is required to make provision for an adequate and steady supply to support its likely use in industrial and manufacturing processes. For cement manufacturing a stock of permitted reserves of limestone should be maintained to support the level of actual and proposed investment required to maintain or improve an existing plant or to provide a new kiln. For the maintenance and improvement of existing plant the stock of reserves should be at least 15 years for primary cement materials (chalk and limestone) and secondary cement materials (clay and shale). To support a new kiln the stock of reserves should

be at least 25 years. These figures apply to individual sites or feeder sites rather than the whole Plan area.

6.14 In order to maintain an adequate and steady supply of industrial limestone three Options were put forward for consultation:

Option 1: Make provision through existing permitted reserves and allocated sites

Option 2: Make provision through existing permitted reserves and a criteria-based policy

Option 3: Make provision through existing permitted reserves and allocated sites and a criteria-based policy

6.15 There was clear support for Option 3 which is considered should be the approach put forward for maintaining supply, for the following reasons. There are no national demand targets for industrial limestone; the Plan has to make provision for the supply of both anticipated and unforeseen demand. Option 3 provides that flexibility through a criteria-based policy against which proposals for unforeseen demand can be met, together with the allocation of sites, where we know there is an identified need for additional reserves and known economically viable resources exist and operators/landowners are supportive of and actively promoting minerals development. At three quarries, Ashwood Dale, Whitwell and Aldwark/Brassington Moor, we know that there is a need for additional reserves before the end of the Plan period and the operators are actively promoting extensions to the quarries.

Alternatives

6.16 Option 1 is unsuitable in that whilst three sites have been promoted for allocation over the Plan period; the MPA has insufficient information about the scale and commercial viability of the remaining resource that would enable the identification of sites, preferred areas or areas of search from which any other future provision of industrial limestone could be made. This option, in isolation, therefore, would not provide sufficient flexibility to meet any unforeseen increased demand for additional reserves of industrial limestone to be worked during the Plan period.

- 6.17 Option 2 would provide flexibility to meet both known and unforeseen needs for new working, however, it would not provide the same clarity and certainty of delivery that identifying specific areas of land would bring for both companies and local communities and which NPPG prioritises as the way to ensure supply above preferred areas and areas of search.

Sustainability Appraisal

- 6.18 The Interim SA Report, November 2017 confirmed that Option 3 was the most positive for minerals providing both certainty through allocations and flexibility through a criteria-based approach.

Outcome for the Proposed Approach

- 6.19 The proposed approach is to make provision for the supply of industrial limestone through existing permitted reserves; additionally it includes a criteria-based policy MS8, against which proposals for additional reserves will be considered and it will propose the allocation of any sites promoted by operators and considered acceptable for working, in principle, to commence during the Plan period to 2030. The allocation of specific sites is set out in Chapter 14 of the Proposed Approach.

Issue: A criteria-based policy – proposed approach

- 6.20 Option 3 for the supply of industrial limestone would require a criteria-based policy to be used to assess new proposals for industrial limestone working. Consultees were asked to comment on the components that such a policy should contain.
- 6.21 The suggested components were as follows:
A presumption in favour of proposals for the extraction of 'industrial' limestone where additional reserves are required:
- to meet an identified need for materials
 - with particular specifications, and where

- the recovery of the particular materials required to supply that need is maximised.

6.23 This consultation generated conflicting responses as to the level and type of information that an applicant should be expected to provide, as set out at paragraph 6.5. In considering the preferred wording for a criteria-based policy it is important to take into account the requirements of the NPPF. Paragraph 203 requires that the MPA should make the best use of finite mineral resources to ensure their long-term conservation. PPG¹ states that the need for the specific mineral should be taken into account. PPG² also provides specific advice on planning for industrial minerals; it states that recognition should be given to any marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals which can have different implications for their extraction. In developing a criteria-based policy to allow for the extraction of industrial limestone, therefore, it is considered reasonable that the need for extraction is justified in terms of the quantity, specification, products and markets and for the recovery of the mineral for that purpose to be to be maximised.

6.24 In the interests of sustainability and making the best use of minerals to ensure their long-term conservation, as required by the NPPF, the MPAs are exploring the best way to ensure that high grade material is restricted to uses requiring high grade material. This could be through the use of Section 106 agreements which restrict the use of the mineral.

Outcome for the Proposed Approach

6.25 Include a criteria-based policy, MS8, to implement Option 3 in line with the components suggested above and contained in the Consultation Paper³ and

¹ Paragraph: 010 Reference ID: 27-010-20140306

² Paragraph: 086 Reference ID: 27-086-20140306

³ Towards a Minerals Local Plan: Rolling Consultation 2014-2016: Towards a Strategy for Industrial Limestone, February 2015.

include reference to the use of Section 106 agreements as a way of controlling the use of the mineral.

Issue: Specific identification (allocation) of land for industrial limestone working

- 6.26 Option 3 for the supply of limestone would involve the specific allocation of sites for working where it is established that there is an identified need for additional reserves. The operators of three quarries Whitwell, Ashwood Dale and Aldwark/Brassington Moor have indicated that additional reserves of industrial limestone will be required during the Plan period and are promoting extensions to the existing quarries.
- 6.27 In order to assess the suitability of promoted sites for inclusion in the Proposed Approach as allocations, the MPAs have prepared a Site Assessment Methodology and carried out Assessments of the sites. Further details of the assessment process is set out in Chapter 14 of the Proposed Approach, Spring 2018 Consultation.

Issue: Making provision for an adequate and steady supply of cement making raw materials

- 6.28 Industrial limestone is a primary raw material in the manufacture of cement with clay and shale as secondary materials. Processing plants associated with cement manufacture are generally large and require high capital investment. In view of this, as previously set out, the NPPF and PPG establish the need to ensure that sufficient stocks of permitted reserves of primary (chalk/limestone) and secondary (clay/shale) materials are available to support the level of actual and proposed investment required to maintain or improve existing plant or to provide a new kiln for cement manufacture. These requirements apply to individual sites or feeder sites rather than the whole Plan area.

Tunstead

- 6.29 Tunstead is the only cement works within the Plan area and is sourced by two adjoining quarries Tunstead and Old Moor (part of this quarry lies within the Peak District National Park outside of the Plan area). The works has capacity

to produce 1 million tonnes of cement per year and despite permission being granted for a second kiln, which would see capacity rise to 2.15 million tonnes when built, the Operator (Tarmac) has confirmed⁴ that there are sufficient permitted reserves of limestone to last well beyond the end of the Plan period, even taking into account the NPPF requirement for a minimum stock of permitted reserves of 25 years for the new kiln.

- 6.30 Most of the clay required also comes from the quarries in the form of slurry resulting from the washing of limestone for the production of chemical stone for industry. However, 60,000 tpa of shale is imported from Kingsley Quarry and 120,000 tpa of marl is imported from Keele Quarry; both quarries are located in Staffordshire. Importation of these raw materials is expected to increase proportionately with the commissioning of K2. However, the date for the development of K2 is presently unknown.

Hope

- 6.31 Hope Cement Works (operated by Breedon Cement) lies some 10 km away across the border within the Peak District National Park and is supplied from adjacent limestone and shale quarries. It has a production capacity of around 1.5 mtpa and is supplied by adjoining quarries i.e. (Hope Limestone Quarry and Hope Shale Quarry) also operated by Breedon Cement. The company also blends imported pulverised fuel ash (PFA) (up to 0.1 mtpa) with shale as a partial shale replacement in the production of cement clinker. Both quarries have permission for extraction until 2042, however, at anticipated production rates it is likely that additional limestone reserves will be required before this date. It will be for the Peak District National Park Authority (PDNPA) to determine any planning proposals in their area to enable the continued operation of Hope Cement works. The outcome of any planning proposals in the Peak District National Park may lead to a need for increased mineral supply from the Plan area; the MPA will co-operate with the PDNPA on this issue.

⁴ Email from Lafarge Tarmac to Derbyshire CC dated 3/2/2015

Cauldon

- 6.32 Cauldon Cement Works (operated by Lafarge Cement) lies 0.6km away just over the border in Staffordshire and is supplied by nearby limestone and shale quarries. Based on the information that we have on permitted reserves it is unlikely that Cauldon Quarry would need to call on limestone or clay/shale resources from within the Plan area over the Plan period.

Proposed Approach

- 6.33 Based on the information that we currently know about anticipated production rates and the level of permitted reserves, as set out above, it is unclear as to whether there will be a need for additional reserves of cement making materials over the Plan period. In view of this uncertainty the proposed approach that is being put forward to maintain supply is a criteria-based policy that would allow for additional reserves of primary and secondary minerals to be worked if they are needed to support the manufacture of cement taking into account the need to ensure a stock of permitted reserves to support investment as set out in the NPPF and to take into account any cross-border issues.

Outcome for the Proposed Approach

- 6.34 Include a criteria-based policy, MS9, based on the key requirement for cement manufacture which is the maintenance of the requisite stock of permitted reserves set out in the NPPF.
- 6.35 Include reference to the need to record and monitor cross-border movements of cement making materials to ensure that stocks of permitted reserves are maintained at the requisite levels and to establish whether there are any implications for Mineral Local Plans in preparation by other MPAs.

Issue: Safeguarding industrial Limestone Resources

- 6.36 The NPPF requires Plans to define Minerals Safeguarding Areas (MSA) and include appropriate policies so that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development. The Carboniferous Limestone resource is of significant

local and national importance because Derbyshire is one of the few areas of the country which supplies limestone of industrial and aggregate quality to meet national requirements. Chapter 10 of the Proposed Approach, through policies SG1 and SG2 makes provision for safeguarding important industrial limestone resources.

Issue: Allocation of Specific Sites for industrial limestone working

- 6.37 Chapter 14 of the proposed approach summarises revised initial assessments undertaken on the promoted hard rock quarries using the revised sites methodology and proposes site allocations. Three promoted sites for industrial limestone working at Whitwell, Ashwood Dale and Aldwark/Brassington Moor quarries were assessed to ascertain their acceptability for allocation. The full assessment is set out in the following documents:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan Spring 2018 Consultation: Revised Initial Assessment, Maps and Background Information – Whitwell Quarry, Ashwood Dale Quarry and Aldwark/Brassington Moor Quarry, December 2017

Outcome for the proposed approach

- 6.38 The proposed approach included, through policies SA1 and SA2, the proposed allocation of land at Whitwell Quarry and Ashwood Dale Quarry for mineral working. At Aldwark/Brassington Moor Quarry the assessment concluded that there were constraints which required further investigation with the operator and, therefore, an allocation was not proposed at that stage.

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

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 industrial limestone and cement making materials in the light of this new policy guidance. There are no specific changes to Government policy in respect of these issues. 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 proposed Draft Plan, in the light of previous consultation, in relation to industrial limestone. 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 – Chapter 7.2 Industrial Limestone.

7.3 More detailed background information about industrial limestone and cement has been updated and is set out in the following documents:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan:
Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021 -
Background Papers Industrial Limestone, Cement – December 2021*

Representations on the Spring 2018 Consultation

- 7.4 The MPA received several comments on the Proposed Approach in relation to industrial limestone provision. Tarmac sought clarification in the text that whilst nationally industrial carbonate production was not anticipated to grow over the Plan period additional reserves were required at existing quarries to maintain future production at existing levels. HPBC commented that where operators are proposing extensions to their sites sufficient evidence should be submitted to support the need for additional reserves. Tarmac objected to the wording of Policy MS8: Industrial Limestone Provision suggesting that the policy is not positively prepared and therefore unsound. The Company suggested that the policy should focus on maintaining supply rather than requiring the need for further extraction to be demonstrated.
- 7.5 The PDNPA commented that Hope Cement Works does not have consent as a free-standing cement factory and, therefore, there would be no call on cement making materials to be supplied from within the Plan area. Staffordshire County Council (SCC) commented that the stock of cement making materials to support cement production at Tunstead should be confirmed and set out in the Plan. Walsall Borough Council has made representations on the Cement Background Paper in respect of the need to make reference to the importance of both Tunstead and Hope Cement Plants in supplying the West Midlands Combined Authority area. Historic England considers that the Plan should refer to arrangements, already agreed through the planning application process, to protect the Scheduled Monument located close to Tunstead Quarry. The National Trust suggested a change in the wording of Policy MS9: Provision for Cement Making Materials to ensure that the proximity to existing works does not override other environmental considerations.

- 7.6 Representations were received on the two sites that were proposed for allocation at Whitwell and Ashwood Dale quarries and on a site at Aldwark/Brassington Moor Quarry which the MPA proposed not to allocate at that stage pending further assessment. Details of the representations received, together with considered responses and outcomes for the Proposed Draft Plan 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 - Report of Representations, December 2021

Drop- In Sessions, Spring 2018

- 7.7 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. A specific issue was raised at the drop-in in relation to the supply of industrial limestone concerning the need for additional reserves at Ashwood Dale Quarry.

Duty to Co-operate

- 7.8 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.
- 7.9 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 SoCG These should document the cross-boundary matters being addressed and progress in cooperating to address these.

7.10 In preparing the Proposed Draft Plan the Councils have revisited and updated the strategic cross-boundary issues relating to planning for the provision of industrial limestone. The following issues remain identified:

- The importance of Whitwell Quarry in making provision for the national supply of industrial dolomitic limestone (including potential extensions to the quarry in Nottinghamshire and the potential impact of extending the quarry on Creswell Crags);
- The potential impact of extending Aldwark/Brassington Moor Quarry on the Peak District National Park;
- The supply of cement making materials to Tunstead Cement works; and
- The supply of cement making materials to Hope Cement works.

7.11 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 industrial limestone and cement making materials and has fed into the Proposed Draft Plan, Winter 2021/2022 Consultation.

7.12 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. Four issues have been identified in relation to industrial limestone and cement making materials. 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

- 7.13 A SA was undertaken on the policies of the Proposed Approach in May 2018. The appraisal was updated to take account of promoted sand and gravel sites which were the subject of Consultation in October 2020. The updated appraisal is set out in the following document:

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

- 7.14 The SA notes that the approach to making provision for supply of industrial limestone was the most positive for minerals providing both certainty through allocations and flexibility through a criteria-based approach. Three extensions to existing quarries have been promoted for working. The proposed extension to Ashwood Dale is the subject of a planning application and accompanying ES which concludes that effects upon communities or environmental assets are unlikely whilst positive socio-economic effects are predicted. Four relatively small extension areas are proposed at Whitwell; the quarry lies within proximity of a number of sites designated for their historic or natural environmental importance. Any potential effects on these sites need to be taken into account. An extension to Aldwark/Brassington Moor Quarry has the potential to impact on the wider surrounding landscape including the Peak District National Park which adjoins the site. Where appropriate the findings of the SA have been incorporated into the Proposed Draft Plan, Winter 2021/2022 Consultation.

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

- 7.15 A SA was undertaken on the policies of the Proposed Draft Plan December 2021. The appraisal is set out in the following document:

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

- 7.16 The SA Report assesses the three policies SP10, 11 and 12 in Chapter 7.2 against the eight SA objectives/topics. It predicts that for each of the three policies there will not be significant negative effects and it recommends that no changes need to be made to the Proposed Draft Plan.

Strategic Transport Assessment (STA)

- 7.17 A STA was undertaken on the policies of the Proposed Draft Plan. The appraisal is set out in the following documents:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation

Strategic Transport Assessment Stage 1 and 2, September 2021 and December 2021

- 7.18 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.

Outcomes for the Proposed Draft Plan: Industrial Limestone

- 7.19 The Proposed Draft Plan sets out its strategic priorities in the draft vision and objectives and includes strategic policies to address those priorities including ensuring the supply 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 consultation, in relation to industrial limestone issues.

Vision and Objectives

- 7.20 Chapter 3 of the Winter 2021/2022 Consultation contains the Plan's proposed vision and objectives. The contribution that the individual draft policies set out in the Industrial Limestone Chapter will make towards achieving the overall draft

vision and objectives of the Plan, will be monitored in accordance with the proposed monitoring framework set out at Chapter 12 of the Plan.

Industrial Limestone

- 7.21 The Spring 2018 Consultation included key Issues and Options that needed to be addressed in order to develop a Strategy for ensuring the supply of Industrial Limestone and proposed two policies MS8 and MS9 concerning industrial limestone provision and provision for the supply of cement making materials. It also proposed, through Policies SA01 and SA02, the allocation of land for industrial limestone working at Whitwell and Ashwood Dale quarries. These key issues will be referred to again in explaining the development of the Proposed Draft Plan, Winter 2021/2022 Consultation.

Issue: The supply of industrial limestone

- 7.22 The NPPF identifies industrial limestone as an important mineral and requires MPAs to plan for its steady and adequate supply, by co-operating with neighbouring and more distant authorities, to ensure adequate provision is made to support its likely use in industrial and manufacturing processes. In terms of industrial limestone supply, the approach set out in the Spring 2018 Consultation proposed that provision should be made in three ways. Firstly, through existing permitted reserves at active quarries which were considered sufficient to maintain production until the end of the Plan period. Secondly, through a Plan-wide criteria-based policy, MS8, which would allow for new industrial limestone working to meet any unforeseen demand and thirdly, through the specific allocation of land at Whitwell and Ashwood Dale quarries. A site (Aldwark South) promoted for working at Aldwark/Brassington Moor Quarry was not proposed for allocation at that stage pending further assessment of identified constraints.
- 7.23 Planning permission was granted for the proposed allocation sites at Whitwell Quarry on 3rd March 2018 and development has since commenced. A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry for industrial limestone working. The consequences for the local plan are set out at paragraphs 7.28

and 7.29. The promoted site at Aldwark/Brassington Moor Quarry has been reassessed and is now considered suitable for proposed allocation as set out at paragraph 7.37. The 3rd Interim SA Report, August 2020 confirmed that this approach to making provision for supply was the most positive for minerals providing both certainty through allocations and flexibility through a criteria-based approach.

Outcome for the Proposed Draft Plan

- 7.24 Maintain the supply of industrial limestone through permitted reserves, a plan wide criteria-based policy and a specific allocation of land for working at Aldwark/Brassington Moor Quarry.

Issue: A criteria-based policy – proposed draft plan

- 7.25 The wording of criteria-based policy MS8 in the Spring 2018 Consultation allows for the working of additional reserves to meet an identified need for the mineral and where it is required because of its' particular chemical or physical composition and where the recovery of the mineral is maximised to meet the identified need. The policy encourages the use of Section 106 agreements to control the use of high-grade mineral. The MPA has received a specific representation on the wording of this policy from Tarmac who commented that the policy is not positively prepared and, therefore, unsound. The Company suggested that the policy should focus on maintaining supply rather than requiring the need for further extraction to be demonstrated.
- 7.26 To more closely reflect the NPPF it is proposed to amend the policy to focus on supply and on the 'use' of the industrial mineral. The MPA also consider that it is important to set out in the policy the way in which the need for an additional 'stock of permitted reserves' will be taken into account. Additionally, it is proposed to amend the policy so that it is more closely aligned with the style of other policies in the Proposed Draft Plan.

Outcome for the Proposed Draft Plan

- 7.27 Amend Policy SP10 in the Proposed Draft Plan in accordance with the approach set out above.

Issue: Specific identification (allocation) of land for industrial limestone working

- 7.28 The Spring 2018 Consultation proposed the allocation of two sites for industrial limestone working at Whitwell Quarry and Ashwood Dale Quarry. Planning permission was granted for the proposed allocation areas at Whitwell Quarry on 3rd March 2018 and development has since commenced. It is no longer necessary to allocate the site at Whitwell because the newly permitted extension areas will now be taken into account as permitted reserves.
- 7.29 A new operator, Breedon Southern Ltd, has acquired Ashwood Dale Quarry from Omya UK Ltd and informed the MPA that it does not wish to promote an extension to the existing quarry for industrial limestone working. The MPA has received objections to the proposed allocation from HPBC and a landowner of part of the site who considered that there was insufficient evidence in the Plan to warrant the need for additional reserves at the quarry. In view of the changes to the proposed operation of the quarry by the operator there is no justification for additional limestone reserves and therefore it is proposed not to allocate the extension area for working. The new operator intends to work the existing permitted reserves at Ashwood Dale for aggregate purposes only.
- 7.30 The Spring 2018 Consultation did not include the allocation of the promoted site at Aldwark/Brassington Moor Quarry. It identified a number of potential negative impacts upon which additional investigation would be required to ascertain whether those impacts could be mitigated or avoided to enable the site to progress forward to allocation. The operator of the quarry objected to its non-allocation in the Spring 2018 Consultation whilst the PDNPA supported its non-allocation.
- 7.31 Further investigation has taken place in terms of reserve information, traffic, visual and landscape assessment with the conclusion that the promoted site is suitable to go forward for proposed allocation in the Proposed Draft Plan. The Plan, at Appendix A, also includes a set of principal site requirements which will need to be addressed by any planning application to work the site.

Aldwark South

Reserve Information

- 7.32 The operator has carried out detailed borehole investigations on the northern half of the promoted site and has used this information to provide an updated assessment of the quality and quantity of the mineral resource and to confirm the presence of low cadmium reserves. The updated information estimates that the promoted site would yield approximately 27mt of which the low cadmium reserve would range between 4.8 and 8.7mt.

Traffic

- 7.33 The last planning permission for a major extension to the Aldwark/Brassington Moor Quarry was granted, in 2007, when a comprehensive assessment of transport matters took place. Since then, the Company has indicated that the level of vehicle movements has doubled from 100 to 200 loads a day (400 in/out movements). The Company has supplied additional information to evidence this increase which is attributable to both an increase in production, from averaging below 1 mt in 2007 to consistently averaging above 1 mt in recent years, and the diversification of markets served by the Company. The County Council as Highways Authority has raised concerns about the continuation of the significant increase in lorry movements. Accordingly, one of the principal planning requirements that any planning application to work the proposed allocation would need to address requires a detailed Transport Assessment.
- 7.34 This Assessment is required to address, amongst others, two particular concerns raised by the County Council as Highways Authority in relation to a continuation of the significant increase in lorry movements. The County Council is concerned about emerging vehicle visibility at the junction of B5056 and the A5012 and potential congestion and negative impacts on Cromford Conservation Area, from HGVs travelling west along the Via Gellia to join the A6. Additionally, the current quarry operates under planning permission granted in 2007 and is subject to a Section 106 agreement which requires the operator to pay an annual sum of money towards maintaining a portion of the highway directly outside the quarry entrance. The continuation of this agreement would

need to be addressed as part of any planning proposals to work the proposed allocated site.

Visual and Landscape Assessment

- 7.35 The initial assessment concluded that there would be potentially significant adverse effects on sensitive visual receptors including recreational users of the High Peak Trail, Limestone Way and Harboro Rocks, and isolated properties and uses close to the nearby villages of Aldwark and Ible. There would also be adverse effects on the setting of the Peak District National Park which lies immediately to the west of the promoted sites. All of these impacts are set within the context of the existing quarry and the adjoining Grangemill Quarry which already exert significant adverse impacts on surrounding visual receptors.
- 7.36 Following on from this assessment, further work has been undertaken by the Operator in liaison with the County Council to provide more detail on the potential impact of working the site on the surrounding visual receptors/landscape including impacts on the Peak District National park . The photographic material and Zone of Theoretical Visual (ZTV) analysis confirms that visual impacts are likely to be confined to the local landscape with receptors to the south and south-east most likely to be affected by the proposed allocation especially those recreational users of the High Peak Trail, Limestone Way and Harboro Rocks. There are vantage points to the north, within the Peak District National Park, where the allocation area is also visible but this visibility would be confined to the north-western extent of this area and would be viewed at distance and within the context of the established quarry complex. A 'Mitigation Strategy' has been submitted by the Operator containing a range of techniques that could be applied to the progressive working and restoration of the site to assist in mitigating those impacts and which would need to be included in any planning application to work the site. The County Council has co-operated with the PDNPA on this matter and reached agreement that subject to the setting out of specific site requirements that must be addressed by any planning application to work the site the PDNPA has no objections to the site going forward for allocation in the Proposed Draft Plan.

Outcome for the Proposed Draft Plan

- 7.37 Include a new policy SP11 which allocates land for working at Aldwark/Brassington Moor Quarry. Include an Appendix A setting out the principal site requirements which will need to be addressed by any planning application to work the site. Remove the proposed allocations for industrial limestone working at Whitwell and Ashwood Dale quarries.

Issue: Making provision for an adequate and steady supply of cement making raw materials

- 7.38 Industrial limestone is a primary raw material in the manufacture of cement with clay and shale as secondary materials. Processing plants associated with cement manufacture are generally large and require high capital investment. In view of this the NPPF and PPG establish the need to ensure that sufficient stocks of permitted reserves of primary (chalk/limestone) and secondary (clay/shale) materials are available to support the level of actual and proposed investment required to maintain or improve existing plant or to provide a new kiln for cement manufacture. For the maintenance and improvement of existing plant the stock of reserves should be at least 15 years for primary and secondary cement materials. To support a new kiln the stock of reserves should be at least 25 years. These requirements apply to individual sites or feeder sites rather than the whole Plan area.
- 7.39 The Spring 2018 Consultation included a proposed approach to maintaining supply through a plan-wide policy MP9 which allows for the working of additional limestone, clay and shale reserves to support the manufacture of cement subject to satisfying criteria that address the requirement to maintain stocks of permitted reserves and relate to the specification of the mineral.

Tunstead

- 7.40 Tunstead is the only cement works within the Plan area; it is an important source of cement for both the Greater Manchester and West Midlands conurbations. The plant is supplied by two adjoining quarries Tunstead and Old Moor (part of this quarry lies within the Peak District National Park outside of the Plan area). The plant has capacity to produce 1 million tonnes of cement

per year and despite permission being granted for a second kiln, which would see capacity rise to 2.15 million tonnes when built, the Operator (Tarmac) has confirmed⁵ that there are sufficient permitted reserves of limestone to last well beyond the end of the Plan period, even taking into account the NPPF requirement for a minimum stock of permitted reserves of 25 years for the new kiln.

- 7.41 Most of the clay required also comes from the quarries in the form of slurry resulting from the washing of limestone for the production of chemical stone for industry. However, 60,000 tpa of shale is imported from Kingsley Quarry and 120,000 tpa of marl is imported from Keele Quarry; both quarries are located in Staffordshire. Importation of these raw materials is expected to increase proportionately with the commissioning of K2. However, the date for the development of K2 is presently unknown but unlikely to be until the latter part of the plan period.

Hope

- 7.42 Hope Cement Works (operated by Breedon Cement) lies some 10 km away across the border within the Peak District National Park and is supplied from adjacent limestone and shale quarries. It has a production capacity of around 1.5 mtpa and is supplied by adjoining quarries i.e. (Hope Limestone Quarry and Hope Shale Quarry) also operated by Breedon Cement. The company also blends imported pulverised fuel ash (PFA) (up to 0.1 mtpa) with shale as a partial shale replacement in the production of cement clinker. The Councils have been informed by the PDNPA that the plant will not have a 15-year stock of permitted limestone reserves from approximately 2019 and that the operator may seek to extend the quarry. The NPPF, however, requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, it adds that planning permission should be refused for major development other than in exceptional circumstances. The outcome of any planning proposals in the Peak District National Park may impact on cement

⁵ Email from Lafarge Tarmac to Derbyshire CC dated 3/2/2015

production from within the Plan area; the MPA will monitor this situation in co-operation with the PDNPA.

Cauldon

- 7.43 Cauldon Cement Works (operated by Lafarge Cement) lies 0.6km away just over the border in Staffordshire and is supplied by nearby limestone and shale quarries. Based on the information that we have on permitted reserves it is unlikely that Cauldon Quarry would impact on limestone or clay/shale resources within the Plan area over the Plan period.

Supply

- 7.44 In order to meet the need for cement making materials it is proposed that supply will be maintained in two ways; firstly through existing permitted reserves which should be sufficient to maintain production at the Plan area's only cement plant at Tunstead throughout the Plan period. Cross-border supplies of raw materials to Tunstead will be monitored through co-operation with Staffordshire County Council.
- 7.45 Secondly, it is proposed that any unforeseen needs will be met through a policy which allows for the working of additional reserves subject to meeting criteria which include, the contribution to the stock of permitted reserves to support the high capital and operating costs of cement making plant and the need for the particular specification of mineral. The policy will apply plan-wide because whilst Carboniferous Limestones and Clay, Shale and Mudstones, are widespread within the Plan area, only limited deposits have sufficient qualities that are suitable for cement making and ,therefore, it is difficult to identify 'preferred areas' or 'areas of search' from which future supply should be obtained. The Councils will co-operate with the PDNPA to monitor the supply of cement making raw materials to Hope Cement Works and any consequent implications for the Plan area.

Outcome for the Proposed Draft Plan

- 7.46 Amend Policy MS9 (Policy SP12 in the Proposed Draft Plan) to focus on supply rather than meeting a need. This amendment more closely aligns with the style of other policies in the Proposed Draft Plan.
- 7.47 Include reference to the need to record and monitor cross-border movements of cement making materials from Keele and Kingsley quarries in Staffordshire to Tunstead Cement Works to ensure that stocks of permitted reserves are maintained at the requisite levels.
- 7.48 Include reference to the need to monitor the supply of cement making materials at Hope Cement Works.

Issue: Safeguarding industrial Limestone Resources

- 7.49 The NPPF requires Plans to define MSAs and include appropriate policies so that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development. The Carboniferous Limestone resource is of significant local and national importance because Derbyshire is one of the few areas of the country which supplies limestone of industrial and aggregate quality to meet national requirements. Chapter 9 of the Proposed Draft Plan, through policy SP18 makes provision for safeguarding important mineral resources including industrial limestone.

Issue: Monitoring

- 7.50 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.
- 7.51 Policies SP10 and SP12 require an adequate and steady supply of industrial limestone and cement making materials to be maintained throughout the Plan period which will be monitored through proposed monitoring indicators set out

at Chapter 12. Additionally, the maintenance of stocks of permitted reserves (landbanks) is a way of ensuring supply and will also be monitored. To support cement manufacture a 15-year landbank of primary (limestone/chalk) and secondary (clay/shale) should be maintained to support the maintenance and improvement to an existing kiln. To support the development of a new kiln the landbank of permitted reserves should be 25 years. The MPA will monitor the supply of cement making materials and liaise with the relevant adjoining MPAs to ensure that supply is maintained.

8. Spring 2023 Consultation - Pre-Submission Draft Plan NPPF and PPG

- 8.1 Since the last consultation there have been no revisions to the NPPF or PPG in relation to planning for industrial limestone. 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. The paragraphs below set out the outcomes for the proposed Pre-Submission Draft Plan, in the light of previous consultation, in relation to industrial limestone. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan (2022-2038) Spring 2023 Consultation: Pre-Submission Draft Plan, January 2023 – Chapter 7.2 Industrial Limestone.

- 8.2 More detailed background information about industrial limestone and cement has been updated and is set out in the following documents:

Representations on the Winter 2021/2022 Consultation

- 8.3 The MPA received several comments on the Proposed Draft Plan in relation to industrial limestone provision. A particular issue raised on the general supply of industrial limestone relates to the 2042 end date imposed by the Town and Country Planning Act (1981) on planning permissions granted prior to 22 February 1982 without an end date and what this means for security of supply. The Plan Area contains more than 40 active or dormant mineral sites whose planning permissions are set to expire in 2042. Whilst some of those sites will have exhausted their reserves prior to 2042, many will still be both operational and contain commercially viable reserves with the potential for working many years beyond 2042.
- 8.4 Lhoist requested reference to the fact that industrial limestone reserves at Whitwell Quarry would be exhausted in 7 years and that the Company were actively looking for alternative reserves. Representations were made to Policy SP10 Industrial Limestone commenting that the policy should require that the overall 'landbank' of permitted crushed rock reserves in the Plan area should be taken into account. Objections were received in relation to the requirement to use planning obligations to control the end use of the mineral where relevant; some wanted the requirements removal others wanted it to apply in all cases.
- 8.5 The proposed allocation of land through Policy SP11 at Aldwark South as an extension to Brassington Moor Quarry received several supporting comments from animal feed companies that the operator Longcliffe Quarries Ltd supplies. Several objections were made concerning the impact of the extension on the adjoining PDNP and on nearby heritage assets, including the need for a heritage impact assessment to be undertaken, and the need for additional reserves. It was suggested that the Principal Planning Requirements at Appendix which would be required to be satisfied as part of any detailed proposals to work the allocation should be included in Policy SP11.

- 8.6 Concerns were raised about carbon emissions from cement manufacture and the long term need for cement manufacture ,especially the need for an additional cement kiln at Tunstead, if more sustainable building materials were used in the future. Tarmac, the operators of Tunstead, commented that the need to maintain sufficient stocks of permitted reserves to support Tunstead cement kiln and a second kiln should be acknowledged in the Plan in relation to the expiry dates of the quarries which supply Tunstead (2040 Old Moor, PDNP and Tunstead 2042. Staffordshire CC raised concerns about the availability of raw materials in sufficient quantities from Keele and Kingsley quarries to support a second cement kiln. Details of the representations received, together with considered responses and outcomes for the Spring 2023 Consultation are set out in the following document.

Derbyshire and Derby Minerals Local Plan (2022-2038) Spring 2023 Consultation: Pre-Submission Draft Plan, January 2023 - Report of Representations, January 2023

Drop- In Sessions, Spring 2022

- 8.7 The MPA held Drop-in sessions at six locations throughout the Plan area where planning officers were present to discuss any issues raised by visitors. All of the comments received have been considered and where relevant used to inform the Pre-Submission Draft Plan. No specific issues were raised in relation to the Industrial Limestone chapter. A note of the Drop-in sessions can be found in this document:

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

Duty to Co-operate

- 8.8 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.

- 8.9 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 SoCG. These should document the cross-boundary matters being addressed and progress in cooperating to address these.
- 8.10 In preparing the Pre-Submission Draft Plan there have been no changes to the strategic cross-border issues relating to planning for the provision of industrial limestone. The following issues remain identified:
- The importance of Whitwell Quarry in making provision for the national supply of industrial dolomitic limestone (including potential extensions to the quarry in Nottinghamshire and the potential impact of extending the quarry on Creswell Crags);
 - The potential impact of extending Aldwark/Brassington Moor Quarry on the Peak District National Park;
 - The supply of cement making materials to Tunstead Cement works; and
 - The supply of cement making materials to Hope Cement works.
- 8.11 The Councils have engaged with the relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure a continuous supply of industrial limestone and cement making materials and has fed into the Pre-Submission Draft Plan, Spring 2023 Consultation.
- 8.12 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 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. Four issues have been identified in relation to industrial limestone and cement making materials. Further information can be found in the following documents:

Derbyshire and Derby Minerals Local Plan (2022-2038): Spring 2023 Consultation: Pre-Submission Draft Plan - Duty to Co-operate Report: Introduction and Overview, SOCG, January 2023

Sustainability Appraisal of the Pre-Submission Draft Plan Spring 2023 Consultation

- 8.13 A SA was undertaken on the policies of the Pre-Submission Draft Plan. The appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan (2022-2038) - Spring 2023 Consultation: Sustainability Appraisal - SA Report, January 2023

- 8.14 The SA Report assesses the three policies SP10, 11 and 12 in Chapter 7.2 against the eight SA objectives/topics. It predicts that for each of the three policies there will not be significant negative effects and it recommends that no changes need to be made to the Pre-Submission Draft Plan.

Habitats Regulations Assessment (HRA)

- 8.15 HRA is required to ensure that the policies of the Plan would not cause a likely significant effect on any European sites. A HRA was undertaken on the policies of the Pre-Submission Draft Plan which concluded that the Aldwark South allocation, Policy SP11, lay close to European sites. Accordingly, further investigation occurred which concluded that no likely significant effect would arise on any European site via any pathway of disturbance. The Assessment recommended that water flow monitoring within the Via Gellia SSSI should be continued, and this has been reflected in the Principal Planning Requirements at Appendix A of the Plan which need to be satisfied by any proposals to work the allocated site.
- 8.16 The Assessment concluded that Policies SP10 and SP12 would have no likely significant effects on European designated sites. It further commented that whilst individual proposals may or may not pose likely significant effects on European sites, but that these would be assessed as part of the scrutiny

process when any applications are made. The Assessment is set out in the following document:

Derbyshire and Derby Minerals Local Plan (2022-2038) - Spring 2023 Consultation: Habitats Regulations Assessment, January 2023

Strategic Flood Risk Assessment

- 8.17 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)

- 8.18 The SFRA did not identify any issues associated with Policies SP10,11 or 12. The proposed allocation of Aldwark South (SP11) was identified as a low risk area susceptible to surface water flooding and passed the sequential test.

Actions/Considerations

- 8.19 None

Outcome for the Pre-submission Draft Plan

- 8.20 None

Health Impact Assessment

- 8.21 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

8.22 The HIA raised no specific concerns regarding Policies SP10,11 or 12.

Actions/Considerations

8.23 None.

Outcome for the Pre-submission Draft Plan

8.24 None.

Equalities Impact Assessment (EqIA)

8.25 An EqIA has been undertaken on the Pre-submission Draft Plan. With regard to Policies SP10 Industrial Limestone, SP11 Aldwark South Allocation and Policy SP12 Cement Making Materials the EqIA concludes that there is no clear link between the policies and inequality. 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

Outcomes for the Pre-Submission Draft Plan: Chapter 7.2 Industrial Limestone

8.26 The Pre-Submission Draft Plan, at Chapter 3, sets out its strategic priorities in the draft vision and objectives and includes strategic policies to address those priorities including ensuring the supply of each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the Pre-Submission Draft Plan in relation to issues surrounding the supply of industrial limestone. The Plan has been updated and refined as plan preparation has progressed taking into account changes to national planning policy and other strategies, representations received, duty to co-operate requirements and Plan assessments and appraisals.

8.27 The Pre-Submission Draft Plan has been streamlined in order to present the Plan that the Councils consider should be taken forward for submission to the Planning Inspectorate for public examination before final adoption. Chapter 7.2

contains an Introduction and Background section, the Policies followed by the Reasoned Justification which incorporates national policy, need and supply. The Chapter includes three policies aimed at ensuring the supply of industrial limestone two criterion-based policies SP10 concerning industrial limestone supply and SP12 concerning the supply of cement making materials and SP11 which specifically allocates land for industrial limestone working at Aldwark South, an extension to Brassington Moor quarry.

Issue: The supply of industrial limestone

- 8.28 The NPPF identifies industrial limestone as an important mineral and requires MPAs to plan for its steady and adequate supply, by co-operating with neighbouring and more distant authorities, to ensure adequate provision is made to support its likely use in industrial and manufacturing processes. In terms of industrial limestone supply, there is no change from the approach set out in the Proposed Draft Plan Winter 2021/2022 Consultation. The Plan proposes that provision should be made in three ways. Firstly, through existing permitted reserves at active quarries which were considered sufficient to maintain production until the end of the Plan period. Secondly, through a Plan-wide criteria-based policy, SP10, which would allow for new industrial limestone working to meet any unforeseen demand and thirdly, through the specific allocation of land at Aldwark South. The Sustainability Report, January 2023 confirms that making provision for supply through this approach was positive for minerals providing both certainty of supply through permissions and allocations and flexibility to meet needs as they arise through a criteria-based approach. Updates to the Plan will be made to reflect the lack of industrial reserves at Whitwell Quarry and the search for additional supplies.
- 8.29 A particular issue raised concerning the overall supply of industrial limestone from permitted sites relates to the 2042 end date (see paragraph 8.3 for explanation). The Plan has been amended at Chapter 11 to include a section on transitioning to 2042. It explains that *'the 2042 end date presents a number of challenges for the MPA and mineral operators, in terms of certainty of continuity of supply as well as managing long-term working and restoration requirements through the ROMP process. At the current time no guidance has*

been produced by government about how to approach the 2042 deadline or regarding any potential legislative changes. It is therefore proposed that this issue will be annually reviewed post-adoption of the Plan with the potential for further guidance to be produced at that time. In the meantime, operators are encouraged to enter into discussions with the MPA regarding the long-term plans for their sites at the earliest opportunity.'

Outcome for the Pre-Submission Draft Plan

- 8.30 Maintain the supply of industrial limestone through permitted reserves, a plan wide criteria-based policy and a specific allocation of land for working at Brassington Moor Quarry. The Plan has been updated to include reference to the need for additional reserves at Whitwell Quarry. Changes are proposed to Chapter 11 to address the issue of transitioning to the 2042 end date.

Issue: SP10 Industrial Limestone Supply Policy Wording

- 8.31 The wording of the criteria-based policy SP10 in the Pre-Submission Draft has not changed from the Proposed Draft Plan version. It allows for the working of additional reserves to meet an identified need for the mineral and where it is required because of its' particular chemical or physical composition and where the recovery of the mineral is maximised to meet the identified need. The policy encourages the use of Section 106 agreements to control the use of high-grade mineral, where appropriate. Representations have been made to this latter criterion suggesting on the one hand that it should be removed and on the other that it should apply in all cases. The MPA consider that in order to provide a flexible approach the use of planning obligations to control the end use of the industrial mineral should be considered on a case-by-case basis.

Outcome for the Pre-Submission Draft Plan

- 8.32 No changes to Policy SP10 from the Proposed Draft Plan.

Issue: SP11 Allocation of land at Aldwark South for industrial limestone working

- 8.33 The Proposed Draft Plan proposed the allocation of one site for industrial limestone working at Aldwark South as an extension to Brassington Moor

Quarry. The proposed allocation received both supporting comments and objections were made concerning the impact of the extension on the adjoining PDNP and heritage assets and the need for additional reserves. It was suggested that a heritage impact assessment (HIA) should be carried out and that the Principal Planning Requirements at Appendix which would be required to be satisfied as part of any detailed proposals to work the allocation should be included in Policy SP11.

- 8.34 In terms of the need for additional reserves the NPPF requires the supply of aggregate minerals not industrial minerals to be maintained through the provision of landbanks because on the whole aggregate minerals supply similar markets. This is not the case with industrial minerals where their differences in geology, physical and chemical properties result in the requirement for different specifications of mineral for particular markets. The NPPF requires their provision to be maintained having regard to the particular properties of the mineral and the stocks of permitted reserves required to support investment in new or existing plant as reflected in Policy SP10.
- 8.35 In relation to potential impacts on the PDNP the MPA has co-operated with the PDNPA on this matter and reached agreement that subject to the setting out of specific site requirements that must be addressed by any planning application to work the site the PDNPA has no objections to the site being allocated hence its proposed allocation in the Proposed Draft Plan. The MPA agree that reference to the need to meet the Principal Planning Requirements should be included in the Policy SP11.
- 8.36 The MPA has carried out an HIA on the proposed allocation which concluded that impacts on heritage assets would not be significant and could be satisfactorily managed through reinstating the site to a naturalistic landform.

Outcome for the Pre-Submission Draft Plan

- 8.37 Appendix A has been amended to take into account the findings of the HIA. Policy SP11 has been amended to include the need to address the Principal Planning Requirements. The proposed wording is as follows, *'Proposals will*

need to satisfactorily address the Principal Planning Requirements set out at Appendix A of the Plan.'

Issue: SP12 Supply of cement making raw materials

- 8.38 Industrial limestone is a primary raw material in the manufacture of cement with clay and shale as secondary materials. Processing plants associated with cement manufacture are generally large and require high capital investment. In view of this the NPPF and PPG establish the need to ensure that sufficient stocks of permitted reserves of primary (chalk/limestone) and secondary (clay/shale) materials are available to support the level of actual and proposed investment required to maintain or improve existing plant or to provide a new kiln for cement manufacture.
- 8.39 In order to meet the need for cement making materials the Proposed Draft Plan Winter 2021/2022 Consultation proposed that supply would be maintained in two ways; firstly through existing permitted reserves which should be sufficient to maintain production at the Plan area's only cement plant at Tunstead throughout the Plan period. Cross-border supplies of raw materials to Tunstead would be monitored through co-operation with Staffordshire County Council.
- 8.40 Secondly, it proposed that any unforeseen needs would be met through Policy SP12 a policy which allows for the working of additional reserves subject to meeting criteria which include, the contribution to the stock of permitted reserves to support the high capital and operating costs of cement making plant and the need for the particular specification of mineral. New sites should be located as near as possible to the cement works where the material will be used
- 8.41 Representations were made concerning the emissions from cement manufacture and its impact on climate change and on the long term need for cement manufacture if , in the future, more sustainable building materials were used. Changes have been made to Policy SP2 Climate Change to require a reduction in emissions in line with national and local carbon budgets. In relation to the supply of cement making raw materials whilst increases in alternative building materials may occur in the future mineral companies are also investing

in carbon capture technologies which may lead to net zero carbon cement but would not necessarily reduce the need for raw materials.

- 8.42 Tarmac, the operators of Tunstead cement kiln raised the issue about the long-term security of supply to Tunstead in relation to the 2042 end date of the quarry (see paragraph 8.18 for the outcome to this issue). In relation to concerns about the supply of material from Staffordshire quarries to support a second kiln (K2) at Tunstead, the MPA consider that in view of the uncertainty about the commissioning date for K2, which may be beyond the Plan period this issue should be dealt with as part of future reviews of the Plan and by continuous liaison with Staffordshire CC under the Duty to Cooperate regime.

Outcome for the Proposed Draft Plan

- 8.43 No changes to Policy SP12 from the Proposed Draft Plan.