

# **DERBYSHIRE AND DERBY MINERALS LOCAL PLAN**

## **Towards a Minerals Local Plan: Spring 2018 Consultation**

### **CHAPTER 10**

#### **10.2 Safeguarding Mineral Infrastructure**

**December 2017**

## **Introduction**

10.2.1 This chapter considers how the minerals supply and transport infrastructure in Derbyshire and Derby will be safeguarded. It is important to safeguard minerals related infrastructure to ensure that the minerals which are produced within Derbyshire and Derby and the surrounding areas are supplied to the market in the form required (e.g. concrete or coated road stone), and the potential to transport them in sustainable ways is maintained, including by rail and water. Safeguarding will also ensure that if development is proposed at, or near to, any of the identified locations then the significance of the site in terms of retaining supply can be considered fully before decisions are made.

## **Vision and Objectives**

10.2.2 The Vision will help to define the direction of the Plan by stating where we want to be in terms of mineral development by the end of the Plan period. It will set out what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been delivered successfully over the Plan period. The Objectives will set out how the Vision will be delivered and implemented.

The following objectives are relevant to this chapter:

**Objective 1 - Ensuring a Steady and Adequate Supply of Minerals**  
**Objective 2 - Delivering Sustainable Minerals Development**  
**Achieving the most Appropriate Spatial Distribution of Mineral Development**  
**Objective 4 – Safeguarding Mineral Resources and Facilities**

More detail on the Vision and Objectives is set out in the following chapter:

**Towards a Minerals Local Plan: Spring 2018 Consultation, Chapter 3,  
Vision and Objectives, December 2017**

## **Evidence Base**

### **National Planning Policy Framework**

10.2.3 National policy for the safeguarding of minerals infrastructure is set out in the National Planning Policy Framework. In paragraph 143, the NPPF states that, "...local planning authorities should...safeguard:

- existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport of minerals by rail, sea or inland waterways, including recycled, secondary and marine-dredged materials; and
- existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material."

### **National Planning Practice Guidance**

10.2.4 This guidance states that planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:

- ensure that sites for these purposes are available should they be needed; and
- prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.

10.2.5 It goes on to explain that in areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority. It sets out that exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.

10.2.6 It concludes by stating that planning authorities should consider the possibility of combining safeguarded sites for storage, handling and transport of minerals

with those for the processing and distribution of recycled and secondary aggregate. This will require close co-operation between planning authorities.

- 10.2.7 The councils have contacted mineral operators and district planning authorities to determine the location of current mineral related infrastructure facilities in the Plan area. These include rail freight lines, concrete batching plants, mineral processing plant and machinery. The information collected has been used to develop the strategy. This is as follows:

### **Transport Infrastructure**

- 10.2.8 There are currently three known operational railheads, three known non-operational railheads, four rail links to quarries and no wharves in Derbyshire and Derby (see Appendix A of the Background Paper for a list of the sites). These already benefit from the safeguarding of the host quarry.
- 10.2.9 The authorities are not aware of any current proposals for any more of the above infrastructure types.

### **Concrete Batching Plants**

- 10.2.10 The councils carried out surveys to determine the location of concrete batching plants in the Plan area. This involved contacting mineral operators and meeting with district/borough council representatives to find this information. This research found 35 concrete batching plants in the Plan area. (see Appendix B of the Background Paper for a list of the sites). We sent letters to the operators of each of these facilities asking for information to inform the preparation of the paper. Response to this was very low. We sent a follow up letter, to which only a small number of responses were received.
- 10.2.11 As can be seen from the list, some facilities are located on existing mineral workings whilst others are standalone facilities on industrial estates in urban areas. The numbers and distribution of the sites involved do not suggest that

any individual plant is critical in its own right; each would appear to serve its own relatively limited local area.

- 10.2.12 It can be beneficial where the batching plant is located within a quarry as the host operation often supplies a large proportion of the raw materials for the manufacture of concrete or asphalt. Other concrete plants are situated within industrial estates. Large development sites build their own temporary concrete plants to supply the contract.

### **Coated Stone Plant (Asphalt)**

- 10.2.13 Asphalt is a vital product as it is used in many different applications. These include road construction and maintenance, pavements, airport runways, school playgrounds, car parks, footpaths and cycleways and the roofing of buildings.
- 10.2.14 Our research has determined that there are four coated stone plants in the Plan area. These are listed in Appendix B of the Background Paper. Two are within quarries and two are in industrial estates. Letters were sent to the operators of these facilities in 2013 to gather information on the facilities. Response was very low and a follow up letter was sent in 2015 to gather further information to enable us to assess whether the sites should be safeguarded, in particular in this respect to determine the size and output of the facility and the geographical area which it serves.

**Further more detailed evidence regarding minerals related infrastructure is available in the Safeguarding Minerals Infrastructure Background Paper, December 2017.**

## **Consultations Undertaken and Comments Received**

### **Issues and Options 2010**

- 10.2.15 This issue was not covered in detail in the Issues and Options Report. The Report did ask, however, whether or not respondents agreed that the most appropriate place to consider the safeguarding of sites for substitute, recycled and secondary aggregates would be the Waste Local Plan. Thirteen out of fifteen respondents agreed with this approach and, as a result, this element will be taken forward in the emerging Waste Local Plan for Derbyshire and Derby.

### **Towards a Minerals Local Plan Rolling Consultation 2015/2016**

- 10.2.16 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the safeguarding of minerals related infrastructure.
- 10.2.17 Given that this subject was not covered in great detail at previous stages, a number of issues were presented at this stage. Issue 1 related to whether a policy should cover all facilities. Issue 2 as to whether a consultation area should be designated around each facility and what form this should take, and Issue 3, the flexibility of the policy and the protocol between county and district authorities regarding the safeguarding of minerals related infrastructure.
- 10.2.18 There were three comments from one respondent to this strategy at this stage.
- Issue 1. There should be a blanket approach to safeguarding all minerals infrastructure.

- Issue 2. Support definition of MCAs around sites on a site by site basis
- Issue 3. Policies should be flexible to allow for change i.e. if facilities are removed.

### **Assessment of Comments and Outcomes for the Plan**

1. This has been taken into account in developing the preferred approach to this issue. All minerals related infrastructure will be safeguarded, whether this is in this Minerals Local Plan or district/borough local plans.
2. Having considered this approach further, including discussions with other mineral planning authorities, it appears that it may not be practicable to develop this approach. Generally, the preferred approach emerging amongst other mpas is to develop a standard consultation area around each facility.
3. This would appear to be the most practical and reasonable approach to this issue and will be incorporated into the proposed approach.

### **Sustainability Appraisal**

10.2.19 The Sustainability Appraisal does not yet report on this issue.

### **Duty to Cooperate**

10.2.20 In order to obtain as much relevant information as possible about safeguarding of mineral related infrastructure, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities including mineral operators. We have also corresponded with other organisations and individuals with relevant knowledge and experience of minerals related infrastructure to develop our evidence base for the Plan, in terms of gathering information regarding the location of current mineral related infrastructure and for developing the approach to safeguarding infrastructure.

10.2.21 Whilst the responsibility for minerals planning matters rests with Derbyshire County Council and Derby City Council, the full implementation of the safeguarding policies will require the cooperation and assistance of the district and borough councils who will be required to safeguard some elements of minerals infrastructure outside quarries, as set out in NPPG. All the relevant

local authorities have been involved in developing an approach to minerals infrastructure safeguarding under the Duty to Cooperate and this will continue throughout the remaining stages of Plan preparation and its implementation in the future.

### **Protocol between County and District Planning Authorities**

10.2.22 Whilst the responsibility for minerals planning matters rests with Derbyshire County Council and Derby City Council the full implementation of the safeguarding policies will require the co-operation and assistance of the district and borough councils. As set out above, in accordance with NPPG, district/borough authorities will be responsible for safeguarding sites other than those which are located at quarries or aggregate wharves or rail terminals, which will be safeguarded in this Minerals Local Plan. All the relevant local authorities have been involved in developing an approach to mineral infrastructure safeguarding under the Duty to Cooperate and this will continue throughout the remaining stages of Plan preparation and its implementation in the future. The development of an agreed protocol which sets out the circumstances and form of consultation on planning applications which may affect minerals related infrastructure will take place is considered to be an appropriate way to ensure that safeguarding is taken into consideration. Once the policies and procedures for consultation are in place, the protocol and policies will be monitored and reviewed to ensure they are working effectively and remain relevant. This will be achieved through the Duty to Co-operate.

### **The Proposed Approach**

10.2.23 Taking all of the above information into account, it is considered that an overarching policy covering all forms of minerals related infrastructure should be included. It would then be a matter for consideration in the determination of a planning application as to whether the loss of a particular site would be a significant issue in a particular case and over time.



- 10.2.24 As set out above, in accordance with NPPG, district/borough authorities will be responsible for safeguarding sites in their local plans, other than those which are located at quarries or aggregate wharves or rail terminals.
- 10.2.25 Much of the infrastructure referred to in paragraph 143 of the NPPF is located within the boundaries of existing minerals operations and their operation is tied to the lifetime of the planning permission. It is not necessary to add another layer of safeguarding as these forms of development already have a sufficient level of protection both from being located within an active mineral working, and also from the site being within a mineral safeguarding area which safeguards the resource which the quarry is working.
- 10.2.26 To ensure that the presence of the safeguarded facility is taken into account in any planning application that might conflict with and have an impact on the ability of the facility to continue operating effectively (for example, a new housing development built near to a concrete batching plant might prevent the future expansion of the plant or lead to complaints about noise and nuisance from the new residents which may result in the activities of the operation being restricted) a standard consultation area of 250m is designated around each facility. This should help to prevent incompatible development taking place close to a safeguarded facility.
- 10.2.27 Safeguarding a facility which is currently in operation cannot guarantee that it will remain in operation until the end of the Plan period and beyond. It may be the case that a particular site is no longer required for valid reasons, for example a new supply source may have been developed elsewhere, the company may be consolidating or relocating or the specific project being worked on has ended and the infrastructure is no longer required. In such cases, it would not be appropriate to prevent alternative, productive forms of development from using the site as this may stifle future economic growth.
- 10.2.28 It is also possible that other forms of development could be allowed if it can be shown that the loss of the particular infrastructure site would not affect the provision of the resource to which it relates in overall terms or would be replaced elsewhere or there is shown to be sufficient provision of that particular type of facility in the area that it serves. This option would ensure that safeguarding can

be maintained but would allow for the importance and role of the facility to be considered at the planning application stage, taking account of the potential contribution of alternative types of development.

### **Policy SG3: Safeguarding Minerals Related Infrastructure**

**Existing, planned and potential rail heads, rail links to quarries, sites for concrete batching and processing and distribution of recycled and secondary aggregate within quarries are safeguarded to ensure that they are taken into account when other forms of development are planned in or around the facility.**

**Should the facility be removed during the course of the Plan period or it can be proved that is no longer required, this will be taken into account when considering a proposal on or in the vicinity of the facility.**

**Do you have any comments on the proposed approach to safeguarding minerals related infrastructure, as set out in this Chapter?**