

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

Towards a Minerals Local Plan: Spring 2018 Consultation

CHAPTER 11 **Cumulative Impacts**

December 2017

1 Introduction

Cumulative impacts are a potential consequence of all mineral developments. It is therefore an important for the Minerals Local Plan. This chapter examines why cumulative impacts are such an important issue for the Plan area and seeks to develop the policy approach of the Plan on the issue and establish an appropriate methodology so that the cumulative impact of new minerals development can be evaluated and assessed in the context of the vision and objectives and all the other policies against which they will be determined. It is acknowledged that cumulative impacts can be positive as well as negative. Whilst the benefits of development will form an integral part of the overall assessment of a proposal, the focus of this chapter will be on the approach to the way in which aggregate adverse impacts are addressed.

Cumulative impacts are also an important issue in the operation of waste management sites and facilities. The issue will be addressed separately in the emerging new Waste Local Plan but this chapter includes references to relevant waste policy statements to provide a comprehensive coverage of the issue.

2 Legislative Background

The need to take account of the potential adverse impacts of development proposals as well as the benefits of those developments has been at the heart of the modern planning system. The concept of cumulative impacts has also been a recognized element of the planning system for a long time but the need to take account of such impacts was only formally enacted by legislation arising from EC Directive 85/337/EEC (as amended by 11/99/EC) which introduced Environmental Impact Assessment (EIA) regulations. In the UK the relevant legislation was the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, (notably Schedule 3). The need to take account of the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality is also included in current Government policy in the National Planning Policy Framework (paragraph 143).

3 What are cumulative impacts?

Cumulative impacts is the term used to describe the combined effects of a number of individual impacts which, in aggregate, are greater than the sum of those individual impacts. They are those which are caused by the combined effects of one action, or of several actions or developments at the same time or from a succession of actions or developments over time. It is recognized that cumulative impacts can be beneficial as well as adverse. For example, the benefits to an area which suffers from a number of derelict, degraded and contaminated sites in close proximity will benefit more from the combined improvement of a number of simultaneous remediation schemes when compared to just one site being restored.

Mineral developments can often involve substantial areas of land. They can involve the construction of major new buildings and structures (for processing), large-scale disturbance to land and an extensive range of other operations. By their scale and nature, mineral developments have the scope for generating significant adverse impacts on the environment, local communities and the surrounding area in general. The concept of cumulative impacts is to determine if, and how the aggregate sum of these individual impacts is greater than on an individual basis.

4 Why are cumulative impacts so pertinent to Derbyshire?

One of the main requirements of the planning system is that the development plan framework for any area should not only accord with national planning policy but also that individual local plans should properly reflect the particular circumstances and conditions of the area to which they apply. The issue of cumulative impacts is particularly important for Derbyshire and Derby. The importance of the issue has been communicated strongly and repeatedly by local communities in response to previous mineral (and waste local plan) consultations and in response to publicity for individual development proposals.

The most important local factor is the baseline conditions which prevail, arising from the historical pattern and form of development in the area. Based on the responses to local plan consultation exercises and to individual planning applications, people in the Plan area consider that the industrial heritage has created an area, local communities and an economy which is sensitive to change. The industrial heritage has affected the location of development, the form it has taken and has had a profound impact on the quality of the environment and social and living conditions.

In summary, it is the wealth of minerals found in the area and the corresponding industries that developed from the availability of those minerals that has influenced the area. Mineral extraction has taken place over several centuries but grew and expanded considerably during the industrial revolution period and onwards. The availability of coal from the many mines across the eastern coalfield supported the development of major metal based engineering firms. Whilst all the collieries have now closed together with many of the engineering firms, much of the legacy remains despite the progression of comprehensive remediation, restoration and redevelopment programmes. Other parts of the area were also influenced and shaped by mineral extraction, including the establishment of large limestone quarries in the north of the County in locations often corresponding with areas of high landscape value, whilst the southern parts saw both coal and clay extraction together with sand and gravel along the river valleys.

The industrial heritage has left obvious physical manifestations and has affected the form and character of the landscape and wider environment. In addition, it has had a social and psychological effect whereby local communities are sensitive to historic adverse conditions continuing in to the future from some forms of development, particularly those related to major minerals (and waste management) activities.

A more comprehensive description of the industrial heritage of the area and how it has affected baseline conditions is available in the following background paper;

**Towards a Minerals Local Plan: Spring 2018 Consultation
Background Paper – Cumulative Impacts Support Paper,
December 2017**

5 Methods of Assessment

At present there is not an established methodology which has been adopted by the planning system for use in the assessment and determination of the cumulative impacts of development proposals. The Support Paper referred to above, included a review of the methodologies and techniques that have been developed, including ones in other countries which were used to assess mining related developments. Most methodologies have focused on the evaluation of the combined effects of an individual proposal and the additional impacts of other developments taking place in a location at the same time. However, in order to take account of the historic effect of developments, the research also investigated those methodologies that considered the collective impacts of a series of developments over time. The use of a methodology that included the historic element was considered necessary to properly reflect the circumstances in the Plan area.

A more comprehensive description of the range of methodologies that were considered is available in the following background paper;

**Towards a Minerals Local Plan: Spring 2018 Consultation
Background Paper – Cumulative Impacts Support Paper,
December 2017**

6 National and Local Policy

National Planning Policy Framework (NPPF)

The NPPF seeks ways to improve the efficiency and effectiveness of the planning system but upholds the foundation that it is a plan-led system. It advocates the use of relevant policies to assess and help determine the acceptability or otherwise of development proposals, in the context of the presumption in favour of sustainable development. A fundamental objective remains the need to ensure the best and appropriate balance between economic, social and environmental factors.

With regard to facilitating the sustainable use of minerals the advice to mineral planning authorities is to set out environmental criteria, in line with the policies of the Framework, against which planning applications will be assessed. The purpose is to ensure that permitted operations do not have unacceptable adverse impacts, including the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.

In general terms, the NPPF states that, 'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation'.

National Planning Practice Guidance NPPG)

The National Planning Practice Guidance reiterates much of the policy approach of the NPPF. For example, it identifies the environmental issues of mineral working that should be addressed by mineral planning authorities. At paragraph 17, however, it acknowledges that some parts of a mineral planning authority area may have been subjected to successive mineral development over a number of years and states that, where appropriate, mineral planning authorities should include appropriate policies in their minerals local plan to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable.

National Planning Policy for Waste 2014

The NPPW supports the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits by driving waste management up the waste hierarchy. It states that waste planning authorities should prepare local plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. With regard to the assessing the suitability of sites and/or areas for new or enhanced waste management facilities it states the criteria which should be taken into account, including the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.

Derby and Derbyshire Minerals Local Plan, 2000

The importance of cumulative impacts in the consideration of minerals and waste developments was recognised in both current minerals and waste local plans. In the adopted Derby and Derbyshire Minerals Local Plan, April 2000, Policy MP4: Interests of Acknowledged Environmental Importance, states that proposals for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance. With regard to cumulative impacts it states that one of the aspects for deciding

whether a development was acceptable or not would be where it would result in an unacceptable cumulative impact on the environment of an area, either in relation to an individual proposal having regard to the collective effect of different impacts, or in relation to the effects of a number of mineral developments occurring either concurrently or successively.

The supporting text to this policy indicates that cumulative impacts could arise where there is a concentration of mineral workings in a particular location, either concurrently or successively over a period of time, and where the local community has experienced more than its fair share of environmental disturbance. It notes that these concerns can be particularly relevant in the Derbyshire coalfield where the adverse effects of operations should not inhibit efforts to regenerate those areas. In addition it notes that proposals for mineral working may result in a series of environmental impacts which are not individually unacceptable, but which taken collectively and taking account of any impacts of other mineral or non-mineral developments in the same area may create unacceptable damage to the environment.

Derby and Derbyshire Waste Local Plan, 2005

The adopted Derby and Derbyshire Waste Local Plan, March 2005, contains a corresponding policy for waste developments. Policy W10: Cumulative Impact, states that proposals for waste development will be assessed in the light of the cumulative impact which they and other developments would impose on local communities, concurrently or successively. It adds that waste development will be permitted only if the development would not result in significant and detrimental cumulative impact on the environment of those communities.

The accompanying text also refers to the creation of unacceptable cumulative impacts from developments operating concurrently or successively. It cites the example of disturbance to a local community from mining and landfill operations over a long period where a proposal to extend the landfill site or develop another waste disposal site or waste management facility, even one that would benefit the wider waste management system, might result in significant, cumulative harm

to the community's amenities and may have to be refused. It also provides a guide to potential applicants and decision-makers by setting out the aspects that may contribute to cumulative impact.

7 Duty to Co-operate

The Duty to Co-operate was created by the Localism Act 2011, which places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross-boundary matters. This is embodied in the NPPF and NPPG.

The Councils have undertaken discussions with neighbouring authorities on a number of shared mineral and waste issues. The outcome of these discussions so far is that the authorities have agreed jointly to set out how they will proceed to ensure the development of a consistent and complementary approach towards minerals and waste policy, including the provision for the supply of minerals and the assessment of the benefits and adverse impacts of such development. It has also been agreed to undertake joint monitoring and evidence base production as required.

The issue of cumulative impacts forms one of the many aspects in the assessment of development proposals and has been recognised jointly as a strategic issue. It is also recognised that cumulative impacts from minerals and waste developments can affect district and borough council areas within the Plan area and adjacent authorities outside the county, and that other forms of development for which those authorities are the local planning authority can influence the assessment of cumulative impacts from new minerals and waste developments.

8 Sustainability Appraisal

The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal

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

The SA considered that the significance of effects concerning the different methodology options was difficult to determine given the high level procedural nature of the options but concluded that both ought to have positive effects upon sustainability. It also considered that taking into account the historical context in determining sensitivity could be positive for heritage and landscapes which have already been affected by development and positive for communities by recognising industrial decline but could direct development away from areas that are well served by infrastructure and supply lines.

The full appraisal is set out in the following document:

**Towards a Minerals Local Plan: Spring 2018 Consultation
Interim Sustainability Appraisal (SA) Report, November 2017**

9 Consultations Undertaken and Comments Received

Early Consultations

The County and City Councils have undertaken a series of earlier consultation exercises. Whilst these exercises did not identify cumulative impacts specifically as a distinct issue, they did seek to obtain your views about the most appropriate way to assess the acceptability or otherwise of minerals and waste development proposals. The emerging view was that you favoured a criterion based approach, which took all relevant factors into consideration.

In response to individual planning applications, many people have indicated the need for cumulative impacts to be taken into account, particularly where development proposals were located in the coalfield areas. This message was

also prominent in the responses from those attending the sand and gravel drop-in sessions.

Towards a Minerals Local Plan – Rolling Consultation 2015/2016

As explained above, cumulative impacts were identified as a specific issue for the recent consultation exercise but as the issue is relevant to both minerals and waste management developments it was undertaken as a joint exercise for both plans. The consultation consisted of a support paper setting out background information about the nature and form of cumulative impacts, the methodologies available to assess such impacts, the policy position of cumulative impacts in the current planning system and what makes it an important issue for the local minerals and waste plans.

The consultation paper identified a series of issues, with options where relevant, whereby the responses would help determine the approach of the new plans to cumulative impacts. The issues concerned the need to continue including cumulative impacts as an element of the policies of the two plans, the preferred methodology for assessment and quantification of such impacts and how the conditions prevailing in different parts of the plan area merited variations in the application of a cumulative based policy.

Assessment of Comments and Outcomes for the Plan

Very few responses were received which limits the conclusions that can be drawn directly from the consultation exercise. Of those received there was general support for the role of cumulative impacts in the planning process but it was noted that cumulative benefits should be recognised in addition to cumulative adverse impacts.

In the absence of any clear messages from the responses to this consultation exercise the authorities will continue to develop an approach for the minerals and waste local plans that delivers the messages set out more clearly in earlier consultation exercises and in response to specific development proposals where the issue was more sharply to the forefront of the minds of people in the relevant local communities.

10 The Proposed Approach

The concept of cumulative impacts is an important element of the planning system and enables a wider perspective of the consequences of development proposals compared to viewing each issue in isolation. It is advocated as one of the criteria in the National Planning Policy Framework and is an established element of the development plan for Derbyshire for many years. It is supported by local communities and will continue to be included in the policy framework of the emerging minerals and waste local plans.

For the reasons set out above and in the consultation papers, it is considered justified to conclude that parts of the Plan area are more susceptible to further cumulative impacts than other parts of the country. Accordingly it is considered the approach to cumulative impact assessment in Derbyshire needs to be more comprehensive than that stipulated in the National Planning Policy Framework. The authorities will seek to develop the approach set out in the consultation paper which follows that established by Mr Justice Brown which incorporates successive effects, simultaneous effects from concurrent developments and combined effects from the same development.

Recognition of the differing circumstances in different parts of the Plan area will be achieved by the application of the relevant policy or policies which will sufficiently robust but flexible to allow that objective.

Policy CP1: Cumulative Impacts

Proposals for minerals developments will be granted where the applicant can demonstrate that it would not give rise to unacceptable cumulative impacts on the environment, the social fabric of the area or local economic conditions. In the determination of cumulative impacts the mineral planning authority will take account of:

- **the combined effects from the individual development;**
- **the simultaneous effects from similar developments;**
- **the simultaneous effects from other forms of development;**
- **the successive effects of similar and other forms of development.**

For each of these issues the mineral planning authority will address the spatial, temporal and linked aspects of cumulative effects.