

# **DERBYSHIRE AND DERBY MINERALS LOCAL PLAN**

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

## **Developing the Proposed Draft Plan Sand and Gravel**

**December 2021**



# **1 Introduction**

- 1.1 The purpose of this Paper is to show how the current proposed draft plan has been developed over time, through several stages of consultation, starting initially with the key issues and options in 2010. It explains how national planning policy and guidance (including revisions), representations made at the consultation stages, interim sustainability appraisals and co-operation with appropriate bodies on strategic cross-border issues which have been taken into account, leading to outcomes for the current approach set out in the proposed draft plan.

## **2 Stakeholder Workshop 2009**

- 2.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan (MLP) should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.
- 2.2 In terms of sand and gravel, the main issues that stakeholders have identified as being necessary for the Plan to address were firstly the need for mineral and how this is calculated, and secondly where broadly the sites should be located to provide for the requirement for sand and gravel and whether these should be either extensions to existing workings or new workings. These issues will now be considered in terms of how they have developed during the preparation of the Plan.

## **3 Issues and Options Consultation 2010**

- 3.1 When the Issues and Options report was published in 2010, provision figures for aggregates were produced on a national basis so the Councils were not in a position to determine these figures or for the public to have a say. This changed with the publication of the NPPF in 2012 which set out the requirement

to determine aggregate requirements on a local basis through a Local Aggregate Assessment (LAA).

- 3.2 There was overall support (80%) for a strategy that allocated extensions to existing sites in the eastern part of the Trent Valley up to 2020 and then, beyond this time, to identify broader areas of search, possibly dispersing to new areas in the Lower Dove Valley. This was reported in “The Analysis of Responses to the Issues and Options Consultation” in 2011 and, as a result of the support shown, it was indicated that this was the approach which the Councils would seek to develop further. At this time, the provision of aggregates was determined at a national, rather than a local, level. These figures only covered to 2020. This meant that the identification of broader areas of search for the period beyond 2020, for which levels of provision were not available, would have been a reasonable option at this time.

#### **Sustainability Appraisal (SA) of the Issues and Options Consultation 2010**

- 3.3 The Sustainability Appraisal (SA) process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated.
- 3.4 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 sand and gravel. It noted that a criteria-based policy would have a similar impact to the policy in the adopted MLP. Allocating extensions to existing sites rather than finding new extraction sites could put additional pressure on the environments within which current facilities are located. However, it would help to negate environmental impacts in other parts of Derbyshire. It would also prevent the need to identify alternative sources of supply; helping to reduce barriers/costs to extraction. Expanding existing sites also helps to retain employment over a longer period of time for communities that currently rely upon these opportunities.

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 - 1<sup>st</sup> Interim Sustainability Appraisal (SA) Report, July 2013*

## **4. Drop-in Sessions Autumn 2012**

### **Provision Figures**

- 4.1 In autumn 2012, the Councils were at the initial stages in preparing the first LAA. At drop in sessions, communities were asked whether they thought future provision should be based purely on the average production of the previous 10 years, or whether an additional 10% should be applied to this figure in order to provide a degree of flexibility to make provision for future economic recovery. There was no clear opinion, however, regarding the approach that people thought should be taken in this respect.
- 4.2 As a result of this response, and taking account of guidance available at the time, it was suggested, on balance, that a 10% allowance should be applied to the apportionment figures in the draft LAA.

### **Future Sites for Sand and Gravel**

- 4.3 Given changes to government policy in 2012 and other considerations, it was appropriate to present the revised issues to communities in the area covered by the sand and gravel resource, and to ask for their views.

The following two options were presented at the 2012 drop-in sessions regarding the future location of sites:

- whether for the period to 2030, all sites continue to be located in the Trent and Derwent Valleys in the more eastern parts of the river valley resource where sand and gravel extraction currently takes place, or
- whether to 2030, some sites continue to be located in the Trent and Derwent Valleys but also that some new sites are identified in the Lower

Dove Valley in the more western part of the resource to relieve some of the impact of mineral working on areas in the Trent and Derwent Valleys.

- 4.4 Responses provided at these drop-in sessions gave no clear steer regarding the general location for future sand and gravel sites i.e. whether all new sites should be allocated in the Trent/Derwent Valleys over the Plan period or whether some sites should also be worked in the Lower Dove Valley, where there are currently no active sites. As a result, it was concluded that the site assessments should give no specific weighting to sites depending on whether they are located in either the Trent or Lower Dove valleys.
- 4.5 A number of site-specific comments were also made, and these were used in the detailed assessments of the sites and helped to determine those sites which should be allocated for mineral extraction in the Plan.
- 4.6 All of this information set out above was used in the development of the draft strategy for sand and gravel which was published as part of the Rolling Consultation in 2015.

## **5. Further Consultation on the LAA, 2013/2014**

- 5.1 The first LAA was published for comment in March 2013. It set out that sites would have to be allocated to meet the identified shortfall in the need for sand and gravel at that time, including a 10% flexibility allowance.
- 5.2 At this stage, again there was some public support expressed for the 10% flexibility allowance to allow for increased demand to assist the economic recovery. There were also an equal number of reservations regarding this approach, responses stating that annual monitoring of sales figures and other information through the LAA would identify any significant increase in demand, enabling a review of the apportionment figure and, if necessary, further provision of sites later in the Plan period. In accordance with the National Planning Policy Guidance (NPPG), people said that consideration of average sales over the most recent three years would identify the general trend of

demand as part of the consideration of whether it might be appropriate to increase supply. People also cited a lack of evidence as to why a figure of 10% should be used as opposed to any other figure.

5.3 At the time that the draft LAA was published for comment, the East Midlands Aggregates Working Party (EMAWP) agreed an approach whereby the future apportionments should be based on the average sales figure of the previous 10 years.

5.4 Having taken account of comments received at the community drop-in sessions and those received through the publication of the draft LAA, the interim SA (September 2013), as well as the approach agreed at the Aggregates Working Party in February 2013, and also taking account of the most recent sales figures, it was considered now that the most appropriate approach would be to use the average figure of the previous 10 years of sales on which to base future apportionment of aggregates and to not apply an additional 10%. In the LAA, it is set out that annual monitoring of sand and gravel sales and landbanks would be undertaken and that this would identify any significant increase or decrease in demand for sand and gravel. It was determined that the provision figure could be revised accordingly during the course of the Plan period.

## **6. Towards a Minerals Local Plan – Rolling Consultation 2015/2017**

### **Provision Figures**

6.1 The following comments were received at this stage in respect of the provision figures for sand and gravel:

1. Two people questioned the method by which the provision figures have been calculated, suggesting that the figure should be higher, using the previous sub-regional apportionment (SRA) figure until a robust forecast methodology has been developed and to include an element of flexibility.

The concern was therefore about under provision over the course of the Plan period.

2. Support was also expressed for the provision figure.
3. One comment set out that the Plan should indicate that production can be maintained at more than 1mtpa.

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

1 & 2. The provision figure has been considered through public consultation and also discussed and agreed through the Aggregates Working Party. Given this overall support and mandate, it is considered, therefore, that the figure is appropriate and robust for the Plan period, but it will be monitored on an annual basis and if necessary can be reviewed through the Plan period. The Councils maintain that the 10 year average figure has been widely accepted as being a realistic and robust figure by which to estimate future demand for sand and gravel. It includes figures from periods of growth, recession and recovery. It is considered that it should be used to plan for sand and gravel production in Derbyshire over this Plan period. It will be reviewed on an annual basis and any significant changes will be managed. The Plan is likely to include areas of search for future mineral extraction and in the event of under provision occurring at some point through the Plan period, these could be considered as potential allocations.

3. A deliverability schedule will be included showing estimated annual production of sand and gravel over the Plan period.

### **Proposed Sites**

6.3 The following comments were made in respect of future sites for sand and gravel extraction at this stage:

- Concern was expressed for opening up sites in the Lower Dove Valley and also in the area around Repton where the road network would not be considered suitable for heavy lorries.

- One comment of support was expressed for the proposal to favour extensions to existing sites over new ones.
- One offered support for the overall approach taken in the Plan.
- One operator supports the allocations at Swarkestone and Elvaston but suggests their potential for working should be regraded to medium/high.
- Three individuals and one organisation object to the allocation at Swarkestone South
- One objects to an allocation at Egginton
- There are three comments about Chapel Farm (site now withdrawn for consideration)
- One organisation objected to the proposed allocation at Repton/Foremark
- One provides a comment on the ecological value of the Willington site.
- The rest offer suggestions for how the sites should be worked and restored should the allocations proceed

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

- 6.4 No sites are proposed to be allocated in the Lower Dove Valley in this Plan. The sites at Repton and Egginton are also not proposed to be allocated.
- 6.5 There is no reason to regrade the Swarkestone and Elvaston sites. All sites were assessed using the same framework and this determined that the sites at Swarkestone and Elvaston had potential for allocation.
- 6.6 All other general comments received have been taken into account in the assessment of the sites and the preparation of this chapter.
- 6.7 Further details regarding the responses received during this consultation can be found in the following document:

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

### **Duty to Co-operate**

- 6.8 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 sand and gravel.

- To ensure a steady and adequate supply is maintained through the allocation of new sites.

6.9 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 sand and gravel. Outcomes from the co-operation have fed into the Proposed Approach, Spring 2018 consultation.

6.10 All Duty to Co-operate Issues together with the Stakeholders involved have been set out in the following Background Paper which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following Report.

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

*Duty to Cooperate Report - Background and Progress, December 2017*

### **Sustainability Appraisal of the Rolling Consultation 2015-2017**

6.11 An 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. In respect of sand and gravel, it reported that applying consistent criteria ensures a fair assessment of sites against sustainability factors and is likely therefore to inform an appropriate strategy. The preference applied to extensions could have mixed effects; on the one hand it will ensure that new development is located in accessible locations, make use of existing infrastructure and continue to provide employment. However, there is potential for continued negative effects on biodiversity, landscape etc. It would, however, protect new areas from adverse impacts and the potential effects of extensions should be well understood. Furthermore, the approach to restoration should also help to ensure that a managed strategy for restoration is implemented across the area.

The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan -: 2<sup>nd</sup> interim Sustainability Appraisal, December 2017*

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

7.1 25 comments were received at this stage. These can be summarised as follows:

- a) DCC has not considered properly the requirements of the NPPF in that the calculation of the requirement for sand and gravel only considers the 10 year average. Para 145 of the NPPF states that other relevant information should also be taken into account. The past three years sales should also be considered to identify the general trend of demand. Applying the 3 year average gives a higher annual requirement figure, 1.12mt as opposed to 1.04. No attempt has been made to quantify the supply having considered local factors. This needs to be addressed. Also, the Plan period is considered to be too short.

### **Outcome for the Proposed Draft Plan**

The role of a LAA is not to prepare a forecast of future demand in the same manner that we do for waste, but to use locally available information to determine if future demand might vary from historical sales averages. The LAA now uses the 3 year average figure to determine future sand and gravel requirements and this gives a realistic achievable figure that will continue to be reviewed on an annual basis to ensure that it remains so. The Plan period is being extended to cover the period to 2036.

- b) There is no discussion regarding the anticipated demand that adjoining areas may place on Derbyshire resource and vice versa. Leicestershire has an insufficient landbank and sites are not identified in the emerging Plan to meet anticipated demand.

### **Outcome for the Proposed Draft Plan**

This issue is considered and discussed in the LAA. It may have implications for sand and gravel production in Derbyshire. Precise implications are unclear at the moment but annual monitoring will determine more precisely what these will be over the course of the Plan period. There is currently sufficient flexibility within the provision figures.

- c) Object to the inclusion of the Elvaston site as a Preferred Area for a number of social and environmental reasons.

### **Outcome for the Proposed Draft Plan**

All suggested sites were assessed against the same set of criteria and this site was determined to have potential for allocation. It is likely that any adverse impacts of working this site could be mitigated to a satisfactory level. Maintain the proposal to allocate this site in the Proposed Draft Plan.

- d) Note that the proposed allocation at Swarkestone will impact on Anchor Church located opposite the site which would represent unjustified harm to the significance of the Listed Building which also forms setting to the Grade I listed Foremark Hall. Moreover, the rock-cut features comprising Anchor Church are an Ancient Monument of national archaeological importance even though they are not scheduled under the 1979 Act. As such, we object to the allocation of the site as shown, and recommend that the area of land shown in the current planning application for an area of extraction and associated bunds and infrastructure on the land opposite Anchor Church is deleted from the proposed allocation in the emerging Plan, as well as the current planning application.

### **Outcome for the Proposed Draft Plan**

Through negotiation with the operator, this part of the site will not be worked. The boundary of the site has been redrawn to recognise this.

- e) With regard to the allocation of land at Willington and previous comments provided by Staffordshire CC regarding the cross-boundary implications from developing this site remain relevant.

#### **Outcome for the Proposed Draft Plan**

Noted.

- f) Paragraph 6.2.71 indicates a potential requirement for additional reserves to maintain production capacity from 2027. Are there any options that can be identified to fulfil this potential shortfall?

#### **Outcome for the Proposed Draft Plan**

The Plan period has been extended to 2036 to take account of policy in the revised NPPF. Sites are allocated to make provision for this period. The Plan will be reviewed every five years and this will ensure that any changes that occur during the Plan period are addressed and that provision is maintained throughout and beyond the Plan period.

- 7.2 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.

#### **Duty to Cooperate**

- 7.3 All Duty to Co-operate Issues together with the stakeholders involved have been set out in the following Background Paper which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following Report.

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan – Spring 2018 Consultation: Proposed Approach*  
*Duty to Cooperate Report - Background and Progress, December 2017*

## **Sustainability Appraisal**

- 7.4 The 3<sup>rd</sup> interim SA reported on all site options and the site assessment methodology. The methodology was found to be comprehensive, covering a range of planning related issues and site constraints and opportunities. Many of the criteria within the site assessment section overlap with the SA Objectives. No amendments were recommended. The full report can be found at:

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

## **8. Sand and Gravel Consultation - Autumn 2020**

- 8.1 Under normal circumstances the Councils would have held Drop In sessions at various locations across the Trent Valley, where officers of the Council would be in attendance, and deposited paper copies of the Plan at libraries and District Council offices, but unfortunately due to Covid-19 restrictions this was not possible.

- 8.2 91 individuals and organisations responded to the consultation. This includes 68 individual local residents, 16 organisations, 4 parish councils, 1 district authority and 2 local councillors. This section provides a summary of the 114 comments received. All comments have been considered by the Councils to inform the next stage of the Plan.

### **8.3 Representation**

Foston & Scropton Parish Council raised concerns about the Foston site, including the impact on the flood defence scheme, which they say may result in increased flooding and even dam failure. Concerns are also expressed about hours of operation, routing of lorries and restoration which they request should exclude the possibility of noisy motor boats. Impact on wildlife, loss of farmland and the impact on the local economy are raised as further concerns.

### **Actions/Considerations**

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal. Should a planning application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

### **Outcome for the Plan**

Continue to propose the site as an allocation in the MLP.

## **8.4 Representation**

South Derbyshire DC objects to the proposal on the grounds of a potentially significant increase in flood risk and risk to the recently constructed flood defences of the Lower River Dove, as identified by the Environment Agency (EA), with potential detrimental impact on considerable economic interests in the area as well as communities. Also, the setting of a precedent in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.

### **Actions/Considerations**

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

### **Outcome for the Plan**

Continue to propose the site as an allocation in the MLP.

## 8.5 Representation

The Environment Agency (EA) reiterates its concern over the site because of its potential impact on the flood alleviation scheme.

### **Actions/Considerations**

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

### **Outcome for the Plan**

Continue to propose the site as an allocation in the MLP.

## 8.6 Representation

Nestle expresses concern as their recent investment in the area may be affected by increased flooding.

### **Actions/Considerations**

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

### **Outcome for the Plan**

Continue to propose the site as an allocation in the MLP.

## 8.7 Representations

Nineteen individual residents oppose plans for the site at Foston. Concerned about the serious implications of working this site on the new flood defence scheme. Properties and businesses may be affected. It would jeopardise future investment in the area. Also, it may set precedent for working other areas in the Lower Dove Valley, introducing alien features to the landscape. Noise,

dust, air quality, traffic, impact on wildlife and effect on property values are also cited.

**Actions/Considerations**

The Councils have discussed the site with the EA to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. They have concluded that the area closest to Scropton and the flood alleviation scheme should not be worked. This leaves the western part of the site which could still be worked and will be included as a proposed allocation. Should a planning application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

**8.8 Representation**

Hanson, as proposer of the site, supports the proposal.

**Actions/Considerations**

Further consideration has been given to this proposal, including discussions with Hanson and the EA and taking all comments in to account, it has been determined that the site could be worked with appropriate stand offs to ensure the ongoing protection of the flood defences.

**Outcome for the Plan**

To allocate the site in the MLP.

**8.9 Representation**

Egginton Parish Council opposes the proposal as it may affect the flood defences which could have implications further upstream.

**Actions/Considerations**

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.



Should a planning application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

**Outcome for the Plan**

To continue to propose the site for allocation in the MLP.

**8.10 Representation**

The settlement of Scropton, which lies to the east of the site, is prone to flooding problems related to the watercourses which enter it from the north and west, and any proposed works should ensure that the flood risk isn't increased and, where possible, reduced. When the site is restored, the potential to improve flood risk in Scropton should be considered in conjunction with both the Lead Local Flood Authority and the Environment Agency.

**Actions/Considerations**

Noted.

**Elvaston**

**8.12 Representations**

Ten residents of Borrowash have objected to the site at Elvaston as a result of its proximity to Borrowash and the potential impact it would have on this area in terms of noise, air quality, recreation, wildlife, flooding and increased traffic, and loss of important open space for informal recreation. Also, they consider it would have a negative impact on visitors' enjoyment of Elvaston Castle, the redevelopment of which they consider is likely to be hindered by the quarry proposal.

**Actions/Considerations**

All comments have been considered and the assessment of the site revised as a result where considered necessary. The revised assessment maintains the conclusion that the site has potential for mineral working. The working of the site would be relatively short term and the restored site is considered unlikely to have any significant adverse impact on the long-term enjoyment of Elvaston Castle.

### **Outcome for the Plan**

To propose the site for allocation in the MLP.

#### **8.13 Representation**

Elvaston Castle and Gardens Trust has objected to the proposal as it considers that the proposal may affect the viability of future proposals to improve and upgrade the Castle.

#### **Actions/Considerations**

All comments have been considered and the assessment of the site revised as a result where considered necessary. The revised assessment maintains the conclusion that the site has potential for mineral working. The working of the site would be relatively short term and the restored site is considered unlikely to have any significant adverse impact on the long-term enjoyment of Elvaston Castle.

### **Outcome for the Plan**

To continue to propose the site for allocation in the MLP.

#### **8.14 Representation**

Derbyshire Wildlife Trust, Natural England and the Environment Agency provide expert advice to help with the assessment of the site.

#### **Actions/Considerations**

The information has been incorporated into the assessments as necessary. The majority of the information is however more relevant to the consideration of a planning application.

#### **8.15 Representation**

Tarmac supports the proposal

#### **Actions/Considerations**

Noted.

## **Swarkestone North**

#### **8.16 Representations**

Residents of Twyford Road (individuals) object to the continuation of quarrying in the area with the resultant, noise, traffic, dust, impact on landscape and house prices. Potential for increased flooding once the mineral is removed is also raised as an issue. They think that this area has now seen enough quarrying and other areas should be considered to relieve the impact. The area of Swarkestone North should be reduced to protect properties on Twyford Road. They consider that both this site and Swarkestone South should not be worked at the same time. Also that restoration conditions should be more stringent so that one area is restored before moving to the next.

**Actions/Considerations**

All comments have been taken into account and used to help amend the assessment of this site as considered necessary. The amended assessment indicates that the site still has high potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

**Outcome for the Plan**

To continue to propose the site for allocation in the MLP.

**8.17 Representations**

Natural England, National Grid, Trent Rivers Trust and the Environment Agency provide advice regarding how the site should be worked and restored.

**Actions/Considerations**

All comments have been used to help amend the assessment of this site. However, many of these comments will be more relevant should a planning application be considered for the site.

**Outcome for the Plan**

To propose the site for allocation in the MLP.

**8.18 Representation**

Tarmac supports the proposal.

**Actions/Considerations**

Noted.

## **Swarkestone South**

### **8.19 Representations**

Fourteen local residents and Repton Parish Council object to the Swarkestone South site on the grounds that public rights of way would be affected, spoiling enjoyment of the area, increased noise, impact on residential amenity, increased potential for flooding, increased traffic and access to the site. Residents who live at Waterworks Cottages are also concerned that their property will be surrounded by workings on three sides with potential impact of the value of their properties. Suggest that more properties and viewpoints would be affected than set out in the current assessment. A visitor who uses the area to walk objects to the proposal as he considers that it would destroy a tranquil area. Also concerned about the new concrete bridge over the river.

#### **Actions/Considerations**

All comments have been taken into account and used to inform the revision of the assessment as considered necessary. The amended assessment indicates that the site still has good potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

#### **Outcome for the Plan**

To continue to propose the allocation in the MLP.

### **8.20 Representation**

The Environment Agency, Derbyshire Wildlife Trust, Natural England and Trent Rivers Trust provide expert advice on how the site should be worked and restored.

#### **Actions/Considerations**

Detailed issues such as how the site should be worked and restored would be considered should a planning application be considered for the site.

### **8.21 Representation**

The Open Spaces Society comment that this proposal would badly affect links between the old Twyford ferry crossing site and Repton and Foremark. Also affects Trent Valley Way, a national route.

**Actions/Considerations**

Should a planning application be submitted for this site, consideration would be given to this issue.

**Twyford (Area to the north of Twyford Road) (Not proposed for allocation)**

**8.22 Representation**

Potential loss of key public rights of way connecting Sinfin, Arleston and Twyford. Damage high.

**Actions/Considerations**

Clarify that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site. Cemex has since withdrawn this proposal from consideration in the MLP.

**8.23 Representation**

In the north-west the boundary is immediately adjacent to Twyford Greens Complex Local Wildlife Site (SD340). This site supports wetland habitats including wet grassland and wet woodland and some tall herb fen type vegetation. There is a risk that the site could be adversely impacted by changes in hydrology or other causes. A range of bird species listed as Species of Principal Importance or otherwise protected are recorded from this area. There are also records for Otter, Badger and Brown Hare and older records for Water Vole associated with wetland habitats.

**Actions/Considerations**

The comments have been considered and the assessment amended where necessary. Clarify also that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted

for mineral extraction from this site. Cemex has since confirmed that it is no longer pursuing this site.

#### 8.24 **Representations**

Eight individuals, including residents of Arleston, Twyford and Twyford Road have objected to the part of the Twyford site to the north of Twyford Road promoted by Cemex (not proposed for allocation). They set out that noise, dust, traffic and the visual impact will be unbearable. Proximity to residential properties. Also that the roads are unsuitable roads for heavy traffic which would affect other road users. Arleston Lane is used by residents not only of Arleston but also from Stenson etc. for leisure purposes. The lane is proposed as part of a leisure route. (*Individuals as listed above*)

##### **Actions/Considerations**

Clarify to objectors that this site is not proposed to be allocated. Should a planning application be submitted for the site, all concerns raised above would be taken into account. Cemex has since confirmed that it is no longer pursuing this site.

#### 8.25 **Representation**

Cemex objects to this site not being proposed for allocation and puts forward a case for the site to be allocated. Cemex has confirmed subsequently that it is no longer pursuing this site for allocation in the MLP.

##### **Actions/Considerations**

Noted.

##### **Outcomes for the Plan**

The site is no longer proposed for allocation.

### **Foremark (Not proposed for allocation)**

#### 8.26 **Representations**

Four local residents object to this proposal on the grounds of the site's historical and archaeological importance. (*Individuals as listed above*)

##### **Actions/Considerations**

Clarify that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site.

**Outcome for the Plan**

To continue not to propose the site for allocation in the MLP.

**8.27 Representation**

Derbyshire Wildlife Trust does not support the use of this land for sand and gravel extraction as it would result in substantive ecological impacts, including the loss of a Local Wildlife Site.

**Actions/Considerations**

Clarify that the impact on wildlife and ecology is one of the reasons why this site is not proposed for allocation by the Councils.

**Outcome for the Plan**

To continue not to propose the site for allocation in the MLP.

**8.28 Representation**

Repton Village History Group objects to this site because of its historical significance. (*Repton Village History Group 633/0033*)

**Actions/Considerations**

Clarify that the impact on wildlife and ecology is one of the reasons why this site is not proposed for allocation by the Councils.

**Outcome for the Plan**

To continue not to propose the site for allocation in the MLP.

**8.29 Representation**

Hanson objects to the non-allocation of this site and continues to promote the site as a replacement for Shardlow. Hanson remains of the view that the Foremark site is a proven valuable mineral resource that should be allocated as a potential development site as a replacement for Shardlow Quarry. The smaller proposal avoids the most sensitive landscape closest to Repton. Contest that the criteria for cumulative impact has been assessed wrongly and unfairly. (*Hanson 687/0099*)

**Actions/Considerations**

The assessment has been revised to take account of the issues raised. The Councils maintain that this is a sensitive site in historic, archaeological and ecological terms and that there are other less sensitive sites that are available for sand and gravel extraction during this Plan period.

**Outcome for the Plan**

To continue not to propose the site for allocation in the MLP.

**8.30 Representations**

This site includes the main route of Trent Valley Way and the 'Repton to Foremark Circular route' which would be impacted by the proposal.

There is a severe danger that, by allocating this site, it opens the possibility that the company operating the site will, in the future, seek to extend the extraction area to the west, into the area between the villages of Repton and Willington. This would have a major impact on the setting of several very important Listed Buildings.

**Actions/Considerations**

The Council is aware of the sensitivity of the area to the west and has previously assessed this area and rejected it because of its sensitivity in social and environmental terms.

**Outcome for the Plan**

To continue not to propose the site for allocation in the MLP.

**Egginton (Not proposed for allocation)**

**8.31 Representation**

Question the application of the methodology in terms of flooding, landscape and ecology/biodiversity (prior to and post restoration).

Argues that there are contradictions in the application of the assessment and its application to ecology.

**Actions/Considerations**

The assessment has been reviewed to take account of these issues raised and any amendments made as considered necessary. Having made the amendments, the site continues to emerge as having low potential for mineral



working. The Councils maintain that this is a sensitive site in landscape and ecological terms and that there are other less sensitive sites that are available for sand and gravel extraction during this Plan period.

**Outcome for the Plan**

To continue not to propose the site for allocation in the MLP.

**All Sites**

**8.32 Representations**

Two local residents object to all the proposed allocations on the grounds that they will affect the beauty of the area, the impact on the abundant wildlife in the area, as well as the potential for increased traffic and dust. (*Individuals as listed*)

**Actions/Considerations**

These comments have been taken into account when revisiting the site assessments.

**Swarkestone (Both N and S sites)**

**8.33 Representations**

Three residents of Twyford object to the sites at Swarkestone North and South because of the potential impact on the ancient rural tranquil character of the area, potential for increased impact of flooding and the impact on archaeology, particularly the Round Barrow Scheduled Monument.

**Actions/Considerations**

These comments have been taken into account when reconsidering the site assessments. The amended assessments indicate that the sites still have good potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

**Outcome for the Plan**

To continue to propose the sites for allocation in the MLP.

**8.34 Representation**

Tarmac supports the allocation of both sites.

**Actions/Considerations**

Noted.

**8.35 Representation**

Repton Village History Group states that all sites in this area are steeped in historical value and rich in archaeology, which will be lost if these sites are worked.

**Actions/Considerations**

This information is taken into account in the assessment of the sites and would also form an important part of the consideration of any subsequent planning application.

**Outcome for the Plan**

To continue to propose the sites for allocation in the MLP.

**8.36 Representation**

Swarkestone Gravel Liaison Group questions the need for such a large number of extraction sites which could all be operational at the same time. A preference would be for one or two sites being permitted to be operational at a time. Subsequent final restoration schemes being implemented during the time new sites are opened.

**Actions/Considerations**

The NPPF sets out that mineral planning authorities should ensure that large landbanks bound up in very few sites do not stifle competition. It is more appropriate, therefore, to allocate a broader selection of sites.

**Outcome for the Plan**

To continue to propose the sites for allocation in the MLP.

**Supply of Sand and Gravel**

**8.37 Representation**

Asks how the future demand requirements have been quantified, including the account that given to future changes in construction technologies and techniques and of the use of recycled aggregates.

**Actions/Considerations**

Future requirements of sand and gravel are considered as part of the Local Aggregate Assessment for the area. Predicting the impact of future construction technologies on the demand for sand gravel would be guesswork and it would not be appropriate at this time to use this to assess the amount of sand and gravel which is required at the current time. The use of secondary and recycled aggregates is considered as part of the LAA.

**Outcome for the Plan**

Continue to prepare an annual LAA.

**8.38 Representation**

The need for the mineral is not justified.

**Actions/Considerations**

The Local Aggregate Assessment is the means by which the need for sand and gravel is assessed. This is reviewed on an annual basis and considered and approved by the East Midlands Aggregates Working Party.

**Outcome for the Plan**

Continue to prepare an annual LAA.

**8.39 Representation**

Questions the validity of assumptions in the LAA regarding future supply of sand and gravel in Derbyshire and recommends that an additional 5.58 million tonnes should be provided over the Plan period. Suggests an additional site at Sudbury to meet this requirement. (*Breedon 676/0086*)

**Actions/Considerations**

The LAA is considered and approved by the East Midlands Aggregates Working Party, which includes members of mineral companies and local authorities. The site at Sudbury has been assessed and considered alongside all other sites to determine its potential for sand and gravel working and therefore whether it should be allocated in the MLP.

**Outcome for the Plan**

To propose the site at Sudbury for allocation in the MLP.

**8.40 Representation**

The 2019 LAA proposes to use the latest three-year average of sand and gravel production as the long-term measure of demand, which will be carried forward in the Local Plan as the preferred level of provision. This average is mentioned in Planning Practice Guidance as an indicator which should “identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.” It was never intended to become the provision level itself but to spur further research into trends to see what an increased level of provision should be. This means that the County Council’s choice of provision is arbitrary since it has not come from any such consideration. In fact, the increase in provision relies solely on a single year’s upswing in sales in 2016. Thus, the methodology adopted by the County Council cannot by any stretch of the term be considered a forecast of demand.

Some figures are given of numbers of houses planned for in various districts, but this is not translated into average annual percentage increases which could inform future levels of demand compared to the past. We consider the only proper course of action should be for the County Council to take rates of planned development at face value and to plan accordingly to support them with appropriate levels of minerals supply.

Derbyshire’s output of sand and gravel fell dramatically during the last recession and has largely flatlined (apart from 2016). The reasons for this include the mothballing of sites or the reigning in of sites’ output during the recession which has not been rectified, coupled with a concomitant increase in imports, a ceiling on productive capacity and reluctance by the industry to invest in new sites because of substantial delays to the review of the local plan. We think that without these effects the true sales of sand and gravel in Derbyshire would be about 400,000 tonnes pa higher than they currently are. The provision level in the Minerals Local Plan should therefore be increased to at least 1.4 Million tpa, which would mean identifying an additional 5.6 Million tonnes of sand and gravel resource.

### **Actions/Considerations**

The Councils uses the 10-year average as a basis for determining future sand and gravel provision in the latest revision of the LAA (2020) rather than the most recent 3-year average. Until such time that a more formulaic approach based on potential future economic growth can be suggested and then agreed by the

East Midlands AWP to forecast demand and thus to help determine future mineral provision levels more precisely, the pragmatic approach which the Councils will continue to take is to use the previous 10 year average whilst continuing to monitor planned infrastructure growth through the LAA and then to maintain a flexible policy approach to ensure that a steady and adequate supply of mineral is maintained throughout the Plan period.

The delays in the production of a new MLP for the area cannot be accepted as part of an argument for what the MPA deems to be a low output of sand and gravel from Derbyshire. Mineral operators do not appear to have been at all reluctant to propose sites whilst the MLP is being reviewed and those sites that have been proposed have gained planning permission from the Council, including recent extensions to Shardlow, Swarkestone and Willington. More recent information, including NPPF and NPPG and supply information has been taken into account alongside the adopted MLP to determine these applications and to ensure continuity of an adequate and steady supply of sand and gravel from Derbyshire.

The mothballing of sites is outside the Council's control, so this again cannot be accepted as part of the MPA's argument against the provision of sand and gravel in Derbyshire. If the sites are required to meet a higher demand than the MPA points to, then the industry could recommence production at these sites. If the mothballed sites were in production, then the sales figure would be close to the annual 1.4mt that the MPA identified and imports to the area would be likely to reduce. Also, the deliverability schedule shows that production is likely to increase to this level by 2028, so it is unreasonable for the MPA to ask for an additional 400,000 tonnes each year for the whole plan period remaining and use the figure as a basis for asking for sites to be identified for an additional 5.6mt in total.

#### **8.41 Representations**

The consultation paper has been published in October 2020 but does not include production figures for 2019, this should be corrected as the figures should now be available from an updated Local Aggregates Assessment. The prediction of demand is based solely on historical sales figures. The NPPF at paragraph 207(a) states the assessment should relate to previous demand 'and

other relevant local information'. There is no evidence to indicate to what extent any other issues have been considered, when there is good evidence available to indicate demand has recently increased and likely to increase further. The duration of the plan is 15 years from 2021-2036, the paper recognises that a landbank of least 7 years is a requirement of the NPPF. However, the tonnage assessment ignores the fact the Authority will be required to maintain this landbank at the end of the plan period.

Careful annual monitoring will be required to judge the implications on Derbyshire resource from increased building rates and construction projects, the implication of HS 2 and adjoining Authority demand (particularly from Leicestershire and the West Midlands).

### **Actions/Considerations**

The Local Aggregates Assessment is the basis for determining future supply of sand and gravel. It has been approved each year by the Aggregates Working Party, which includes representatives of the minerals industry and local planning authorities. Flexibility is built into the supply figure to take account of future changes in demand and the MLP can be reviewed should ongoing monitoring of the data indicate significant changes in demand for sand and gravel from the area. The NPPF does not include the requirement to maintain a minimum seven-year landbank beyond the end of the Plan period. This was referred to by the Inspector for the recent Leicestershire MLP Examination in Public, who set out that ongoing monitoring and review and flexible provision policies will be sufficient to enable a minimum seven year landbank at all times i.e. a review towards the end of the Plan period will determine supply beyond the current Plan period. We are currently revising the LAA to take account of the latest data for 2019. This will inform the MLP.

### **Outcome for the Plan**

To continue to prepare an Annual LAA which will inform the MLP.

## **8.42 Representation**

South Derbyshire District Council objects to:

- (i) the methodology adopted for calculating future demand, based on a three rather than ten-year sales average, on the grounds that it is unjustified and

significantly overstates the likely quantity of sand and gravel needed within the proposed plan period.

- (ii) the allocation of sites other than the four assessed as having 'high' potential in the MLP on the grounds that these alone can provide more than sufficient capacity to meet sand and gravel needs over the plan period.

### **Actions/Considerations**

The LAA has been revised and the ten-year average is now used as a basis for calculating future sand and gravel provision.

The MLP has a requirement to ensure that a steady and adequate supply of sand and gravel is maintained over the Plan period. Some of the allocated sites will not come forward until later in the Plan period, so other sites have to be allocated to ensure that deliverability of mineral is maintained throughout the Plan period.

### **Outcome for the Plan**

No change.

## **Assessment Methodology**

### **8.43 Representation**

Whilst the use of a standardised methodology for site selection is sensible, it should not be the sole basis for decision making as the process should also allow for planning and other factors to be taken into consideration.

It is noted that issues such as 'deliverability' have informed site selection, but the potential for mitigation of adverse effects should also be accounted for. For example, a site that has a notable impact on a local community and therefore performs poorly against a particular criterion might be capable of mitigation to a greater degree than another site that scores better against the same criterion, but lends itself less well to mitigation.

Some inconsistencies in the site assessment narratives and the expression of effects in relation to the scoring criteria have been noted. For example, in the Egginton site assessment the indication under the 'jobs creation' criterion that the site would be a new operation but would be unlikely to result in job losses elsewhere (Assessment (-)) is confusing.

It is likely that some evidence will change during the plan preparation process and this should be fed into the assessments to ensure they remain up to date and robust. For example, regarding fluvial flood risk, the Trent in Derbyshire has recently been remodelled. Any assessment should be updated to reflect both this and any strategic flood risk assessment that may be undertaken to inform plan making. (SDDC)

### **Actions/Considerations**

The assessments show the potential that the sites have for mineral working and therefore whether they can be included as allocations in the MLP. It is acknowledged that most impacts of sand and gravel extraction can be mitigated to some extent. Details of mitigation are addressed at the time that a planning application is considered for the sites.

If a “showstopper” issue had arisen at the time the sites were being assessed this would have been highlighted and the site would have been ruled out from further consideration. This situation did not arise.

The inconsistencies referred to in the methodology have been corrected.

The assessments have been updated to include the latest information available at the time.

### **Duty to Cooperate**

- 8.44 In order to obtain as much relevant information as possible about the scale, nature and location and supply of sand and gravel resources, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Discussions have focused on the issue regarding the need to maintain a steady and continuous supply of sand and gravel over the Plan period, which has included discussion regarding future site allocations.
- 8.45 The Councils have also corresponded with organisations and individuals with relevant knowledge and experience of sand and gravel in order to help develop our evidence base.
- 8.46 Strategic policy making authorities should collaborate to establish cross border matters which they need to address in their plans and in accordance with the



new NPPF produce one or more statements of common ground. These should document the cross-boundary matters being addressed and progress in cooperating to address these.

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

g) To ensure a steady and adequate supply of sand and gravel is maintained through the allocation of new sites.

8.48 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 sand and gravel and has fed into the Proposed Draft Plan, Winter 2021/2022 consultation.

8.49 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 Statement of Common Ground which sets out the progress made to date on co-operating to address the strategic cross-border duty to co-operate issues. Further information can be found in the following documents:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan - Duty to Co-operate Report: Introduction and Overview, SOCG, December 2021*

### **Sustainability Appraisal**

8.50 The SA process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan these will be incorporated.

8.51 The 4<sup>th</sup> Interim SA of the Proposed Draft Plan (December 2021) has considered the proposed approach taken to sand and gravel. No amendments were required to be made as a result of this. 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*