

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

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

Developing the Proposed Draft Plan 6.1 Recycled and Secondary Aggregates

December 2021

Contents

- 1 Introduction
- 2 Stakeholder Workshop 2009
- 3 Issues and Options Consultation 2010
- 4 Towards a Minerals Local Plan – Rolling Consultation 2015-2017
- 5 Towards a Minerals Local Plan – Spring 2018 Consultation: Proposed Approach

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 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 County Council's website and in a newsletter that was circulated to stakeholders.
- 2.2 In terms of secondary and recycled aggregates, the main issues that stakeholders have identified as being necessary for the Plan to address are the division of responsibilities between the minerals/waste planning authorities and those of the local planning authorities (district and borough councils in the Plan area) and the means by which greater use of these materials could be encouraged to help reduce the need for primary aggregates. 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, only a broad question was asked, relating to whether the recycled and secondary aggregates issue should be covered in the Minerals or Waste Plan.

3.2 The majority of respondents considered that the most appropriate place to consider the safeguarding of individual sites is the Waste Core Strategy, with clear cross referencing between the two plans.

Sustainability Appraisal

3.3 This was not included as an issue that could be appraised.

4. Towards a Minerals Local Plan – Rolling Consultation 2015-2017

4.1 An error meant that secondary and recycled aggregates was not covered in this consultation.

Duty to Cooperate

4.2 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the Minerals Local Plan the Councils identified the following strategic cross-boundary issues in planning for the provision of secondary and recycled aggregates.

- **To encourage greater use of secondary and recycled aggregate to help reduce the need for primary aggregate.**

4.3 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Outcomes from the co-operation have fed into the Proposed Approach, Spring 2018 Consultation.

4.4 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

- 4.5 As the topic was not included in the emerging MLP at this stage, it was not able to be appraised in the SA.

5. Towards a Minerals Local Plan Spring 2018 Consultation:

- 5.1 The draft policy at this stage encourages proposals for the production of secondary and recycled materials. It sets out a list of type of sites that would be considered suitable for the production of these materials.
- 5.2 Two comments were received at this stage. These were as follows:

a) Representation

"Should the policies be re-numbered so this is Policy MS1? The PDNPA consider that the list of types of sites should be made into a hierarchy, with the most favoured being first, through to the least favoured being last.

Additionally, the PDNPA question what is meant by 'redundant' and whether this would persuade people to deliberately abandon agricultural and forestry land for the sole purpose of gaining planning permission for this type of development.

Actions/Considerations

Agree to the re-numbering of policies. This section will be placed at the beginning of the aggregates chapter.

The approach of the Plan is to enable and encourage the development of facilities for the production of secondary and recycled aggregates to reduce the need for primary aggregates. The policy is written to encourage the development of recycling and secondary aggregate production facilities/operations in appropriate locations in response to the market. The Mineral Planning Authorities (MPA) consider it inappropriate to list locations in a hierarchical list as each proposal will be considered on its own merits.

Agree with issue relating to 'redundant' buildings.

Outcomes for Proposed Draft Plan

The Plan contains a revised Policy (SP3) which seeks to support proposals for facilities/operations for the production of recycled and secondary aggregates in appropriate locations, as listed.

b) Representation

It is important that secondary or recycled aggregates are not extracted from former quarries that, under planning regulations, have returned to nature and are therefore officially classed as greenfield and not brownfield sites. Many such currently disused quarries that may have ceased operations 50 or more years ago are now havens for wildlife and are important feeding grounds for birds, animals and insects, even if rare species are not present within them. We all know that the environment is under extreme pressure from man's activities, for example it has recently been assessed by Birdlife that 1 in 8 species of bird may soon become extinct primarily due to the actions of man.

Actions/Considerations

Agree

Outcomes for Proposed Draft Plan

Policy SP3 of the Plan only supports recycled/secondary facilities at operational quarries on a temporary basis where they are linked to the permitted timescale of mineral extraction.

Duty to Cooperate

- 5.3 In order to obtain as much relevant information as possible about secondary and recycled aggregate resources, Derbyshire County Council and Derby City Council have continued to engage in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Discussions have focused on the issue regarding the need to maintain a supply of these secondary and recycled resources over the Plan period, which has included discussion regarding the potential types of areas where production of these resources could take place. We have also

corresponded with organisations and individuals with relevant knowledge and experience of sand and gravel in order to help develop our evidence base.

5.4 Strategic policy making authorities should collaborate to establish cross border matters which they need to address in their plans and in accordance with the 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.

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

- To encourage greater use of secondary and recycled aggregate to help reduce the need for primary aggregate.

5.6 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to make greater use of secondary and recycled aggregate and has fed into the Proposed Draft Plan, Winter 2021/2022 Consultation.

5.7 The Councils have produced a Duty to Co-operate Report setting out the background and overview to duty to co-operate issues. In line with the new provisions of the NPPF they have produced a SoCG which sets out the progress made to date on co-operating to address the strategic cross-border duty to co-operate issues. Further information can be found in the following documents:

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

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

5.8 The 3rd interim Sustainability Appraisal reported that:

Policy MS0 sets out the approach to the preferred types of locations for secondary and recycled aggregates facilities. The types of location preferred are less likely to have a negative effect on visual amenity as they are mostly associated with existing works and industrial areas. The policy also makes it clear that unacceptable effects on local communities must be avoided. Consequently, the overall effects on communities and health (SA8) are predicted to be neutral. Likewise, there is a requirement to ensure that environmental factors are taken into account, and the preferred locations are less likely to support sensitive biodiversity habitats. Therefore, new facilities are unlikely to have a negative effect on biodiversity (SA1), land and water resources (SA2) and the built and natural environment (SA4).

With regards to transport and traffic, it is difficult to determine effects without knowing the precise location of facilities. However, the general support given to development close to existing waste facilities should help to reduce the need for new infrastructure and the distances that materials are transported. A minor (but uncertain) positive effect (SA6) is predicted, but this is uncertain. Similarly, a reduction in greenhouse gas emissions would be achieved should the policy lead to development of secondary aggregates facilities. This could be in terms of a reduction in the use of virgin materials, but also as a result of transport being able to make use of existing and efficient infrastructure.

Supporting facilities for secondary and recycled aggregates and providing a steer as to the most appropriate locations should be helpful to the waste and recycling industry and could therefore help to support an increase in the use of secondary aggregates. This should have positive effects with regards to a reduction in the need for extraction and a decrease in waste being disposed of (SA3). However, a significant effect is unlikely as the policy does not set strict requirements for the use of secondary aggregates.

The effects on housing are unlikely to be significant as the preferred locations are unlikely to be suitable for housing so there would not be competing land use issues. A minor positive effect could be achieved with regards to the economy (SA8) by helping guide potential developers to suitable locations for recycling facilities (which employ local people).

5.9 The full report can be found at:

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

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

5.10 The 4th Interim Sustainability Appraisal of the Proposed Draft Plan (January 2022) has considered the proposed approach taken to secondary and recycled. No amendments were required to be made as a result of this. The full report can be found at:

- *Derbyshire and Derby Minerals Local Plan 4th Interim Sustainability Appraisal (SA) Report, January 2022*