

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

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

Developing the Proposed Draft Plan
4.0 Sustainable Minerals Development and
5.0 Climate Change Development Paper

December 2021

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1 Introduction

- 1.1 The purpose of this Paper is to show how the Proposed Draft Plan has been developed over time, through several stages of consultation, starting initially with a stakeholder workshop in 2009. It explains how we have taken into account national planning policy and guidance (including revisions), representations made at the consultation stages, interim sustainability appraisals and other assessments, and co-operation with appropriate bodies on strategic cross-border issues leading to outcomes for Chapters 4 and 5 of the Proposed Draft Plan.
- 1.2 The Paper is set out in sections for each consultation stage. Where relevant, each section is set out in the following order: representations from the previous stage, drop-in sessions, duty to co-operate issues, sustainability appraisal, outcomes for the current consultation stage.
- 1.3 There have been some significant changes to the ‘front end’ of the Plan from our last consultation in Spring 2018 entitled the Preferred Approach. Chapter 4 of the Proposed Draft Plan, entitled Sustainable Minerals Development, brings together matters that were previously set out in Chapter 4: Strategic Sustainability Principles and Chapter 5: Spatial Strategy. It has been remodelled to present a more concise and streamlined approach as we move towards our Publication/Submission Plan. Climate change matters were previously included in the Strategic Sustainability Principles but are now the sole subject of Chapter 5 of 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 attendees thought the new Minerals Local Plan (MLP) should address. The outcomes of the workshop were published on the Council’s website and in a newsletter that was circulated to stakeholders.

- 2.2 From the initial stages in the preparation of the MLP, people have consistently highlighted sustainability as being a key issue which should underpin all policies and proposals in the MLP. The need to support economic growth in the Plan area, whilst minimising the impact of mineral development on the environment and on local communities was a fundamental part of discussions at the first stakeholder workshop. From the initial stages in the preparation of the MLP, people have told us where they think mineral development should take place and have raised the issue of the need to address climate change and the impacts of transporting minerals.

3 Issues and Options Consultation 2010

- 3.1 The Issues and Options Paper set out the policy requirements that the Plan would need to meet, a spatial portrait of the characteristics of the Plan area and a profile of the existing minerals industry. From that information it identified key issues that the Plan would need to address. Sustainability was a key theme underpinning many of the issues highlighted which also included the need to play our part in responding to climate change. Further information can be found in the following document:

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

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

- 4.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the Councils took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The Councils also embarked on co-operation with other authorities on significant strategic cross-border issues as required by the Localism Act 2011. The issues of sustainability principles/spatial strategy/climate change were not identified as specific Duty to Cooperate matters.

- 4.2 The next consultation stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015. This Consultation consisted of a series of individual Papers. A Paper specifically about Strategic Sustainability Principles (including Climate Change) and Spatial Principles was included:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Towards Strategic Sustainability Principles, November 2014

- 4.3 The Paper included four emerging policies:

- Emerging Policy SMP1: Overarching Sustainability Principles
- Emerging Policy SMP2: Climate Change
- Emerging Policy SMP3: Economic, Social and Environmental Principles for Minerals Development in Derbyshire and Derby
- Emerging Policy SMP4: Spatial Strategy

- 4.4 Policy SMP1 set out general sustainability concepts whilst SMP3 focused on more locally distinctive sustainability issues. Climate change was highlighted as meriting a separate specific policy SMP2 whilst spatial principles were set out in SMP4.

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

- 5.1 The Proposed Approach sets out overarching strategic sustainability principles (including climate change) which underpin the Plan at Chapter 4 together with a spatial strategy at Chapter 5. Further details can be found in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 – Chapter 4 Sustainability Principles/ Chapter 5 Spatial Strategy

Representations on the Emerging Approach 2015/2016 Rolling Consultation

Emerging Policy SMP1: Overarching Sustainability Principles

- 5.2 There were 31 comments made on this part of the Plan at this stage. Overall support has continued to be shown through this consultation for an emerging approach in Derbyshire and Derby, whereby the Councils, when considering proposals for minerals development, will take a positive approach that reflects the national policy presumption in favour of sustainable development.
- 5.3 There were also comments to improve the wording of the policies and text. Amendments have been made to take account of these comments where appropriate. In some cases, however, comments were made suggesting more detailed wording that would be more appropriate for detailed plan policies rather than high level sustainability principles.

Emerging Policy SMP3 Economic, Social and Environmental Principles for Minerals Development in Derbyshire and Derby

- 5.4. Four representations were received to this policy at this stage. One states that the policy should not refer to efficiency of use of minerals, which is a misinterpretation of policy in NPPF, which refers to the best use being made of minerals to secure their long-term conservation. Another requests that the policy should refer to recycled aggregates.
- 5.5 Another sets out that the proposed policy relating to the environmental designations is very broad brush and does not distinguish between the different levels of nature conservation designation ranging from international to national to local. It goes on that it is unclear what the term 'special circumstances' will actually mean in practice. It recommends that the policy needs to distinguish between different levels of designation and the weight placed upon each needs to reflect legislation, the NPPF and best practice guidelines.
- 5.6 Another sets out that the wording of Policies SMP3 and SMP4 (Spatial Principles) is slightly at odds with SMP1 (Overarching Sustainability Options) which sets out a presumption in favour of sustainable development and seeks

to secure well designed schemes and development that make the most efficient use of resources and improves the economic, social and environmental conditions in the Plan area. Whilst the inconsistencies of these policies are not likely to affect the overall soundness of the Plan it may be beneficial for the Minerals Planning Authority (MPA) to refine the policies.

Emerging Policy SMP2: Climate Change

There was overall support for climate change policy, but representation was made that the requirements should be more flexible to allow for measures to be incorporated that are proportionate to the type and scale of development. Representation was made to the need for the policy to be more explicit in terms of links between climate change and the wider ecological network.

Emerging Policy SMP4: Spatial Strategy

- 5.7 Representations related to the need for the policy to seek compensation for/ replacement of community facilities that are lost to minerals development. The policy should expect developers to demonstrate how their restoration proposal would seek a positive contribution to the strategic improvement of the river valleys. Additional wording was requested in relation to net gains from restoration and to reflect local landscape initiatives. The policy should not need to prove that secondary and recycled materials cannot meet the demand proposed by primary minerals.

- 5.8 Details of the representations received, together with considered responses and outcomes for the Spring 2018 Consultation is set out in the following document:

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

Proposed Approach - Report of Representations, December 2017

Duty to Co-operate

- 5.9 Duty to Co-operate is a way of planning strategically for significant cross-border issues and a legal requirement of Plan preparation. Whilst the sustainability

principles/spatial strategy reflect the need to plan for strategic cross-border issues the detailed strategies for those issues are set out in the specific mineral/topic area chapters of the Plan.

- 5.10 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 Emerging Approach

- 5.11 The Sustainability Appraisal (SA) process is a way of testing the impact of the Plan's policies against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A SA was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017 and all of the sites that were promoted by operators. The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach
2nd Interim Sustainability Appraisal (SA) Report, December 2017

- 5.12 The SA noted that, 'Policy SMP1 (Overarching Sustainability Principles) reiterates national policy, so is unlikely to have any effect on the majority of sustainability factors. Notwithstanding this, the strong emphasis placed upon ensuring developments come forward ought to be positive with regards to minerals and the economy.'
- 5.13 In relation to Policy SMP2 (Climate Change) the SA noted that, the draft Climate Change Policy is likely to have a positive effect on a number of sustainability

factors. Primarily, the requirement for developments to minimise greenhouse gas emissions should have a positive effect on energy and climate change. Encouraging re-use and recycling of materials as well as smarter transportation of materials should also have positive effects on air quality. In some instances, it may be possible to contribute to increased resilience to climate change. An uncertain effect is predicted at this stage as such opportunities will depend on location and details of development. However, in principle the policy is positive in this respect.

- 5.14 In relation to Policy SMP3 (Economic, Social and Environmental Principles for Minerals Development in Derbyshire and Derby) the SA noted that, 'The draft policy is likely to have a positive effect upon minerals and waste development, as it is generally supportive of development if reasonable requirements are met. The policy seeks to protect communities as well as heritage and landscape character. The effect on biodiversity is potentially negative as it allows for harm in special circumstances. Also, there is no mention of non-designated biodiversity areas or priority species. For a clearer and more proactive policy approach, it is recommended that the policy makes specific reference to the need to mitigate effects as far as possible, followed by compensation and enhancement. The policy does not allude to potential impacts on soil, air or water resources in terms of their protection, mitigation and enhancement.
- 5.15 In relation to SMP4 (Spatial Strategy) the SA welcomed the inclusion of support for extensions to existing sites and for recycled and secondary aggregates and a link to strategic transport networks. Although there could be some localised effects upon communities and amenity, landscape and heritage, it is possible that these could be mitigated and issues associated with existing sites should be well known. There are no significant constraints with regards to biodiversity and good links to the strategic road network which should help to minimise transport emissions. With regards to crushed rock and other minerals, there are concentrations of quarries in the area. Those close to the Peak District National Park and Cromford are close to SSSIs, so there is potential for negative effects if expansion occurs here. However, this could be mitigated. The principles ought to have a positive effect on land resources and energy use by encouraging reuse of materials and focusing on extensions to sites. The

effect on housing and employment should also be positive. Where appropriate the findings of the SA have been incorporated into the Proposed Approach, Spring 2018 Consultation.

Outcomes for the Proposed Approach: Chapter 4 Strategic Sustainability Principles

5.16 The paragraphs below set out the outcome for the proposed approach, in the light of previous comments and sustainability appraisal findings. The proposed approach changed from the emerging approach in that Spatial Principles were included in a separate Chapter 5 entitled Spatial Strategy and Chapter 4 included a revised set of four policies:

- Policy SMP1: General Principles
- Policy SMP2: Economic, Social and Environmental Principles for Minerals Development in Derbyshire and Derby
- Policy SMP3: Climate Change
- Policy SMP4: Transport

Policy SMP1: General Principles

5.17 There was overall support for the inclusion of this policy. It is proposed, therefore, that the Plan will include an overarching sustainability policy, which will guide all proposals for mineral development, to deliver what is considered to be sustainable minerals development for Derbyshire and Derby. This will mean making provision for a steady and adequate supply of minerals in Derbyshire and Derby to meet identified needs throughout the Plan period, ensuring the efficient and prudent use of these resources and the minimisation and re-use of waste from mineral operations. This approach will support proposals for mineral extraction that facilitate economic development, maintaining and enhancing Derbyshire's position as a nationally important producer of minerals, including the creation of jobs, whilst at the same time seeking to improve the social conditions of the Plan area and minimising any

damage to the environment. Social and environmental benefits will also be sought through the restoration of mineral workings.

Policy SMP2: Economic, Social and Environmental Principles for Minerals Development in Derbyshire and Derby

5.18 There was overall support for this policy which encompassed a number of more locally distinctive sustainability issues, which consultees considered to be of particular significance and importance to Derbyshire and Derby. These are:

- Derbyshire's status as a national leader in the production of minerals, providing significant materials to maintain the national economy, and requiring the specific skills that are needed to maintain this production.
- The built and natural environment of the Plan area, including its rich heritage, biodiversity and varied landscapes, particularly those areas which people consider to be the most sensitive, in the north of the county, related closely to the adjoining Peak District National Park.
- That, generally, people recognise that winning and working of minerals is necessary in the Plan area, and that some social and environmental damage is unavoidable. In this respect, they have told us that we should continue to strive to promote high standards of working, restoration and aftercare of mineral workings, which bring real and positive benefits to the local communities and which help to offset any adverse impacts that may result from mineral working, including the transportation of minerals.
- That the most efficient use should be made of the mineral resources in the Plan area, avoiding wastage and making the best use of recycled materials, in order to reduce the amount of primary material that is quarried, therefore, reducing the amount of land that is lost to mineral extraction in the Plan area.
- Cumulative impact from successive mineral workings and other commercial and industrial development in an area over a number of years has been raised by local people as being of particular relevance to their communities.

- 5.19 The policy is intended to be broad brush and strategic in nature, setting the scene for more detailed development management policies later in the Plan. It has been altered to refer to varying levels of protection according to the status of environmental designations. Changes have also been made to refer to the “best use” of minerals rather than “efficient” use and a criterion is included to promote the use of secondary and recycled aggregates. The inconsistency with Policy SMP1 has also been addressed.

Policy SMP3: Climate Change

- 5.20 Climate change has been identified as a key issue from the initial stages in the preparation of the MLP and there was continued support for the policy. The policy has been changed to take into account the scale and nature of the proposed development and the range of climate change measures that could be included in proposals has been extended.

Policy SMP4: Transport

- 5.21 The impact of transporting minerals on communities has been raised as an important issue from the beginning of plan preparation. The MPA is aware that transport issues cut across several different chapter areas of the Plan and have decided to include a strategic policy for transport whilst more detailed transport policies will be found at other relevant Plan chapters. The key principle of the strategic transport policy is to minimise transport movements and maximise the use of alternatives to road transport.

Outcomes for the Proposed Approach: Chapter 5 Spatial Strategy

- 5.22 The MPA decided to include the spatial principles in a separate chapter entitled spatial strategy. This Chapter sets out firstly, in broad terms, where sites could be worked for minerals over the Plan period having regard to the location of mineral resources. Secondly, it sets out the key spatial principles that will guide mineral development in the Plan area, both allocations in the Plan and other proposals which come forward over the Plan period. This spatial element is an

important aspect of the Plan, giving a geographic dimension to the vision. The Spatial Strategy policy focused on five key areas.

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

Revised NPPF and PPG

- 6.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited the proposed approach in the light of this new policy guidance. There is a new requirement in terms of Duty to Co-operate, whereby planning authorities are required to produce one or more statements of common ground (SOCG). These should document the cross-boundary matters being addressed and progress in co-operating to address these. There are no specific duty to cooperate issues relating to Chapters 4 and 5.
- 6.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft Vision and Objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed Draft Plan, in the light of previous consultations. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021 – Chapter 4 Sustainable Minerals Development, Chapter 5 Climate Change.

Representations on the Proposed Approach Spring 2018 Consultation

- 6.3 Policy SMP1 General Principles was supported but needed to include safeguarding infrastructure. Policy SMP2 Other Sustainability Principles More Locally Distinctive to Derbyshire and Derby was supported subject to amendments relating to flood risk, impact on the setting of the Peak District National Park, alternatives to road transport and environmental designations.
- 6.4 Policy SMP3 Climate Change was supported subject to detailed wording amendments including reference to fossil fuels and flooding. Policy SMP4 Transport was supported subject to detailed wording changes relating to the need to ensure that alternatives to road transport also achieve low greenhouse gas emissions and other pollutants.
- 6.5 Policy SMP5 Spatial Strategy received support especially in relation to the restoration criterion but objection from the Minerals Industry who thought the requirements were too onerous. Details of the representations received, together with considered responses and outcomes for the Proposed Draft Plan is set out in the following document:

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

Duty to Co-operate

- 6.6 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders on the strategic cross-border issues and the outcomes from this co-operation has fed into the Proposed Draft Plan, Winter 2021/2022 Consultation. Whilst sustainable mineral development reflects the need to plan for strategic cross-border issues the detailed strategies for those issues are set out in the specific mineral/ topic area chapters of the Plan.
- 6.7 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.

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 and SoCG, December 2021

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

- 6.8 A SA was undertaken on the Proposed Approach. The full appraisal is set out in the following document:

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

- 6.9 Although the layout of the Plan was different the detailed wording of the policies was similar to the 2015/16 Rolling Consultation stage and, therefore, the SA reached the same conclusions as the previous appraisal. Only one recommendation for enhancement was made which related to Policy SMP2 (SMP3 in the 2015/2016 Rolling Consultation). The policy does not mention potential impacts on soil. Though the loss of agricultural land is difficult to compensate for, it would be useful to provide a positive policy framework regarding its protection, mitigation and enhancement at a strategic level given that policy SMP2 seeks to achieve an appropriate balance between economic, social and environmental factors.
- 6.10 In relation to SMP4 Transport the SA noted that given the reliance upon existing transport networks, and the relationship between current minerals sites / resources and the end market, it is acknowledged that the dominant mode of travel going forward is likely to be road transport. Rail and water transport can be expensive to implement the required infrastructure, and so they only tend to be utilised for high value materials and / or longer distances. However, the

policy is positive and should ensure that all possibilities to reduce transport and to source alternative methods of transport have at least been evaluated.

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

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

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

- 6.12 The SA concludes that Policy SP1 Sustainable Minerals Development is likely to have a positive effect upon all the SA topics. Policy SP1 Criterion 5) addresses the issue raised in the 3rd Interim SA report regarding the need to take into account agricultural land quality. For policy SP2 Climate Change it also predicts positive effects but because the requirements are not quantified as such, it is difficult to predict the significance of the effects. The SA does not recommend any amendments to the Plan.

Outcomes for the Proposed Draft Plan

- 6.13 As we move towards the 'publication/submission' stages of Plan preparation the MPA has decided to make the Plan more concise and streamlined resulting in significant changes to the 'front end' of the Plan. The four policies that were set out in Proposed Approach 2018 have been subsumed into a new policy SP1 Sustainable Development which reflects the overarching aim of the Plan's vision to deliver sustainable minerals development. Policy SP1 is the first strategic policy of the Plan it sets out the high-level requirements that development proposals will need to meet in order to deliver sustainable minerals development applicable to the Plan area. All other policies in the Plan add detail to these high-level requirements. The Policy includes 18 criteria and encapsulates sustainable development principles for the Plan area.

- 6.12 Chapter 4 also sets out how the Plan will ensure the sustainable location of mineral development, including the consideration that will be given to extensions to existing sites. This replaces the spatial strategy policy that was set out at Chapter 5 of the 2018 Proposed Approach.
- 6.13 The Plan recognises the growing importance of embedding climate change considerations into the assessment of planning proposals. Climate change issues are now set out in a separate Chapter, and the second strategic policy of the Plan is SP2 Climate Change, which requires proposals to incorporate measures to minimise and offset greenhouse gas emissions and assist in the reduction of vulnerability from, and increase resilience to, future impacts of climate change.
- 6.14 The issue of transporting minerals is now covered by SP1 Sustainable Minerals Development which requires proposals for mineral development and mineral related development to minimise any adverse impacts from the road-based transport of minerals, including emissions, and maximise the use of more sustainable transport modes including rail, water, conveyor and pipeline. More detailed transport policies are set out at Chapter 11 Development Management Policy DM3 Transport of Minerals.