

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

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

Developing the Proposed Draft Plan 7.4 Vein Minerals

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, and starting initially with a stakeholder workshop in 2009. 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 strategies set out in 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; and
 - outcomes for the current consultation stage.

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 Local Plan should address and sought the input of stakeholders in developing its vision and objectives. The outcomes of the workshop were published on the County Council's website and in a newsletter that was circulated to stakeholders.
- 2.2 These comments were taken into account in the preparation of the Issues and Options Report. Issues relevant to vein minerals concerned how to make adequate provision for future extraction, and the role of the Plan area in reducing extraction from within the Peak District National Park.

3 Issues and Options Consultation 2010

- 3.1 The Issues and Options consultation recognised the world market for fluorspar and barytes, but noted that it is difficult to plan for as demand fluctuates widely, the increasing supply from other countries and the uncertainty, at the time, of the only processing facility of its type in Derbyshire at a site in the Peak District National Park. It recognised the inherent problems arising from the location of vein mineral resources, which often corresponded with areas of high landscape value, and the limitations of information about the scale and commercial viability of resources in the area.
- 3.2 The consultation asked people if they supported the continuation of the policy approach in the adopted Minerals Local Plan, Policy MP33, which supported proposals for the working and processing of vein minerals subject to meeting criteria relating to scale and duration of working being limited to proven need; environmental acceptability including method of working, subsidence and landslip considerations and waste disposal provision. Further information is available in:

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 The Issues and Options consultation was prepared prior to significant changes in national planning policy, notably the publication of the NPPF in 2012 and the PPG in 2014. The Councils revisited the issues and options surrounding the planning for the supply of vein minerals was revisited in the light of this policy and guidance. The extent to which the Issues and Options consultation and the responses to it remained helpful to developing a strategy were examined, and additional evidence collected since 2010 was taken onboard. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011.

4.2 The next 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. In the light of the new national policy and guidance, the MPAs were seeking to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision. The paragraphs below set out the outcomes for this rolling consultation – emerging approach, in the light of previous consultation, in relation to vein minerals. A paper specifically about vein minerals was included accompanied by a background supporting Paper. Further details can be found in the following documents:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Rolling Consultation 2015-2016: Towards a Strategy for Vein Minerals, April 2016

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Rolling Consultation 2015-2016: Vein Minerals Supporting Paper, November 2014

Representations to the Issues and Options Consultation 2010

4.3 Issue 9: Managing How We Make Provision for Vein Minerals

Seven respondents supported continuing the approach of the adopted Minerals Local Plan. Other representations were received in relation the detailed wording and overall approach to vein minerals:

- Minerals that can be mined, as opposed to quarried, in the Peak District National Park should be encouraged to offset the PDNP reduction targets for other types of mineral (e.g. limestone);
- Applications for vein mineral extraction must be judged rigorously on need, and the applicant must provide robust evidence to support that argument. It is essential that the policy prevents the unnecessary production of limestone aggregates;

- It would be useful for the County Council to further investigate the issue of fluorspar markets (e.g. identifying what areas or markets would be affected by a shortage);
- Paragraph 7.49 is incorrect, there is not necessarily a 'national need' for fluorspar, as no such intimation is set out in national minerals planning policy in MPS1, or any other document. Inclusion of such wording is unhelpful and illustrates the wrong perception to the public. Further information is available in the following document:

Responses to Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2011

Duty to Co-operate

- 4.4 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In view of the close association between vein mineral working in the PDNP and the Plan area, the supply of vein minerals was identified as a strategic cross border issue.
- 4.5 The Councils consulted on the duty to co-operate issues that had been identified and on an approach to recording and processing those issues. Further information can be found in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Duty to Co-operate Report, April 2016

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

- 4.6 The SA process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process tests the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these improvements will be incorporated.

- 4.7 An SA was carried out on the suggested approach set out in the Issues and Options Paper which was a criteria-based policy reflecting that set out in the adopted Minerals Local Plan. The SA reported that, '*The suggested approach would have positive implications for landscape, geodiversity, biodiversity and natural resources objectives. However, given that it can be difficult to find suitable sites for vein minerals extraction and demand fluctuates widely - it may be appropriate to allow development without the need to demonstrate there is demand for the mineral. Scale and methods of working could still be included in a criteria-based policy*'. 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 - 1st Interim Sustainability Appraisal (SA) Report, July 2013

Outcomes for the Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach

Towards a Strategy for Vein Minerals paper

- 4.8 The 'Towards a Strategy for Vein Minerals' Paper, April 2016 identified several issues and options that would need to be considered in developing a strategy to maintain the supply of vein minerals over the Plan period. It recognised that vein minerals are a scarce, but very important resource, due to their specialist uses. It also recognised their winning and working in Derbyshire has been on a small scale compared to other minerals, although the extraction operations have provided some economic benefits, but with some adverse impacts on the environment. Their significance has been particularly noticeable where the extraction sites were in the more sensitive parts of the county. The demand has varied in line with particular industries, and domestic production has met growing competition from global sources. Notwithstanding the uncertainties for future demand and production, it was acknowledged that it was important that the Minerals Local Plan sets out how supply can be maintained, and how the future extraction of reserves in Derbyshire will be assessed and accommodated.

4.9 The Emerging Approach listed the factors that the Minerals Local Plan will need to take account of:

- the small scale fluorspar and barytes industry compared to other minerals, and the marked decline in domestic production over the last thirty years;
- the unpredictable level of demand for fluorspar and barytes in the United Kingdom;
- cheaper resources in other countries;
- the economic need for processing facilities close to the sources of the raw material (due to the high cost of transport of the raw vein bearing ore);
- the high cost of the processing plant relative to the volume of material processed, and the limited prospects for new facilities in Derbyshire;
- an existing and recently refurbished processing facility within the Peak District National Park;
- known and permitted reserves at new or partly worked sites in the Peak District National Park;
- the lack of permitted reserves in the rest of Derbyshire, and the limited level of information about the location and economic viability of reserves;
- the absence of interest from vein mineral operators in sites within Derbyshire, outside the Peak District National Park, during the last ten years or more.

4.10 The consultation also set out the main mineral related requirements and national planning policy, as the framework for options available for the approach of the new Plan. This summary recognised the continued supply of important minerals to the economy, the benefits in maintaining modern standards of living from their use, the preference to provide as much information as possible about the location of vein minerals, and the potential acceptability of extracting them and the need to set out how future vein mineral extraction proposals will be assessed and determined. Accordingly, the consultation indicated that it would:

- Include a Plan identifying those areas where vein minerals are known to exist; but
- Not attempt to assess and define the likely level of acceptability of extraction from sites in those areas; nor

- Set out any specific provision figure for vein mineral extraction over the Plan period.

4.11 The consultation set out a number of issues relating to the development of a strategy for vein minerals concerning the inclusion of a specific, vein mineral criteria-based policy in the new Plan and the range of criteria that could be included. In line with national policy, the consultation also sought to canvas opinion about a preference for future vein mineral extraction to be focused on sites outside the Peak District National Park.

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

5.1 The Proposed Approach sets out the draft Vision and Objectives and overarching strategic sustainability principles which will underpin the Plan, together with the approach to the provision for each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the proposed approach, in the light of previous consultation with regard to vein minerals. The complete text is set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 - Chapter 7.4 Vein Minerals

5.2 More detailed background information about vein minerals was updated and set out in the following document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach Background Paper Vein Minerals – December 2017

Representations on the Emerging Approach 2015-2016 Rolling Consultation

- 5.3 There were no representations relating to the development of the Vein Minerals strategy.

Duty to Co-operate

- 5.4 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In view of the close association between vein mineral working in the PDNP and the Plan area the supply of vein minerals was identified as a strategic cross border issue.
- 5.5 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 vein minerals. 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

- 5.6 An SA was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017. 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

- 5.7 Given that it can be difficult to find environmentally acceptable sites for vein mineral extraction and that demand fluctuates widely, the emerging approach in the Rolling Consultation was to include a plan identifying the area or areas where vein minerals are known to exist or are likely to be found, but not to

attempt to indicate the potential acceptability of extraction within those areas, nor to set out any targets or provision figures for vein minerals. The SA concludes that:

'The emerging policy approach is fairly 'light touch' in terms of identifying sites for extraction (i.e. it simply provides a map of known and potential resources. This allows a degree of flexibility to allow for sites to be identified within a broader area of potential. The effects are positive for waste and minerals, but not significantly so.'

- 5.8 The emerging approach included a criteria-based policy against which proposal for vein mineral working would be assessed. The SA concluded that, *'The list of site assessment criteria is wide-ranging and ought to address any potential effects upon environmental and social factors. However, it is difficult to predict the extent of effects at this stage as no firm criteria have been established, and the policy is also high-level, and not site specific. Nevertheless, positive implications have been recorded for biodiversity, land and water resources, waste and minerals, heritage and landscape, air quality, flooding and communities and health. A neutral effect on the economy and housing is predicted, as the policy is unlikely to significantly affect levels of housebuilding or economic activity. A criterion could potentially be added to the list of assessment criteria to cover the potential for minerals developments to ensure that local communities benefit from employment opportunities.'*
- 5.6 Where appropriate the findings of the SA have been incorporated into the Proposed Approach, Spring 2018 Consultation.

Outcomes for the Spring 2018 Consultation: Proposed Approach: Vein Minerals

5.7 Vision and Objectives

Chapter 3 of this consultation document contains the Plan's draft Vision and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key

goals that will need to be attained to make the Vision a reality. The contribution that the individual draft policies set out in the Industrial Limestone chapter will make towards achieving the overall draft Vision and Objectives of the Plan, is set out below the Policies section at the end of the chapter. The Rolling Consultation included key Issues and Options that needed to be addressed in order to develop a strategy for ensuring the supply of vein minerals.

Issue: Identification of Vein Mineral Resources

- 5.8 The MPA has insufficient information to identify potential sites for working but it includes a map identifying where vein minerals are known to be present and hence where any proposals are likely to come forward.

Issue: Scale of Provision for Vein Minerals

- 5.9 It is not practical to make specific provision for the future supply of vein minerals because it is not known how much vein mineral will be required by indigenous industries up to 2030 or how much of that unknown requirement will be met by imported supplies. In addition, and in the absence of detailed interest from mineral operators, it is not possible to indicate where and how much commercially viable vein mineral is available and in demand. Instead it is intended to maintain the approach of the existing mineral plan to set out a criteria-based policy to determine any proposals for vein mineral extraction that do come forward.

Issue: A criteria-based policy

- 5.10 Policy MS12: Vein Minerals supported proposals for vein mineral working subject to meeting the detailed criteria. It included criteria relating to the need to minimise the scale and duration of working to that required to extract the vein mineral. It sought to limit potential adverse environmental impacts of working. It required that any waste generated by the processing of vein mineral was appropriately disposed of. It also set out requirements for post extraction restoration.

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

Revised NPPF and NPPG

6.1 Since the Spring 2018 Consultation was published, the Government has revised the NPPF (July 2021) and partly revised the PPG. The Councils have revisited the proposed approach in planning for the supply of vein minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of this issue. There is a new requirement in terms of the Duty to Co-operate, whereby planning authorities are required to produce one or more statements of common ground (SOCG). The SOCG should document the cross-boundary matters being addressed and progress in co-operating to address these.

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 consultation, with regard to vein minerals. 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 7.4 Vein Minerals

6.3 More detailed background information about vein minerals was updated and set out in the following document:

Representations on the Spring 2018 Consultation

- 6.4 Representations were received from the PDNP in relation to the accuracy of the plan relating to their policy approach and site information and the need to include reference to Slinter Top Quarry if its reserves of vein minerals have been depleted.

Drop- In Sessions, Spring 2018

- 6.5 The Report of Representations also contains details of issues raised at drop-in sessions held by the MPAs in each of the Borough/Districts within the Plan area. All comments received have been considered and where relevant used to inform the Proposed Draft Plan Winter 2021/2022 Consultation. No issues were raised in relation to vein minerals.

Duty to Co-operate

- 6.6 Local Planning Authorities and County Councils (in two tiers areas) are under a duty to co-operate with each other and with other prescribed bodies on strategic matters which cross administrative boundaries. Joint working is particularly important in identifying whether development needs that cannot be met within a particular plan area could be met elsewhere.
- 6.7 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 SOCG. These should document the cross-boundary matters being addressed and progress in cooperating to address these. In preparing the Proposed Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to planning and the supply of vein minerals remains identified as an issue. The Councils have set out further information on the duty to co-operate issues in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan:
Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021
Draft Statement of Common Ground December 2021*

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

- 6.8 An SA was undertaken on the policies of the Proposed Approach in May 2018. The appraisal was updated to take account of promoted sand and gravel sites which were the subject of consultation in October 2020. The updated 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 The SA appraised Policy MS12 Vein Minerals; it noted that the policy would have a positive effect on the SA topics of waste, minerals, land and water resources due to the overall approach of maintaining mineral supply and seeking appropriate restoration of the site and disposal of waste. Impacts on environmental topics such as biodiversity, heritage and landscape, air quality and transport, and climate change were neutral because it was anticipated that other development management policies of the Plan would cover those issues.

Sustainability Appraisal of the Proposed Draft Plan December 2021

- 6.9 An 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*

- 6.10 Given that there has been little change in the Policy since the 2018 iteration the SA findings were similar. The SA Report did not recommend any changes to be made to the Proposed Draft Plan.

Outcomes for the Proposed Draft Plan: Vein Minerals

- 6.11 The Proposed Draft Plan sets out a proposed draft Vision and Objectives and overarching strategic policies which will underpin the Plan, together with proposed draft policies for the provision of each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the Proposed Draft Plan in relation to vein minerals, in the light of previous consultation..

Vision and Objectives

- 6.12 Chapter 3 of the Winter 2021/2022 Consultation contains the Plan's proposed Vision and Objectives. The contribution that the individual draft policies set out in the Vein Minerals chapter will make towards achieving the overall draft Vision and Objectives of the Plan, will be monitored in accordance with the proposed monitoring framework set out at Chapter 12 of the Plan.

Vein Minerals

- 6.13 In moving towards the 'publication/submission' stages of Plan preparation the MPA has decided to make the Plan more concise and streamlined. In particular general environmental considerations that apply to all mineral proposals have been set out in Chapter 11: Development Management Policies and removed from the individual mineral supply policies.
- 6.14 Policy SP12 Vein Minerals therefore covers only specific issues relating to vein mineral supply in that it sets out that proposals for the extraction of vein minerals will be supported where they are required for use in industrial and manufacturing processes. Criteria 1 restricts the duration and scale of working to the minimum necessary to extract the vein mineral to avoid excessive limestone working for aggregate purposes and Criteria 2 requires the satisfactory disposal of any waste generated from processing vein minerals.

The text of the plan has been updated to reflect the inaccuracies of information reported by the PDNPA.