

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

**Towards a Minerals Local Plan:
Spring 2018 Consultation**

Background Paper Mineral Safeguarding

DECEMBER 2017

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1. Introduction and Background

- 1.1 Minerals provide essential raw materials for developing and sustaining our society – whether this is for construction, manufacturing, agriculture or energy production. Recoverable mineral resources are finite, however, and can only be worked where they occur. To protect these valuable resources for the long term, it is important, therefore, that these resources are not sterilised by non-mineral development being built over them, such as housing, retail or industry.
- 1.2 Government policy puts the preservation of mineral resources on a more equal footing with the protection of other natural assets and now, therefore, requires all Mineral Planning Authorities (MPAs) to define Mineral Safeguarding Areas (MSAs).
- 1.3 A MSA is an area of proven mineral resource that is considered to be of sufficient economic or conservation importance to warrant long term protection.
- 1.4 The designation of MSAs does not convey any presumption that mineral extraction is acceptable and nor do they preclude other development from being permitted; their purpose is to provide a policy tool to ensure that mineral resources are taken into account when they are at risk from being lost to other forms of non-mineral development. There is also no presumption against mineral extraction in areas that are not safeguarded, as MSAs may not necessarily capture every viable resource.
- 1.5 This paper covers all minerals found in Derbyshire and Derby (except deep mined coal and oil, where safeguarding issues will not normally apply). Safeguarding of strategic mineral transport facilities and other minerals infrastructure is considered in a separate paper.
- 1.6 The Councils will seek to safeguard minerals which are considered to be of local and national importance, i.e. Carboniferous Limestone, Permian Limestone, alluvial Sand and Gravel, Sherwood Sandstones, Fluorspar, surface mined Coal and Clays. Resource data for these deposits is generally good.

This data will be obtained from the British Geological Survey Resource Maps and Coal Authority resource maps.

- 1.7 Sources of building and roofing stone for use in the repair of historic buildings and buildings/structures in conservation areas will also be identified. Unfortunately, information is not as extensive for this resource. In order to attempt to define building stone resources more effectively two studies have been conducted. Firstly a national investigation known as the Strategic Stone Study was trialled in Derbyshire and the Peak District National Park. This was supported by English Heritage and ODPM/DCLG with the groundwork in this area being conducted by the National Stone Centre, then entered onto a national database by the British Geological Survey. The second piece of research was also carried out by the National Stone Centre, commissioned by DCC and English Heritage (now Historic England). In the absence of specific guidance on identifying and safeguarding building stone deposits (existing guidance is focussed on bulk minerals) this sought to define, in a trial area, the resources of building and roofing stone, which should be safeguarded as a result of their economic or conservation potential and to assign relative levels of significance to such deposits e.g. local, national or intermediate – as implied by NPPF guidance (NPPF para 143).

2. Policy Context

2.1 The National Planning Policy Framework (NPPF)

This sets out the national approach to planning for minerals, including the need to conserve mineral resources in accordance with the principles of sustainable development. One of the issues it addresses is the potential loss of access to mineral resources as a result of surface development, known as “mineral sterilisation”. In this respect, it provides stronger national policy than previous national policy for the safeguarding of important minerals. It requires Mineral Safeguarding Areas (MSAs) to be defined in planning policy documents to ensure that known locations of specific minerals of local and national importance are not sterilised needlessly by non-mineral development, whilst not creating a presumption that resources which are defined will be worked. It sets

out in Annex 2 of the NPPF that minerals of local and national importance includes aggregates, brickclay (especially Etruria Marl and fireclay), silica sand, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas. It sets out that Mineral Consultation Areas should be defined based on MSAs.

It encourages the prior extraction of minerals if it is necessary for non-mineral development to take place in MSAs.

It also states that existing and planned rail heads, rail links to quarries and wharfage facilities for transport by rail and inland waterways and facilities for the handling of minerals (including recycled and secondary aggregates) should be safeguarded.

2.2 National Planning Practice Guidance (NPPG)

This sets out that mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:

- uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources.
- consults with the minerals industry, other local authorities (especially district authorities in two-tier areas), local communities and other relevant interests to define MSAs
- sets out MSAs on the policies map that accompanies the local plan and define Mineral Consultation Areas based on the MSAs, and
- adopts clear development management policies which set out how proposals for non-minerals development in MSAs will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in MSAs and to prevent the unnecessary sterilisation of minerals.

2.3 The British Geological Survey good practice advice

The British Geological Survey (BGS) published the document “Minerals Safeguarding in England: Good Practice Advice” in September 2011. This complements the NPPF by supporting and facilitating MPAs in their implementation of national policy with respect to the safeguarding and the prior extraction of minerals. It provides independent advice and a step by step methodology on how to define MSAs to prevent the needless sterilisation of minerals, as required by the NPPF. It advises that in most cases MSAs should cover the full extent of mineral resources considered to be of economic importance and that they should also cover urban areas under which mineral resources lie.

3. The Mineral Resources of Derbyshire and Derby

3.1 The Plan area has eight distinct mineral resources which have the potential for safeguarding. These are as follows:

1. Sand and gravel.
2. Sherwood sandstone.
3. Carboniferous limestone.
4. Vein minerals.
5. Permian limestone.
6. Coal – surface mined.
7. Namurian sandstones.
8. Clays.

3.2 The majority of these are in Derbyshire. Derby City’s mineral resources are limited to a relatively small amount of sand and gravel.

3.3 Derbyshire is one of the richest counties in the UK in terms of its range and diversity of mineral resources. These include limestone, sandstone, sand & gravel, coal and vein minerals. The county has for many years been one of the country’s largest producers of minerals.

3.4 Sand and gravel

Sand and gravel of mainly glaciofluvial origin (i.e. deposited by glacial meltwaters at the end of the ice age) is concentrated in the river valleys of the Trent, Dove and Derwent, in the south of the county. Deposits are generally of

high and consistent quality in the Plan area and are used mainly in the manufacture of concrete and as a fill material by the construction industry. Sand and gravel from Derbyshire and Derby is considered to be of local and national importance by virtue of the fact that it is used within Derbyshire and Derby as well as in other areas within the East Midlands. It therefore meets local and wider needs for sand and gravel.

3.5 Sherwood sandstone

The Sherwood Sandstones contain resources mainly of sand in solid hard rock formations. These were formed by a major fluvial event in the Triassic period, around 230 million years ago. This deposit is much more limited in extent than the river valley sand and gravel. It is concentrated in an area around Mercaston between Ashbourne and Derby. Production is limited to one operation. The relatively small volumes of material produced are used mainly within the Plan area and is considered therefore to be of mainly local importance.

3.6 Carboniferous limestone

This resource is concentrated in two main areas; the first around Matlock/Wirksworth and the second around Buxton. It was laid down around 350 million years ago. The rock tends to be very pure in chemical composition, and for this reason is used in a number of chemical or industrial processes. Less pure varieties, generally, are used as fill material (aggregate) by the construction industry, particularly in road construction and repair. The Bee Low Limestone of the Carboniferous sequence is of particular importance as a building stone (Hopton Wood Stone). This stone can be found outcropping in the Wirksworth area. It is of significant local and national importance because Derbyshire is one of the few areas of the country which supplies limestone of industrial and aggregate quality to meet national requirements. It is transported significant distances throughout the country to meet these needs.

3.7 Vein minerals

Within Derbyshire, the majority of vein mineral deposits occur within the Peak District National Park. In the part of Derbyshire outside the Peak National Park, the vein mineral deposits lie within areas bordering the National Park, limited mainly to a line along the eastern edge of the Carboniferous Limestone around Matlock, Wirksworth and Brassington.

Mineralised veins running through the Carboniferous Limestone of Derbyshire have been of economic importance for centuries. Historically, Lead was the major vein mineral worked, but today the primary interest is in Fluorspar. Barytes is also likely to be obtained from Fluorspar workings, in varying proportions, as a secondary material. Calcite is also found as a vein mineral and is also a common rock forming mineral, being the principal constituent of all limestones. Of these, only Fluorspar is listed in national policy as a mineral of local and national importance, which should be safeguarded.

3.8 Permian (magnesian) limestone

This resource is limited to an area in the north east of the county, in the area around Bolsover and Whitwell. Dolomitisation (the natural addition of magnesium) has formed a high grade dolomite in the area around Whitwell. This is an important and nationally scarce mineral that is used in the steel making industry. Less chemically important forms of the limestone are prized for their tough physical properties and are generally used as constructional fill material (aggregate). Derbyshire is one of only two areas in the UK which provides this mineral, both nationally and internationally and, therefore, is considered to be of both local and national importance.

3.9 Surface mined coal

The main outcrop of coal is in the east of the county. Large scale coal production ceased in Derbyshire in 1993 with the closure of the last deep-mined coalfield. There are a small number of surface coal mines and one drift mine in

the Plan area. The market for coal fluctuates and this offers the potential for new mines to open in the future.

It is considered to be a mineral of local and national importance by virtue of the need to provide for national security of energy supply.

3.10 Namurian (carboniferous) sandstones

Also commonly referred to as Millstone Grit, this deposit is used for building and roofing purposes. These formations are extensive in the central part of the county but the areas of usable stone within them are notoriously limited and largely undetermined. The building stone is of local and some national importance as it is used across the country in the construction and restoration of buildings of historical importance and those in designated areas to retain the character of those areas. A small proportion in the north west of the county is quarried for aggregate. The aggregate quality stone is considered as being of only local importance.

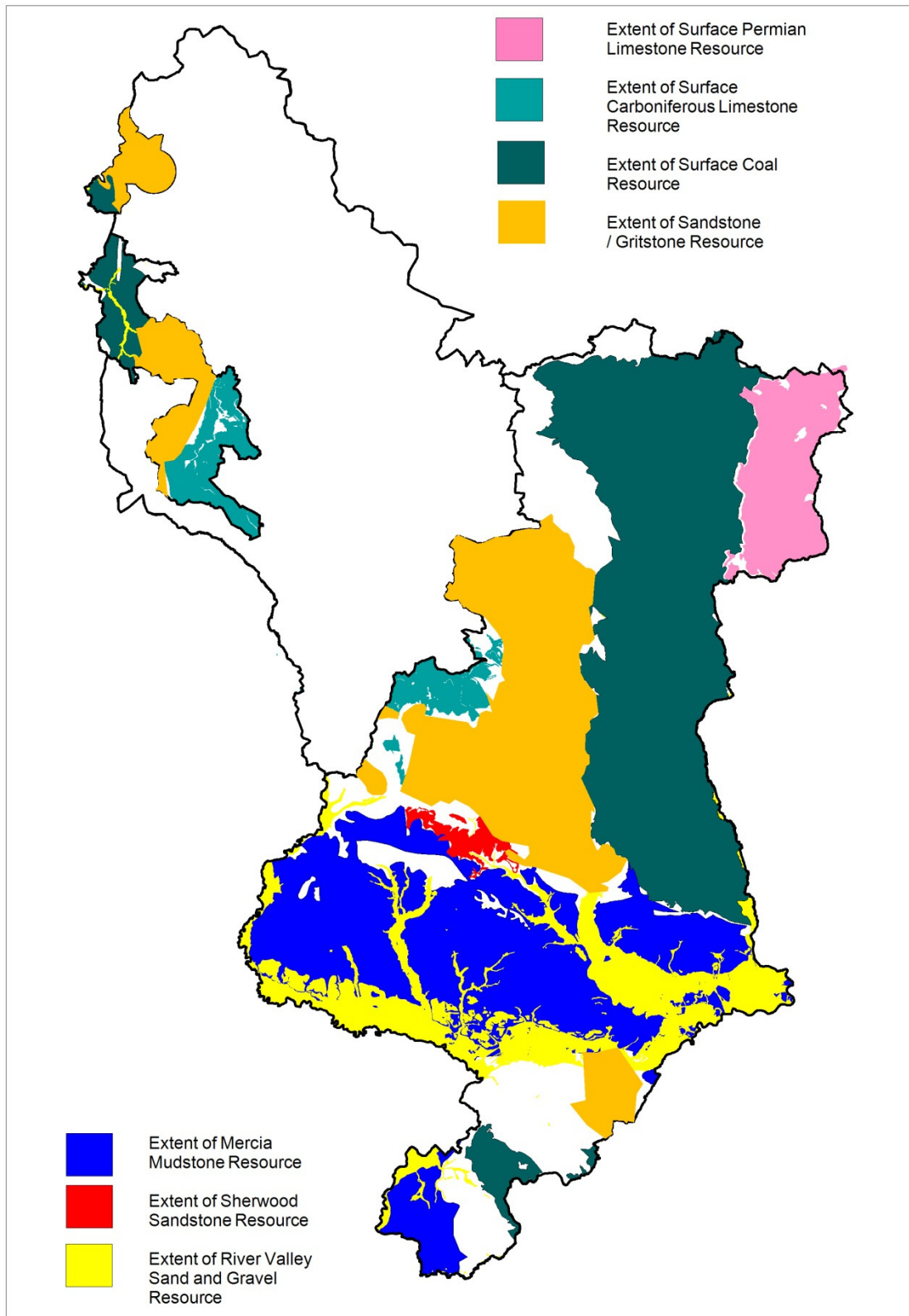
3.11 Clays

Brick clays including fireclays are identified in the NPPF as being of local and national importance as a result of their importance in the construction industry in delivering economic growth. The most important economic resources of brick clay sources in Derbyshire are found within the Carboniferous clays and shales, mainly in the east and the north west of the county. They are associated with the Millstone Grit and the coal measures of the same age. Given their relatively high iron content, they are used to produce red coloured bricks.

Fireclays are sedimentary mudstones which are found under the coal measures and are a by- product of surface mined coal operations. They are used mainly in the production of buff coloured bricks and clay pipes. Fireclay resources are often found in association with surface coal measures (which will be safeguarded) so they will not need to be safeguarded separately.

Mercia Mudstones were laid down in the Triassic period and are widespread in the south of the county. They can be used as a source of clay but have not been exploited to any great extent in the past. There are no current workings of the resource in the Plan area. It is only considered to be of mainly local importance.

Map 1 below shows Derbyshire and Derby's mineral resources. NB. clays and vein minerals found within other mineral resources are as indicated above.



Map 1: Derbyshire and Derby's Mineral Resources (Not to scale)

4. Minerals to be Safeguarded

4.1 The BGS Mineral Resource information and the Coal Authority Resource Maps are the primary sources of information when identifying which mineral deposits are considered to be of economic importance, locally and nationally. These digital datasets are based on robust expert technical knowledge of the geology and economic value of the mineral deposits. They represent the best geological and mineral resource information available and are a valuable source of information in helping to determine which minerals should be safeguarded. On this basis, and taking account of the information in Section 2 above, the minerals that we think should be safeguarded in Derbyshire and Derby are set out below. Further detail on the extent to which each of these minerals will be safeguarded is set out in Table 2.

4.2 Minerals proposed to be safeguarded in Derbyshire and Derby:

- Glaciofluvial sand and gravel.
- Carboniferous limestone (aggregate, industrial and building stone grades).
- Fluorspar.
- Permian limestone (industrial grade).
- Coal (surface mined).
- Namurian sandstone (building stone).
- Sherwood sandstone.
- Permian limestone (aggregate grade).
- Fireclay (associated with the coal measures).
- Brick clay.

5. Mapping the Extent of Safeguarding Areas

5.1 Having established which minerals should be safeguarded, this section will consider how the physical extent of each of these resources will be defined.

5.2 The best available geological and mineral resource information should be used as a basis for deciding the extent of mineral to be safeguarded. The BGS Mineral Resource Maps and the Coal Authority Resource Maps are widely

acknowledged as being the best and most reliable geological information currently available. These show the broad location of mineral deposits and are based on robust, expert technical knowledge of the geology of the deposits. It is proposed, therefore, that they are used as the basis for identifying MSAs in Derbyshire.

5.3 It is accepted that the use of these digital datasets and maps largely eliminates the need for MPAs to make their own judgements on which mineral deposits are of economic interest. However, where other detailed data is available, this will be incorporated to help define resources further. This could include borehole and trial pit investigations from the industry and information on building stone resources that is held by English Heritage and more local knowledge gained through consultation on the Minerals Local Plan.

5.4 BGS Good Practice Advice sets out that the full extent of mineral resources which are considered to be of (local and national) economic interest should normally be safeguarded and should not be curtailed by other planning considerations. It goes on to state that, in certain circumstances, MSAs covering resources which occur extensively over the area of the MPA and which are not considered to be of (such) great national or local importance can be reduced in size to include only those parts that are of greater economic significance.

5.5 The judgement on any proposed reduction in the extent of a MSA will take into account the following factors:

5.6 **Geographical extent**

The Namurian sandstones are so extensive in Derbyshire (particularly those of aggregate quality) that only a fraction of the resource is likely to be worked over the Plan period. In these cases, it may be appropriate to focus on the areas of the mineral which are of greater economic significance.

5.7 Quality of deposit

The depth, thickness, level of overburden, dipping of strata, composition and structure of the deposit will be important factors in determining whether the mineral is economically viable and thus, whether it is worth safeguarding.

5.8 Conservation value

This will be an issue particularly in respect of the Namurian sandstones and to a lesser extent for the limestones. They are quarried for use as building stone in the repair and restoration of historic buildings/structures and buildings/structures in areas of conservation value. They are extensive through the central swathe of Derbyshire but rates of extraction are low in comparison, so more limited safeguarding, possibly site specific, may be one option. The Strategic Stone Study has been carried out by English Heritage to identify sustainable stone sources for building and conservation purposes. A separate study is being carried out by the National Stone Centre for the safeguarding of building stone resources in Derbyshire. These will be used to identify areas to be safeguarded for mineral of building and roofing stone quality.

5.9 Environmental constraints (designated areas)

These constraints include local and national nature reserves, sites of special scientific interest, special landscape areas, World Heritage Sites and scheduled ancient monuments. The protection from development given to the landscape by these designations might in some cases be considered to be sufficient to also protect the underlying mineral resources from sterilisation by surface development. BGS, however, advises against other planning designations curtailing MSAs unless there is sound justification to do so, since the definition of MSAs alongside environmental and cultural designations will help to ensure that the impact of any proposed development on mineral resources will be taken into account alongside other planning considerations. There does not seem to be any specific reason to go against this advice in Derbyshire and Derby.

Based on the information that is currently available, the proposals for each of the minerals in terms of the general extent which should be safeguarded, is set out in Table 2 below. The detailed boundaries of the MSAs will then be drawn up, having taken account of responses to this paper. They will be published for comment later this year.

Table 2: Safeguarding proposals for each mineral

MINERAL	SUMMARY OF REASONS
Glaciofluvial sand and gravel (Trent, Dove and Derwent valleys)	Strategic mineral of local and national importance, limited in geographical extent with relatively high extraction rates. Significant pressure for future working. Good resource data available. All known resource should be safeguarded.
Carboniferous limestones	Strategic mineral of local and national importance, resource relatively limited in geographical extent, (particularly high purity element). Significant pressure for future working. All known resource should be safeguarded.
Fluorspar	Strategic mineral of local and national importance, now very scarce and important in commercial terms. Lies within the Carboniferous Limestone. All known resource should be safeguarded.
Permian limestone	Strategic mineral of local and national importance. The industrial grade element is part of a nationally strategic resource, relatively scarce and important commercially. Significant pressure for future working. Pragmatic to safeguard the entire mineral resource, both industrial and aggregate grade as it often occurs together. All known resource should be safeguarded.
Sherwood sandstone	Resource limited but extensive relative to likely future rates of extraction. Of mainly local importance. Only

MINERAL	SUMMARY OF REASONS
	one current operation at Mercaston. Safeguarding should be limited to existing quarries and disused quarries with known remaining resources and potential areas for extension around these quarries.
Namurian sandstone (building stone)	Extensive resource of only local importance. Usable stone limited in extent and largely undetermined. Limited extraction but important resource where found to be of suitable quality for building and roofing stone. Safeguarding should be limited, therefore, to existing quarries and disused quarries with known remaining resources of good quality for building/roofing stone, and potential areas for extension around these quarries.
Namurian sandstone (aggregate grade)	Extensive resource of only some local importance. Generally poor quality resource for aggregate use. Very limited rates of extraction. Not necessary to safeguard any of the resource.
Mercia mudstone	Very extensive resource relative to rates of extraction. Of only limited local importance. Limited detailed data available but mineral quality uncertain. Not necessary to safeguard any of the resource.
Surface mined coal	Part of nationally strategic resource of both local and national importance, which assists in security of national energy supply. Long term depletion a possibility. Resource well understood. All known resource should be safeguarded.
Carboniferous brick clay	Recognised as being of local and national importance. Extensive resource relative to rates of extraction. Safeguarding should be limited to existing quarries and disused quarries with known remaining resources and potential areas

MINERAL	SUMMARY OF REASONS
	for extension around these quarries.
Fireclay	Recognised as being of local and national importance. Found in association with surface coal measures which will be safeguarded, therefore fireclay will be safeguarded by default. All known resource should be safeguarded.

Note: These proposals for the extent of safeguarding each mineral will be kept under review during the Plan period. Factors such as economic growth and need for the individual minerals will determine whether the proposals for safeguarding each mineral will need to be altered.

5.10 Safeguarding in urban and other built up areas

The issue of whether MSAs should cover urban areas was not covered as a specific issue in the Issues and Options consultation. It was embodied to some extent, however, in the suggested policy for safeguarding. As a result, some comments were made regarding this issue. Opinion has been divided in responses to consultations over the approach that we should take to this issue.

National Planning Practice Guidance sets out that safeguarding areas should be defined in designated areas and urban areas where necessary to do so. For example, safeguarding of minerals beneath large regeneration projects in brownfield land areas can enable suitable use of the mineral and stabilisation of the ground before any non-minerals development takes place.

BGS advises that MSAs should be defined to cover all urban areas which are underlain by minerals, in order to highlight the potential for extracting significant quantities of mineral which can exist beneath large urban regeneration projects and brownfield sites, and which may otherwise be overlooked. Our discussions with the Coal Authority have also supported this approach.

One disadvantage of the approach of MSAs covering urban areas is that it could potentially lead to a large amount of unnecessary notification between

district planning authorities and mineral planning authorities. However, exemptions of developments which have no implications for mineral safeguarding (set out in Appendix 1 below) would help to overcome the problem of there being excessive numbers of notifications.

There may be cases when the redevelopment of a site within an urban area underlain by mineral provides the opportunity for mineral to be exploited. Given this, it would seem appropriate to include a policy relating to the prior extraction of important minerals during the redevelopment of a site in an urban area. Extraction of mineral in these cases may be of economic advantage due to the availability of mineral on site for the development proposed or the shorter distance to market if sold. In the case of coal, prior extraction can also help to rectify issues associated with land stability.

5.11 Development close to mineral resources

Development which is close to, but not actually within, a mineral resource may also lead to the sterilisation of part of the resource. To take account of such risks and to also account for the inexact nature of mapped geological boundaries, particularly for more scarce resources, it may be necessary to extend the MSA beyond the actual resource boundary, using a buffer zone. For most mineral resources where blasting is not required, this has been set at 250m. The use of blasting requires the buffer zone for crushed rock resources to be greater and has therefore been set at 500m.

It may well be the case that, with modern blasting techniques, the issue can be resolved satisfactorily and development can take place close to mineral workings with neither party being affected to a significant extent, but at least this approach will ensure that the issue can be considered at an early stage in the process of determining a planning application, hopefully at pre-application stage.

There may also be cases where for various reasons, development is permitted on a mineral resource (e.g. it is found to be uneconomic to extract the mineral as part of the development which is itself considered to be necessary). In this

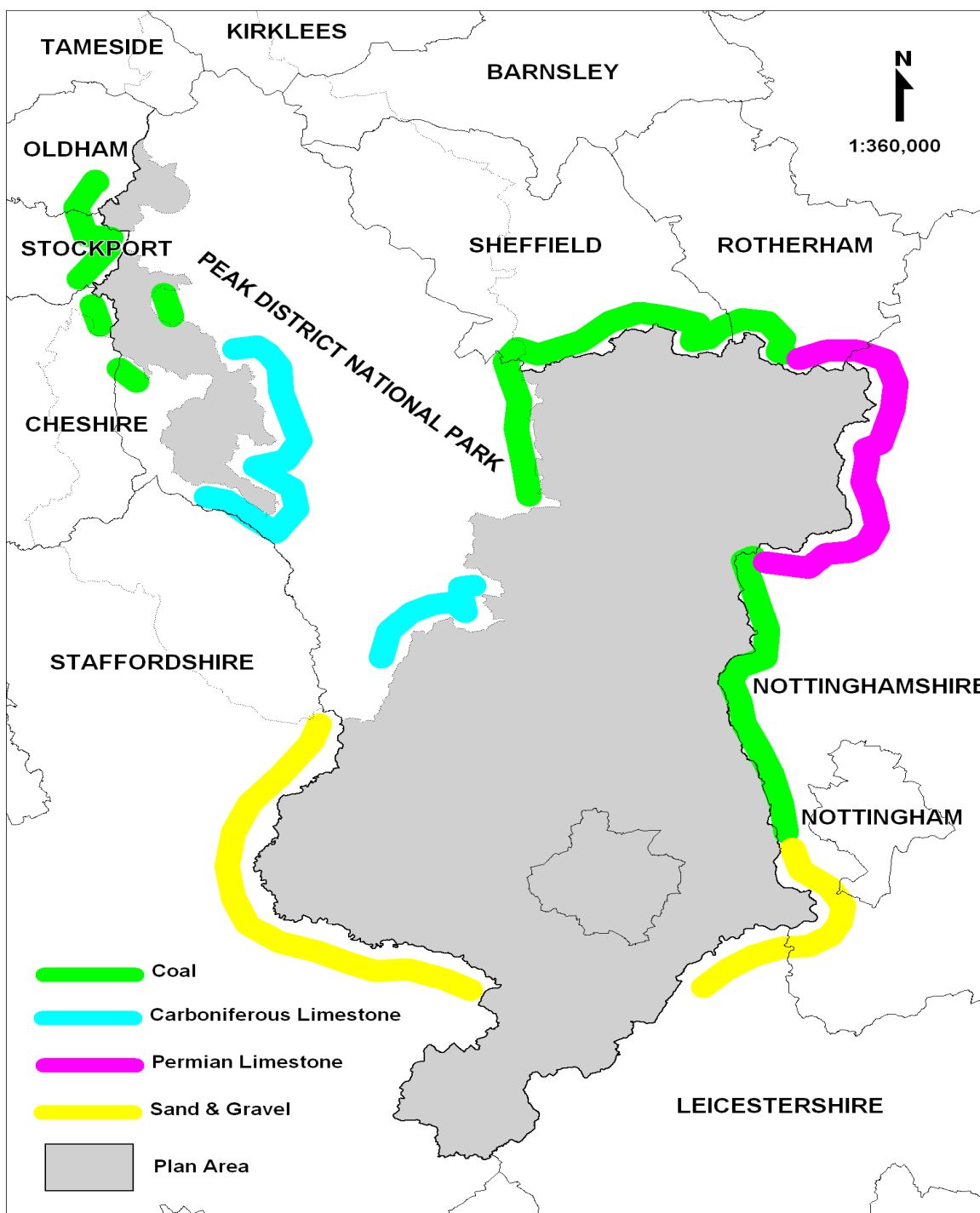
case, measures should be put in place to ensure that the future working of any adjacent mineral operation is not compromised as a result of the new development. An appropriate buffer zone between the development and the quarry could be designated in this case.

The Mineral resource and the additional buffer zone would be the Mineral Safeguarding Area and given that this is a two tier area would also be the Mineral Consultation Area. This means that the District Planning Authority would be required to consult the Mineral Planning Authority on planning applications within this area.

5.12 Safeguarding Mineral Resources Across the County Boundary

Mineral resources do not stop at administrative boundaries, so development close to the boundary of one authority could effectively sterilise minerals in the adjacent authority area.

It is likely in practice that the mineral will straddle the boundary and will be safeguarded by authorities on each side of the boundary so development should not, in theory, take place in these areas without consultation having taken place. The risk is where this is not the case. In such cases, buffer zones to protect the margins of mineral resources could extend into neighbouring authorities to protect resources from development. The challenge occurs here because all authorities will be at different stages in developing their safeguarding strategy. The map below shows the minerals which straddle the boundaries of the Plan area. It is important to consider this issue with neighbouring MPAs as part of the Duty to Cooperate on strategic cross boundary matters as set out in the NPPF. It will be important to continue to work closely with adjoining MPAs to ensure coordination of MSA and MCA designations across administrative boundaries.



Map 2: Mineral Resources adjoining Derbyshire and Derby

6. Implementation of Mineral Safeguarding Areas

6.1 This section considers how, once defined, MSAs can be used to safeguard mineral resources from other development. There are two opportunities to do

this; through the consideration of MSAs when district councils are developing their allocations in their DPDs and to assess individual proposals for development when they are submitted as planning applications.

6.2 MSAs in district council development plans

Allocations in district council development plans show where future development is likely to take place and will, therefore, be the first place where any mineral safeguarding issues will arise. The best time to consider mineral safeguarding will be when these allocations are put forward for consultation in a draft development plan. This allows mineral safeguarding issues to be considered alongside all other planning issues at an early stage, in order to reach a balanced decision about whether the allocation should be taken forward. Thus, when allocations are adopted, it can be assumed that any future planning applications that fall within them do not raise any mineral safeguarding issues.

National Planning Practice Guidance requires district councils to include MSAs on their Proposals Maps. In this respect, it would also seem helpful that they include a policy in their DPD setting out the consultation procedure with the MPA for developments that occur within MSAs and cross referencing to the MPA policy. The Minerals Planning Authority and the district/borough councils will continue to work together to develop this approach. Once the policies and procedures for consultation are in place, the policies will be monitored and reviewed to ensure they are working effectively and remain relevant. This will be achieved to some extent through the duty to cooperate mechanism.

6.3 Consultation with district councils on planning applications within MCAs

District councils are required to consult the County Council on any non-exempt planning applications for development which fall within a MCA (the delineation of MCAs is described in Section 5 above). The County Council can then advise the district on any implications for minerals and either object to the development or suggest changes to minimise the loss of mineral, even suggesting an

alternative location for the development where mineral resources would not be sterilised.

The Minerals Planning Authority and the District/Borough councils will continue to develop the safeguarding strategy together and agree a protocol by which consultation will take place on planning applications which may affect mineral resources.

The safeguarding policy will indicate which types of development will be exempt from the mineral safeguarding consultation process. This will include developments such as extensions to existing dwellings and advertisements (see Appendix 1 below). It is proposed, therefore, that the district and borough councils will not have to consult the County on such applications.

Appendix 1

Exempt developments

Not all proposals for development within or close to an MSA pose a risk to future minerals extraction (in terms of sterilising resources by being developed over the mineral or because of their sensitivity causing conflict with nearby mineral operations), and will, therefore, not have to be referred automatically to the MPA. To ensure that consultations are restricted to developments that would have a potential significant impact on mineral resources and to help ensure that consultation process is not too unwieldy, it is proposed to exempt the following categories of development from the MSA consultation process:

- Applications for householder development (extensions).
- Applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site.
- Applications for advertisement consent.
- Applications for reserved matters, including subsequent applications after outline consent has been granted.
- Development which is in accordance with the development plan where the plan took account of the prevention of mineral sterilisation and determined that prior extraction should not be considered when applications in a MSA came forward.
- Prior notifications (telecoms, forestry, agriculture, demolition).
- Certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development.
- Applications for works to trees.
- Applications for temporary planning permission.
- Applications for Listed Building Consent