

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

Towards a Minerals Local Plan: Sand and Gravel Sites Consultation Autumn 2020

Report of Publicity and Schedule of Responses

November 2021

Contents

1. Introduction
2. Consultation methods
3. Schedule of Responses

Introduction

1.1 Derby City and Derbyshire County Council have jointly carried out a number of consultations in preparing the Minerals Local Plan. This Report is about the latest consultation which was held in the Autumn of 2020 and was about Sand and Gravel Supply and Sites.

Consultation Methods

2.1 Councils are required to undertake consultation in accordance with their Statements of Community Involvement (SCI). The following methods were used to consult on this document.

- 1) Direct emails/letters to individuals and organisations who had a declared interest in minerals planning;
- 2) Direct emails sent to parish councils and asking them to publicise the consultation on their websites/newsletters;
- 3) Direct emails sent to local county councillors and asking them to publicise the consultation in their constituencies;
- 4) Direct emails sent to community forums in Derby City that were close to proposed sites;
- 5) A press release was issued which resulted in articles in the local newspaper i.e. Derby Evening Telegraph;
- 6) Site notices were displayed near the proposed sites;
- 7) The consultation documents were posted on the Have Your Say section of the County Council's website with a link from Derby City's website;
- 8) Consultees were given an 8-week period to comment from 26th October to 20th December 2020.

2.2 Under normal circumstances the Councils would have held Drop In sessions, where officers of the Council would be in attendance, at various locations across the Trent Valley and deposited paper copies of the Plan at Libraries and District Council offices but unfortunately due to Covid-19 restriction we were unable to do this.

Schedule of Responses

- 3.1 91 individuals and organisations responded to the consultation. This includes 68 individual local residents, 16 organisations, 4 parish councils, 1 district authority and 2 local councillors. This section provides a summary of the 114 comments received. All comments will be considered by the Councils and will inform the next stage of the Plan.

Foston

Name	Name Reference Number	Representation Reference Number
Individual	601	0001
Foston and Scropton Parish Council	602	0002
Individual	609	0009
Individual	611	0011
Individual	621	0021
Individual	625	0025
Individual	628	0028
Individual	632	0032
Egginton Parish Council	634	0034
Individual	636	0036
Individual	638	0039
Individual	645	0046
Individual	650	0052
Individual	656	0058
Individual	657	0059
Nestle UK	658	0060
Individual	659	0061
Derbyshire Wildlife Trust	663	0068
Natural England	664	0074
Individual	665	0075
Environment Agency	666	0076
Individual	670	0080
Individual	674	0084
Individual	685	0096
Individual	686	0097
Hanson	687	0098
Lead Local Flood Authority	690	0108
South Derbyshire District Council	691	0113

Representations

- 3.2 Nineteen individual residents oppose plans for the site at Foston. Concerned about the serious implications of working this site on the new flood defence scheme. Properties and businesses may be affected. It would jeopardise future investment in the area. Also, it may set precedent for working other areas in the Lower Dove Valley, introducing alien features to the landscape. Noise, dust, air quality, traffic, impact on wildlife and effect on property values are also cited. (Individuals listed above)

Representation

- 3.3 South Derbyshire DC objects to the proposal on the grounds of a potentially significant increase in flood risk and risk to the recently constructed flood defences of the Lower River Dove, as identified by the Environment Agency (EA), with potential detrimental impact on considerable economic interests in the area as well as communities. Also, the setting of a precedent in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area. (*SDDC 691/0113*)

Representation

- 3.4 Foston & Scropton Parish Council raises concerns about the Foston site, including the impact on the flood defence scheme, which they say may result in increased flooding and even dam failure. Concerns are also expressed about hours of operation, routeing of lorries and restoration which they request should exclude the possibility of noisy motor boats. Impact on wildlife, loss of farmland and the impact on the local economy are raised as further concerns. (*Foston and Scropton Parish Council 602/0002*)

Representation

- 3.5 The Environment Agency had expressed concerns about the proposal, but following discussions with Hanson, it now has no objection to the allocation as defined by the updated red line boundary plan Ref: F29/11 Revision B, subject to the submission of an appropriate assessment at the planning application stage (which has been reviewed by a Reservoir panel engineer) which considers both the impact on the operation of the reservoir, and separately on fluvial flood risk, resulting from any proposed extraction area. (*Environment Agency 666/0076*)

Representation

- 3.6 Nestle expresses concern as their recent investment in the area may be affected by increased flooding. (*Nestle 658/0060*)

Representation

- 3.7 Hanson, as proposer of the site, supports the proposal. (*Hanson 687/0098*)

Representation

3.8 Egginton Parish Council opposes the proposal as it may affect the flood defences which could have implications further upstream. (*Egginton Parish Council 634/0034*)

Representation

- 3.9 The settlement of Scropton, which lies to the east of the site, is prone to flooding problems related to the watercourses which enter it from the north and west, and any proposed works should ensure that the flood risk isn't increased and, where possible, reduced. When the site is restored, the potential to improve flood risk in Scropton should be considered in conjunction with both the Lead Local Flood Authority and the Environment Agency. (*LLFA 690/0108*)

Elvaston

Name	Name Reference Number	Representation Reference Number
Individual	608	0008
Individual	612	0012
Individual	613	0013
Individual	614	0014
Individual	615	0015
Individual	616	0016
Individual	626	0026
Individual	661	0064
Derbyshire Wildlife Trust	663	0069
Natural England	664	0073
Environment Agency	666	0076
Individual	681	0092
Elvaston Castle and Gardens Trust	682	0093
Tarmac	688	0102
Lead Local Flood Authority	690	0109

Representations

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

Representation

3.11 Elvaston Castle and Gardens Trust has objected to the proposal as it considers that the proposal may affect the viability of future proposals to improve and upgrade the Castle. *(Elvaston Castle and Gardens Trust 682/0093)*

Representation

3.12 Derbyshire Wildlife Trust (663/0069), Natural England (664/0073) and the Environment Agency (666/0076) provide expert advice to help with the assessment of the site.

Representation

3.13 Tarmac supports the proposal. (*Tarmac 688/0102*)

Representation

3.14 The Lead Local Flood Authority provides information on the watercourses within the site. (*LLFA 690/0109*)

Swarkestone North

Name	Name Reference Number	Representation Reference Number
Individual	618	0018
Individual	619	0019
Individual	620	0020
Individual	623	0023
Individual	624	0024
Individual	639	0040
Individual	640	0041
Individual	652	0054
Individual	660	0063
Individual	662	0065
Natural England	664	0070
Environment Agency	666	0076
National Grid	671	0081
Trent Rivers Trust	678	0089
Tarmac	688	0101
Lead Local Flood Authority	690	0110

Representations

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

Representations

3.16 Natural England (664/0071), National Grid (671/0081), Trent Rivers Trust (678/0089) and the Environment Agency (666/0076) provide advice on how the site should be worked and restored.

Representation

3.17 Tarmac supports the proposal. *(Tarmac 688/0101)*

Representation

3.18 The Lead Local Flood Authority provides information on the watercourses within the site. *(LLFA 690/0110)*

Swarkestone South

Name	Name Reference Number	Representation Reference Number
Individual	603	0003
Individual	607	0007
Individual	622	0022
Repton Parish Council	627	0027
Individual	629	0029
Individual	630	0030
Open Spaces Society	635	0035
Individual	637	0037
Individual	641	0042
Individual	644	0045
Individual	647	0048
Individual	653	0055
Individual	655	0057
Derbyshire Wildlife Trust	663	0067
Environment Agency	666	0076
Individual	668	0078
National Grid	671	0081
Individual	673	0083
Individual	680	0091
Individual	684	0095
Tarmac	688	0101
Natural England	664	0071
Trent Rivers Trust	678	0089
Lead Local Flood Authority	690	0111

Representations

3.19 Fourteen local residents (listed as individuals above) and Repton Parish Council object to the Swarkestone South site on the grounds that public rights of way would be affected, spoiling enjoyment of the area, increased noise, impact on residential amenity, increased potential for flooding, increased traffic and access to the site. Residents who live at Waterworks Cottages are also concerned that their property will be surrounded by workings on three sides with potential impact of the value of their properties. Suggest that more properties and viewpoints would be affected than set out in the current assessment. A visitor who uses the area to walk objects to the proposal as he considers that it would destroy a tranquil area. Also concerned about the new concrete bridge over the river. (*Individuals as listed above*) (*Repton Parish Council 627/0027*)

Representation

- 3.20 The Environment Agency (666/0076), Derbyshire Wildlife Trust (663/0067), Natural England (664/0071) and Trent Rivers Trust (678/0089) provide expert advice on how the site should be worked and restored.

Representation

- 3.21 The Open Spaces Society comment that this proposal would badly affect links between the old Twyford ferry crossing site and Repton and Foremark. Also affects Trent Valley Way, a national route. (*Open Spaces Society 635/0035*)

Representation

- 3.22 The Lead Local Flood Authority provides information on the watercourses within the site. (*LLFA 690/0111*)

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

Name	Name Reference Number	Representation Reference Number
Open Spaces Society	635	0035
Individual	642	0043
Individual	643	0044
Individual	646	0047
Repton Parish Council	648	0050
Individual	649	0051
Individual	660	0062
Derbyshire Wildlife Trust	663	0067
Cemex	672	0082
Individual	677	0087
Trent Rivers Trust	678	0089
Individual	679	0090
Individual	683	0094

Representation

- 3.23 Potential loss of key public rights of way connecting Sinfin, Arleston and Twyford. Damage high. (*Open Spaces Society 635/0035*)

Representation

- 3.24 In the north-west the boundary is immediately adjacent to Twyford Greens Complex Local Wildlife Site (SD340). This site supports wetland habitats including wet grassland and wet woodland and some tall herb fen type vegetation. There is a risk that the site could be adversely impacted by changes in hydrology or other causes. A range of bird species listed as Species of Principal Importance or otherwise protected are recorded from this area. There are also records for Otter, Badger and Brown Hare and older records for Water Vole associated with wetland habitats. (*Derbyshire Wildlife Trust 663/0067*)

Representations

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

Representation

- 3.26 Cemex objects to this site not being proposed for allocation and puts forward a case for the site to be allocated. (672/0082)

Foremark (Not proposed for allocation)

Name	Name Reference Number	Representation Reference Number
Individual	631	0031
Repton Village History Group	633	0033
Open Spaces Society	635	0035
Individual	637	0038
Individual	647	0049
Derbyshire Archaeological Society	654	0056
Derbyshire Wildlife Trust	663	0066
National Grid	671	0081
Trent Rivers Trust	678	0088
Individual	684	0095
Hanson	687	0099

Representations

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

Representation

3.28 Derbyshire Wildlife Trust does not support the use of this land for sand and gravel extraction as it would result in substantive ecological impacts, including the loss of a Local Wildlife Site. (*Derbyshire Wildlife Trust 663/0066*)

Representation

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

Representation

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

Representation

- 3.31 This site includes the main route of Trent Valley Way and the 'Repton to Foremark Circular route' which would be impacted by the proposal. (*Trent Rivers Trust 678/0088*)

Representation

- 3.32 There is a severe danger that, by allocating this site, it opens the possibility that the company operating the site will, in the future, seek to extend the extraction area to the west, into the area between the villages of Repton and Willington. This would have a major impact on the setting of several very important Listed Buildings. (*Derbyshire Archaeological Society 654/0056*)

Egginton (Not proposed for allocation)

Name	Name Reference Number	Representation Reference Number
Hanson	697	0100

Representation

- 3.33 Question the application of the methodology in terms of flooding, landscape and ecology/biodiversity (prior to and post restoration).
- 3.34 Argues that there are contradictions in the application of the assessment and its application to ecology. (*Hanson 697/0100*)

All Sites

Name	Name Reference Number	Representation Reference Number
Individual	606	0006
Repton Village History Group	633	0033
Individual	651	0053
Individual	667	0077
Swarkestone Liaison Group	669	0079
Tarmac	688	0101

Representations

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

Swarkestone (Both N and S sites)

Name	Name Reference Number	Representation Reference Number
Individual	605	0005
Individual	617	0017

Representations

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

Representation

3.37 Tarmac supports the allocation of both sites. (*Tarmac 668/0101*)

Representation

3.38 Repton Village History Group states that all sites in this area are steeped in historical value and rich in archaeology, which will be lost if these sites are worked. (*Repton Village History Group 633/0033*)

Representation

3.39 Swarkestone Gravel Liaison Group questions the need for such a large number of extraction sites which could all be operational at the same time. A preference would be for one or two sites being permitted to be operational at a time. Subsequent final restoration schemes being implemented during the time new sites are opened. (*Swarkestone Gravel Liaison Group 669/0079*)

Assessment Methodology

- 3.40 Whilst the use of a standardised methodology for site selection is sensible, it should not be the sole basis for decision making as the process should also allow for planning and other factors to be taken into consideration.
- 3.41 It is noted that issues such as 'deliverability' have informed site selection, but the potential for mitigation of adverse effects should also be accounted for. For example, a site that has a notable impact on a local community and therefore performs poorly against a particular criterion might be capable of mitigation to a greater degree than another site that scores better against the same criterion, but lends itself less well to mitigation.
- 3.42 Some inconsistencies in the site assessment narratives and the expression of effects in relation to the scoring criteria have been noted. For example, in the Egginton site assessment the indication under the 'jobs creation' criterion that the site would be a new operation but would be unlikely to result in job losses elsewhere (Assessment (-)) is confusing.
- 3.43 It is likely that some evidence will change during the plan preparation process and this should be fed into the assessments to ensure they remain up to date and robust. For example, in regard to fluvial flood risk, the Trent in Derbyshire has recently been remodelled. Any assessment should be updated to reflect both this and any strategic flood risk assessment that may be undertaken to inform plan making. (South Derbyshire DC 691/0115)

Supply of Sand and Gravel

Name	Name Reference Number	Representation Reference Number
Individual	616	0016
Breedon	676	0086
Individual	681	0092
Mineral Products Association	689	0105
Tarmac	688	0106
Hanson	687	0107
South Derbyshire District Council	691	0114

Representation

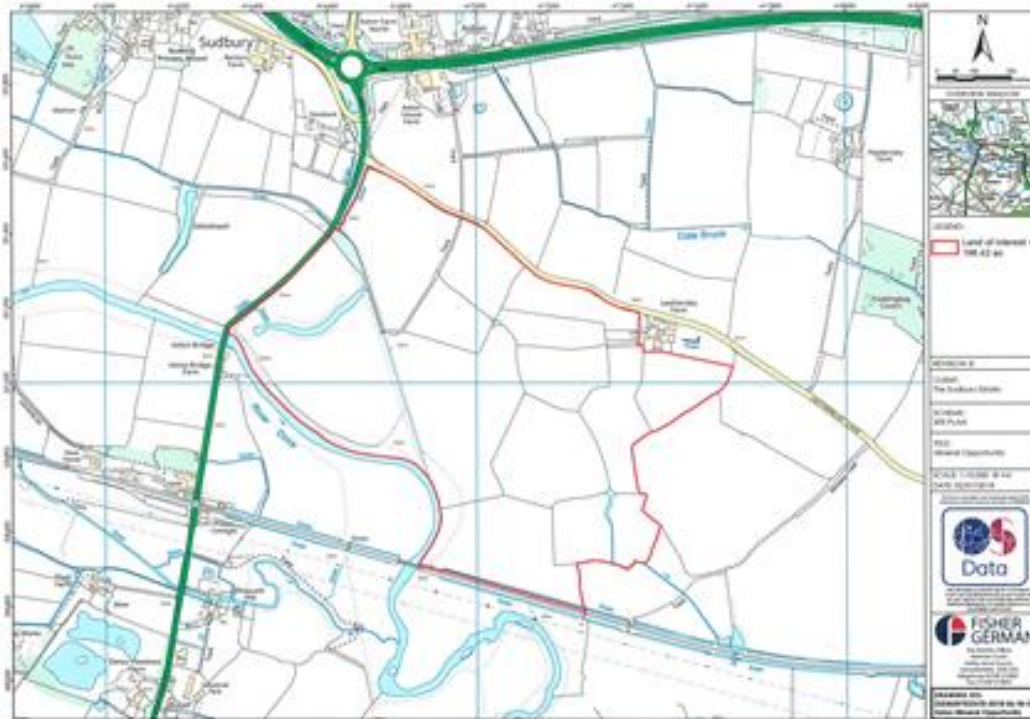
3.44 Asks how the future demand requirements have been quantified, including the account that has been given to future changes in construction technologies and techniques and of the use of recycled aggregates. (*Individual 616/0016*)

Representation

3.45 The need for the mineral is not justified. (*Individual 681/0092*)

Representation

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



Representation

- 3.47 The 2019 LAA proposes to use the latest three-year average of sand and gravel production as the long-term measure of demand, which will be carried forward in the Local Plan as the preferred level of provision. This average is mentioned in Planning Practice Guidance as an indicator which should “identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.” It was never intended to become the provision level itself but to spur further research into trends to see what an increased level of provision should be. This means that the County Council’s choice of provision is arbitrary since it has not come from any such consideration. In fact, the increase in provision relies solely on a single year’s upswing in sales in 2016. Thus, the methodology adopted by the County Council cannot by any stretch of the term be considered a forecast of demand.
- 3.48 Some figures are given of numbers of houses planned for in various districts, but this is not translated into average annual percentage increases which could inform future levels of demand compared to the past. We consider the only proper course of action should be for the County Council to take rates of planned development at face value and to plan accordingly to support them with appropriate levels of minerals supply.

3.49 Derbyshire's output of sand and gravel fell dramatically during the last recession and has largely flatlined (apart from 2016). The reasons for this include the mothballing of sites or the reigning in of sites' output during the recession which has not been rectified, coupled with a concomitant increase in imports, a ceiling on productive capacity and reluctance by the industry to invest in new sites because of substantial delays to the review of the local plan. We think that without these effects the true sales of sand and gravel in Derbyshire would be about 400,000 tonnes pa higher than they currently are. The provision level in the Minerals Local Plan should therefore be increased to at least 1.4 Million tpa, which would mean identifying an additional 5.6 Million tonnes of sand and gravel resource. (*Minerals Products Association 689/0105*)

Representation

3.50 The consultation paper has been published in October 2020 but does not include production figures for 2019, this should be corrected as the figures should now be available from an updated Local Aggregates Assessment. The prediction of demand is based solely on historical sales figures. The NPPF at paragraph 207(a) states the assessment should relate to previous demand 'and other relevant local information'. There is no evidence to indicate to what extent any other issues have been considered, when there is good evidence available to indicate demand has recently increased and likely to increase further. The duration of the plan is 15 years from 2021-2036, the paper recognises that a landbank of least 7 years is a requirement of the NPPF. However, the tonnage assessment ignores the fact the Authority will be required to maintain this landbank at the end of the plan period. (*Hanson 687/0107*)

Representation

3.51 Careful annual monitoring will be required to judge the implications on Derbyshire resource from increased building rates and construction projects, the implications of HS2 and adjoining Authority demand (particularly from Leicestershire and the West Midlands). (*Tarmac 688/0106*)

Representation

3.52 South Derbyshire District Council objects to:

- (i) the methodology adopted for calculating future demand, based on a three rather than ten-year sales average, on the grounds that it is unjustified and significantly overstates the likely quantity of sand and gravel needed within the proposed plan period.
- (ii) the allocation of sites other than the four assessed as having 'high' potential in the MLP on the grounds that these alone can provide more than sufficient capacity to meet sand and gravel needs over the plan period. (*SDDC 691/0114*)