

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

TOWARDS A STRATEGY FOR SAFEGUARDING MINERALS RELATED INFRASTRUCTURE

APRIL 2016



Derbyshire County Council and Derby City Council (the mineral planning authorities) are working together to prepare a joint minerals local plan. It will be called the Derbyshire and Derby Joint Minerals Local Plan and will cover the geographical area of Derbyshire, excluding the Peak District National Park. It will cover the period to 2030.

Minerals are essential raw materials, which are used to provide the infrastructure, buildings, energy and goods that our country needs. They are vital for economic growth and our quality of life. They are, however, a finite resource and can only be worked where they are found. It is important therefore, that we make the best use of them to enable their long term conservation.

The Plan area has a wealth of mineral resources. Mineral extraction and development has, for a long time, been a part of the Derbyshire landscape and an important part of the local economy, making an important contribution to the national, sub-regional and local need for minerals. Whilst mineral working can also provide environmental benefits, residents and local businesses are often concerned about any unwelcome impacts.

A clear, long-term Minerals Local Plan is a way of setting out the future scale and location of mineral working in the Plan area to support economic growth whilst protecting the environment and local communities. It is important that the Minerals Local Plan gets the balance right between the needs of the economy, the environment and local communities. It is vital, therefore, that communities, businesses, organisations and people throughout Derbyshire and Derby are involved in developing the Minerals Local Plan so that, as far as possible, it contains an agreed set of priorities that will deliver sustainable minerals development that is right for the Plan area.

This consultation presents a series of papers, which seek to develop further the emerging vision and objectives, strategies and policies of the Minerals Local Plan. We now need your comments, suggestions and input on these papers, which will then be used to feed into the Draft Minerals Local Plan. We will ask for your views on this document later in the year.

This paper sets out safeguarding requirements of national planning policy and then asks a series of questions about which types of minerals infrastructure we think should be safeguarded and how this could be achieved in the Minerals Local Plan.

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1 Introduction

- 1.1 This strategy considers how we might safeguard the minerals supply and transport infrastructure in Derbyshire and Derby. It is important to safeguard minerals related infrastructure to ensure that the minerals which are produced within Derbyshire and Derby and the surrounding areas are supplied to the market in the form required (e.g. concrete or coated road stone), and the potential to transport them in sustainable ways is maintained, including by rail and water. Safeguarding will also ensure that if development is proposed at (or potentially near to) any of the identified locations then the significance of the site in terms of retaining supply can be considered fully before decisions are made.

Further more detailed information regarding minerals related infrastructure safeguarding is available in the Minerals Infrastructure Safeguarding Supporting Paper, April 2016.

2 National Planning Policy Considerations

- 2.1 National policy and guidance for the safeguarding of minerals infrastructure is set out in the **National Planning Policy Framework** (2012). In paragraph 143, the NPPF states that, "...local planning authorities should...safeguard:
- existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport of minerals by rail, sea or inland waterways, including recycled, secondary and marine-dredged materials; and
 - existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material."
- 2.2 **National Planning Practice Guidance** (2014) states that planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:

- ensure that sites for these purposes are available should they be needed; and
- prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.

2.3 It goes on to explain that in areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority. Exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.

2.4 It concludes by stating that planning authorities should consider the possibility of combining safeguarded sites for storage, handling and transport of minerals with those for the processing and distribution of recycled and secondary aggregate. This will require close co-operation between planning authorities.

3 Vision and Objectives

3.1 A separate paper will seek your views on the emerging vision and objectives for the Plan. These will include matters relating to safeguarding.

4 Duty to Co-operate

4.1 National Planning Practice Guidance sets out that in planning for minerals extraction, planning authorities are expected to co-operate with other authorities and public bodies on strategic matters that cover cross boundary issues.

4.2 We have liaised with and will continue to liaise with mineral operators and district and borough planning authorities to gather information regarding the location of current mineral related infrastructure and to develop jointly the most appropriate strategy for safeguarding minerals related infrastructure.

5 Progress So Far – What you have said and how we have responded

5.1 To date, we have not undertaken any specific consultation on this issue, although we have examined the issues surrounding the safeguarding of mineral resources. It is

now appropriate to consider and consult on the issue of safeguarding minerals related infrastructure in more detail.

5.2 In the Issues and Options Report, we asked whether or not respondents agreed that the most appropriate place to consider the safeguarding of sites for substitute, recycled and secondary aggregates was the Waste Local Plan. Thirteen out of fifteen respondents agreed with this approach and this element will be taken forward in the emerging Waste Local Plan for Derbyshire and Derby.

5.3 In January 2014, we contacted mineral operators and district planning authorities to determine the location of current mineral related infrastructure facilities in the Plan area. These include rail freight lines, concrete batching plants, mineral processing plant and machinery. The information already collected is available in the Supporting Paper and will be used to develop the strategy. We will continue to collate the information as it is made available to us.

Further more detailed evidence regarding minerals related infrastructure is available in the Safeguarding Minerals Infrastructure Supporting Paper, April 2016.

As this is an issue that we have not consulted on previously, the Sustainability Appraisal does not yet provide any guidance.

6 Next Steps

6.1 There are several issues that need to be addressed in order for us to be able to develop the final strategy. These issues are set out below and we are seeking your views to establish which of the potential options are the most appropriate for inclusion in the emerging Plan.

Issue 1 – Should all minerals infrastructure be safeguarded in the same way?

As noted above, the NPPF states that all occurrences of the types of facility listed in paragraph 143 should be safeguarded. It is not clear, however, whether they all require the same form, or level, of safeguarding. Three alternatives are considered here:

Option 1: Identify and safeguard only the strategically important facilities.

It could be argued that certain types of development, i.e. those that might be considered more important in strategic terms for Derbyshire and Derby (e.g. railheads and larger concrete batching facilities), should be more absolutely safeguarded (e.g. by being named and shown on a map). (Concrete plants situated within a quarry, aggregate wharf or rail depot benefit from the safeguarding of the host mineral or host rail depot for the duration of the host activity.) As can be seen from the Supporting Paper, there are only four Coating Plants in the Plan area. These plants are considered to be of ‘strategic importance’ in policy terms due to the limited number serving the Plan area, their locational significance for promoting sustainable transport and distribution patterns due to their relative proximity to the strategic road network and consequent ability to reduce transport distances and also the relative difficulty of providing for new alternative facilities due to environmental constraints. It may be considered appropriate to safeguard these four plants because of their strategic importance. However, safeguarded plant within a mineral development would not be allowed to remain beyond the life of the existing planning permission for extraction. Safeguarding is not a means of retaining an ‘industrial’ use permanently in the countryside.

Option 2: Assess the need to safeguard and retain non-strategic facilities on a site by site basis

It could be argued that concrete plants situated within industrial estates do not warrant safeguarding on a site by site basis, as this would hinder any potential future redevelopment of the host industrial estate. Concrete plants in industrial estates as well as other infrastructure which is located outside a quarry or safeguarded wharf or railhead could be

protected through a general policy rather than to identify them on a site by site basis. In the case that these locations are required for redevelopment and where the loss of concrete production would be considered an issue, then permission will only be granted where an alternative equivalent location for concrete production can be delivered.

Option 3: Include and overarching safeguarding policy for all forms of minerals infrastructure

On the other hand, an overarching policy covering all forms of minerals infrastructure might be sufficient, as it would then be a matter for consideration in the determination of a planning application as to whether the loss of a particular site would be a significant issue in a particular case and over time.

In addition, much of the infrastructure referred to in paragraph 143 of the NPPF is located within the boundaries of existing minerals operations and their operation is tied to the lifetime of the planning permission. It might not be necessary to safeguard these forms of development as they already have a sufficient level of protection both from being located within an active mineral working, and also from the site being within a mineral safeguarding area which safeguards the resource which the quarry is working.

Issue 1: Should all minerals infrastructure be safeguarded in the same way?

Option 1: Identify and safeguard only the strategically important infrastructure facilities

Option 2: Assess the need to safeguard and retain non-strategic facilities on a site by site basis.

Option 3: Include an overarching safeguarding policy for all forms of minerals infrastructure.

Which of these options do you support? Please explain the reasons for your answer, highlighting what you agree or disagree with. If you consider another alternative option would be more appropriate, please state the terms of your option and the reasons for your choice.

Issue 2 – The use of consultation areas around safeguarded sites and facilities?

We need to consider whether it would be appropriate to identify areas around those sites which are to be identified for safeguarding to ensure that the presence of the safeguarded use is taken into account in any planning application that might have an impact on its ability to continue operating. For example, a new housing estate built near to a concrete batching plant might prevent the future expansion of the plant.

One approach to this issue might be for a consultation area to be set up around each of the sites, requiring the local planning authority dealing with the application to consult the relevant minerals planning authority and take account of its views. If we were to set up mineral consultation areas around safeguarded infrastructure sites, we would need to consider on what basis they would be identified.

Option 1: Determine the need for and size of safeguarding consultation areas on a site by site basis.

This option would allow for the consultation safeguarding area to be determined on the basis of the size, importance and location of the facility together with any factors relating to the nature of surrounding development. The variation in size of the consultation area could however, lead to uncertainty concerning how and where the consultation requirement would apply. It would be an accurately defined consultation area but would be time consuming to develop.

Option 2: Establish a standard sized consultation area around all infrastructure facilities.

The use of a consultation area of consistent size around all infrastructure facilities would be easier to apply by the district and borough councils whose co-operation will be vital to ensure the strategy is implemented. Depending on the chosen size of the consultation area and the number of facilities which could be safeguarded, this could also be time consuming to implement.

Option 3: Define consultation areas around the strategic infrastructure facilities only with the area defined on a site by site basis.

This option would reduce the input from the district and borough councils but the restricted use could result in the potential loss of some important facilities or new ones which may be developed during the Plan period. Defining the extent of each area could be time consuming but the effort would be considerably reduced compared to option 1.

Issue 2: The use of consultation areas around safeguarded sites?

Option 1: Determine the need for and size of consultation areas on a site by site basis.

Option 2: Establish a standard sized consultation area around all infrastructure facilities.

Option 3: Define consultation areas around the strategic infrastructure facilities only with the area defined on a site by site basis.

Which of these options do you support? Please explain the reasons for your answer, highlighting what you agree or disagree with. If you consider another alternative option would be more appropriate, please state the terms of your option and the reasons for your choice.

Issue 3 – Are there circumstances where safeguarded sites could be allowed to be redeveloped for other uses?

The new Plan will be operative until 2030. The Plan will need to be robust but it should also be capable of responding to new and changing circumstances over the Plan period. We need to consider whether to incorporate some flexibility into the approach to the safeguarding of infrastructure facilities to accommodate and respond to any different circumstances that may arise.

Option 1: All safeguarded sites to remain protected for the duration of the Plan period.

This approach would reflect the importance of existing infrastructure facilities to the efficient operation of the minerals industry. It would ensure the retention of those facilities securing the continuation of facilities for the processing and delivery of extracted minerals.

Option 2: Allow for the removal of safeguarding protection in some circumstances.

Safeguarding a facility which is currently in operation cannot guarantee that it will remain in operation until the end of the Plan period and beyond. It may be the case that a particular site is no longer required for valid reasons, for example a new supply source may have been developed elsewhere, the company may be consolidating or relocating or the specific project being worked on has ended and the infrastructure is no longer required. In such cases, it would not be appropriate to prevent alternative, productive forms of development from using the site as this may stifle future economic growth.

It is also possible that other forms of development could be allowed if it can be shown that the loss of the particular infrastructure site would not affect the provision of the resource to which it relates in overall terms or would be replaced elsewhere or there is shown to be sufficient provision of that particular type of facility in the area that it serves. This option would ensure that safeguarding can be maintained but would allow for the importance and role of the facility to be considered at the planning application stage, taking account of the potential contribution of alternative types of development.

Issue 3: Are there circumstances where safeguarded sites could be allowed to be developed for other uses?

Option 1: All safeguarded sites to remain protected for the duration of the Plan period.

Option 2: Allow for the removal of safeguarding protection in some circumstances.

Which of these options do you support? Please explain the reasons for your answer, highlighting what you agree or disagree with. If you consider another alternative option would be more appropriate, please state the terms of your option and the reasons for your choice.

Issue 4 – Need for a protocol between local planning authorities setting out safeguarding consultation procedures.

Whilst the responsibility for minerals planning matters rests with Derbyshire County Council and Derby City Council the full implementation of the safeguarding policies will require the co-operation and assistance of the district and borough councils. All the relevant local authorities have been involved in developing an approach to mineral infrastructure safeguarding under the Duty to Co-operate and this will continue throughout the remaining stages of Plan preparation and its implementation in the future. The development of an agreed protocol which sets out the circumstances and form of consultation on planning applications which may affect minerals related infrastructure will take place is considered to be an appropriate way to ensure that safeguarding is taken into consideration. Once the policies and procedures for consultation are in place, the protocol and policies will be monitored and reviewed to ensure they are working effectively and remain relevant. This will be achieved through the Duty to Co-operate.

Issue 4: Need for a protocol between planning authorities setting out safeguarding consultation procedures.

Do you agree with the proposal to develop a protocol between the local planning authorities which sets out the procedures for consultations on minerals infrastructure safeguarding? If you consider that another method would be more appropriate, please state the terms of the option and the reasons for your choice.