

# DERBYSHIRE AND DERBY JOINT MINERALS PLAN

## BACKGROUND PAPER

### TOWARDS UNDERSTANDING COMMUNITY CONCERNS ABOUT MINERAL EXTRACTION

APRIL 2016

Derby City Council and Derbyshire County Council are now preparing a new Minerals Plan that will eventually supersede the current Plan. This new plan will be called the Derbyshire and Derby Joint Minerals Plan and 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 and availability for future generations.

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. It is recognised however, that the winning and working of minerals can have adverse impacts on the environment and local communities. It is important that the Minerals Local Plan gets the balance between these potentially conflicting needs. Accordingly it is vital that communities, businesses, organisations and people throughout Derbyshire are involved in developing the Minerals Local Plan so that, as far as possible, it contains the an agreed set of priorities that will deliver sustainable development that is right for the Plan area.

The Plan will inform future decisions on planning applications. When it is adopted, the County and City Councils will refer to policies in the Plan to provide the main guidance for assessing mineral extraction and related developments, setting out the broad criteria relating to the assessment of need for the proposed developments, the location of a proposal and the range of potential impacts. These assessments help determine whether or not a proposal is acceptable and if planning permission should be granted.

Central Government has been attempting to streamline, clarify and update how the planning system operates in England. The main emphasis of this review is to

promote the joint aims of the delivery of economic growth and to devolve decision making to the local level. A key Government message is that local areas should have up to date local plans, which are positive about development, but reflect local priorities. In the absence of an up to date local plan for an area, decisions will be made on National guidelines, such as those set out in the *National Planning Policy Framework*.

On this basis, an integral and important element of the Plan will be how it reflects the views of local communities and other stakeholders. Perhaps the most important and potentially controversial issues in this regard concern **how much mineral is allowed to be extracted and from where extraction will be allowed.**

Rather than just assume that there is a shared understanding on what concerns local communities, this Paper reviews the observations, comments and views you have previously provided in order to contribute to the evidence base for the new Plan. It should be read alongside the consultation papers which have recently been published and any observations made in response to it will be used to help develop the approach of the new Minerals Local Plan.

## **Analysis: Public Concerns about Minerals Developments**

### **1 Introduction**

1.1 Views on proposals for minerals have been captured from a number of perspectives.

Firstly, there has been an attempt to categorise representations made in response to formal and informal publicity given to planning applications for minerals extraction developments submitted to Derbyshire County Council and Derby City Council. Secondly, all of the responses provided to consultations on previous stages of the Minerals Local Plan have been re-examined to draw out observations and your thoughts on the many issues involved in the assessment and determination of applications and what you consider should be the form, content and approach of the Minerals Plan.

1.2 This process has revealed a large number of concerns which arise repeatedly. To assist clarity of presentation they have been broken down in to sub-sections.

### **2 Scope and Range of Views**

2.1 Derbyshire County and Derby City Councils have dealt with a wide range of planning applications for minerals developments in recent years and have also undertaken a number of consultation exercises on earlier stages of Plan preparation. The range of applications studied has included:

- New and/or extensions to limestone quarries
- New and/or extensions to sand and gravel quarries
- Coal mining by surface mining methods
- Extraction of clay
- Extraction of vein minerals

- Extraction of specialist building stone
- Extraction of oil and gas
- Reworking of former minerals spoil tips
- Borrow pits associated with new road schemes
- Cement manufacturing facilities
- New and/or extended minerals processing plant and machinery
- Waste disposal at mineral extraction sites

2.2 The main consultation exercises which have been drawn on to compile this review include the Stakeholder Workshop 2009 and the Issues and Options consultation 2010.

### **3 Types of Concerns**

3.1 The observations provided fall readily into several broad categories based on specific issues and concerns. The categories are:

- a) Need for the mineral in general and need for the mineral from specific sites
- b) Location of the site
- c) Environmental impacts
- d) Public health issues
- e) Appropriateness of the method of extraction
- f) Other issues

3.2 Your observations indicated that you considered there to be direct linkages between some of these issues. For example, many observations identified a link between the location of a site and the potential impact on the environment or the use of a particular method of extraction and health issues. These linkages are acknowledged but for the purposes of this Paper the issues are presented separately.

**A: Need for the Mineral**

- 3.3 Your observations indicated that, in principle, communities and businesses generally accept that there is a need for minerals to support our way of life and that they can only be worked from sites where they are to be found. The historical importance of the mining industry to Derbyshire was recognised. You acknowledged the contribution the industry has made to the local and national economy, providing jobs for large numbers of people and resulting in the production of goods which we use in our everyday lives. Your observations also indicated that you recognised how the industry has shaped the way the county has developed and how it now looks.
- 3.4 Your observations indicated however, that whilst you accept that there is a proven need in general for many of the minerals found in the Plan area, you have concerns about the portion of national need that could or should be met from within the Plan area and the level of need for individual minerals, especially at particular times.
- 3.5 In terms of the volume of mineral extracted limestone is the largest mineral industry in the Plan area and has accounted for up to 90% of total mineral extraction in any one year. It is also one of the oldest mineral industries with some of the existing quarries having been established for over fifty years or more. The continued need for limestone of varying grades and specifications is generally accepted to meet the many different uses and products derived from it. Your responses however indicate that you do not accept there to be a current need for further developments of some specific grades of limestone. In view of the substantial reserves of low grade limestone with the benefit of planning permission for future extraction you have questioned the need for some recent proposals where the mineral would be used for roadstone (aggregate) purposes, especially at sites where you considered there would be significant adverse impacts. You recognised that the quality of limestone can vary considerably from site to site and within an individual

site. In some cases, where the majority of limestone would be used for aggregate purposes the availability of a small proportion stone suitable for other specialist purposes was not considered to demonstrate sufficient need for the development as a whole.

3.6 Your observations indicate a similar level of acceptance of the need for sand and gravel to provide the basic materials for the construction industry. You recognised that the level of demand fluctuates with the changing fortunes of the construction industry but have generally supported the methods used to calculate how much sand and gravel needs to be provided for over the Plan period as a whole. Many respondents recognised that sand and gravel has a high weight to value ratio such that the mineral extracted in the Plan area is mostly used in the East Midlands reflecting the actual need for the mineral in the local area.

3.7 In contrast you have indicated that there is no longer a general acceptance of the need for further coal extraction. Your observations indicate that this view has developed since the closure of the local deep mines in the 1980s and the increasing focus on surface mining as the main method of extraction. In cases where surface mining was proposed on and around the sites of former deep mines you indicated that the issue of need would be particularly difficult to accept. The increase in the availability of cheaper imported sources of coal has also featured in comments about the lack of need for indigenous extraction. Many observations have referred to the recent decline in the use of coal to generate electricity and the current national strategy to reduce the role of the remaining coal fired power stations. The coal mining industry was also seen as one of the major contributors to the generation of cumulative impacts from new mineral and waste management developments.

3.8 No clear views have been expressed about the need for vein minerals or clay. These minerals serve specialist markets where the scale of extraction and the number of sites involved has been very limited. Accordingly the number of

applications for these minerals over the last twenty years or so has also been limited such that no firm conclusions could be drawn from the views expressed. Likewise, the number of sites and new development proposals for the extraction of stone for specialist purposes such as building stone has also been very limited. However, it was evident from the responses that you generally accepted the need for this material provided the development was at an appropriate scale and the use of the stone was restricted to the repair and maintenance of old and historically important buildings and was not used for new building projects.

3.9 In response to some developments the overall need for mineral was acknowledged but you did not accept the need for the mineral from the specific site. Such views have been expressed recently concerning gas extraction proposals whereas similar concerns were not made to earlier, older oil and gas developments. Similar views have also been expressed about some sand and gravel extraction proposals, especially to ones in the Trent valley area.

3.10 As referred to above you have accepted that there is a need for some minerals to meet the requirements of society but you have raised concerns about the amount of mineral extraction that is necessary to satisfy those requirements. Your observations on this have contributed to the emerging figures for the provision of aggregate sand and gravel in the new Minerals Local Plan. For some minerals it is not possible to establish precise provision or landbank figures but the approach to the extraction of these minerals in the new plan will be the subject of another consultation exercise.

3.11 Typical responses and observations received:

- No national or local need for the mineral
- No need due to the availability of imported sources
- No need for the mineral from the specific site



- No need for indigenous coal when coal fired power stations are closing
- No need for more coal when Government policy is to reduce the use of fossil fuels and lower our carbon footprint
- May be a need for some mineral from the site for specialist purposes but no need for the extraction of other general purpose stone

**B: Location of the Extraction Site**

- 3.12 Whilst generally accepting the need for further mineral extraction your observations have explained the reasons why you thought the location of the some of the proposed sites were unsuitable. Your observations cited reasons why you thought the proposed locations were inappropriate and the issues raised by these reasons will help to identify site selection criteria and environmental impact criteria in the new Minerals Plan.
- 3.13 The basis of many of the reasons was the proximity to sensitive receptors; that is to people (where they live and work), important landscapes, heritage features, the habitats of flora and fauna which merited protection, and other developments that could be adversely affected by mineral extraction operations. The reasons centred on the adverse impacts that would be generated by the mineral developments due to the limited separation distance between them. Whilst you acknowledged that minerals can only be worked where they are found you considered that these impacts could, in some situations, preclude any form of working irrespective of mitigation measures or controls imposed through planning conditions.
- 3.14 In low-lying areas (e.g. Trent Valley) you were concerned about the appropriateness of sites in areas at risk of flooding or close to rivers. In the north-west of the Plan area the water related issues focused more on the connectivity over a wide area due to the karstic characteristics of the limestone where you were concerned about the possible spread of pollution or the reduction in water flow into streams and rivers.

3.15 You indicated that some sites were unacceptable because the access to the site was inadequate and the traffic movements generated would create dangers to highway users and be detrimental to the local environment. Likewise you thought that some sites did not have adequate links to the wider highway network whereby heavy goods vehicles would have to use roads of restricted widths, adding further to the dangers to other traffic.

3.16 In previous consultation exercises you have indicated continued support for the identification of surface coal mining constraint areas where there would be a presumption against new development. This approach, however, is now contrary to Government policy and cannot form part of the new Minerals Local Plan. You also told us that locations in areas where there had been a proliferation of similar developments were inappropriate on grounds of cumulative impact. In such areas you suggested that the environment and local communities could not accommodate any more minerals developments without experiencing significant adverse impacts.

3.17 Typical responses and observations received

- Proposal would be inappropriate in this location
- Site is too close to where people live and work
- Site is too close to features which should be protected
- Site cannot be accessed
- Site is not linked to the main highway system
- Area has been subject to too much similar development in the past
- Proposal is too close to designated areas (Special Landscape Area, Peak Park etc.)

## **C: Environmental Impacts**

- 3.18 Your observations indicate that whilst you accept that there is a significant need for more minerals you consider that only those developments that can meet the highest tests of environmental acceptability should be allowed. Your observations also suggest that you continue to support the assessment of development proposals against a demanding set of environmental criteria similar to those included in the policies of the existing Minerals Local Plan.
- 3.19 Your detailed observations on environmental impacts can be sub-divided into two categories; those relating to the perceived impacts on the environment (and people), and, those suggesting that other alternative sites would have much lower or even beneficial impacts, and are therefore preferable.
- 3.20 Many of your observations focused on the potential impacts on amenity arising from extraction and ancillary operations. These included the emissions of dust, particularly fine particles of dust, noise, and fumes from vehicles both on and off-site. In addition you also indicated your concerns about the general disruption to the amenity of an area resulting from the major change to the land, such as the loss of rights of way and accessibility in general.
- 3.21 You expressed concerns about the change mineral extraction would bring to the landscape of an area and possible visual intrusion for those living close by. Your concerns were particularly evident where sites were located in areas of higher landscape value such as areas close to the Peak District National Park. In terms of impacts on sites you were also concerned that, irrespective of the standard of restoration, you recognised that it could take a long time for the landscaping to mature and the site to assimilate into the surroundings, especially on some of the very large sites. You added that this issue should form an important element of the assessment of development proposals such that it could be used to influence the overall design of a development.

3.22 Your observations also expressed concerns about the loss of or adverse impact on important features found in mineral sites, including both features with recognised designations and ones not designated but which you considered to be of local importance. Whilst you recognised the position of national and international designations you strongly supported that the planning process in Derbyshire should also take account of what is important to local communities. You also expressed similar concerns about the impact on wildlife and their habitats within and around extraction sites. In areas where there had been a succession of large extraction operations you observed that the incremental effect was leading to the loss of particular landscape types. Such concerns for example, were expressed about the extent of water meadows areas in the Trent Valley which had been lost to sand and gravel development.

3.23 In some cases you indicated that the scale of environmental impact would be exacerbated by locational factors where the terrain and/or local climate conditions would increase those impacts. These concerns involved sites where local conditions could prevent dust emissions from dispersing leading to increased impacts on the surrounding area or where the prevailing wind could carry dust in a certain direction and over longer distances than would otherwise be the case.

3.24 In recognition of the industrial legacy of the Plan area you also told us of your concerns that mineral extraction could result in disturbance to contaminated materials present in the ground which could pollute the water environment and surrounding land. Examples included surface coal extraction on sites of former industrial premises.

3.25 Typical responses and observations received

- The proposal will give rise to unacceptable dust emissions
- The proposal will give rise to unacceptable noise emissions

- The proposal will adversely affect the amenity of the area
- The adverse effects would be exaggerated by local conditions
- The proposal will adversely affect the landscape character of the area which will take many years to recover
- The development would result in the further loss of areas of a certain landscape character or features
- The proposal would be visually intrusive
- The proposal will give rise to the release of contaminated materials of hazardous substances
- The proposal will result in the contamination of local water resources
- The proposal will adversely affect the wildlife of the area

**D: Public Health Issues**

- 3.26 Your observations indicate that you consider the potential impact on human health from mineral extraction and ancillary processing operations to be a very important issue. Irrespective of the need for minerals you have indicated that the protection of the health of those who live and work around an extraction site should be the primary concern where only those developments which can be shown to be 'safe' should be allowed and then subject to strict controls when extraction is taking place. These concerns have largely been focused on the health impacts of dust particle emissions, particularly fine particle emissions from coal extraction and processing sites which has been a major concern for many years.
- 3.27 More recent health concerns have involved the emissions from flare stacks at gas extraction sites and the pollution of water resources. The potential effect of diesel fumes from heavy goods vehicles transporting mineral was a concern raised about all forms of mineral extraction which relied on road transport.
- 3.28 Typical responses and observations received

- The dust from the site would endanger human health
- The fine dust (nano-particles) from the site would be particularly dangerous to human health
- Dust emissions travel further than is acknowledged and the health impacts are experienced over a wider area
- It is not possible to prevent the release of fine dust particles
- The dust suppression measures regularly prove to be inadequate producing a greater risk to human health than is acknowledged
- Fumes from lorries are damaging to health, especially in built-up areas
- Any chemical used in oil and gas extraction will pollute the water which could affect drinking water

**E: Appropriateness of the Method of Extraction**

3.29 One of the main messages is the expectation that minerals companies should respect the area and local communities where they are working in return for the benefits they obtain from those sites. Your observations indicate that you recognise the differences in the geological composition and environmental sensitivity of different sites and therefore expect minerals companies to devise working methods which reflect those differing circumstances. However, you have commented on some occasions that the method of working is/was not appropriate for the specific site and would therefore lead to unnecessary additional adverse impacts. The factors involved included the type of plant and machinery to be used, the phasing of the development, particularly the phasing of restoration, and the location of ancillary activities within the site such as the mineral processing equipment.

3.30 The concerns about phasing indicated that the environmental impacts (including landscape/visual intrusion) would be greater due to inappropriate phasing whereby more land would be in a disturbed state for longer than was necessary. You also indicated that the use of inappropriate plant, machinery

and vehicles would generate more adverse impacts. One example was the failure to use reversing alarms with the least disturbing noise volume and tone emissions. You also indicated that the location of processing facilities or storage mounds within a site would lead to higher levels of noise and visual intrusion which could be mitigated by more considerate layouts.

### 3.31 Typical responses and observations received

- The phasing will leave too large an area under disturbed working conditions at any one time
- The proposal does not provide for appropriate phasing of restoration
- The location of storage mounds would be damaging to features to be retained
- The proposed mineral processing should take place elsewhere

### **F: Other Issues**

3.32 Reflecting the multiplicity of issues involved in mineral development your observations and messages have encompassed, an equally broad range, many of which do not fit with the categories identified above. These consist of general observations on the standard of planning applicants and applications, how the County and City Councils have processed planning applications, the conduct of mineral operators, issues raised by the extraction of specific minerals and how sites are restored.

3.33 In recognition of the temporary and transitory nature of mineral development you have indicated that, where it is necessary to extract minerals, it is also essential that the sites should then benefit from restoration to the highest standards. Your observations display your recognition of the different issues involved in the restoration of the range of mineral sites found in Derbyshire with a preference for progressive restoration related to the rate of extraction to minimise the amount of land

in use at any one time and to help speed up the overall restoration of a site. Preference was also expressed for natural forms of restoration and, where appropriate, to agricultural usage rather than for leisure uses or other forms of development.

- 3.34 In the Trent Valley you have supported the restoration to sand and gravel sites by the use of imported materials to bring the land back to original ground levels although you strongly supported a restriction on the type of infill materials to those that would not result in other adverse impacts on the land and surrounding environment. You indicated support for this in preference to more areas being restored as water features, particularly where they could be used for noisy leisure uses. In the past, sand and gravel workings have been restored to after-uses with an approach that has concentrated on the requirements of the individual site rather than considering its context within the wider surrounding landscape of the river corridor. Accordingly you have expressed support for an overall restoration strategy for sites in the Trent Valley. The strategy will be detailed in a Supplementary Planning Document and your views on the content will be ascertained via a specific consultation paper.
- 3.35 There is a similar concentration of limestone quarries along the A515 to the south of Buxton (Dowlow, Brierlow, Hillhead and Hindlow quarries) and in recognition of the significant impact on the landscape of the area you have also expressed support for a separate strategic restoration scheme for this area. Again the content will be established via a specific consultation paper, including the possible extension of the area to cover all hard rock quarries in the Carboniferous Limestone area.
- 3.36 With regard to surface coal mining sites you have expressed concern about the standard of restoration which has been achieved, especially on some sites prior to the 1990s. You acknowledged and supported in principle, the



benefits of restoration of sites which included areas of derelict and contaminated land but for many greenfield sites you considered that restoration standards had been inadequate resulting in poor soil conditions exacerbated by poor drainage.

3.37 The sorting and processing equipment employed at mineral sites in the past was not the most efficient, resulting in some mineral being disposed in spoil tips along with genuine waste materials. In addition, some of the mineral once discarded as waste now has a commercial value. In recognition of the finite nature of minerals you have supported the extraction of previously discarded minerals from former tips in preference to new extraction sites although you have expressed concerns about some specific sites due to their location and other particular circumstances. In addition you have indicated support for the use of secondary and recycled aggregates in preference to the extraction of new minerals and have also expressed support for the safeguarding of sites and facilities where they are sourced and produced to maximise the volume of material which is available.

3.38 Notwithstanding your concerns about the environmental consequences of some mineral extraction activities you have supported the development of sites in the Plan area where it would have a corresponding reduction in extraction from within the Peak District National Park in order to help preserve and protect the special character of that area.

3.39 For those minerals where it is possible and viable you have indicated a preference for underground mining rather than open surface quarrying in order to minimise adverse impacts. The focus of this was for the extraction of vein minerals, especially in the Peak Park but the comments also indicated a desire for vein mineral sites in the Plan area to be restricted in size and area, with strict controls on the amount of host rock that was extracted in order to prevent vein mineral sites developing as standard limestone quarries.

- 3.40 Most respondents recognised the logistics issues raised when transporting large volumes of bulky but comparatively low value minerals. Whilst recognising the inevitable reliance on road transport you indicated a preference for the transport of minerals by rail wherever possible to reduce environmental impacts and minimise risks to highway safety.
- 3.41 In recognition of the scale and nature of some minerals developments you have requested that the consultation and publicity undertaken for such projects should be as comprehensive as possible such that all those affected have the opportunity to comment and influence what will happen. Many of you indicated that the community engagement which has taken place has not always been up to the standards you expected and cited inadequate pre-application community engagement by applicants/agents as a particular issue.
- 3.42 Similarly, you also commented that planning application documents prepared and submitted by applicants should fully explain what is being proposed in terms that people can understand and that all claims made about potential impacts should genuinely reflect what is likely to happen if the development proceeds.
- 3.43 One aspect of proposals which raised concerns was the issue of community benefits. You indicated that some applicants over-stated the form and nature of community benefits that would be generated by the development whilst others thought that some developments would not actually benefit the local community at all. For some developments you indicated that the community benefits referred to by an applicant were not something which was related to or stemmed directly from the proposed development and was therefore not a genuine benefit in the terms of national and local policy considerations.
- 3.44 Typical responses, observations and messages we have received:

## General

- It should be recognised that mineral extraction provides opportunities for environmental enhancement
- Need for an integrated approach to mineral extraction in order to deliver sustainable development
- Restoration can provide economic and community benefits
- Efforts at reclaiming opencast sites post extraction always seem to fall short of the standards required leaving ground in poor condition
- Former sand and gravel workings can reduce downstream flooding risks
- The historical and educational significance of some older mineral sites (e.g. lead rakes) should be recognised and made greater use of

## Applicant/application

- Applicant has not consulted the local community prior to submitting the planning application
- The applicant and agent are financially connected which has affected the standard and accuracy of the planning application
- The applicant only wants to obtain planning permission so that they can sell the land at a higher price
- The applicant has failed to adequately describe the proposal in the application documents or the description is deliberately misleading
- The application is only the first stage of an intended larger development

## Processing of an application

- The authority should not even be considering such an application
- Inadequate publicity has been given to the proposal
- There has been a lack of public meetings or public involvement for the proposal
- Inadequate consultation with the public

- Premature to determine application in advance of the adoption of a new minerals local plan
- Application inadequate in terms of the law and should be refused

#### Impact on the area

- It would result in a reduction in house prices
- It would have an adverse impact on the attractiveness and use of the surrounding area
- Long history of heavy industry in the area/cumulative impact and are added reasons for not developing in the area
- The development would not provide any benefit to the local community
- The proposal does not incorporate adequate monitoring regimes and any adverse impact would not be detected

Do you feel that the above list includes all of the reasons as to why there will be concern in a community about proposal for minerals extraction developments?

If you wish to make further suggestions, please also indicate whether you feel that the issue you have highlighted is a general one for the entire County and City area or whether it is one that should be considered in relation to a specific of the Plan area.