

**DERBY AND DERBYSHIRE
MINERALS AND WASTE DEVELOPMENT FRAMEWORK**

Minerals Core Strategy

**SUMMARY OF ANALYSIS OF RESPONSES TO THE ISSUES
AND OPTIONS CONSULTATION WITH PROPOSALS FOR
PROGRESSION OF THE ISSUES**



JULY 2011

Introduction

There were 51 respondents involved in this consultation (mainly from mineral operators, public organisations, interest groups and parish & district councils) each putting forward a number of comments. This report provides a summary of the numbers responding to each part of the document and how these will inform the development of the Core Strategy.

General Portrait of Derbyshire

There were 16 comments made in respect of this element of the Core Strategy. This included 5 from businesses, 4 from environmental groups, 3 internal consultees, 1 interest group, 1 public body, 1 local authority and 1 operator.

All were either supportive or helpful comments and suggestions for improvements.

What will be included in the Core Strategy?

These comments will be taken into account in the redrafting of the General Portrait for inclusion on the Core Strategy.

Portrait of Minerals in Derbyshire

There were 27 comments made in respect of the Minerals Portrait. 10 were from businesses; 5 from internal consultees; 3 from interest groups; 3 mineral operators; 2 environmental groups; 2 public bodies; 1 local authority and 1 individual.

These comments were helpful generally, with amendments and additions being suggested.

What will be included in the Core Strategy?

The comments received will be used in redrafting this section of the Core Strategy.

Vision

We asked people to comment on our draft vision, which is how we expect Derby and Derbyshire to look in terms of mineral development by 2030.

There were 27 responses. 13 thought we had got it right and 14 suggested additions or changes. Generally, the issues raised were concerned with taking up opportunities that mineral extraction provides and seeking more restraint on mineral extraction.

What will be included in the Core Strategy?

Most of these suggestions can be incorporated into a revised vision.

Objectives

We asked people to comment on a draft set of objectives, which will deliver the vision and from which a spatial strategy and core policies will emerge.

There were 27 responses. 12 of these agreed that the draft objectives covered all the necessary points and 15 suggested further objectives or amendments. Generally, these were concerned with seeking greater environmental protection and enhancement.

What will be included in the Core Strategy?

It is considered that the majority of the suggestions can be used to inform a revised set of objectives.

Issue 1a: Calculating the Provision of Aggregates beyond 2020

Government guidelines for aggregate provision are only agreed to 2020. The Minerals Core Strategy will cover the period to 2030. This leaves a 10 year gap for which we will have to provide figures for the provision of aggregates.

We asked people what they thought would be the best way of calculating the necessary provision that we will need to make for aggregates in the 10 year period after 2020. Either, calculate the figures by projecting forward the current agreed apportionments or use an average figure of recent annual production.

There were 15 responses to this question, 6 favouring the first option (mainly mineral operators), 6 favouring the second option (mainly parish councils and individuals) and 3 others putting forward an alternative option (interest groups and individuals).

What will be included in the Core Strategy?

This is a complex issue and no clear steer has been given by the responses. The issue will, therefore, firstly have to be discussed in detail with representatives of the Aggregates Working Party. This will lead to the inclusion of draft apportionment figures for aggregates in the Core Strategy, which will then be subject to public consultation.

Issue 1b: Compensating for a lower amount of Aggregate from the Peak National Park

We have already agreed that to 2020 Derbyshire should compensate for lower aggregate production from the Peak Park.

We asked whether people agreed that we should allow for a reduced proportion of Peak Park's displaced provision of crushed rock from Derbyshire on the assumption that after 2020, other authorities will take an element of this displaced provision.

There were 12 responses, with 10 agreeing and 2 disagreeing with this approach. Even among the people who agree with the general aim of this approach, there is concern over which, and the capacity of, other areas to take some of the displaced provision beyond 2020, if less is from Derbyshire.

What will be included in the Core Strategy?

This issue needs to be considered further by the RAWP and discussed with authorities in neighbouring regions before a decision is taken on this matter but we now know that our initial suggestion of reduced apportionment in the Peak Park was supported generally.

Issue 2: Identification of Sites for Sand & Gravel

A major issue that will have to be considered will be whether, after 2020, we continue with the approach of permitting further extensions to existing sites, or whether we begin a search for wholly new sites in other parts of the river valleys, including areas such as the Dove Valley around Foston and Sudbury.

We asked people whether they agreed that, for the period up to 2020 we should allocate specific extensions to existing sites rather than allocating wholly new sites and for the period 2020-2030 to allocate broader areas of search.

Of the 15 responses to this question, 12 agreed with the approach and 3 disagreed.

What will be included in the Core Strategy?

Given the support for our suggestion that we should seek to identify extensions to existing sites to meet needs up to 2020, we will now carry out detailed site analysis work to determine the most appropriate specific extension strategic sites to allocate and undertake extensive discussions and consultations on these draft proposals. We recognise the particular sensitivities of detailed allocations; therefore we will seek to engage in a full dialogue with all parties on these detailed proposals.

Again, given the general support for seeking broad areas of search to fulfil needs for the period after 2020, we will draft proposals for these areas and consult on these.

Issue 3: Industrial Limestone

Although Derbyshire's overall reserves of industrial limestone would appear sufficient for the plan period, there may be a need to grant additional permissions to supply industries that have requirements for particular chemical compositions that would otherwise not be met.

We asked people whether they thought that a criteria based policy would be the most appropriate way of dealing with this issue.

Of the 12 responses to this question, 11 agreed and 1 disagreed.

What will be included in the Core Strategy?

There is strong support for this approach, suggesting that a criterion based policy is the best way forward. The Minerals Planning Authorities do not have sufficient information about the specifications of limestone and the future markets (it is also not possible for us to collect this information as it is commercially sensitive) to be able to confidently and accurately predict what the need for particular forms might be and consequently where the sites should be located. The only way of providing the flexibility required would be through a criterion based policy.

Issue 4: Future Working Areas for Coal

The Issues and Options Paper suggested that the most appropriate manner in which to deal with this issue will probably be to indicate the general extent of the shallow coalfield and define within that area the main areas of environmental constraints. Beyond this, a criteria based policy such as currently exists in the Minerals Local

Plan will most likely be the most appropriate route by which to assess individual proposals.

We asked people whether they agreed with this approach.

There were 14 responses and all 14 agreed that this would be the correct approach.

What will be included in the Core Strategy?

There is broad agreement that a criterion based policy is the most appropriate way of dealing with this issue. The area where there is likely to be more disagreement is in which criteria to apply and the weighting that should be given to them, and it is this area that should be the focus for future consultations.

Issue 5: Surface Mining Constraint Areas

National guidance advises that areas of coal resource where working would be unacceptable should be shown. Application of the Minerals Local Plan policy has shown Constraint Areas to be an effective means of protecting areas of environmental importance. However, there may also be a significant disadvantage for areas outside the Constraint Areas. We asked, therefore, whether Constraint Areas should be designated in the Minerals Core Strategy.

10 responses were received, with 8 saying they should be designated and 2 saying they should not.

What will be included in the Core Strategy?

We note the support for the designation of constraint areas but, given the complexity of the arguments, we will look again at this matter, have further discussions, including with industry and adjoining authorities, and draft a policy and consult on its contents.

Issue 6: Proper & Efficient Use of Building Stone

Stone of a sufficiently good quality for building and roofing is an important and scarce resource and it will be important, therefore, to ensure that new permissions for the extraction of building stone in Derbyshire limit the amount of stone that is not used for this purpose (i.e. for aggregate). We asked people whether they thought we should include a policy to ensure that building stone should be the principal product from these quarries.

There were 12 responses to this question and all 12 agreed that we should include such a policy.

What will be included in the Core Strategy?

There is clear consensus for such a policy to be included in the Core Strategy and we propose to draft a policy and consult on its content.

Issue 7: Meeting the Need for Building Stone

Unlike for aggregates, it is almost impossible to develop a framework to predict the need for building stone. As a result, need for the stone has to be assessed, therefore, when planning applications are submitted. We asked whether we should

identify specific quarries or devise a general policy against which to assess all proposals.

There were 14 responses. 3 favouring the identification of specific quarries, 7, a general policy and 4 a combination of both.

What will be included in the Core Strategy?

There is more support for a general, rather than a site specific, policy. A combination of the two options would appear to be a possibility. Specific quarries could be allocated to ensure that specific conservation projects have sufficient stone to meet future needs. A more general policy would enable other proposals to be assessed as they came forward. We will consider this matter further in light of the differing reactions to the question.

Issue 8: Managing Provision of Clay

The existing policy in the Minerals Local Plan sets out criteria for the acceptability of new proposals. We need to decide whether or not to continue this policy approach in the Minerals Core Strategy. We asked people whether they agreed that we should include a policy for the development of clay working which sets out criteria similar to those in the existing Minerals Local Plan.

There were 8 responses, with all agreeing that we should continue with this approach.

What will be included in the Core Strategy?

There is general support for including a policy similar to that which currently exists in the Minerals Local Plan. The next stage in the process of addressing this issue will be to draw up a more detailed suggested policy for consultation.

Issue 9: Managing Provision of Vein Minerals

The existing policy in the Minerals Local Plan sets out criteria for the consideration of new proposals and we need to decide whether or not to continue this policy approach in the Minerals Core Strategy. We asked people whether they agreed that we should include a policy for the development of vein mineral working which sets out criteria similar to those in the existing Minerals Local Plan.

There were 7 responses and all these agreed that we should continue with this approach.

What will be included in the Core Strategy?

There is general support for including a policy similar to that which currently exists in the Minerals Local Plan. The next stage in the process of addressing this issue will be to draw up a more detailed suggested policy for consultation.

Issue 10: Managing Provision for Oil & Gas

The existing policy in the Minerals Local Plan sets out criteria for the consideration of new proposals and we need to decide whether or not to continue this policy approach in the Minerals Core Strategy. We asked people whether they agreed that we should

include a policy for the development of oil and gas working which sets out criteria similar to those in the existing Minerals Local Plan.

There were 6 responses and all these agreed that we should continue with this approach.

What will be included in the Core Strategy?

There is general support for including a policy similar to that which currently exists in the Minerals Local Plan. The next stage in the process of addressing this issue will be to draw up a more detailed suggested policy for consultation.

Issue 11: Managing Provision for New Coal Exploitation Technologies

Given that methods for exploiting these resources are still evolving, it is difficult to predict their viability in Derbyshire or their potential impacts over the plan period. Therefore, the best approach to deal with this issue is likely to be a criteria based policy. There is an existing policy in the Minerals Local Plan (MP35) which sets out criteria for the acceptability of new conventional oil and gas developments. We asked whether we should include a similar policy in the Core Strategy.

Seven responses were received, with all agreeing with the proposed approach.

What will be included in the Core Strategy?

There seems to be general support for including a policy similar to that which currently exists in the Minerals Local Plan. The next stage in the process of addressing this issue will be to draw up a more detailed suggested policy for consultation.

Issue 12: Reducing the Supply of Aggregates from the Peak Park

We have agreed that Derbyshire's crushed rock apportionment will increase by an additional 12 million tonnes to 2020 to compensate for a gradual reduction in aggregate extraction from the Peak Park. We asked whether this should continue beyond 2020.

There were 10 responses and all agreed with this proposed approach.

What will be included in the Core Strategy?

Given the level support, it seems appropriate to proceed with this approach. We will undertake discussions through RAWP to determine future apportionments of crushed rock, taking account of the support for this way forward and draft a policy along these lines and consult on its content.

Issue 13: Safeguarding Sites for Recycled Aggregates

Local development frameworks should identify sites for the recycling, reprocessing and transfer of materials, including construction and demolition wastes. We consider

that the issue of finding suitable sites is a key strategic one and is, therefore, an issue that would be addressed most appropriately in the Waste Core Strategy. We asked if people agreed with this.

There were 15 responses with 13 agreeing with the approach set out and 2 disagreeing.

What will be included in the Core Strategy?

There is general support for dealing with the issue of safeguarding sites for the recycling, reprocessing and transfer within the Waste Core Strategy and we propose to draft a policy along these lines and consult on its content.

Issue 14: Reworking Spoil Tips for Secondary Aggregates

Within Derbyshire, there are a number of spoil tips related to industrial purposes or former collieries which may contain material suitable for use as secondary aggregates (to replace primary aggregates). However, in many cases these will have re-vegetated and should now be considered in the same way as a new site. We need to determine what our approach to this potential resource should be. We asked people whether they thought we should have a criteria based policy or seek to identify specific sites where these products can be worked.

There were 10 responses, with 8 being in favour of a criteria policy and 2 the identification of sites.

What will be included in the Core Strategy?

A criterion based policy will be the most appropriate means of dealing with this issue in the Core Strategy and given the general support, we propose to draft such a policy and consult on its content.

Issue 15: Defining Mineral Safeguarding Areas

Safeguarding areas ensure that proven mineral resources are taken into account when they are at risk from being lost to non-mineral development. This approach will ensure that minerals are not sterilised unnecessarily by other forms of development so that they are available for use by future generations. We asked people how they thought MSAs should be defined and which minerals should be safeguarded.

There were 12 responses. These suggested generally that all proven resources should be safeguarded and that the approach set out in the BGS guide should be followed.

What will be included in the Core Strategy?

This is an area that will need quite a bit more work. We are awaiting revised guidance from BGS/CLG on this matter, which should give us a clearer idea of the direction we should be taking. It will be important to liaise with neighbouring authorities to ensure a coordinated and coherent cross boundary approach is taken to the definition of MSAs. We will take note of the comments received when we draft the policy approach to this matter.

Issue 16: Safeguarding Policy

Development opportunities can arise in urban areas, which can offer the possibility of exploiting important mineral resources prior to the development site. Government Policy sets out that such prior extraction of minerals should be encouraged if it is necessary for development to take place on land within urban areas that contain important workable mineral deposits, to avoid sterilisation of the economically valuable resource. We asked if people thought the existing approach to this issue set out in the Minerals Local Plan should be continued.

There were 17 responses, with 16 agreeing with this approach and 1 disagreeing.

What will be included in the Core Strategy?

The level of support for the approach set out should enable us to formulate a policy along these lines, taking account of suggested wording changes. We will then consult on its detail.

Issue 17: Reducing the Landbank of Crushed Rock

Government policy in MPS1 encourages mineral planning authorities to take steps to reduce landbanks of aggregate, which are judged as being excessive. It was discussed in the Issues and Options Paper, the possibility of allowing limited new permissions for aggregate crushed rock if reserves of a greater amount could be relinquished in exchange and provided the new permission offered significant benefits.

We asked people whether they thought we should either grant limited new permissions for aggregate crushed rock if operators agree to relinquish reserves of a greater amount in Derbyshire or to grant limited new permissions for aggregate crushed rock if operators agree to relinquish reserves of a greater amount in Derbyshire or the Peak District National Park.

There were eleven responses with none favouring the first approach, 7 the second and 4 putting forward an alternative.

What will be included in the Core Strategy?

There is an overall level of support for the general thrust of the second approach, provided that it includes the relinquishment in reserves in the Peak National Park as well as the area of Derbyshire covered by the Plan. The general support expressed gives us scope to develop this approach into a policy, subject to taking full account of comments received. We will then consult further on its detail.

Issue 18: A Restoration Strategy for the Trent Valley

In the past, sand and gravel workings have been restored to after-uses with an approach that has concentrated on the requirements for the specific site rather than also considering its context within the wider surrounding landscape of the river corridor.

A better approach may be to develop an overall strategy for the restoration of sand and gravel workings in the Trent Valley, to ensure that the “new” landscape is planned properly and coherently. We asked people which approach they would prefer.

There were 20 responses with 13 opting for the overall strategy and 5 the site led approach. 2 proposed a combination of the two approaches.

What will be included in the Core Strategy?

There is clear support for the preparation of the long term strategy approach. It would be made clear that local circumstances will still be taken into account when individual applications are considered, providing the conceptual requirements of the overall landscape plan would be maintained.

Given the support for the approach, we will work closely with our Landscape Design team and Ecologist, seek to prepare a draft strategy and then consult on its content.

Issue 19: Restoration Scheme for the A515 Corridor Quarries

There is a chain of four major limestone producing quarries to the west of the A515 near Buxton, which have a significant impact on the landscape. These are Dowlow, Brierlow, Hillhead and Hindlow. A strategic restoration scheme for this area could be drawn up to guide the ongoing restoration of these sites, to help minimise the impact of these quarries over time. We asked if people thought such a strategic restoration scheme should be prepared or whether we should continue with the piecemeal approach.

There were 14 responses, with 11 opting for the strategic scheme and 2 for the piecemeal approach. 1 put forward an alternative suggestion.

What will be included in the Core Strategy?

There seems to be general support for including a comprehensive restoration scheme. The next stage in the process of addressing this issue will be to draw up a more detailed proposal for consultation.

Issue 20: Site Suggestions

There were 12 sites, all for sand and gravel extraction, put forward by 6 mineral operators. We will discuss these with the operators before undertaking a full analysis of the sites.

Recommendation

To note the representations made and agree the general ways forward proposed.