

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

Minerals Core Strategy

**ANALYSIS OF RESPONSES TO THE ISSUES AND OPTIONS
CONSULTATION**

Prepared jointly by Derbyshire County Council and Derby City Council



JANUARY 2011

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Introduction

The Minerals Core Strategy is a planning policy document that will guide the scale of future mineral working in Derby and Derbyshire to 2030 and beyond.

The Derby and Derbyshire Joint Advisory Committee met on 26 February 2010 to consider the draft Issues and Options Report for the Minerals Core Strategy. Members made a number of suggestions and these were incorporated into the final report.

The document was then published for an eight week period of public consultation between April and June 2010. We consulted widely, using a number of techniques to ensure as many people as possible were aware of the process.

51 people/organisations provided comments. 38 of these completed the structured questionnaire on line. 130 more general comments on the issues were also made by 31 of the 51 respondents. Only 2 of the 51 respondents replied by letter; the majority replied electronically.

This report provides a summary of these responses. All comments will be taken into account and will help us as we move forward in preparing the draft Minerals Core Strategy.

Consultation Methods Used

In April 2010 the authorities began a consultation on the Key Issues and Options Report and a series of associated background papers.

In December 2008, the authorities produced a working paper on stakeholder involvement which identified three main groups of stakeholder; [1] delivery stakeholders (e.g. district councils & mineral operators), [2] specific and general consultation bodies (e.g. government bodies & community and interest groups) and [3] the wider community and suggested ways in which we should involve them.

The method used by the authorities to publicise the consultation to groups 1 and 2 were as follows;

1. Direct Mail

The methods used to inform as much of group 3 as possible were as follows;

2. Website
3. Latest News Article
4. Newspaper Articles
5. Radio Interviews
6. Posters
7. Public Displays
8. Community Forums
9. Social Media

These methods are discussed in more detail below;

1. Direct Mail

The authorities sent out a total of 944 postal and emailed letters, comprising;

- A letter to 87 interest groups
- A letter to 42 businesses
- A letter to 55 adjoining parish councils
- A letter to 204 Derbyshire parish councils
- A letter to 145 individuals
- A letter to 32 Government Agencies, Other Agencies, Trade Groups & Utilities
- An email invitation to 264 other bodies.
- An email to the 64 Derbyshire County and 51 Derby City Council Councillors.

2. Website

The document was available for downloading and for comment on the Council's website. New consultation software allowed people to more easily comment on line. 181 people downloaded the document from the website.

3. Latest News Article

The authorities sent out a latest news article via postal letter to 829 bodies and via email to 509 bodies. These bodies were on the mailing list, but had not expressed a specific interest in minerals planning matters.

4. Newspaper Articles

Press releases were sent out to the following newspapers;

- Derby Evening Telegraph
- Derbyshire Times

5. Radio Interviews

On the 26th April, the Planning Services Manager was interviewed by High Peak Radio and Peak FM about the consultation.

6. Posters

Posters were sent out with the letters to Parish Councils. The letter asked for the poster to be placed on the parish notice board.

The poster was also sent to each of the 54 largest supermarkets in Derbyshire with a request for them to be displayed in a public area.

7. Public Displays

The documents were placed on display in all Derby & Derbyshire libraries, all mobile libraries and in district council offices.

8. Community Forums & Local Area Forums

An email was sent to the district council community forum organisers asking them to make their members aware of the consultation and distribute the documents.

An email was also sent to the organiser of the Local Area Forums.

9. Social Media

A message was placed on the Derbyshire County Council Twitter Page informing people of the beginning of the consultation. At the time, the Derbyshire County Council page had 1,239 followers.

A page was created on Facebook called Derby & Derbyshire Minerals & Waste Plans containing information about the consultation and links to the consultation web site.

DETAILS OF ISSUES AND RESPONSES

General Portrait of Derbyshire

Overview

We are developing a spatial portrait of Derbyshire, which is a description of the county in terms of its social, economic and environmental characteristics which are most relevant to mineral planning. This will help us to focus on the characteristics and assets of Derbyshire which are most important in planning for future mineral development.

Who Replied

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

Summary of Responses

- There needs to be fuller reference to the Landscape Character Assessment of Derbyshire
- The benefits of restoration to provide priority habitats should be clearer.
- Reference should be made to the Creswell Crags WHS
- The Natural Heritage section should be rewritten

The remainder suggested minor wording changes or points of clarification.

Next Steps

All comments and suggestions for improvements will be used in the redrafting of the Portrait.

Portrait of Minerals in Derbyshire

Overview

This section gives a detailed description of the geology and mineral resources in Derbyshire.

Who Replied

There were 27 comments made in respect of the Minerals Portrait, all suggesting amendments or additions. 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.

Summary of Responses

- The benefits of restoration schemes should be made clearer.
- Should try to restore quarries to either nature or agriculture as a preference over leisure.
- More positive reference should be made to the mineral industry.
- The historic and educational significance (eg lead rakes) of mineral workings should be recognised.
- The national importance of coal should be recognised.
- Clean coal technologies should be referred to.

The remainder suggested minor wording changes or points of clarification.

Next Steps

These comments were helpful, generally. They will be used in redrafting this section of the Core Strategy.

Vision

Overview of Issue

The Key Issues & Options Paper put forward a draft vision to show how we expect Derby and Derbyshire to look in terms of mineral development by 2030. It proposed twelve elements to this vision. We asked people to respond to the following question:

Question: Do you agree that the draft vision covers all the elements that a vision for mineral extraction in Derbyshire should cover? If not, please specify what you think should be added or removed.

Who Replied?

We received a total of 17 responses to this question via the online questionnaire and a further 10 comments that were not recorded on the questionnaire.

13 of these 27 considered that all the elements of a vision had been covered. (4 environmental groups; 3 operators, 2 individuals; 2 parish councils and 1 local authority)

The other 14 (5 environmental groups; 3 individuals; 4 operators and 2 local authorities) offered various suggestions for some amendments or additions to the draft vision.

Summary of Responses

Suggestions for amendments can be summarised as follows:

- It should recognise that mineral extraction provides opportunities for environmental enhancement rather than simply referring to the minimisation of potential adverse impacts.
- Need to ensure that an integrated approach to sustainable development is achieved.
- Restoration can also provide economic and community benefits.
- The historic legacy of quarrying can also provide regeneration opportunities through visitor attractions.
- It should recognise that former sand and gravel workings can reduce downstream flooding.
- It should recognise that environmental impacts will be considered in the context on the Landscape Character Assessment work.
- Justification needs to be provided as to why the crushed rock landbank is considered to be excessive.
- It should set out that the adverse social and environmental effects of mineral extraction should be controlled to acceptable levels but not necessarily minimised.
- It should be more visionary.
- It is not genuinely possible to reconcile two diametrically opposed concepts: the preservation of the Derbyshire landscape and its exploitation for financial ends. The minerals plan should impose a great deal more restraint on these activities than has been evident in recent years.

A number of wording changes have also been suggested by the respondents.

Next Steps

These comments and suggestions will be considered in detail and the vision amended accordingly in the drafting of the Core Strategy. Given the localism agenda, it will be important to ensure that the vision is specific to Derbyshire, reflecting local issues and circumstances.

Objectives

Overview of Issue

The Key Issues and Options Paper put forward a draft set of objectives, which will deliver the vision and from which a spatial strategy and core policies will emerge. It proposed 11 separate objectives.

We asked the following question:

Question: Do you agree that these objectives cover all the elements that the objectives for mineral extraction in Derbyshire should cover? If not, please specify what you think should be added or removed.

Who Replied?

We received 17 responses to this question via the questionnaire, as follows:

12 agreed that the draft objectives covered all the necessary points. (2 individuals, 2 parish councils, 2 local authorities, 2 public bodies, 2 mineral operators and 1 environmental group)

5 suggested further objectives or amendments to those put forward. (3 public bodies, 1 individual and 1 local authority).

10 responses offered more general comments which were not recorded on the questionnaire, including some minor wording changes to the draft objectives.

Summary of Responses

The main changes suggested are:

- There should be an objective for meeting habitat creation targets set out in the Local Biodiversity Action Plan.
- Additional objective to provide local communities with an inspiring, wildlife-rich landscape as a result of sensitively designed restoration schemes.
- Reference should be made to the protection of Creswell Crags and "other heritage resources of international importance."
- More comprehensive reference should be made to the mitigation of flood risk.
- The justification behind draft Objectives C and G (reduction of reserves in Derbyshire and the Peak Park) must be included in the MCS. Where mineral extraction in National Parks is not "major" or it is in the public interest, it is not contrary to national policy for minerals planning.
- Should set out that resources should only be used to meet domestic, not export, demand.
- Aim to 'protect, restore, recreate, enhance and reconnect' the natural environment.

Next Steps

It is considered that the majority of the suggestions can be incorporated into a revised set of objectives in the drafting of the Core Strategy.

Issue 1a: Calculating the Provision of Aggregates beyond 2020

Overview of Issue

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 from Derby and Derbyshire. The Issues & Options Paper posed the following question:

Question 1a: What 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?.

Option 1: Should we calculate the figures by projecting forward the current agreed apportionments or

Option 2: Use an average figure of recent annual production?

An alternative option.

Who Replied?

There were 16 responses to this question, with opinion being divided:

7 favouring Option 1 (6 mineral operators and 1 parish council)

6 favouring Option 2 (3 parish councils; 2 individuals and 1 environmental group)

3 others putting forward an alternative option (1 interest group; 1 environmental group and 1 individual).

Summary of Responses

Those favouring Option 1 say, in summary:

- This would make the best provision for future growth and demand to sustain the economic recovery.
- It is crucial that the means of calculating aggregate provision be consistent throughout the Framework period. As the apportionment approach has been adopted for the period up to 2020 then this approach should continue to be adopted for the extended period up to 2030.
- Current economic conditions are not expected to prevail in the period and the aggregates industry needs to be in a position to lead in meeting need during economic recovery.

Those favouring Option 2 say, in summary:

- As recent analyses have shown, this provides a better basis for more accurately predicting future need on a more local scale
- Demand has been falling for many years. Even if it does rise, increased use of alternatives should compensate.

The 3 suggesting an alternative approach favour a more flexible option to address the need for aggregate at the time rather than any future assumptions.

Next Steps

This is one of the four main issues that have emerged from the consultation.

This is a complex issue and no clear steer has been given by the responses over how this issue should be tackled. Not surprisingly, mineral operators favour the first option over the second option as this is likely to result in a higher apportionment figure.

It is a complex issue, which will have to be discussed in detail with representatives of the Aggregates Working Party. With the proposed abolition of the RSS and the introduction of the Localism agenda

mineral planning authorities, in partnership with stakeholders and local communities, will be empowered to determine their own apportionments. These figures will have to be supported by a sound evidence base and based on sound judgement and consensus to enable us to meet the future need for aggregates.

Figures have been agreed to 2020 through the RAWP, prior to the abolition of the regions. We may opt to use these figures but we will have to justify why we think this is the best approach. Any proposed figures will then be consulted on publicly.

It may be unrealistic and impractical to not provide future apportionment figures and simply plan short term, as suggested by some of the respondents, because the industry and local communities need a degree of certainty about future levels of extraction so that it can plan for future areas of extraction.

Issue 1b: Reducing Derbyshire's Share of the Peak Park's Displaced Provision

Question 1b: Do you agree that we should also allow for a reduced proportion of Peak Park's displaced provision of crushed rock on the assumption that after 2020, other authorities will take an element of this displaced provision?

Question 1c: Please explain how you came to your decision and, if you disagreed, please suggest an alternative approach.

Overview of Issue

It is an objective of the Peak Park National Park Authority to reduce gradually the amount of aggregate limestone that is extracted from the National Park. No new quarries will be permitted as existing ones close down on completion of extraction. We have had detailed discussions with the National Park Authority over this matter, which has also been discussed by the RAWP. It has been agreed, through RAWP, that until 2020, Derbyshire will take up the amount that is lost from the National Park by increasing our apportionment figure. Beyond this, the possibility of other adjoining areas (including MPAs in other regions) taking some of the displaced production has been discussed.

Who Replied?

There were 12 responses to Question 1b, with:

10 agreeing (3 individuals, 2 environmental groups, 2 parish councils, 1 interest group and 2 mineral operators)

2 disagreeing (2 mineral operators)

Summary of Responses

9 of the respondents to Question 1b explained their response under Question 1c. Those comments in general agreement with the approach are summarised as follows:

- It seems reasonable that DCC/DC should balance its share of the displaced PDNP provision with other surrounding MPAs but this will depend strongly on the permitted reserves and wider resources in those areas and the minerals being looked at.
- While there would be benefits for the Peak District, the environmental and social implications for the rest of Derbyshire of transferring any displaced provision has to be understood before pursuing this policy.
- If such a policy was pursued it would put more emphasis on the need to protect existing crushed rock reserves outside the Peak Park.
- The mineral industry accepts the need for a reduction in the Peak Park's provision of aggregates. The Regional Aggregates Working Party has identified the need to involve other authorities in the provision of at least some of this displaced volume.
- Derbyshire CC needs to be clear where the long term aggregate supply may come from if it is not to come from Derbyshire itself. There needs to be clear reference to other authorities approach to aggregate production and what measures they are taking in meeting the reduction in provision from the Peak Park.

The 2 comments in disagreement with the approach are as follows:

- It seems to be based on an anticipation that other MPAs will step in, but no evidence is provided to support this. Rather than unilaterally assuming that other MPAs will 'take up the baton' post 2020 this issue is one that should be resolved at RAWP or inter RAWP level.

- This aspiration must be tempered with the reality that the ability and capacity of those regions, particularly the North West, to accept a larger share of the burden, is limited.

Next Steps

It is clear that there is general support for the approach of Derbyshire taking some of Peak Park's provision of aggregate. However, even among the people who agree with the general aim of this approach, there is concern over which areas will take some of the displaced provision beyond 2020, if less is from Derbyshire. The Aggregates Working Party has already identified the need to involve other authorities in the provision of at least some of this displaced volume beyond 2020. It is agreed, however, that this issue will have to be considered further by the RAWP (and its replacement after March 2011), local communities and with other authorities inter regionally. The approach will, therefore, be to discuss and consult on this matter further before making a decision on what should be included in the draft Core Strategy.

Issue 2: Identification of Sites for Sand & Gravel

Overview of Issue

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 areas of the river valleys. The area of the Dove Valley around Foston and Sudbury is the main area with potential for sand & gravel working, although much of this has yet to be explored. In this respect, the ongoing cumulative impact on the environment and on communities of allowing further extensions to existing sites will have to be weighed against the social and environmental impact of allowing large scale extraction from new sites in a new area.

There is some clarity over the provision required to 2020, so it may be preferable to identify specific sites to that date, but from 2020 to 2030, when there is less certainty over provision, identifying preferred areas or areas of search may be a better approach.

We asked the following questions:

Question 2a: Taking these considerations into account, one approach to meeting the necessary apportionments would be:

For the period up to 2020 allocate specific extensions to existing sites rather than allocating wholly new sites. For the period 2020-2030 allocate broader areas of search. Do you agree with this approach?

Question 2b: Please explain why you came to that decision and, if you disagreed, please suggest an alternative approach.

Who Replied?

Of the 15 responses to question 2a via the questionnaire:

12 agreed generally with the approach set out (3 mineral operators; 3 parish councils, 2 individuals, 2 local authorities and 2 environmental groups)

3 disagreed (1 individual and 2 mineral operators).

There were 12 responses to Question 2b to qualify their responses to question 2a.

A further 5 general comments were received separately from the questionnaire.

Summary of Responses

The reasons given by those who agreed with the approach are summarised as follows:

- Postponing allocation would allow for a change in requirements. For example, if more materials are recycled in the future, there may be less of a need for aggregates.
- Gives increased time to review required volumes for 2020 and to locate suitable alternative sources.
- Agree provided that decisions about granting extensions to existing sites are based on potential to deliver priority habitat creation targets for the region.

The reasons given by those that disagreed with the proposed approach can be summarised as;

- Specific sites or preferred areas rather than areas of search should be used beyond 2020.
- Suggest a radical rethink of the strategy of extraction of sand and gravel from greenfield sites, suggesting that alternative sources should be used more, such as marine gravel. There was also some concern expressed about future working in the Lower Dove Valley, around Foston and Sudbury.

2 of the general comments received suggest that any approach to site allocations should be on a case by case basis.

Next Steps

This is one of the four main issues that have emerged from the consultation.

Given the general support for the suggestion that we should seek to identify extensions to existing sites to meet needs up to 2020, we will now agree, with the local communities and the mineral industry, a method by which to carry out detailed site analysis work to determine which will be the most appropriate strategic sites to allocate. We will then carry out the assessments before undertaking extensive discussions and consultations on these draft proposals. It will be important in this respect to set up local focus groups in the areas and/or speak to individual households that are likely to be affected directly by sand and gravel extraction. We recognise the particular sensitivities of detailed allocations. As a result, we will seek to engage in a full dialogue with all parties on these detailed proposals.

Again, given the general support for seeking broader preferred areas/areas of search to fulfil needs for the period after 2020, we will involve communities and the mineral industry in drafting proposals for these areas before consulting on these.

Issue 3: Criteria Based Policy for Industrial Limestone

Overview of Issue

The Issues & Options Paper stated that, 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. The paper suggested that it is likely that the most appropriate way of dealing with this issue would be to include a criteria based policy within the core strategy. We asked people to answer the following questions:

Question 3a: Do you agree that a criterion based policy is the best way of dealing with the issues outlined above?

Question 3b: Please explain how you came to that decision. If you disagreed, please suggest an alternative approach that we could take.

Who Replied?

We received a total of twelve responses to question 3a. Eleven of these twelve agreed that a criteria based policy is the best way of dealing with this issue. (3 individuals, 2 parish councils, 3 mineral operators, 1 Local Authority, 2 environmental groups). 1 disagreed (mineral operator)

Eight responses were received to question 3b and two other general comments were received. (2 individuals, 4 mineral operators, 2 environmental groups).

Summary of Responses

The reasons given by those that agreed with question 3a can be summarised as:

- Most efficient way to match supply and demand
- The markets for industrial limestone are very diverse, and some are increasingly constrained by ever tightening specification demands. Examples include Government and European directives on animal health and food safety. A policy that allows for the granting of new permissions in "exceptional circumstances" will offer the necessary support to operators responding to these and other changing market demands and requirements.

The reasons given by the respondent who disagreed with question 3a were;

- Given the value, national importance and investment required in securing sites for industrial limestone there is an argument to be made for identifying site specific allocations for future industrial limestone sites.

Other comments made can be summarised as:

- To ensure that the permission continues to supply such specialist needs alone, legal agreements on end use should accompany any such approval.
- The core strategy should not aim to resolve all concerns, as certain matters should be addressed in detail at the application stage
- Redefine the term 'industrial limestone' so that it can be monitored and rare varieties conserved. Only grant permits for very narrow end use criteria.
- Active consideration is being given to submission of a bid for World Heritage Status for Creswell Crags. The setting of the Crags is regarded as an important issue in attaining World Heritage Status. Consequently, it will be important to recognise and resolve any issues arising from protection of this setting and the activities of existing and potential mineral operations nearby.

- If this refractory stone is of such strategic importance to the UK then it should not be exported but kept as a strategic reserve. All new permissions should be granted on the basis of domestic need only i.e. no increases in the extent of quarrying to meet export demand.

Next Steps

There appears to be broad support that a criteria based policy is the best way forward. The question that needs to be asked during the next stage of consultation on the plan is what exactly the criteria should be.

Regarding the suggestion that the plan should allocate specific sites for industrial limestone; in general terms, Derbyshire already has very substantial permitted reserves of industrial limestone, sufficient to last for many years. As such, there is no perceived need to allocate sites for the more generic forms of industrial limestone. The criteria based policy is intended to address the issue of the more specialised forms of industrial limestone that are extracted from Derbyshire that may not easily be replaced.

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 criteria based policy.

Regarding the general comments, these will be considered and, where appropriate, acted upon during the preparation of the draft Core Strategy.

Issue 4: Identifying Future Working Areas for Coal Extraction

Overview of Issue

In terms of identifying future working areas, the Issues and Options paper argued that the Mineral Planning Authority does not have sufficient technical or commercial information on the quality and extent of deposits to be able to identify with any confidence those sites which might come forward during the plan period. Moreover, MPG3 states that it is the job of the coal industry rather than the planning system to determine the level of coal production they wish to aim for.

It was suggested, therefore, that the most appropriate manner in which to deal with this issue will probably be for the Minerals Core Strategy to indicate the general extent of the shallow coalfield and define within that area the main areas of environmental constraints. Beyond this, a criterion based policy, such as exists currently in the Minerals Local Plan, will most likely be the most appropriate route by which to assess individual proposals.

The questions we asked people were:

Question 4a: Do you agree that a criterion based policy is the best way of dealing with the issues outlined above?

Question 4b: Please explain why you came to your decision for (a). If you disagreed, please suggest an alternative approach that we could take.

Question 4c: What are the environmental constraints to the identification of future working areas that should be defined?

Who Replied?

There were 14 responses to Question 4a.

All 14 of these agreed that a criteria based policy is the best way of dealing with the issues. (3 individuals, 3 district councils, 1 parish council, 4 mineral operators, 2 environmental groups and the Confederation of Coal Suppliers).

11 answered Question 4b. (1 individual, 2 environmental groups, 3 district councils, 1 parish council, 2 mineral operators, the Coal Authority and the Confederation of Coal Suppliers).

Summary of Responses

The reasons for agreeing with the question can be summarised as follows;

- In the absence of better knowledge of the areas of possible interest (including quality of the resource/efficiency of exploitation etc.) and the economics of their working, which fluctuate over time, mean that it is not considered possible to identify specific areas of search or detailed allocations.
- The best method of identifying future areas for potential surface coal extraction is through the identification of the overall geological surface coal resource area, supplemented by a criteria based policy against which to determine applications. Given the likely change to future demand for coal resources due to the ever-changing energy market it is difficult to define areas of search at any point in time which will allow the flexibility that is likely to be needed over the plan period. Therefore the approach being suggested by the Core Strategy would appear to be the most logical based upon national policy in MPG3.

- A criteria based policy is probably the best way forward but should be amended to state a presumption against coal extraction on climate change grounds
- A criteria based policy approach can provide sufficient direction to industry for future coal extraction without the need for identifying specific sites.

The final part of the question (4c) asked respondents to suggest the environmental constraints that should be defined. We received 7 responses which included a number of different suggestions, including proximity to residential areas, nature and heritage designations, local landscape, flooding constraints and agricultural quality. (1 individual, 2 district councils, 2 mineral operators, 2 environmental groups).

Some of the other comments received included;

- Concerned that there appears to be an overall acceptance of a potential increase in demand for coal and believe this does not sit well with paragraph 9 of the Vision for Minerals Development nor Objective 1 of the plan. The use of high carbon fuels such as coal must be constrained if we are to meet demanding national and international targets to help mitigate the impacts of climate change. We think this is a cross-cutting issue that must be addressed by this plan and its policies. In our view, this adds a further - and more stringent - presumption against coal extraction, in addition to that currently extant in national guidance (MPG3).
- MPG3 does not normally require a proposal to meet a series of tests except in certain areas, e.g. the green belt, if the presumption against is to be overcome. Normally speaking, only one of two tests needs to be met, i.e. either the proposal is environmentally acceptable, or can be made so, or if not, and only if not, the proposal provides offsetting local or community benefits.
- There are still significant areas of the exposed coalfield outside the main urban areas and whilst these may have certain constraints they would need to be considered against the prevailing policy context. If there is a proposed limitation to the working of sites prior to other development (an approach which would appear to be inconsistent with current national policy) this would seriously limit the potential for coal extraction and in many cases could cause more environmental impact than on other 'greenfield' sites. Recent appeal decisions appear to support working on 'greenfield' sites e.g. Lodge House, Derbyshire; Shotton in Northumberland and Telford in Shropshire. The prior extraction of coal from development sites either to prevent sterilisation or to resolve stability issues should be supported in principle but the timescale and potential environmental impact as well as the economic implications need to be considered carefully.

Next Steps

This is one of the four main issues that have emerged from the consultation.

Overall, it seems that 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 some controversy 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 community involvement in decision making.

Other comments and suggestions will be considered during the next stage of drafting the Core Strategy

Issue 5: Surface Mining Constraint Areas

Overview of Issue

The Issues and Options Paper states that MPG3 advises that areas where working is unlikely to be acceptable should be indicated. In the current Minerals Local Plan, these areas were defined as Opencast Constraint Areas. Experience gained dealing with planning applications since the publication of the Minerals Local Plan has shown Opencast Constraint Areas to be an effective means of protecting areas of acknowledged environmental importance. However, there may be a significant disadvantage for areas outside the constraint area as there can be the impression that the general presumption against development is somehow weaker in those areas and the threshold of environmental acceptability is lower. As a result, we will need to decide whether Surface Mining Constraint Areas should be designated in the Minerals Core Strategy. The Issues & Options Paper posed the following questions:

Question 5a: Should we designate surface mining constraint areas?

Question 5b: If so, should we follow the approach taken in the Minerals Local Plan of identifying areas with a sufficient concentration of conservation designations to justify special protection?

Question 5c: What designations should they cover?

Question 5d: Or should we follow a different approach?

Who Replied?

Of the ten responses to question 5a,

8 agreed (3 individuals, 2 district councils, 1 parish council, 2 mineral operators)

2 disagreed (the Coal Authority and the Confederation of Coal Suppliers).

Summary of Responses

The reasons given by those who disagreed were, generally, that there would already be sufficient protection for these areas provided by the suggested criteria based policy (question 4) and other environmental and cultural designations, and that, therefore, "...the definition of surface mining constraint areas are no longer justified or necessary as a plan designation and they represent an inflexible planning tool...".

Of the eight responses to Question 5b, 7 thought we should, (3 members of the public, 1 parish council, 1 mineral operator, 2 environmental groups). 1 thought that we should not (district council).

Question 5c was answered seven times and a wide range of possible designations were suggested, including heritage and environmental assets and their settings and buffer zones around communities. There was some concern to ensure that there should be further consultation on the designations to be used and the locations of the eventual sites. (1 member of the public, 2 district councils, 3 environmental groups and an internal consultee).

Question 5d received five responses. Four of these suggested that it would be better to rely on a criteria based policy, the fifth argued that there should be such a presumption against surface mining, and as such, constraint areas would be unnecessary. (2 mineral operators, the Coal Authority, the Confederation of Coal Suppliers and 1 environmental group).

Next Steps

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 coalfield communities, the coal industry, environmental groups and adjoining authorities, and draft a policy and consult on its contents.

Issue 6: Proper & Efficient Use of Building Stone

Overview of Issue

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.

We asked the following questions:

Question 6a: Do you agree that we should include a policy which stipulates that building stone from new workings should be the principal product?

Question 6b: Please explain why you came to that decision. If you disagreed, please suggest an alternative approach.

Who Replied?

There were 12 responses to Question 6a and all agreed with the general intention of such a policy. This included 2 individuals; 3 environmental groups; 3 mineral industry operators; 3 local authorities and 1 parish council.

11 of these explained their response under Question 6b.

Summary of Responses

Although there was general agreement to the approach, there was concern expressed about how such a policy would be implemented. In most building stone quarries the quality of the in situ material varies markedly and the proportion of suitable building quality material will vary with depth, location and time making any planning conditions or agreements difficult to formulate and monitor effectively.

Next Steps

There is general consensus for such a policy approach to be taken. However, it is clear that any policy will have to be worded very carefully, particularly with regard to the definition of the term “principal product” to avoid technical and legal pitfalls.

Issue 7: Meeting the Need for Building Stone

Overview of Issue

Unlike for aggregates, it is almost impossible to develop a framework to predict the need for building stone. There isn't a national framework to predict demand and need for the product. Need for the stone has to be assessed, therefore, when planning applications are submitted. The Issues & Options Paper posed the following question regarding this issue:

Question 7a: What approach do you think we should take to meeting the need for building stone?

Option 1: Identify specific quarries or extensions to existing quarries to provide sources of building and roofing stone for certain buildings or settlements.

Option 2: Devise a general policy, which allows for the extraction of building stone at sites where particular criteria are met.

A different option (Please specify).

Question 7b: Please explain why you came to that decision. If you chose a different option, please explain what that would be.

Who Replied?

There were 14 responses to this question.

3 of these favoured the first option (1 operator, 1 environmental group and 1 individual);

7 the second option (1 individual; 2 parish councils; 2 operators; 2 environmental groups) and

4 provided a different option (1 operator; 2 local authorities; 1 environmental group)

11 of these 14 explained the reason for their choice under question 7b.

Summary of Response

Comments in favour of Option 1 include:

- Would favour identifying specific sites that would meet clear need criteria in relation to supplying key local and regional restoration, repair and new build projects commensurate with maintaining an enhancing rural built vernacular.
- Option 1 unless there is an overriding need or market demand then an application should be considered against certain criteria to assist determination

Comments in favour of Option 2 include:

- Seems less onerous and therefore more economical to manage for small scale operations
- This approach is more flexible by not restricting extraction to known quarries.
- Offers potential for a better regulation of minimum quantities.
- Option 1 is simply too restrictive and doesn't allow the operator to respond to market demand, nor does it take account of any 'new build' requirements. Option 2 allows for more flexibility than option 1 which is important in such a fluid market.
- There will always be intermittent demand for materials that are not available from existing operations.

The 4 that suggested a different option can be summarised as follows:

- A combination of Options 1 & 2 would appear to provide the most balanced approach. The two options could complement each other, with the elements of Option 1 ensuring that outputs from specific quarries can be earmarked to meet conservation objectives; whilst elements of Option 2

would provide a more flexible approach, to accommodate the needs for stone of a specific character as the need arises.

- A more practicable approach would seem to be to establish appropriate safeguarding policies for building and roofing stone and formulate policy criteria for the assessment of applications.

Next Steps

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 and one which may work and would satisfy most respondents. 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 now seek to formulate a policy taking these views in to account.

Issue 8: Managing How We Make Provision for Clay

Overview of Issue

There are no national, regional or county demand figures for brick clay or fireclay production. The industry is market led and closely related to the needs of consumers, to whom it is important to maintain supplies. 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 the following questions:

Question 8a: Do you agree 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?

Question 8b: Please explain why you came to that decision, and if you chose 'no' please suggest an alternative approach that we could take.

Who Replied?

We received 8 responses to question 8a. (2 individuals, 2 parish councils, 1 district council, 2 mineral operators and 1 public body).

Summary of Response

All eight agreed that we should include a policy for the development of clay working which sets out criteria similar to those in the existing Mineral Local Plan.

Three responses were received to question 8b. One respondent suggested that further consideration should be given to the issue of clay stocking, they felt it is not always practicable or desirable at the production unit. (2 mineral operators and 1 district council)

One other related comment was received, which stated that;

- There is a preference for materials to be stocked at the site of the industrial process but it should be recognised that this is not always possible and there is scope for sensitively designed storage on site which can be restored progressively as the material is removed.

Next Steps

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 How We Make Provision for Vein Minerals

Overview of Issue

There is a world market for fluorspar and barytes that is difficult to plan for as demand fluctuates widely. In terms of supply, the variable nature of deposits makes their assessment difficult. Because vein minerals occur in association with limestone in Derbyshire, their extraction can involve the necessary extraction of limestone in order to gain access to it. The existing policy in the Minerals Local Plan sets out criteria for the acceptability of new proposals and we need to decide whether or not to continue this policy approach in the Minerals Core Strategy.

We asked people the following questions:

Question 9a: Do you agree that we should include a policy for the development of vein working which sets out criteria similar to those in the existing Minerals Local Plan?

Question 9b: Please explain why you came to that decision, and if you chose 'no' please suggest an alternative approach that we could take

Who Replied?

We received 7 responses to question 9a. All 7 agreed that we should include a policy for the development of vein mineral working, which sets out criteria similar to those in the existing Mineral Local Plan. (2 members of the public, 2 mineral operators, 1 parish council, 1 public body and 1 local authority).

Eight responses were received to question 9b. (2 members of the public, 3 mineral operators, 1 parish council, 1 environmental group and 1 local authority).

Summary of Response

- Minerals that can be mined as opposed to quarried in the Peak District National Park should be encouraged in order to offset the PDNP reduction targets for other types of mineral (e.g. limestone)
- Applications for vein mineral extraction must be judged rigorously on need and the applicant must provide robust evidence to support that argument. It is essential that the policy prevents the unnecessary production of limestone aggregates
- It would be useful for the County Council to further investigate the issue of fluorspar markets (e.g. identifying what areas or markets would be affected by a shortage)
- Paragraph 7.49 is incorrect, there is not necessarily a 'national need' for fluorspar, as no such intimation is set out in national minerals planning policy in MPS1 or any other document. Inclusion of such wording is unhelpful and illustrates the wrong perception to the public.

Next Steps

There is support for including a policy similar to that which currently exists in the Minerals Local Plan. We will take on board suggestions and further information provided and then involve local communities and mineral operators in drawing up a more detailed suggested policy for consultation.

Issue 10: Managing How We Make Provision for Conventional Oil & Gas

Overview of Issue

Government advice seeks to realise the maximum potential of the UK's conventional oil and gas resource in an environmentally acceptable manner. However, as no production targets are set and as we are not able to define resource areas for hydrocarbons (as potential prospects can only be identified after extensive exploration activity) there is much uncertainty surrounding the potential future role that Derbyshire might play in helping to meet the UK's need for this resource.

We asked people the following questions:

Question 10a: Do you agree that we should include a policy for the conventional oil and gas development, which sets out criteria similar to those in the existing Minerals Local Plan?

Question 10b: Please explain why you came to that decision, and if you chose 'no', please suggest an alternative approach that we could take

Who Replied?

We received six responses to question 10a. All six agreed that we should include a policy for conventional oil and gas working which sets out criteria similar to those in the existing Mineral Local Plan. (2 members of the public, 1 parish council, 1 mineral operator, 1 district council and 1 public body).

Four responses were received to question 10b. (1 individual, 1 district council, 1 mineral operator and 1 environmental group)

Summary of Response

Suggestions and comments included:

- New technologies could discover new fields or make small fields viable
- These are fossil fuels and policy for such minerals should be reconsidered in the light of their climate change impact
- The policies in the Minerals Local Plan have operated effectively and continue to provide appropriate protection for the environment

Next Steps

There is overall 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.

Other comments and suggestions will be considered during the next stage of drafting the Core Strategy.

Issue 11: Managing How We Make Provision for New Coal Exploitation Technologies

Overview of Issue

There are four main ways of recovering gas from coal to provide energy, namely extraction of coalbed methane, coal mine methane or abandoned mine methane and underground coal gasification. 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. As a result, the best approach to deal with this issue is likely to be through a criterion 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, and this might be an appropriate starting point for a policy on new coal exploitation technologies.

We asked people the following questions:

Question 11a: Do you agree that we should include a policy for new coal exploitation technologies which sets out criteria similar to those for conventional oil and gas developments; as in the existing Minerals Local Plan policy MP35?

Question 11b: Please explain why you came to that decision, and if you chose 'no' please suggest an alternative approach that we could take.

Who Replied?

We received seven responses to question 11a. All 7 agreed that we should include a policy similar to that which currently exists for conventional oil and gas working in the existing Mineral Local Plan. (2 members of the public, 1 parish council, 1 district council, 1 mineral operator, 1 public body and the Coal Authority).

Six responses were received to question 11b along with one general comment. (2 individuals, 2 mineral operators, 1 district council and the Coal Authority).

Summary of Response

- Over time this may become more viable and so needs to be considered
- Methane, in its raw form, is a much more potent greenhouse gas than carbon dioxide and this is a good reason to use it for electricity generation
- New coal technologies will play an important role in the UK's future energy provision
- We should be moving away from fossil fuel sources so the criteria should be strict

Next Steps

There is overall 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.

Other comments and suggestions will be considered during the next stage of drafting the Core Strategy.

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

Overview of Issue

The Peak District National Park Authority has a policy to reduce gradually the amount of aggregate that is quarried from within the Park. We have been asked to help the implementation of this policy and have agreed that Derbyshire will increase its apportionment of crushed rock for aggregate to compensate for lost reduction from the Peak Park until 2020. After that time it is hoped other authorities will share the apportionment. It amounts to an additional 12 million tonnes up until 2020, which, given the size of the landbank (800 million tonnes), will not be significant over this 16 year period but will help to fulfil the important objective of reducing the impact of future mineral extraction in the National Park.

We asked the following question:

Question 12a: Do you agree that Derbyshire should continue to contribute to the aim of reducing aggregate extraction from the National Park through agreed increases in our apportionment, based on the markets that Derbyshire is best placed to supply sustainably?

Question 12b: Please explain why you came to that decision, and if you chose 'no', please suggest an alternative approach that we could take.

Who Replied & Summary of Response

There were 10 responses to this question and all agreed with the approach set out. (2 individuals; 2 parish councils; 2 mineral operators; 2 local authorities; 2 environmental groups)

Next Steps

Given the unanimous level of support, it would seem appropriate to include a policy in the Core Strategy to implement this approach.

We have agreed through RAWP that Derbyshire should increase its apportionment of aggregate crushed rock to 2020 to compensate for a gradual reduction in extraction from the Peak National Park. As discussed at Issue 1b, we will have to undertake discussions through RAWP until March 2011 and thereafter its successor, and with adjoining mineral authorities to determine how this apportionment is shared beyond 2020.

Issue 13: Safeguarding Sites for Recycled Aggregates

Overview of Issue

Policy 37 of the Regional Spatial Strategy requires that local development frameworks should identify and where necessary safeguard sites suitable for the recycling, reprocessing and transfer of materials including construction and demolition wastes. It is likely that the most appropriate sites to recycle construction & demolition wastes would be found near to where the waste is generated and where it can be re-used. We consider that the issue of finding suitable sites is a key strategic one and is, therefore, an issue that should be addressed during the preparation of the Derby & Derbyshire Waste Core Strategy.

We asked the following questions:

Question 13a: Do you agree that the most appropriate place to consider the safeguarding of individual sites suitable for the recycling, reprocessing and transfer of materials including construction and demolition waste is the Waste Core Strategy?

Question 13b: Please explain why you came to that decision, and if you chose 'no' please suggest an alternative approach that we could take

Who Replied?

We received fifteen responses to question 13a. Thirteen of the fifteen agreed that the most appropriate place to consider the safeguarding of individual sites is the Waste Core Strategy. (2 individuals, 3 district councils, 3 mineral operators, 3 parish councils, 1 public body, 1 environmental group). Two disagreed (1 interest group and 1 operator)

Eleven responses were received to question 13b and two general comments were received. (5 mineral operators, 2 district councils, 2 parish councils, 1 public body and 1 interest group).

Summary of Responses

The comments in agreement are as follows:

- The most appropriate place to consider the safeguarding of individual sites suitable for the recycling, reprocessing and transfer of materials including construction and demolition wastes is the Waste Core Strategy. This will encourage a consistent and integrated approach to waste management in the County.
- It is a sensible conclusion to consider sites for recycled aggregates within the Waste Core Strategy but recommend that there is clear cross reference and text on approach within the Minerals Core Strategy.
- The issues of recycling, reprocessing and transfer waste should be mentioned within the MDF and highlight that mineral operations may provide a temporary location to assist these operations and markets, where economies of scale can come in to play along with available appropriate processing plant, back haul of materials, management expertise, environmental impact and space.

The comments in disagreement are as follows:

- Recycling and reprocessing should be part of the quarrying process. Also we think that selecting specific sites for recycling should form part of the general planning process for site after use and not be distinct from it nor in any way ring fenced.
- Sites for the recycling of aggregates have synergies with both the mineral and waste core strategies. In other parts of the country there appears to be a more significant relationship between primary and secondary aggregate producing sites than has been experienced in Derbyshire where there is perhaps a

closer association with the waste sector. The important point is that the issue is covered effectively in one of the plans as soon as possible.

Next steps

There is general support for dealing with the issue of safeguarding sites for the recycling, reprocessing and transfer within the Waste Core Strategy.

Other comments and suggestions will be considered during the next stage of drafting the Core Strategy.

Issue 14: Reworking Spoil Tips for Secondary Aggregates

Overview of Issue

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. 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 the mineral planning authorities' approach to this potential resource should be.

We asked people the following questions:

Question 14a: Should we have a criteria based policy relating to reworking of spoil tips for secondary aggregates or seek to identify specific sites where these products can be worked?

Question 14b: Please explain why you came to that decision.

Who replied?

We received twelve responses to question 14a. Ten of these thought that we should include a criteria based policy relating to the reworking of spoil tips for secondary aggregates. (1 individuals, 2 parish councils, 3 mineral operators, 2 environmental groups, the Coal Authority and 1 internal consultee). The remaining two respondents thought that we should identify specific sites. (1 mineral operator and 1 individual)

Ten responses were received to question 14b. (2 members of the public, 4 mineral operators, 1 environmental group, the National Trust, the Coal Authority and 1 internal consultee). Three general comments were also received.

Summary of Response

The reasons given by respondents that thought we should have a criteria based policy included;

- The first option is preferable, provided that the criteria includes an assessment of the existing value of a former spoil tip in terms of the species and habitats it supports, and a preclusion against reworking sites of significant local or regional wildlife value
- The quality of material in the remaining spoil tips is extremely variable and it would be a more practical approach to adopt a criteria based policy which would enable an evaluation of individual proposals.
- Criteria based policy most appropriate as industry is best placed to identify potentially economically viable sources of spoil.

The reasons given by the respondents that thought we should allocate specific sites included:

- Only certain sites will meet the necessary environmental and sustainability criteria
- Criteria based assessment in this case will lead to interpretation based on desired outcome e.g. developers versus planners/locals. Identify specific sites, there are a few but not that many.

Other suggestions and comments included:

- Spoil tips are a resource that in principle should be fully utilised in preference to the mining of new minerals, it is also the case that such spoil heaps have historically not respected wider landscape character and there may be opportunities to re-model landforms in a more acceptable manner.

- The requirement to rework may not be solely based on aggregate requirements but also on local regeneration.
- If spoil heaps and other waste mounds have fully returned to nature then they should be left alone, nature is under a lot of pressure. If they are recently grassed over coal mine spoil heaps that form an unnatural shape in a flat landscape they should be used as recycled material subject to local conditions.
- A specific policy on this might be best avoided as some tips (e.g. in dormant sites for gritstone) are incredibly sensitive and use of virgin rock from more sustainable locations would be preferable. The same arguments apply even more forcibly to a spatial mapping approach unless a very clear set of filters was applied to exclude unsustainable locations.

Next Steps

All comments and suggestions will be considered during the next stage of drafting the Core Strategy. Given the general support for a criteria based policy approach, we propose to involve the local communities and mineral industry in drafting such a policy.

Issue 15: Defining Mineral Safeguarding Areas

Overview of Issue

The purpose of mineral safeguarding areas is to 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. There is no presumption that these resources will be worked i.e. they do not represent specific allocations. The proven resources in Derbyshire include sand & gravel, Carboniferous and Permian Limestones, surface Coal, building stone and clay.

Question

In the Issues & Options Paper, we asked people to tell us how they thought MSAs should be defined and which minerals should be safeguarded.

Who Replied?

There were 12 responses. (7 mineral operators; 2 environmental groups and 3 local authorities)

Summary of Response

- These showed general support for the safeguarding of all economically proven mineral resources in the county, using data from BGS resource maps and detailed information from mineral operators. A couple consider, however, that only strategic or the most valuable resources are safeguarded.
- Opinion is divided over the issue of whether urban areas should be excluded from MSAs or included within them.
- There is agreement that close working between counties and districts will be essential to ensure coordination of policy.
- It would be helpful to make it clear that the safeguarding policies will encompass fireclay (within the coal areas) and vein minerals (within the limestone areas).

Next Steps

This is an area that will require 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.

Issue 16: Safeguarding Policy – Sterilisation of Mineral Resources

Overview of Issue

Development opportunities can arise in urban areas, which can offer the possibility of exploiting important mineral resources prior to the development site. This happened recently in Clay Cross where coal reserves were extracted prior to the redevelopment of the Biwaters site – an important regeneration project.

Government Policy in MPS1 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. In the Issues and Options Paper, we asked people whether they thought we should continue with the approach set out in existing Policy MP17 of the Minerals Local Plan, which reads as follows:

The mineral planning authority will resist proposals for any development which would sterilise or prejudice the future working of important economically workable mineral deposits except where:

- 1) There is an overriding need for the development and
- 2) Prior extraction of the mineral cannot reasonably be undertaken, or is unlikely to be practicable or environmentally acceptable.

Where the development of land for non-mineral purposes is considered essential and proven mineral deposits would be permanently sterilised, planning permission for prior extraction will be granted provided this does not prejudice the timing and viability of the proposed development and does not lead to unacceptable environmental effects.

Who Replied?

There were 17 responses to this question:

16 agreed with the approach suggested (6 mineral operators; 3 local authorities; 2 residents; 2 parish councils; 1 interest group and 2 environmental organisations)

1 disagreed with this approach (mineral operator)

Summary of Responses

10 people explained their response under Question 16b. These are summarised as follows:

- The existing policy within the Minerals Local Plan has operated effectively and there is no reason to change the policy approach.
- The policy should also apply to building and roofing stone
- It is in line with Government guidance and protects mineral reserves from unnecessary sterilisation
- It is not a perfect solution. However, providing that the possibility of prior extraction has been robustly pursued, and that the environmental impacts of the development are not significant, it would be unreasonable to withhold permission for other development.

Other wording changes were also suggested.

The comment in disagreement with the approach is as follows:

Existing MLP Policy MP17 is inadequate because it merely says that proposals for development which would sterilise minerals will be resisted. That does not constitute an effective means of safeguarding those resources. There should be a presumption against competing development, conveyed by policies in the Development Plan, which will only allow permission to be granted in exceptional circumstances as defined by those policies.

Next Steps

The overwhelming support for the approach set out should enable us to formulate a policy in accordance with the suggested approach. We will then consult on its detail.

It is considered that stronger wording could be used to satisfy the objection to the approach, for example “refuse proposals for any development which would sterilise or prejudice the future working of important economically workable mineral depositsexcept only in exceptional circumstances where.....”

Issue 17: Reducing the Landbank of Crushed Rock in Derbyshire

Overview of Issue

Government policy in MPS1 encourages mineral planning authorities to take steps to reduce landbanks of aggregate, which are judged as being excessive, by restricting the number of new permissions and negotiating with operators the revocation of permissions at sites that are unlikely to be worked again. 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, for example the new permission could be located in a less environmentally sensitive location than the permission to be relinquished.

The Issues & Options Paper posed the following question in relation to the above.

Question 17a: What would be the best way of reducing the landbank for crushed rock in Derbyshire?

Option 1: Grant limited new permissions for aggregate crushed rock if operators agree to relinquish reserves of a greater amount in Derbyshire as a condition of the permission.

Option 2: 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 as a condition of the permission.

A different option: Please specify

Question 17b: Please explain why you came to that decision, and if you chose 'a different option' please explain what that would be.

Who Replied?

There were 11 responses to question 17a:

None favour Option 1

7 favour option 2 (2 individuals, 2 parish councils, 1 local authority, 1 mineral operator, 1 environmental group)

4 propose a different option (3 mineral operators and 1 interest group)

5 other general comments were received, of which 1 disagreed (Mineral Products Association) with the overall proposed approach of reducing the landbank.

11 people explained their response in question 17b.

Summary of Responses

The reasons given by those that agreed generally with option 2 can be summarised as;

- Any proposal to reduce the aggregates landbank within Derbyshire itself will need to be carefully considered and managed to ensure that no unintended adverse consequences arise from the displacement of market pressure then into neighbouring areas
- The approach to seek operators to relinquish reserves tied up in old permissions in favour of new sites that are more favourable in terms of environmental and amenity impacts is appropriate provided it is undertaken with proper appraisal and in a transparent manner.
- Acknowledge the potential value of the proposal for the release of additional reserves at specific sites in exchange for the revocation of consent over existing reserves elsewhere where it is clear that the mineral "is unlikely to be worked again".

The different options proposed are summarised as follows:

- Agree with the general idea but there should be no policy. To attempt to develop a site specific policy could be interpreted as stifling competition as it would favour those operators with more extensive interests within the County. Each case should be treated on its own merits and discussed at planning application stage.
- Consideration should be given to replacing some of the sand and gravel extraction with crushed rock.
- The Plan should encourage the development of a more sustainable approach to this issue, including the adoption of the proximity principle to reduce transport mileages.

The one objection to the overall approach argues that the Issues and Options Paper does not give proper justification as to why we consider Derbyshire's landbank of crushed rock to be excessive. It goes on that the adequacy of the landbank cannot be judged on the basis of a simple calculation, arguing that management of landbanks must be based on considerations of real need and real supply. MPS1 does not actually *require* authorities to take steps to reduce excessive landbanks of crushed rock as stated in the Issues and Options Paper.

Other comments to take into account include:

Any policy would need to make it clear that, as in the terms expressed in MPS1, the mineral to be relinquished "is unlikely to be worked again".

Next Steps

This is one of the four main issues that have emerged from the consultation.

There is an overall level of support for the general thrust of the approach, provided that it includes the relinquishment in reserves in the Peak District National Park, as well as the area of Derbyshire covered by the Plan. We agree that we will have to provide a more detailed and considered argument as to why we consider the landbank to be excessive, in order to justify such a policy and that any policy reflects closely advice in MPS1, for example, that permissions to be relinquished will be those that are "unlikely to be worked again".

The general support expressed gives us scope to develop this approach subject to taking full account of comments received. We will have to ensure that this approach does not conflict with the approach of Derbyshire taking some of Peak Park's future apportionment of crushed rock. The scale of the crushed rock landbank in Derbyshire should ensure that this will not present a significant problem.

Issue 18: A Restoration Strategy for the Trent Valley

Overview of Issue

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. As sand and gravel workings have developed over a wider area, this approach has resulted in a landscape which has become progressively fragmented; the overall cultural and environmental integrity of the landscape is gradually being altered.

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. This could assist in the future allocation of sites for sand and gravel extraction.

The Issues and Options Paper posed the following question:

Question 18a: What approach should we take to the restoration of mineral workings in the Trent Valley?

Option 1: Prepare a comprehensive long term landscape strategy for the restoration of sand and gravel workings in the Trent Valley.

Option 2: Continue to apply a criterion based approach to the restoration of sand and gravel workings, based on local circumstances, devising restoration schemes as they arise, guided by local circumstances only.

A different option: Please specify

Question 18b: Please explain why you came to that decision, and if you chose ‘a different option’ please explain what that would be.

Who Replied?

There were 20 responses to question 18a via the questionnaire:

13 chose Option 1 (2 environmental groups; 4 mineral operators; 2 local authorities; Environment Agency; 1 individual; 2 interest groups; 1 parish council)

5 chose Option 2 (2 mineral operators; 2 parish councils and 1 individual)

2 proposed a different option. (East Midlands Airport; 1 parish council)

14 explained their response in Question 18b.

A further 3 comments were received which provided more general comments on this issue.

Summary of Responses

The reasons given by those that agreed with option 1 can be summarised as;

- The benefits of a long term plan are recognised in providing a more comprehensive approach to landscape management and trying to prevent the issues that have arisen in the past. However, such an approach is dependent upon consideration of the extent of likely extensions to existing workings and the granting of permissions for new workings. It is therefore important that any such landscape wide approach follows on from, and is led by, better knowledge than currently available about where sand and gravel will be sourced from in the future.
- Long-term restoration strategies give certainty to mineral operators and landowners about the standard and length of aftercare and management required, certainty to local communities about the future vision of a site or area, and arguably most importantly, facilitates a joined-up approach to nature conservation, protecting the best areas for wildlife and enhancing or recreating habitat where the biggest opportunities lie.

- A comprehensive long term landscape strategy would help towards creating an integrated network of green infrastructure, which would help increase biodiversity levels.
- A coherent strategy linked to an overall landscape plan would prevent further fragmentation of the landscape and have the potential to bring longer term environmental and ecological benefits.
- A strategic approach to restoration within the Trent Valley will be helpful, this could expand upon the current initiatives of landscape and biodiversity management along the Trent Valley, for example On Trent.
- It should also take a strategic approach to working in the valley – looking to ‘add value’ to existing working, working towards a vision including interconnected sites of high value for biodiversity, landscape, amenity uses, green/blue infrastructure.

The reasons given by those that agreed with option 2 can be summarised as:

- Restoration schemes for the different sites will be directed by the characteristics of each site and should be treated on their own merits.

Alternative options put forward were:

- There should be a long term strategy with a higher weighted factor to take into account local circumstances
- A combination of the two options, preparing a comprehensive long term strategy whilst applying a criterion based approach in the meantime.

Next Steps

There is clear support for the preparation of the long term strategy approach. Those who favour Option 2 consider that each site should be treated on its own merits and that Option 1 would not allow this. However, it will 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.

We will work closely with our Landscape Design team, Ecologist, local communities and mineral operators and other organisations in the preparation of a draft strategy.

The alternative options put forward, whilst having been suggested as different options, do seem to support the idea of a long term strategy.

Issue 19: Restoration Scheme for the A515 Corridor Quarries

Overview of Issue

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. If any new or revised schemes for working these sites come forward, these may present opportunities to draw up revised restoration schemes for the sites, guided by the overall strategic scheme.

We asked people the following questions:

Question 19a: What approach should we take to the restoration of the mineral workings along the A515 Corridor, Buxton?

Option 1: Prepare a comprehensive long term landscape strategy for the restoration of limestone quarries along the A515 Corridor

Option 2: Continue to apply a criteria based approach to the restoration of these quarries, based on local circumstances, devising restoration schemes for quarries as they arise, guided by circumstances specific to the particular quarry only

Option 3: A different option

Question 19b: Please explain why you came to that decision, and if you chose ‘a different option’ please explain what that would be.

Who Replied?

We received fourteen responses to question 19a.

Eleven of the fourteen thought that option 1 was the right approach (4 environmental groups; 4 operators; 2 local authorities; 1 parish council)

Two thought that option 2 was the right approach (1 individual and 1 interest group)

One proposed a different option. (individual)

Twelve responses were received to question 19b to explain their response to 19a, and one other general comment was received.

Summary of Responses

The reasons given by those who agreed with option 1 can be summarised as;

- The National Park boundary skirts around the network of these quarries and any proactive efforts to look at restoration comprehensively in this area will not only potentially enhance the A515 corridor in the longer-term but will also positively enhance the setting of the National Park in line with the statutory duty imposed on all public bodies.
- This is not a matter that can be delivered through the application of planning policy. However, it has merits and as such, is a legitimate aspiration which it would be appropriate for the Authority to broker.
- There would be benefits in developing a strategic scheme that considers the landscape impacts of these workings, as well as nature conservation, geological, amenity and any setting issues
- The quarries are already linked within the existing landscape. A single strategic restoration plan is required to re-integrate them into the surrounding landscape. Local detail could still be applied at the individual site level providing it does not conflict with the strategic plan.

- Long term planning is beneficial to all as it allows certainty and usually through this, additional benefits (screening etc) to be put in place at the earliest opportunity. It also allows for a strategic consensual approach to be used both with the various operators and key external stakeholders, including local communities. However, a long term strategy should also be clearly derived from local considerations, e.g. BAP targets etc, landscape character studies.

The reasons given by those that agreed with option 2 can be summarised as;

- Option 2 would appear to be the most effective method. In reality the A515 corridor is not a huge eyesore and will to a degree self regenerate as facilities move/change.

The reasons given by the respondent that chose a different option were;

- Combine both options because a holistic master plan will maximise opportunity and there needs to be detailed consideration as to how each individual site contributes to the overall vision

Next steps

There seems to be general support for including a comprehensive restoration scheme. We will work closely with our Landscape Design team, Ecologist, local communities and mineral operators and other organisations in the preparation of a draft strategy.

It would appear that the main concern people who have opted for the criteria based approach have with the strategic approach is that they think each planning application and site should be considered on its own merits and this would not be possible with an overarching strategy in place. However, our response would be that local detail could still be applied at the individual site level providing it does not conflict with the strategic plan.

Other comments and suggestions will be considered during the next stage of drafting the Core Strategy

Issue 20: Site Suggestions

Overview of Issue

We asked people the following questions:

Question 20: Would you like to propose a site for possible inclusion within the Minerals Core Strategy?

Who Replied?

12 sites were put forward by 6 operators.

Cemex – Extension to Willington Quarry
Cemex – Extension to Attenborough Quarry
Lafarge – Extension to Swarkestone Quarry
Lafarge – Chapel Farm
Tarmac – Extension to Elvaston Quarry
Tarmac – Extension to Bolsover Quarry
Longcliffe Quarries – Longcliffe Quarry
Aggregate Industries – Dove Valley (north of Uttoxeter)
Hanson – Extension to Shardlow Quarry (Weston)
Hanson – Foremark
Hanson – Foston
Hanson - Egginton

Next steps

We will contact the respondents that answered yes in order to discuss the necessary next steps.