

# **DERBYSHIRE AND DERBY MINERALS LOCAL PLAN**

**Towards a Minerals Local Plan:  
Winter 2021/2022 Consultation –  
Proposed Draft Plan**

**Developing the Proposed Draft Plan  
Development Management Policies**

**December 2021**

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## **1. Introduction**

- 1.1 The purpose of this Paper is to show how the proposed draft plan has been developed over time, through several stages of consultation, starting initially with the key issues and options in 2010. It explains how we have taken into account national planning policy and guidance (including revisions), representations made at the consultation stages, interim sustainability appraisals and co-operation with appropriate bodies on strategic cross-border issues leading to outcomes for Chapter 11 the proposed draft plan.
- 1.2 The Paper is set out in sections for each consultation stage. Where relevant, each section is set out in the following order: representations from the previous stage, drop-in sessions, duty to co-operate issues, sustainability appraisal, outcomes for the current consultation stage.
- 1.3 There have been some significant changes to the structure of the Plan from our last consultation in Spring 2018. Chapter 11 of the Proposed Draft Plan brings together matters that were previously contained in Chapters 12.3: Restoration Strategy for the Carboniferous Limestone Quarries; 11: Cumulative Impacts; 12.1: Restoration, Aftercare and After-use; and 9: Other Minerals. It has been remodelled to present a more concise and streamlined approach as we move towards our Publication/Submission Plan.
- 1.4 In order to provide a clear audit trail of the way that the plan has developed and the MPA's decision making process, this paper has been structured so that issues relating to cumulative impacts, development management policies, restoration, aftercare and after-use, the restoration strategy for the carboniferous limestone quarries, other minerals and the development management policies are set out in their own discrete sections up to and including the preparation of the proposed draft plan. It is the intention of the MPA to coalesce all these disparate elements into a single section once the consultation on the Proposed Draft Plan is complete.

## **2. Development Management**

### **2.1 Stakeholder Workshop 2009**

2.1.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals and Waste Local Plans should address and sought the input of stakeholders in developing the vision and objectives for the respective Plans. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

2.1.2 These comments were taken into account in the preparation of the Issues and Options Report. Whilst the Workshops did not consider any specific policies, those attending did support mineral development provided it did not result in unacceptable impacts on the environment and local communities. This implicitly supports the use of appropriate policies to determine the acceptability of individual mineral development proposals.

### **2.2 Issues and Options 2010**

2.2.1 This consultation exercise identified specific issues relating to the future provision for individual minerals but, as above, did not address the number or wording of policies to be used to determine mineral developments, although the issues identified did include the use of criterion based policies for particular minerals.

### **2.3. Towards a Minerals Local Plan – Rolling Consultation 2015/2016**

2.3.1 The consultation included a support paper entitled 'Policies for Inclusion in the New Mineral Local Plan' which set out why it was necessary to include policies in the new Plan and set out a list of potential policies under particular headings, including development management policies.

2.3.2 There was a limited response to this paper but those that did were generally supportive of the range of policies put forward, including the Development

Management policies. Observations included suggestions on the criteria that could be included, and these have been considered in the proposed policies below and those included in the other chapters.

A full account of the representations made and considered responses can be found in the following document:

*Towards a Minerals Local Plan: Spring 2018 Consultation Report of Representations, December 2017*

### **Duty to Cooperate**

- 2.3.3 The wording of individual policies was not considered to be a strategic cross-boundary issue, although the outcome of discussions by the County and City Councils with relevant authorities has been to develop a consistent approach to the supply of the respective minerals and the policies to be used to determine individual proposals.

### **Sustainability Appraisal**

- 2.3.4 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal (SA) was undertaken on all the strategy Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017 but it did not address the support paper on policies for inclusion in the Plan. The individual development management policies were subject to the SA process at the next stage of Plan preparation (see paragraph 2.4.3 below).

## **2.4. Towards a Minerals Local Plan – Spring 2018 Consultation**

- 2.4.1 The Proposed Approach set out criteria to assess and determine the wider, more general potential impacts of mineral development and included the following issues/development management policies:

- Issue: Policy DM1: Development Management Criteria
- Issue: Policy DM2: Planning Conditions and Obligations
- Issue: Policy DM3: Transport

- Issue: Policy DM4: Landscape and Green Infrastructure
- Issue: Policy DM5: Biodiversity
- Issue: Policy DM6: Historic Heritage
- Issue: Policy DM7: Water Management and Flooding
- Issue: Policy DM8: Extensions to Sites
- Issue: Policy DM9: Bird Strike Management

### **Duty to Cooperate**

2.4.2 The wording of non-strategic individual policies was not considered to be a strategic cross-boundary issue, although the outcome of discussions by the County and City Councils with relevant authorities has been to develop an approach to the supply of the respective minerals and the policies to be used to determine individual proposals, that would be consistent with the development plan for the wider Plan Area.

### **Sustainability Appraisal**

2.4.3 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal has been undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017.

2.4.4 The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan, Spring 2018 Consultation: 3<sup>rd</sup> Interim Sustainability Appraisal Report 2017*

## **2.5 Towards a Minerals Local Plan: Spring 2021 Consultation – Proposed Draft Plan**

### **Revised NPPF and PPG**

2.5.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and PPG on several occasions. We have revisited our approach towards the proposed development management policies in the light of this new policy and guidance as well as any relevant legislative changes. The development management policies previously consulted on as part of the Proposed Approach have now been replaced with the following set of policies:

- Policy DM1: Protecting Local Amenity, Health and Well-Being
- Policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals
- Policy DM3: Transport of Minerals
- Policy DM4: Landscape
- Policy DM5: Biodiversity and Geodiversity
- Policy DM6: Trees, Woodland and Hedgerows
- Policy DM7: Historic Environment
- Policy DM8: Water Management and Flood Risk
- Policy DM9: Soil Quality and Agricultural Land
- Policy DM10: Aviation Safety
- Policy DM11: Green Belt
- Policy DM12: Green Infrastructure
- Policy DM13: Public Access
- Policy DM14: Cumulative Impacts
- Policy DM15: Restoration, Aftercare and After-Use
- Policy DM16: Planning Obligations
- Policy DM17 Borrow Pits
- Policy DM18 Reworking of Former Colliery and Other Spoil Tips
- Policy DM19 The Incidental and Prior working of Clay
- Policy DM20 Mineral Related Development
- Policy DM21 Mineral Exploration

2.5.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, draft policies for the provision of each of the important minerals found in the Plan area, together with non-strategic development management policies against which all proposals will need to be assessed. The paragraphs below set out the outcomes for the Proposed Draft Plan in relation to the then proposed draft development management policies, in the light of previous consultation exercise undertaken in respect of the Proposed Approach. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

### **Representations on the Proposed Approach Spring 2018 Consultation**

2.5.3 In total, the MPA received 22 representations from eight different organisations on the Proposed Approach in respect of development management policies. These are summarised below. No specific comments were received in respect of the following Issues: Policy DM3: Transport; Policy DM8: Extensions to Sites; and Policy DM9: Bird Hazard Management.

### **Issue – Policy DM 1: Development Management Criteria**

2.5.4 The responses received, whilst generally supportive of the proposed approach to Policy DM1: Development Management Criteria, highlighted concerns relating to the then proposed range of amenity impacts provided for in the policy. Comments were also raised regarding the terminology used for geological and biodiversity interests and the need to demonstrate the hierarchy of international, national and locally designated sites. One consultee also commented that it is unnecessary for the applicant to demonstrate need for the mineral and that this requirement should be removed from the draft policy.

2.5.5 The MPA notes that a demonstration of need is not necessary for some minerals extracted in the Plan area e.g. hydrocarbons, although it is necessary for others. However, it is also acknowledged that this could be made more explicit. The criteria set out in the draft policy were considered



comprehensive and it is considered that the factors identified in the response are already adequately covered. Likewise, the criteria include heritage interests which cover all categories. Where proposals could affect heritage sites of international and national status, this would be demonstrated in the weight that was given to the issue in the overall determination.

### **Outcomes for Proposed Draft Plan**

- 2.5.6 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM1: Development Management Criteria has now been replaced by Policy DM1: Protecting Local Amenity, Health, and Well-Being which sets out an extensive range of amenity impacts, including those referred to in the consultee comments. Proposed draft plan policy DM1 does not include a requirement to demonstrate need in the development management policies, the MPA has instead adopted an approach that focusses on detailed criteria for the assessment of the benefits of minerals development, which can include an identified need. This approach is set out in policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals. The MPA considers that the comments set out above have been given consideration in the drafting of the relevant revised development policies listed in paragraph 2.5.1 above.

### **Issue – Policy DM2: Planning Conditions and Obligations**

- 2.5.7 The policy wording set out in the proposed approach was not considered to be justified nor an effective strategy and viewed it as unsound. In particular, enhancement of environment, communities and amenity is not justified in all circumstances and development needs to be considered on its merits. Revised policy suggested.

### **Outcomes for Proposed Draft Plan**

- 2.5.9 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM2: Planning Conditions and Obligations has now been replaced by Policy

DM16: Planning Obligations. The new policy has been worded to reflect the circumstances where the MPA may seek to secure planning obligations to ensure that sustainable development objectives would be met where these could not, in the first instance, be secured by planning condition.

### **Issue – Policy DM3: Transport**

2.5.10 No responses were received in respect of this Issue following the consultation on the Proposed Approach. As highlighted in the Proposed Approach, all extracted minerals require transport to either a facility for processing or to the place of use. Furthermore, minerals are bulky and heavy materials which require large containers for efficient movement. Policy SP1: Sustainable Minerals Development of the Proposed Draft Plan sets out broad requirements for achieving sustainable minerals development, including the use of sustainable transport methods. In acknowledgement of the range of issues which the transport of minerals generates, the MPA has concluded that it will continue to include a specific transport policy which will reflect the guidance in PPG.

### **Outcomes for Proposed Draft Plan**

2.5.11 In recognition of the need to reduce carbon emissions associated with all forms of development, including minerals, the MPA has redrafted the policy to prioritise the use of sustainable transport methods over traditional, road-based methods. Where minerals can only be transported by road, schemes will be expected to meet a number of criteria and will have to set out climate change mitigation and adaptation measures sufficient to offset the likely carbon emissions associated with that development.

### **Issue – Policy DM4: Landscape and Green Infrastructure**

2.5.12 Comments received were broadly supportive about the policy, although one consultee highlighted the need to require development to 'protect and enhance' the landscape of the Plan Area. One consultee also considered that

the policy was not consistent with the relevant paragraphs of the NPPF, which sought to ensure that the level of protection for important landscapes is based on their value and therefore any impact commensurate, and suggested that the policy be revised. Finally, to be consistent with national policy, it was suggested that policy DM4 should require EIA for all hydraulic fracturing proposals.

2.5.13 The MPA notes and welcomes the general support for the policy. The enhancement of landscapes following the completion of restoration on mineral sites is the desirable outcome, however the policy is worded to acknowledge that this is not possible in all circumstances. It is considered that the ultimate test is whether the restored site is acceptable or not in the context of the surrounding landscape. It is therefore considered that the policy is entirely consistent with the NPPF (former version references and current version). With regard to the point about EIA for hydraulic fracking proposals, the MPA does not consider this policy to be an appropriate vehicle for stating legislative requirements for the form and content of mineral planning applications.

### **Outcomes for Proposed Draft Plan**

2.5.14 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM4: Landscape and Green Infrastructure has now been replaced by proposed Policy DM4: Landscape and proposed Policy DM12: Green infrastructure. The comments raised above have been taken into account in the drafting of newly proposed Policy DM4: Landscape.

### **Issue – Policy DM5: Biodiversity**

2.5.15 Comments received were generally supportive of the proposed approach to the policy. Concerns were, however, raised regarding a potential lack of compliance with the NPPF in respect of biodiversity e.g. its requirement to ensure that the level of protection for ecological features is commensurate with their status, compliance with the 'mitigation hierarchy' and that

opportunities for net gain in biodiversity should be taken where possible. Typographical errors in the policy wording were also noted.

- 2.5.16 The MPA notes and welcomes the general support for the policy. The MPA acknowledges that text was missing from the policy contained in the Proposed Approach consultation document which resulted in a lack of clarity. Whilst it is considered that the proposed policy was NPPF compliant, the policy has been rewritten and this issue is no longer relevant.

#### **Outcomes for Proposed Draft Plan**

- 2.5.17 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Policy DM5: Biodiversity has now been replaced with an updated and revised version of Policy DM5 which is now entitled Biodiversity and Geodiversity. The revised policy includes amendments to better reflect the different levels of biodiversity designation, updates to national policy and legislation as well as the mitigation hierarchy which is embedded within the NPPF and PPG.

#### **Issue – Policy DM6: Historic Heritage**

- 2.5.18 Mixed comments were received from three consultees in respect of policy DM6 in the Proposed Approach. The majority commented that the policy be retitled to 'Historic Environment' and rewritten to better reflect NPPF requirements, making the protection of heritage assets more robust.
- 2.5.19 As the policy relates to historic landscapes as well as built features it is considered that a change to the title to Historic Environment would better encapsulate the scope of the policy. The MPA acknowledges that the wording of the policy requires revising.

#### **Outcomes for Proposed Draft Plan**

- 2.5.20 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM5: Historic Heritage has now been replaced by Policy DM7: Historic Environment. The revised policy incorporates amendments made to take account of previous representations received.

### **Issue – Policy DM7: Water Management and Flooding**

- 2.5.21 Comments were received from one respondent in respect of this issue, expressing the view that the policy wording should be expanded to impacts on the characteristics or existing and potential aquifers. The MPA accepts that the Proposed Approach did not specify water resources and acknowledges that the implication, via the terms quality and availability, may not be sufficient to provide the level of protection required. The comments have been considered when preparing the Proposed Draft plan.

### **Outcomes for Proposed Draft Plan**

- 2.5.22 The Proposed Draft Plan now includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM7: Water Management and Flooding has now been replaced by Policy DM8: Water Management and Flood Risk. The policy has been reworded to take account of the comments received.

### **Issue: Policy DM8: Extensions to Sites**

- 2.5.23 No comments were received in respect of this policy following the Spring 2018 consultation on the Proposed Approach. However, the MPA recognises that the approach, which prioritised development proposals for extensions to existing sites over new sites, was not in accordance with the NPPF. The policy has now been removed from the Proposed Draft Plan.

### **Issue: Policy DM9: Bird Hazard Management**

- 2.5.24 No comments were received in respect of this policy following the Spring 2018 consultation on the Proposed Approach. The MPA therefore proposes to continue to include a policy in the Proposed Draft Plan. Following redrafting, the policy has now been renumbered/reworded as Policy DM10: Aviation safety.

Representations to the Spring 2018 Consultation are set out in the following Report:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan -Report of Representations, December 2021*

### **Drop- In Sessions, Spring 2018**

2.5.25 The Report of Representations also contains details of issues raised at drop-in sessions held by the MPAs in each of the 'Borough/District Local Planning Authorities within the Plan area. All comments received have been considered and where relevant used to inform the Proposed Draft Plan, Spring 2021 Consultation. No specific issues were raised in relation to the proposed development management policies.

### **Duty to Co-operate**

2.5.26 Local Planning Authorities and County Councils (in two tiers areas) are under a duty to co-operate with each other and with other prescribed bodies on strategic matters which cross administrative boundaries. Joint working is particularly important in identifying whether development needs that cannot be met within a particular plan area could be met elsewhere. The wording of non-strategic individual policies was not considered to be a strategic cross-boundary issue, although the outcome of discussions by the County and City Councils with relevant authorities has been to develop an approach to the supply of the respective minerals and the policies to be used to determine individual proposals, that would be consistent with the development plan for the wider Plan Area. Further information can be found in the following Report:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan - Duty to Co-operate Report: Introduction and Overview, SOCG, December 2021*

### **Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation**

2.5.27 A sustainability appraisal was undertaken on the Proposed Approach including the development management policies. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan: 3<sup>rd</sup> Interim Sustainability Appraisal (SA) Report, August 2020*

2.5.28 The Sustainability Appraisal concluded that the approach to the development management policies set out in the Proposed Approach would, in general, result in neutral effects when measured against sustainability objectives. The exceptions to this were policies DM5: Biodiversity, which was predicted likely to result in significant positive effects in respect of biodiversity; policy DM7: Water Management and Flooding, which was predicted to result in positive effects; and Policy DM8: Extensions to Sites, which was assessed as likely to result in mixed effects when viewed against the sustainability objectives. Where appropriate the findings of the SA have been incorporated into the Proposed Draft Plan, Spring 2021 Consultation.

### **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

2.5.29 A 4<sup>th</sup> interim sustainability appraisal has been undertaken on the Proposed Draft Plan. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan: 4<sup>th</sup> Interim Sustainability Appraisal (SA) Report, January 2022*

2.5.30 In general, the SA concluded that the effects of the development management policies in the Proposed Draft Plan would be neutral or minor positive when measured against the sustainability objectives. The exceptions to this were policies DM5: Biodiversity and Geodiversity, which was predicted to result in significant positive effects; policy DM6: Historic Environment, which was assessed as likely to have moderate positive effects; policy DM12:

Green Infrastructure, which was predicted to result in significant positive effects for biodiversity; and policy DM15: Restoration, After-care and After-use, which was predicted to result in significant positive effects for biodiversity and also for communities in the long term. The SA also predicted that policy DM13: Public Access was likely to result in minor negative effects when measured against the criteria for land and water resources and waste and minerals.

### **3. Cumulative Impacts**

#### **3.1 Stakeholder Workshop 2009**

3.1.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals and Waste Local Plans should address and sought the input of stakeholders in developing the vision and objectives for the respective Plans. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

3.1.2 These comments were taken into account in the preparation of the Issues and Options Report. Whilst the Workshops did not consider any specific policies, those attending did support mineral development provided it did not result in unacceptable impacts on the environment and local communities. This implicitly supports the use of appropriate policies to determine the acceptability of individual mineral development proposals, including cumulative impacts.

#### **3.2 Issues and Options Consultation 2010**

3.2.1 The Issues and Options Consultation 2010 did not specifically identify cumulative impacts as a distinct issue. However, the exercise did seek to obtain views about the most appropriate way to assess the acceptability or otherwise of minerals and waste development proposals. The emerging view was that you favoured a criterion-based approach, which took all relevant factors into consideration.



3.2.2 In response to individual planning applications, many people have indicated the need for cumulative impacts to be taken into account, particularly where development proposals were located in coalfield areas. This message was also prominent in the responses from the attending sand and gravel drop-in sessions. The MPA concluded that the Plan should include a policy in respect of cumulative impacts.

### **3.3 Towards a Minerals Local Plan – Rolling Consultation 2015/2016**

3.3.1 Cumulative impacts were identified as a specific issue as part of the rolling consultation exercise, but as the issue is relevant to both minerals and waste management developments it was undertaken as a joint exercise for both plans. The consultation consisted of a support paper setting out background information about the nature and form of cumulative impacts, the methodologies available to assess such impacts, the policy position of cumulative impacts in the current planning system and what makes it an important issue for the local minerals and waste plans.

3.3.2 The consultation paper identified a series of issues, with options where relevant, whereby the responses would help determine the approach of the new plans to cumulative impacts. The issues concerned the need to continue including cumulative impacts as an element of the policies of the two plans, the preferred methodology for assessment and quantification of such impacts and how the conditions prevailing in different parts of the plan area merited variations in the application of a cumulative based policy.

#### **Representations and Outcomes for the Proposed Approach**

3.3.3 Very few responses were received which limits the conclusions that can be drawn directly from the consultation exercise. Of those received there was general support for the role of cumulative impacts in the planning process, but it was noted that cumulative benefits should be recognised in addition to cumulative adverse impacts.

3.3.4 In the absence of any clear messages from the responses to this consultation exercise the MPA concluded that it would continue to develop an approach for the minerals and waste local plans that delivers the messages set out

more clearly in earlier consultation exercises and in response to specific development proposals where the issue was more sharply to the forefront of the minds of people in the relevant local communities.

### **Duty to Cooperate**

- 3.3.5 The Duty to Co-operate was created by the Localism Act 2011, which places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross-boundary matters. This is embodied in the NPPF and PPG.
- 3.3.6 The MPA has undertaken discussions with neighbouring authorities on a number of shared mineral and waste issues. The outcome of these discussions so far is that the authorities have agreed jointly to set out how they will proceed to ensure the development of a consistent and complementary approach towards minerals and waste policy, including the provision for the supply of minerals and the assessment of the benefits and adverse impacts of such development. It has also been agreed to undertake joint monitoring and evidence base production as required.
- 3.3.7 The issue of cumulative impacts forms one of the many aspects in the assessment of development proposals and has been recognised jointly as a strategic issue. It is also recognised that cumulative impacts from minerals and waste developments can affect district and borough council areas within the Plan area and adjacent authorities outside the county, and that other forms of development for which those authorities are the local planning authority can influence the assessment of cumulative impacts from new minerals and waste developments.

### **Sustainability Appraisal**

- 3.3.8 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal was undertaken on all the Papers that constituted the

Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning cumulative impacts.

- 3.3.9 The SA considered that the significance of effects concerning the different methodology options was difficult to determine given the high level procedural nature of the options but concluded that both ought to have positive effects upon sustainability. It also considered that taking into account the historical context in determining sensitivity could be positive for heritage and landscapes which have already been affected by development and positive for communities by recognising industrial decline but could direct development away from areas that are well served by infrastructure and supply lines. The full appraisal is set out in the following document:

*Towards a Minerals Local Plan: Rolling Consultation 2015-2017: Interim Sustainability Appraisal (SA) Report, November 2013*

#### **3.4. Towards a Minerals Local Plan – Spring 2018 Consultation: Proposed Approach**

- 3.4.1 The concept of cumulative impacts was identified as an important element of the planning system and enables a wider perspective of the consequences of development proposals compared to viewing each issue in isolation. It is advocated as one of the criteria in the NPPF and is an established element of the development plan for Derbyshire for many years. It is supported by local communities and will continue to be included in the policy framework of the emerging minerals and waste local plans.
- 3.4.2 For the reasons set out above, the MPA concluded that parts of the Plan area were more susceptible to further cumulative impacts than other parts of the country. Accordingly, it considered the approach to cumulative impact assessment in Derbyshire needed to be more comprehensive than that stipulated in the NPPF. As part of the Proposed Approach, the MPA sought to develop an approach (set out in the background and consultation papers) which followed that established by Mr Justice Brown which incorporates successive effects, simultaneous effects from concurrent developments and

combined effects from the same development. The suggested policy wording is set out below.

### **Policy CP1: Cumulative Impacts**

**Proposals for minerals developments will be granted where the applicant can demonstrate that it would not give rise to unacceptable cumulative impacts on the environment, the social fabric of the area or local economic conditions. In the determination of cumulative impacts the mineral planning authority will take account of:**

- **the combined effects from the individual development;**
- **the simultaneous effects from similar developments;**
- **the simultaneous effects from other forms of development;**
- **the successive effects of similar and other forms of development.**

**For each of these issues the mineral planning authority will address the spatial, temporal and linked aspects of cumulative effects**

3.4.3 At the same time the MPA considered that recognition of the differing circumstances in different parts of the Plan area would be achieved through the application of the relevant policy or policies which will be sufficiently robust but flexible to allow that objective.

### **3.5 Towards a Minerals Local Plan – Winter 2021/2022 Consultation: Proposed Draft Plan**

3.5.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised PPG. There are no specific changes to government policy in respect of cumulative impacts. There is a new requirement in terms of Duty to Co-operate planning authorities are required to produce one or more statements of common ground (SOCG). These should document the cross-boundary matters being addressed and progress in co-operating to address these. There are no identified strategic matters in respect of cumulative impacts.

3.5.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, together with draft policies for the provision of each of the important minerals found in the Plan area. It includes a Chapter for non-strategic development management issues including cumulative impacts. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

### **Representations and Outcome for the Proposed Draft Plan**

3.4.4 Comments were received from two respondents in respect of the Proposed Approach towards cumulative impacts. Both supported the policy, given the continued impacts of mineral development in the area. one respondent also suggested that the terminology used needed further explanation.

3.4.5 Support for the policy and the reasons why it is considered an important issue in the Plan area are welcomed by the MPA. Comments concerning the need to clarify and/or define words and phrases relating to cumulative impacts are noted.

3.4.6 The methodology to be used to assess cumulative impacts will be developed further as well as the wording of the policy to be included in the Plan. This will be an appropriate stage to ensure that the policy is as unambiguous as possible. In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the previously proposed Cumulative Impacts chapter (including previously proposed Policy CP1: Cumulative Impacts) into a new policy, DM14: Cumulative Impacts, as set out at Chapter 11 of the Plan. Noting the comments received regarding terminology, the MPA has decided to simply the wording of the policy. Detailed information relating to the assessment of cumulative impacts will be placed in a supplementary planning guidance note (SPG).

## **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

- 3.4.7 A further interim SA has been undertaken on the Proposed Draft Plan and its policies. With regard to policy DM14: Cumulative Impacts, the SA predicts that it would have a positive effect on environmental factors and communities but notes that such effects would be broadly dependent on the site, locational context and the nature of the proposed mineral development, and therefore the effectiveness of the policy is somewhat unclear. The SA also notes that the policy could prevent further extraction of minerals in areas that are economically viable and direct development away from areas that are well served by infrastructure, potentially having an adverse effect with regards to increased emissions from transport. Such effects were not considered to be significant, as the policy includes economic prosperity as part of the mix of factors to be considered.

## **4. Restoration Strategy for the Carboniferous Limestone Quarries**

### **4.1 Stakeholder Workshop 2009**

- 4.1.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that attendees thought the new Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

- 4.1.2 These comments were taken into account in the preparation of the Issues and Options Report.

### **4.2 Issues and Options Consultation 2010**

- 4.2.1 The Issues & Options Consultation 2010 set out an initial vision and objectives for the Plan area and included the critical issues and options that needed to be addressed. In terms of restoration the main objective was to ensure that after extraction, land is reclaimed at the earliest opportunity, and

that high-quality restoration and aftercare takes place which maximises community and environmental benefits and makes optimum use of inert fill material.

4.2.2 It was considered that this objective could be achieved in the most part by plan wide development management policies covering restoration. For two areas, however, the Trent Valley and the A515 Carboniferous Limestone quarries, options were put forward that included the preparation of specific strategies to address restoration issues in these areas.

4.2.3 The option of preparing a co-ordinated restoration strategy for the four limestone quarries lying to the west of the A515 near Buxton was suggested in view of the significant impact of these quarries on the surrounding landscape, particularly the Peak District National Park and, in view of the previous co-ordinated restoration approach taken as part of the ROMP process which resulted in revised and consistent planning conditions being issued for all four sites in 1998. The consultation put forward the option of having a comprehensive strategy for the restoration of the four quarries (Option 1). The second option (Option 2) was to apply a strategic 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. Further information is available in the following document:

*Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010*

#### **4.3 Towards a Minerals Local Plan: Rolling Consultation 2015-2017**

4.3.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore the MPA revisited the issues and options surrounding the restoration of carboniferous limestone quarries, in the light of this policy and guidance. The Councils examined the extent to which the Issues and Options Consultation and the responses to it

remained helpful in developing a strategy and took on board additional evidence collected since 2010. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011.

- 4.3.2 The next stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015. This Consultation consisted of a series of individual Papers. In the light of the new national policy and guidance, the MPAs sought to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision. The paragraphs below set out the outcomes for the rolling consultation – emerging approach, in the light of previous consultation. A paper specifically about the restoration of Carboniferous Limestone Quarries was included. Further details can be found in the following document:

*Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Towards a Restoration Strategy for Carboniferous Limestone Quarries paper, April 2016*

#### **Representations on the Issues and Options Consultation 2010**

- 4.3.3 At the previous issues and options stage consultees were asked to choose between two options. Option 1 suggested having a comprehensive strategy for the restoration of the four quarries whilst Option 2 was to continue to apply a strategic 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.
- 4.3.4 The Consultation generated fourteen responses to the question:
- 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 i.e. a combination of both options (individual)

4.3.5 Whilst the response was fairly limited, the MPA concluded from those initial results that stakeholders expressed support for the development of a comprehensive restoration strategy for the A515 corridor rather than a piecemeal approach to restoration. Further information can be found in the following document:

*Responses to Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2011.*

#### **Duty to Co-operate**

4.3.6 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In view of the location of many of the hard rock quarries adjacent or close to the Peak District National Park it is particularly important that we take into account impacts on the Park and achieve a co-ordinated approach to restoration. In developing the strategy, therefore, the MPA identified the need to work closely with mineral operators, local planning authorities, adjoining mineral planning authorities, the Peak District National Park Authority and other organisations, for example, the Local Nature Partnership, in order to achieve a co-ordinated approach to restoration. The Councils consulted on the duty to co-operate issues that had been identified and an approach to recording and processing those issues. Further information can be found in the following Report:

*Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach Duty to Co-operate Report, April 2016*

#### **Sustainability Appraisal (SA) of the Issues and Options Paper 2010**

- 4.3.7 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated.
- 4.3.8 A SA was carried out on the suggested options set out in the Issues and Options Paper. The SA found that overall, option 1 is expected to perform better with regards to achieving objectives related to heritage and landscape, biodiversity flora and fauna, land and water resources, communities and health and the local economy by providing a strategic landscape management scheme for this area. In particular significant positive effects upon the local landscape along this corridor and potentially indirect positive effects on the setting of the nearby Peak District National Park are expected under option 1 as it will ensure a particular standard is met for all sites in terms of management and after care and this will also provide certainty to the minerals industry. These effects are somewhat uncertain as it will depend on the types of restoration proposed and when sites are expected to be restored which is unknown. These findings were taken into account in developing the strategy approach set out in the Rolling Consultation. Further information can be found in the following document:

*Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach 1<sup>st</sup> Interim Sustainability Appraisal (SA) Report, July 2013*

**Outcomes for the Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach**

**Towards a Restoration Strategy for Carboniferous Limestone Quarries paper, April 2016**

- 4.3.9 The 'Towards a Restoration Strategy for Carboniferous Limestone Quarries paper', April 2016 identified several issues and options that would need to be considered in developing a strategy for the restoration of Carboniferous Limestone quarries.

4.3.10 The NPPF, published 2012, reaffirmed general restoration principles by requiring MPAs, in their local plans, to put in place policies to ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place. PPG also advised MPAs to include policies to ensure that the most appropriate form of restoration takes place to facilitate different potential after-uses.

4.3.11 The restoration and after-use of a site will depend on the type of mineral, nature of extraction, availability of fill material, as well as the general characteristics and local planning policies for the area. The NPPF sought to enhance valued landscapes and set out that mineral restoration schemes should be informed by the wider landscape character, ensuring that schemes are compatible with the surrounding landscape. The NPPF required MPAs to plan for biodiversity at a landscape scale. The restoration of mineral workings can offer important opportunities for the establishment or re-establishment of priority habitats and consequently provide net gains in biodiversity, particularly through linking fragmented areas of habitat types, delivering local ecological networks across the wider landscape.

### **Issues and Options for the emerging Strategy**

#### **Issue 1: Extending the remit of the Strategy**

4.3.12 In view of the Government's policy support for the concept of strategic restoration and taking into account previous support shown for the approach of having a restoration strategy for the A515 quarries and the favourable assessment shown in the Interim Sustainability Appraisal, the Paper considers whether the Strategy should be extended.

4.3.13 The Paper asked the following question and put forward three possible Options for consultation:

What area should the Strategy cover?

- Option 1: Prepare the Strategy to apply to the A515 quarries only

- Option 2: Prepare the Strategy to apply to all of the hard rock quarries within the Carboniferous Limestone
- Option 3: Prepare the Strategy to apply to all hard rock quarries within the Plan area.

### **Issue 2: What are the issues that affect the restoration of hard rock quarries?**

4.3.14 The Paper set out the main issues that would need to be addressed in developing the Strategy and asked the question if there were any other issues that should be included.

### **Issue 3: Draft Principles for the restoration of hard rock quarries**

4.3.15 The Paper set out a range of draft principles that would address the issues raised and deliver a coordinated approach to restoration. The principles would need to be taken into account by operators in preparing proposals for new developments or those affecting existing quarries. The Paper asked consultees if they agreed with the principles and if there were any others that should be added.

## **4.4 Towards a Minerals Local Plan - Spring 2018 Consultation: Proposed Approach**

4.4.1 The Proposed Approach set out the draft vision and objectives and overarching strategic sustainability principles which will underpin the Plan, together with the approach to the provision for each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the proposed approach, in the light of previous consultation, in relation to the restoration of carboniferous limestone quarries. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 – Chapter 12.3 Restoration Strategy for the Carboniferous Limestone Quarries.*

## **Representations to the Rolling Consultation 2015-2017**

- 4.4.2 The Rolling Consultation received no responses to Issues 2 and 3 and only one response to Issue 1 from Tarmac who favoured Option 1 because the co-ordinated approach to the restoration of the A515 quarries is logical given their proximity to one another and the existence of shared opportunities and constraints. In respect of 'Option 2' and 'Option 3', Tarmac stated that 'a blanket restoration strategy for all quarries within the carboniferous limestone/ Plan area is not appropriate as it would not take into account the individual circumstances/ opportunities afforded by limestone quarries located within other parts of the Plan area.' Details of the representation received together with considered responses and outcomes is set out in the following document.

*Towards a Minerals Local Plan - Spring 2018 Consultation: Proposed Approach*

*Report of Representations, December 2017*

## **Duty to Co-operate**

- 4.4.3 This issue was identified as a duty to cooperate matter early on in the preparation of the Plan. In view of the location of many of the carboniferous limestone quarries adjacent or close to the Peak District National Park it is particularly important that we take into account impacts on the Park and achieve a co-ordinated approach to restoration. The issue is included in the list of Duty to Co-operate topics requiring co-operation.
- 4.4.4 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders and has fed into the proposed approach, Spring 2018. All Duty to Co-operate Issues together with the Stakeholders involved have been set out in the following Background Paper which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following Report.

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan  
- Spring 2018 Consultation: Proposed Approach  
Duty to Cooperate Report - Background and Progress, December 2017*

#### **Sustainability Appraisal of the Rolling Consultation 2015-2017**

- 4.4.5 A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017 and all of the sites that were promoted by operators. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan  
- Spring 2018 Consultation: Proposed Approach  
2<sup>nd</sup> Interim Sustainability Appraisal (SA) Report, December 2017*

- 4.4.6 Where appropriate the findings of the SA have been incorporated into the Proposed Approach, Spring 2018 Consultation as set out below at paragraph 5.11.

#### **Outcomes for the Proposed Approach: A Restoration Strategy for Carboniferous Limestone Quarries**

##### **Vision and Objectives**

- 4.4.7 Chapter 3 of this Consultation contained the Plan's proposed Vision and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2030 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The Strategy has been developed in order to achieve the Objectives and deliver the Vision. The contribution that the individual draft policy in this Chapter will make towards achieving the overall draft Vision and Objectives of the Plan, is set out below the Policy at the end of the Chapter.

4.4.8 The Rolling Consultation included key issues and options that needed to be addressed in order to develop the restoration strategy in the proposed approach.

**Issue: Extending the remit of the Strategy**

4.4.9 The original concept for the strategy was to apply to the four A515 quarries only. However, as part of the Rolling Consultation the MPAs put forward a further two options for extending the remit of the strategy to include hard rock quarries on the Carboniferous Limestone and to include all hard rock quarries within the Plan area. Only one response was received which supported restricting the Strategy to the A515 quarries only.

4.4.10 Whilst limiting the area of the Strategy to the A515 quarries would enable a consistent continuation of the earlier work already undertaken for the four quarries, it would result in the established principles applying to a restricted area only. Notwithstanding the response, therefore, the MPAs consider that the area covered by the Strategy should be extended to include all hard rock quarries on the Carboniferous Limestone. The reasons for extending the area of the Strategy are as follows. Many of the hard rock limestone quarries:

- are large scale and long-term, consequently exerting significant environmental impacts,
- lie in sensitive locations close to the Peak District National Park and in some cases have adjoining boundaries,
- lie close to each other and in some cases have contiguous boundaries and therefore would benefit particularly from co-ordinated restoration schemes,
- were granted planning permission before the advent of the modern planning system and, whilst all existing operational sites have modern conditions they remain subject to future periodic reviews,
- are 'dormant' or 'inactive' and therefore future working and restoration could be informed by a strategy

4.4.11 The Strategy would set out a framework of strategic principles that would deliver a preferred pattern of restoration for all hard rock quarries within the Carboniferous Limestone and would provide consistent advice to all operators across the White Peak landscape within the Plan area. The Sustainability Appraisal acknowledged that covering a wider area could potentially lead to stronger ecological connections and green infrastructure corridors however it noted that a standard approach would not possibly reflect local specific issues. It put forward the benefit of preparing a restoration strategy to coincide with the landscape character type in which the quarry was located having regard to the proximity of other quarries which could form part of a wider strategy.

4.4.12 The MPAs considered that the third Option to extend the Strategy to include all hard rock quarries within the Plan area was not appropriate for the following reasons. Whilst there are other hard rock quarries lying within the Plan area such as sandstone quarries used mainly for building stone, these tend to be much smaller in scale, worked more infrequently and consequently are less intrusive. Similarly, there are hard rock quarries lying on the Permian Limestone, in the east of the County, but the colour of the stone, scale of working and the character of the surrounding landscape tends to make them less intrusive and easier to restore.

#### **Outcome for the Proposed Approach**

4.4.13 The remit of the Strategy was extended to include all hard rock Carboniferous Limestone quarries.

#### **Issue: What are the issues that affect the restoration of hard rock Carboniferous Limestone quarries?**

4.4.14 In order to develop restoration principles for the hard rock quarries on the Carboniferous Limestone it is important to think about what the issues are that particularly affect the restoration of such quarries. The previous Consultation set out what we thought the main issues were that would need to be addressed in developing the Strategy. In the absence of any response



the MPA considered that all the necessary issues have been taken into account. These are set out below:

- The scale of the quarries in terms of surface area and depth of extraction prevents infilling to original ground levels and landforms. New landforms and levels therefore impose restoration constraints.
- The quarries are often very long-term developments (i.e. +25 years), with the current quarry form having evolved over many years, but with full restoration often not due for several decades more.
- Workings often involve simultaneous extraction from different parts of the quarry to obtain appropriate blending so affecting timing and ability for phased restoration.
- The quarries are often located in areas of high landscape value, including areas bordering the Peak District National Park and contrasting distinctly with the established landscape character of the area.
- The quarries are often liable to water infiltration affecting the scope of restoration options.
- The high level of connectivity of the water environment in limestone areas means that impacts of quarrying in one area could affect a much wider area. Some of the most ecologically rich, internationally important biodiversity sites are dependent on existing stream flows, seepages and springs, which can be threatened by quarrying if flows are intercepted or diverted. These ecological designations and the need to protect such sites may define or curtail site working in some areas.
- The quarries often lack sufficient soils to achieve traditional restoration through infilling.

### **Outcome for the Proposed Approach**

4.4.15 The restoration principles of the restoration strategy were developed based on the issues identified above.

## **Issue: Principles for the restoration of hard rock quarries**

4.4.16 It is proposed that the restoration strategy will include a framework of strategic principles that will address the issues raised and deliver a co-ordinated approach to restoration. These principles will need to be taken into account by operators in preparing proposals for new developments or those affecting existing quarries. The previous Rolling Consultation set out what we thought the range of principles should cover; in the absence of any response the MPA consider that the principles form a comprehensive basis on which to inform the development of the strategy.

### **Outcome for the Proposed Approach**

4.4.17 A restoration strategy was developed based on the principles set out in the previous Consultation.

### **The Proposed Approach**

4.4.18 The Proposed Approach included a restoration Strategy for the Carboniferous Limestone quarries which would ensure that a co-ordinated approach is taken towards mineral restoration that will deliver a preferred pattern of working and restoration. The Strategy established a set of strategic principles intended to guide operators in preparing their ROMP submissions to review their current planning permissions and any new or revised working and restoration schemes. The Strategy would also act as a guide for applicants submitting planning applications for any new limestone working.

4.4.19 A policy setting out the strategic principles was included in the Proposed Approach. The MPA also consulted on whether to produce more detailed guidance on the restoration of hard rock Carboniferous Limestone quarries in the form of a separate Supplementary Planning Document to the Local Plan, to be prepared after the Plan is adopted.

4.4.20 This would enable the MPA to work closely with mineral operators, landowners, district planning authorities (High Peak and Derbyshire Dales) and adjoining MPAs (Peak District National Park Authority) to help ensure a

co-ordinated approach is taken in the preparation and development of a detailed strategy, recognising its application to the wider area.

## **Policy for the Restoration of Hard Rock Carboniferous Limestone Quarries**

### **4.4.21 Policy R3: Restoration of Carboniferous Limestone Quarries**

**Proposals for the restoration of Carboniferous Limestone quarries should take into account the following principles:**

- **The design of quarry development proposals should inform and take into account the requirements for progressive restoration;**
- **Waste placement needs to be carefully planned to avoid sterilisation of mineral resource, minimise double handling of material where possible, or lead to the imposition of artificial constraints to restoration;**
- **Development should seek to achieve the highest possible standard of restoration to minimise the long-term impacts of the site regardless of the level of that impact;**
- **Restoration proposals should be based around a clear and comprehensive restoration strategy, and seek to maximise opportunities for phased and progressive restoration.**
- **The form of restoration should reflect the character of the White Peak landscape in which the quarry is located taking into account:**
  - **The high landscape value and distinctive character of the area**
  - **The proximity to the Peak District National Park**
- **Restoration proposals should aim to reduce the visual footprint of the quarry and assimilate it into the surrounding landscape.**
- **Restoration proposals should incorporate the techniques most appropriate to the location and size of the quarries.**

- **The form and design of restoration proposals should seek to deliver conditions for appropriate after-uses which provide benefits to the economy, environment and local communities.**
- **The form and design of restoration proposals should seek to increase the biodiversity interests of the area, recognising the value of key habitats (limestone grasslands, limestone dale grasslands and woodlands) in the surrounding landscape, and the opportunities to recreate/replicate these within the new landform of a worked out and restored quarry.**

#### **4.5. Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan**

##### **Revised NPPF and PPG**

- 4.5.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised PPG. There are no specific changes to government policy in respect of the restoration strategy, however, the MPA has revisited the concept of preparing a strategy for the restoration of Carboniferous Limestone Quarries in the light of the new policy and guidance. There is a new requirement in terms of Duty to Co-operate planning authorities are required to produce one or more statements of common ground (SOCG). These should document the cross-boundary matters being addressed and progress in co-operating to address these.
- 4.5.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, together with draft policies for the provision of each of the important minerals found in the Plan area. The MPA has taken the decision to only retain the restoration of sites in the river valleys as a specific strategic issue, all other restoration requirements, including the issues previously set out in the restoration strategy for Carboniferous Limestone quarries, has been combined into a single development management policy – DM15: Restoration, Aftercare and After-use. Other matters previously contained in former policy R3: Restoration Strategy for Carboniferous limestone quarries are covered by Policy SP1: Sustainable Minerals Development and policy DM4: Landscape

The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

### **Representations on the Spring 2018 Consultation Proposed Approach**

- 4.5.3 The PDNPA were supportive of extending the remit of the restoration strategy to include all Carboniferous Limestone quarries. They added that the quarries located in these areas are all adjacent to the PDNP, are located in the White Peak landscape and have similar impacts. They should, therefore, all be restored in a similar manner. The PDNPA agreed with the Proposed Approach at paragraph 5.12 not to extend the remit of the strategy to encompass all hard rock quarries. Historic England were supportive of the suggested policy R3 setting out restoration principles. Detailed information on the representations made can be found in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan Report of Representations, December 2021*

### **Drop-In Sessions, Spring 2018**

- 4.5.4 The Report of Representations also contains details of issues raised at drop-in sessions held by the MPAs in each of the 'Borough/District Local Planning Authorities within the Plan area. All comments received have been considered and where relevant used to inform the Proposed Draft Plan, Winter 2021/2022 Consultation. No specific issues were raised in relation to the restoration strategy.

### **Duty to Co-operate**

- 4.5.5 Local Planning Authorities and County Councils (in two tiers areas) are under a duty to co-operate with each other and with other prescribed bodies on strategic matters which cross administrative boundaries. Joint working is

particularly important in identifying whether development needs that cannot be met within a particular plan area could be met elsewhere.

4.5.6 Strategic policy making authorities should collaborate to establish cross border matters which they need to address in their plans and in accordance with the new NPPF produce one or more statements of common ground. These should document the cross-boundary matters being addressed and progress in cooperating to address these.

4.5.7 In preparing the Proposed Draft Plan the MPA has revisited the strategic cross-boundary issues. Whilst appropriate restoration of the carboniferous limestone quarries remains an important issue, due to the redrafting of a number of policies particularly policy DM4: Landscape, which requires development to have regard to the setting of the Peak District National Park, and renumbered policy DM15: Restoration, Aftercare and After-Use (previous policy R1) which duplicates many of the criteria previously contained in policy R3, and the inclusion of a new strategic policy SP1: Sustainable Minerals Development, the MPA has taken the decision to create a single, non-strategic, policy relating to the restoration of all mineral sites. The decision to amalgamate restoration requirements into a single policy is in part an acknowledgment of the potential for duplication of issues that were contained in policies R1 and R3 as set out in the proposed approach. Recent approval of long term working and restoration schemes for many of the carboniferous limestone quarries has also resulted in a reduced need for a specific strategy. For this reason, whilst the MPA continues to be mindful of potential impacts of minerals development on the setting of the Peak District national Park, it is no longer considered that it should form part of the SOCG.

4.5.8 A sustainability appraisal was undertaken on the policies of the Proposed Approach. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan 3<sup>rd</sup> Interim Sustainability Appraisal (SA) Report, August 2020*

4.5.9 The Sustainability Appraisal concludes that in relation to policy R3 which sets out criteria for the restoration of carboniferous limestone quarries a positive effect is predicted on biodiversity (SA topic 1) and heritage and landscape (SA topic 4) as the policy seeks to restore and enhance biodiversity, wildlife and landscapes to a standard and quality coherent with key local habitats and the surrounding area including the Peak District National Park. This is likely to create recreational opportunities and potentially support local tourism depending on the nature of the restoration scheme, potentially having a positive effect on communities and local employment (SA topics 7 and 8). The policy seeks to ensure that any waste placement in worked areas is carefully placed to avoid the sterilisation of any remaining material resource. The policy provides clarity about the standard of restoration and aftercare expected to the minerals industry which should subsequently provide greater certainty of the improvements being implemented. The effects on water are uncertain. Whilst measures to improve landscape and biodiversity could have knock-on benefits in terms of protecting water resources, this is not explicit. The need to ensure that hydrology and flood risk are tackled at the outset of minerals schemes through appropriate restoration strategies should be mentioned to ensure that the longer-term effects are considered and managed. At this stage an uncertain effect is predicted. Where appropriate, the findings of the SA have been incorporated into the Proposed Draft Plan, Winter 2021/2022 Consultation.

### **Outcomes for the Proposed Draft Plan**

4.5.10 The Proposed Draft Plan sets out a proposed draft vision and objectives and overarching strategic policies which will underpin the Plan, together with proposed draft policies for the provision of each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the Proposed Draft Plan, in the light of previous consultations, in relation to a restoration strategy for Carboniferous Limestone quarries.

### **Vision and Objectives**

4.5.11 Chapter 3 of the Proposed Draft Plan contains the Vision and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2038 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The contribution that the individual draft policies set out in the Development management chapter will make towards achieving the overall draft Vision and Objectives of the Plan, will be set out in Chapter 12 entitled Implementation and Monitoring.

### **Proposed Draft Restoration Strategy**

4.5.12 The Spring 2018 Consultation included key Issues that needed to be addressed in order to develop a Strategy for the restoration of Carboniferous Limestone quarries and strategic principles set out in proposed policy R3.

4.5.13 Policy R3 received supporting comments from the PDNPA and Historic England. The findings of the SA advised that it should be amended to ensure that restoration proposals include hydrology and flood risk from the outset. However, it is considered that this matter is one for all quarries and therefore has been included in the general restoration policy.

### **Outcome for the Proposed Draft Plan**

4.5.14 The MPA has taken the decision to create a single, non-strategic, policy relating to the restoration of all mineral sites. The decision to amalgamate restoration requirements into a single policy is in part an acknowledgment of the potential for duplication of the issues previously contained in policies R1 and R3 as set out in the proposed approach with those now contained in strategic policy SP1: Sustainable Minerals development and development management policies DM4: Landscape and DM15: Restoration, Aftercare and After-use. Recent approval of long term working and restoration schemes for many of the carboniferous limestone quarries has also resulted in a reduced need for a specific strategy. Notwithstanding this, the comments received in response to the proposed approach in respect of policy R3 have been taken into account in the wording of the policies of the Proposed draft plan.



### **Supplementary Planning Guidance**

- 4.5.15 The MPA also consulted on whether to produce more detailed guidance on the restoration of hard rock Carboniferous Limestone quarries in the form of a separate Supplementary Planning Document to the Local Plan, to be prepared after the Plan is adopted. The MPA received no responses on this issue.

### **Outcomes for the Proposed Draft Plan**

- 4.5.16 Include the restoration principles in this Plan rather than producing separate guidance

## **5. Restoration, Aftercare and After-use**

### **Stakeholder Workshop 2009**

- 5.1.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan should address and sought the input of stakeholders in developing the Vision and Objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders. Restoration was highlighted as a key issue which the Plan should seek to address. The idea of a specific restoration strategy for the Trent Valley was also suggested at this stage.

### **5.2 Issues and Options 2010**

- 5.2.1 At the Issues and Options stage in 2010, two issues were presented relating to the restoration of mineral workings. These were for a proposed long-term strategy for the restoration of sand and gravel sites in the Trent Valley and a similar proposal for the series of limestone quarries along the A515 corridor in Buxton. There was overall support for the preparation of these two strategies. 65% of responses at this stage supported the development of

these strategies. Support continued to be expressed for the Trent Valley Strategy at the Sand and Gravel Drop-in Sessions in late 2012.

### **5.3 Drop-in Sessions 2012**

5.3.1 In late 2012, through a series of sand and gravel drop-in sessions, which were held with communities in the river valleys, the local communities continued to express their support for the development of a restoration strategy and to offer comments on how this should be developed.

### **5.4 Towards a Minerals Local Plan – Rolling Consultation 2015/2016**

5.4.1 The draft proposals set out in the Issues and Options exercise were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the NPPF. Other emerging local policies and strategies and new evidence base were also considered to be important factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach of the Plan to the restoration of mineral workings.

5.4.2 There were six responses from five organisations to this strategy paper. A summary of these is as follows:

- There was general support for the approach but with some amendments/additions put forward.
- The benefits of green infrastructure should be referred to and incorporated into the strategy.
- It should be made explicit that membership of a trade association with a restoration guarantee fund (e.g. Mineral Products Association) will negate the requirement to demonstrate that adequate financial provision is in place to fulfil restoration and aftercare requirements.
- Reference should be made to natural features which it is suggested should be incorporated into restoration schemes
- It should state that restoration plans should create net gains for biodiversity and reflect local landscape initiatives. This would ensure that should mineral extraction be proposed within the National Forest,

then any restoration plans would take into account the creation of the Forest and reflect this in their proposed restoration plans through woodland planting.

## **Assessment of Comments and Outcomes for the Proposed Approach**

- 5.4.3 The comments have been used to inform the development of this chapter. Comments on this part of the Plan have related to minor amendments and additions to the text which have all been accepted and incorporated into the revised text.

### **Sustainability Appraisal**

- 5.4.4 The Sustainability Appraisal process is a way of testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan these will be incorporated. A sustainability appraisal has been undertaken on all the Papers that constituted the *Towards a Minerals Local Plan Rolling consultation 2014-2017*, including those concerning restoration of mineral workings. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan, Spring 2018 Consultation: 3<sup>rd</sup> Interim Sustainability Appraisal Report 2017*

- 5.4.5 The SA concluded that policy R1 should have a positive effect upon biodiversity in the long term by requiring enhancements as part of restoration. The same is the case for landscape and green infrastructure. The certainty of effects should be secured as there is a need to ensure adequate financial contributions to cover restoration and aftercare costs. There is potential for positive effects to communities as restoration should seek to provide community benefits. No changes required.

## **5.5 Towards a Minerals Local Plan – Spring 2018 Consultation**

- 5.5.1 Fourteen comments from seven respondents were received in respect of this section of the Plan. These are summarised as follows:

**Issue: Green Corridors**

- 5.5.2 Two respondents noted the reference to green corridors in the supporting text to Policy R1, commenting that they could also contribute towards managing and reducing flood risk and that such networks would only achieve optimum benefit if habitats and species are considered over a wide area.

**Outcome for the Proposed draft plan.**

- 5.5.3 The MPA notes the comments regarding green corridors. The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). A new policy, policy DM13: Green Infrastructure has been written which covers the issues raised in the comments.

**Issue: Policy R1: Restoration, Aftercare and After-use**

- 5.5.4 Comments received in respect of Policy R1 following the consultation on the proposed approach were generally supportive. One respondent suggested that the policy wording should be strengthened to always seek positive change for biodiversity and expand the criteria to include a broader range of habitat types and biodiversity restoration with recreational uses. One respondent considered the policy unsound as it was not prepared positively, nor an effective strategy, having the potential to place undue onerous constraint on operators.

**Outcome for the Proposed Draft Plan**

- 5.5.5 The MPA notes and welcomes the general support for policy R1. The comments regarding range of criteria and positive wording of the policy are noted. The Proposed Draft Plan has been refined and includes an updated and revised development management chapter (now renumbered as Chapter 11). The MPA has taken account of the comments in the amended policy.

### **Duty to Cooperate**

5.5. The development of a strategy for the restoration of mineral workings is considered to be a strategic issue as restored mineral sites often cover a large area and can have an impact on land in adjoining administrative areas. As a result, there is the requirement to liaise with a number of organisations in the preparation of the strategy. We have worked, and will continue to work, closely with the mineral operators, local planning authorities and adjoining mineral planning authorities on the development of this strategy to ensure a co-ordinated approach is taken to the restoration of former mineral workings, and also with other organisations (including the Local Economic Partnership and the Local Nature Partnership and East Midlands Airport, Nature After Minerals and The Canal and River Trust) in the preparation of the strategy.

### **5.6 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan**

#### **Revised NPPF and PPG**

5.6.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and PPG on several occasions. The Environment Act 2021 has also come into force which includes the requirement for a minimum biodiversity net gain for all development from November 2023. We have revisited our approach towards the proposed development management policies in the light of this new policy and guidance as well as any relevant legislative changes.

5.6.2 The Proposed Draft Plan sets out a draft vision and objectives and overarching strategic policies which will underpin the Plan, together with draft policies for the provision of each of the important minerals found in the Plan area. The MPA has taken the decision to only retain the restoration of sites in the river valleys as a specific strategic issue, all other restoration requirements, including the issues previously set out in the policy R1: Restoration, Aftercare and After-use and policy R3: Restoration Strategy for Carboniferous Limestone Quarries, have been combined into a single

development management policy – DM15: Restoration, Aftercare and After-use. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

### **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

- 5.6.3 A 4<sup>th</sup> Interim SA was undertaken on the proposed draft plan. The full text can be found in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan: 4th Interim Sustainability Appraisal (SA) Report, January 2022*

- 5.6.4 The SA concluded that policy DM15 ought to have significant positive effects for biodiversity in the longer term, particularly given that there is a need to consider strategic linkages in green infrastructure and how improvements can be secured. A positive effect was also predicted for land resources (SA topic 2), as the policy requires proposals to demonstrate how best and most agricultural land would be retained or enhanced, which should limit the loss of such resources in the longer term (ensuring minimal negative changes and possible enhancements to the baseline position). There is potential for significant positive effects to communities in the longer term, as restoration proposals should seek to provide community benefits, recreational opportunities and where possible, employment opportunities (SA topics 7 and 8). The effect on waste and minerals (SA topic 3) were predicted to be neutral as restoration schemes ought not to hold back mineral extraction, and waste materials could be used as part of infill materials (preferably from sources of close proximity).

## **6. Other Minerals**

6.1.0 In addition to the strategic policies for the supply of minerals that are contained in Chapters 4 to 10 of the Proposed Draft Plan, there are a number of other minerals/minerals related issues that the Plan needs to be consider. These are as follows:

- Borrow Pits
- Re-working of former colliery and other spoil tips
- Incidental working of Clay
- Minerals Related Development

6.1.1 For each mineral/mineral related issue, this section of the chapter is set out in sections for each consultation stage. Where relevant, each section is set out in the following order: representations from the previous stage, drop-in sessions, duty to co-operate issues, sustainability appraisal, outcomes for the current consultation stage.

## **6.2 Stakeholder Workshop 2009**

6.2.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that attendees thought the new Minerals Local Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

6.2.2 These outcomes were taken into account in the preparation of the Issues and Options Report.

## **6.3 Borrow Pits**

### **6.3.1 Issues and Options Consultation 2010**

6.3.1.1 The Issues and Options Consultation did not contain a specific section on borrow pits; it was about identifying the key issues that the Plan would need to address. The full text can be found in the following document:

*Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010*

### **6.3.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017:Emerging Approach**

6.3.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the MPA took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The MPA also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. Borrow Pits was not identified as a Duty to Cooperate matter.

6.3.2.2 The next stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015. This Consultation consisted of a series of individual Papers. In the light of the new national policy and guidance, the MPAs were seeking to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision. Borrow Pits were not included in the emerging approach.

### **6.3.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach**

6.3.3.1 The Proposed Approach set out the draft vision and objectives and overarching strategic sustainability principles which will underpin the Plan, together with the approach to the provision for each of the important minerals found in the Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for borrow pits. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017*



6.3.3.2 The Proposed Approach acknowledged that it was likely that proposals for borrow pits would come forward over the Plan period and therefore a policy approach was required. It included a criteria-based policy similar to that contained in the adopted Minerals Local Plan but updated in line with current national mineral planning policy. The fundamental criterion was that any borrow pit should be linked to a specific construction project.

#### **6.3.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan**

6.3.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of borrow pits.

6.3.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation, in relation to borrow pits. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

#### **Representations on the 2018 Spring Consultation Proposed Approach**

#### 6.3.4.3 None

### **Sustainability Appraisal of the 2018 Spring Consultation Proposed Approach**

6.3.4.4 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated.

6.3.4.5 A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach  
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

6.3.4.6 The Appraisal reported that Policy MS19 allows for borrow pits to be utilised to support construction projects where appropriate. This should provide flexibility for projects and reduce the need to import materials from further afield. The benefits are therefore likely to include a reduction in traffic and transport (SA5) associated with construction activities, potential to dispose of waste generated on site (SA3), and support for infrastructure projects that can boost the local economy (SA8). The effects are not predicted to be significant as this approach is not a substantial departure from the adopted minerals local plan policy framework. With regards to environmental factors such as biodiversity, land and water resources and heritage and landscape, it is unclear whether borrow pits would lead to increased local impacts. However, the development management policies of the plan should address such issues. The policy is unlikely to have major implications with regards to flooding or energy (SA6).

### **Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan**

6.3.4.7 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM17 is specifically about Borrow Pits, apart from a few changes to reflect the overall style of policies in the new Plan it remains unchanged from the 2018 Proposed Approach version.

### **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

6.3.4.8 A 4<sup>th</sup> interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

*Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal: 4<sup>th</sup> Interim, SA Report*

6.3.4.9 The SA noted that draft Policy DM17 allows for borrow pits to be utilised to support construction projects where appropriate, noting that this should provide flexibility for projects and reduce the need to import materials from further afield. For this reason, it concluded that effects on transport and traffic, waste disposal and the local economy were not likely to be significant as this approach is not a substantial departure from the current policy framework. With regards to environmental factors such as biodiversity, land and water resources and heritage and landscape, it is unclear whether borrow pits would lead to increased local impacts. However, other plan policies ought to address such issues. The policy is unlikely to have major implications with regards to flooding or energy (SA6).

## **6.4 Reworking of Former Colliery and Other Spoil Tips**

### **6.4.1 Issues and Options Consultation 2010**

6.4.1.1 The consultation included 'Reworking Spoil Tips for Secondary Aggregates' as a specific issue. Whilst this issue does specifically cover the whole range of circumstances where the reworking of old spoil tips may be considered it did introduce the issue as a topic for discussion. The full text is set out in the following document:

*Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010*

#### **6.4.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach**

6.4.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the MPA took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The MPA also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. The reworking of former spoil tips was not identified as a Duty to Cooperate matter.

6.4.2.2 The next stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015. This Consultation consisted of a series of individual Papers. In the light of the new national policy and guidance, the MPAs were seeking to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision. The paragraphs below set out the outcomes for the rolling consultation – emerging approach, in the light of previous consultation.

6.4.2.3 A paper entitled Coal Mining sought views relating to the reworking of former colliery spoil tips and the purposes of obtaining other valuable and re-usable mineral resources within them. Further details can be found in the following documents:

*Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Towards a Strategy for Coal and Colliery Waste, December 2014*

### **Representations on the Issues and Options Consultation 2010**

- 6.4.2.4 The response to this consultation exercise indicated support in principle for the reworking of old tips and favoured the inclusion of a criteria-based policy to determine the acceptability of development proposals.

### **Outcomes for the Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach**

#### **Towards a Strategy for Coal and Colliery Waste, December 2014**

- 6.4.2.5 This Paper presented two options:

Option 1: Include in the Minerals Local Plan a separate criteria-based policy for the reworking of former colliery spoil tips for coal and any other mineral or

Option 2: Do not include a separate policy for the reworking of former colliery spoil tips and rely on the general criteria established in the main policy for coal extraction developments.

### **6.4.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach**

- 6.4.3.1 The Proposed Approach set out the draft vision and objectives and overarching strategic sustainability principles which will underpin the Plan, together with the approach to the provision for each of the important minerals found in the Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for the reworking of former coal and other spoil tips. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 - Chapter 9 Other Minerals*

### **Representations on the Emerging Approach 2015/2016 Rolling Consultation**

6.4.3.2 Two responses were received on this issue; one supporting option 1 and one supporting option 2 which did not provide any specific steer for the new Plan.

### **Sustainability Appraisal of the Rolling Consultation 2015-2017 Emerging Approach**

6.4.3.3 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated.

6.4.3.4 A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach  
2<sup>nd</sup> Interim Sustainability Appraisal (SA) Report, December 2017*

6.4.3.5 The SA reported that the two options put forward i.e. whether to have a separate policy for the reworking of coal were procedural matters and as such were not likely to lead to any substantial differences in SA terms.

### **Outcomes for the Proposed Approach**

6.4.3.6 In the absence of any steer from the recent consultation exercise, it was decided to include a policy on the reworking of former colliery and other spoil tips in the Proposed Approach that related to the extraction of all the minerals they contain and which established a more explicit set of criteria for this form

of mineral development. In view of the contribution that minerals from such sources can make, the policy is supportive of such proposals subject to compliance with the established criteria.

#### **6.4.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan**

6.4.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of the reworking of former spoil tips.

6.4.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation, in relation to borrow pits. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

#### **Representations on the 2018 Spring Consultation Proposed Approach**

6.4.4.3 Representation was received on the reworking of former spoil tips in respect of the need to protect areas within quarries that have naturally revegetated and now form important sites for biodiversity. Representation was received on the need to avoid pollution if spoil tips are reworked in relation to any toxic

material that has been deposited in them. Representation was made that this policy duplicated Policy MS14 Reworking of former colliery tips.

### **Sustainability Appraisal of the 2018 Spring Consultation Proposed Approach**

6.4.4.4 A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach  
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

6.4.4.5 The SA noted that Policy MS20 deals with the reworking of former tips, requiring environmental and social factors to be taken into account to obtain planning permission. In principle the policy details are positive as they seek to ensure that there would be no loss of important features and that any changes would lead to significant improvements in the longer term. However, the policy is flexible enough to allow development in special circumstances even if effects upon environmental and social factors remain. This is positive with regards to waste and minerals (SA3) and economic activity (SA8) but adds uncertainty about the level of protection that the policy will provide for environmental factors. Therefore, uncertain effects are predicted for SA1 (Biodiversity, Flora and Fauna), SA2 Land and Water Resources, SA4 Heritage and Landscape, SA5 Air Quality and Transport, SA6 Climatic Factors and Energy and SA7 Community and Health. The detailed Development Management policies of the Proposed Draft Plan will take into account any impacts on these sustainability issues.

### **Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan**

6.4.4.6 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM18



is specifically about the reworking of Former Colliery and Other Spoil Tips, it has been changed to reflect the overall style of policies in the new Plan. A key criterion is the need to take impacts on any previous restoration that has already taken place. The duplicating policy in the Coal chapter relating to the reworking of colliery spoil tips has been deleted.

## **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

6.4.4.7 A 4<sup>th</sup> interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

*Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal: 4th Interim Sustainability Appraisal (SA) Report, January 2022*

6.4.4.8 With regard to Policy DM18, the SA commented that, in principle, the policy details are positive as they seek to ensure that there would be no loss of important features including any restoration previously undertaken. It further noted that the requirements for development to provide significant net economic, social and environmental improvements should achieve collective positive effects in the longer term above the existing baseline. The SA concluded that the policy would result in positive effects for all SA topics, particularly in regard to waste and minerals and economic activity.

## **6.5 Incidental Working of Clay**

### **6.5.1 Issues and Options Consultation 2010**

6.5.1. The Issues and Options Consultation did not contain a specific section on the incidental working of clay; it was about identifying the key issues that the Plan would need to address. The full text can be found in the following document:

*Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010*

## **6.5.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach**

6.5.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the Councils took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. The incidental working of clay was not identified as a Duty to Cooperate matter.

6.5.2.2 The next stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015. This Consultation consisted of a series of individual Papers. In the light of the new national policy and guidance, the MPAs were seeking to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision.

6.5.2.3 A paper entitled, 'Coal and Colliery Waste' sought views relating to the prior extraction of coal and other minerals. Further details can be found in the following document:

*Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach - Towards a Strategy for Coal and Colliery Waste, December 2014*

### **Outcomes for the Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Emerging Approach**

#### **Towards a Strategy for Coal and Colliery Waste, December 2014**

6.5.2.4 This Paper presented two options:

Option 1: Maintain the approach of the adopted Derby and Derbyshire Minerals Local Plan and include a policy specifically for the prior extraction of coal and a separate policy for the prior extraction of other minerals. Both policies would set out criteria for the acceptability of prior extraction.

Option 2: Include only one policy relating to the prior extraction of all minerals.

### **6.5.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach**

6.5.3.1 The Proposed Approach set out the draft vision and objectives and overarching strategic sustainability principles which will underpin the Plan, together with the approach to the provision for each of the important minerals found in the Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for the prior extraction of clay. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 - Chapter 9 Other Minerals*

#### **Representations on the Emerging Approach 2015/2016 Rolling Consultation**

6.5.3.2 Five responses were received to this issue. Three supported Option 1, one supported Option 2 and one was neutral.

#### **Sustainability Appraisal of the Rolling Consultation 2015-2017 Emerging Approach**

6.5.3.3 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated.

6.5.3.4 A sustainability appraisal was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan:  
Spring 2018 Consultation: Proposed Approach  
2<sup>nd</sup> Interim Sustainability Appraisal (SA) Report, December 2017*

6.5.3.5 The SA reported that the two options put forward i.e. whether to have a separate policy for the prior extraction of coal or not were procedural matters and as such were not likely to lead to any substantial differences in SA terms.

**Outcomes for the Proposed Approach**

6.5.3.6 The Proposed Approach included a policy on the prior extraction of clay and other minerals apart from coal which was addressed in a separate policy in the Coal Chapter. In line with the NPPF the policy adopted a positive approach to prior extraction where practicable and environmentally feasible and where it is necessary for non-mineral development to take place.

**6.5.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan**

6.5.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of the incidental working of clay.

6.5.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous

consultation, in relation to borrow pits. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

### **Representations on the Spring 2018 Consultation Proposed Approach**

6.5.4.3 None

### **Sustainability Appraisal of the 2018 Spring Consultation Proposed Approach**

6.5.4.4 A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach  
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

6.5.4.5 The SA noted that Policy MS21 allows for the incidental working of minerals where it is necessary to support development or to avoid sterilisation of important resources. This should help to ensure that developments are not held-up SA issue SA8 (Local Economy, Employment and Housing) , whilst also obtaining mineral resources (SA3). Positive effects are predicted with regards to land resources (SA4), as the policy should help to facilitate the remediation of contamination. The policy also seeks to safeguard environmental features from such working, and so neutral effects on the baseline would be anticipated.

### **Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan**

6.5.4.6 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM19

is specifically about the incidental and prior working of clay, it has been changed significantly both to reflect the overall style of policies in the new Plan and to cover the working of clay in association with other minerals as well as prior to non-mineral development. The working of important minerals is covered in the supply chapters 6,7 and 8 and the prior working of these important minerals before non-mineral development takes place is set out at chapter 9 which deals with safeguarding. Key criteria factors of Policy 19 are the need to avoid adverse environmental or local amenity impacts associated with proposed clay working.

## **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

6.5.4.7 A 4<sup>th</sup> interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

*Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal: 4<sup>th</sup> Interim SA Report*

6.5.4.7 The SA concludes that Policy DM19, which allows for the incidental extraction of clay where it would help to ensure the most sustainable use of resources as part of the production of other minerals or to avoid sterilisation of important resources in advance of non-mineral development would result in positive effects for land resources, the local economy and use of resources. Neutral effects are predicted on the environmental baseline.

## **6.6 Minerals Related Development**

### **6.1.1 Issues and Options Consultation 2010**

6.6.1.1 The Issues and Options Consultation did not contain a specific section on minerals related development; it was about identifying the key issues that the Plan would need to address. The full text can be found in the following document:

*Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010*

## **6.6.2 Towards a Minerals Local Plan - Rolling Consultation 2015-2017: Emerging Approach**

6.6.2.1 After the Issues and Options Consultation, the NPPF and PPG were published in 2012 and 2014 respectively; therefore, the Councils took into account this policy and guidance and additional evidence gathered since 2010 in developing the emerging approach. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011. Mineral related development was not identified as a Duty to Cooperate matter.

6.6.2.2 The next stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015. This Consultation consisted of a series of individual Papers. In the light of the new national policy and guidance, the MPAs were seeking to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision. Minerals Related Development was not included in the emerging approach.

## **6.6.3 Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach**

6.6.3.1 The Proposed Approach set out the draft vision and objectives and overarching strategic sustainability principles which will underpin the Plan, together with the approach to the provision for each of the important minerals found in the Plan area. The proposed approach put forward a draft policy approach for the first time for many of the issues. It included a Chapter to cover other minerals/mineral related issues including a proposed policy approach for mineral related development. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach, December 2017 - Chapter 9 Other Minerals*

### **Outcomes for the Proposed Approach**

6.6.3.2 In the absence of any steer from the recent consultation exercise, it was decided to include a criteria based policy on minerals related development in the Proposed Approach that adopted a positive approach to such development provided that there would be net environmental benefits in a close link between the mineral operation and the proposed mineral related development.

### **6.6.4 Towards a Minerals Local Plan: Winter 2021/2022 Consultation – Proposed Draft Plan**

6.6.4.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for other minerals in the light of this new policy guidance. There are no specific changes to government policy in respect of minerals related development.

6.6.4.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the proposed draft plan, in the light of previous consultation, in relation to borrow pits. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*



## **Representations on the Spring 2018 Consultation Proposed Approach**

6.6.4.3 None

### **Sustainability Appraisal of the Spring 2018 Consultation Proposed Approach**

6.6.4.4 The Sustainability Appraisal process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated.

6.6.4.5A sustainability appraisal was undertaken on the 2018 Spring Consultation. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Proposed Approach  
3rd Interim Sustainability Appraisal (SA) Report, August 2020*

6.6.4.6 The SA noted that Policy MS22 is essentially a continuation of the adopted local plan policy framework, and therefore the effects of the policy will represent a continuation of the baseline position. In this respect, the effects upon sustainability factors are predicted to be neutral.

### **Outcomes for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation: Proposed Draft Plan**

6.6.4.7 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided that the matters covered under Chapter 9 are non-strategic and therefore should be incorporated in Part Three of the Plan as part of the Development Management Policies at Chapter 11. Policy DM20 is specifically about Mineral Related Development, it has been changed reflect the overall style of policies in the new Plan. The principal requirement of the policy is that proposals should demonstrate the need for a close link between the mineral related development and mineral extraction.

## **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

6.6.4.8 A 4<sup>th</sup> interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

*Derbyshire and Derby Minerals Local Plan: 4th Interim Sustainability Appraisal (SA) Report, January 2022*

6.6.4.9 The SA noted that Policy DM20 continues existing approach, concluding that the effects of the policy would represent a continuation of the baseline position. In this respect, the effects upon sustainability factors are predicted to be neutral.

### **6.7.1 Mineral Exploration**

6.7.1.1 In the interests of completeness the MPA has decided to include a new policy DM21 in the Proposed Draft Plan, in the section under Mineral Related Matters, relating to Mineral Exploration

## **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022 Consultation**

6.7.1.2 A 4<sup>th</sup> interim SA was undertaken on the Proposed Draft Plan and its policies. The full text can be found in the following document:

*Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal: 4<sup>th</sup> Interim, SA Report*

6.7.1.3 The SA concluded that Policy DM21 was likely to result in positive effects as it seeks to avoid adverse impacts to biodiversity, heritage and landscape. Where impacts would arise, they would be temporary. The SA also considered that the policy should also safeguard amenity and health and well-being from potential harm arising from mineral exploration. Neutral

effects were predicted with regard to climatic factors and energy, minerals and employment.