



REPORT OF REPRESENTATIONS

DERBYSHIRE AND DERBY MINERALS LOCAL
PLAN: WINTER 2021/2022 CONSULTATION:
PROPOSED DRAFT PLAN

DECEMBER 2021

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LIST OF ABBREVIATIONS

CONSULTATION BODIES

Acronym	Description
CPRE	CPRE Peak and South Yorkshire
DBEIS	Department for Business, Energy and Industrial Strategy (formerly Department for Energy and Climate Change (DECC))
DCC	Derbyshire County Council
DDDC	Derbyshire Dales District Council
EA	Environment Agency
FoE	Friends of the Earth
HPBC	High Peak Borough Council
HE	Historic England
MPA	Mineral Planning Authority
MPrA	Mineral Products Association
NE	Natural England
NT	National Trust
NEDDC	North East Derbyshire District Council
OGA	Oil and gas Authority
PDNPA	Peak District National Park Authority
SDDC	South Derbyshire District Council
SCC	Staffordshire County Council
UKOOG	United Kingdom Onshore Oil and Gas
Walsall MBC or WMBC	Walsall Metropolitan Borough Council
RSPB	Royal Society for the Protection of Birds
UU	United Utilities

OTHER BODIES

Acronym	Description
BGS	British Geological Survey
CO2	Carbon dioxide
CEO	Chief executive officer
CBM	Coal Bed methane
m3	Cubic metres
EIA	Environmental Impact Assessment
ES	Environmental sensitivity
HGVs	Heavy goods vehicles
LAA	LAA (Local Aggregate Assessment)
MP	Member of parliament
m	Metres
MCAs	Mineral Consultation Areas
MLP	Minerals Local Plan
NPPF	National Planning Policy Framework
NMAJ	Negative major
NMIN	Negative minor
PEDLs	Petroleum Exploration Development Licences
PDNP	Peak District National Park
PMAJ	Positive Major
PMIN	Positive Minor
PPG	Planning Practice Guidance
ROMP	Review of Old Mineral Permissions
SSSI	Site of Special Scientific Interest
SAC	Special Area Conservation
SPA	Special Protection Area
SA	Sustainability Appraisal
TPO	Tree preservation Order
ZTV	Zone Theoretical visibility

1 INTRODUCTION AND PURPOSE OF REPORT

INTRODUCTION

- 1.1 In preparing the Minerals Local Plan, the Councils are required to proactively consult and engage with people and organisations that may be interested in the development or content of the Plan to gain their views and take them into account.
- 1.2 The Councils have already carried out several stages of consultation to date. The details of these stages can be found in the following document:

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

PURPOSE OF THIS REPORT

- 1.3 This report, at Section 2, sets out representations received on the Plan at the Spring 2018 Consultation stage. It provides a response to those representations including the outcome for the Winter 2021/2022 Consultation: Proposed Draft Plan. At Section 3, it provides a note of the issues raised at the drop-in sessions, which the Councils held in the Spring of 2018 in each of the eight district planning authority areas within Derbyshire. Finally, at Section 4, it sets out representations received to the Sand and Gravel Sites Consultation in 2020, including a response and the outcome for the Proposed Draft Plan.
- 1.4 The document is set out in the following sections:

1. Introduction and Purpose of Report
2. Representations and Outcomes arising from the Spring 2018 Consultation
3. Drop-In Sessions, Spring 2018
4. Representations and Outcomes arising from the October 2020 Sand and Gravel Sites Consultation.

2 REPRESENTATIONS AND OUTCOMES ARISING FROM THE SPRING 2018 CONSULTATION

2.1 INTRODUCTION

- 2.1.1 This section is split into chapter order corresponding with the Spring 2018 main consultation document. Representations made to the background papers are incorporated within the corresponding chapter. The individual documents and papers that formed part of the Spring 2018 Consultation and the 2020 Sand and Gravel Sites Consultation are listed at Appendix A.
- 2.1.2 The first heading is the name of the individual document on which the representation was made followed by the chapter number.
- 2.1.3 A table of individuals/groups making representations on that chapter/document is listed at the beginning.
- 2.1.4 For each Representation made the layout of the document is as follows:

Representation

Representation (Name of the Organisation or 'Individual' if the representation is by a member of the public, Reference Number of organisation/individuals making the representation/Reference Number of the Representation)

Representations made on the Spring 2018 Consultation begin with 500/0001

Representations made on the October 2020 Sand and Gravel Sites Consultation begin with 600/0001

Actions/Considerations relating to the Representation

Outcome for the Towards a Minerals Local Plan - Winter 2021/2022 Consultation:
Proposed Draft Plan, December 2021

2.2 CHAPTER 2 – SPATIAL CONTEXT

SPATIAL PORTRAIT BACKGROUND PAPER, JANUARY 2015

Table of Representations

Name	Reference Number	Representation Reference Number
Natural England	502	0027
Natural England	502	0028
CPRE Peak and South Yorkshire	524	0146
Derbyshire Dales District Council	506	0033
Minerals Products Association	538	0200
National Trust	547	0283
Tarmac	551	0319
Tarmac	551	0320
Environment Agency	507	0048

SPATIAL CONTEXT

GENERAL

Representation (Environment Agency 507/0048)

2.2.1 Supports Chapter 2 which includes details regarding protected habitats.

Actions / Considerations

2.2.2 The support is welcomed.

Outcomes for Proposed Draft Plan

2.2.3 No action required

NATURAL AND HISTORIC ENVIRONMENT

Representation (Natural England 502/0028)

2.2.4 Natural sites identified in paragraph 2.23 should specify their designation, e.g. Special Protection Area, Special Area Conservation or Site of Special Scientific Interest.

Actions / Considerations

2.2.5 The representation is noted.

Outcomes for Proposed Draft Plan

2.2.6 The text could be amended as recommended.

A PROFILE OF MINERALS IN DERBYSHIRE

Representation (Natural England 502/0027)

2.2.7 Recommends that Statement 2.31 be expanded to refer to the ecological qualities of peat, and its importance as a carbon sink, and to state that any new peat extraction should not be included in any future plan.

Actions / Considerations

2.2.8 Chapter 17, paragraph 210 of the NPPF states that “Planning policies should provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction.” The Plan area does not contain any existing sites for peat extraction and given the NPPF’s negative approach to peat extraction the MPA considers that it is not necessary to make specific reference to peat resources in the Plan area, notwithstanding their qualities as a carbon sink.

Outcomes for Proposed Draft Plan

2.2.9 No change required.

Representation (Tarmac 551/0319)

2.2.10 Supports the identification of limestone production as being of national importance.

Actions / Considerations

2.2.11 Support is welcomed.

Outcomes for Proposed Draft Plan

2.2.12 No change required.

Representation (Mineral Products Association 538/0200)

2.2.13 States that no mention is made of building stone in the mineral resources section of the plan.

Actions / Considerations

2.2.14 The Mineral Resources section of the plan (Paragraphs 2.28-2.32) currently makes no mention of working building stone, although Chapter 7 – Supply of Non-Aggregates covers Building and Roofing Stone.

Outcomes for Proposed Draft Plan

2.2.15 Appropriate reference is made to building stone at paragraph 2.11.

Representation (National Trust 547/0283)

2.2.16 Map 2 could be amended to reflect recent oil and gas exploration licences.

Actions / Considerations

2.2.17 Agree that oil and gas Petroleum Exploration and Development Licences (PEDLs) need to be shown within the Plan.

Outcomes for Proposed Draft Plan

2.2.18 Figure 8.2.5 Chapter 8.2 displays the current PEDLs.

Representation (Tarmac 551/0320)

2.2.19 Reference should be made to aggregate rail sidings and their importance in securing national mineral supply.

Actions / Considerations

2.2.20 Reference is made at 2.35 to the existing and potential transport of mineral, particularly aggregates, by rail. Chapter 9.2 considers the issue of safeguarding mineral related infrastructure, including rail sidings and their importance in securing sustainable modes of transport for minerals.

Outcomes for Proposed Draft Plan

2.2.21 The issue is appropriately covered in the Plan both at Chapters 2 and 9.

MINERAL RESERVES

Representation (CPRE Peak and South Yorkshire 524/0146)

2.2.22 Requests the provision of a landbank estimate for industrial limestone within the plan.

Actions / Considerations

2.2.23 The issue of a landbank of permitted reserves for Industrial Limestone use is set out at paragraph 7.2.12 in Chapter 7.2 of the Plan.

Outcomes for Proposed Draft Plan

2.2.24 No change to Chapter 2.

CONTRIBUTION TO THE LOCAL ECONOMY

Representation (Derbyshire Dales District Council 508/0033)

2.2.25 Supports references regarding the contribution the minerals industry makes to the local and national industry, and in particular the Derbyshire Dales.

Actions / Considerations

2.2.26 The support is welcomed.

Outcomes for Proposed Draft Plan

2.2.27 No action required.

2.3 CHAPTER 3 – VISION AND OBJECTIVES

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0020
Natural England	502	0026
Cheshire West and Chester Councils	503	0029
Derbyshire Dales District Council	506	0032
Environment Agency	507	0035
Environment Agency	507	0049
Environment Agency	507	0050
Central Bedfordshire Councils	522	0144
CPRE Peak and South Yorkshire	524	0147
CPRE Peak and South Yorkshire	524	0148
CPRE Peak and South Yorkshire	524	0165
Minerals Products Association	538	0201
Minerals Products Association	538	0202
Minerals Products Association	538	0203
South Derbyshire DC	542	0227
National Trust	547	0264
National Trust	547	0265
National Trust	547	0266
National Trust	547	0267
National Trust	547	0268
National Trust	547	0269
Tarmac	551	0321
Tarmac	551	0322
Tarmac	551	0323
Tarmac	551	0324
Tarmac	551	0325
Tarmac	551	0326
Historic England	563	0446

Representation (Peak District National Park Authority 501/0020)

2.3.1 Support the vision and objectives, particularly Objectives 6 and 7 concerning protection of the natural and built environment and the Peak District National Park area but suggested changes so that they do not just refer to 'the area' which could be construed as meaning the Plan area only, but should include the surrounding areas.

Actions / Considerations

2.3.2 Support for the vision and objectives is welcomed. However, the Plan can only set out policies for the area within the Plan boundaries. Whilst it is intended that the Plan will help to support the protection of adjoining areas, it can only do so by indirect means, for example by helping to reduce the level of mineral extraction in the Peak District National Park.

Outcomes for Proposed Draft Plan

2.3.3 The vision and objectives cannot be amended to imply policies for areas outside the Plan area and the suggested changes have not been made.

Representation (Natural England 502/0026)

2.3.4 Objective 6 should include additional wording so that the Plan will set out specific criteria for the selection of mineral development sites that would specifically avoid sites of environmental value, including designated sites and the best and most versatile agricultural land. This would require policy distinction between international, national and local sites.

Actions / Considerations

2.3.5 The underlying purpose of Objective 6 is to indicate that the Plan will seek to protect all aspects and features of the natural, built and historic environment from the unacceptable adverse impacts of mineral development. The Objectives are implemented through the Strategic Policies of the Plan and the more detailed Non-Strategic Development Management policies. New Policy SP1 Sustainable Minerals Development sets out strategic policies relating to resource conservation and the protection of important environmental and built assets. The Development Management policies at Chapter 11 seek to include specific reference and approaches to the different levels of designated sites.

Outcomes for Proposed Draft Plan

2.3.6 No change to Objective 6 to set out more specific development management criteria.

Representation (Cheshire West and Chester Councils 503/0029)

2.3.7 Support the vision, especially the statement that Derbyshire will continue to provide a steady and adequate supply of minerals to meet its share of local and national needs as it provides 20-30% of crushed rock needs in the Cheshire West and Chester area.

Actions / Considerations

2.3.8 The vision and the wider Plan is being prepared in recognition of the important contribution the Plan area makes in delivering nationally important minerals to meet the needs of society.

Outcomes for Proposed Draft Plan

2.3.9 No action required.

Representation (Derbyshire Dales District Council 506/0032)

2.3.10 Support the proposed Vision and Objectives for the following reasons: The Plan recognises that minerals will continue to be required to sustain sustainable growth and seeks to achieve, through a planning framework, the appropriate balance to ensure the suitable supply of minerals over the plan period whilst providing consideration to the social, economic and environmental influences and factors arising from such development.

Actions / Considerations

2.3.11 Representation noted and welcomed

Outcomes for Proposed Draft Plan

2.3.12 No action required.

Representation (Central Bedfordshire Councils 522/0140)

2.3.13 Support the vision and objectives to ensure a steady supply of minerals and the safeguarding of mineral resources and facilities.

Actions / Considerations

2.3.14 Support noted and welcomed.

Outcomes for Proposed Draft Plan

2.3.15 No action required.

Representation (Environment Agency 507/0035, 0049 & 0050)

2.3.16 The Environment Agency welcomes the clear inclusion of the opportunity to minimise flood risk both as part of the overall vision as well as within Objective 8. We also welcome the Visions aim to maintain or enhance water quality. Where sites are situated in catchments that are failing to meet good ecological status for the Water Framework Directive, we would ask whether the vision could be amended to state ‘Minerals developments will be located, designed and operated in ways which help to reduce flood risk and maintain and enhance water quality **in line with the requirements of the Water Framework Directive**’

Actions / Considerations

2.3.17 Support for the vision and objectives is noted and welcomed. Comments relating to the Waste Framework Directive are noted but the vision and objective statements are intentionally broad expressions and the level of detail in the suggestion is more appropriate for consideration in the specific development management policies.

Outcomes for Proposed Draft Plan

2.3.18 Policy DM8 Water Management and Flood Risk includes provisions to protect water quality and prevent flood risk. Detailed reference is made to the Water Framework Directive at paragraph 11.93.

Representation (CPRE Peak and South Yorkshire 524/0147 & 0148)

2.3.19 1) Objective 2 is acceptable but do not believe that sustainable minerals development will be achieved through the policies and proposals of the Plan, particularly as the policies for hydrocarbons do not address carbon emissions sufficiently such that the authority can help to reduce climate change.

2) Support Objective 7 but suggest ‘and its setting’ in the first sentence after PDNP.

Actions / Considerations

2.3.20 1) Representations relating to hydrocarbon issues are addressed in the appropriate section of this report.

2) Agree that protection of the ‘setting of the PDNP’ should be included in Objective 7.

Outcomes for Proposed Draft Plan

2.3.21 1) No change

2) Objective 7 has been reworded to Include reference to the ‘setting of the PDNP’.

Representation (MPA 538/0201 – 0203)

- 2.3.22 1) The element of the vision which seeks to assist in reducing quarrying in the Peak Park is not consistent with NPPF and is therefore considered to be unsound. The Plan should not use part of the PDNP Core Strategy which predates NPPF to justify its policies. The NPPF should take precedent. This part of the Vision should therefore be deleted.
- 2) Objective 3 is welcomed but it should include the ‘agent of change’ introduced in the draft NPPF revision to assist District Councils dealing with non-mineral development near or on mineral safeguarded areas as well as DCC in respect of mineral infrastructure.
- 3) Objective 7 is considered unsound for the reasons stated above and the last sentence should be deleted.

Actions / Considerations

- 2.3.23 1) The NPPF at paragraph 211 sets out that,
- ‘In considering proposals for mineral extraction, minerals planning authorities should:*
- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;*
- The policy of helping to preserve the special character of the Peak District National Park is a longstanding and well-supported aspect of the adopted Minerals Local Plan and the approach is clearly consistent with the NPPF hence its inclusion in the Vision and Objective 7 is clearly justified.
- 2) Objective 4 deals with safeguarding resources and mineral related infrastructure and is entirely consistent with the requirements of the NPPF. The detailed application of this Objective is through policies set out at Chapters 9.1 and 9.2 of the Plan.
- 3) See above

Outcomes for Proposed Draft Plan

- 2.3.24 1) 2) and 3) No change to Plan.

Representation (South Derbyshire DC 542/0227)

2.3.25 The intention to seek close cooperation between mineral operators and local authorities is welcomed as is the consideration of restoration proposals from the early stages.

Actions / Considerations

2.3.26 Comments noted and welcomed.

Outcomes for Proposed Draft Plan

2.3.27 No action required.

Representation (Historic England 563/0446)

2.3.28 Objective 6 refers only to the built environment rather than historic environment. As such, none of the objectives make provision for archaeology/buried remains, which is required by the NPPF. It is recommended that Objective 6 be revised to include historic environment as well and that this be updated on all sections throughout the Plan.

Actions / Considerations

2.3.29 Agree

Outcomes for Proposed Draft Plan

2.3.30 Objective 6 has been rewritten to include the historic environment.

Representation (National Trust 547/0264 – 0269)

- 2.3.31 1) Vision point 5 insert Historic into the title i.e. Protection of Local Communities, the Natural, Built, and Historic Environment and Cumulative Impacts, Restoration’.
- 2.3.32 2) Vision point 6 - we support the commitment to assist in achieving a progressive reduction in mineral extraction within the Peak District National Park.
- 2.3.33 3) Vision point 7 - We support the commitment to minimise impacts on climate change, but suggest that the text is revised to say ‘to ensure that they do not contribute to climate change’.
- 2.3.34 4) Reflecting our comments on the Vision, the National Trust requests that Objective 6 is amended to give proper recognition to the historic environment:
‘Objective 6 - Protecting the Natural, and Built and Historic Environment
- 2.3.35 The Plan will conserve and enhance the area’s natural and built environment, including its distinctive heritage, landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.’
- 2) and 6) Support Objectives 6, 7 and 8.

Actions / Considerations

- 2.3.36 1) and 4) Agree that the term historic environment should be included in the Vision and Objectives.
- 3) Agree that Vision and Objectives should be amended to take into account the need to address the issue of climate change in delivering sustainable minerals development. However, it would be inappropriate to revise the text to include the wording that mineral proposals should not contribute to climate change because inevitably they do; the approach has to be to minimise impacts on the causes of climate change, and facilitate adaptation to increase resilience to climate change.
- 2) and 6) The support for Objectives 6,7 and 8 is noted.

Outcomes for Proposed Draft Plan

- 2.3.37 1) and 4)The term historic environment has been included in the Vision and Objectives.
- 3) The Vision and Objectives have been widened and strengthened to take into account the need to address the issue of climate change more effectively in delivering sustainable minerals development.
- 2) and 6) No change needed.

Representation (Tarmac 551/0264 – 0269)

- 2.3.38 1) Vision - Spatial distribution of minerals development. Whilst it is considered appropriate to consider the environmental sustainability credentials of mineral extraction and support for sustainable modes of transport and proximity to markets should be encouraged, it is not appropriate to categorically seek to locate minerals development, 'in areas to optimise the match between the locations of supply and demand' and, 'allow for the use of sustainable modes of transport'. Mineral extraction can only occur where the resource exists. Currently as worded this appears to relate solely to new sites but does not consider a preference for extensions which is a theme within the Plan.
- 2.3.39 2) Vision - Protection of the Peak District National Park. Progressive reduction of quarrying in the PDNP is contrary to NPPF Para 144 which states this should be "as far as practical". Whilst it is the intention to limit mineral extraction, consideration needs to be given to the significance/importance of the resource. The need for development should be given appropriate weight in cases where there are clear economic benefits and continuation in supply of mineral resources are of national importance having regard to the tests for major development in National Parks (Para 116 NPPF).
- 2.3.40 3) Whilst Objective 1 is supported generally, there needs to be more flexibility in line with the revised NPPF. Para 11 requires plans to be sufficiently flexible to adapt to rapid change. Full consideration should also be given to the Duty to Cooperate and the potential to draw on resource from neighbouring areas.
- 2.3.41 4) Objective 3 whilst it is correct for the Plan to identify any shortfalls in resource, it is not considered that a locational strategy is the most effective method for securing new mineral development.
- 2.3.42 5) Objective 6 the NPPF does not advocate protection and enhancement in all circumstances. Caveat with "where possible".
- 2.3.43 6) Objective 7 The NPPF seeks to reduce 'as far as practicable' the landbank from outside the National Park. However, plans need to take account of mineral resource and where they exist as well as the significance and scarcity of the resource in maintaining supply which is of national importance. Objective 7 is unsound as it is not in accordance with the NPPF. Plans need to take account of mineral resource and where they exist as well as the significance and scarcity of the resource in maintaining supply which is of national importance.

Continues on next page

Actions / Considerations

- 2.3.44 1) and 4) Agree that approach towards the spatial location and distribution of minerals could be more effectively explained in the Plan.
- 2.3.45 2) and 6) It is not accepted that the statements relating to assisting in protecting the special characteristics of the PDNP are contrary to the NPPF. The effect of approach advocated is to increase production in the Plan area to enable a reduction in the PDNP. It is not intended to directly replace all production in that area and therefore is a measure that constitutes an approach that is 'as far as practical' as stated in the NPPF.
- 2.3.46 3) Agree that the wording in Objective 1 should better reflect the need to meet the national, sub national and local demand for aggregates. This aim is reflected in Policy SP1 Sustainable Development and the detailed application of this policy is set out at Chapter 6. The Plan reflects Duty to Cooperate requirements to meet the supply of aggregates and is sufficiently flexible to meet any increases in demand. The demand/supply of aggregates is monitored annually through the preparation of the LAA and the policies of the plan will be monitored in accordance with the monitoring framework set out at Chapter 12.
- 2.3.47 5) Objective 6 does not refer to protecting the natural and built environment in 'all circumstances' as it specifies that protection will be provided in the context of avoiding, minimising and/or mitigating against the potential adverse impacts of minerals developments. It therefore acknowledges that some impacts are unavoidable but, read in the context of the Plan as a whole, it seeks to avoid unacceptable adverse impacts in accordance with the NPPF.

Outcomes for Proposed Draft Plan

- 2.3.48 1) and 4) The sustainable location and spatial distribution of minerals has been addressed at paragraphs 4.29 to 4.32 of the new Plan to reflect the characteristics of the Plan area and the fact that minerals can only be worked where they are found. The extension of sites is covered at paragraph 4.32.
- 2) and 6) No change
- 3) Objective 1 has been reworded to better reflect the need to meet the national, sub national and local demand for aggregates.
- 5) No change

2.4 CHAPTER 4 - STRATEGIC SUSTAINABILITY PRINCIPLES

Table of Representations

Name	Reference Number	Representation Reference Number
Environment Agency	507	0036
Environment Agency	507	0037
CPRE Peak and S Yorks	524	0149
CPRE Peak and S Yorks	524	0150
CPRE Peak and S Yorks	524	0151
Mineral Products Association	538	0204
National Trust	547	0270
National Trust	547	0271
National Trust	547	0272
Friends of the Earth	549	0313
Tarmac	551	0327
Tarmac	551	0328
Tarmac	551	0329
Canal and Rivers Trust	577	0514

4.1 GENERAL PRINCIPLES - POLICY SMP1

Representation (Tarmac 551/0327)

2.4.1 Policy SMP1 generally supported but is unsound as not consistent with national policy. In addition to safeguarding resources, the policy should also seek to safeguard other mineral related (including transport) infrastructure in accordance with Para 204 of the NPPF.

Actions / Considerations

2.4.2 Agree

Outcomes for Proposed Draft Plan

2.4.3 The Strategic Sustainability Principles have been incorporated in Chapter 4 Sustainable Minerals Development which contains Policy SP1 covering both safeguarding mineral resources and minerals related infrastructure. Policies in Chapter 9 add provide detailed requirements on this issue.

4.2 OTHER SUSTAINABILITY PRINCIPLES MORE LOCALLY DISTINCTIVE TO DERBYSHIRE AND DERBY - POLICY SMP2

Representation (Environment Agency 507/0036; CPRE 524/0149; Mineral Products Association 538/0204; National Trust 547/0270; Tarmac 551/0328)

2.4.4 Policy SMP1 generally supported but is unsound as not consistent with national policy. In addition to safeguarding resources, the policy should also seek to safeguard other mineral related (including transport) infrastructure in accordance with Para 204 of the NPPF.

Actions / Considerations

2.4.5 Agree

Outcomes for Proposed Draft Plan

2.4.6 The Strategic Sustainability Principles have been incorporated in Chapter 4 Sustainable Minerals Development which contains Policy SP1 which now covers all of these issues.

4.3 CLIMATE CHANGE - POLICY SMP3

Representation (Tarmac 551/0329)

2.4.7 The second paragraph should be amended. “Unreasonably high” is too subjective and unsound. Whilst public benefit is advantageous, economic benefit and need for the mineral should be given as much weight as social and environmental facets. Suggested wording: “Incorporating measures to respond to the predicted effects of climate change, such as ensuring that new development in the flood plain is made safe without increasing flood risk elsewhere and providing for enhanced water storage during droughts where practical” followed by “measures should be proportionate to the scale and type of development and may include some or all of the following”

Actions / Considerations

2.4.8 Agree that the policy is in need of rewording.

Outcomes for Proposed Draft Plan

2.4.9 The Proposed Draft Plan contains a new specific Chapter and Policy relating to Climate Change.

4.3 CLIMATE CHANGE

Representation (CPRE 524/0150 & 0151)

2.4.10 This section should refer to and address the impact of fossil fuels, in particular hydrocarbons, on climate change.

Actions / Considerations

2.4.11 Government policy is in principle to allow the exploration of hydrocarbons. However, policies of the Plan will ensure that any impacts of oil and gas development in relation to climate change is fully addressed.

Outcomes for Proposed Draft Plan

2.4.12 The Proposed Draft Plan contains a new specific Chapter and Policy relating to Climate Change.

Representation (Environment Agency 507/0037)

2.4.13 The Environment Agency welcomes the inclusion of a climate change policy, with reference to flood risk made within this policy. The Environment Agency recommends the following amendments to bullet point 4 “incorporating measures to reduce flood risk to the site and elsewhere, where possible’.

Actions / Considerations

2.4.14 Agree

Outcomes for Proposed Draft Plan

2.4.15 The Proposed Draft Plan contains a new specific Chapter and Policy relating to Climate Change which incorporates this matter.

SUPPORTING COMMENTS

Representation (National Trust 547/0272)

2.4.16 We support the policy goal of minimising transport movements and maximising the use of alternatives to road transport. We suggest the addition of the wording ‘subject to those alternatives achieving low emissions of greenhouse gas and other pollutants’.

Representation (Canal and River Trust 577/0514)

2.4.17 The Canal & River Trust notes the comments made at paragraph 4.4.39 in relation to the limited potential for using water to transport minerals within the Plan Area, and we acknowledge that the nature of the waterways operated by the Trust within Derbyshire (none of which are designated as commercial waterways) may limit this potential.

Actions / Considerations

2.4.18 The support is noted.

4.4 TRANSPORT

Representation (Friends of the Earth 549/0313)

2.4.19 There are considered to be increased movements for mineral working as a result of fracking proposals, so the first part of paragraph 4.4.5 is questioned. Alter this part to read “should not be significant” rather than “minimal”.

Actions / Considerations

2.4.20 Agree with this comment however see 2.4.21.

Outcomes for Proposed Draft Plan

2.4.21 The issue of transport has been included in Chapter 4 Sustainable Minerals Development with a new Policy SP1 covering transport. Detailed transport policies are set out at Chapter 11 Policy DM3.

Representation (National Trust 547/0272)

2.4.22 We support the policy goal (SMP4) of minimising transport movements and maximising the use of alternatives to road transport. We suggest the addition of the wording ‘subject to those alternatives achieving low emissions of greenhouse gas and other pollutants’.

Actions / Considerations

2.4.23 Agree with this comment however see 2.4.21.

Outcomes for Proposed Draft Plan

2.4.24 The issue of transport has been included in Chapter 4 Sustainable Minerals Development with a new Policy SP1 covering transport. Detailed transport policies are set out at Chapter 11 Policy DM3. The Plan also includes a separate Policy SP2 on Climate Change which covers the issue of greenhouse gas emissions.

2.5 CHAPTER 5 – SPATIAL STRATEGY

Table of Representations

Name	Reference Number	Representation Reference Number
South Derbyshire District Council	542	0028
Staffordshire County Council	543	0237
National Trust	547	0273
Tarmac	551	0330
United Kingdom Onshore Oil and Gas	562	0444

SPATIAL STRATEGY

Representation (South Derbyshire DC 542/0228)

2.5.1 The proposed approach to the restoration of the sites in the river valleys is welcomed.

Actions / Considerations

2.5.2 The support is noted

Outcomes for Proposed Draft Plan

2.5.3 N/A

Representation (Staffordshire CC 543/0237)

2.5.4 Final bullet point - recognition of demonstrating benefits to ecological networks beyond the county boundary is supported.

Actions / Considerations

2.5.5 The support is noted

Outcomes for Proposed Draft Plan

2.5.6 N/A

Representation (National Trust CC 547/0273)

2.5.7 National Trust supports the policy commitment to considering the strategic restoration of mineral workings from the outset in their planning and development and providing after-uses that benefit the environment and local communities.

Actions / Considerations

2.5.8 The support is noted

Outcomes for Proposed Draft Plan

2.5.9 N/A

Representation (Tarmac 551/330)

2.5.10 Criteria are too subjective, onerous upon operators and unjustified. It is therefore unsound.

Actions / Considerations

2.5.11 The MPA consider that this part of the Plan needs to be significantly changed to be more streamlined and clearer.

Outcomes for Proposed Draft Plan

2.5.12 The Plan includes a new Chapter and Policy SP1 Sustainable Mineral Development which covers matters that were in the spatial strategy. This Chapter also covers the sustainable location of minerals development.

Representation (UKOOG CC 562/0444)

2.5.13 Policy SS1 appears to focus on aggregates, with no clear recognition of the uniqueness of other minerals, such as hydrocarbon development opportunities, and appears to miss the temporary nature of certain development phases.

Actions / Considerations

2.5.14 The MPA consider that this part of the Plan needs to be significantly changed to be more streamlined and clearer.

Outcomes for Proposed Draft Plan

2.5.15 The Plan includes a new Chapter and Policy SP1 Sustainable Mineral Development which covers matters that were in the spatial strategy. This Chapter also covers the sustainable location of minerals development.

2.6 CHAPTER 6 – SUPPLY OF AGGREGATES

6.1 SECONDARY AND RECYCLED AGGREGATES

Table of Representations

Name	Reference Number	Representation Reference Number
PDNPA	501	0019
Individual	578	0517

Representation (PDNPA 501/0019)

2.6.1 "Should the policies be re-numbered so this is Policy MS1?" The PDNPA consider that the list of types of sites should be made into a hierarchy, with the most favoured being first, through to the least favoured being last. Our suggested hierarchy would be:

- 1) On demolition and redevelopment sites where the use is for a temporary duration related to the approved redevelopment works;
- 2) On industrial estates or sites with planning permission for new industrial and storage development or is allocated for such uses in the local plan;
- 3) At active landfill sites or other appropriate waste management sites;
- 4) At active quarries;
- 5) On previously developed land or redundant agricultural and forestry land. It is considered that 'redundant agricultural and forestry land' should not be included as an acceptable location for this type of development.

2.6.2 Additionally the PDNPA question what is meant by 'redundant' and whether this would persuade people to deliberately abandon agricultural and forestry land for the sole purpose of gaining planning permission for this type of development.

Actions / Considerations

2.6.3 Agree re-numbering of policies. This section will be placed at the beginning of the aggregates chapter.

The approach of the Plan is to enable and encourage the development of facilities for the production of secondary and recycled aggregates to reduce the need for primary aggregates. The policy is written to encourage the development of recycling and secondary aggregate production facilities/operations in appropriate locations in response to the market. The MPA consider it inappropriate to list locations in a hierarchical list as each proposal will be considered in its own merits.

Agree with issue relating to 'redundant' buildings.

Outcomes for Proposed Draft Plan

2.6.4 The Plan contains a revised Policy (SP3) which seeks to support proposals for facilities/operations for the production of recycled and secondary aggregates in appropriate locations, as listed.

Representation (Individual 578/0517)

2.6.5 It is important that secondary or recycled aggregates are not extracted from former quarries that, under planning regulations, have returned to nature and are therefore officially classed as greenfield and not brownfield sites. Many such currently disused quarries that may have ceased operations 50 or more years ago are now havens for wildlife and are important feeding grounds for birds, animals and insects, even if rare species are not present within them. We all know that the environment is under extreme pressure from man's activities, for example it has recently been assessed by Birdlife that 1 in 8 species of bird may soon become extinct primarily due to the actions of man.

Actions / Considerations

2.6.6 Agree

Outcomes for Proposed Draft Plan

2.6.7 Policy SP3 of the Plan only supports recycled/secondary facilities at operational quarries on a temporary basis where they are linked to the permitted timescale of mineral extraction.

6.2 SAND AND GRAVEL

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0018
Environment Agency	507	0038
Environment Agency	507	0039
Environment Agency	507	0040
Environment Agency	507	0041
Environment Agency	507	0051
Borrowash Action Group	517	0133
Cemex	521	0139
Mineral Products Association	538	0205
Mineral Products Association	538	0206
South Derbyshire District Council	542	0229
Staffordshire County Council	543	0238
Staffordshire County Council	543	0239
Staffordshire County Council	543	0240
Tarmac	551	0331
Tarmac	551	0332
Tarmac	551	0333
Tarmac	551	0334
Tarmac	551	0335
Individual	558	0379
Historic England	563	0447

SAND AND GRAVEL PROVISION

Representation (Mineral Products Association 538/0205 & 0206, Tarmac 551/0332 & 0333)

2.6.8 DCC has not considered properly the requirements of the NPPF in that the calculation of the requirement for sand and gravel only considers the 10-year average. The 3-year average is marginally higher. Policy MS1 is therefore considered to be unsound. Changes to the policy are suggested to ensure the soundness of the policy. The landbank calculations are also considered to be incorrect as Potlocks Farm is included in the figures. Also, NPPF states that the Plan period should be 15 years from adoption. As a result, the sand and gravel requirement should be revised.

Actions / Considerations

2.6.9 The role of a LAA is not to prepare a forecast of future demand in the same manner that we do for waste, but to use locally available information to determine if future demand might vary from historical sales averages. However, we have considered the most recent data and other information in reviewing the LAA and have concluded that the 10-year average figure should be used. This figure is a realistic and achievable one that will continue to be reviewed on an annual basis to ensure that it remains so. The 3-year average is actually lower than the 10-year average at 0.80mt.

2.6.10 It is agreed that the Plan period should be extended to take account of the requirements of the NPPF. It has been extended to 2038.

2.6.11 The permission for the Potlocks Farm site had not been revoked at the time the figures were calculated for inclusion in the Spring 2018 consultation. The site has now been removed from the figures. The resulting reduced landbank and the extension of the Plan period means the remaining requirement is around 10mt. This will require additional sites to be included in the MLP.

2.6.12 The suggested changes to the first part of Policy MS1 (now SP4) are not considered necessary as the LAA considers the 10-year average, other information and production capacity. It would be superfluous to add this to the policy considering the requirement of the NPPF to keep Local Plans succinct. Reference to the 10-year average in the second bullet point will be removed.

Outcomes for Proposed Draft Plan

2.6.13 To use the 10-year average for calculating the figures for future provision and continuing the annual review to ensure that they remain accurate.

Extend the Plan period to 2038 and revise the figures as necessary.

Remove reference to 10-year average sales from the revised Policy SP4.

Representation (Tarmac 551/0331)

2.6.14 There is no discussion regarding the anticipated demand that adjoining areas may place on Derbyshire resource and vice versa. Leicestershire has an insufficient landbank and sites are not identified in the emerging Plan to meet anticipated demand.

Actions / Considerations

2.6.15 This is considered and discussed in the LAA, which supports the Local Plan. To duplicate the information in the Plan would be contrary to NPPF which encourages streamlined plans.

Outcomes for Proposed Draft Plan

2.6.16 No changes required.

Representation (Tarmac 551/0334)

2.6.17 Taking account of above comments, consider that insufficient resource is identified. However, the Policy (MS2) could be supported if the area to the west of the southern extension at Swarkestone is included.

Actions / Considerations

2.6.18 The latest information in the LAA suggests that additional areas will have to be included in the MLP. The western extension to Swarkestone has been assessed with all other sites and it has been proposed to include the site as a draft allocation. This is now set out in Policy SP5.

Outcomes for Proposed Draft Plan

2.6.19 A reassessment of sand and gravel requirements has been undertaken. The proposed allocations are set out in Policy SP5.

Representation (Staffordshire County Council 543/0240)

2.6.20 Paragraph 6.2.71 indicates a potential requirement for additional reserves to maintain production capacity from 2027. Are there any options that can be identified to fulfil this potential shortfall?

Actions / Considerations

2.6.21 Given that the Plan period has been extended to 2038, additional sites will be allocated which will address requirements in the latter part of the Plan period

Representation (Staffordshire County Council 543/0238)

2.6.22 Clarification should be provided on whether the 7-year landbank is to be maintained up to the end of 2030, based on the level of provision established in the recent LAA.

Actions / Considerations

2.6.23 The 7-year landbank will be maintained throughout and beyond the Plan period. This will be made clearer in the text and more detailed evidence will be provided to show this.

Outcomes for Proposed Draft Plan

2.6.24 Clarify in the revised text that the 7-year landbank for sand and gravel will be maintained throughout and beyond the Plan period.

SAND AND GRAVEL ALLOCATIONS

Representation (Environment Agency 507/0038, 0039, 0040, 0041)

2.6.25 Provide detailed comments on each site in terms of flood risk etc.

Actions / Considerations

2.6.26 This type of detail was considered during the assessment of the sites and will also be important should a planning application be submitted for this site. EA would be consulted on any application for the sites.

Outcomes for Proposed Draft Plan

2.6.27 No change required to the Plan.

Representation (Borrowash Action Group 517/0133; Individual 558/0379)

2.6.28 Object to the inclusion of the extension to Elvaston Quarry as a Preferred Area.

Actions / Considerations

2.6.29 Understand these concerns regarding the site. This site was assessed along with all others that were put forward, using the agreed site assessment methodology. It was found, on balance, to have potential to be worked for mineral extraction. There will always be some negative impacts of mineral extraction, but it is considered that any adverse impacts of the extraction at this site could be mitigated to a satisfactory level. These would be considered in more detail should a planning application be submitted for the site.

Outcomes for Proposed Draft Plan

2.6.30 Continue to include this site in the Proposed Plan.

Representation (Historic England 563/0447; Individual 579/0523)

2.6.31 Concerned about the impact of the proposed extension to Swarkestone Quarry on the Ancient Monument, Anchor Church.

Actions / Considerations

2.6.32 This issue has been addressed in the consideration of the planning application for this site. The proposed working area has been revised to protect the setting of this ancient monument. The planning application has now been determined so will not be identified as an allocation in the MLP.

Outcomes for Proposed Draft Plan

2.6.33 The site at Swarkestone South now has planning permission so is not identified as an allocation in the MLP.

Representation (Staffordshire County Council 543/0239)

2.6.34 With regard to the allocation of land at Willington and the issues listed under paragraph 6.2.69, previous comments provided by SCC regarding the cross-boundary implications from developing this site remain relevant.

Actions / Considerations

2.6.35 Noted.

SAND AND GRAVEL CHAPTER SUPPORTING COMMENTS

Representation (Environment Agency 507/0051; Cemex 521/0139; South Derbyshire District Council 542/0229; Egginton Parish Council

2.6.36 Provide detailed comments on each site in terms of flood risk etc.

Actions / Considerations

2.6.37 Noted.

Outcomes for Proposed Draft Plan

2.6.38 No changes required.

6.3 AGGREGATE CRUSHED ROCK

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0017
Walsall MBC	508	0058
Walsall MBC	508	0060
Walsall MBC	508	0061
Greater Manchester Combined Authority	510	0067
Greater Manchester Combined Authority	510	0068
Greater Manchester Combined Authority	510	0069
Central Bedfordshire Councils	522	0141
Lincolnshire County Council	533	0184
National Trust	547	0274
National Trust	547	0275
National Trust	547	0276
Tarmac	551	0336
Tarmac	551	0337

ISSUE: CRUSHED ROCK PROVISION FIGURES

Representation (Tarmac 551/ 0336)

2.6.39 The MPA should ensure sufficient production capacity to maintain anticipated demand/sales and flexibility to meet upturns in demand. Whilst there is a significant landbank, it is still important to consider the operational capacity of sites, where they are located and how much Derbyshire is contributing to overall supply.

Actions / Considerations

2.6.40 These issues are considered in the Local Aggregate Assessment, which informs the preparation of the MLP.

Outcomes for Proposed Draft Plan

2.6.41 No change required.

CRUSHED ROCK SUPPLY

Representation (Walsall MBC 508/0058; Greater Manchester Combined Authority 510/0067 & 0068 & 0069; Central Bedfordshire Councils 522/0141; Lincolnshire County Council 533/0184)

2.6.42 Support the approach to maintain the supply of aggregate crushed rock from the area, which many parts of the country are dependent upon.

Actions / Considerations

2.6.43 Noted.

Outcomes for Proposed Draft Plan

2.6.44 No change required.

SITES FOR CRUSHED ROCK

Representation (Tarmac 551/0337)

2.6.45 Consider that this policy is not positively prepared, nor does it reflect NPPF or the principles of sustainable development and the overall weighting to the three facets of sustainability. The wording places heavy onus on the operator to deliver significant benefits to the community and environment beyond the considerable benefit of sustaining the supply of nationally important minerals. The terms “significant” is ambiguous. “Permitted in exceptional circumstances” should be deleted. Revised wording suggested.

Actions / Considerations

2.6.46 The economic benefit that mineral development brings to the area is very much recognised and embedded in the Plan. This specific policy is worded in this way because of the significant landbank of aggregate crushed rock which exists in Derbyshire. A landbank of 80 years is considered as being significant in the context of the requirement to maintain a minimum 10-year landbank. As a result, there is unlikely to be a need for new reserves but if a planning application comes forward, it will have to ensure that there will be some benefits to the area and the local community beyond the economic benefits of the quarry. It is accepted, however, that some amendments could be made to the policy to help to address the issues raised to ensure that it reflects the principles in the NPPF in having a more positive thrust. Reference to “exceptional circumstances” will be removed from the revised policy.

Outcomes for Proposed Draft Plan

2.6.47 Incorporate amendments into revised Policy SP7 to help address some of the issues raised but maintain the overall approach of the policy.

Representation (National Trust 547/0275 & 0276)

- 2.6.48 The third bullet point of Policy MS5 requires amendment as currently it would allow for a wide range of 'benefits', including potentially financial benefits to the developer, to be an adequate reason for extending a quarry. We suggest the following change:
- 2.6.49 'Material planning benefits could include proposals that:- Secure significant environmental benefits from co-ordinated and comprehensive working and restoration;'
- 2.6.50 The final bullet point also requires amendment as it implies that any major infrastructure project anywhere could justify further release of rock. We suggest that this should only be the case if a major infrastructure project is close to the proposed quarry/extension and where an options appraisal has been carried out to ensure that the proposed quarry/extension represents the most sustainable and least harmful option for obtaining the mineral. We suggest the following changes: - 'are required as part of a major infrastructure project in close proximity to the mineral source, and where the source has been identified as the most environmentally sustainable supply option.'

Representation (Peak District National Park Authority 501/0017)

- 2.6.51 Do not consider that the text and Policy MS5 is worded correctly, as reserves that are unlikely to be worked would not have an impact and therefore could not/should not be used as a bargaining tool for new quarries or extensions. We consider it should read: It could also involve the relinquishment of consented reserves elsewhere in the Plan area or the PDNP, which are considered unacceptable if they were worked in the future, in exchange for new reserves. Proposals would need to deliver better outcomes in overall sustainability terms'.

Actions / Considerations

- 2.6.52 Agree that amendments should be made to this policy to help to address the points raised.

Outcomes for Proposed Draft Plan

- 2.6.53 Amend Policy (now SP7) to help to address the concerns raised.

6.4 HELPING TO REDUCE THE SUPPLY OF AGGREGATES FROM THE PEAK DISTRICT NATIONAL PARK

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0016
CPRE Peak and S. Yorks	524	0152
Mineral Products Association	538	0207
Tarmac	551	0338
Historic England	563	0448

Representation (Mineral Products Association 538/0207; Tarmac 551/0338)

2.6.54 This policy is not consistent with national policy and is considered unsound. NPPF sets out that minerals should provide for the maintenance of landbanks from outside National parks as far as practical. The phrase as far as practical is important here as minerals can only be worked where they occur and it may not be practical or viable to extract minerals outside the National Park and ensures that valuable minerals are not sterilised. Para 116 of the NPPF is also important as this supports the benefits of mineral extraction to the local economy.

Actions / Considerations

2.6.55 This policy would not prevent future mineral extraction from taking place in the PDNP. It is a mechanism to take account of the natural closure of some quarries in the PDNP and to allow for some of this production to be replaced in DCC outside the PDNP where the resource is often similar in both geological and chemical terms. It is allowing for sustained and continued production of minerals in the wider area to allow for quarries which are naturally coming to the end of their lives in the PDNP. It does not mean that applications could not be considered for new quarries in the PDNP; that is the responsibility of the PDNPA to consider with regard to their overall strategies and policies. It is, therefore, in accordance with NPPF by, as far as is practical, seeking to maintain landbanks of non-energy minerals outside National Parks. "As far as practical" in this respect means that the Councils are taking some steps to reducing gradually the landbank of aggregate crushed rock within the National Park by increasing the provision outside the National Park; the policy is not preventing quarrying in the PDNP completely. The rural economy of the National Park would be benefited also by a reduction in quarrying in that it would benefit the tourism industry to some extent.

Outcomes for Proposed Draft Plan

2.6.56 No changes proposed.

Representation (Peak District National Park Authority 501/0016; CPRE Peak and S Yorks 524/0152; Historic England 563/0448)

2.6.57 This policy which seeks a reduction in quarrying from the Peak Park is supported in general.

Actions / Considerations

2.6.58 Noted.

Outcomes for Proposed Draft Plan

2.6.59 No changes proposed to revised Policy SP8.

2.7 CHAPTER 7 – SUPPLY OF NON-AGGREGATES

7.1 SUPPLY OF BUILDING STONE

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0015
Derbyshire Dales District Council	506	0034
Individual	512	0071
Individual	512	0072
Individual	512	0073
Individual	512	0074
Individual	512	0075
Individual	512	0076
Individual	512	0077
Individual	516	0132
Individual	518	0134
Individual	519	0136
Individual	520	0138
Individual	523	0142
Individual	523	0143
Individual	523	0144
CPRE Peak and S. Yorks	524	0153
CPRE Peak and S Yorks	524	0154
Individual	525	0167
Individual	525	0168
Individual	528	0174
Individual	528	0175
Individual	529	0176
Individual	529	0177
Individual	534	0185
Darley Hillside Residents Association	535	0186

Name	Reference Number	Representation Reference Number
Darley Hillside Residents Association	535	0187
Darley Hillside Residents Association	535	0188
Individual	536	0192
Mineral Products Association	538	0208
Mineral Products Association	538	0209
Rowsley Parish Council	539	0210
Individual	540	0211
Individual	540	0212
Individual	540	0213
Individual	540	0214
Individual	540	0215
Individual	540	0216
Individual	540	0218
Individual	541	0219
Individual	541	0220
Individual	541	0221
Individual	541	0222
Individual	541	0223
Individual	541	0224
Individual	541	0226
Two Dales Residents Association	546	0261
National Trust	547	0277
Individual	550	0318
Individual	552	0351
Individual	554	0353
Individual	554	0354
Individual	554	0355
Individual	554	0356
Individual	554	0357
Individual	554	0358

Name	Reference Number	Representation Reference Number
Darley Hillside Residents Association	535	0187
Individual	555	0361
Individual	555	0362
Individual	555	0363
Individual	555	0364
Individual	555	0365
Individual	555	0366
Individual	555	0368
Individual	556	0369
Individual	556	0370
Individual	556	0371
Individual	556	0372
Individual	556	0373
Individual	556	0374
Individual	556	0376
Individual	557	0377
Individual	564	0462
Individual	564	0463
Individual	564	0464
Individual	564	0465
Individual	564	0466
Individual	564	0467
Individual	566	0473
Individual	567	0474
Individual	567	0475
Individual	567	0476
Individual	567	0477
Individual	567	0478
Individual	567	0479
Individual	570	0485

Name	Reference Number	Representation Reference Number
Individual	570	0486
Individual	570	0487
Individual	570	0488
Individual	570	0489
Individual	570	0490
GW Minerals	573	0505
GW Minerals	573	0506
GW Minerals	573	0507
GW Minerals	573	0508
GW Minerals	573	0509
GW Minerals	573	0510

OPTION CHOICES

Representation (512/0077, 523/0144, 535/0188, 540/0218, 541/0226, 554/0360, 555/0368, 556/0376)

2.7.1 Challenge the reference which states that only four people responded to the two options put forward at the 2016/2017 Sites Consultation stage. At no point were these two options communicated during the consultation, including no reference at public meetings (with some 200 attendees) with the then Chief Planning Officer.

Actions / Considerations

2.7.2 The options for ensuring the supply of building stone i.e. allocations and a criteria policy or just a criteria policy, were included clearly in the 2016/2017 Consultation documents and communicated by the Planning Services Manager at a public meeting to residents held on 18th January 2017. In practice, it is very difficult to engage local people in the development of policy options; residents tend to focus purely on the sites that are being promoted for allocation as was the case at Darley Dale.

Outcomes for Proposed Draft Plan

2.7.3 The proposal is no longer being promoted through the Local Plan.

NUMBERS OF OBJECTIONS REFERRED TO IN PLAN

Representation (512/0075, 512/0076, 523/0143, 525/0168, 528/0175, 529/0177, 534/0185, 535/0187, 540/0215, 540/0216, 541/0223, 541/0224, 554/0357, 554/0358, 555/0365, 555/0366, 556/0373, 556/0374, 564/0466, 564/0467, 567/0478, 567/0479, 570/0489, 570/0490)

2.7.4 Object to the phrase 'significant number of objections to the proposal from local people' - significant needs to be defined i.e. a record level of overwhelming objections with over 325 objection letters and a petition with over 600 signatures. It is misleading also, as it was not just local people but a significant number of statutory/major organisations who objected e.g. Severn Trent, PDNPA, RSPB, Woodland Trust etc.

Actions / Considerations

2.7.5 The main document is not the place for this sort of detail to be included. The number of objections and their detail is set out clearly in the Report of Representations which is signposted in the main document.

Outcomes for Proposed Draft Plan

2.7.6 No action required. The site is no longer being promoted in the Plan.

POLICY

Representation (Individuals 512/0073; 518/0134; 519/0136; 523/0142; 525/0167; 528/0174; 529/0176; 534/0185; 535/0186; 540/0213; 541/0221; 554/0355; 555/0363; 556/0371; 564/0464; 567/0476; 570/0487)

2.7.7 The policy (now SP9) contains three criteria which are so vague and general that they are meaningless.

Actions / Considerations

2.7.8 In assessing any planning applications for mineral development, all policies of the Minerals Local Plan will be taken into account, where relevant, and it is important, therefore, to understand that the general policies of the Plan covering matters such as dust, noise, transport etc. are important as well as the policies relating to the particular mineral that they are interested in.

Outcomes for Proposed Draft Plan

2.7.9 The proposal is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan.

POLICY MS7 – CLARITY OF APPROACH

Representation (Individuals 512/0072; 540/0212; 551/0220; 554/0354; 555/0362; 556/0370; 564/0463; 567/0475; 570/0486)

2.7.10 There is no clarity as to the approach that would be taken of a planning application was received for the New Parish Quarry site.

Actions / Considerations

2.7.11 The Minerals Local Plan has to cover a wide range of matters. Building stone is only a small part of the Plan. It would be unnecessary and inappropriate to focus on a site which is not proposed to be included in the Plan in terms of setting out how a planning application would be dealt with for this site; it is like any other area of unallocated land in this respect. All policies of the Plan, where relevant, would be taken into account in the consideration of a planning application for the site.

Outcomes for Proposed Draft Plan

2.7.12 The proposal is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan. The criteria-based Policy SP9 and other relevant policies of the Plan would be used to determine a planning application for the site if this was submitted.

POLICY MS7 – SCALE OF BUILDING STONE QUARRIES

Representation (Mineral Products Association 538/0208)

2.7.13 DCC is misinterpreting NPPF in terms of the need for building stone. There is no logic to this thinking that building stone quarries should all be small. The term small scale is not defined so should reflect local circumstances including market for the mineral which may be wider than the local authority area. Most quarries would not be viable if restricted in this way.

Actions / Considerations

2.7.14 The policy does not set out that building stone quarries should be small scale, only that they should be of a scale such that any adverse impacts could be mitigated. It should be noted, however, that NPPF continues to refer to the need to recognise the often small-scale nature and impact of building stone quarries.

Outcomes for Proposed Draft Plan

2.7.15 No change required to renamed Policy SP9.

POLICY MS7 – NEED FOR THE MINERAL

Representation (Mineral Products Association 538/0209)

2.7.16 The second bullet of this policy should be deleted as there is no requirement to prove a need for the mineral. Proposals should be based on land use criteria. By the time an operator could show a need the opportunity to supply a specific project would be gone. Building stone extraction should not be limited to local markets or for heritage projects. Limiting building stone production in this way is against the spirit and purpose of the NPPF.

Actions / Considerations

2.7.17 Agree. This bullet point will be removed.

Outcomes for Proposed Draft Plan

2.7.18 Alter renamed Policy SP9 to address the comment.

SITE ASSESSMENT METHODOLOGY

Representation (Individuals 512/0074; 540/0214; 541/0222; 554/0356; 555/0364; 556/0372; 564/0465; 567/0477; 570/0488)

2.7.19 The revised Site Assessment Methodology contains no detail as to how and when it would be applied to any proposal for New Parish Quarry.

Actions / Considerations

2.7.20 The proposal at New Parish Quarry is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan.

Outcomes for Proposed Draft Plan

2.7.21 No changes required.

NEED FOR ALLOCATIONS

Representation (GW Minerals 573/0505)

2.7.22 In terms of Building Stone, the Plan proposals are not site specific; and therefore do not meet both Vision and Objectives. High quality stone together with the minimisation of waste materials arising from quarrying operations can only be identified by a thorough and detailed site investigation. Such research is costly but is essential as a means of identifying viable sites in suitable locations in relation to environmental impacts, highway access, etc. This leads to the identification of specific sites rather than a criteria-based approach.

Actions / Considerations

2.7.23 The Vision and Objectives do not set out that provision will be always be made through allocation of specific sites in the MLP; only that steady and adequate provision will be maintained through the identification and maintenance of future supply requirements. There is no agreed framework in place to determine future requirements for building stone as there is for aggregates. It is not possible therefore to identify sites at this stage unless a specific need has been shown for stone from a particular site. This is more likely to be the case when a planning application is proposed because there is likely to be greater certainty at this stage. This is the reason for the proposed criteria policy approach to be proposed.

Outcomes for Proposed Draft Plan

2.7.24 No change required.

AGGREGATE AS A BY-PRODUCT

Representation (CPRE Peak and S Yorks 524/0154; Individual 557/0377)

- 2.7.25 The policy and supporting text are not sufficiently restrictive in relation to aggregate by-product from building stone sites. Suggest that additional text should be added stating that aggregate output should be minimised and must not compromise restoration outcomes.
- 2.7.26 Extraction should be overwhelmingly for building stone (95%+) rather than aggregate, spoil, waste. This efficiency should be the case with a finite resource. Current wording “primarily” suggests something much lower than this. No material should be imported for processing. There should be an identified need for the specific stone to be worked in that particular location. The scale of the proposal should ensure that any adverse impact is completely mitigated. Current wording states that this should be carried out satisfactorily but to whose satisfaction. The scale of the proposal should be in keeping with the general nature of building stone provision in the area which is characterised by small low-key short term working to meet an identified need. The Plan should acknowledge that building stone operations are low key operations in terms of labour and the economic impact.

Actions / Considerations

- 2.7.27 It is not possible to set a precise figure for the proportion of aggregate/non-aggregate to be extracted. This is because the mineral can be so varied and unpredictable in physical and chemical composition at each location. It has to be recognised that there will be an element of waste and aggregate at any building stone quarry but for the reasons set out the policy cannot be too specific at this stage. This part of the policy should, therefore, remain unchanged. In terms of mitigation, it is agreed that the third criteria should be strengthened.

Outcomes for Proposed Draft Plan

- 2.7.28 Make amendments as set out in the renamed policy SP9.

SUPPORTING COMMENTS

Representation (Peak District National Park Authority 501/0015; DDDC 506/0034; 512/0071; 520/0138; CPRE 524/0153; 540/0211; 541/0219; 554/0353; 555/0361; 556/0369; 564/0462; 567/0474; 570/0485; Two Dales Residents Action Group 546/0261)

2.7.29 Support the decision to not allocate the site for building stone in the MLP including the site at Bent Lane, Darley Dale.

Actions / Considerations

2.7.30 Noted.

Outcomes for Proposed Draft Plan

2.7.31 No change required. The proposal is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan.

7.2 INDUSTRIAL LIMESTONE AND CEMENT

Table of Representations

Name	Reference Number	Representation Reference Number
Tarmac	551	0339
HPBC	527	0171
PDNPA	501	0013
Staffordshire CC	543	0241
National Trust	547	0278
Tarmac	551	0340
Historic England	563	0449
Walsall MBC	508	0059
Walsall MBC	508	0524

FUTURE REQUIREMENTS

Representation (Tarmac 551/0339)

2.7.32 Para 7.2.9 should reference the evidence referred to in 7.2.10. 7.2.10 and 7.2.11 are contradictory. MPA is predicting the demand for Industrial Limestone is unlikely to increase but operators are suggesting sites which contradicts this.

Actions / Considerations

2.7.33 Agree that paragraph 7.2.9 should include reference to the UK Minerals Forum document Trends in the UK Production of Minerals February 2014 – 7.8 Industrial Carbonates. However, the two paragraphs are not contradictory; the proposals that are coming forward from operators are to maintain production at existing sites and at existing levels of production rather than increase production by putting forward new quarries.

Outcomes for Proposed Draft Plan

2.7.34 Ensure that the evidence about the future trend in the production of industrial carbonates is appropriately referenced.

MAKING PROVISION FOR AN ADEQUATE SUPPLY OF INDUSTRIAL LIMESTONE

Representation (HPBC 551/0339)

2.7.35 Para 7.2.45 states that operators are actively promoting extensions to the quarries and that there is need for additional reserves. This should be evidenced.

Actions / Considerations

2.7.36 Agree mineral operators will need to provide adequate evidence to justify that additional reserves are required at their quarry during the plan period.

Outcomes for Proposed Draft Plan

2.7.37 Ensure that appropriate evidence is provided in order to justify the need for an allocation of additional land.

CEMENT – HOPE CEMENT WORKS

Representation (PDNPA 501/0013)

2.7.38 Hope Cement Works does not have consent as a free-standing cement factory. The permission links the shale and limestone quarries to the cement works. Therefore there would not be a 'call on minerals from within the Plan area to support cement manufacture at Hope'. Amend the supporting text to Policies MS8 and MS9 to exclude any references that allude to the fact that Hope cement works could be supplied by mineral from other quarries.

Actions / Considerations

2.7.39 In view of the fact that Hope Cement Works does not have consent as a free-standing cement works there should not be a call on minerals from the Plan area to supply cement manufacture at Hope. However, if Hope cement works ceased operation there may be an impact in terms of increased cement production from within the Plan area which could lead to the need for additional cement raw materials. It is important therefore to co-operate with the PDNPA in order to monitor this situation.

Outcomes for Proposed Draft Plan

2.7.40 Amend the text accordingly.

CEMENT – TUNSTEAD

Representation (Staffordshire County Council 543/0241)

2.7.41 The landbank requirement for cement minerals for the Tunstead Works over the Plan period should be confirmed.

Actions / Considerations

2.7.42 Due to confidentiality issues it is not possible to set out the stock of permitted reserves required to support cement manufacturing at Tunstead.

Outcomes for Proposed Draft Plan

2.7.43 No change

POLICY MS8: INDUSTRIAL LIMESTONE PROVISION

Representation (Tarmac 551/0340)

2.7.44 Industrial limestone is of national importance and its unique properties mean that the number of sites are limited. The policy is not positively prepared and is therefore considered unsound. Given the scarcity of the resource, the test should be in maintaining supply not demonstrating there is a need for further extraction. The policy should be reworded as follows:

Policy MS8: Industrial limestone provision

Proposals for the extraction of industrial limestone will be supported where:

- They are needed because of their particular chemical or physical composition

Actions / Considerations

2.7.45 In order to focus on supply rather than meeting a need as set out in the NPPF it is proposed to amend the policy wording. This amendment more closely aligns with the style of other policies in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.7.46 Amend the policy accordingly.

POLICY MS9: PROVISION FOR CEMENT MAKING MATERIALS

Representation (National Trust 547/0278)

2.7.47 A slight adjustment should be made to the final criteria of the policy to ensure that proximity to existing works does not override other environmental considerations:

Proposals that accord with the criteria set out in MP9 will be supported provided that

- They are extensions of time and/or physical extensions to existing limestone/clay/shale quarries or
- Where this is not possible, they are located as near as possible (when weighed with other environmental considerations) to the cement works where the material will be used'

Actions / Considerations

2.7.48 In assessing planning applications all policies of the plan apply, where relevant, including those that address environmental considerations. It is not considered necessary to make specific reference to other environmental considerations in this policy.

Outcomes for Proposed Draft Plan

2.7.49 No Change.

Representation (Historic England 563/0449)

2.7.50 Linked to Policy MS6 (Helping to reduce quarrying in the PDNP) is the extraction at Tunstead through the criteria-based approach. The sufficient supply of cement well beyond the Plan period, even with K2, is noted and we recommend that either the Plan or SA notes the arrangements already agreed through application in respect of the nearby Scheduled Monument at the Tunstead site.

Actions / Considerations

2.7.51 Updated modern planning conditions have been established in 2017, under ROMP applications R1/1197/11 and R1/0913/27, for working Tunstead Quarry which will protect the nearby Scheduled Monument. It would be inappropriate to include such details in the local plan.

Outcomes for Proposed Draft Plan

2.7.52 No change.

BACKGROUND PAPER - CEMENT

Representation (Walsall MBC 508/0059)

2.7.53 The Cement Background Paper acknowledges that there are only a limited number of cement plants in the UK and very few of them are accessible to the West Midlands Combined Authority Area. It is important therefore that this Paper mentions that the West Midlands is partly dependent on Derbyshire and the Peak District for supplies of cement, which will in turn depend on maintaining sufficient supplies of limestone and shale to these works over time.

Actions / Considerations

2.7.54 Agree that at paragraph 6.7 which refers to the need for shale and marl to be exported to Tunstead from quarries in Staffordshire that reference should be made to the importance of Tunstead as a supplier of cement to the West Midlands conurbation.

Outcomes for Proposed Draft Plan

2.7.55 Amend the Background Paper accordingly.

Representation (Walsall MBC 508/0524)

2.7.56 The Cement Background Paper (6.10 – 6.12) refers to the two plants which are outside the local plan area including the Hope Cement Works, on which the Walsall depot depends for its cement supplies. The paper does not mention that this works is supplying the depot in Walsall (and no doubt other depots elsewhere in the Midlands). The Paper suggests that Hope Cement Works may have only around 6 years' supply of shale and less than 15 years' supply of limestone remaining, although potential alternative sources have been identified (Cement Background Paper, 6.10 – 6.12). Maintaining long-term supplies of material to the Walsall depot will be important for future planning in our area. While this is a matter that we will need to take up with the operator, we would also like to see some recognition of the importance of Hope Cement Works to supplies in our area in the final version of your Cement Background Paper.

Actions / Considerations

2.7.57 In response to the previous representation it is proposed to amend the Plan to refer to the importance of the Derbyshire, Peak District and Staffordshire cement plants is supplying the West Midlands conurbation. This is considered sufficient detail for the plan to include on this matter.

Outcomes for Proposed Draft Plan

2.7.58 No change.

7.3 BRICK CLAY AND FIRECLAY

Table of Representations

Name	Reference Number	Representation Reference Number
Greater Manchester Combined Authority	510	0064
Greater Manchester Combined Authority	510	0065
National Trust	547	0279

DENTON BRICKWORKS

Representation (Greater Manchester Combined Authority 510/0064)

2.7.59 Support the approach to maintaining the supply of Brick Clay and in particular welcome the recognition given to the importance of Mouselow Quarry in the continuation of brick production at Wienerberger's Denton brickworks.

Representation (Greater Manchester Combined Authority 510/0065)

2.7.60 Welcome the recognition for monitoring the continued need to liaise with those MPAs within which the Brickworks lie.

Actions / Considerations

2.7.61 The support is noted.

Outcomes for Proposed Draft Plan

2.7.62 No action required.

POLICY MS10: BRICK CLAY PROVISION

Representation (National Trust 547/0279)

2.7.63 A minor adjustment is suggested to MS10:

- 'Where this is not possible, they are located as near as possible (when weighed with other environmental considerations) to the site where the clay will be used'

Actions / Considerations

2.7.64 In assessing planning applications all policies of the plan apply, where relevant, including those that address environmental considerations. It is not considered necessary to make specific reference to other environmental considerations in this policy.

Outcomes for Proposed Draft Plan

2.7.65 No Change.

7.4 VEIN MINERALS

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0010
Peak District National Park Authority	501	0011
Peak District National Park Authority	501	0012

Representation (Peak District National Park Authority 501/001,0011,0012)

- 2.7.66 Paragraph 7.4.26 – The paragraph states, ‘...and the role of the Plan area in reducing vein mineral extraction from within the Peak District National Park area’. Policy MIN2 of the Peak District National Park Authority’s Core Strategy encourages and supports the continued extraction of fluorspar ore by underground mining and therefore the PDNPA are not seeking to reduce vein mineral extraction from the Peak District National Park area.
- 2.7.67 Paragraph 7.4.17 – This paragraph states that there is currently a planning application to extend the length of the permission at Watersaw Mine until 2028, but the application actually requests a 20 year extension until 2035.
- 2.7.68 Paragraph 7.4.16 – The paragraph states that a small amount of vein mineral is supplied from Slinter Top Quarry, Cromford (equating to 20 tonnes a month). However, the documentation submitted to support a recent planning application for an extension to this quarry revealed that no vein mineral has been excavated from this quarry or exported to Cavendish Mill for processing in the last few years. Should this quarry be mentioned if its reserves of vein minerals have been depleted?

Actions / Considerations

- 2.7.69 Agree that the references in the plan to vein mineral working in the PDNP need to be updated.
- 2.7.70 Slinter Top is an operational quarry which has a current permission primarily for vein mineral with ancillary aggregate working. Whilst vein mineral production might be intermittent it is considered that the site should be included.

Outcomes for Proposed Draft Plan

- 2.7.71 The Plan has been updated in accordance with information supplied by the PDNPA .

2.8 CHAPTER 8 – SUPPLY OF ENERGY MINERALS

8.1 COAL AND COLLIERY SPOIL

Table of Representations

Name	Reference Number	Representation Reference Number
Coal Authority	515	0123
Coal Authority	515	0124
Coal Authority	515	0125
Coal Authority	515	0126
Coal Authority	515	0127
Coal Authority	515	0128
South Derbyshire DC	542	0230
South Derbyshire DC	542	0231
North East Derbyshire DC	545	0258
North East Derbyshire DC	545	0259
National Trust	547	0280
National Trust	547	0281

BUFFER ZONES

Representation (NEDDC 545/259)

2.8.1 There are concerns that existing settlements within the district which are surrounded by surface coal should be better protected from any future coal extraction nearby. This could be achieved through the integration of buffer zones around residential areas. PPG states that buffer zones may be appropriate in specific circumstances and should be established on a site-specific basis and should be effective, properly justified, and reasonable. It goes on in stating specific criteria which should be taken into account. Coal mining in North East Derbyshire has a long tradition, but since all mining activity has ceased to exist the Council is forward looking towards a district that “is clean and attractive, a place where people are proud to live and work, where they will prosper and are safe, happy and healthy.” (footnote This is the Vision of North East Derbyshire’s Publication Draft Local Plan 2014 – 2034) New coal extraction proposals near existing settlements would potentially threaten this vision and positive development which is supported and reinforced by the Council’s upcoming Local Plan. Given the fact that the historic coal mining villages are situated in a similar setting (rural character within undulating topography) it is suggested that it would be appropriate to apply a buffer zone to protect local residents from potential noise and dust nuisance and safeguard the villages’ unique settings.

Actions / Considerations

2.8.2 The longstanding mining history of North East Derbyshire is recognised and the potential impacts of new coal developments are fully recognised and will be reflected in the relevant policies to be used to determine the acceptability or otherwise of any proposals that may come forward. It is acknowledged that PPG indicates that buffer zones may be appropriate in certain circumstances, but the advice makes it clear that their use would be on a site by site basis. The Proposed Draft Plan does not identify any sites for potential coal mining development and it is has therefore not been possible to define such zones for inclusion in it.

Outcomes for Proposed Draft Plan

2.8.3 No action required.

ISSUE – IDENTIFICATION OF FUTURE COAL EXTRACTION AREAS

Representation (South Derbyshire DC 542/0230)

2.8.4 Support the approach of identifying the whole of the shallow coal resource for potential extraction rather than trying to identify specific sites for extraction.

Actions / Considerations

2.8.5 Support for the approach set out in the consultation is noted and welcomed.

Outcomes for Proposed Draft Plan

2.8.6 No action required.

ISSUE – POLICY MS13: COAL EXTRACTION AND COLLIERY SPOIL DISPOSAL CRITERIA

GENERAL CONSIDERATIONS FOR COAL MINING AND COLLIERY SPOIL DISPOSAL

Representation (Coal Authority 515/0123, National Trust 547/0280)

2.8.7 The Coal Authority supports the inclusion of this policy, which provides a framework against which proposals for coal extraction will be assessed.

2.8.8 This is a relatively permissive policy and may not be appropriate bearing in mind that all UK coal-fired power stations are set to close by 2025 (see paragraph 8.1.3).

Actions / Considerations

2.8.9 Support for the policy by the Coal Authority is noted and welcomed. The inclusion of the policy is necessary as coal resources remain potentially available for future extraction and the wording, in line with NPPF guidance, is not positively phrased as it starts by declaring coal extraction will not be permitted except... All other policies are phrased to indicate development proposals will be approved unless...

Outcomes for Proposed Draft Plan

2.8.10 The MPA has maintained the previously proposed approach to the wording of policy MS13: General Considerations for Coal Mining and Colliery Spoil Disposal in the Proposed Draft Plan which is now contained in renumbered policy SP16. The policy wording has also been updated to reflect changes in the wording of national policy (contained within paragraph 217 of the NPPF) with regard to the assessment of national, community or local benefits against likely impacts.

Representation (Coal Authority 515/0124, National Trust 547/0281)

2.8.11 The Coal Authority supports the inclusion of this policy which sets out criteria against which proposals for reworking of spoil heaps will be assessed.

2.8.12 While we acknowledge that this policy aims to ensure that proposals are 'environmentally acceptable, or can be made so by planning agreements and obligations', and 'would not result in the loss of important wildlife and habitats on the site', we feel that an opportunity has been missed to promote positive change. We therefore request that an 'and' is inserted between each criterion and that the following bullet point is added:

- 'It will achieve equivalent and, where possible, enhanced environmental standards in terms of ecology, soil and water management, and recreational access.'

Actions / Considerations

2.8.13 Support for the policy by the Coal Authority is noted and welcomed. Regarding the concerns of the National Trust the effect of the policy is that in order for development proposals to be considered acceptable they would need to satisfy each of the criteria. The phrase 'is environmentally acceptable' is intended to be a wide and general requirement avoiding the need to set out all the many elements which would need to be taken into consideration. The requirement to achieve improved standards is already in place with regard to development affecting tips that have previously been subject to some form of restoration.

Outcomes for Proposed Draft Plan

2.8.14 In the interests of preparing a rationalised and streamlined Proposed Draft Plan, the limited number of poorly restored former colliery tips that require reclamation within the Plan Area, and in recognition of government policy which seeks to phase out coal fired power generation by 2024, the MPA has decided to incorporate the requirements of the previously proposed Policy MS14: Reworking of Former Colliery Tips into Policy DM18: Reworking of Former Colliery and Other Spoil Tips set out at Chapter 11 of the Proposed Draft Plan.

ISSUE – POLICY MS15: ASSESSMENT OF THE BENEFITS OF COAL MINING DEVELOPMENT

Representation (Coal Authority 515/0125)

2.8.15 The Coal Authority supports the inclusion of this policy which sets out the issues which will be taken into account when proposals for coal mining come forward.

Actions / Considerations

2.8.16 Support for the policy by the Coal Authority is noted and welcomed.

Outcomes for Proposed Draft Plan

2.8.17 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the previously proposed Policy MS15: Assessment of the Benefits of Coal Mining Development into Policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals set out at Chapter 11 of the Plan. Policy DM2 has been written so as to be compliant with the requirements of the NPPF and is intended to be read in conjunction with policy SP16: Coal Extraction and Colliery Spoil Disposal.

ISSUE – POLICY MS16: INCIDENTAL COAL EXTRACTION

Representation (Coal Authority 515/0126)

2.8.18 The Coal Authority supports the inclusion of this policy which identifies what will be considered by the decision-making authority when proposals for incidental coal extraction come forward.

Actions / Considerations

2.8.19 Support for the policy by the Coal Authority is noted and welcomed.

Outcomes for Proposed Draft Plan

2.8.20 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the previously proposed Policy MS16: Incidental Coal Extraction into SP18 Mineral Safeguarding Areas and Consultation Areas set out at Chapter 9.1 of the Plan.

CHAPTER 8.2 – HYDROCARBONS

(HYDROCARBONS STRATEGY PAPER AND BACKGROUND PAPERS CONVENTIONAL OIL AND GAS, GAS FROM COAL AND UNCONVENTIONAL GAS – SHALE GAS)

Table of Representations

Name	Reference Number	Representation Reference Number
PDNPA	501	0007
PDNPA	501	0008
PDNPA	501	0009
Individual	504	0030
Environment Agency	507	0047
Individual	509	0062
Individual	509	0063
CPRE	524	0155
CPRE	524	0156
CPRE	524	0157
CPRE	524	0158
CPRE	524	0159
CPRE	524	0160
CPRE	524	0161
CPRE	524	0162
CPRE	524	0163
CPRE	524	0164
Individual	526	0169
Individual	526	0170
SDDC	542	0232
SDDC	542	0233
SDDC	542	0234
Individual	544	0246
Individual	544	0247

Name	Reference Number	Representation Reference Number
Individual	544	0248
Individual	544	0249
Individual	544	0250
Individual	544	0251
Individual	544	0252
Individual	544	0253
Individual	544	0254
Individual	544	0255
Individual	544	0256
Individual	544	0257
NEDDC	545	0260
National Trust	547	0282
National Trust	547	0283
National Trust	547	0284
National Trust	547	0285
National Trust	547	0286
National Trust	547	0287
National Trust	547	0288
Individual	548	0302
Individual	548	0303
Individual	548	0304
FOE	549	0307
FOE	549	0308
FOE	549	0309
FOE	549	0310
FOE	549	0311
FOE	549	0312
FOE	549	0315
FOE	549	0316
FOE	549	0317

Name	Reference Number	Representation Reference Number
Individual	553	0352
Transition Chesterfield	559	0380
Transition Chesterfield	559	0385
Transition Chesterfield	559	0386
Transition Chesterfield	559	0387
Transition Chesterfield	559	0388
Transition Chesterfield	559	0389
Transition Chesterfield	559	0390
Transition Chesterfield	559	0391
Transition Chesterfield	559	0392
Transition Chesterfield	559	0393
Transition Chesterfield	559	0394
Ineos Upstream	560	0395
Ineos Upstream	560	0396
Ineos Upstream	560	0397
Ineos Upstream	560	0398
Ineos Upstream	560	0399
Ineos Upstream	560	0400
Ineos Upstream	560	0401
MLP Community Action Group	561	0405
MLP Community Action Group	561	0406
MLP Community Action Group	561	0407
MLP Community Action Group	561	0408
MLP Community Action Group	561	0409
MLP Community Action Group	561	0410
MLP Community Action Group	561	0411
MLP Community Action Group	561	0412
MLP Community Action Group	561	0413
MLP Community Action Group	561	0414
MLP Community Action Group	561	0415

Name	Reference Number	Representation Reference Number
MLP Community Action Group	561	0416
MLP Community Action Group	561	0417
MLP Community Action Group	561	0418
MLP Community Action Group	561	0419
MLP Community Action Group	561	0420
UK Oil and Gas	562	0421
UK Oil and Gas	562	0422
UK Oil and Gas	562	0423
UK Oil and Gas	562	0424
UK Oil and Gas	562	0425
UK Oil and Gas	562	0426
UK Oil and Gas	562	0427
UK Oil and Gas	562	0428
UK Oil and Gas	562	0429
UK Oil and Gas	562	0430
UK Oil and Gas	562	0431
UK Oil and Gas	562	0432
UK Oil and Gas	562	0433
UK Oil and Gas	562	0434
UK Oil and Gas	562	0435
UK Oil and Gas	562	0436
UK Oil and Gas	562	0437
UK Oil and Gas	562	0438
UK Oil and Gas	562	0439
UK Oil and Gas	562	0440
UK Oil and Gas	562	0441
UK Oil and Gas	562	0442
UK Oil and Gas	562	0443
Historic England	563	0450
Frack Free United	571	0492

Name	Reference Number	Representation Reference Number
Frack Free United	571	0493
Frack Free United	571	0494
Frack Free United	571	0495
Frack Free United	571	0496
Frack Free United	571	0497
Frack Free United	571	0498
Frack Free United	571	0499
Frack Free United	571	0500
Frack Free United	571	0501
Frack Free United	571	0502
Frack Free United	571	0503
Eckington Parish Council	574	0511
Coal Authority	515	0127
Coal Authority	515	0128

GENERAL COMMENTS

- 2.8.21** The main message from the 2015/16 local plan consultation exercise was one of opposition to the possibility of hydraulic fracturing (fracking) taking place in the Plan area due to the perceived adverse impacts of this form of development. Very few comments were received in direct response to the set of issues and options set out in the consultation, providing limited support or opposition to the possible alternative approaches for the new Plan.
- 2.8.22** Notwithstanding these comments, it is not possible for the new Plan to place an outright embargo on hydraulic fracturing or any other form of oil and gas development. Such an approach would not be compliant with national planning and energy policy which is a prerequisite for the new Minerals Local Plan. Accordingly, the 2018 consultation provided further commentary on the previous issues and indicated that, in the absence of support for any alternative approach, the approach of the new Plan towards hydrocarbon development would strongly reflect national planning and energy policy. In order to progress the development of the Plan, it also contained two draft examples of policies setting out the range of criteria that could be used for the assessment and determination of hydrocarbon development proposals in the area.

GENERAL REPRESENTATIONS

Representation (Individual (504/0030) CPRE (524/0155) Individual (548/0302 & 0303) Individual (553/0352))

2.8.23 Several respondents repeated their opposition in principle to all fracking in the Plan area. Reasons cited included:

- Renewables can provide for our energy needs so the gas is not required
- Fracking extends the use of fossil fuels and is not compatible with climate change objectives
- Adverse impact on the environment
- Adverse impact on human health
- Contribution to climate change
- Additional adverse impact in North East Derbyshire which has experienced coal mining in the past and where coal seams remain
- Additional adverse impacts of fracking taking place underneath or near properties

Representation CPRE (524/0156)

2.8.24 Another response expressed disappointment that the objections in principle to fracking in the previous consultation were not taken as an indication that none of the issues/options put forward were acceptable and the comments of the Mineral Planning Authority did not reflect the majority, democratic opinion on the subject.

Representation Individual (548/0304)

2.8.25 Another respondent questioned why certain areas with special designations were not excluded from the relevant PEDLs.

Representation Eckington Parish Council (574/0511)

2.8.26 Eckington Parish submitted detailed comments about a specific site that, at the time, was the subject of a planning application for the exploration stage of hydraulic fracturing.

Continues on next page

Actions / Considerations

2.8.27 For the reasons previously stated, the new Minerals Local Plan cannot place an embargo on hydrocarbon development in general, and hydraulic fracturing in particular. The potential adverse impacts cited in the responses are noted, but some are contrary to Government guidance and others are matters more specific issues that would be addressed in the determination of individual proposals on the merits of each case. The comments by Eckington Parish Council are noted but are not ones which can be addressed directly in the MLP process, although the range of impacts they refer to are relevant to hydrocarbon development in general and are addressed in the policies of the new Proposed Draft Plan.

2.8.28 The PEDL process is undertaken by the Oil and Gas Authority on behalf of the Government and the County and City Councils have no jurisdiction over areas that are included or excluded.

Outcomes for Proposed Draft Plan

2.8.29 The Plan acknowledge the oil and gas resources present in the area, the PEDL licences that have been granted and the possibility that further development proposals may come forward to extract those resources. Accordingly, the Plan sets out an approach to proposals for hydrocarbon developments in the area and include a set of criteria-based policies, as required by national planning policy and legislation.

ISSUES ADDRESSED IN THE CONSULTATION

2.8.30 The issues addressed in the consultation included:

- Provision for Hydrocarbons
- Identification of Hydrocarbon Resources Within the Plan Area
- Identification of Constraints on the Production and Processing of Hydrocarbons
- Use and range of Criteria Based Policies
- Specific Issues relating to Hydraulic Fracturing

2.8.31 The two draft policies included in the consultation were:

- MS17 Proposals for Oil and Gas Exploration and Appraisal
- MS18 Proposals for Oil and Gas Production and Ancillary Development

2.8.32 Two alternatives for policy MS17 were put forward for consideration.

Representation Transition Chesterfield (559/0385)

2.8.33 Transition Chesterfield consider that the draft Plan is biased in terms of the need for oil and gas. Whilst they note that the NPPF requires mineral planning authorities to provide sufficient materials to meet society needs, including energy minerals, it does not follow that this means oil and gas.

Representation Frack Free United (571/0492 to 0501 & 0503)

2.8.34 Frack Free United submitted a number of comments concerning the supply of energy minerals summarised as follows:

- Plan should recognise that the adverse impacts of hydraulic fracturing can also cause economic harm, e.g. illness, congestion, effects on crops and reduced tourism
- Makes incorrect assumption that all hydrocarbons are from sandstone or limestone and should include definitions of unconventional hydrocarbons such as shale oil, shale gas, coalbed methane, tight oil and tight gas
- Need to make reference to all relevant parts of the NPPF to ensure MLP takes account of all hydraulic fracking issues
- Shale gas is incompatible with the country's obligations on climate change and it cannot play a key role in the decarbonisation of the economy
- Disagree with Ministerial references about the benefits of shale gas to climate change
- Current energy policy does not include any contribution from shale gas
- Plan gives too much weight to the perceived need for oil and gas
- Adopts a too simplistic approach to the need for hydrocarbons by not balancing other objectives such as need to reduce greenhouse emissions, improve air quality, protect wildlife and the environment
- Concerns partly offset by the requirement that mineral development should be sustainable, but this requires further clarification
- Approach should make it clear that hydrocarbon development will be steered away from where impact would be unacceptable
- Need to clarify that there is no concern about the possible sterilisation of hydrocarbon resources
- Suggest the need to make amendments by including additions that make specific references to the North Yorkshire Minerals and Waste Local Plan

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Actions / Considerations

2.8.35 The commentary in the consultation papers concerning the need for energy minerals, including oil and gas, reflect Government policy in the round, which makes it clear that all forms of energy mineral remain as options to meet those needs. In addition, Government guidance to mineral planning authorities is that mineral plans should not define targets or limits for energy mineral production and that the mix of energy minerals is a matter for the relevant industries. The potential impacts of all mineral developments, including those for oil and gas, are noted in the consultation papers and it is clearly stated that impacts will be assessed by reference to the appropriate criteria policies and only those developments found to be acceptable will be approved.

Outcomes for Proposed Draft Plan

2.8.36 The Plan continues to follow Government guidance in that it acknowledges the presence of oil, gas and coal resources within the Plan area and sets out criteria based policies to determine the acceptability of all such proposals that may come forward. The policies of the Plan, including those specific to hydrocarbon development and the general development management policies, recognise the potential adverse impacts of such operations by setting out relevant criteria that proposals will need to satisfy in order for planning permission to be granted. Those policies, together with the Plan in general, reflect the NPPF and other relevant national policy statements. The Plan has the delivery of sustainable mineral development as its main core guiding principle. Positive comments about the content of other mineral local plans are noted but the new Plan will not make direct reference to any other specific Plan, although examples of good practice have been taken into account in the development of the Proposed Draft Plan.

ISSUE: IDENTIFICATION OF HYDROCARBON RESOURCES WITHIN THE PLAN AREA

Representation SDDC (542/0232)

2.8.37 SDDC expressed the view that the MLP should only identify licensed areas and not identify other areas where oil and gas resources are known to be present.

Representation UKOOG (562/0421)

2.8.38 UKOOG indicated that unconventional hydrocarbon bearing geologies are not limited to shale rocks and suggest that the reference to shale be deleted.

Actions / Considerations

2.8.39 The consultation did not state that unconventional bearing geologies are limited to shale rocks although the focus was on this source as it is known to be present in the Plan area, and as it provided an appropriate forum for explaining the differences from conventional sources. The comment about reference to the PEDL area in South Derbyshire and Erewash is noted.

Outcomes for Proposed Draft Plan

2.8.40 The Proposed Draft Plan identifies the current PEDL areas as required by the NPPF. It includes reference to the potential presence of oil and gas in other areas but does not attempt to define those areas as limited information would not enable such identification to be reliable.

ISSUE: IDENTIFICATION OF CONSTRAINTS ON THE PRODUCTION AND PROCESSING OF HYDROCARBONS

Representation SDDC (542/0232)

2.8.41 SDDC expressed the view that the MLP should only identify licensed areas and not identify other areas where oil and gas resources are known to be present.

Actions / Considerations

2.8.42 The consultation was undertaken prior to the publication of the revised NPPF in 2021 which no longer requires mineral local plans to “address the constraints on production and processing within areas that are licensed for oil and gas exploration and production”. It is considered that the plan should adopt a plan wide criteria policy that will apply in existing PEDL areas and in any future PEDL areas and will therefore cover all geographical areas with potential for hydrocarbon development. Constraints to working will be imposed through the implementation of the criteria-based policy which will be applied on a case by case basis in the assessment of development proposals.

Outcomes for Proposed Draft Plan

2.8.43 The Proposed Draft Plan includes a plan wide criteria-based policy SP17, specifically relating to the supply of hydrocarbons together with general development management policies at Chapter 11 which allow for constraints to working to be considered on a case by case basis in the assessment of development proposals.

ISSUE: USE AND RANGE OF CRITERIA BASED POLICIES

Representation CPRE (524/157)

2.8.44 CPRE favour the use of separate policies for all three phases of hydrocarbon developments.

Representation SDDC (542/0234)

2.8.45 SDDC consider that there should be a separate policy for hydraulic fracturing on the basis that it could have separate and distinctive impacts from other forms of hydrocarbon development.

Representation NEDDC (545/0260)

2.8.46 NEDDC acknowledge the proposed use of one set of policies for all forms of hydrocarbon development but requests that the option of a specific policy or policies for hydraulic fracturing be open to consideration pending further research and information. Irrespective, the Council requests that the policies should reflect the potential of such development for serious environmental impact (large use of water, water environment, seismic impacts and impacts on human health) and that these impacts be taken very seriously as sites can be close to where people live.

Representation Frack Free United (571/0502)

2.8.47 Frack Free United do not agree with having one set of policies for all forms of hydrocarbon development as unconventional hydrocarbon developments have greater impact in terms of the cumulative impact of well pads, HGV traffic and contaminated water.

Actions / Considerations

2.8.48 The NPPF sets out a broad that mineral local plans should set out criteria-based policies to assess and determine all mineral development proposals. National policy and guidance statements provide further clarification as to the range of criteria that fall within the planning system, and for those matters which fall to the responsibility of other regulators (especially for hydrocarbon developments). This range of criteria could be relevant to all forms of mineral development and, in each case, only those issues and criteria that are relevant to a particular proposal would be taken into consideration in the determination of an application.

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- 2.8.49 Policy/criteria guidance in the NPPF is applicable to all forms of hydrocarbons in general and does not differentiate between hydraulic fracturing and other forms of development. The only additional guidance is that planning permission is required for each of the three phases of oil and gas development (exploration, appraisal and production) and that planning authorities should differentiate between these three phases. This differential will be maintained by the need for planning permission for each phase, although in practice there is no procedural barrier to an operator applying for permission for two, or even three phases at the same time.
- 2.8.50 The crucial requirement is that the adopted policies set out appropriate tests for all potential impacts within the remit of planning legislation. The scale of potential impacts does not generate the need for additional impact criteria. Proposals have either acceptable or unacceptable impacts when assessed against these criteria. All relevant criteria could be included in one or more policies that apply to all hydrocarbon developments.
- 2.8.51 All local plans should be comprehensive, covering all relevant matters but should not be unduly lengthy. With regard to the three phases, the crucial issue is whether or not there is a genuine need for more than one policy. It is acknowledged that the exploration stage involves considerably fewer activities than the production stage but also that there are similarities to the appraisal stage. Accordingly, the Proposed Approach put forward two draft policies; one for the exploration and appraisal stages and another for the production stage. It was considered that the use of two policies in this form provided for the inclusion of all the criteria that are relevant to the appropriate stage.

Outcomes for Proposed Draft Plan

- 2.8.52 Having regard to representations made to the Proposed Approach and having given this issue further consideration, a single policy is proposed in the Proposed Draft Plan covering the three stages of hydrocarbon development but qualified by sections separating exploration/appraisal and production. It is important to note that many impacts of hydrocarbon development are similar to other forms of mineral extraction and that all policies of the Plan, including general development management policies set out at Chapter 11, will apply where relevant.

ISSUE: SPECIFIC ISSUES RELATING TO HYDRAULIC FRACTURING

Representation CPRE (524/0158) MLP Community Action Group (561/0405)

2.8.53 CPRE recommend the adoption of a clear definition of hydraulic fracturing which is as encompassing as possible. They cited one which was reportedly found to be sound at the North Yorks MWLP in April 2018. This comment was supported by the MLP Community Action Group.

Representation FOE (549/0308 & 0312)

2.8.54 FOE requested that more explicit wording be included to ensure that hydraulic fracturing developments are consistent with the NPPF in terms of ensuring that they contribute to the mitigation of and adaption to climate change. FOE also stated that planning applications should include a robust landscape and visual impact assessment, prepared in accordance with recommended guidance.

Representation Transition Chesterfield (559/0386 & 0387)

2.8.55 Transition Chesterfield considers that the references to Community Benefits for hydraulic fracturing should be more expansive, highlighting that they do not apply to the exploration stage, that not all the money goes directly to the local community and that the system is under review. They also state that much of the alleged benefits derive from replacing coal with oil and gas and as coal use has almost ceased, together with a reduction in the cost of renewables, it is likely that renewables are more likely to plug the gap. In this regard they suggest that the Plan be updated to include reference to the BEIS 2018 energy projections rather than the outdated Ministerial Statement.

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Representation Ineos (560/0395)

2.8.56 Ineos submitted a series of detailed comments about national policy and energy statements relating to hydrocarbon development and requested the inclusion of reference to specific statements. The essence of these comments can be summarised as:

- The UK must have safe, secure and affordable supplies of energy with carbon levels that are consistent with the carbon budgets defined in the Climate Change Act and international obligations
- Gas has a key role to play in meeting these needs now and in the future
- Further development on onshore oil and gas has the potential to deliver substantial benefits to the national economy and local communities
- Shale gas is of national importance
- The Government gives great weight to the benefits of mineral extraction, including shale gas exploration which must therefore be reflected in mineral local plans
- Plans should not set restrictions or thresholds limiting shale gas production without proper justification
- Shale gas development is consistent with national planning policy

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Representation MLP Community Action Group (561/0406 to 0420)

2.8.57 Ineos submitted a series of detailed comments about national policy and energy statements relating to hydrocarbon development and requested the inclusion of reference to specific statements. The essence of these comments can be summarised as:

- Impact of the use of large quantities of water and how it is disposed after being used underground
- Need for adequate re-instatement of sites at the operators expense
- Need for further clarity about the terms of the Community Fund before any planning permissions are granted
- The need to provide local authorities with adequate funding to deal with shale gas development proposals, including adequate monitoring of operational sites
- Need to fully implement planning conditions and not allow the requirements to be watered down after the original permission is granted
- Concerns about the impact of flaring
- Need for a longer period than 16 weeks to allow full and proper consideration of the complexities of shale gas developments
- Local authorities do not have sufficient baseline information to bring a case against an operator in the event of an accident and the need to establish such baseline conditions before any activity takes place
- To date applications have been considered on an individual basis with insufficient regard to cumulative impacts
- Need for communities to be protected from impacts arising from drilling through fault lines and areas of extensive historic mining activity
- Need for a separate local plan for hydraulic fracturing

Representation UKOOG (562/0422 to 0425)

2.8.58 UKOOG also commented that the Plan should set out the national need for oil and gas as most recently set out in the Written Ministerial Statement of 17 May 2018 on Energy Policy. They expressed support for the clear references from the NPPF concerning the principles on which the new Plan should be based, including the need to distinguish between the three phases of development and the need to identify constraints on production and processing in PEDL areas. UKOOG also requested that the new Plan makes reference to relevant statements published since the consultation papers were written.

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Actions / Considerations

- 2.8.59 Whilst the consultation sought to obtain comments to help develop the approach to the provision of hydrocarbons as a whole, many of the comments related specifically to hydraulic fracturing and some of those comments were on general issues relating to this form of mineral development rather than as a direct response to the issues and options set out in the consultation.
- 2.8.60 It is agreed that the adoption of suitable definition for hydraulic fracturing, including definitions for the activities involved in the separate phases, would be of benefit to everyone concerned with such developments. This is a national issue rather than one specific to this Plan and the campaign by a number of members of parliament to this effect is supported.
- 2.8.61 The request that the approach to be adopted in the Plan towards hydraulic fracturing (and other forms of hydrocarbon development) be consistent with the NPPF (and other relevant statements) is noted but this is a prerequisite for the Plan as a whole, including climate change. It will have to do so in order to be found 'sound' and become an adopted Plan. Criteria covering the impacts of such developments will be included in the policies of the Plan, insofar as they are within the remit of the planning system. This will include criteria relating to the impacts from noise, traffic, visual impact and impacts on the landscape as referred to in the representations. Where impacts are the responsibility of other regulatory regimes but give rise to land use implications they will be included in the criteria. The policies of the Plan will also require all mineral developments to make provision for restoration to the highest standards and in forms which are commensurate to their surroundings.
- 2.8.62 Reference to the hydraulic fracturing Community Benefits system introduced by the Government were included for information purposes. The scale of benefits available and how they are administered are not matters for the Plan as such.
- 2.8.63 Many comments expressed conflicting opinions about the requirements of national energy policy and the role of gas, oil and coal within that policy and the efforts to meet the UK's carbon footprint reduction targets. Some commented to the effect that hydrocarbons were not now needed to meet our energy requirements and if used, would conflict with the carbon footprint reduction targets. Others indicated that hydrocarbons were an important and integral element of our energy needs provision and were vital to achieve energy supply security.

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2.8.64 All the consultation papers have set out the requirements of relevant national planning policy and other policies that affect the provision of minerals. All have stressed that the new Plan will seek to and will have to comply with that national policy guidance. The hydrocarbon consultation did not indicate that the Plan would unduly favour hydrocarbon provision, nor that it would seek to unduly restrict such development. The Plan will have to recognise that such resources are present in the area and that proposals may come forward to obtain those resources during the Plan period. The Plan cannot place an embargo on hydrocarbon development nor set targets or limits for extraction. This would be in full compliance with national energy and planning policy.

2.8.65 The issue of cumulative impact is a very important matter for the Plan, especially in the context of the long history of mineral development and its' legacy has been evident across the Plan area as a whole. Cumulative impacts will be an important criteria in the overall assessment of development proposals and is addressed in detail in a separate part of the consultation.

2.8.66 Comments about the need to take more than 16 weeks to assess and determine hydrocarbon development proposals do not relate specifically to local plan preparation but the Councils' will continue to seek to undertake this function as expeditiously as possible in accordance with Government requirements, or face the possibility that future applications will be determined directly by the Government.

Outcomes for Proposed Draft Plan

2.8.67 The Proposed Draft Plan is consistent with all relevant aspects of national mineral and overall planning policy. It seeks to make provision for all the nationally and locally important minerals that are present in the Plan and which are required to meet the needs of society. It sets out however a robust and comprehensive assessment process to ensure that developments that do take place do not give rise to unacceptable adverse impacts, in the context of the need for the mineral.

2.8.68 Further, in accordance with national guidance for local plans, it focuses on the policies that will deliver the purposes of the Plan in order to keep it as concise and unambiguous as possible. Evidence on which it is based and legislation and national guidance to which it will conform, are referenced in the Plan itself, more detailed background information and details of how the policies of the proposed draft plan have been developed is available in other supporting documents.

GENERAL RESPONSES TO THE SUGGESTED DRAFT POLICIES

Representation PDNPA (501/009)

2.8.69 The pre-text to the policies seems to be too focused on unconventional gas and more needs to be included on conventional gas.

Representation CPRE (524/0160)

2.8.70 CPRE note the absence of any reference to cumulative impacts in the policies but also note and support policy CP1 (on cumulative impacts) and would welcome a cross-reference to it in the hydrocarbon policies.

Representation Individual (526/0169 & 0170) MLP Community Action Group (561/0406)

2.8.71 One individual and the MLP Community Action Group reiterated the comment made by CPRE concerning the need for a 500m buffer zone around fracking or exploratory well sites and suggested that climate change should be taken into account when considering proposals for fracking which should be carbon neutral and preferably carbon negative. The comment by the MLP Community Action Group cited the need to mitigate adverse environmental and amenity impacts as support for the buffer zone.

Representation FOE (549/0309, 0310, 0315, 0316 & 0317)

2.8.72 FOE requests that policies reflect the NPPG in terms of highlighting the role of MPAs in enforcing planning conditions. FOE also considered that the policies did not give sufficient consideration to the impacts of hydraulic fracturing directly on air quality and indirectly from traffic movements. They requested the precautionary principle in line with the 2015 Act be incorporated into local policy to ensure Plan soundness and that the policies afford similar protection to non-designated assets as it does for designated assets. Further, to ensure that the policies provided the positive approach to climate change set out in the Sustainability Appraisal, they be amended to take full account of the three tests which the Climate Change Committee set out in 2016.

Representation Ineos (560/0396, 0400 & 0401)

2.8.73 Ineos commented that it supports a positive approach to policies for hydrocarbons with a presumption in favour in line with Government policy with a series of relevant criteria to assess and determine proposals. Supporting reference and support was made to other, specific minerals plans that contained only one policy for all hydrocarbon developments. The policy should do no more than provide a direction about the issues that are likely to be important.

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Representation UKOOG (562/0426)

2.8.74 UKOOG supported the suggestion that the new Plan would include one policy or policies covering all forms of hydrocarbon development rather than separate sets of policies for the different forms of such developments.

Actions / Considerations

2.8.75 The pre-text to the policies refers to the need to develop policies for hydrocarbon developments. It does not refer to conventional or unconventional gas, or indeed any specific form of oil or gas development. It is intended to set out potential criteria for all forms of oil and gas development that may come forward during the Plan period.

2.8.76 The support for the positive approach to policy formulation is noted and welcomed. This reflects the approach advocated by national policy and continues the approach of the existing local plan in which policies are phrased to state that development proposals will be accepted provided that the appropriate tests are satisfied, rather than a negative approach where development proposals will be refused unless. Support for the inclusion of one set of policies for all forms of hydrocarbon development rather than separate policies is noted.

2.8.77 The detailed comments concerning individual issues such as air quality, traffic impacts and climate change are noted but these matters will be addressed in the appropriate policy or policies of the Plan. The function and implementation of the Plan will be via the application of the Plan as a whole. All proposals for development will be assessed and considered against all policies relevant to the particular proposal and so it is not necessary to include lengthy cross-references in all the policies.

2.8.78 The consideration of cumulative impacts is a requirement of the NPPF and, as stated above, it is considered to be a very important issue for this area because of its coal mining legacy. The comments about enforcing conditions on hydraulic fracturing operations are noted but it is a requirement and responsibility for all local planning authorities for all types of approved developments.

2.8.79 The issue of the establishment of a 500m buffer zone is noted and has been considered by the MPA. Rather than defining a buffer zone the MPA consider that each site should be considered on an individual basis having regard to local circumstances with a requirement that well sites and associated infrastructure are located in the least sensitive location.

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Outcomes for Proposed Draft Plan

2.8.80 In the context of the range of criteria within the planning sphere it is considered that there are sufficient similarities between the different types of hydrocarbons and the issues and impacts that each form of development raises such that one policy would provide an adequate set of tests. The MPA consider that there are specific differences between exploration/appraisal and production and accordingly propose sub sections within the policy to take account of this. As previously stated it is important to note that many impacts of hydrocarbon development are similar to other forms of mineral extraction and that all policies of the Plan, including general development management policies set out at Chapter 11, will apply where relevant.

POLICY MS17 PROPOSALS FOR OIL AND GAS EXPLORATION AND APPRAISAL

Representation PDNPA (501/007)

2.8.81 The PDNPA expressed support for the first version of the policy on the grounds that the wording was less ambiguous concerning the need for applicants to demonstrate environmental and social acceptability. The second option was considered too vague concerning the definition of acceptability, leaving the issue open to interpretation where decisions may not be sufficiently transparent.

Representation CPRE (524/0159 & 0161)

2.8.82 CPRE commented that bullet point 1 underplays the impacts on non-designated or unrecognised landscapes, cultural heritage assets or biodiversity. Expressed a preference for the second option although they advocated that impacts be minimised rather than mitigated acceptably. They acknowledge that their concerns about the impact on non-designated assets is partly offset by the content of the general Development Management policies but would welcome an appropriate cross-reference.

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Representation SDDC (542/0233 & 0234)

2.8.83 SDDC noted the differences between the two options and concluded that to ensure that any policy provides the strongest possible protection for the amenity of those who might be adversely affected it should require that there should be no adverse impact on the geological structure. In order to be consistent with national policy it should also reflect the three tenets of sustainability. SDDC also consider that there should be an additional criteria (for inclusion in any relevant hydrocarbon policy) assessing the impact on the openness of the green belt, bearing in mind that much of Block SK 43 falls within the South Derbyshire Green Belt.

Representation National Trust (547/0282 & 0283)

2.8.84 The National Trust has concerns about Option 1 and stated a preference for Option 2. The concerns related to the level of protection afforded to the landscape, biodiversity and interests, particularly those not benefiting from specific designations. In addition, the Trust considered that the draft policy lacked sufficient reference and protection to the water environment, land stability and the impact on residents and other occupants (employment and recreation). The Trust favours Option 2 but also suggest the need to include those criteria listed above not already in the draft policy. As a general approach the Trust states that impacts should firstly be avoided, then mitigated and finally, compensated.

Representation Transition Chesterfield (559/0388 to 0392)

2.8.85 Chesterfield Transition supports Option 2 as it provides a more robust test of acceptability than Option 1. However, in addition they recommend several amendments including:

- More explicit reference to the mitigation of health impacts
- Operations should be for a temporary period limited to a maximum of 5 years
- Transport impacts should be explicitly included
- Minimum distance of 500m between sites and homes

Representation Historic England (563/0450)

2.8.86 Historic England support Option 1 as it makes reference to heritage but request that the phrase 'historic heritage' be replaced by historic environment or cultural heritage as more appropriate phrases.

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Representation Ineos (560/0397, 0398, 0400 & 0401)

2.8.87 Ineos expressed concerns about both versions of the policy including, for option 1:

- Requirement to pass all the tests is too stringent
- Not always possible to locate the well in the least sensitive location best for no significant adverse impact is more appropriate)
- Inappropriate to use the term reservoir
- Inappropriate to use effect on integrity as a criterion again no significant adverse impact is more appropriate)
- Impact on integrity of the geological structure is not a planning matter
- Not necessary to provide information about the extent of the reservoir as it will be within the PEDL area

2.8.88 The comments on Option 2 were similar but also considered the wording to be too prescriptive and the assessment of potential adverse effects too broad. Rather than identifying constraints, which can only be generic as they will vary from site to site, the policy tests should simply be those set out in paragraph 13 of the minerals section of the NPPG but as these are implicit they do not consider that they need to be specified in the actual policy.

2.8.89 Ineos reaffirmed its view that there should one policy only covering all three phases of development and put forward an alternative version replacing policies MS17 and MS18 as follows:

1. Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment and residential amenity.

Appraisal

2. Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted provided that they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment and residential amenity.

Extraction

3. Proposals for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme for enabling the full development of the resource and do not give rise to unacceptable impacts on the environment and residential amenity.

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4. Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.

Restoration

5. All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required.

- 2.8.90** This suggested policy contains all the elements of the proposed Nottinghamshire and Cheshire West policies and is positively worded. It notes that the main concerns are with the environment and residential amenity but as there are other policies dealing with such impacts, each containing assessment criteria, the oil and gas development policy of the plan does not need to list these considerations in its policy.
- 2.8.91** The supporting text should provide background and justification, which links to the National Planning Policy Framework and other Government policies, and ensures that the PEDLs are mapped and safeguarded. We suggest the following wording for that supporting text: The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. On-shore hydrocarbon extraction is comprehensively regulated. The Department for Business Energy and Industrial Strategy (formerly Department of Energy and Climate Change) has awarded a Petroleum, Exploration and Development Licence (PEDL) for an area within the Mineral Plan area. Onshore hydrocarbons provide an opportunity to extract a nationally important natural energy resource without the environmental impact normally associated with minerals extraction.
- 2.8.92** The extraction of CBM and shale gas will be incremental and involve more than one exploration and production site. Due to advanced drilling techniques, these sites can be up to 1km apart. Exploration and development rights granted through a PEDL create land use rights across the licence area, subject to obtaining necessary site specific consents. Safeguarding is important because rights create a land use consideration that may be a material factor in assessing other land use proposals in the area. It is a potential land use consideration that others using the planning service need to take into account.
- 2.8.93** The PEDL licence does not create automatic development rights and the effects may not apply equally across the PEDL area. Due to the nature of the resource and the location, it is important that it is safeguarded where it is present. It is important that the extent of the PEDL is identified in the Plan and its consequences explained.

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Representation UKOOG (562/0427 to 0434)

2.8.94 UKOOG made comments on this policy similar to those submitted by Ineos, indicating that the need to satisfy all the tests very stringent, that the choice of well location can be very limited, that clear definitions would be required of certain terms such as ‘not adversely affect the integrity’, the need to avoid duplication with the responsibilities of other regulators, the information to be provided in applications about the extent of the reservoir and the purpose of a criterion relating to the duration of the development.

2.8.95 UKOOG proposed an alternate wording for this policy as follows:

- Proposals for the exploration and appraisal of onshore gas and oil will be permitted where the applicant can demonstrate that the development would satisfy all of the following criteria:
- Well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed;
- The applicant has demonstrated that all potential adverse environmental, social and economic impacts can be mitigated to levels which are acceptable to the Mineral Planning Authority;
- The applicant has demonstrated that the integrity of the geological structure is suitable;
- An indication of the extent of the reservoir and the extent of the area of search within the reservoir is provided to the Mineral Planning Authority;
- The exploration and appraisal operations are for an agreed, temporary length of time; and
- Well sites and associated facilities are restored at the earliest practicable opportunity if oil and gas is not found in economically viable volumes, or they are developed within a time frame which has been agreed in writing by the Mineral Planning Authority.

Representation Coal Authority (515/0127)

2.8.96 The Coal Authority supports the inclusion of policies which set out criteria against which proposals for conventional and unconventional hydrocarbons could be assessed. This should be in line with the requirements set out in the NPPF.

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Actions / Considerations

- 2.8.97** The two versions of this policy, together with the other draft policy referred to below, were included in the 2018 Spring consultation to demonstrate the possible format of the policies that would be included in the final Plan for the assessment and determination of hydrocarbon development proposals. They were based on policies from other mineral plans and were included to stimulate debate. However, the comments on the detailed wording of the policies are welcomed and noted and have been taken into consideration in the formulation of the Proposed Draft Plan.
- 2.8.98** The form and content of planning policies has to meet legal requirements so that all decisions taken are within the remit of planning legislation and free from further legal challenge. They need to be as concise and precise as possible. They should not be ambiguous and open to wide range of interpretation. Comments concerning the use and implementation of terms (such as acceptability) are noted and have been given further consideration in preparing the Proposed Draft Plan.
- 2.8.99** Comments about the perceived lack of protection in the policies for particular environmental features (for example non-designated heritage assets) are noted but, as previously stated above, the assessment of all development proposals will take account of all the relevant policies of the Plan in the round, enabling the full range of impacts to be taken into consideration. Where planning permission is granted, the duration of the development specified in the decision notice (if appropriate) will reflect the nature and scale of the proposal as set out in the planning application documents. Policies cannot be used to impose a blanket 5-year maximum duration for hydrocarbon developments.

Outcomes for Proposed Draft Plan

- 2.8.100** The Proposed Draft Plan includes one policy for hydrocarbons, Policy SP17, which is split into subsections dealing with exploration/appraisal and production. The policy will form part of the overall assessment basis for those types of development proposals. Applications will be assessed against all the relevant policies of the new Plan, including the general development management policies, set out at Chapter 11, which will address specific matters in more detail. Accordingly, the hydrocarbon policy does not repeat all the criteria of those policies. Further, the criteria and tests that are included in the new Plan cover those matters which fall within the remit of the planning system only. Issues which are the responsibility of other regulators have been left to those bodies.
- 2.8.101** Whilst the policies of the Plan in total include a wide range of criteria, only those that are relevant to a specific proposal will be taken into account. Comments suggesting that the criteria and the need to satisfy them all are too stringent are noted but the more adverse impacts proposals are likely to have, the greater the number of policies and criteria they will need to satisfy.

POLICY MS18 PROPOSALS FOR OIL AND GAS PRODUCTION AND ANCILLARY DEVELOPMENT

Representation National Trust (547/0284 to 0288)

2.8.102 The National Trust made several comments about the content and wording of this policy, with suggested amendments to:

- Make specific reference to adverse economic, environmental and social impacts,
- Expand 'biodiversity sites' to include other habitats and species,
- Include reference to land stability,
- Support for bullet point 8, but with the addition that pipelines should also be shown to be environmentally acceptable, and
- Adopt an approach where impacts are avoided, then mitigated and finally compensated.

Representation PDNPA (501/008)

2.8.103 The PDNPA recommended that bullet point 4 should also make reference to landscape impacts in addition to environmental and amenity impacts.

Representation CPRE (524/0162, 0163 & 0164)

2.8.104 CPRE states that it is uncertain about the meaning of "progressively installed" in the third bullet point of the policy. Request additional bullet points requiring a) applicants demonstrate compliance with the need for progressive reduction in greenhouse emissions before permission could be granted and b) inclusion of amenity stand-off distances (minimum 500m) and greater distances to protect the PDNP from drilling infrastructure (suggested 3.5km).

Representation SDDC (524/0234)

2.8.105 SDDC – see comment about criteria for impact on the openness of the green belt above.

Representation FOE (549/0311)

2.8.106 Transition Chesterfield recommends that the policy requires applicant to demonstrate the need for the gas and that it would result in a reduction in CO2 emissions. There should also be a requirement to assess the risks of seismic activity.

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Representation Transition Chesterfield (559/0393 & 0394)

2.8.107 Transition Chesterfield recommends that the policy requires applicant to demonstrate the need for the gas and that it would result in a reduction in CO2 emissions. There should also be a requirement to assess the risks of seismic activity.

Representation Ineos (560/0399)

2.8.108 Ineos commented that the first three bullet points covering full appraisal programme, a framework for full development, and the timing and distribution of facilities required for hydrocarbon assessment are not acceptable as they are not within the remit of the planning system (responsibility of the OGA).

Representation UKOOG (562/0435 to 0443)

2.8.109 UKOOG made comments on this policy similar to those for policy MS17 including:

- Need to pass all tests is very stringent
- Some of the criteria are the remit of other regulators and not the mineral planning authorities
- No need for criteria concerning facilities sitting within the agreed development framework as applicants will want to put forward full details as early as possible
- Need for clarity for certain phrases such as 'proportionate enhancements
- All potential impacts would be addressed through the EIA process
- Operators would automatically seek to maximise the use of existing sites wherever possible balancing the issues of local geology against the viability of older sites and other constraints

Representation Coal Authority (515/0128)

2.8.110 The Coal Authority supports the inclusion of policies which set out criteria against which proposals for conventional and unconventional hydrocarbons could be assessed. This should be in line with the requirements set out in the NPPF.

Continues on next page

Actions/Considerations

- 2.8.111 The response to the general comments set out for draft policy MS17 above apply equally to this policy.
- 2.8.112 The specific comments concerning the meaning and appropriateness of specific words and phrases are noted and have been taken into account in preparing the Proposed Draft Plan. Any part of the draft policies that relates to matters that are wholly the responsibility of other regulators have been removed. In order to resolve one specific question, the term progressively installed is intended to require that ancillary facilities are only installed as and when they are actually required rather than installed in total at the commencement of the development.
- 2.8.113 The comments about the green belt being included as a specific criterion are noted but in principle, mineral development in general is not unacceptable in such locations. However, the impact on the openness of an area and impact on landscape and visual amenity are criteria that are taken into consideration as set out in Policy DM11 at Chapter 11 of the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

- 2.8.114 The Proposed Draft Plan includes one policy for hydrocarbons, Policy SP17, which is split into subsections dealing with exploration/appraisal and production. The policy will form part of the overall assessment basis for those types of development proposals. Applications will be assessed against all the relevant policies of the new Plan, including the general development management policies, set out at Chapter 11, which will address specific matters in more detail.

BACKGROUND PAPERS: GENERAL COMMENTS

Representation Environment Agency (507/0047)

- 2.8.115 The Environment Agency indicated the need to amend a reference to take account of a change of name of a Government Department – from DECC to DBEIS.

Actions / Considerations

- 2.8.116 The information provided is noted. The names of Government departments and the bodies and organisations involved with mineral development are subject to change on a periodic basis and the references included in the consultation papers can only be correct at the time of publication.

Outcomes for Proposed Draft Plan

- 2.8.117 Published documents have been updated to the appropriate Government Department name at the time.

Representation Individual (544/0246)

2.8.118 Paragraph 1.6 states that : ‘The water normally contains small quantities of other substances...’ This statement is disingenuous and misleading. Fracking fluid contains small proportions of other substances, but bearing in mind that a single fracking operation could use circa 20,000m³ of fluid, this would result in introducing significant quantities of foreign agents through wellbores into underground strata, which may or may not be hydro geologically linked to aquifers. The choice of language should be questioned here with regards integrity and intent.

Actions/Considerations

2.8.119 The reference to ‘small quantities’ of other substances is a comparison to the volume of fluid used which is much greater. It is not intended in anyway to be misleading.

Outcomes for Proposed Draft Plan

2.8.120 No change.

Representation Individual (544/0247)

2.8.121 It should be noted that the Coal Authority carries responsibilities for subsidence in ex-mining areas. Fracking below abandoned mine workings could be a risk factor in this regard.

Actions/Considerations

2.8.122 Agree - ensure that the responsibility of the Coal Authority is appropriately referred to in the Paper.

Outcomes for Proposed Draft Plan

2.8.123 An updated reference is made at paragraph 4.4 of the Background Paper to the responsibilities of the Coal Authority.

Representation Individual (509/0062 and 0063)

2.8.124 One respondent indicated that references in the support paper regarding the use of water in fracking operations were inaccurate.

Actions/Considerations

2.8.125 The comments about water usage in hydraulic fracturing were noted and all references checked.

Outcomes for Proposed Draft Plan

2.8.126 The wording at 7.5 has been changed to reflect the EA publication Facts about fracking: water 2017.

Representation Individual (544/0248)

2.8.127 Paragraph 4.6 quotes: 'The NPPG states that, as an emerging form of energy supply, there is a pressing need to establish through exploratory drilling, whether or not there are sufficient recoverable quantities of unconventional resources such as shale gas and coal bed methane present to facilitate economically viable full scale production.'

2.8.128 This 'pressing need' has to be seriously questioned. The governments 'Gas Security of Supply assessment published in October 2017 stated that new indigenous sources of gas are not essential, but would only act along with biogas, as additional sources. The industry claims that there will be environmental advantages to reducing imports, but the energy efficiency of shale gas extraction is questionable given the extent of material and activity required in establishing new sites, transporting equipment, water and waste fluid around the country.

2.8.129 DBEIS projections for the annual use of natural gas to generate electricity have fallen from 90.9 TWh. in 2012, to 63 TWh in 2017.

(footnote 5 [link to Energy and Emissions Projections](#)) Greater, and permanent reductions in gas imports can be achieved through domestic insulation works than by exploiting shale gas.

(footnote 2 Cambridge Econometrics report. [Link to Building The Future: The Economic And Fiscal Impacts Of Making Homes Energy Efficient](#)

Continues on next page

2.8.130 Bearing in mind that the productivity of shale gas wells drops off steeply within the first two years of life, necessitating new wells to be drilled or re-fracking of existing ones, the economic viability of fracking, under scrutiny for many years now is questionable even given the presence of recoverable quantities of gas in place. [Link To Wall Streets Fracking Frenzy Runs Dry As Profits Fail To Materialize](#)

Representation Individual (544/0249)

2.8.131 Paragraph 1.1 of the Duty to Cooperate Report states that: ‘The Government is committed to delivering long-term sustainable growth and requires the planning system to contribute positively towards achieving sustainable development.’ The universally accepted definition of sustainable development is that which “meets the needs of the present without compromising the ability of future generations to meet their own needs. “ Whilst acknowledging the Sustainability Appraisal being undertaken in respect of the proposed minerals plan, specific questions have to be asked as to whether shale gas development constitutes a positive contribution to sustainable development, particularly in respect of meeting the present and predicated future ‘needs.’ A recent study by Manchester University also found that shale gas to be one of the least sustainable options for generating electricity, taking economic, social and environmental effects into consideration. These are all impacts which should be given equal consideration by local authorities when developing mineral and other development plans in line with the concept of sustainable development. [Link to Shale Gas Is One Of The Least Sustainable Ways To Produce Electricity](#)

Representation Individual (544/0250)

2.8.132 The projected level of shale gas development is now uncertain, and certainly a lot lower than the ‘boom’ predicted by Cameron in 2011; in reply to a question from Caroline Lucas MP, the Energy Minister, Claire Perry stated:

‘Based on information provided by industry dating from 2016, BEIS previously estimated in 2017 that there could be around 155 wells by around 2025. “This figure is now considered to be out of date. The Secretary of State has not made any new estimates for the period to 2025 and has not made any estimates for the period to 2030.’ (Written question and answer, 27 February 2018.) When asked at a residents meeting at Letwell, Rotherham, (16/01/2017), if he could guarantee that UK shale gas would not be exported, Gary Haywood, (then) CEO of Ineos Shale stated ‘We are a commercial organisation.’ This denies industry claims that fracking is required to ensure UK energy security, but is to be used primarily to profit the corporate bodies involved in its exploitation.

Continues on next page

Representation Individual (544/0251 and 0252)

2.8.133 In its 2015 report ‘The Environmental Risks of Fracking’ the House of Commons Environmental Audit Committee called for a halt to fracking, citing non-compliance regarding the UK’s Climate Change commitments, along with Public Health and Environmental concerns. “Ultimately fracking cannot be compatible with our long-term commitments to cut climate changing emissions unless full-scale carbon capture and storage technology is rolled out rapidly, which currently looks unlikely. There are also huge uncertainties around the impact that fracking could have on water supplies, air quality and public health.”

2.8.134 It should be noted that the DBEIS Energy and emissions projections have pushed back the inception date of carbon capture and storage from 2017 in 2012, to 2035. (footnote 5 [link to Energy and Emissions Projections](#))

Representation FOE (549/0307)

2.8.135 Paragraph 4.15 states that: The infrastructure investment plan statement indicated that a key role for gas is consistent with the need to decarbonise our economy. Serious questions have been raised regarding the climate change impacts of methane, particularly with regards unconventional gas in relation to fugitive releases. The methodology by which the MacKay Stone research⁶ was carried out has been discredited (Footnote 7 [link to Methane Leaks Erode Green Credentials Of Natural Gas](#))

2.8.136 Planning has a key legal role to play in limiting fugitive emissions. The background paper on Hydraulic Fracturing fails to explain the complexities surrounding emissions regulation and whose responsibility it is.

Continues on next page

Representation Transition Chesterfield (559/0380)

- 2.8.137** This paper contains a lot of selective and outdated evidence. There are many more recent and credible references that need to be referenced particularly the comprehensive 2016 Scottish Government Review ([link to Oil and Gas Policy](#)) on unconventional oil and gas and the independent academic review of that process (Watterson, A. and Dinan, W. (2018)). Public Health and Unconventional Oil and Gas Extraction Including Fracking: Global Lessons from a Scottish Government Review. International Journal of Environmental Research and Public Health 2018, 15, 675; doi:10.3390/ijerph15040675)
- 2.8.138** The Scottish Government commissioned a comprehensive review on unconventional oil and gas dedicated specifically to public health as well as reports on climate change, economic impacts, transport, geology, and decommissioning. The evidence collected for the Scottish government enquiry suggests there are significant public health risks and costs from unconventional oil and gas extraction, including fracking. All these reports are relevant to public health and taken together offer a comprehensive review of existing evidence.
- 2.8.139** In the interests of balance the paper should also note the countries that have reviewed the evidence on fracking and decided to ban it on the basis of that evidence including Scotland, Ireland, France, Germany, Poland and Bulgaria.
- 2.8.140** Transition Chesterfield (559/0380)

Actions/Considerations

- 2.8.141** Many of these issues were raised in response to the main Chapter (see Above). Many comments expressed conflicting opinions about the requirements of national energy policy and the role of gas, oil and coal within that policy and the efforts to meet the UKs carbon footprint reduction targets. Some commented to the effect that hydrocarbons were not now needed to meet our energy requirements and if used, would conflict with the carbon footprint reduction targets. Others indicated that hydrocarbons were an important and integral element of our energy needs provision and were vital to achieve energy supply security.

Continues on next page

Representation Transition Chesterfield (559/0380)

2.8.142 All the consultation papers have set out the requirements of relevant national planning policy and other policies that affect the provision of minerals. All have stressed that the new Plan will seek to and will have to comply with that national policy guidance. The hydrocarbon consultation did not indicate that the Plan would unduly favour hydrocarbon provision, nor that it would seek to unduly restrict such development. The Plan will have to recognise that such resources are present in the area and that proposals may come forward to obtain those resources during the Plan period. The Plan cannot place an embargo on hydrocarbon development nor set targets or limits for extraction. This would be in full compliance with national energy and planning policy.

Outcomes for Proposed Draft Plan

2.8.143 The Proposed Draft Plan continues to follow Government guidance in that it acknowledges the presence of oil, gas and coal resources within the Plan area and will set out criteria based policies to determine the acceptability of all such proposals that may come forward. The policies of the Plan, including those specific to hydrocarbon development and the general development management policies, recognise the potential adverse impacts of such operations by setting out relevant criteria that proposals would need to satisfy in order for planning permission to be granted. Those policies, together with the Plan in general, reflect the NPPF and other relevant national policy statements. The Plan has the delivery of sustainable minerals development as its main core guiding principle. Positive comments about the content of other mineral local plans are noted but the new Plan does not make direct reference to any other specific Plan, although examples of good practice have been taken into account in the development of the Plan. The Plan and associated documents will be updated to ensure they reflect the most recent Government guidance as we move forward to the Regulation 19 Publication stage of plan making.

2.9 CHAPTER 9 - OTHER MINERALS

Table of Representations

Name	Reference Number	Representation Reference Number
The Coal Authority	515	0129
Individual	578	0518
Individual	578	0519
Individual	578	0521
Individual	578	0522

MS20 REWORKING OF FORMER COLLIERY TIPS AND OTHER SPOIL TIPS

Representation (Coal Authority 0129/515)

2.9.1 This appears to be same as policy MS14 with the only difference being reference to 'Other Spoil Tips'.

Actions / Considerations

2.9.2 In developing the Proposed Draft Plan a more robust and streamlined approach has been taken to avoid any duplication of policies.

Outcomes for Proposed Draft Plan

2.9.3 See revised policy DM18 Reworking of Former Colliery and Other Spoil Tips.

Representation (Individual 0578/518)

2.9.4 This comment echoes the previous one I made regarding secondary or recycled aggregates in that reworking former spoil heaps is not undertaken at former quarries that, under planning regulations, have returned to nature and are therefore officially classed as greenfield and not brownfield sites. Many such currently disused quarries that may have ceased operations 50 or more years ago are now havens for wildlife and are important feeding grounds for birds, animals and insects even if rare species are not present within them.

Representation (Individual 0518/519)

2.9.5 Reworking should not be permitted where a site has been reclaimed by nature and is classified as greenfield. It does not need to have important wildlife and habitats on the site to be important to the environment. Small sites containing such species surrounded by areas of extraction will degrade the environment. What is required is special sites joined up by wildlife corridors so that these species can spread and recolonise.

Actions / Considerations

2.9.6 Agree

Outcomes for Proposed Draft Plan

2.9.7 Policy DM18 of the Proposed Draft Plan states that Proposals for the extraction of coal and other minerals previously deposited in colliery and other spoil tips will be supported where they would not adversely affect any previous restoration that has been carried out on the site, or, if so, they would result in further, significant improvements to the previous restoration scheme.

Representation (Individual 0578/521)

2.9.8 1) Around Buxton there are many abandoned limestone quarries where quicklime was produced through burning limestone with coal in kilns. The spoil heaps at these sites contain stone considered unfit for use at the time along with coal ash, slag and batches of quicklime that did not meet the required standard. The heaps contain considerable amounts of toxic waste such as heavy metals and highly alkaline quicklime that easily turns to dust. The unsightly and alkaline runoff from Hoffman quarry waste as it crosses under Grin Low road illustrates the problem that not containing such material causes. Any application to process spoil heaps on such sites must be accompanied by a full chemical analysis of the material using several trial pits down to the depth of the material to be excavated. The application must be accompanied by both a chemical hazard and an environmental impact assessment. Proposals to mitigate the hazards of wind-blown dust should be submitted bearing in mind that water misting may well create its own problems through runoff of toxic material into watercourses and aquifers through fractures in the limestone. A restoration plan must include proposals to safely remove and dispose of any accumulated toxic waste.

Representation (Individual 0578/522)

2.9.9 2) I support this approach with the proviso that environmental acceptability includes a full assessment of the potential toxicity of the material to be excavated both on the environment and on health. See my previous comment under 9.2 regarding the toxic material contained in limestone quarries that produced quicklime.

Actions / Considerations

2.9.10 1) Agree

2) The support for the approach is noted. With regard to the provision about toxic waste see the paragraph below.

Outcomes for Proposed Draft Plan

2.9.11 Any Proposals for the re-working of spoil tips will be subject to all the relevant policies of the Plan including the Development Management policies at Chapter 11 which cover all of the environmental impacts highlighted.

2.10 CHAPTER 10 - SAFEGUARDING

10.1 SAFEGUARDING MINERAL RESOURCES

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0006
The Coal Authority	515	0130
The Coal Authority	515	0131
High Peak Borough Council	527	0172
Tarmac	551	0341
Ineos Upstream Ltd.	560	0402
Ineos Upstream Ltd	560	0403
Ineos Upstream Ltd	560	0404
Gladman Developments	568	0483

THE AGENT OF CHANGE

Representation (Tarmac 551/0341)

2.10.1 Should refer to the agent of change which places the emphasis for any mitigation on the developer of the new development being sited in proximity to an existing use. The applicant for the new development should be required to put in place suitable mitigation prior to the new development taking place. MCAs are a more useful tool than MSAs and should be identified.

Actions / Considerations

2.10.2 The Agent of Change will be referred to in the revised Draft Plan. MCAs will be used as this is a two-tier area. This will be made clearer in the next draft.

Outcomes for Proposed Draft Plan

2.10.3 Make amendments as set out above.

SAFEGUARDING HYDROCARBONS

Representation (Ineos Upstream Ltd. 560/0402)

2.10.4 It should be made clear that:

1. Safeguarding is not prohibition - and this needs to be made explicit in the text and policy
2. A safeguarded resource is one that needs to be scrutinised for possible harm but does not need a buffer zone, merely proof that the resource will not be significantly sterilised or harmed. Given the depth of hydrocarbon extraction and the relatively small area of surface site workings, together with the short life of the operations and restoration it is surely the case that unconventional gas will rarely if ever give rise to a concern in relation to another mineral.

Actions / Considerations

2.10.5 The text at the beginning of the chapter makes it clear what the purpose of safeguarding is.

The Plan sets out clearly the minerals that safeguarding applies to. Hydrocarbons is not one of these minerals. National planning guidance and BGS Good Practice support the approach of using buffer zones for certain minerals to address potential risks from incompatible development.

Outcomes for Proposed Draft Plan

2.10.6 No changes required.

Representation (Ineos Upstream 560/0403)

2.10.7 In terms of safeguarding, we note that paragraph 10.1.23 states that the following minerals will be safeguarded to ensure that they are taken into account in proposals for non-mineral development. Given the importance of hydrocarbons we believe the onshore oil and gas should be added to the list of the safeguarded minerals and accordingly the PEDL areas safeguarded.

Actions / Considerations

2.10.8 The purpose of safeguarding is to ensure that minerals are taken into account should surface non-mineral development threaten their future long-term availability. The depth of hydrocarbon extraction and relatively small area required for the surface site workings means that surface non-mineral development is unlikely to sterilise such a resource, which makes it unnecessary to safeguard this resource. As such, there is no requirement in national planning policy to safeguard hydrocarbons.

Outcomes for Proposed Draft Plan

2.10.9 No changes required.

Representation (Ineos Upstream 560/0404)

2.10.10 In our submission, the clear conclusion to be drawn is that in areas of potential development conflict between the two resources, the identified national need to explore and develop hydrocarbon resources will take precedence over the local need to explore and develop other minerals.

Actions / Considerations

2.10.11 Hydrocarbon resources occur at a much deeper level and over a much wider area than other mineral resources such as crushed rock and sand and gravel, so there is unlikely to be any conflict in exploiting hydrocarbons and other minerals.

Outcomes for Proposed Draft Plan

2.10.12 No changes required.

POLICY SG2

Representation (Gladman Developments 568/0483)

2.10.13 Policies should be flexible enough to ensure that decision makers can take a balanced view between the need to safeguard mineral resources and the need to meet the strategic housing and economic needs of the area. Policies should set out the circumstances under which planning permission will be granted and be supported by text that explains what is expected from future applicants for non-minerals development in such areas.

Actions / Considerations

2.10.14 This is the purpose of safeguarding, i.e. not to prevent development taking place over mineral resources, but to ensure that the mineral is taken into account fully, along with all other issues during the consideration of a planning application. This will ensure that a balanced decision is always taken, as is the case with all planning applications.

2.10.15 The proposed policy does set out when non-mineral development will be permitted. Detailed discussions regarding a specific proposal would take place when it is submitted to the MPA.

Outcomes for Proposed Draft Plan

2.10.16 No changes required.

SUPPORTING COMMENTS

Representation (The Coal Authority 515/0130 & 0131)

2.10.17 Support both policies SG1 and SG2.

Actions / Considerations

2.10.18 Noted.

10.2 SAFEGUARDING MINERALS RELATED INFRASTRUCTURE

Table of Representations

Name	Reference Number	Representation Reference Number
National Trust	547	0289
Tarmac	551	0342

EXTENT OF SAFEGUARDING

Representation (Tarmac 551/0342)

2.10.19 Support in principle but not compliant with NPPF. Should delete reference to “within quarries” as safeguarding of infrastructure extends beyond these.

Actions / Considerations

2.10.20 PPG sets out that safeguarding much of the infrastructure, other than that in quarries and wharves and railheads, rests with district/borough planning authorities. This is why the policy refers only to infrastructure within quarries. The wording of the policy could be amended to clarify this issue.

Outcomes for Proposed Draft Plan

2.10.21 Amend supporting text of renamed Policy SP19 to provide greater clarity in this respect.

SUPPORTING COMMENTS

Representation (National Trust 547/0289)

2.10.22 Support Policy SG3

Actions / Considerations

2.10.23 Noted.

2.11 CHAPTER 11 – CUMULATIVE IMPACTS

Table of Representations

Name	Reference Number	Representation Reference Number
CPRE	524	0165
South Derbyshire District Council	542	0235

Representation (CPRE 524/0165)

- 2.11.1 Support the wider interpretation of cumulative impacts set out in policy CP1 but the terminology may need further explanation.

Representation (South Derbyshire DC 542/0235)

- 2.11.2 The policy is welcome given the continued impacts of mineral development in the area.

Actions / Considerations

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

Outcomes for Proposed Draft Plan

- 2.11.4 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.

2.12 CHAPTER 12 - RESTORATION

12.1 RESTORATION STRATEGY

Table of Representations

Name	Reference Number	Representation Reference Number
Environment Agency	507	0045
Environment Agency	507	0046
Environment Agency	507	0052
Environment Agency	507	0053
National Forest	531	0179
National Forest	531	0180
National Forest	531	0181
South Derbyshire District Council	542	0236
Staffordshire County Council	543	0242
National Trust	547	0290
National Trust	547	0291
National Trust	547	0292
Tarmac	551	0343
Historic England	563	0451

GREEN CORRIDORS

Representation (Environment Agency 507/0045; Staffordshire County Council 543/0242)

2.12.1 Paragraph 12.1.4, green corridors can also contribute towards managing and reducing flood risk. Also, add the words “taking account of climate change” to criteria 9 of the policy. At paragraph 12.1.33, add “These networks will only achieve optimum benefit if habitats and species over a wide area are considered”.

Actions / Considerations

2.12.2 Agree that the suggested changes could be made to this chapter.

Outcomes for Proposed Draft Plan

2.12.3 Include a reference in the revised chapter. 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.

Representation (National Trust 547/0291)

- 2.12.4 Generally support the draft restoration policy, in particular criteria 11 which seeks to achieve enhancements to biodiversity, recreation etc. We suggest that the words 'where possible' are an unnecessary watering down of this criterion, bearing in mind that the next words are that 'proposals should seek'. We suggest that proposals should always seek to achieve positive change.
- 2.12.5 We consider that criteria 11 could go further in providing guidance for developers, including the following:
- that restoration proposals seek to retain/create a variety of landforms and associated habitats through both natural succession and planting, including bare faces, benches, deep and shallow water.
 - That opportunities to combine biodiversity restoration with recreational uses is considered, for example mountain biking or rock climbing facilities.

Actions / Considerations

- 2.12.6 This policy has been replaced with a Development Management policy in the Draft Plan.

Outcomes for Proposed Draft Plan

- 2.12.7 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy R1 has now been superseded by Policy DM 15 Restoration, Aftercare and After- Use which covers the issues raised in the comments.

Representation (Tarmac 551/0343)

- 2.12.8 Policy R1 is not prepared in a positive way nor is it an effective strategy as it may place undue onerous constraint on operators. As a result, it is considered unsound. Suggest amended policy to address concerns raised.

Actions / Considerations

- 2.12.9 This policy has been replaced with a Development Management policy in the Draft Plan.

Outcomes for Proposed Draft Plan

- 2.12.10 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy R1 has now been replaced by Policy DM 15 Restoration, Aftercare and After-Use which covers the issues raised in the comments.

SUPPORTING COMMENTS

Representation (Environment Agency 507/0052, 0053; National Forest 531/0179, 0180, 0181; South Derbyshire District Council 542/0236; National Trust 547/0290; Historic England 563/0451)

2.12.11 Support various elements of the chapter.

Actions / Considerations

2.12.12 This policy has been replaced with a Development Management policy in the Draft Plan.

Outcomes for Proposed Draft Plan

2.12.13 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy R1 has now been replaced by Policy DM 15 Restoration, After care and After Use.

12.2 TRENT VALLEY STRATEGY

Table of Representations

Name	Reference Number	Representation Reference Number
Staffordshire County Council	543	0243
Staffordshire County Council	543	0244
Tarmac	551	0344
Historic England	563	0452

ENVIRONMENTAL SENSITIVITY MAPPING

Representation (Tarmac 551/0344)

2.12.14 The use of Environmental Sensitivity Mapping to aid site selection should be treated with caution. Considered unreasonable for a strategic map to dictate that development would be unacceptable. Recommend the removal of the second paragraph.

Actions / Considerations

2.12.15 The ES mapping exercise was one part of the site assessment process that was used to inform the environmental element of the process. This was used, together with the social and economic aspect of the assessments, to determine which sites had the greatest potential to be included as allocations in the MLP. It seems reasonable to use a well-informed piece of work prepared by experts in this field, which determines the overall sensitivity of the Trent Valley, to indicate which areas, in broad terms, could be worked and restored in the context of the overall restoration strategy for the Valley and also which areas should be protected from mineral extraction in the longer term.

2.12.16 Agree that the second paragraph of the policy is not required to be included in the policy. It is better placed within the preceding text.

Outcomes for Proposed Draft Plan

2.12.17 Retain the policy but with the removal of the second paragraph.

CENTRAL RIVERS INITIATIVE

Representation (Staffordshire County Council 534/0243)

2.12.18 The Central Rivers Initiative partnership is being developed into the larger “Transforming the Trent Valley Project”. The Plan should be updated to reflect this.

Actions / Considerations

2.12.19 The text will be updated to reflect this.

Outcomes for Proposed Draft Plan

2.12.20 Amend text as suggested.

SUPPORTING COMMENTS

Representation (Historic England 563/0452, Staffordshire County Council 543/0244)

2.12.21 Support the approach.

Actions / Considerations

2.12.22 Noted

Outcomes for Proposed Draft Plan

2.12.23 No changes required.

12.3 CARBONIFEROUS LIMESTONE QUARRIES RESTORATION STRATEGY

Table of Representations

Name	Reference Number	Representation Reference Number
Peak District National Park Authority	501	0005
Historic England	563	0453

REMIT OF STRATEGY

Representation PDNPA (501/0005)

2.12.24 Agree that the Strategy should be extended to include all hard rock quarries within the Carboniferous Limestone. The quarries located in these areas are all adjacent to the PDNP, are located in the White Peak landscape and have similar impacts. Therefore, they should all be restored in a similar manner. Agree that the third option (for the Strategy to cover all hard rock quarries in the Plan area) should not be advanced for the reasons outlined in this paragraph.

Actions / Considerations

2.12.25 The support for extending the remit of the strategy to all Carboniferous Hard Rock Quarries but not to cover all other hard rock quarries is noted.

Outcomes for Proposed Draft Plan

2.12.26 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the Carboniferous Limestone strategy into Policy DM 15 Restoration, After care and After Use set out at Chapter 11 of the Plan.

POLICY R3 RESTORATION OF CARBONIFEROUS LIMESTONE QUARRIES

Representation Historic England (563/0453)

2.12.27 Support this policy.

Actions / Considerations

2.12.28 The support is noted.

Outcomes for Proposed Draft Plan

2.12.29 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the Carboniferous Limestone strategy into Policy DM 15 Restoration, After care and After Use set out at Chapter 11 of the Plan.

2.13 CHAPTER 13 DEVELOPMENT MANAGEMENT POLICIES

Table of Representations

Name	Reference Number	Representation Reference Number
PDNPA	501	0004
Natural England	502	0022
Natural England	502	0023
Environment Agency	507	0054
Environment Agency	507	0055
Environment Agency	507	0056
Environment Agency	507	0057
National Forest	531	0182
National Trust	547	0295
National Trust	547	0296
National Trust	547	0297
National Trust	547	0298
National Trust	547	0299
National Trust	547	0300
National Trust	547	0301
Friends of the Earth	549	0314
Tarmac	551	0245
Tarmac	551	0246
Tarmac	551	0247
Tarmac	551	0248
Tarmac	551	0249
Historic England	563	0454

Representation (PDNPA 501/0004)

- 2.13.1 The PDNPA commented that in the first bullet point regarding local amenity, reference should also be made to fumes, land instability and the amenity impact of transport routes to and from the site.

Representation (Natural England 502/0022)

- 2.13.2 Natural England recommends that when referring to the Natural Environment including geological and biodiversity interests that this makes distinctions between International, National and Local sites. Further the policy should set out that any proposal that adversely affects a European site or causes significant harm to a SSSI will not normally be granted. In terms of European designation, this will involve the precautionary principle as outlined in the Habitat Regulations.

Representation (Tarmac 551/0345)

- 2.13.3 Tarmac commented that it is unnecessary for the applicant to demonstrate need for the mineral and should be removed from the first paragraph.

Actions / Considerations

- 2.13.4 Whilst it is acknowledged that the demonstration of need is not necessary for some minerals extracted in the Plan area (for example hydrocarbons) 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 are 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

- 2.13.5 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 and DM2: Criteria for Assessing the Benefits of Minerals Development Proposals.

ISSUE – POLICY DM 2: PLANNING CONDITIONS AND OBLIGATIONS

Representation (Tarmac 551/0346)

2.13.6 Policy as worded is not justified nor is it an effective strategy and is therefore considered unsound. Enhancement of environment, communities and amenity is not justified in all circumstances and development needs to be considered on its merits. Revised policy suggested.

Actions / Considerations

2.13.7 The comments are noted and have been taken into account in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.13.8 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

ISSUES – POLICY DM4: LANDSCAPE AND GREEN INFRASTRUCTURE

Representation (Natural England 502/0027)

2.13.9 Natural England broadly supports the policy which looks at landscape and green infrastructure and the intention of considering the wider ecological networks

Representation (National Forest 531/0182)

2.13.10 Policy DM4 concerning Landscape and Green Infrastructure expects development to 'protect and/or enhance the landscape character, quality and visual amenity'. The NFC considers that development should not be given the choice to protect or enhance, the policy should require development to do both. Existing features that warrant protection should be protected and all schemes should be expected to enhance landscape character and amenity as well.

Representation (National Trust 547/0295)

2.13.11 National Trust supports the commitment to delivering continued long-term improvements to ecological networks and green infrastructure throughout the life of the development, including restoration. We also support the commitment to enhancing the landscape and securing the highest practicable environmental standards.

Continues on next page

Representation (Friends of the Earth 549/0314)

2.13.12 To be consistent with national policy, policy DM4 should require EIA for all hydraulic fracturing proposals.

Representation (Tarmac 551/0347)

2.13.13 Not consistent with paras 109 and 113 of NPPF which seek to ensure that the level of protection for important landscapes is based on their value and therefore any impact commensurate. Revised policy suggested.

Actions / Considerations

2.13.14 The general support for the policy is noted and welcomed.

2.13.15 The enhancement of landscapes following the completion of restoration on mineral development sites is the desirable outcome, but the policy is worded to acknowledge that this is not possible in all circumstances. 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).

2.13.16 This policy is not an appropriate vehicle for stating legislative requirements for the form and content of mineral planning applications.

Outcomes for Proposed Draft Plan

2.13.17 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 Policy DM4: Landscape and Policy DM12: Green infrastructure.

Representation (Environment Agency 507/0054)

2.13.18 The Environment Agency indicated its support for the policy.

Representation (National Trust 547/0296, 0297 & 0298)

2.13.19 National Trust supports the commitment to minimising impacts on habitats and species, and securing a net gain in biodiversity.

2.13.20 The penultimate bullet point needs to be adjusted to say what is sought. Otherwise it could potentially be combined with bullet point 4.

2.13.21 We are concerned that the final paragraph which will allow developments where ‘the merits of the development outweigh any likely environmental damage’ is too weak and may not conform with regulations and policy relating to international sites and SSSIs. We suggest that this needs to be revised.

Representation (Tarmac 551/0348)

2.13.22 Considered unsound as it is not consistent with paragraphs 109, 113 and 118 of NPPF which seek to ensure that the level of protection for ecological features is commensurate with their status and opportunities for net gain in biodiversity taken where possible. NPPF does not state that all development within designated sites is unacceptable. The onus is on the developer to avoid, mitigate or compensate. Revised wording suggested.

Actions / Considerations

2.13.23 The general support for the policy is noted and welcomed.

2.13.24 The penultimate bullet does indeed have words missing from it to explain what is required of applicants. The final decision on all planning applications is a balance in which the benefits of the development are weighed against the impacts and the final paragraph incorporates this position. Any decision involving such a balance would have to take account of the requirements of other legislation relating to the protection afforded to specific designations.

2.13.25 The policy does not place an embargo on mineral development in sites with high level biodiversity designations and is not inconsistent with the NPPF.

Outcomes for Proposed Draft Plan

2.13.26 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.

Representation (National Trust 547/0299 & 0300)

2.13.27 National Trust suggests that this policy would be better titled ‘The Historic Environment’. We also suggest that the policy needs to be strengthened to give great weight to the conservation of designated heritage assets (consistent with the NPPF) and to resist substantial harm or total loss unless there are exceptional circumstances.

Representation (Tarmac 551/0349)

2.13.28 Considered unsound as it is not consistent with paragraphs 126 and 132 of NPPF. Heritage assets should be recognised as irreplaceable resource. However, they should be conserved in a manner appropriate to their significance. As worded, policy seeks to ensure no adverse impact on any heritage asset (regardless of designation). Revised wording suggested.

Representation (Historic England 563/0454)

2.13.29 As per our comment in relation to Policy MS17, the use of ‘historic heritage’ is an odd wording. For the purposes of the policy intending to relate to development management principles, we recommend that the policy title be revised to ‘Historic Environment’ in line with NPPF terminology. It is considered that the policy that is currently set out is not robust enough and, as a result, is not sound, and should be revisited. The site allocation policies set out general approaches which are supported by basic criteria which is fine if robust DM policies are present to guide developers in terms of expectations for development proposals. At present Policy DM6 does not provide for this. Examples of more recently adopted Minerals Plan historic environment policies are Lincolnshire County Council (2017) and Northampton County Council (2016). We would expect a similarly robust approach as set out in those Plans to Policy DM6 in the emerging Plan and would be pleased to discuss further in due course.

Continues on next page

Actions / Considerations

- 2.13.30** 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.
- 2.13.31** The representations set out different and somewhat opposing positions which again reflects the balance that is required in the assessment and determination of all development proposals, particularly major ones such as mineral developments. The policy cannot place an embargo on mineral development on or near to features of the historic environment, but it does provide for the importance of the feature and the level of potential harm to be taken into consideration. Notwithstanding and in light of the representations, the wording of the policy may require further consideration.

Outcomes for Proposed Draft Plan

- 2.13.32** 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.

ISSUES – POLICY DM7: WATER MANAGEMENT AND FLOODING

Representation (National Trust 547/0301)

- 2.13.33** We suggest that the first bullet point should be expanded to avoid impacts on ‘the characteristics of existing and potential aquifers’.

Actions / Considerations

- 2.13.34** It is accepted that the current draft does not specify water resources. The implication via the terms quality and availability may not be sufficient to provide the level of protection required.

Outcomes for Proposed Draft Plan

- 2.13.35** The Proposed Draft Plan 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.

2.14 CHAPTER 14 SITE ALLOCATIONS (INCORPORATING SITE ASSESSMENTS)

SA1: SITE ALLOCATION WHITWELL

Table of Representations

Name	Reference Number	Representation Reference Number
Natural England	502	0024
Environment Agency	507	0043
Environment Agency	507	0055

Representation (Natural England 502/0024)

2.14.1 The Policy should specify that extraction will only be permitted on sufficient evidence being provided that no significant impact on Creswell Crags SSSI. By specifying this within the policy, it will strengthen the intention of protecting the site as part of the proposed outcome of the plan.

Actions / Considerations

2.14.2 Planning permission has now been granted for this proposed allocation and therefore this matter has been taken into account during the planning application process.

Outcomes for Proposed Draft Plan

2.14.3 N/A

Representation (Environment Agency 507/0043)

2.14.4 This site is within Flood Zone 1, low risk of flooding.

Representation (Environment Agency 507/0055)

2.14.5 This site is located with the Bolsover GWMU (Groundwater Management Unit) of the Magnesian Limestone aquifer as detailed within the Idle and Torne ALS (Abstraction Licensing Strategy). Any existing abstraction previously exempt from licencing such as dewatering taking place before 1st of January 2018 will require an abstraction licence and will be processed under New Authorisations as described above in the general comments. Existing activities will stand a good chance of being granted a licence. Any increased abstraction as a result of the proposed extension taking place post the 1st January 2018 to the site will have to follow the normal licencing process. The Bolsover GWMU is currently closed to any new consumptive abstraction and therefore an application would have a strong likelihood of not being granted.

Actions / Considerations

2.14.6 Planning permission has now been granted for this proposed allocation and therefore the matters raised by the comments will have already been dealt with as part of the planning application process.

Outcomes for Proposed Draft Plan

2.14.7 N/A

SA2: SITE ALLOCATION ASHWOOD DALE

Table of Representations

Name	Reference Number	Representation Reference Number
PDNPA	501	0003
Environment Agency	507	0044
Environment Agency	507	0056
High Peak Land Ltd	514	0120
High Peak Land Ltd	514	0121
High Peak Land Ltd	514	0122
HPBC	527	0173
PDNPA	501	0002
High Peak Land Ltd	514	0122
HPBC	527	0173
United Utilities	565	0471

Representation (Environment Agency 507/0044)

2.14.8 This site is within Flood Zone 1, low risk of flooding.

Representation (Environment Agency 507/0056)

2.14.9 The information and requirements are noted.

Actions / Considerations

2.14.10 The information and requirements are noted.

Outcomes for Proposed Draft Plan

2.14.11 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

Representation (PDNPA 501/0003)

2.14.12 We responded to a consultation regarding the proposed quarry extension back in 2015 and subject to a revised restoration scheme, we did not raise an objection to the proposed extension. We therefore raise no objection to this site allocation.

Actions / Considerations

2.14.13 The support is noted.

Outcomes for Proposed Draft Plan

2.14.14 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

Representation (High Peak Land Ltd 514/0120)

2.14.15 Object to the allocation of the promoted extension to Ashwood Dale Quarry for the following reasons:

2.14.16 1) No substantive evidence has been produced by Omya UK Ltd, or the minerals authority, to show a demonstrable and overriding need to allocate the very small amount of mineral resources that could be extracted from the proposed allocation (approximately 0.7% of active reserves). Neither in the local nor the national interest, in terms of maintaining an adequate future supply of industrial limestone.

Representation (High Peak Land Ltd 514/0121)

2.14.17 2) No overriding minerals case has been argued to justify the need to maintain at least a 15-year supply of industrial limestone at Ashwood Dale Quarry.

Representation (High Peak Land Ltd 514/0122)

2.14.18 3) The viability of extracting the reserves in the proposed extension is in serious doubt, the majority of the landowners are not supportive of mineral development, and the proposal is considered, on balance, to be unacceptable in planning terms.

Representation (High Peak Borough Council 527/0173)

2.14.19 4) I note that the Statement of Common Ground was signed in 2014 and the planning application to work the extension to Ashwood Dale Quarry submitted in March 2015 but not yet determined. There has been no recent communication with OMYA to confirm their intentions for the site. The Plan acknowledges that there is uncertainty surrounding the need for this quarry extension and the business intentions of the operator. If it cannot be confirmed, through evidence from the operator, that the extension will be brought forward during the Plan period then the allocation should be removed from the Plan.

Actions / Considerations

2.14.20 The comments are noted.

Outcomes for Proposed Draft Plan

2.14.21 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

Representation (United Utilities 565/0471)

2.14.22 Ashwood Dale site allocation is located close to SPZ1. UU preference is for development to take place outside any SPZ1. Recommend a policy with regards to groundwater protection.

Actions / Considerations

2.14.23 Noted.

Outcomes for Proposed Draft Plan

2.14.24 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

SITE ASSESSMENT: ALDWARK/BRASSINGTON MOOR QUARRY

Table of Representations

Name	Reference Number	Representation Reference Number
PDNPA	501	0002
Longcliffe Quarries Ltd	513	0082
Longcliffe Quarries Ltd	513	0083
Longcliffe Quarries Ltd	513	0084
Longcliffe Quarries Ltd	513	0085
Longcliffe Quarries Ltd	513	0086
Longcliffe Quarries Ltd	513	0087
Longcliffe Quarries Ltd	513	0088
Longcliffe Quarries Ltd	513	0089
Longcliffe Quarries Ltd	513	0090
Longcliffe Quarries Ltd	513	0091
Longcliffe Quarries Ltd	513	0092
Longcliffe Quarries Ltd	513	0093
Longcliffe Quarries Ltd	513	0094
Longcliffe Quarries Ltd	513	0095
Longcliffe Quarries Ltd	513	0096
Longcliffe Quarries Ltd	513	0097
Longcliffe Quarries Ltd	513	0098
Longcliffe Quarries Ltd	513	0099
Longcliffe Quarries Ltd	513	0100
Longcliffe Quarries Ltd	513	0101
Longcliffe Quarries Ltd	513	0102
Longcliffe Quarries Ltd	513	0103
Longcliffe Quarries Ltd	513	0104
Longcliffe Quarries Ltd	513	0105
Longcliffe Quarries Ltd	513	0106
Longcliffe Quarries Ltd	513	0107

Name	Reference Number	Representation Reference Number
Longcliffe Quarries Ltd	513	0108
Longcliffe Quarries Ltd	513	0109
Longcliffe Quarries Ltd	513	0110
Longcliffe Quarries Ltd	513	0111
Longcliffe Quarries Ltd	513	0112
Longcliffe Quarries Ltd	513	0113
Longcliffe Quarries Ltd	513	0114
Longcliffe Quarries Ltd	513	0115
Longcliffe Quarries Ltd	513	0116
Longcliffe Quarries Ltd	513	0117
Longcliffe Quarries Ltd	513	0118
Longcliffe Quarries Ltd	513	0119

Representation (Peak District National Park 501/0002)

2.14.25 We welcome the decision not to allocate this site within the Plan and agree with the reasons for doing so. We also agree that detailed information akin to that needed to support a planning application would be required in order to fully appreciate the impact an extension at this quarry would have on the PDNP.

Actions / Considerations

2.14.26 Following on from this assessment, further work has been undertaken by the Operator in liaison with the County Council to provide more detail on the potential impact of working the site on the surrounding visual receptors/landscape including impacts on the PDNP. The County Council has co-operated with the PDNPA on this matter and reached agreement that subject to the setting out of specific site requirements that must be addressed by any planning application to work the site the PDPA has no objections to the site going forward for allocation in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.14.27 The Principal Planning Requirements set out at Appendix A of the Proposed Draft Plan include reference to the need that any planning application to work the site will need to address any potential impacts on the PDNP.

Representation (Longcliffe Quarries Ltd 513/0082)

2.14.28 Object to the non-allocation of the proposed extension to Aldwark/Brassington Moor Quarry. Taking the assessment as a whole, the majority of outcomes are either positive or minor negative. The remaining negative issues have been exaggerated by the assessment process, assumption and factual inaccuracies and do not justify the decision to make no allocation in respect of this site.

Actions / Considerations

2.14.29 The MPA supports the initial assessment that was carried out on the promoted site at Aldwark/Brassington Moor Quarry which identified a number of potential negative impacts upon which additional investigation would be required to ascertain whether those impacts could be mitigated or avoided to enable the site to progress forward to allocation. In liaison with the Operator further investigation has taken place particularly in terms of reserve information, traffic, visual and landscape assessment. The MPA has concluded that following these investigations the promoted site is suitable to go forward for proposed allocation in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.14.30 The promoted site has been allocated for working in the Proposed Draft Plan. The Plan, at Appendix A, includes a set of principal site requirements that will need to be addressed by any planning application to work the site.

GENERAL

Representation (Longcliffe Quarries Ltd 513/0083)

2.14.31 The Company is supportive of the Paper in the way it recognises the importance of the Brassington Moor Quarry but are concerned that the rarity of the deposit (because of its geochemical properties) are not sufficiently documented.

Actions / Considerations

2.14.32 The information provided in the assessment is that provided by the Company. If the deposit is different to other 'industrial carbonate' deposits found on the Carboniferous Limestone, then it would be helpful if the Company would evidence this in their supporting information. As far as I am aware other quarries in Derbyshire produce similar products to the Brassington Moor Quarry.

Outcomes for Proposed Draft Plan

2.14.33 The Company has supplied additional information in terms of the geotechnical properties of the reserve.

TABLE 1: CRITERIA 01 – NEED FOR MINERAL

Representation (Longcliffe Quarries Ltd 513/0084)

2.14.34 The PMAJ assessment is supported. Given that you have accepted the evidence which demonstrates that low Cadmium reserves are likely to run out during the Plan period we cannot understand why you have decided not to allocate additional reserves which will be necessary. The last planning application to extend the quarry took 3 years to determine. The lead in time to prepare the application and all the technical reports would have added a further 2 years to that. It is therefore highly likely that we will need to submit a planning application to extend quarry workings well before the end of the Plan Period.

Actions / Considerations

2.14.35 Economic factors such as need are only one element to be considered, environmental and social factors also need consideration.

Outcomes for Proposed Draft Plan

2.14.36 No change to the assessment.

TABLE 1: CRITERIA 02 – QUALITY/YIELD OF MINERAL

Representation (Longcliffe Quarries Ltd 513/0085)

2.14.37 Assessment PMIN – not supported by Longcliffe Quarries Ltd

Actions / Considerations

2.14.38 This assessment has been made purely because detailed borehole information has not been provided by the Company. Given that the justification for additional reserves are based on the need for specific 'low cadmium' resources it is important to ensure that the promoted extension area will yield those specific resources.

Outcomes for Proposed Draft Plan

2.14.39 The Company has supplied detailed borehole information.

TABLE 1: CRITERIA 03 – USE OF RESOURCES

Representation (Longcliffe Quarries Ltd 513/0086)

2.14.40 Assessment PMAJ – supported by Longcliffe Quarries Ltd

Actions / Considerations

2.14.41 The support is noted.

Outcomes for Proposed Draft Plan

2.14.42 N/A

TABLE 1: CRITERIA 04 – LOCATION TO MARKET AREAS

Representation (Longcliffe Quarries Ltd 513/0087)

2.14.43 The PMIN assessment is not supported. The Brassington Moor Quarry resource is of national importance. Its markets are both national and multi-national and being located at the heart of the UK is of significant logistical benefit.

Actions / Considerations

2.14.44 The location of the site in relation to market areas has been judged as having a minor impact from the start. PMIN therefore is the highest positive score for this criteria and therefore the location of the site has been judged positively.

Outcomes for Proposed Draft Plan

2.14.45 No Change to the assessment.

TABLE 1: CRITERIA 05 – EXISTING INFRASTRUCTURE

Representation (Longcliffe Quarries Ltd 513/0088)

2.14.46 The PMIN assessment undervalues the significant benefits associated with the use of existing site infrastructure. Industrial limestone manufacture is very capital intensive due to the scale and number of plant processes involved. Without a significant amount of planned reserves underpinning the required scale of investment in new plant, it is unlikely that a new industrial mineral processing facility could be justified financially. The benefits of the existing site infrastructure should therefore be PMAJ.

Actions / Considerations

2.14.47 The presence of existing infrastructure has been judged as having a minor impact from the start; PMIN therefore is the highest score for this criterion. It is aimed at supporting extensions to existing sites as opposed to new sites without infrastructure however I appreciate that the plant required to process industrial mineral is much more capital intensive than aggregate mineral processing.

Outcomes for Proposed Draft Plan

2.14.48 No Change to the assessment

TABLE 1: CRITERIA 06 – CONSERVATION OF RESOURCES

Representation (Longcliffe Quarries Ltd 513/0089)

2.14.49 The PMIN assessment is not supported. The Brassington Moor Quarry resource is, geologically, extremely rare. Ensuring that this resource is not unnecessarily sterilised is a PMAJ benefit.

Actions / Considerations

2.14.50 PMIN is the maximum score for this criterion and therefore the likelihood of the site being worked if not part of the existing mineral operation has been assessed as a positive factor. This Criterion has been revised from the previous version of the methodology so that it focuses on the likelihood of the site being worked rather than its sterilisation.

Outcomes for Proposed Draft Plan

2.14.51 No Change to the assessment

TABLE 1: CRITERIA 07 – EMPLOYMENT

Representation (Longcliffe Quarries Ltd 513/0090)

2.14.52 The PMIN assessment is not supported. Longcliffe Quarries are the second biggest employer in Derbyshire Dales District. The retention of 175 jobs in a predominantly rural area is of major significance and should be assessed as PMAJ. (This number has recently increased as a result of the continuing development of our products and services). A recent report commissioned by HPBC and DDDC into the economic benefits of quarrying within these authorities, confirms not only the significance of the jobs directly associated with the industry but also the jobs in the long reaching upstream and downstream supply chains. Furthermore, the report confirms that the industry currently contributes £1.633bn to the local economy and £2.188bn to the national economy.

Actions / Considerations

2.14.53 The PMAJ score is reserved for new sites that would create additional new employment in an area rather than continuing employment or a net gain in employment where a site is opening in one area but closing in another.

Outcomes for Proposed Draft Plan

2.14.54 No Change to the assessment

TABLE 1: CRITERIA 08 – DURATION OF MINERAL EXTRACTION

Representation (Longcliffe Quarries Ltd 513/0091)

2.14.55 There is no recognition that hard rock quarrying is, by nature, a long-term business. Early drilling results now indicate that the potential reserve will be under 30mt and therefore the assessment should be NMIN. In a social context, continuation of long-term employment should be a major benefit to the local community.

Actions / Considerations

2.14.56 The Council is awaiting detailed borehole information to confirm the yield of the promoted site. Employment has been taken into account at criteria 07. This criterion is about the overall impacts of hard rock sites in terms of longevity compared to other types of mineral sites that can be worked and restored more quickly.

Outcomes for Proposed Draft Plan

2.14.57 No Change to the assessment

TABLE 1: CRITERIA 09 – VISUAL INTRUSION

Representation (Longcliffe Quarries Ltd 513/0092)

2.14.58 The assessment is factually inaccurate. The site is not visible from properties in Aldwark or Ible. The site has a small visual envelope as demonstrated by the ZTV submitted previously and attached. Parts of the allocation site are visible along short sections of the High Peak Trail and Limestone Way. The site is only seen in the same context as Grangemill Quarry, in views from the Aldwark Road.

Actions / Considerations

2.14.59 The Company has submitted revised information on the ZTV, and the Councils have reassessed this site in the light of this new information. The conclusion is that the revised ZTV work reaffirms the initial assessment in that there would be potentially significant adverse effects on key sensitive visual receptors including recreational users of the High Peak Trail, Limestone Way and Harboro Rocks including locations that get little or no view of the current quarry development. An NMAJ assessment is supported at these locations where there are many visual receptors (footpath users) who will gain views of large parts or more than one part of the site.

2.14.60 It is not accepted that the assessment is factually inaccurate in that the enhanced ZTV analysis confirms that there may be some impacts on isolated properties close to Aldwark, including Middle Hills Farm camping and caravan site and Ible; additionally there are footpaths and roads in these areas from which the promoted site may be visible. Any impacts will also be in the context of the existing quarry and the adjoining Grangemill quarry which already exert significant adverse visual effects on surrounding visible receptors.

Outcomes for Proposed Draft Plan

2.14.61 No Change to the assessment but see paragraphs 7.32-7.34 of Developing the Proposed Draft Plan paper¹ in relation to additional information supplied regarding Visual Impacts.

¹ Derbyshire and Derby Minerals Local Plan – Winter 2021/2022 Consultation: Proposed Draft Plan – Developing the Proposed Draft Plan: Industrial Limestone, December 2021

TABLE 1: CRITERIA 10 AND 11 – NOISE AND DUST

Representation (Longcliffe Quarries Ltd 513/0093)

2.14.62 There is only 1 property within 400 metres of the allocation site and that is located in the middle of an industrial site at Manor Farm, up wind of the allocation site. Workings within the allocation site would be moving further away from both Aldwark and Ible than is currently the case.

Actions / Considerations

2.14.63 There is one property at Manor Farm and one on the southern edge of Aldwark village which fall within the 500-metre band for noise and 400-metre band for dust. The PMIN assessment for both therefore is considered justified.

Outcomes for Proposed Draft Plan

2.14.64 No Change

TABLE 1: CRITERIA 12 – AIR QUALITY

Representation (Longcliffe Quarries Ltd 513/0094)

2.14.65 The PMIN assessment is supported.

Actions / Considerations

2.14.66 The support is noted.

Outcomes for Proposed Draft Plan

2.14.67 N/A

TABLE 1: CRITERIA 13 – TRANSPORT LOCAL AMENITY

Representation (Longcliffe Quarries Ltd 513/0094)

2.14.68 The PMAJ assessment is supported.

Actions / Considerations

2.14.69 The support is noted.

Outcomes for Proposed Draft Plan

2.14.70 N/A

TABLE 1: CRITERIA 14 – TRANSPORT SAFE AND EFFECTIVE ACCESS

Representation (Longcliffe Quarries Ltd 513/0096)

2.14.71 The PMAJ assessment is supported.

Actions / Considerations

2.14.72 The support is noted.

Outcomes for Proposed Draft Plan

2.14.73 N/A.

TABLE 1: CRITERIA 15 – TRANSPORT EXPORT ROUTE

Representation (Longcliffe Quarries Ltd 513/0097)

2.14.74 The PMIN assessment is supported. However, congestion as a result of HGV traffic is occasional. The Water Lane/Cromford Hill junction was previously assessed in connection with the Bonemill ROMP application. The assessment identified two pinch points caused by on street vehicle parking but observed that two-way traffic flow was still possible and HGVs were using the road without difficulty. Little congestion was observed on the road. The traffic levels at Bonemill Quarry that were assessed, have never been reached and are over double the current output. The assessment concluded that even at these increased levels, there would be no material impact on the operation of the local highway network which already safely accommodates HGV traffic from surrounding quarries. The assessment is misleading in that it raises concerns which are unspecified and refers to significant increases in HGVs from Brassington Moor Quarry which are neither planned nor anticipated.

Continues on next page

Actions / Considerations

- 2.14.75 Although the criteria used to initially assess the traffic impacts of the development do not result in any negative scores, this assessment is based on a continuation of the operation as established under the 2007 permission when anticipated loaded vehicle daily movements was 100, with an average despatch load of 25 tonnes. Information submitted by the Company in support of the promoted extension site indicates that vehicle movements have doubled to 200 loads per day (400 in – out movements) although production has not and is not anticipated to increase. The Company do state that smaller lorries are in use although it is unclear as to whether this pattern of movements will be for a sustained period. The County Council as Highway Authority has concerns about the junction of the B5036 and A5012 in terms of emerging vehicle visibility. It also has concerns about the number of HGVs which travel west along the Via Gellia to join the A6 at Cromford causing congestion and negative impacts on the Conservation Area. These matters would be exacerbated if there was to be a significant increase in the number of HGVs.
- 2.14.76 Longcliffe Quarries Ltd has supplied additional evidence to the County Council in the form of a Transport Assessment prepared for the Bone Mill Quarry (also operated by Longcliffe) ROMP dated July 2011. This report is principally about lorries from the quarry and the junction of the B5035 although it does provide information on accidents and pinch points in Cromford. In relation to Longcliffe Quarry the concern relates to junction of the A5012 and the B5036. The Company has supplied further evidence in relation to traffic movements from the site confirming that movements have increased since the 2007 permission. The need to address the impact of this additional traffic has been set out in the local plan as one of the principal planning requirements that will need to be satisfied when detailed proposals to work the site are submitted.

Outcomes for Proposed Draft Plan

- 2.14.77 No change to the assessment.

TABLE 1: CRITERIA 16 – TRANSPORT CAPACITY FOR SUSTAINABLE OPTIONS

Representation (Longcliffe Quarries Ltd 513/0098)

2.14.78 The PMIN assessment is supported.

Actions / Considerations

2.14.79 The assessment score is NMIN in that all material will be transported by road.

Outcomes for Proposed Draft Plan

2.14.80 N/A.

TABLE 1: CRITERIA 17 – WATER ENVIRONMENT – FLOOD RISK

Representation (Longcliffe Quarries Ltd 513/0099)

2.14.81 The PMIN assessment is supported.

Actions / Considerations

2.14.82 The support is noted.

Outcomes for Proposed Draft Plan

2.14.83 N/A.

TABLE 1: CRITERIA 18 – WATER ENVIRONMENT – GROUNDWATER PROTECTION

Representation (Longcliffe Quarries Ltd 513/0100)

2.14.84 The PMIN assessment is supported. There is no history or evidence of any groundwater impacts caused by the operation of the site and modern pollution control measures are already in place and effective.

Actions / Considerations

2.14.85 The published Assessment wrongly assigns the score PMIN to the site when it should be NMAJ; the site lies within a groundwater protection zone 1 which are the most important to protect from harmful development. The Assessment simply flags up the fact that groundwater protection in that location is potentially a constraint that any planning application would need to address.

Outcomes for Proposed Draft Plan

2.14.86 N/A.

TABLE 1: CRITERIA 19 – WATER ENVIRONMENT – AQUIFER PROTECTION

Representation (Longcliffe Quarries Ltd 513/0101)

2.14.87 The NMAJ assessment is not supported. Although the site lies on a Principal Aquifer there is no history of groundwater pollution or impacts. Modern pollution control measures are already in place and are effective. The assessment suggests a greater degree of risk than has proven to be the case over many years of quarrying at the site.

Actions / Considerations

2.14.88 The site lies on a Principal Aquifer and therefore the NMAJ assessment is justified. The Assessment simply flags up the fact that aquifer protection in that location is potentially a constraint that any planning application would need to address.

Outcomes for Proposed Draft Plan

2.14.89 N/A.

TABLE 1: CRITERIA 20 – ECOLOGY – EXISTING IMPACTS

Representation (Longcliffe Quarries Ltd 513/0102)

2.14.90 The NMIN assessment is not supported. The existing quarry is predominantly located on former agricultural land which would have been limited ecological value. A neutral assessment would be more appropriate.

Actions / Considerations

2.14.91 This criterion relates to the impact of the existing quarry on the promoted site. The assessment concludes that whilst mineral extraction has occurred and is occurring in the wider area (Slinter, Bone Mill and Dene Quarry for example), most of the intervening land has not been disturbed by quarrying. Neighbouring quarrying operations are not known to exert a significance force on local ecological receptors.

Outcomes for Proposed Draft Plan

2.14.92 No Change.

TABLE 1: CRITERIA 21 – ECOLOGY – PRIORITY SPECIES AND HABITATS

Representation (Longcliffe Quarries Ltd 513/0103)

2.14.93 The NMIN assessment is not supported. No Ancient Woodland is identified on Map 9. The woodland between the allocation site and the B5056 is new plantation, planted by Longcliffe Quarries and would be unaffected by the proposed workings. A neutral assessment would be more appropriate.

Actions / Considerations

2.14.94 There is a TPO on the area of woodland which has wrongly been referred to as ancient woodland in the assessment. Notwithstanding the woodland, the assessment states that habitats within the site appear to consist of managed farmland unlikely to be of significant ecological interest in its own right, although great crested newts have been recorded from within and adjacent to the site. Impacts on this European Protected Species would need consideration and mitigation as part of any application, if a need is proven, although there should be ample opportunity to provide mitigation and enhancement within and adjacent to the extension area. Accordingly, the site has been assessed as containing some areas of positive ecological value including UK or local priority habitats or species which should be considered for protection/conservation.

Outcomes for Proposed Draft Plan

2.14.95 No Change.

TABLE 1: CRITERIA 22 – ECOLOGICAL COHERENCE

Representation (Longcliffe Quarries Ltd 513/0104)

2.14.96 The PMIN assessment is supported.

Actions / Considerations

2.14.97 The support is noted.

Outcomes for Proposed Draft Plan

2.14.98 N/A.

TABLE 1: CRITERIA 23 – ECOLOGY – HABITAT CREATION

Representation (Longcliffe Quarries Ltd 513/0105)

2.14.99 The PMIN assessment is not supported. The text rightly identifies the significant potential that the site offers for the creation of a range of habitats, some of which are rare. Throughout the UK, the quarrying industry, as a whole, has provided a significant percentage of SSSIs and SACs. The assessment should be PMAJ.

Actions / Considerations

2.14.100 The Assessment concludes that whilst site restoration could deliver a net gain for biodiversity through habitat creation, which would add to resources within the wider area, it wouldn't directly enhance existing habitat corridors. Accordingly, it has been assessed as PMIN - 'existing habitats are intact and habitat creation would only provide limited biodiversity enhancement within the site or the wider area.'

Outcomes for Proposed Draft Plan

2.14.101 No Change.

TABLE 1: CRITERIA 24 – LANDSCAPE – EXISTING IMPACTS

Representation (Longcliffe Quarries Ltd 513/0106)

2.14.102 The NMIN assessment is supported.

Actions / Considerations

2.14.103 The support is noted.

Outcomes for Proposed Draft Plan

2.14.104 N/A

TABLE 1: CRITERIA 25 – LANDSCAPE – STRENGTH OF LANDSCAPE CHARACTER

Representation (Longcliffe Quarries Ltd 513/0107)

2.14.105 The NMAJ assessment is not supported. Although the site abuts the PDNP it has a very small visual envelope as evidenced by the accompanying ZTV drawing and is not closer to the PDNP than the current working area. The assessment should be NMIN.

Actions / Considerations

2.14.106 This criterion is about whether the site accords with the established landscape character of the area. The assessment concludes that the promoted allocation area comprises pastoral fields enclosed by limestone walls with boundaries generally in good condition typical of the established character of the wider landscape. The site abuts and seamlessly connects to the Peak District National Park to the North West and therefore the NMAJ assessment is appropriate.

Outcomes for Proposed Draft Plan

2.14.107 No Change.

TABLE 1: CRITERIA 26 – IMPACTS ON THE PEAK DISTRICT NATIONAL PARK

Representation (Longcliffe Quarries Ltd 513/0108)

2.14.108 The NMAJ assessment is not supported. Although the site abuts the PDNP it has a very small visual envelope as evidenced by the accompanying ZTV drawing and is not closer to the PDNP than the current working area. The assessment should be NMIN. Additional landscape assessment is currently being undertaken and will be submitted shortly.

Actions / Considerations

2.14.109 The company has submitted revised information on the ZTV and the Councils have reassessed the site in the light of this new information. The conclusion is that the revised ZTV work reaffirms the initial assessment in that there would be some impact on the Peak District National Park particularly to the north of Grangemill and Ible where there are footpaths and roads in this area from which the promoted extension site is visible. Additionally, road users and isolated properties around Aldwark, including Middle Hills Farm camping and caravan site, could have views of the promoted area. The assessment concludes that the site abuts the PDNP boundary forming part of its immediate setting and/or large parts of the site will be clearly visible from it.

Outcomes for Proposed Draft Plan

2.14.110 No Change to the assessment but see paragraphs 7.32-7.34 of Developing the Proposed Draft Plan paper² in relation to additional information supplied regarding Visual Impacts.

TABLE 1: CRITERIA 27 – HISTORIC ENVIRONMENT - SITES

Representation (Longcliffe Quarries Ltd 513/0109)

2.14.111 The PMIN assessment is supported. Moot Low Barrow is in very poor condition and has been previously 'robbed' by historic archaeological excavations.

Actions / Considerations

2.14.112 No change.

Outcomes for Proposed Draft Plan

2.14.113 N/A.

2 Derbyshire and Derby Minerals Local Plan – Autumn/Winter 2021 Consultation: Proposed Draft Plan – Developing the Proposed Draft Plan: Industrial Limestone, December 2021

TABLE 1: CRITERIA 28 – HISTORIC ENVIRONMENT - ARCHAEOLOGY

Representation (Longcliffe Quarries Ltd 513/0110)

2.14.114 The PMIN assessment is supported.

Actions / Considerations

2.14.115 The support is noted.

Outcomes for Proposed Draft Plan

2.14.116 N/A.

TABLE 1: CRITERIA 29 – HISTORIC ENVIRONMENT - LANDSCAPE

Representation (Longcliffe Quarries Ltd 513/0111)

2.14.117 The NMIN assessment is supported.

Actions / Considerations

2.14.118 The support is noted.

Outcomes for Proposed Draft Plan

2.14.119 N/A.

TABLE 1: CRITERIA 30 – BMV AGRICULTURAL LAND

Representation (Longcliffe Quarries Ltd 513/0112)

2.14.120 The PMAJ assessment is supported.

Actions / Considerations

2.14.121 The support is noted.

Outcomes for Proposed Draft Plan

2.14.122 N/A.

TABLE 1: CRITERIA 31 – LOCAL PLAN CONFORMITY

Representation (Longcliffe Quarries Ltd 513/0113)

2.14.123 The PMAJ assessment is supported.

Actions / Considerations

2.14.124 The support is noted.

Outcomes for Proposed Draft Plan

2.14.125 N/A.

5.6 FURTHER ASSESSMENT

Representation (Longcliffe Quarries Ltd 513/0114)

2.14.126 Duration of operation - A simple multiplier of reserve against output to calculate the life of the site may be appropriate for an aggregate quarry but not for an industrial operation. Low cadmium reserves will run out during the plan period. An allocation is therefore needed and justified. There are no other potential extension areas available to Grangemill Quarry, so its life is finite.

Actions / Considerations

2.14.127 The need to take into account the specification of industrial minerals is recognised. This assessment is about the likely long-term duration of hard rock quarries compared to, for instance, sand and gravel quarries.

Outcomes for Proposed Draft Plan

2.14.128 No change.

5.7 FURTHER ASSESSMENT

Representation (Longcliffe Quarries Ltd 513/0115)

2.14.129 The site is no closer to PDNP than existing workings.

Actions / Considerations

2.14.130 This paragraph explains that the visual impact of working the site will be in addition to the existing workings and the adjoining Grangemill Quarry.

Outcomes for Proposed Draft Plan

2.14.131 No change.

5.9 FURTHER ASSESSMENT

Representation (Longcliffe Quarries Ltd 513/0116)

2.14.132 The site has a very small visual envelope. Where it is visible from the PDNP it is only visible from agricultural land and therefore will have very little impact on people's enjoyment of the park.

Actions / Considerations

2.14.133 The site abuts the PDNP boundary forming part of its immediate setting and/or large parts of the site will be clearly visible from it.

Outcomes for Proposed Draft Plan

2.14.134 No change.

5.10 FURTHER ASSESSMENT

Representation (Longcliffe Quarries Ltd 513/0117)

2.14.135 The suggestion that the site can only be assessed through the submission of detail comparable to a full planning application cannot be justified.

Actions / Considerations

2.14.136 Agree that whilst assessment does not require the same amount of detail that would be submitted as part of a planning application it does require a more detailed examination to be undertaken particular with regard to the visual impact of the proposal and within the context of impacts on the PDNP.

Outcomes for Proposed Draft Plan

2.14.137 No Change to the assessment but see paragraphs 7.32-7.34 of Developing the Proposed Draft Plan paper³ in relation to additional information supplied regarding Visual Impacts.

3 Derbyshire and Derby Minerals Local Plan – Winter 2021/2022 Consultation: Proposed Draft Plan – Developing the Proposed Draft Plan: Industrial Limestone, December 2021

5.11 FURTHER ASSESSMENT

Representation (Longcliffe Quarries Ltd 513/0118)

2.14.138 There is no history of adverse impact upon the water environment through the many years the site has been operational. It is accepted that detailed conditions will be required but that is nothing unusual and should not be used to justify exclusion of the allocation site. Existing measures are already in place and are effective.

Actions / Considerations

2.14.139 Paragraph 5.11 explains that the site lies on a principal aquifer and within a groundwater source protection zone 1. It also sets out that the protection of these features will need to be addressed through detailed planning conditions.

Outcomes for Proposed Draft Plan

2.14.140 No change.

5.12 FURTHER ASSESSMENT

Representation (Longcliffe Quarries Ltd 513/0119)

2.14.141 The assumed increase in HGVs is not justified and not planned. The Cromford Junction has already been assumed as part of the Bonemill Quarry ROMP and found to function well.

Actions / Considerations

2.14.142 This paragraph raises concerns about the level of HGVs accessing/existing the site and potential impacts on Cromford Conservation Area.

Outcomes for Proposed Draft Plan

2.14.143 No change.

SA3: SITE ALLOCATION MOUSELOW

Table of Representations

Name	Reference Number	Representation Reference Number
PDNPA	501	0001
Wienerberger	505	0031
Environment Agency	507	0042
Greater Manchester Combined Authority	510	0066

Representation (Wienerberger 505/0031)

2.14.144 Support the allocation of the extension to Mouselow Quarry.

Actions / Considerations

2.14.145 The support is noted.

Outcomes for Proposed Draft Plan

2.14.146 Planning permission has been granted for the proposed site allocation in April 2019.

Representation (PDNPA 501/0001)

2.14.147 We agree with the assessment that has been made and consider that the reduced area will not have a significant impact on the PDNP due to the distance involved and the progressive restoration proposed.

Actions / Considerations

2.14.148 The comment is noted.

Outcomes for Proposed Draft Plan

2.14.149 Planning permission has been granted for the proposed site allocation in April 2019.

Representation (Environment Agency 507/0042)

2.14.150 This site is within Flood Zone 1, low risk of flooding.

Actions / Considerations

2.14.151 The information is noted.

Outcomes for Proposed Draft Plan

2.14.152 Planning permission has been granted for the proposed site allocation in April 2019.

Representation (Greater Manchester Combined Authority 510/0066)

2.14.153 Support the proposed allocation of the extension to Mouselow Quarry.

Actions / Considerations

2.14.154 The support is noted.

Outcomes for Proposed Draft Plan

2.14.155 Planning permission has been granted for the proposed site allocation in April 2019.

2.15 CHAPTER 15 MONITORING AND IMPLEMENTATION

Table of Representations

Name	Reference Number	Representation Reference Number
Natural England	502	0025
Staffordshire County Council	543	0245

MONITORING AND IMPLEMENTATION

Representation (Natural England 502/0025)

2.15.1 Natural England broadly supports the monitoring measures. Although it is stated more specific monitoring measures would be specified within the different chapters, Natural England recommends that there be suitable indicators for monitoring biodiversity added so that it is seen as part of the overall plan and not just in certain areas. Ideally other indicators for other aspects of the natural environment should be used as well (i.e. area of priority habitat created as part of restoration plans)

Actions / Considerations

2.15.2 Agree that the monitoring indicators of the Plan should be developed to monitor the contribution that restored mineral sites can make in terms of net biodiversity gain including priority habitats.

Outcomes for Proposed Draft Plan

2.15.3 The Proposed Draft Plan includes a Monitoring Framework to monitor the implementation of the Plan. The Framework will be refined and detail added as Plan preparation progresses.

Representation (Staffordshire County Council Natural England 543/0245)

2.15.4 As recognised in the Proposed Draft Plan provision of clay/shale to the Tunstead Works relies on supplies from quarries in Staffordshire. This is a matter for ongoing monitoring and should be listed as an issue under the draft Plan.

Actions / Considerations

2.15.5 This issue has been identified for monitoring as part of the Duty to Co-Operate Statement of Common Ground.

Outcomes for Proposed Draft Plan

2.15.6 The Proposed Draft Plan includes a Monitoring Framework to monitor the implementation of the Plan. The Framework will be refined and detail added as Plan preparation progresses.

2.16 DUTY TO CO-OPERATE REPORT

Table of Representations

Name	Reference Number	Representation Reference Number
Gladman Developments	568	0481

GENERAL

Representation (Gladman Developments 568/0481)

2.16.1 The Council should ensure that it identifies strategic cross boundary issues at an early stage and then to demonstrate through the evolution of the Plan what steps have been taken to ensure that it is the subject of effective and ongoing cooperation. It will be essential that the MPA give due consideration to the strategic needs associated with non-minerals development. It is essential therefore that policies are drafted in a manner that does not put the timely delivery of non-minerals development at risk.

Actions / Considerations

2.16.2 The Councils have sought to identify strategic duty to co-operate matters at an early stage of plan preparation and undertaken ongoing and effective co-operation. In particular they have co-operated with the District/Borough Councils to resolve any conflicting interests between mineral and non-mineral developments.

Outcomes for Proposed Draft Plan

2.16.3 No change.

2.17 2ND INTERIM SUSTAINABILITY REPORT

Table of Representations

Name	Reference Number	Representation Reference Number
Historic England	563	0455
Historic England	563	0456
Historic England	563	0457
Historic England	563	0458
Historic England	563	0459
Historic England	563	0460
Historic England	563	0461
Gladman Developments	568	0482

GENERAL COMMENTS

Representation (Historic England 563/0455)

2.17.1 The interim SA lacks clarity overall and we do not agree with the approach taken whereby key sustainability issues are joined together in assessment tables since the outcomes are potentially diluted and/or skewed.

Actions / Considerations

2.17.2 This is still a high-level assessment. It is acceptable to consider sustainability factors in combination where there are relationships between SA Objectives. This helps to reduce duplication and gives a wider appreciation of interlinked effects between landscape, townscape and cultural heritage.

Outcomes for Proposed Draft Plan

2.17.3 Comments are taken into consideration though, and within the full SA Report we shall present information for heritage separately.

Representation (Gladman Developments 568/0482)

2.17.4 In accordance with Section 19 of the Planning and Compulsory Purchase Act 2004, policies set out in Local Plans must be subject to a Sustainability Appraisal (SA), and also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA regulations). The SA/SEA is a systematic process that should be undertaken at each stage of the Plans preparation, assessing the effects of the emerging Minerals Local Plan proposals on sustainable development when judged against all reasonable alternatives. The Council should ensure that the future results of the SA clearly justify any policy choices. It should be clear from the results of this assessment why some policy options have progressed, and others have been rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, in the same level of detail for the chosen and rejected alternatives. The Council's decision making, and scoring should be robust, justified and transparent.

Actions / Considerations

2.17.5 There are no specific suggestions or comments upon the approach that has been taken. The SA is being undertaken by experienced consultants that will provide a transparent assessment of policies and alternatives. Rationale for selecting and rejecting approaches will be set out clearly within the SA Report.

Outcomes for Proposed Draft Plan

2.17.6 No implications for the content of the Plan. However, the Councils' have prepared separate Development Papers setting out how any recommendations made in the SA have influenced the Plan's development.

2.2 KEY SUSTAINABILITY ISSUES - HERITAGE

Representation (Historic England 563/0456)

2.17.7 A new bullet point should be included relating to restoration proposals similar to that of the landscape section, since restoration proposals can provide an opportunity to conserve or enhance heritage assets.

Actions / Considerations

2.17.8 Agree that reference could be made to the benefits that mineral restoration can have in relation to opportunities to conserve or enhance heritage assets.

Outcomes for Proposed Draft Plan

2.17.9 Consider making additions to the 'sustainability issues heritage' paragraph to reflect the above.

2.2 KEY SUSTAINABILITY ISSUES – HERITAGE BULLET POINT 1

Representation (Historic England 563/0457)

2.17.10 Reference should be included within bullet point 1 to non-designated heritage assets as Plan proposals have the potential to impact on archaeology which may be of national importance and the Plan will need to acknowledge the requirements of NPPF para.139.

Actions / Considerations

2.17.11 Agree.

Outcomes for Proposed Draft Plan

2.17.12 Suggested addition included within the SA and will be taken into consideration in the appraisal process. Appraisal findings may suggest specific concern about non-designated assets. However, this is unlikely to be significant as we have already considered non-designated assets implicitly.

3.4 APPRAISAL OF THE VISION AND OBJECTIVES

Representation (Historic England 563/0458)

2.17.13 This section refers to an amended vision and objectives but these are not set out at this stage which does not assist with reading the subsequent unnumbered table referred to in para.3.4.2 since it is not clear what the objectives column relates to. As per the general comments above, why have some key sustainable issues been grouped together? If they are key issues as set out in their individual headings and text, then surely they should be considered on an individual basis and synergies identified at that stage to provide any meaningful analysis. As such, it is not clear whether paras. 3.14-3.4.12 represent an appropriate analysis of impact and whether the consideration of effects is appropriate or not. In turn, this has a knock-on effect for how the rest of the document is set out throughout and, in turn, whether the subsequent tables and accompanying text comprise a meaningful analysis or not. On the basis that key sustainability issues have not been considered individually to begin with, we would submit that it is not a meaningful analysis.

Actions / Considerations

2.17.14 The Plan objectives will be provided for clarity. This will not affect the outcome of the compatibility matrix.

2.17.15 It should be appreciated that a comparison of Plan objectives and SA Objectives will always be a high-level analysis given the lack of detail involved. The intention should be to identify where there may be significant incompatibilities that ought to be addressed, or whether there are strong synergies that should be focused upon. Only general conclusions can be reached, and suggestions made to amend the objectives of the plan if necessary.

Outcomes for Proposed Draft Plan

2.17.16 No implications for the Plan.

4. APPRAISAL OF SITE OPTIONS

Representation (Historic England 563/0459)

2.17.17 The unnumbered table on pp32-33 of the report includes historic environment site assessment criteria which simply states ‘designated sites and setting’, ‘archaeology’ and ‘historic landscape’. Again, non-designated sites are not referred to, so it is not clear how NPPF para.139 requirements have been considered. In addition, it is not clear what the criteria entails or how it has been applied. Archaeology can be a designated heritage asset (Scheduled Monument) so it is not clear why this is separate to ‘designated sites and setting’. On this basis none of the assessments provide any meaningful evaluation as part of the SA.

Actions / Considerations

2.17.18 The Site appraisals were undertaken as part of a wider process, with the findings drawn into the SA in summary form. The site assessment criteria headings in this table are taken from the site assessment methodology which was used to assess the sites for their suitability for allocation. The table could be improved by providing a more detailed explanation of the site assessment criteria. The current information does provide a meaningful evaluation in our opinion, but we accept it could be improved to ensure that HE concerns are taken into consideration in future assessment of sites. A criterion that considers non designated assets / locally important features could be included.

Outcomes for Proposed Draft Plan

2.17.19 The Site Assessment process and the Sustainability Appraisal of the Site Assessment process are carried out at a relatively high level. All of the proposed allocations are subject to more detailed scrutiny as part of the planning application process. Appendix A of the Proposed Draft Plan sets out the principal site-specific requirements that will need to be addressed as part of any planning application to work the allocated site. It goes on to add that the requirements are not necessarily a comprehensive set of all the matters which will need to be addressed. Planning proposals will need to provide sufficient evidence which may include detailed heritage assessments to satisfy all policies of the development plan, where relevant.

4.3.4 SAND AND GRAVEL SITE PERFORMANCE – SWARKESTONE SOUTH

Representation (Historic England 563/0460)

2.17.20 Notwithstanding the above comments, we do not agree with the outcomes for Swarkestone South in particular since there are heritage assets which could be harmed and these are not identified in the SA or apparent in any analysis. Has HE advice on the planning applications for those sites been used as part of the Plans, Programmes and Policies for the SA? We would refer you to the following HE advice which may be of assistance for the next iteration of the SA:

[Link to Sustainability Appraisal and Strategic Environmental Assessment](#)

[Link to The Historic Environment and Site Allocations in Local Plans](#)

[Link to Minerals Extraction](#)

[Link to Preservation in Situ](#)

Actions / Considerations

2.17.21 Environmental statements submitted as part of planning applications will be taken into account in our assessments.

Outcomes for Proposed Draft Plan

2.17.22 Should detailed heritage assessments reveal particular features of importance, this could affect decisions relating to site selection (unlikely), or perhaps require policy clauses to be written to deal with such issues.

4.6.1 HARD ROCK SITE PERFORMANCE – WHITWELL

Representation (Historic England 563/0459)

2.17.23 Notwithstanding the above comments, we do not agree with the outcomes for Whitwell in particular since there are heritage assets which could be harmed and these are not identified in the SA or apparent in any analysis. Has HE advice on the planning applications for those sites been used as part of the Plans, Programmes and Policies for the SA? We would refer you to the following HE advice which may be of assistance for the next iteration of the SA

[Link to Sustainability Appraisal and Strategic Environmental Assessment](#)

[Link to The Historic Environment and Site Allocations in Local Plans](#)

[Link to Minerals Extraction](#)

[Link to Preservation in Situ](#)

Actions / Considerations

2.17.24 Planning permission has now been granted for this proposed allocation and therefore the matters raised by the comments will have already been dealt with as part of the planning application process.

Outcomes for Proposed Draft Plan

2.17.25 N/A

3 NOTE OF ISSUES RAISED AT THE DROP-IN SESSIONS SPRING 2018

3.1 NOTE OF A DROP-IN SESSION HELD ON THURSDAY 5TH APRIL 2018 AT CHAPEL EN LE FRITH LIBRARY

Visitors:

- 3 people visited the session.
- Landowners near to Ashwood Dale Quarry
- Visitor to the Library

ISSUES RAISED:

Two landowners were concerned about the proposed allocation at Ashwood Dale Quarry. They had heard that the site was closing in September and therefore considered that an extension to the quarry could not be justified.

Council officers explained that the site has been proposed for allocation in the local plan but with the caveat that further liaison will be required with the operator regarding the future development of the site.

They were also concerned about the impact of the mineral allocation in terms of the 200m buffer zone required on the nearby housing site which is allocated in the adopted High Peak Borough Local Plan.

Council officers explained that the solution put forward in the local plan would not prejudice the long-term development of the whole of the housing site once the quarry had been worked out and restored.

One visitor complimented the Councils on the ease of finding all of the relevant documents in the Consultation.

3.2 NOTE OF A DROP-IN SESSION HELD ON THURSDAY 5TH APRIL 2018 AT BARROW ON TRENT VILLAGE HALL

Visitors:

- 14 people visited the session.

ISSUES RAISED:

The issue of cumulative impact of Swarkestone Quarry on the area was raised by a small number of people but most people living in Barrow, in general, accept the quarry, which seems to be operated with respect to the community and have expected that it will extend over time. The fact that this suggested extension means that it is moving gradually away from Barrow also helps to reduce concern.

The potential impact of the proposed southern extension to Swarkestone Quarry on the roads around Foremarke and Repton was raised as was its impact on the nearby caves. Given the reassurance that the quarry would continue to be operated through the existing processing plant and that appropriate safeguards would be put in place to protect the caves, this eased their concerns.

Another issue raised was the impact that continued quarry traffic, will have on the increasingly congested junction of the A5132 with the A514. Local people considered that a major community benefit from the continued operation of the quarry would be the improvement of this junction.

3.3 NOTE OF A DROP-IN SESSION HELD ON MONDAY 9TH APRIL 2018 AT DRONFIELD LIBRARY

Visitors:

- 18 people visited the session.
- 16 local residents and 2 operators

ISSUES RAISED:

One visitor raised concerns about historic mining issues and particularly any impacts for shale gas extraction.

All of the local residents were concerned about the possibility of shale gas extraction by fracking. They were particularly concerned about the proposal at Marsh Lane, Eckington.

Matters raised in relation to shale gas extraction by fracking include:

- Health impacts
- Impacts from traffic
- Impacts from noise
- Impacts of contaminants, chemicals from the fracturing process
- Impacts from the disposal of wastewater
- Impacts of drilling through coal seams, causing instability

One visitor asked about the timetable for the Waste Local Plan.

Two visitors commented that they found it easy to use the Consultation and appreciated the links provided to other relevant documents.

3.4 NOTE OF A DROP-IN SESSION HELD ON THURSDAY 12TH APRIL 2018 AT RIPLEY LIBRARY

Visitors:

- 6 people visited the session.
- Visitors to the Library

ISSUES RAISED:

Three people asked general questions about shale gas 'fracking'.

Two people asked about whether a feasibility study was being undertaken into reopening the railway line for mineral traffic between Buxton and Matlock.

One person raised the issue of waste material being tipped on a SSSI site on Crich Lane, Ridgeway.

3.5 NOTE OF A DROP-IN SESSION HELD ON FRIDAY 13TH APRIL 2018 AT BOLSOVER LIBRARY

Visitors:

- 12 people visited the session.
- Visitors to the Library/Local Residents
- Eckington against Fracking group members
- Bolsover against Fracking groups members
- Barlborough against Fracking chair
- Elmton and Creswell residents

ISSUES RAISED:

All visitors were concerned about shale gas extraction

Issues raised include:

- Health impacts
- Impacts of contaminants, chemicals from the fracturing process
- Impacts from the disposal of wastewater
- Impacts of drilling through coal seams, causing instability
- Proliferation of wells including cumulative impacts
- Evidence from USA on impacts of fracking
- Need for buffer zones near to sensitive locations (reference made to North Yorkshire Minerals and Waste Local Plan Inquiry re this matter)
- Need for shale gas not proven, green technology energy expanding
- Suitability and economic viability of Ineos (the only Company to submit a planning application for an exploratory well for shale gas extraction to date)

Visitors were advised that the Councils would welcome their comments on the local plan. Visitors were advised that ideally their comments should be backed up by peer reviewed evidence. The Councils will take all comments into account and provide a considered response including the proposed outcome for the draft Plan.

One visitor suggested that a timetable for the local plan preparation would be helpful.

Elmton and Creswell residents were also interested in the proposals at Whitwell Quarry. They asked about long-term proposals for the quarry at Holbeck in Nottinghamshire. Council officers explained about the Duty to Cooperate requirement on strategic cross border issues.

3.6 NOTE OF A DROP-IN SESSION HELD ON WEDNESDAY 18TH APRIL 2018 AT LONG EATON LIBRARY

Visitors:

- 10 people visited the session.

ISSUES RAISED:

The potential impact of the proposed southern extension to Swarkestone Quarry on the roads around Foremarke and Repton was raised as was its impact on the nearby caves. Given the reassurance that the quarry would continue to be operated through the existing processing plant and that appropriate safeguards would be put in place to protect the caves, this eased their concerns.

The recent article in the Derby Telegraph led some people to be concerned about the level of proposed quarrying and whether sites such as Egginton would be reopened in the Plan period. Representatives from Hansons asked whether Egginton was allocated. They alluded to the possibility of the quarry being reopened through a ROMP.

Some people asked whether fracking would take place in the area.

The local member for the area asked a few general questions about the Plan.

3.7 NOTE OF A DROP-IN SESSION HELD ON TUESDAY 24TH APRIL 2018 AT CHESTERFIELD LIBRARY

Visitors:

- 11 people visited the session.
- Visitors to the Library/Local Residents

ISSUES RAISED:

Four of the visitors were concerned particularly about shale gas extraction

Issues raised include:

- Health impacts
- Role of regulatory bodies and planning authority re health impacts
- Need for shale gas
- Use of non-government evidence on fracking
- Need for buffer zones near to sensitive locations (reference made to North Yorkshire Minerals and Waste Local Plan Inquiry re this matter)
- The Plan appeared biased in favour of shale gas extraction
- The Maps should show the PEDL and shale gas resource at a larger scale with potential sites included.

Two visitors commented that whilst there were a lot of documents, they did find the text boxes useful to highlight the policies and the links to other documents.

3.8 NOTE OF A DROP-IN SESSION HELD ON THURSDAY 3RD MAY 2018 AT DARLEY DALE INSTITUTE

Visitors:

- 37 people visited the session.
- Local Residents
- Rowsley Parish Council Chair
- Darley Hillside Residents Association Chair

ISSUES RAISED:

General

Many people found the consultation process confusing and thought that the number and length of the consultation documents were unwieldy for the general public. A summary of the documents would have been appreciated.

Some people complained that they did not receive the Privacy Notice with the Consultation letter/email.

The Plan proposes to reduce the scale of aggregate working in the Peak District National Park by accommodating more working in the Plan area. This principle should apply to Building stone working as well.

New Parish Quarry

Almost all visitors were concerned about the New Parish Quarry site at Bent Lane, Darley Dale

They were pleased that the site wasn't allocated for working in the spring 2018 Proposed Approach document but were still concerned that the Company would submit a planning application to work the site.

Particular concerns mentioned at the session included:

- There is no need for this site to be worked, particularly at the scale put forward.
- Plant required to process the mineral would be intrusive.
- The proposal would cause noise and dust impacts, which would affect the health and well-being of nearby residents.
- The roads around the site are considered to be totally inadequate for HGVs. People are concerned that they would destroy the roads and verges and would make it unsafe for other road users. Widening of the roads would have an adverse impact on the rural character of the area.
- The proposal would impact on the landscape and on views from the Peak District National Park.

4 SAND AND GRAVEL SITES CONSULTATION – OCTOBER 2020

4.1 INTRODUCTION

4.1.1 Under normal circumstances the Councils would have held Drop In sessions, where officers of the Council would be in attendance at various locations across the Trent Valley and deposited Paper copies of the Plan at Libraries and District Council offices but unfortunately due to Covid-19 restrictions we were unable to do this. The consultation was advertised by press notice in local publications and site notices were displayed at prominent locations throughout the area. Emails/ letters were also sent to all contacts on our consultee database.

4.1.2 91 individuals and organisations responded to the consultation. This includes 68 individual local residents, 16 organisations, 4 parish councils, 1 district authority and 2 local councillors. This section provides a summary of the 114 comments received. All comments will be considered by the Councils and will inform the next stage of the Plan.

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	601	0001
Foston and Scropton Parish Council	602	0002
Individual	609	0009
Individual	611	0011
Individual	621	0021
Individual	625	0025
Individual	628	0028
Individual	632	0032
Egginton Parish Council	634	0034
Individual	636	0036
Individual	638	0039
Individual	645	0046
Individual	650	0052
Individual	656	0058
Individual	657	0059
Nestle UK	658	0060
Individual	659	0061
Derbyshire Wildlife Trust	663	0068
Natural England	664	0074
Individual	665	0075
Environment Agency	666	0076
Individual	670	0080
Individual	674	0084
Individual	685	0096
Individual	686	0097
Hanson	687	0098
South Derbyshire District Council	691	0113
Lead Local Flood Authority	690	0108

Representation (Foston and Scropton Parish Council 602/0002)

- 4.1.3 Foston & Scropton Parish Council raises concerns about the Foston site, including the impact on the flood defence scheme, which they say may result in increased flooding and even dam failure. Concerns are also expressed about hours of operation, routing of lorries and restoration which they request should exclude the possibility of noisy motorboats. Impact on wildlife, loss of farmland and the impact on the local economy are raised as further concerns.

Actions / Considerations

- 4.1.4 The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.
- 4.1.5 Should a planning application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

Outcome for the Plan

- 4.1.6 To include the site as an allocation.

Representation (SDDC 691/0113)

4.1.7 South Derbyshire DC objects to the proposal on the grounds of a potentially significant increase in flood risk and risk to the recently constructed flood defences of the Lower River Dove, as identified by the Environment Agency (EA), with potential detrimental impact on considerable economic interests in the area as well as communities. Also, the setting of a precedent in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.

Actions / Considerations

4.1.8 The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

Outcome for the Plan

4.1.9 Continue to propose the site as an allocation in the MLP

Representation (Environment Agency 666/0076)

4.1.10 The Environment Agency (EA) reiterates its concern over the site because of its potential impact on the flood alleviation scheme.

Actions / Considerations

4.1.11 The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

Outcome for the Plan

4.1.12 Continue to propose the site as an allocation in the MLP.

Representation (Nestle 658/0060)

4.1.13 Nestle expresses concern as their recent investment in the area may be affected by increased flooding.

Actions / Considerations

4.1.14 The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

Outcome for the Plan

4.1.15 Continue to propose the site as an allocation in the MLP.

Representation (Individuals listed above)

4.1.16 Nineteen individual residents oppose plans for the site at Foston. Concerned about the serious implications of working this site on the new flood defence scheme. Properties and businesses may be affected. It would jeopardise future investment in the area. Also, it may set precedent for working other areas in the Lower Dove Valley, introducing alien features to the landscape. Noise, dust, air quality, traffic, impact on wildlife and effect on property values are also cited.

Actions / Considerations

4.1.17 The Councils have discussed the site with the EA to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. They have concluded that the area closest to Scropton and the flood alleviation scheme should not be worked. This leaves the western part of the site which could still be worked and will be included as a proposed allocation. Should a planning application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

Representation (Hanson 687/0098)

4.1.18 Hanson, as proposer of the site, supports the proposal.

Actions / Considerations

4.1.19 Further consideration has been given to this proposal, including discussions with Hanson and the EA and taking all comments in to account, it has been determined that the site could be worked with appropriate stand offs to ensure the ongoing protection of the flood defences.

Outcome for the Plan

4.1.20 To allocate the site in the MLP.

Representation (Egginton Parish Council 634/0034)

4.1.21 Hanson, as proposer of the site, supports the proposal.

Actions / Considerations

4.1.22 The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

4.1.23 Should a planning application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

Outcome for the Plan

4.1.24 To continue to propose the site for allocation in the MLP.

Representation (LLFA 690/0108)

4.1.25 The settlement of Scropton, which lies to the east of the site, is prone to flooding problems related to the watercourses which enter it from the north and west, and any proposed works should ensure that the flood risk isn't increased and, where possible, reduced. When the site is restored, the potential to improve flood risk in Scropton should be considered in conjunction with both the Lead Local Flood Authority and the Environment Agency.

Actions / Considerations

4.1.26 Noted.

ELVASTON

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	608	0008
Individual	612	0012
Individual	613	0013
Individual	614	0014
Individual	615	0015
Individual	616	0016
Individual	626	0026
Individual	661	0064
Derbyshire Wildlife Trust	663	0069
Natural England	664	0073
Environment Agency	666	0076
Individual	681	0092
Elvaston Castle and Gardens Trust	682	0093
Tarmac	688	0102

Representation (Individuals listed above)

4.1.27 Ten residents of Borrowash have objected to the site at Elvaston as a result of its proximity to Borrowash and the potential impact it would have on this area in terms of noise, air quality, recreation, wildlife, flooding and increased traffic. Loss of important open space for informal recreation. Also, they consider it would have a negative impact on visitors' enjoyment of Elvaston Castle, the redevelopment of which they consider is likely to be hindered by the quarry proposal.

Actions / Considerations

4.1.28 All comments have been considered and the assessment of the site revised as a result where considered necessary. The revised assessment maintains the conclusion that the site has potential for mineral working. The working of the site would be relatively short term and the restored site is considered unlikely to have any significant adverse impact on the long-term enjoyment of Elvaston Castle.

Outcome for the Plan

4.1.29 To include the site for allocation in the MLP.

Representation (Elvaston Castle and Gardens Trust 682/0093)

4.1.30 Elvaston Castle and Gardens Trust has objected to the proposal as it considers that the proposal may affect the viability of future proposals to improve and upgrade the Castle.

Actions / Considerations

4.1.31 All comments have been considered and the assessment of the site revised as a result where considered necessary. The revised assessment maintains the conclusion that the site has potential for mineral working. The working of the site would be relatively short term and the restored site is considered unlikely to have any significant adverse impact on the long-term enjoyment of Elvaston Castle.

Outcome for the Plan

4.1.32 To continue to include the site for allocation in the MLP.

Representation (Derbyshire Wildlife Trust 663/0069), (Natural England 664/0073) and the (Environment Agency 666/0076)

4.1.33 Provide expert advice to help with the assessment of the site.

Actions / Considerations

4.1.34 The information has been incorporated into the assessments as necessary. The majority of the information is however more relevant to the consideration of a planning application.

Outcome for the Plan

4.1.35 To include the site for allocation in the MLP.

SWARKESTONE NORTH

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	618	0018
Individual	619	0019
Individual	620	0020
Individual	623	0023
Individual	624	0024
Individual	639	0040
Individual	640	0041
Individual	652	0054
Individual	660	0063
Individual	662	0065
Natural England	664	0070
Environment Agency	666	0076
National Grid	671	0081
Tarmac	688	0101
Trent Rivers Trust	678	0089

Representation (Individuals as listed above)

4.1.36 Residents of Twyford Road (Individuals) object to the continuation of quarrying in the area with the resultant, noise, traffic, dust, impact on landscape and house prices. Potential for increased flooding once the mineral is removed is also raised as an issue. They think that this area has now seen enough quarrying and other areas should be considered to relieve the impact. The area of Swarkestone North should be reduced to protect properties on Twyford Road. They consider that both this site and Swarkestone South should not be worked at the same time. Also, that restoration conditions should be more stringent so that one area is restored before moving to the next.

Actions / Considerations

4.1.37 All comments have been taken into account and used to help amend the assessment of this site as considered necessary. The amended assessment indicates that the site still has high potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

Outcome for the Plan

4.1.38 To continue to propose the site for allocation in the MLP.

Representation (Natural England 664/0071), (National Grid 671/ 0081), (Trent Rivers Trust 678/0089) and the (Environment Agency 666/0076)

4.1.39 Provide advice on how the site should be worked and restored.

Actions / Considerations

4.1.40 All comments have been used to help amend the assessment of this site. However, many of these comments will be more relevant should a planning application be considered for the site.

Outcome for the Plan

4.1.41 To propose the site for allocation in the MLP.

Representation (Tarmac 688/0101)

4.1.42 Tarmac supports the proposal.

Actions / Considerations

4.1.43 Noted.

SWARKESTONE SOUTH

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	603	0003
Individual	607	0007
Individual	622	0022
Repton Parish Council	627	0027
Individual	629	0029
Individual	630	0030
Open Spaces Society	635	0035
Individual	637	0037
Individual	641	0042
Individual	644	0045
Individual	647	0048
Individual	653	0055
Individual	655	0057
Derbyshire Wildlife Trust	663	0067
Environment Agency	666	0076
Individual	668	0078
National Grid	671	0081
Individual	673	0083
Individual	680	0091
Individual	684	0095
Tarmac	688	0101
Natural England	664	0071
Trent Rivers Trust	678	0089

Representation (Individuals as listed above) (Repton Parish Council 627/0027)

4.1.44 Fourteen local residents (listed as individuals above) and Repton Parish Council object to the Swarkestone South site on the grounds that public rights of way would be affected, spoiling enjoyment of the area, increased noise, impact on residential amenity, increased potential for flooding, increased traffic and access to the site. Residents who live at Waterworks Cottages are also concerned that their property will be surrounded by workings on three sides with potential impact of the value of their properties. Suggest that more properties and viewpoints would be affected than set out in the current assessment. A visitor who uses the area to walk objects to the proposal as he considers that it would destroy a tranquil area. Also concerned about the new concrete bridge over the river.

Actions / Considerations

4.1.45 All comments have been taken into account and used to inform the revision of the assessment as considered necessary. The amended assessment indicates that the site still has good potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

Outcome for the Plan

4.1.46 To continue to propose the allocation in the MLP.

Representation (Environment Agency 666/0076), (Derbyshire Wildlife Trust 663/0067), (Natural England 664/0071) and (Trent Rivers Trust 678/0089)

4.1.47 Provide expert advice on how the site should be worked and restored.

Actions / Considerations

4.1.48 Detailed issues such as how the site should be worked and restored would be considered should a planning application be considered for the site.

Outcome for the Plan

4.1.49 No change.

Representation (Open Spaces Society 635/0035)

4.1.50 The Open Spaces Society comment that this proposal would badly affect links between the old Twyford ferry crossing site and Repton and Foremark. Also affects Trent Valley Way, a national route.

Actions / Considerations

4.1.51 Should a planning application be submitted for this site, consideration would be given to this issue.

Outcome for the Plan

4.1.52 No change required.

TWYFORD (AREA TO THE NORTH OF TWYFORD ROAD) (NOT PROPOSED FOR ALLOCATION)

Table of Representations

Name	Reference Number	Representation Reference Number
Open Spaces Society	635	0035
Individual	642	0043
Individual	643	0044
Individual	646	0047
Repton Parish Council	648	0050
Individual	649	0051
Individual	660	0062
Derbyshire Wildlife Trust	663	0067
Cemex	672	0082
Individual	677	0087
Trent Rivers Trust	678	0089
Individual	679	0090
Individual	683	0094

Representation (Open Spaces Society 635/0035)

4.1.53 Potential loss of key public rights of way connecting Sinfin, Arleston and Twyford. Damage high.

Actions / Considerations

4.1.54 Clarify that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site. Cemex has since withdrawn this proposal from consideration in the MLP.

Outcome for the Plan

4.1.55 No change required. The site is no longer proposed by Cemex.

Representation (Derbyshire Wildlife Trust 663/0067)

4.1.56 In the north-west the boundary is immediately adjacent to Twyford Greens Complex Local Wildlife Site (SD340). This site supports wetland habitats including wet grassland and wet woodland and some tall herb fen type vegetation. There is a risk that the site could be adversely impacted by changes in hydrology or other causes. A range of bird species listed as Species of Principal Importance or otherwise protected are recorded from this area. There are also records for Otter, Badger and Brown Hare and older records for Water Vole associated with wetland habitats.

Actions / Considerations

4.1.57 The comments have been considered and the assessment amended where necessary. Clarify also that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site. Cemex has since confirmed that it is no longer pursuing this site.

Outcome for the Plan

4.1.58 No change. The site is no longer proposed by Cemex.

Representation (Individuals as listed above)

4.1.59 Eight individuals, including residents of Arleston, Twyford and Twyford Road have objected to the part of the Twyford site to the north of Twyford Road promoted by Cemex (not proposed for allocation). They set out that noise, dust, traffic and the visual impact will be unbearable. Proximity to residential properties. Also, that the roads are unsuitable roads for heavy traffic which would affect other road users. Arleston Lane is used by residents not only of Arleston but also from Stenson etc. for leisure purposes. The lane is proposed as part of a leisure route.

Actions / Considerations

4.1.60 Clarify to objectors that this site is not proposed to be allocated. Should a planning application be submitted for the site, all concerns raised above would be taken into account. Cemex has since confirmed that it is no longer pursuing this site.

Outcome for the Plan

4.1.61 No change. The site is no longer proposed by Cemex.

Representation (Cemex 672/0082)

4.1.62 Cemex objects to this site not being proposed for allocation and puts forward a case for the site to be allocated. Cemex has confirmed subsequently that it is no longer pursuing this site for allocation in the MLP.

Actions / Considerations

4.1.63 Noted.

FOREMARK (NOT PROPOSED FOR ALLOCATION)

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	631	0031
Repton Village History Group	633	0033
Open Spaces Society	635	0035
Individual	637	0038
Individual	647	0049
Derbyshire Archaeological Society	654	0056
Derbyshire Wildlife Trust	663	0066
National Grid	671	0081
Trent Rivers Trust	678	0088
Individual	684	0095
Hanson	687	0099

Representation (Individuals as listed above)

4.1.64 Four local residents (referred to as individuals above) object to this proposal on the grounds of the site's historical and archaeological importance.

Actions / Considerations

4.1.65 Clarify that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site.

Outcome for the Plan

4.1.66 To continue not to propose the site for allocation in the MLP.

Representation (Derbyshire Wildlife Trust 663/0066)

4.1.67 Derbyshire Wildlife Trust does not support the use of this land for sand and gravel extraction as it would result in substantive ecological impacts, including the loss of a Local Wildlife Site.

Actions / Considerations

4.1.68 Clarify that the impact on wildlife and ecology is one of the reasons why this site is not proposed for allocation by the Councils.

Outcome for the Plan

4.1.69 To continue not to propose the site for allocation in the MLP.

Representation (Repton Village History Group 633/0033)

4.1.70 Repton Village History Group objects to this site because of its historical significance.

Actions / Considerations

4.1.71 Clarify that the impact on wildlife and ecology is one of the reasons why this site is not proposed for allocation by the Councils.

Outcome for the Plan

4.1.72 To continue not to propose the site for allocation in the MLP.

Representation (Hanson 687/0099)

4.1.73 Hanson objects to the non-allocation of this site and continues to promote the site as a replacement for Shardlow. Hanson remains of the view that the Foremark site is a proven valuable mineral resource that should be allocated as a potential development site as a replacement for Shardlow Quarry. The smaller proposal avoids the most sensitive landscape closest to Repton. Contest that the criteria for cumulative impact has been assessed wrongly and unfairly.

Actions / Considerations

4.1.74 The assessment has been revised to take account of the issues raised. The Councils maintain that this is a sensitive site in historic, archaeological and ecological terms and that there are other less sensitive sites that are available for sand and gravel extraction during this Plan period.

Outcome for the Plan

4.1.75 To continue not to propose the site for allocation in the MLP.

Representation (Trent Rivers Trust 678/0088)

4.1.76 This site includes the main route of Trent Valley Way and the 'Repton to Foremark Circular route' which would be impacted by the proposal.

Representation (Derbyshire Archaeological Society 654/0056)

4.1.77 There is a severe danger that, by allocating this site, it opens the possibility that the company operating the site will, in the future, seek to extend the extraction area to the west, into the area between the villages of Repton and Willington. This would have a major impact on the setting of several very important Listed Buildings.

Actions / Considerations

4.1.78 The Council is aware of the sensitivity of the area to the west and has previously assessed this area and rejected it because of its sensitivity in social and environmental terms.

Outcome for the Plan

4.1.79 To continue not to propose the site for allocation in the MLP.

EGGINTON (NOT PROPOSED FOR ALLOCATION)

Table of Representations

Name	Reference Number	Representation Reference Number
Hanson	697	0100

Representation (Hanson 697/0100)

4.1.80 Question the application of the methodology in terms of flooding, landscape and ecology/biodiversity (prior to and post restoration).

4.1.81 Argues that there are contradictions in the application of the assessment and its application to ecology.

Actions / Considerations

4.1.82 The assessment has been reviewed to take account of these issues raised and any amendments made as considered necessary. Having made the amendments, the site continues to emerge as having low potential for mineral working. The Councils maintain that this is a sensitive site in landscape and ecological terms and that there are other less sensitive sites that are available for sand and gravel extraction during this Plan period.

Outcome for the Plan

4.1.83 To continue not to propose the site for allocation in the MLP.

ALL SITES

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	605	0005
Individual	617	0017

Representation (Individuals as listed)

4.1.84 Two local residents object to all the proposed allocations on the grounds that they will affect the beauty of the area, the impact on the abundant wildlife in the area, as well as the potential for increased traffic and dust.

Actions / Considerations

4.1.85 These comments have been addressed in the site assessments.

Outcome for the Plan

4.1.86 No change.

SWARKESTONE (BOTH N AND S SITES)

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	606	0006
Repton Village History Group	633	0033
Individual	651	0053
Individual	667	0077
Swarkestone Liaison Group	669	0079
Tarmac	688	0101

Representation (Individuals as listed)

4.1.87 Three residents of Twyford object to the sites at Swarkestone North and South because of the potential impact on the ancient rural tranquil character of the area, potential for increased impact of flooding and the impact on archaeology, particularly the Round Barrow Scheduled Monument.

Actions / Considerations

4.1.88 These comments have been taken into account when reconsidering the site assessments. The amended assessments indicate that the sites still have good potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

Outcome for the Plan

4.1.89 To continue to propose the sites for allocation in the MLP.

Representation (Tarmac 668/0101)

4.1.90 Tarmac supports the allocation of both sites.

Actions / Considerations

4.1.91 Noted.

Representation (Repton Village History Group 633/0033)

4.1.92 Repton Village History Group states that all sites in this area are steeped in historical value and rich in archaeology, which will be lost if these sites are worked.

Actions / Considerations

4.1.93 This information is taken into account in the assessment of the sites and would also form an important part of the consideration of any subsequent planning application.

Outcome for the Plan

4.1.94 To continue to propose the sites for allocation in the MLP.

Representation (Swarkestone Gravel Liaison Group 669/0079)

4.1.95 Swarkestone Gravel Liaison Group questions the need for such a large number of extraction sites which could all be operational at the same time. A preference would be for one or two sites being permitted to be operational at a time. Subsequent final restoration schemes being implemented during the time new sites are opened.

Actions / Considerations

4.1.96 The NPPF sets out that mineral planning authorities should ensure that large landbanks bound up in very few sites do not stifle competition. It is more appropriate, therefore, to allocate a broader selection of sites.

Outcome for the Plan

4.1.97 To continue to propose the sites for allocation in the MLP.

SUPPLY OF SAND AND GRAVEL

Table of Representations

Name	Reference Number	Representation Reference Number
Individual	616	0016
Breedon	676	0086
Mineral Products Association	689	0105
Tarmac	688	0106
Hanson	687	0107
Individual	681	0092
South Derbyshire DC	691	0114

Representation (Individual 616/0016)

4.1.98 Asks how the future demand requirements have been quantified, including the account that has been given to future changes in construction technologies and techniques and of the use of recycled aggregates.

Actions / Considerations

4.1.99 Future requirements of sand and gravel are considered as part of the Local Aggregate Assessment for the area. Predicting the impact of future construction technologies on the demand for sand gravel would be guesswork and it would not be appropriate at this time to use this to assess the amount of sand and gravel which is required at the current time. The use of secondary and recycled aggregates is considered as part of the LAA.

Outcome for the Plan

4.1.100 No change.

Representation (Individual 681/0092)

4.1.101 The need for the mineral is not justified.

Actions / Considerations

4.1.102 The Local Aggregate Assessment is the means by which the need for sand and gravel is assessed. This is reviewed on an annual basis and considered and approved by the East Midlands Aggregates Working Party.

Outcome for the Plan

4.1.103 No change.

Representation (Breedon 676/0086)

4.1.104 Questions the validity of assumptions in the LAA regarding future supply of sand and gravel in Derbyshire and recommends that an additional 5.58 million tonnes should be provided over the Plan period. Suggests an additional site at Sudbury to meet this requirement.

Actions / Considerations

4.1.105 The LAA is considered and approved by the East Midlands Aggregates Working Party, which includes members of mineral companies and local authorities. The site at Sudbury has been assessed and considered alongside all other sites to determine its potential for sand and gravel working and, therefore, whether it should be allocated in the MLP.

Outcome for the Plan

4.1.106 The site at Sudbury has been proposed for allocation in the Proposed Draft Plan.

Representation (Minerals Products Association 689/0105)

- 4.1.107 The 2019 LAA proposes to use the latest three-year average of sand and gravel production as the long-term measure of demand, which will be carried forward in the Local Plan as the preferred level of provision. This average is mentioned in Planning Practice Guidance as an indicator which should “identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.” It was never intended to become the provision level itself but to spur further research into trends to see what an increased level of provision should be. This means that the County Council’s choice of provision is arbitrary since it has not come from any such consideration. In fact, the increase in provision relies solely on a single year’s upswing in sales in 2016. Thus, the methodology adopted by the County Council cannot by any stretch of the term be considered a forecast of demand.
- 4.1.108 Some figures are given of numbers of houses planned for in various districts, but this is not translated into average annual percentage increases which could inform future levels of demand compared to the past. We consider the only proper course of action should be for the County Council to take rates of planned development at face value and to plan accordingly to support them with appropriate levels of minerals supply.
- 4.1.109 Derbyshire’s output of sand and gravel fell dramatically during the last recession and has largely flatlined (apart from 2016). The reasons for this include the mothballing of sites or the reigning in of sites’ output during the recession which has not been rectified, coupled with a concomitant increase in imports, a ceiling on productive capacity and reluctance by the industry to invest in new sites because of substantial delays to the review of the local plan. We think that without these effects the true sales of sand and gravel in Derbyshire would be about 400,000 tonnes pa higher than they currently are. The provision level in the Minerals Local Plan should therefore be increased to at least 1.4 Million tpa, which would mean identifying an additional 5.6 Million tonnes of sand and gravel resource.

Continues on next page

Actions / Considerations

- 4.1.110 The Councils uses the 10-year average as a basis for determining future sand and gravel provision in the latest revision of the LAA rather than the most recent 3-year average. Until such time that a more formulaic approach based on potential future economic growth can be suggested and then agreed by the East Midlands AWP to forecast demand and thus to help determine future mineral provision levels more precisely, the pragmatic approach which the Councils will continue to take is to use the previous 10 year average whilst continuing to monitor planned infrastructure growth through the LAA and then to maintain a flexible policy approach to ensure that a steady and adequate supply of mineral is maintained throughout the Plan period.
- 4.1.111 The delays in the production of a new MLP for the area cannot be accepted as part of an argument for what the MPA deems to be a low output of sand and gravel from Derbyshire. Mineral operators do not appear to have been at all reluctant to propose sites whilst the MLP is being reviewed and those sites that have been proposed have gained planning permission from the Council, including recent extensions to Shardlow, Swarkestone and Willington. More recent information, including NPPF and NPPG and supply information has been taken into account alongside the adopted MLP to determine these applications and to ensure continuity of an adequate and steady supply of sand and gravel from Derbyshire.
- 4.1.112 The mothballing of sites is outside the Council's control, so this again cannot be accepted as part of the MPA's argument against the provision of sand and gravel in Derbyshire. If the sites are required to meet a higher demand than the MPA points to, then the industry could recommence production at these sites. If the mothballed sites were in production, then the sales figure would be close to the annual 1.4mt that the MPA asks for and imports to the area would be likely to reduce. Also, our deliverability schedule shows that production is likely to increase to this level by 2028, so it is unreasonable for the MPA to ask for an additional 400,000 tonnes each year for the whole plan period remaining and use the figure as a basis for asking for sites to be identified for an additional 5.6mt in total.

Outcome for the Plan

- 4.1.113 No change.

Representation (Tarmac 688/0106)

- 4.1.114 The consultation paper has been published in October 2020 but does not include production figures for 2019, this should be corrected as the figures should now be available from an updated Local Aggregates Assessment. The prediction of demand is based solely on historical sales figures. The NPPF at paragraph 207(a) states the assessment should relate to previous demand 'and other relevant local information'. There is no evidence to indicate to what extent any other issues have been considered, when there is good evidence available to indicate demand has recently increased and likely to increase further. The duration of the plan is 15 years from 2021-2036, the paper recognises that a landbank of least 7 years is a requirement of the NPPF. However, the tonnage assessment ignores the fact the Authority will be required to maintain this landbank at the end of the plan period. (Hanson 687/0107)
- 4.1.115 Careful annual monitoring will be required to judge the implications on Derbyshire resource from increased building rates and construction projects, the implication of HS2 and adjoining Authority demand (particularly from Leicestershire and the West Midlands).

Actions / Considerations

- 4.1.116 The Local Aggregates Assessment is the basis for determining future supply of sand and gravel. It has been approved each year by the Aggregates Working Party, which includes representatives of the minerals industry and local planning authorities. Flexibility is built into the supply figure to take account of future changes in demand and the MLP can be reviewed should ongoing monitoring of the data indicate significant changes in demand for sand and gravel from the area. The NPPF does not include the requirement to maintain a minimum seven-year landbank. This was referred to by the Inspector for the recent Leicestershire MLP EIP, who set out that ongoing monitoring and review and flexible provision policies will be sufficient to enable a minimum seven year landbank at all times i.e. a review towards the end of the Plan period will determine supply beyond the current Plan period. We are currently revising the LAA to take account of the latest data for 2019. This will inform the MLP.

Outcome for the Plan

- 4.1.117 No change.

Representation (SDDC 691/0114)

4.1.118 South Derbyshire District Council objects to:

- (i) the methodology adopted for calculating future demand, based on a three rather than ten-year sales average, on the grounds that it is unjustified and significantly overstates the likely quantity of sand and gravel needed within the proposed plan period.
- (ii) the allocation of sites other than the four assessed as having 'high' potential in the MLP on the grounds that these alone can provide more than sufficient capacity to meet sand and gravel needs over the plan period.

Actions / Considerations

4.1.119 The LAA has been revised and the ten-year average is now used as a basis for calculating future sand and gravel provision.

4.1.120 The MLP has a requirement to ensure that a steady and adequate supply of sand and gravel is maintained over the Plan period. Some of the allocated sites will not come forward until later in the Plan period, so other sites have to be allocated to ensure that deliverability of mineral is maintained throughout the Plan period.

Outcome for the Plan

4.1.121 Propose sites as discussed above to maintain provision over the whole plan period.

4.2 ASSESSMENT METHODOLOGY

- 4.2.1 Whilst the use of a standardised methodology for site selection is sensible, it should not be the sole basis for decision making as the process should also allow for planning and other factors to be taken into consideration.
- 4.2.2 It is noted that issues such as 'deliverability' have informed site selection, but the potential for mitigation of adverse effects should also be accounted for. For example, a site that has a notable impact on a local community and therefore performs poorly against a particular criterion might be capable of mitigation to a greater degree than another site that scores better against the same criterion, but lends itself less well to mitigation.
- 4.2.3 Some inconsistencies in the site assessment narratives and the expression of effects in relation to the scoring criteria have been noted. For example, in the Egginton site assessment the indication under the 'jobs creation' criterion that the site would be a new operation but would be unlikely to result in job losses elsewhere (Assessment (-)) is confusing.

Representation (South Derbyshire DC 691/0115)

It is likely that some evidence will change during the plan preparation process and this should be fed into the assessments to ensure they remain up to date and robust. For example, in regard to fluvial flood risk, the Trent in Derbyshire has recently been remodelled. Any assessment should be updated to reflect both this and any strategic flood risk assessment that may be undertaken to inform plan making.

Actions / Considerations

- 4.2.4 The assessments show the potential that the sites have for mineral working and therefore whether they can be included as allocations in the MLP. It is acknowledged that most impacts of sand and gravel extraction can be mitigated to some extent. Details of mitigation are addressed at the time that a planning application is considered for the sites.
- 4.2.5 If a “showstopper” issue had arisen at the time the sites were being assessed this would have been highlighted and the site would have been ruled out from further consideration. This situation did not arise.
- 4.2.6 The inconsistencies referred to in the methodology have been corrected.
- 4.2.7 The assessments have been updated to include the latest information available at the time.

Outcome for the Plan

- 4.2.8 Correct inconsistencies and include any updated information.

APPENDIX A: CONSULTATION DOCUMENTS AND DROP-IN SESSIONS SPRING 2018

CONSULTATION DOCUMENTS

Towards a Minerals Local Plan: Spring 2018 Consultation

Main Consultation Document – dated December 2017

Foreword

Chapter 1 - Introduction and Background to the Plan

Chapter 2 – Spatial Context

Chapter 3 – Vision and Objectives

Chapter 4 – Strategic Sustainability Principles

4.1 - General Principles

4.2 - Principles Distinctive to Derbyshire

4.3 - Climate Change

4.4 - Transport

Chapter 5 - Spatial Strategy for Mineral Extraction

Chapter 6 - Supply of Aggregates

6.1 - Secondary & Recycled Aggregates

6.2 - Sand & Gravel

6.3 - Crushed Rock

6.4 - Helping to Reduce the Supply of Aggregates from the Peak District
National Park

Chapter 7 - Supply of Non-Aggregates

7.1 - Building & Roofing Stone

7.2 - Industrial Limestone and Cement Making Materials

7.3 - Brick Clay and Fireclay

7.4 - Vein Minerals

Chapter 8 - Supply of Energy Minerals

8.1 - Coal and Colliery Spoil

8.2 - Hydrocarbons: Conventional (Oil and Gas), Unconventional Gas (Shale
Gas) and Gas from Coal

Chapter 9 - Supply of Other Minerals

9.1 - Borrow Pits

9.2 - Reworking of Former spoil tips

9.3 - Incidental Working of Clay

9.4 - Mineral Related Development

Chapter 10 - Minerals Safeguarding

10.1 - Mineral Resources

10.2 - Mineral Related Infrastructure

Chapter 11 – Cumulative Impacts

Chapter 12 – Restoration

12.1 - Restoration Strategy

12.2 - Trent Valley Strategy

12.3 - Hard Rock Strategy

Chapter 13 - Development Management Policies

Chapter 14 - Site Allocations

Chapter 15 - Monitoring and Implementation

OTHER DOCUMENTS

Duty to Co-operate Report, December 2017

2nd Interim Sustainability Appraisal Report, December 2017

Report of Representations, December 2017

Report of Publicity and Consultation, December 2017

BACKGROUND PAPERS

Spatial Context, December 2017

Climate Change, December 2017

Transport, December 2017

Secondary and Recycled Aggregates, December 2017

Sand and Gravel, December 2017

Sand & Gravel Assessment Methodology, December 2017

Sand & Gravel Site Assessments, December 2017

Sand & Gravel Maps, December 2017

Aggregate Crushed Rock, December 2017

Industrial Limestone, December 2017

Cement, December 2017

Building Stone, December 2017

Brick and Fireclay, December 2017

Vein Minerals, December 2017

Coal, December 2017

Conventional Oil and Gas, December 2017

Gas from Coal, December 2017

Unconventional Gas – Shale gas, December 2017

Mineral Safeguarding, December 2017

Mineral Infrastructure Safeguarding, December 2017

Cumulative Impacts, December 2017

Trent Valley Project Methodology, December 2017

Site Assessment Methodology for Hard Rock Sites, December 2017

Hard Rock Site Assessments, Maps and Background Information for
Whitwell, Ashwood Dale, Aldwark/Brassington Moor and Mouselow quarries, December 2017

DROP-IN SESSIONS SPRING 2018

High Peak Borough – Chapel-en-le-Frith Library, Thursday 5th April 2018

South Derbyshire District – Barrow on Trent Village Hall, Thursday 5th April 2018

North East Derbyshire District – Dronfield Library, Monday 9th April 2018

Amber Valley Borough – Ripley Library, Thursday 12th April 2018

Bolsover District – Bolsover Library, Friday 13th April 2018

Erewash Borough – Long Eaton Library, Wednesday 18th April 2018

Chesterfield Borough – Chesterfield Library, Tuesday 24th April 2018

Derbyshire Dales District – Whitworth Institute, Darley Dale, Thursday 3rd May 2018

APPENDIX B: CONSULTATION DOCUMENTS OCTOBER 2020 SAND AND GRAVEL SITES CONSULTATION

CONSULTATION DOCUMENTS

Towards a Minerals Local Plan: October 2020 Sand and Gravel Sites Consultation Main Document

Appendix 1 Sand and Gravel Site Assessment Methodology

Appendix 2 Site Assessments

Appendix 3 Sand and Gravel Deliverability Schedule