

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

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

**Developing the Proposed Draft Plan
Restoration of Sites in the River
Valleys**

December 2021



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1. Introduction

- 1.1 The purpose of this Paper is to show how the proposed draft plan has been developed over time, through several stages of consultation, starting initially with the key issues and options in 2010. It explains how we have taken into account national planning policy and guidance (including revisions), representations made at the consultation stages, interim sustainability appraisals and co-operation with appropriate bodies on strategic cross-border issues leading to outcomes for the current approach set out in the proposed draft plan.

2. Stakeholder Workshop 2009

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

3. Issues and Options 2010

- 3.1 At the Issues and Options stage in 2010, a proposed long-term strategy for the restoration of sand and gravel sites in the Trent Valley was presented. There was overall support for the preparation of this strategy with 65% of responses at this stage supporting the development of the strategy. Two options were put forward for consideration:

Option 1: Prepare a comprehensive long-term landscape strategy for the restoration of sand and gravel workings in the Trent Valley, accepting that this may guide the allocation of new sites.

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

Sustainability Appraisal

- 3.2 The Sustainability Appraisal (SA) process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of Sustainability Objectives. Where the process recommends improvements to the Plan, these will be incorporated.
- 3.3 Significant positive effects in the medium to long term are expected upon the Trent Valley local landscape under option 1 as it would provide a joined up approach to landscape management in the area and the potential to ensure a particular standard is met for all sites in terms of management and after care, providing certainty to the minerals industry. Compared to option 2, option 1 is therefore expected to perform better with regards to achieving objectives related to heritage and landscape, biodiversity flora and fauna, land and water resources, communities and health and the local economy.
- 3.4 The full appraisal is set out in the following document:

Derbyshire and Derby Minerals Local Plan – Sustainability Appraisal (SA) of the Minerals Issues and Options Paper 2013

4. Drop-in Sessions 2012

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

5. Towards a Minerals Local Plan – Rolling Consultation 2015/16

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

5.2 A summary of the responses to this part of the Plan is as follows:

There were 19 comments from 11 individuals or organisations to this part of the Plan. (4 of these are to the methodology paper)

- Four supported the proposed approach.
- Three expressed concern that the Environmental Sensitivity Mapping excludes national environmental designations from its analysis.
- One asked for the strategy to coordinate with the Central Rivers Initiative for the Trent and Tame Valleys.
- One said that The RSPB document “Bigger and Better” should be taken into account in the Strategy.
- More general comments relate to wording and the consistency of the strategy with the sand and gravel strategy.

Questionnaire Responses

Eight people completed the questionnaire for this part of the Plan. Seven of these supported the proposed approach and one was unsure.

Four responses were received to the question of whether the sensitivity work should inform the site selection methodology for sand and gravel sites. One agreed, two did not and one was unsure.

Assessment of Comments and Outcomes for the Plan

5.3 The comments were used to inform the development of this chapter.

Duty to Cooperate

5.4 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the Minerals Local Plan, the Councils have identified the following strategic cross-boundary issues in planning for the restoration of sites in the Trent Valley area.

- **To develop a long-term strategy which guides the selection and the restoration of sand and gravel sites in the Trent, Lower Dove and Lower Derwent Valleys. This will help to ensure that a more co-ordinated and strategic approach is taken to the restoration of former sand and gravel workings.**

5.5 The Councils have engaged in meetings and discussions with, and will continue to work closely with the mineral operators, local planning authorities and adjoining mineral planning authorities on the development of this strategy to ensure a co-ordinated approach is taken to the restoration of former mineral workings, and also with other organisations (including the Local Economic Partnership and the Local Nature Partnership and East Midlands Airport, Nature After Minerals and The Canal and River Trust) in the preparation of the strategy.

Outcomes from the co-operation fed into the Proposed Approach, Spring 2018 Consultation.

5.6 All Duty to Co-operate Issues together with the Stakeholders involved have been set out in the following Background Paper which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following Report.

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan - Spring 2018 Consultation: Proposed Approach

Duty to Cooperate Report - Background and Progress, December 2017

Sustainability Appraisal

5.7 The SA undertaken at issues and options stage appraised two broad options for the delivery of a strategy for the restoration and working of minerals in the river valley. It was concluded in the SA that a joined-up approach to landscape management would have a more positive effect upon biodiversity, land and water resources, communities and health and the local economy. An emerging policy has been drafted that takes account of the findings in the SA as well as other evidence and consultation responses.

5.8 The SA reported at this stage as follows:

The policy approach is likely to have medium to long term positive effects upon biodiversity and landscape management by delivering a network of green infrastructure, which could involve water habitats. This could have knock-on benefits for communities by creating opportunities for recreation.

The policy will set a clear standard for the restoration of sand and gravel sites, which will give the minerals industry certainty about the standard of restoration and aftercare expected, as well as guiding the allocation of sand and gravel sites.

Some sites could be vulnerable to flooding or the proposed restoration may result in increased flood risk, or effects upon water quality. However, conversely, a joined-up approach may better help identify potential for water / flood management schemes. Therefore, an uncertain effect is predicted for climatic factors, energy and flooding and land and water resources.

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

Derbyshire and Derby Minerals Local Plan 2nd Interim Sustainability Appraisal (SA) Report, December 2017

6. Towards a Minerals Local Plan – Spring 2018 Consultation

6.1 Four representations were received to this part of the Plan. These are as follows:

Representation

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

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.

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

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

Central Rivers Initiative

Representation

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

The text will be updated to reflect this.

Outcomes for Proposed Draft Plan

Amend text as suggested.

Supporting Comments

Representations

Support the approach.

Actions/Considerations

Noted

Outcomes for Proposed Draft Plan

No changes required.

Duty to Cooperate

- 6.2 The development of a strategy for the restoration of mineral workings in the Trent Valley area is considered to be a strategic issue as restored mineral sites often cover a large area and can have an impact on land in adjoining administrative areas. As a result, there is the requirement to liaise with a number of organisations in the preparation of the strategy as set out above in paragraph 5.5.
- 6.3 Strategic policy making authorities should collaborate to establish cross border matters which they need to address in their plans and in accordance with the new NPPF produce one or more statements of common ground. These should document the cross-boundary matters being addressed and progress in cooperating to address these.
- 6.4 In preparing the Proposed Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to proposals for the restoration strategy for the river valleys. The following issues remain identified:

- **To develop a long-term strategy which guides the selection and the restoration of sand and gravel sites in the Trent, Lower Dove and Lower Derwent Valleys. This will help to ensure that a more co-ordinated and strategic approach is taken to the restoration of former sand and gravel workings.**

6.5 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. The results of this co-operation has fed into the Proposed Draft Plan, Winter 2021/2022 Consultation.

6.6 The Councils have produced a Duty to Co-operate Report setting out the background and overview to duty to co-operate issues. In line with the new provisions of the NPPF they have produced a SoCG which sets out the progress made to date on co-operating to address the strategic cross-border duty to co-operate issues. Further information can be found in the following documents:

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

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

6.7 The 3rd interim Sustainability Appraisal reported on this emerging approach as follows:

Policy R2 outlines requirements for the restoration of sand and gravel sites in the Trent, Derwent and Lower Dove Valley areas. A **positive effect** is predicted in the medium to long term for biodiversity (SA topic 1) and heritage and landscape (SA topic 4), as the policy requires that the most environmentally sensitive areas are protected and those with deficiencies / lower quality are enhanced. The need to consider how schemes link to other restoration activities should also help to provide more strategic improvements in connectivity. Given that many restoration schemes for sand and gravel sites are likely to involve

water-based features, there is potential for **significant positive effects** in terms of habitat creation in the longer term (SA1). Improvements to the landscape (SA4) are likely to be achieved as a result of restoration schemes, as well as providing recreational activities for communities and improving visual amenity (SA topic 7). A **neutral effect** is predicted for waste and minerals (SA topic 3) as the policy is not likely to undermine mineral extraction in these areas. The effects of this policy on land and water resources, air quality and transport and climatic factors (SA topics 2, 5, 6 and 8) are likely to be negligible as there would be no movement of materials following restoration. A **positive effect** is possible with regards to local employment through the use of local materials, businesses and labour to aid the restoration works (and potential recreational services) but there is a degree of uncertainty this stage associated with such effects.

6.8 The full report can be found at:

Derbyshire and Derby Minerals Local Plan: 3rd Interim Sustainability Report, August 2020

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

6.9 The 4th Interim Sustainability Appraisal of the Proposed Draft Plan (January 2022) has considered the proposed approach taken to this issue. No amendments were required to be made to the approach as a result of this.

6.10 The full report can be found at:

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