REPORT TO:	**ENVIRONMENT AND DEVELOPMENT SERVICES COMMITTEE**	**AGENDA ITEM: 6**
DATE OF MEETING:	**20 APRIL 2023**	**CATEGORY: DELEGATED**
REPORT FROM:	**STRATEGIC DIRECTOR (SERVICE DELIVERY)**	**OPEN**
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		REF:
SUBJECT:	**PRE-SUBMISSION DRAFT DERBYSHIRE AND DERBY MINERALS LOCAL PLAN**	
WARD(S) AFFECTED:	**ALL WARDS**	**TERMS OF REFERENCE: EDS17**

1.0 Recommendations

1.1 That the Committee agrees the Council's proposed response to Derby City Council and Derbyshire County Council's Draft Minerals Local Plan (MLP) consultation by objecting to:

(i) the allocation of more sites than are needed to meet the need for sand and gravel over the plan period based upon a forecast using the most recent annual average sales data in accordance with the National Planning Policy Framework (NPPF).

(ii) the allocation of the Sudbury and Foston sand and gravel site, on the basis that there has to date been no investigation as to whether the working of minerals on these sites, either individually or in combination, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have a potential detrimental impact on considerable economic interests in the area as well as communities. Furthermore, the absence of flood risk evidence at the allocation stage means that any assessment to be submitted in support of subsequent planning applications that shows unacceptable adverse impacts may potentially lead to refusal. The sites cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period.

(iii) the allocation of the proposed Foston and Sudbury sand and gravel sites on the grounds that a precedent would be set in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area.

(iv) the wording of Policy SP 19 which should be strengthened as follows:

"*When considering the restoration of sand and gravel sites in the Trent, Derwent and Lower Dove Valley areas, the overall wider context of the site in the valley should be taken fully into account.* ***~~where practicable~~****, including* ***~~the potential for~~*** *taking a coordinated approach with the restoration schemes of other sand and gravel workings*

in the area. The Mineral Planning Authority will ***establish formal arrangements to*** *work with communities and mineral operators and other stakeholders* ***well in advance of the submission of any planning application*** *to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the restoration of sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.*"

(v) the wording of the Principal Planning Requirements relating to restoration of minerals works in the river valleys in respect of each of the proposed new sand and gravel allocations which should be strengthened as follows:

"*The restoration of the site should take into account* ***~~of~~ requirements relating to*** *the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys."*

(vi) the application of the site assessment methodology for the reasons set out in paragraph 8.26.

2.0 Purpose of Report

2.1 The purpose of the report is to agree the Council's response to the 'Pre-Submission Draft Derbyshire and Derby Minerals Local Plan Consultation'.

3.0 Executive Summary

3.1 The report explains the background of the emerging MLP to date and describes the aspects of the plan that are of most interest to South Derbyshire, these being:

- proposed allocations for the production of sand and gravel;
- the supply of hydrocarbons policy.
- mineral safeguarding consultation areas
- the restoration of minerals sites in the river valleys

3.2 The adequacy and validity of the processes underpinning the formulation of the Draft MLP policies and the implications of the proposals for South Derbyshire are considered in section 8 of the report, 'Conclusions'. Consideration is given to:

- the basis of the calculations for assessing the future need for sand and gravel;
- the absence of sufficient evidence concerning the possibility of flood risk impacts arising from the proposed Foston and Sudbury sand and gravel allocations;
- arrangements for public engagement and the restoration of sites in the river valleys
- the application of the sand and gravel site assessment methodology and
- supply of conventional and unconventional hydrocarbons and gas from coal

3.3 The recommendations are to object to:

- the allocation of more sites than are needed to meet the actual sand and gravel need;
- the proposed Foston and Sudbury allocations on the grounds of inadequate flood risk investigations having taken place and the setting of a precedent in recent times for sand and gravel extraction in the Lower Dove Valley, altering its character;
- the wording of the policy requirements for local sand and gravel allocations relating to the Restoration Strategy for the Trent Valley
- the application of the sand and gravel site assessment methodology.

4.0 Detail

4.1 As identified in previous Committee reports the MLP is being prepared jointly by Derbyshire County Council and Derby City Council, the Minerals Planning Authorities (MPAs) for their respective areas and will replace the current Derby and Derbyshire MLP, adopted in 2000 (partially revised in 2002). It will encompass the City and County, with the exception of the Peak District National Park, and will cover the period to 2038.

4.2 The emerging MLP has now reached the Pre-Submission Draft stage (regulation 19) This provides the opportunity for public engagement and making representations about the Plan before it is submitted to the Planning Inspectorate for independent examination. The current consultation closes on 2 May 2023.

4.3 The NPPF requires that sufficient land is brought forward in the right location and at the right time to enable the provision of a steady and adequate supply of minerals. It sets out requirements for maintaining supplies of the various types of mineral.

4.4 For aggregate minerals, including sand and gravel, MPAs are required to prepare annual Local Aggregate Assessments (LAAs) to identify future demand. Non-aggregate mineral supply is determined by market demand.

4.5 Minerals of interest that are present in South Derbyshire comprise sand and gravel in the Trent, Dove and Derwent valleys; coal in the South Derbyshire Coalfield (which lies in the south of the District); sandstone and gritstone in the Ticknall, Melbourne and Stanton-by-the-Bridge area and shale deposits in the far north-west of the District.

4.6 Consultation exercises at previous stages in the preparation of the emerging MLP were reported to previous meetings of this Committee. The most recent of these was the draft version of the MLP, reported to the meeting of 20th April, 2022 (minute EDS/199 refers). In summary, the Council responded by objecting to:

i. the use of out of date sales data to calculate the sand and gravel requirement over the plan period;
ii. the allocation of more sites than were needed to meet the forecast sand and gravel requirement using up to date sales data;
iii. the allocation of the proposed sand and gravel site at Sudbury as there had been no investigation of any additional flood risk that might be caused either by this site alone or in combination with the adjoining proposed Foston site;

iv. the allocation of the proposed Foston site on the basis that there had been no investigation of any effects on additional flood risk of this site in combination with the adjoining Sudbury site;
v. the allocation of the proposed Foston and Sudbury sites on the basis that they would set a precedent in recent times for sand and gravel extraction in the Dove Valley irreversibly altering the character of the area;
vi. the wording of the principal planning requirement in respect of community engagement in regard to planning for mineral working in the Trent, Derwent and Lower Dove Valleys
vii. the plan of the Trent Valley Restoration Study Area which needed to be amended to include the proposed Foston and Sudbury allocations;
viii. the application of the site assessment methodology.

4.7 The following represents a summary of the elements of the Pre-Deposit Draft MLP of most relevance to South Derbyshire where changes have been made since the Draft consultation stage.

Sand and Gravel (Policies SP4, SP5, SP6)

4.8 The NPPF indicates that the need for sand and gravel should be calculated on the basis of a rolling average of sales data over ten-years, other relevant local information and an assessment of all supply options. The Draft MLP calculates average sales based on the ten-year period 2012-2021 yielding a figure of 0.93mt per annum. This translates to a requirement of 15.81mt for the period 1 January 2022 to 31st December 2038.

4.9 To help meet this need five new allocations are proposed under Policy SP5, as previously identified in the Draft MLP. For convenience the boundaries of each are once again included at Annexe A:

- Elvaston (an extension to the permitted but currently non-operational Elvaston quarry site)
- Foston (to the west of Scropton)
- Swarkestone North (an extension to the existing Swarkestone site, North of the Trent and South of Twyford Road)
- Swarkestone South (an extension to the existing Swarkestone site to the South of the Trent which lies to the East, also referred to as Swarkestone SW extension)
- Sudbury (within Derbyshire Dales District, but adjoining the Foston site)

4.10 Other sites within South Derbyshire which already have planning permission are as follows:

- Elvaston (currently non-operational)
- Shardlow (currently in operation)
- Swarkestone (currently in operation)
- Swarkestone South West Extension (currently in operation)
- Willington (currently in operation)

4.11 In addition there is an operational sand and gravel extraction site outside South Derbyshire at Mercaston.

4.12 Policy SP5 states that extraction from the proposed sites at Swarkestone and Elvaston will be supported where the extensions follow cessation of mineral working within the existing working area, unless it has been demonstrated that there are operational reasons why this is not practicable or there would be significant environmental benefits to be gained from alternative phasing. Processing of materials will be via established plant and access arrangements, unless there are significant environmental benefits in alternative arrangements.

4.13 Policy SP6 provides for other unallocated sites to be brought forward if required to meet an identified need or address a shortfall in the landbank and/or to sustain production capacity to meet current or anticipated need as identified in the LAA.

4.14 The MLP sets out a delivery schedule for the proposed and currently permitted sites, included at Annexe B. This shows, for each of the sites, the years during which sand and gravel would be worked and the quantity that would be produced per annum over the plan period. It can be seen that total production would be 18.61mt over the period 1 January 2022 to 31 December 2038, thus exceeding the forecast demand of 15.81mt by 2.8mt.

4.15 Although not determined at the time of writing, it should be noted that planning application CM9/0922/18, recently submitted to Derbyshire County Council and Staffordshire County Council, proposes the establishment of an extension to Willington quarry on an unallocated site within Staffordshire near Newton Solney. This application identifies the potential to extract some 0.6mt of sand and gravel and the accompanying justification identifies the potential for this additional provision to contribute toward meeting Derbyshire's overall requirement, noting that Staffordshire's supply needs are already being met. Thus this proposal, if permitted, could potentially further increase the oversupply within Derbyshire as identified above.

4.16 Policy SP5 specifies that proposals will need to satisfactorily address the Principal Planning Requirements for each of the new sites, as set out at Annexe C of this report. These have been substantially revised since the Draft MLP consultation. The main considerations relating to each of the new sites were included in the report on the Draft MLP, but are reproduced below for convenience.

Elvaston

4.17 The 50-hectare site is proposed as an extension to the existing quarry. It is located within the Green Belt to the north-west of the site, which received planning permission for sand and gravel extraction in 2013. The site comprises unimproved pasture to the north and south with arable fields in the central area. The estimated yield would be 1.5mt tonnes. With a proposed annual output of around 0.3mt, this would give a lifespan for the site of approximately five years (as shown at Annexe B). The site would be worked through the existing plant utilising existing access arrangements, All lorries would leave the plant site via the existing access road and would turn right onto London Road. No delivery vehicles would pass through Shardlow, or travel on Ambaston Lane or the B5010 to Borrowash. Restoration is likely to be mainly to water-based uses with a high nature conservation/biodiversity component.

Foston

4.18 This greenfield site is situated just to the west of Scropton village north of the railway. It is about 71 hectares in size and is predominantly arable land. A public footpath runs parallel to Leathersley Lane through part of the site. It has estimated sand and gravel reserves of around 3.1mt and would be worked at around 0.4mt per annum (as shown at Annexe B) over an eight-year period from around 2030. The plant site and access may be located towards the western part of the site, subject to more detailed consideration. All heavy goods vehicles would be routed to the west to join the A50 at the Sudbury roundabout. A wetland/water-based biodiversity restoration scheme is proposed with improved public access.

4.19 The Foston site lies within a flood storage area, constructed by the EA as part of the Lower Dove Flood Risk Management scheme in 2012/13. The EA had previously objected to this proposal in relation to the potential impact on the Lower Dove Flood Alleviation scheme. A revised boundary was subsequently proposed by the mineral operator, which the Draft MLP stated would ensure the protection of the flood defence barrier. A potential flood storage scheme was also proposed to help reduce the impact of flooding on the local area.

4.20 On the basis of these changes the EA withdrew its objection, subject to the submission of an appropriate assessment at the planning application stage (reviewed by a Reservoir panel engineer). This would consider the impact on the operation of the reservoir and on fluvial flood risk resulting from any proposed extraction area.

Swarkestone North

4.21 This is a proposed extension to the operational Swarkestone Quarry to the North of the River Trent. The site is 100 hectares in size and is situated between the existing quarry to the east and Twyford village to the west. It is currently in agricultural use with a mix of arable and grazing uses. It is estimated that the site would yield 4.5mt of sand and gravel with an estimated annual output of 0.32mt (as shown at Annexe B) although it is not expected to be worked before 2037 following on from the Swarkestone South site. This means it is expected to contribute only 0.64mt to supply within the Plan period. It is proposed to continue to use the existing processing plant and access road. The access joins the A5132 and lorries would generally then travel east onto the A514 before joining the A50. The site would be restored to mainly water-based end uses, with a focus on nature conservation and wildlife biodiversity.

Swarkestone South (identified as SW extension in Annexe B)

4.22 This 79 hectare site is an extension to the west of the currently active Swarkestone Quarry to the south of the River Trent and production here would follow on from the existing site. It is in agricultural use, predominantly for grazing. It is estimated that the site would yield over 2.5mt of sand and gravel with annual output estimated at 0.32mt (as shown at Annexe B). The lifespan of the site is estimated at around eight to nine years. It is proposed that the existing processing plant and the existing access road onto the A5132 would be used. The mineral would be transported across the River Trent using the existing temporary bridge. It is estimated that there would be about 110 lorry movements per day from/to the site. The site would be restored to mainly water-based end uses, with a focus on nature conservation and wildlife biodiversity.

Sudbury

4.23 This 79.3 hectare site is situated outside South Derbyshire in Derbyshire Dales District, but is of interest to this Council as it directly adjoins the proposed Foston sand and gravel allocation to the East. It lies to the north of the railway and the River Dove and is mainly in arable and pasture use. There is a wildlife site in the south-western part of the site. The site would yield around 2mt of sand and gravel, with an annual output of 0.25mt (as shown at Annexe B) extracted over a period of seven to eight years. The access is likely to be close to the junction of Leathersley Lane with the A515 in the north west corner of the site. The processing plant is also likely to be in the north west part of the site to minimise product haulage distance and flood risk. Restoration is likely to be mainly to water-based uses with a high nature conservation/ biodiversity component.

4.24 A flood defence embankment runs through the site, along a north-west to south-east axis, constructed by the EA and representing part of the Lower Dove Flood Risk Management scheme, which defends Scropton, Hatton, Egginton and other villages downstream from flooding.

Supply of Conventional and Unconventional Hydrocarbons and Gas from Coal (Policy SP16, formerly SP17)

4.25 The geological conditions where oil and gas are found has resulted in two categories, conventional and unconventional. Conventional oil and gas reserves can be typically exploited by drilling a well, whereas unconventional deposits are contained in impermeable rocks, such as shale or coal deposits and extracted using techniques such as hydraulic fracturing (fracking). Studies demonstrate that shale bearing gas is present in the County, including parts of the north-west of South Derbyshire, although the scale of resources available and their commercial viability are very uncertain.

4.26 In October 2022, Written Ministerial Statement 124 on Shale Gas Exploration stated that the Government would only support shale gas exploration if it could be done in a way that was sustainable and protected local communities. It would be led by the evidence on whether that form of exploration could be done in a way which acceptably managed the risk to local communities. The WMS makes reference to a British Geological Survey report on the scientific advances in hydraulic fracturing since 2019 which concludes that forecasting the occurrence of large earthquakes and their expected magnitude owing to shale gas extraction remains a challenge with significant uncertainty.

4.27 The Government therefore adopts a presumption against issuing further hydraulic fracturing consents, an effective moratorium to be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity. While future applications for hydraulic fracturing consent will be considered on their own merits by the Secretary of State, in accordance with the law, shale gas developers should take the Government's position into account when considering new developments.

4.28 Other forms of unconventional hydrocarbon extraction are Underground Coal Gasification (UCG) and coalbed methane (CBM). USG involves the controlled

combustion of unworked coal seams and the recovery of the resulting gas. CMB involves extraction of gas from unworked coal seams. Research has demonstrated that the South Derbyshire Coalfield does not form a UCG resource due to the extensive nature of former underground workings and the need to stand off from these, whilst prospects for CMB are also poor due to low seam gas content and uncertainty about the permeability of the coal.

4.29 In view of the lack of knowledge about the location and scale of economically viable oil and gas resources the Draft MLP adopts a plan wide policy approach which allows for their exploration, appraisal and production subject to meeting a detailed set of criteria.

Mineral and Infrastructure Safeguarding and Consultation Areas (Policies SP17 and SP18, formerly SP18 and 19)

4.30 The NPPF requires that all mineral planning authorities define Mineral Safeguarding Areas so that known locations of specific mineral resources are not sterilised by non-mineral development, such as housing or industry. Where it is considered necessary for non-minerals development to take place, prior extraction of the mineral should be undertaken where practical and environmentally feasible. Safeguarded minerals in South Derbyshire comprise sand and gravel, surface mined coal and sandstone and gritstone.

4.31 Mineral Consultation Areas identify the geographical areas based on a Minerals Safeguarding Area, where the district or borough council are required to consult the MPA for any proposals for non-minerals development, other than those for less significant development such as householder applications. The wording of the policy has been amended in the Pre-Deposit Draft MLP to clarify the responsibilities of the District Councils in this regard and to identify buffers to guard against nearby development potentially affecting the mineral resource. These measure 500m in the case of hard rock resources and 250m for other resources.

4.32 The NPPF also sets out that local planning authorities should safeguard existing, planned and potential sites for minerals infrastructure and policy wording has been amended to clarify the responsibilities of developers and the District Councils.

Restoration of Sites in the River Valleys (Policy SP19, formerly Policy 20)

4.33 The Draft MLP identifies that the Trent, Derwent and Dove Valleys face increasing pressure from new development and that the identification of further sites for mineral extraction will place further demands on the landscape.

4.34 In the past, sand and gravel workings have been restored to after-uses with an approach that has concentrated on the requirements of the specific site rather than also considering its context within the wider surrounding river corridors. This has gradually altered the overall environmental and cultural integrity of the landscape.

4.35 A long term strategy for the restoration of sand and gravel workings in the Trent, Derwent and Lower Dove Valleys is now proposed to help achieve the long-term vision for the area, as set out in the emerging Trent Valley Vision which is being developed by the County Council. Adjoining authorities, through which the River Trent flows, are either in the process of developing or considering similar approaches. Authorities will work together to ensure that the strategies are coordinated across the valleys.

Development Management Policies

4.36 The development management policies provide more detailed criteria against which proposals for mineral development and mineral related development will be assessed.

Of particular note from a South Derbyshire perspective is Policy DM8: 'Water Management and Flood Risk' which requires that proposals should demonstrate that there would be no unacceptable impacts in relation to surface and groundwater impacts; flood flows and conveyancing routes; flood storage capacity; the integrity of flood defences and local land drainage systems; and the physical integrity of watercourses.

5.0 Financial Implications

5.1 There are no direct financial implications for the Council.

6.0 Corporate Implications

Employment Implications

6.1 None identified.

Legal Implications

6.2 The requirements for preparing the MLP are set out in Town and Country Planning Act 1990.

Corporate Plan Implications

6.3 The emerging MLP has implications for the following key aims of the Corporate Plan:

- "Enhance biodiversity across the District", in that the reclamation of minerals workings often provides opportunities to enhance biodiversity through the creation of new habitats.
- "Attract and retain skilled jobs in the District", in that the minerals industry provides local employment.
- "Influence the improvement of infrastructure to meet the demands of growth" in that minerals' development can often provide infrastructure benefits as part of a mitigation package.

Risk Impact

6.4 None identified.

7.0 Community Implications

Consultation

7.1 This is a consultation exercise being conducted by Derbyshire County Council and Derby City Council.

Equality and Diversity Impact

7.2 Minerals extraction can provide employment, but can also impact the amenity of local communities.

Social Value Impact

7.3 Minerals extraction is necessary to support the construction industry and in turn the wider economy.

Environmental Sustainability

7.4 Any potential harm to the natural environment that may potentially result from minerals extraction must be addressed through appropriate mitigation measures.

8.0 Conclusions

Assessment of Future Demand for Sand and Gravel

8.1 As noted in para 4.8, the NPPF requires that future demand should be calculated using past annual sales based on a ten-year rolling average. In its consideration of the Draft MLP, the Council noted that the forecast for requirements over the remainder of the plan period overstated the need as they were based upon out of date average annual sales data. The Pre-Submission MLP updates this forecast using more recent data, the rolling ten year average annual sales now being based upon the period 2012-2021, yielding a figure of 0.93mt per annum. The calculations underpinning the most recent and the two previous forecasts are set out in the table below.

Annual Sales of Sand and Gravel (million tonnes)

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Av.
1.04	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78			0.99
	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78	0.57		0.94
		0.81	0.82	0.95	1.13	1.29	0.94	1.05	0.78	0.57	0.99	0.93

8.2 It can be seen that average annual sales have fallen from 0.99mt in the original calculation to 0.93mt per annum in the most recent. Using the previous annual average sales figure of 0.94mt the total production requirement for the period 1 January 2021 to 31 December 2038 (0.94 x 18) was **16.92mt**. Using the up to date figure of 0.93mt the total production requirement for the period 1 January 2022 to 31 December 2038 (0.93 x 17) is **15.81mt**.

Proposed Supply of Sand and Gravel

8.3 The proposed supply of sand and gravel over the plan period, set out in the table at Annexe B, shows a total of 18.61mt. Given the need for 15.81mt this would indicate an excess supply of **2.8mt**.

8.4 In responding to SDDC's objection to the use of out of date annual sales data in calculating the overall need for sand and gravel in the Draft MLP, DCC states that calculating need "*is not an exact science as a result of factors such as the unpredictability of the market for sand and gravel and other factors such as flooding. It is estimated that some years production may be higher than the annual provision figure which means that overall provision for the whole Plan period is likely to be higher than is shown by the total provision figure in the policy. This is however proposed as a minimum figure to take account of such factors".*

8.5 Relevant to the consideration of this explanation is the inclusion in the Local Aggregates Assessment 2022 of a table showing that recent production of sand and

gravel has exceeded sales, generally by some 0.2-0.3mt. The table is reproduced at Annexe E.

Proposed Sand and Gravel Allocations (Policy SP5)

8.6 In its response to the 2022 Draft MLP consultation the Council made reference to the assessment of prospective sites that resulted in them being ranked and identified as having 'high', 'medium' or 'low potential. This resulted in three sites, Swarkestone North, Sudbury and Elvaston, as falling within the 'high' category whilst the Foston and Swarkestone South sites were identified as having 'medium' potential. These assessments have been carried forward to the Draft Pre-Submission consultation stage, but the scores and rankings remain unchanged. The summary table is reproduced at Annexe F.

8.7 It should be noted that the excess supply of 2.8mt, as referred to in para 8.4, exceeds anticipated production within the plan period from four of the five proposed individual allocations, suggesting that only four of these would be needed.

Sudbury

8.8 The Sudbury site is one that was put forward by an operator in response to the Sand and gravel consultation of 2020. In its response to the Draft MLP the Council objected to the allocation on the following basis:

"*that there has to date been no investigation as to whether the working of minerals on this site in isolation, or in combination with the proposed Foston allocation, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have a potential detrimental impact on considerable economic interests in the area as well as communities. Furthermore, the absence of flood risk evidence at the allocation stage means that any assessment to be submitted in support off a subsequent planning application that shows unacceptable adverse impacts may potentially lead to refusal. The site cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period."*

8.9 The Environment Agency also responded to the Draft MLP in respect of the Foston site stating that "

"*At this stage there has not been any substantial detailed technical evidence provided, which would be expected to support any application for extraction, for the site allocation and the following amendments and inclusions to the Principal Planning Requirements will be required to ensure the necessary technical assessments and reports would be provided at the planning application stage. These reports and assessments are required to show how the existing Lower Dove Flood Management Scheme would be protected, and that there would be no impact upon its operation. These reports and assessments will also be required to show the areas of the site where excavation could be acceptable which does not impact upon the operation and integrity of the Lower Dove Flood Management Scheme. The Environment Agency would object to any application where the submitted reports and assessments showed a negative impact upon the operation and integrity of the Lower Dove Flood Management Scheme or increase flood risk to the wider catchment.*".

8.10 The amendments and inclusions to the Principal Planning Requirements referred to by the Environment Agency have accordingly been incorporated. These are set out at Annexe C of this report with the new wording proposed by the Environment Agency highlighted in bold italics.

8.11 The newly specified requirements strengthen protection against any increase of flood risk as a consequence of mineral workings. However, the broad range of evidence required at the application stage by the EA indicates that it is not clear at this stage that the proposal would be found to be acceptable. The possibility of refusal of planning permission following an EA objection would appear to suggest too great a degree of uncertainty that the site could be brought forward. It is therefore proposed to continue to object to the Sudbury allocation on this basis.

8.12 A further Council objection to the allocation of the proposed Foston and Sudbury sites in the Draft MLP was that a precedent would be set in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area. The retention of the proposals means that this objection should be restated as part of the response to the Pre-Submission Draft MLP.

<u>Foston</u>

8.13 In its response to the Sand and Gravel consultation 2020 the Council objected to the proposed allocation at Foston on the grounds of:

> "*(a) 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."*

8.14 Although the EA did not comment on this proposed allocation in its response to the Draft MLP, DCC has substantially changed the Principal Planning Requirements to accord with the changes made in respect of the Sudbury site. These are set out at Annexe C with the new wording highlighted in bold italics.

8.15 The newly specified requirements strengthen protection against any increase of flood risk as a consequence of mineral workings. However, the broad range of evidence required at the application stage indicates that it is not clear at this stage that the proposal would be found to be acceptable. The possibility of refusal of planning permission following an EA objection would appear to suggest too great a degree of uncertainty that the site could be brought forward. It is therefore proposed to continue to object to the Foston allocation on this basis.

8.16 As noted in regard to the Sudbury site the second part of the Council's previous objection to the Foston site, on the grounds of setting a precedent for sand and gravel extraction in the Dove Valley has not been resolved in the Draft MLP and it is therefore considered that the Council should restate its objection in this regard.

<u>Restoration of Sites in the River Valleys (Policy SP19, formerly SP20)</u>

8.17 In its response to the Draft MLP the Council also objected to the policy wording in respect of the proposed new sand and gravel sites relating to the Restoration Strategy for the Trent Valley, and proposed that it be strengthened as follows:

"*The Mineral Planning Authority will* ***establish formal arrangements to*** *work with communities and mineral operators and other stakeholders* ***well in advance of the submission of any planning applications*** *to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the* ***mitigation****, restoration* ***and aftercare*** *of sand and gravel sites will fit in with this long term restoration strategy for sand and gravel sites in the river valleys*."

8.18 In the Pre-Submission Draft MLP the Principal Planning Requirements the Trent Valley Restoration Strategy is referred to in respect of each of the proposed new sand and gravel allocations. In all cases the wording has been amended as follows with changes highlighted in bold:

"*The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP2~~0~~****19****, to* ***help*** *ensure that ~~the wider context of the valley is taken into account in developing a coordinated and strategic approach to the restoration of the site~~* ***proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.***"

8.19 Policy SP19 (formerly Policy 20) reads as follows, with new wording highlighted in bold:

"*When considering the restoration of sand and gravel sites in the Trent, Derwent and Lower Dove Valley areas, the overall wider context of the site in the valley should be taken fully into account* ***where practicable****, including the potential for taking a coordinated approach with the restoration schemes of other sand and gravel workings in the area. The Mineral Planning Authority will work with communities and mineral operators and other stakeholders to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the restoration of sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.*"

8.20 It can be seen that only part of the Council's requested additional wording, in respect of mitigation and aftercare, has been included in the wording of the Principal Planning Requirements. In responding to the District Council's proposal in the Report of Representations on the Draft MLP, the County Council expresses the view that the wording:

"…could be strengthened to some extent but the first part of the suggested sentence is considered to be too onerous at this stage. The SPD (Supplementary Planning Document) will cover this issue in more detail and stakeholders will play an important role in its development."

8.21 The SPD referred to will set out a strategy for the restoration of the Trent, Derwent and Lower Dove Valleys, although no timetable is given for its completion. In light of the fact that a scoping opinion request in respect of potential sand and gravel extraction proposals for the site has already been submitted by CEMEX (SCOM/3/84) it seems unlikely that an SPD will be prepared in sufficient time to allow for effective early community engagement.

8.22 In regard to the inclusion of the words "*where practicable*" in Policy SP19, the Report of Representations indicates that this change was made in response to a representation on the Draft MLP submitted by Tarmac, a minerals operator. Contrary to the District Council's wish for the policy wording to be strengthened this new addition weakens it, which is a particular concern in relation to the Sudbury and Foston sites as they are adjoining.

8.23 In light of the above it is proposed that the objection be raised once again in respect of policy wording relating to community engagement arrangements and site restoration in the river valleys.

8.24 The remaining three proposed new sand and gravel sites at Elvaston, Swarkestone North and Swarkestone South have not given rise to objections from the Council when considered at previous emerging MLP consultation stages. The considerations relating to these sites remain substantially unchanged in the Pre-Submission Draft MPA and it is not therefore proposed to raise any objections to them in response to this consultation.

Trent Valley Restoration Study Area Map

8.25 As noted in para 4.8, in responding to the Draft MLP the Council objected to the exclusion from the map showing the Trent Valley Restoration Study Area of both the proposed Foston and Sudbury sites. The map, included at Annexe D, has accordingly been amended to include the area within which those sites are located, therefore meeting the Council's concerns.

Sand and Gravel Site Assessment Methodology

8.26 In its response to the Draft MLP the Council objected to the methodology on the basis that it did not take account of the potential for mitigation considerations to affect site selection at the plan-making stage. Allocating the sites that score the most highly through the assessment effectively rules out the granting of planning permission on lower ranked sites that may have performed better had mitigation been taken into account. It was noted that at that time there had been no investigation of any potential flood risk impacts relating to the Sudbury and Foston sites, either individually or in combination, the results of which could potentially have identified an insurmountable, or "showstopper" constraint to sand and gravel extraction.

8.27 In addition, as part of its response to the Sand and Gravel consultation of 2020, the Council made the point that it was likely that some evidence would change during plan preparation and that this should be fed into the assessments to ensure they remained up to date and robust. However, the Assessment Methodology has not been subject to further change since last updated in 2020 and is published purely for information at the current consultation stage. It is therefore proposed to restate these earlier objections.

Supply of Conventional and Unconventional Hydrocarbons and Gas from Coal (Policy SP16, formerly SP17)

8.28 The part of South Derbyshire that may hold potential for unconventional hydrocarbon production lies within the north east of the District around Elvaston, Ambaston and Sharlow. This forms part of a larger area most of which falls within Erewash Borough.

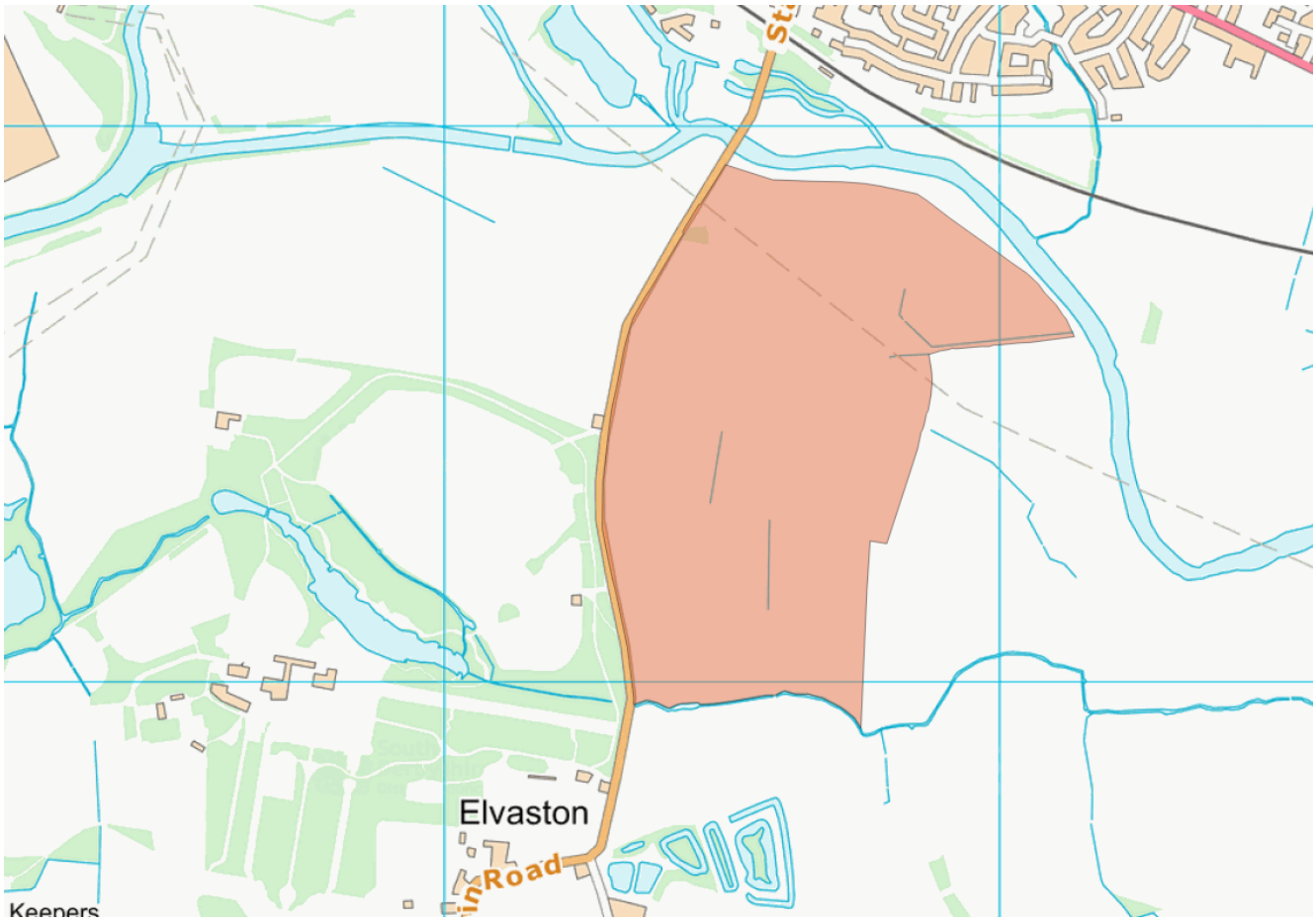
8.29 In commenting on emerging unconventional hydrocarbon policy in the Draft MLP, the Council noted that previously expressed concerns relating to the protection of the geological structure, the openness of the Green Belt and the three tenets of sustainability: environmental, social and economic, had been satisfactorily addressed. The Draft Pre-Submission MLP further strengthens Policy SP16 (identified as SP/17 in the Draft MLP) through amendments relating in particular to:

- the addition of a new criterion (4) for the avoidance of pollution relating to drilling residues and waste water including Naturally Occurring Radioactive Material (NORMS) and the use or disposal of unwanted gas.
- the protection of sensitive receptors (features potentially affected by such activity), by stating that extraction facilities within 500 metres of these will not be supported unless an assessment of the adequacy of lower separation distances and the use of mitigations measures demonstrate that there would be no unacceptable impacts on local amenity, health, well being and safety
- the need to consider how hydrocarbon extraction proposals fit within a framework for the development of the wider Petroleum Exploration and Developer Licence (PEDL) oil and gas reservoir area to ensure that it is developed in an environmentally acceptable way
- confirmation that exploration, appraisal or production of unconventional gas resource involving underground coal gasification will not be supported

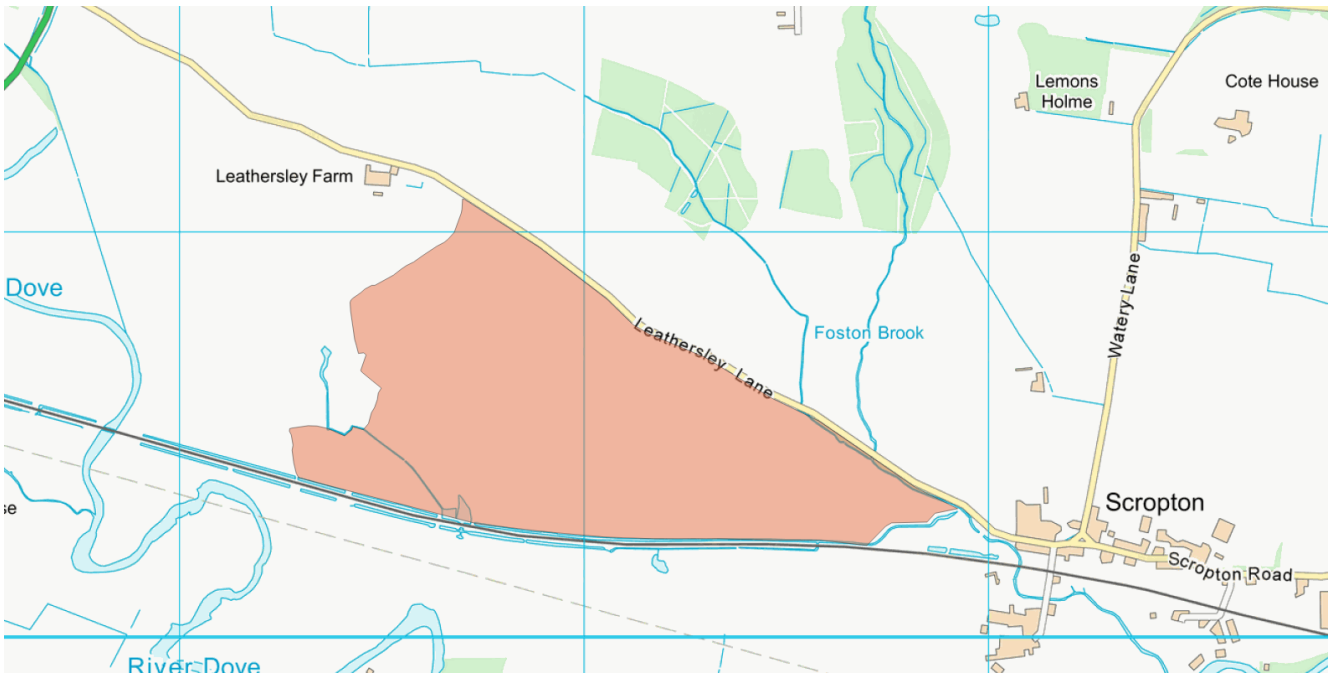
9.0 Background Papers

"Derbyshire and Derby Pre-Submission Draft Minerals Local"	Derbyshire County Council. Derby City Council, January 2023
"Derbyshire and Derby Draft Minerals Local Plan"	Derbyshire County Council, Derby City Council, December 2021
Derbyshire and Derby Draft Minerals Local Plan – Report of Representations	Derbyshire County Council, Derby City Council, January 2023
"Background Paper – Sand and Gravel Site Assessments"	Derbyshire County Council, Derby City Council, January 2023
"Sand and Gravel Assessment Methodology	Derbyshire County Council, Derby City Council, August 2020
"Sand and Gravel Development Paper"	Derbyshire County Council, Derby City Council, February 2023
"National Planning Policy Framework"	Ministry of Housing Communities and Local Government, 2021

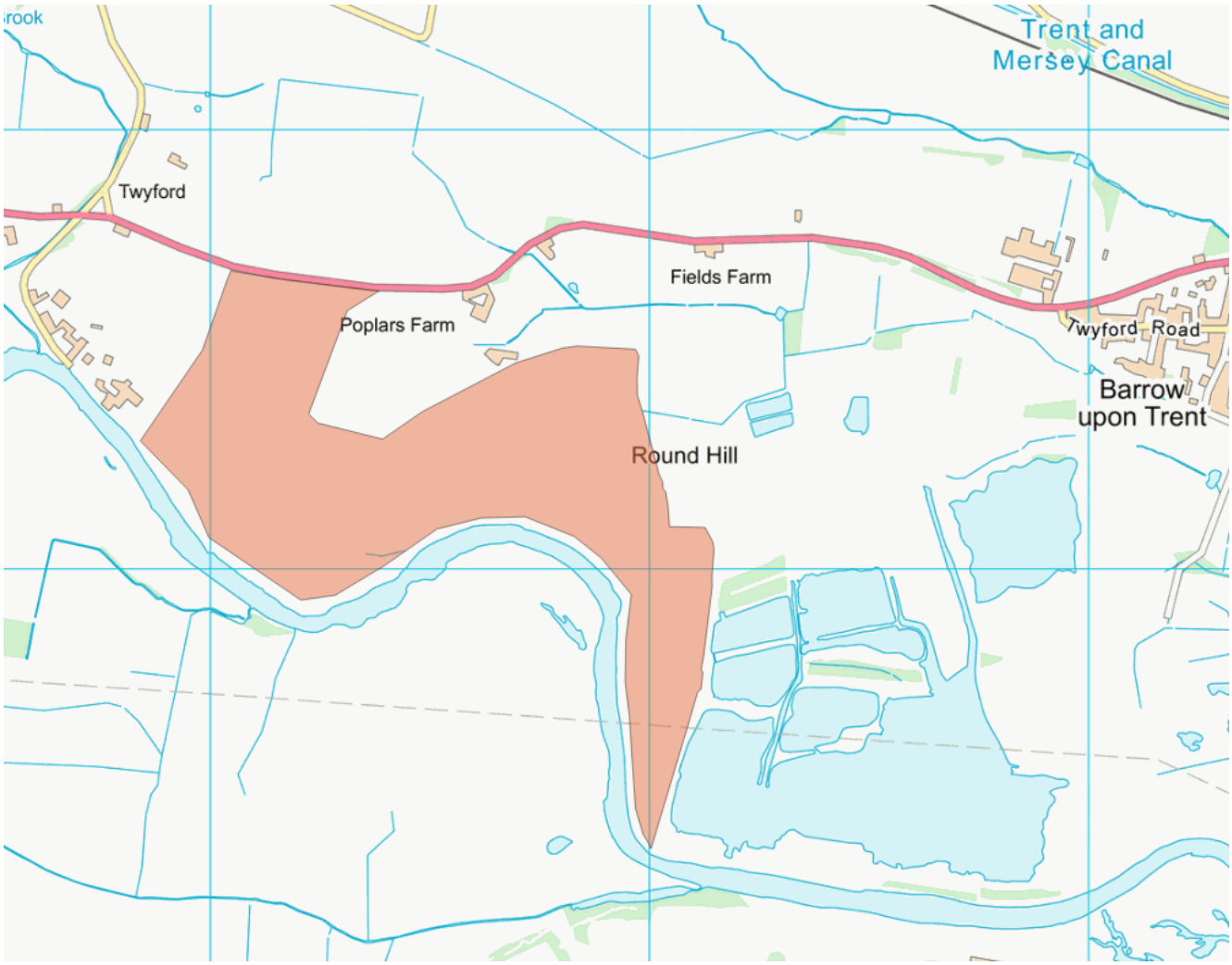
Elvaston



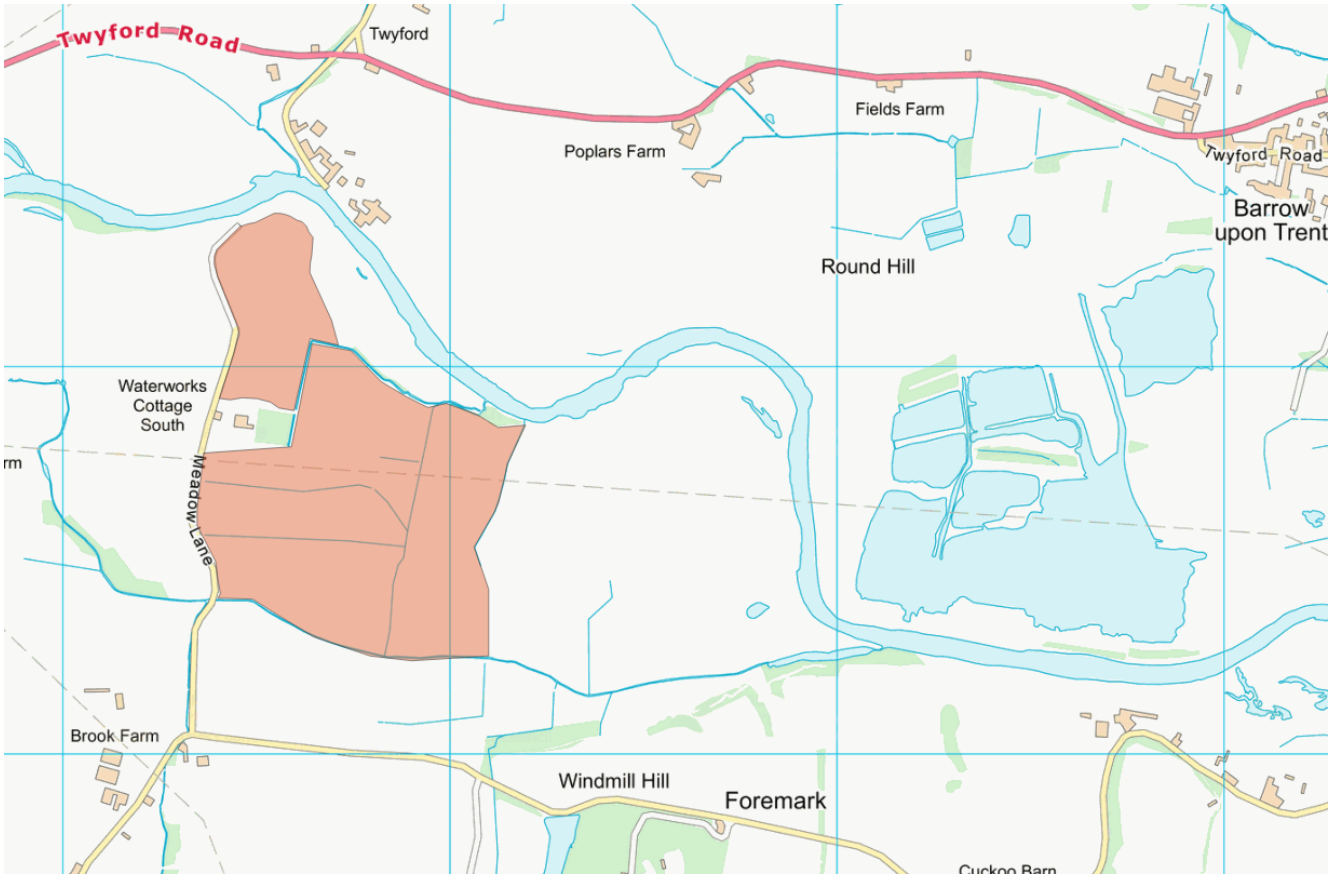
Foston



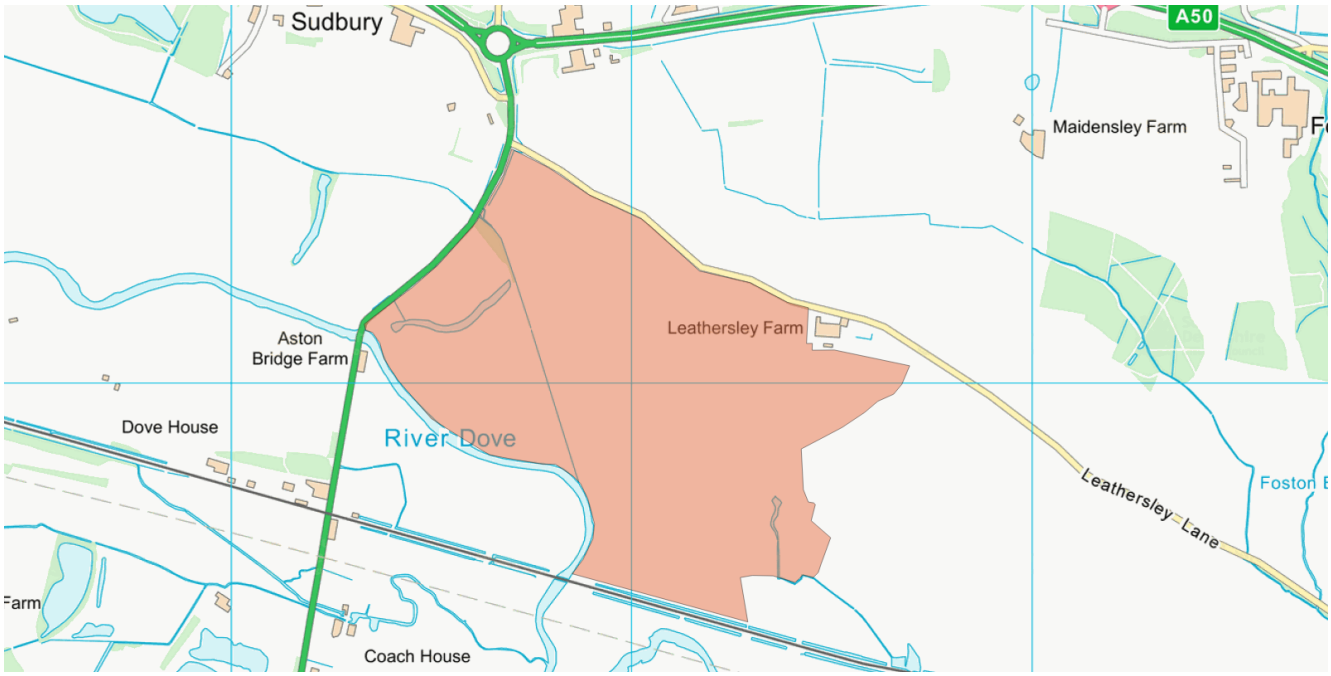
Swarkestone North



Swarkestone South



Sudbury



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Sand and Gravel Deliverability Schedule

Total Estimated Production 18,610,000 tonnes

Site	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
Shardlow (permission)	350	350	350	350	350	350	350	350									
Sudbury				250	250	250	250	250	250	250	250						
Foston									400	400	400	400	400	400	400	300	
Swarkestone (Permission)	320	320	320	320	320	320	200										
Swarkestone (SW extension)								320	320	320	320	320	320	320	320		
Swarkestone North																320	320
Willington (permission)																	
Willington (extension)	350	350	200														
Elvaston (Permission)							300	300	300	300	300	300					
Elvaston (extension)													300	300	300	300	300
Mercaston	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70
Reserves likely to be worked in Plan period	1090	1090	940	990	990	990	1170	1290	1340	1340	1340	1090	1090	1090	1090	990	690

ANNEXE B

ANNEXE C

Principal Planning Requirements for new sand and gravel allocations (reproduced from Draft Minarals Local Plan Appendix A)

Elvaston

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts, taking into account the location of the site within the Green Belt and therefore the need to maintain the openness of area. Some properties on the southern edge of Borrowash, may have views across the northern part of the site. Beechwood camping/caravan site which lies to the south of the site would be screened by trees/hedgerows on its northern boundary. There are open views from several residential properties and from the main entrance to Elvaston Castle and Country Park which lie immediately across the road which forms the western boundary.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. There is unimproved pasture and remnant hedgerows on the northern part of the site adjacent to the River Derwent. Arable fields are in the centre of the site and improved pasture to south. There are occasional scattered trees of varying age and condition and a group of willows and evidence of lost hedgerows. The condition of hedgerows is generally variable. There are no records of designated wildlife sites.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designated sites and settings, Elvaston Castle Country Park is situated across the road from the site's western boundary and forms a well-used and valuable local recreational amenity. The Castle and Gardens are Grade II* Listed Buildings. The Eastern Avenue, which adjoins the southern boundary is an integral component of the gardens. A significant stand-off would be required to create a landscape buffer to help protect the setting of this historic asset. This would require detailed discussions with the Council's Planning and Archaeology Officers.

4) In terms of archaeology, there are some remnants of ridge and furrow adjacent to the river. There are vestigial remains elsewhere of once very extensive open fields. There are palaeochannels adjacent to the river which may have considerable potential. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains would be required.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG, sand and gravel working is classed as water compatible development, which is classified appropriate development in flood zone 3. There should be no excavations within 45 metres of the River Trent, or flood defences, particularly around meanders which are a zone of active erosion.

6) A detailed flood risk assessment (FRA) showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

7) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.

8) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.

9) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

10) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The northern part of the site directly south of the River Derwent and north-east of Elvaston Castle comprises of unimproved pasture with remnant hedgerows. The central area is predominantly arable fields with improved pasture to the south. There are occasional scattered trees of varying age and condition, a group of willows and evidence of lost hedgerows. Hedgerow condition is very variable. The proposed site has a few characteristics that accord with the established character of the Riverside Meadows and the condition is considered to be generally poor.

11) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

12) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

13) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Foston

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts – The nearest communities are the villages of Scropton, Foston and Sudbury. Leathersley Farm is located approximately 185m to the northwest of the site. This will include an assessment of visual impact (including light pollution), noise and vibration, dust and air quality.

2) An ecological assessment of the designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The site is dominated by arable farming, and historic mapping would suggest that agricultural intensification has resulted in the removal of many internal hedges previously present on site. The remnant hedgerows on site do contain some hedgerow trees which may be of some interest, although the hedgerows otherwise appear to be intensively managed. Small areas of semi-natural habitat may persist at the southern end of the site, although there are no notable habitats or designated sites recorded within or immediately adjacent to the site. Protected and notable species records are very limited within and around the site, with only one old record for water vole seemingly relevant.

3) An assessment of the effects on the historic environment including designated sites and settings and archaeological remains. There are two records for cropmarks within the site, suggestive of Iron Age/RomanoBritish field systems and enclosures. A number of palaeo-channels are also mapped. Two records of ridge and furrow appear to be ploughed out. The Dove Valley is associated with deep alluvial deposits which can blanket archaeological and palaeo-environmental remains, so the surface-visible resource may underestimate the true extent and complexity of buried remains.

4) Tutbury Castle (Scheduled Monument and Grade 1 listed) is 2.3km from the site. It is situated on a natural promontory with expansive views overlooking the floodplain of the River Dove, and the site forms an integral part of the setting of this monument. It will be vital therefore that the impact of the proposal on the setting of this designated monument is considered carefully. The following requirements (5-8) should be complied with to help ensure the protection of this asset.

5) To help ensure the protection of the setting of Tutbury Castle, the working of this site should be staged i.e., proposals will need to include a working and restoration scheme which provides for the working and progressive restoration of the site to minimise the amount of land disturbed at any one time.

6) The site will be expected to be worked and restored within eight years of commencement, to help ensure that the impact on this part of the setting of Tutbury Castle is for as short a time as possible.

7) The processing plant should be located in the eastern part of the site which offers greater potential for screening and is less prominent in views from Tutbury Castle than the more western part of the site. This will also help to protect the setting of Leathersley Farmhouse, a Grade II listed building, situated 200m from the western boundary of the site.

8) The site should be restored to recreate the existing landscape type, creating a natural flood plain setting, to help conserve the setting of Tutbury Castle. Evidence should be provided that the required fill material to enable this will be available.

9) The site is 2km from the Grade I Listed Sudbury Hall and its Grade II Registered Park. and although are generally screened from the site, the sensitivity of this historic area means the potential impact of the proposal on this area should be considered carefully.

10) Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains will be required.

11) The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is appropriate development in zone 3.

12) ***The site lies within a flood storage area constructed by the Environment Agency as part of the Lower Dove Flood Risk Management scheme in 2012/13. This scheme defends Scropton, Hatton and other villages downstream from flooding.*** A geotechnical assessment ***(which has been reviewed by a Reservoir panel engineer)*** of the potential impact of the development on the flood defences ***and reservoir*** will be ~~***undertaken***~~ ***required***. This includes the Reservoir Flood Defence Embankment adjacent to the eastern boundary of the site and the part of the site which is included within the Lower Dove Flood Storage Scheme. This includes the Reservoir Flood Defence Embankment adjacent to the eastern boundary of the site and the part of the site which is included within the Lower Dove Flood Storage Scheme. Appropriate ***extraction area*** stand offs ***which will be subject to these assessments (minimum 16m),*** will be proposed as a result to ensure the protection of the flood defences.

13) A detailed flood risk assessment (FRA) to be provided showing how, through all development phases (Construction, Operation and Restoration), that there will be no impact upon the operation of the existing Lower Dove Flood Storage Scheme. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored, however these should not have any detrimental impact upon the existing Lower Dove Flood Storage Scheme.

14) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.

15) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.

16) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

17) Applicants should contact the Environment Agency to discuss any permitting requirements, and where required, should look to parallel track these permit applications alongside the planning application.

18) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The proposed allocation is located within the Riverside Meadows LCT; a landscape typically farmed as permanent pasture. Evidence suggests that there has been significant boundary loss as a result of agricultural intensification and today this site is comprised of a small number of very large arable fields. Hedgerows are well managed but lack hedgerow trees. In terms of visual impact, although Leathersley Farm is located approximately 185m to the north west and Scropton is approximately 190m to the east, the site is generally well contained by existing vegetation and would not be visible from these areas to any significant extent. Two residential properties on the western edge of Scropton lie about 200m from the eastern edge of the site and are the only properties that may have direct views onto a proportion of the site (the eastern third of the site). Views of the

site are predominantly from Leathersley Lane and Brooms Lane and the railway, which runs along the southern boundary of the site. A public footpath also runs parallel to Leathersley Lane through part of the site from where views of the site would be evident. Views from Foston and the A50 to the north are obscured by dense woodland. Tutbury Castle and grounds, which is a scheduled monument and lies on higher ground to the south, could, potentially, have distant views of the site. Overall, there are some/few visual receptors and potentially large parts of the site would be visible given the lack of internal hedgerows.

19) A Transport Assessment would need to accompany any application to assess the impact of traffic generated by the site on the surrounding highway network, particularly A515/A50 junction and include details of proposed measures to ensure that HGV traffic generated by the development do not turn right out of the site towards Scropton and do not use the main road through Sudbury village. Leathersley Lane is within an area wide Weight Restriction and forming an access within the limit will give any HGV the legitimate right to 'access' the site via any of the routes throughout the restricted area. The means of access would therefore need to be located outside of the restriction, to direct HGVs via the suitable routes of A50 and A515. With the restriction starting immediately on entering Leathersley Lane, this is likely to require a modification to the existing order, which would be subject to public consultation. Early engagement with the Local Highways Authority and National Highways will be required should planning applications be submitted for the sites at Sudbury and Foston.

20) If proposals come forward that would result in both Sudbury and Foston sites operating concurrently, then the Transport Assessment for the second site proposal that comes forward will need to assess the cumulative impacts on the Major Road Network and Strategic Road Network from both sites and demonstrate that these will be acceptable.

21) It will be necessary for a joint condition survey to be undertaken to agree the condition of the road before it accepts the additional HGV movements so that all parties understand the condition at the time of its first operation.

22) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

23) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Swarkestone North

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts. There are several properties which have the potential to be affected by the working of this site. There are properties in Twyford to the north-west and several individual residential properties to the north of the site, including a number of dwellings at the converted Poplars Farm and Fields Farm, which stand close to the northern site boundary of the site. Part of the site is also visible from properties in Ingleby to the south.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The majority of site is arable land with localised improved pasture adjacent to Twyford and possibly semi-improved in field by the river with palaeochannels. There are limited mature/veteran trees in centre of the site. There are no records for priority habitats on this site.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designations, the 'Round Hill' henge and barrow, designated as a Scheduled Monument is located in the northern part of the site. Consideration will need to be given to the setting of this monument with a view to providing additional stand-offs to protect its setting. Consideration should be given to the protection of heritage assets at Twyford.

4) In terms of archaeology, cropmarks are recorded north and south of the scheduled monument. Localised palaeochannels are present and evident along the southern fringe of the site, visible as an existing stream line. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains will be required to be undertaken.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is appropriate development in flood zone 3. There should be no excavations within 45 metres of the River Trent, or flood defences, particularly around meanders which are a zone of active erosion.

6) A detailed flood risk assessment (FRA) showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

7) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.

8) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements. It will also be required to show specific sensitively designed restoration to enhance the currently degraded setting of the Round Hill Scheduled Monument.

9) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

10) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. In terms of the landscape, the site crosses two Landscape Character Types but is poorly representative of each. The majority of the land is usually down to arable with some localised pasture associated with smaller fields adjacent to Twyford and immediately adjacent to the River Trent. Hedgerows are generally poor, in some places missing and generally species poor. There is a general lack of tree cover associated with

field boundaries and the river. Trees are mostly associated with the semi-improved areas near the river. The overall condition of the site is considered to be average to poor. There is an isolated burial mound and some localised ridge and furrow (poor condition) within the site. In terms of visual impact, there are several properties from which the site is visible. There are properties in Twyford to the north-west and several individual residential properties to the north of the site, including properties at Poplars Farm and Fields farm on Twyford Road, close to the northern site boundary of the site. Part of the site is also visible from properties in Ingleby to the south.

11) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

12) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

13) To help ensure the continued safe operation of overhead electricity transmission lines, the applicant will be required to discuss its proposals with National Grid.

14) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Swarkestone South

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts, taking account of the following. Properties at Twyford have partial views across the river of part of the site. A residential nursing home adjoins the site to the west and has open views of the western part of the site. There are seven properties at the converted Old Waterworks and three at the converted New Waterworks which have open views of the site. There are also views from Anchor Church (historic caves) to the south-east of the site boundary and from a few properties in Ingleby and Foremark, including Foremark Preparatory School and also from Ingleby Road. A Public Right of Way (PROW) runs along the eastern boundary of the site and this forks to the north-west through the site. Meadow Lane is also a PROW, which is used on a frequent basis. The majority of the site is visible from these PROW.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site’s development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. Hedgerows are intact and close cut, but are species poor, lacking notable hedgerow trees. Prominent trees and mixed species hedge (oak and some poor ash) associated with the green lane on the eastern boundary of the site. A stream runs west to east, lined with mature alder/willow. Some palaeochannels exist in improved

pasture. Although limited in extent there remain some valuable characteristic habitats of a Natural Area.

3) An assessment of the effects on the historic environment, including designated sites and settings and archaeological remains. In terms of designated sites, Grade II Listed 'Anchor Church' is close to the site, with designed views over the extraction site associated with the cave's reinterpretation within the 18th century park at Foremark Hall. Additional stand-off areas, using existing field boundaries will be required to create a landscape buffer to help protect the group of heritage assets at Twyford. This would require detailed discussions with the Council's Planning and Archaeology Officers.

4) In terms of archaeology, there is possibly some remnant ridge and furrow and indications of the parish boundary. There are also visible palaeochannels within the site. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeoenvironmental remains will be required.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG, sand and gravel working is classed as water compatible development, which is classified appropriate development in flood zone 3. There should be no excavations within 45 metres of the River Trent, or flood defences, particularly around meanders which are a zone of active erosion.

6) A detailed flood risk assessment (FRA) showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

7) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.

8) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.

9) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

10) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. In terms of the landscape, the site is poorly representative of the established character of the Riverside Meadows Landscape Character Type, with large parts of the site now down to arable or improved pasture. Hedgerows are mostly intact and close cut, generally species poor and lacking in notable hedgerow trees. The most prominent trees (oak and some poor quality ash) are associated with the green lane on the eastern boundary of the site and connects to the river. There is some localised ridge and furrow and palaeochannels within areas of improved pasture and a small section of mixed species hedgerow associated with the green lane. Overall, the landscape character is considered to be weak, although there are some attractive features, some of which are in good condition. In terms of visual impact, there are a number of residential properties in close proximity to the site which will need to be considered. The undulating topography to the south screens the

majority of site from Repton and Milton. A Public Right of Way (PROW) runs along the eastern boundary of the site and this forks through the north-west section of the site. Meadow Lane, which forms the western boundary of the site is also a PROW. The majority of the site is visible from both of these public rights of way.

11) A Transport Assessment would need to accompany any application to assess the access to this site and the impact of traffic generated by the site on the surrounding highway network. It is expected that this site would be worked through the existing plant and access arrangements so the impact on the surrounding area in this respect is likely to be unchanged.

12) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

13) To help ensure the continued safe operation of overhead electricity transmission lines, the applicant will be required to discuss its proposals with National Grid.

14) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

Sudbury

1) An assessment of how the site would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts – the nearest community is the village of Sudbury 300m to the north west of the site. This will include an assessment of visual impact (including light pollution), noise and vibration, dust and air quality. Leathersley Farm is located adjacent to the north east boundary of the site. Given the flat topography, large tracts of the site would be visible from these and other individual properties in the surrounding area, although visibility would be less from receptors to the west as a result of the lines of willow trees in the south west section of the site. There could also be higher level views from Tutbury Castle, which is a scheduled monument. No public rights of way cross the site.

2) An ecological assessment of any designated sites, habitats, fauna and flora present on or adjacent to the site and/or potentially impacted by the site's development, and an evaluation of the impact of development upon species and habitats present on or adjacent to the site, and on the wider ecological network. The site assessment showed that the site has limited priority ecological value with the exception of the Wildlife Site (a feature which could be enhanced). There are some established hedgerows, though not generally species rich and some mature oak and ash – possible veterans.

3) An assessment of the effects on the historic environment including designated sites and settings and archaeological remains. Leathersley Farmhouse is (Grade II Listed) immediately adjacent to the site and a buffer zone would be required to help protect this asset from the impacts of quarrying. Sudbury Hall (Grade I Listed) is within 1km, with its Grade II Registered Park at around 740m. The proposal could have an impact on Sudbury conservation area and

the setting of the Grade I Sudbury Hall and its Grade II Registered Historic Park and Garden and consideration should be given to this.

4) In terms of archaeology, there are HER records for earthwork ridge and furrow within the site although there is evidence this appears to have been ploughed out. The Dove is a very active floodplain with substantial alluviation, and there is consequently potential for geo-archaeology (palaeochannels etc) with well-preserved remains and early archaeology beneath the alluvium. Appropriate evaluation and subsequent treatment of on-site archaeological and geo-archaeological/palaeo-environmental remains will be required.

5) An assessment of the effects of the development on the water environment. The site lies in flood zone 3 which has the highest possibility of flooding but in accordance with PPG sand and gravel working is classed as water compatible development which is considered to be appropriate development in flood zone 3.

6) The site straddles a flood defence embankment which controls flows into a flood storage area, constructed by the Environment Agency as part of the Lower Dove Flood Risk Management scheme in 2012/13. This scheme defends Scropton, Hatton and other villages downstream from flooding. A detailed assessment of the potential impact of the development on these flood defences will have to be undertaken as part of any submission for the development of this site. ***Development will only be acceptable where these detailed assessments show no impact upon the existing flood defences and the wider operation of the Lower Dove Flood Defence Scheme. Should planning permission be granted, appropriate extraction area stand offs, which will be subject to these assessments (minimum 16m), will be proposed to ensure the protection of the flood defences.***

7) A detailed flood risk assessment (FRA) showing how, through all development phases (construction, operation and restoration), that there will be no impact upon the operation of the existing Lower Dove Flood Storage Scheme. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored, however these should not have any detrimental impact upon the existing Lower Dove Flood Storage Scheme.

8) A detailed management plan highlighting the necessary pollution mitigation measures during the construction and operation of the quarry to ensure the protection of watercourses, surface water quality and groundwater quality.

9) A plan showing how the restoration of the site will provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain and providing water quality improvements.

10) Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency.

11) Applicants should contact the Environment Agency to discuss any permitting requirements, and where required, should look to parallel track these permit applications alongside the planning application.

12) An assessment of the landscape and visual impact of the site, including the provision of suitable landscaping measures. The site is dominated by small scale arable fields enclosed by hedgerows with scattered hedgerow trees. The site retains a strong landscape character with an intact network of small fields, albeit land use has changed from meadow to arable with the loss of associated ridge and furrow. In terms of visual impact, given the flat topography, large tracts of the site would be visible from the properties and roads close to the site, although visibility would be less from receptors to the west as a result of the lines of willow trees in the south west section of the site. There could also be higher level views from Tutbury Castle, which is a scheduled monument.

13) A Transport Assessment would need to accompany any application to assess the impact of traffic generated by the site on the surrounding highway network, particularly the A515/A50 junction and include details of proposed access measures to ensure that HGV traffic generated by the development would not turn right out of the site along Leathersley Lane towards Scropton and would not use Main Road through Sudbury village and Conservation Area, including (as far as possible) at times when traffic is diverted through the village due to a temporary closure on the A50. Further safety improvements at Sudbury roundabout should be considered. Leathersley Lane is within an area wide Weight Restriction and forming an access within the limit will give any HGV the legitimate right to 'access' the site via any of the routes throughout the restricted area. The means of access would therefore need to be located outside the restriction, to direct HGVs via the suitable routes of A50 and A515. With the restriction starting immediately on entering Leathersley Lane, this is likely to require a modification to the existing order, which would be subject to public consultation. Early engagement with the Local Highways Authority and National Highways will be required should planning applications be submitted for the sites at Sudbury and Foston.

14) If proposals come forward that would result in both Sudbury and Foston sites operating concurrently, then the Transport Assessment for the second site proposal that comes forward will need to assess the cumulative impacts on the Major Road Network and Strategic Road Network from both sites and demonstrate that these will be acceptable.

15) Additional HGVs can result in increased maintenance requirements, and it will be necessary for a joint condition survey to be undertaken to agree the condition of the road before it accepts the additional HGV movements so that all parties understand the condition at the time of the site's first operation.

16) An account of the mitigation and compensation measures required to address environmental impacts, and of the biodiversity enhancement opportunities arising from the development, including its restoration and aftercare.

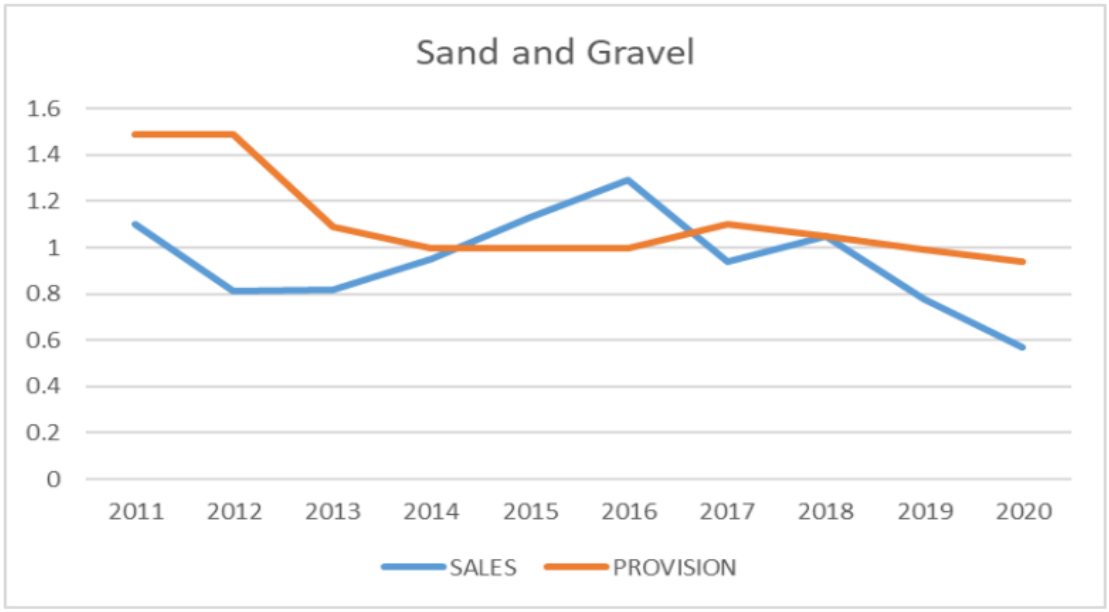
17) The restoration of the site should take into account the Restoration Strategy for the Trent Valley, as set out in Policy SP19, to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.

ANNEXE D

Trent Valley Restoration Study Area

ANNEXE E

Figure 3: Sales of Sand & Gravel 2012-2021 against past and current provision rate (figures in million tonnes)



ANNEXE F

Sand and Gravel Site Assessment Summary

Ref.	Site	Economic score	Economic ranking	Social score	Social ranking	Environment score	Environment ranking	Combined ranking total	Overall potential for working
SG02	Swarkestone North	16	**7.5**	29	**2**	12	**8**	17.5	High
SG09	Sudbury	15	**5**	32	**7.5**	4	**4**	16.5	High
SG04	Elvaston	16	**7.5**	30	**4**	4	**4**	15.5	High
SG06	Foston	13	**1.5**	31	**6**	6	**6**	13.5	Medium
SG05	Swarkestone South	15	**5**	30	**4**	4	**4**	13	Medium
SG03	Twyford (incl. Swarkestone N)	13	**1.5**	30	**4**	8	**7**	12.5	Medium
SG08	Foremark	14	**3**	32	**7.5**	2	**2**	12.5	Medium
SG07	Egginton	15	**5**	28	**1**	1.5	**1**	7	Low

Low potential for working= 3-8

Medium potential for working = 9-14

High potential for working = 15-20