

REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	19th APRIL 2018	CATEGORY: DELEGATED
REPORT FROM:	ALISON THOMAS, STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
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SUBJECT:	"TOWARDS A MINERALS LOCAL PLAN" CONSULTATION	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS17

1.0 Recommendations

- 1.1 It is recommended that the comments in italics set out in Section 5 of this report be forwarded to Derby City Council and Derbyshire County Council as the Council's response to the consultation exercise.

2.0 Purpose of Report

- 2.1 The purpose of the report is to obtain a Council response to the Derby City Council and Derbyshire County Council consultation "Towards a Minerals Local Plan".

3.0 Executive Summary

- 3.1 The report explains the purpose of the Minerals Local Plan, sets out the Draft Vision, Objectives, overarching sustainability principles and draft policies for inclusion in the Plan, including those addressing sand and gravel extraction which is a matter of particular interest within South Derbyshire. The draft allocated sites for sand and gravel extraction are identified in Draft Policy MS2 and the Preferred Areas in Draft Policy MS3, are both included at Annexe A of this report. The report sets out officer comments which are proposed to form the basis of the Council response to the consultation.

4.0 Background

- 4.1 The Minerals Local Plan (MLP) is being prepared jointly by Derbyshire County Council and Derby City Council, the Minerals Planning Authorities for their respective areas and will cover the City and County with the exception of the Peak District National Park. The Plan will cover the period to 2030 and will replace the current Derby and Derbyshire Minerals Local Plan, adopted in 2000. Members will recall that consultation papers dealing with different aspects of the emerging Plan have been reported to previous

meetings of the Environmental and Development Services Committee, most recently on 3 March 2016 (minute EDS/86 refers) and 2 June 2016 (minute EDS/12 refers).

- 4.2 The most recent consultation document sets out the draft vision and objectives and the overarching strategic sustainability principles that will underpin the Derbyshire and Derby Minerals Local Plan (MLP). It also sets out the approach to the provision of minerals which are likely to be in demand during the Plan period, setting out draft policies to be used in assessing and determining development proposals.
- 4.3 The County Council is seeking views on whether it has identified:
- “An appropriate vision and objectives for the Plan”
 - “An appropriate statement of the overarching strategic sustainability principles for the area”
 - “The right approach to the future provision for minerals found in the area”
 - “The right polices for future mineral development”.
- 4.4 The report describes those elements of the draft proposals that are relevant to South Derbyshire and sets out officer comments as appropriate.

5.0 Detail

Vision and Objectives

- 5.1 The proposed Vision and Objectives for the Plan are set out at Annexe A. These reflect the need to ensure a steady and adequate supply of minerals with sufficient landbanks to sustain production over and beyond the Plan period. This may mean that additional sites will have to be identified in the Plan which will be available to meet this demand. The strategy will show the broad location of these sites. Preference will be given to extensions to existing mineral workings because they make the best and most efficient use of resources and existing infrastructure.
- 5.2 The Plan seeks to ensure support for the supply of minerals through close co-operation between the minerals industry, local communities and local authorities and the strategic restoration of mineral workings will be an important consideration from the initial stages in planning for new or extended quarries.

Comment

The intention to seek close co-operation between the minerals industry and local authorities, together with the recognition of the importance of consideration of restoration proposals from the initial planning stages, as identified in the draft Vision, is welcomed.

Spatial Strategy

- 5.3 The spatial strategy, set out under Policy SS1 in Annexe A of this report, reflects the importance of meeting sustainability objectives in the supply of minerals and, in particular, highlights the need for restoration in river valleys to contribute toward a comprehensive strategy, leading to a more coherent ecological network alongside

community and economic benefits. This is consistent with the emerging Trent Valley Strategy initiative, also referred to in para 5.4 of this report.

Comment

The proposed comprehensive approach to the restoration of minerals workings in river valleys, as referred to in Draft Policy SS1 is welcomed.

Sand and Gravel

- 5.4 The consultation document indicates that there are significant opportunities for a more strategic and coordinated approach to the restoration and aftercare of sand and gravel workings in the Trent Valley. The Trent Valley Strategy, lead by Derbyshire County Council, seeks to promote partnership working to deliver this approach.
- 5.5 Derbyshire and Derby have substantial resources of sand and gravel in the river valleys of the Trent, Lower Derwent and the Lower Dove. There has been little mineral working in the Lower Dove Valley, with most to date having taken place in the Trent and the Lower Derwent Valleys, with reserves being of particularly high quality in the area of the Trent Valley between Long Eaton and Willington and on into Staffordshire. Over the past ten years, sand and gravel has been extracted in the plan area at a rate of 1.04 million tonnes (mt) per annum.
- 5.6 At the end of 2016, there were active gravel workings within South Derbyshire at Swarkestone, Shardlow and Willington. There are also two sites which are currently inactive at Elvaston and Potlocks Farm, east of Willington. All these sites together have reserves of 12.53 mt of sand and gravel, “reserves” being defined as the part of the resource that has planning permission to be worked. Potlocks Farm is currently the subject of a revocation order. Once in effect, reserves will be reduced to 10.33 mt.
- 5.7 The stock of reserves is known as the “landbank”. Government guidance requires landbanks to be maintained for all aggregate minerals, the recommended period for sand and gravel being at least 7 years. The current length of the landbank for sand and gravel in the Plan area is 12 years (total permitted reserves of 12.53mt divided by annual provision rate of 1.04mt).
- 5.8 Mineral planning authorities are required to determine the level of sand and gravel that they should provide in order to maintain a steady and adequate supply, taking account of the previous 10 years’ sales, published national and sub national guidelines and other relevant information and set these out in a Local Aggregate Assessment. The Local Aggregate Assessment indicates that Derbyshire and Derby should provide 14.56 mt of sand and gravel from 2017 to 2030, the end of the plan period (i.e. 14 x 1.04). Given the current permitted reserves of 12.53 mt, additional provision will have to be made in the Minerals Local Plan for around 2.03 mt of sand and gravel, rising to 4.23 mt after the Revocation Order for Potlocks Farm comes into force.
- 5.9 The sand and gravel resources in the Trent and Derwent Valleys are expected to be able to meet this additional provision and it is likely that this can be largely achieved through extensions to existing sites in these areas. The sand and gravel in the Lower Dove Valley have yet to be exploited to any significant extent and are unlikely to be

worked during this Plan period. The Draft Policy MS1 “Supply of Sand and Gravel” is set out at Annexe A.

- 5.10 National Planning Policy Guidance states that Mineral Planning Authorities (MPAs) should plan for the steady and adequate supply of minerals by one of three ways. In order of priority these are; designating specific sites where viable resources are known to exist, designating preferred areas (areas of known resources where planning permission might reasonably be anticipated), or designating areas of search for areas where knowledge of mineral resources may be less certain but within which planning permission may be granted.
- 5.11 In order to assess the suitability of promoted sites for inclusion in the Plan as allocations, the MPAs have prepared a Site Assessment Methodology and undertaken Assessments of the sites.
- 5.12 The site proposed as the extension to Willington quarry emerged from the site assessment process as having the greatest potential for working. The majority already has planning permission and it is proposed to allocate the remaining part of the site. This would yield around 0.8 mt of sand and gravel and would be the final extension to Willington Quarry, so to not allocate it in this Plan could lead to the sterilisation of the remaining resources.
- 5.13 Swarkestone South can be delivered early in the Plan period. This site has been assessed as having medium potential for working. It is proposed, therefore, to allocate the eastern part of the site, representing an extension to the existing sand and gravel extraction operation at Swarkestone. This site would yield around 2.5 mt.
- 5.14 Swarkestone North and Elvaston also emerged as having high potential for working, however these sites are unlikely to be able to be delivered until the latter part of the Plan period so, rather than being allocated, have been included as Preferred Areas to allow for flexibility in the Plan.
- 5.15 The Minerals Planning Authorities have assessed these proposals and consider that they would be acceptable in overall planning terms, subject to particular issues having been addressed satisfactorily. These include:
- An assessment of how the sites would be developed and operated in such a way that the local community and environment are protected from significant adverse impacts;
 - 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;
 - An assessment of the effects of the development on the water environment;
 - An assessment of the landscape and visual impact of the site including the provision of suitable landscaping measures;
 - An assessment of the results of a pre-determination archaeological investigation of the site and protection from significant adverse impacts;
 - A transportation assessment including an assessment of the existing access arrangements and the potential impact upon the Strategic Road Network; and

- 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.

- 5.16 The allocated sites for sand and gravel extraction are identified in Draft Policy MS2 and the Preferred Areas in Draft Policy MS3, both included at Annexe A.
- 5.17 In addition to the shortfall that may result from the Potlocks Farm revocation order, deliverability forecasts indicate that production may be uneven over time. It is therefore possible that in the latter part of the Plan period there may be insufficient production capacity at existing and proposed sites to meet the proposed annual provision rate.
- 5.18 The MPAs do not propose to allocate an additional site at this time to accommodate this potential shortfall, but rather will rely upon the Preferred Areas being brought forward towards the end of the Plan period, if needed. It is acknowledged that sites other than these may also come forward, as there may be instances where allocated sites cannot be developed or existing sites are lost through closure, which may require the release of additional reserves.

Comment

In its response to the previous consultation on sand and gravel extraction at Environmental and Development Services Committee 3 March 2016 (minute EDS/86 refers), the Council expressed support for the discounting of the assessed sites that had performed least well in the site assessment process, these being located at Egginton, Foston and Repton . That these sites are not amongst those now being put forward as potential allocations or Preferred Areas is therefore welcomed.

It is noted that in terms of the provision of a steady supply of sand and gravel, the overall supply for the remainder of the plan period of 14.46mt will need to be met by the identified reserve, measuring 10.33mt, following the potential removal of Potlocks Farm, plus the proposed site allocations at Willington (0.8mt) and Swarkestone (2.5mt). Together these will provide a total of 13.63mt, 0.93mt short of the overall requirement. It therefore seems likely that one or more of the Preferred Areas at Elvaston and Swarkestone North will need to be relied upon to meet the shortfall in supply during the latter part of the Plan period.

Supply of Energy Minerals

- 5.19 All UK coal-fired power stations are set to close or move to using alternative fuels by 2025, indicating a very limited demand for coal throughout the Plan period. However, future energy policy is uncertain and is possible that circumstances could once again lead to a demand for coal. It is therefore important that the new Plan sets out the approach to any new development proposal that may come forward.
- 5.20 There are two coalfield areas within Derbyshire shown on the map at Annexe A, the North Derbyshire Coalfield and the South Derbyshire Coalfield. The latter comprises shallow coal deposits. National policy does not require the identification of specific areas or sites for future coal extraction or the identification of a specific land bank provision figure.

5.21 The favoured policy approach of the MPAs is to identify the general extent of the shallow coal resource and the main constraints on a map. There would be no targets or limits on the amount of coal that could be extracted, but none of the resource would be automatically excluded from future consideration. All remaining coal resources could then be subject to appropriate detailed consideration. In accordance with the advice in the NPPF, responsibility for developing individual proposals would be placed in the hands of the mining industry. Whilst the identification of specific sites for future coal extraction would be of benefit to the industry, the information that would be required to do so is not available to the MPAs.

5.22 The use of surface mining constraint areas is not included in national policy and although included in the adopted MLP would not grant any statutory additional levels of protection. For these reasons, they will not be used in the new Plan and planning applications for coal mining developments in all parts of the Plan area will be assessed and determined against the criteria set out in the relevant policies.

Comment

The Mineral Planning Authorities' favoured approach to the supply of energy minerals is supported, given the lack of information needed to identify specific sites for coal extraction and the advantage of avoiding planning blight that would inevitably accompany such an approach.

5.23 The NPPF states that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission. It is therefore important that the MLP provides an appropriate framework for these decisions.

5.24 National policy requires local planning authorities to set out policies to encourage the prior extraction of all minerals, where practicable and environmentally feasible, if it is necessary to enable non-mineral development to take place. It is sometimes necessary or expedient to extract the coal lying close to the surface prior to the development proceeding, e.g. it may be necessary to do so in order to ensure the structural integrity of the new buildings or for health and safety reasons, where coal removal would prevent the release of contaminants. The MPAs consider it likely that the new Plan will include a general prior extraction policy for all minerals and a separate one for coal, setting out the criteria for acceptability, although views are sought as to whether this would be the best approach. The draft energy minerals policies MS13, MS15 and MS16, are included at Annexe A.

Comment

*It is very rare for prior coal extraction in association with non-mineral related development to take place within the South Derbyshire coalfield area, but it is possible that such situations may arise. Draft Policy MS16 appears to provide a suitable starting point for the formulation of planning judgements although, in order to make sense, the first sentence should be amended to read: "Proposals for the prior extraction of coal from sites **will be permitted** where the applicant can demonstrate that:..."*

5.25 National planning policy requires the plan to include policies setting out the criteria against which mineral development proposals will be determined and the emerging Plan will therefore include such policies for hydrocarbon development, although the number and form of those policies has yet to be agreed. In order to stimulate debate, potential policies (MS17 and MS18) covering the range of factors to be included in the hydrocarbon policies has been prepared and are included at Annexe A of this report. They comprise two alternative policies setting out criteria for the consideration of exploration and appraisal proposals and a third setting out criteria for the consideration of production and ancillary development proposals.

Comment

The Oil and Gas Authority has granted licence approvals under the 14 onshore Oil and Gas Licensing Round. These include one area within South Derbyshire, located on the north-eastern fringe of the District around Elvaston, Ambaston and Shardlow. This block falls within a Shale Prospective Area and the oil and gas exploration company awarded this licence has indicated that it will be testing the potential of the deeper, shale formations. There is therefore some potential for exploration, appraisal and, where commercially workable reserves are found, unconventional extraction. However this Block (SK43) covers a large area most of which falls within Erewash. On this basis, should economically recoverable reserves be identified anywhere in this block, development may not be within South Derbyshire.

At Environmental and Development Services Committee of 3 March 2016 (minute EDS86), it was resolved to express the view that the identification of areas for hydrocarbon exploitation in the Minerals Local Plan should include only those areas licenced for exploration, drilling and production and should exclude other areas where oil and gas are known to be present. The Committee also resolved to express the view that constraints on hydrocarbon exploitation should be identified both in areas licenced for exploration, drilling and production and in areas where oil and gas are known to be present. The draft policies in the current consultation do not specifically address geographical areas for exploitation or constraints on exploitation in areas where these minerals are known to be present and it is therefore considered that these points should be reiterated. At the meeting of 3rd March 2016 it was further resolved to express the view that there should be a further separate policy setting out the criteria to be applied in considering proposals for hydraulic fracturing, on the basis that such activity could have impacts significantly different to those associated with other forms of hydrocarbon extraction.

The two alternative policies for the consideration of exploration and appraisal proposals set out in the current consultation document are significantly different in regard to the ways in which the impact on the geological structure is addressed, the former stating that there should be “no adverse impact” on the geological structure and the latter simply stating that the geological structure should be “suitable”. A further significant difference is that the former requires the development to take account of impacts on the built and natural environment, whilst the latter requires that environmental, social and economic impacts be taken into consideration. It is considered that, to ensure that any policy provides the strongest possible protection for the amenity of those who might potentially be adversely affected it should require that there be no adverse impact on the geological structure. In order to be consistent with national planning policy it should

also refer to all three tenets of sustainability, these being the environmental, social and economic aspects.

The consultation includes no example of a policy to specifically address hydraulic fracturing proposals as was previously requested by this Council, but rather sets out a general hydrocarbon production policy. Whilst the list of criteria to be taken into account in regard to proposals for production and ancillary equipment is comprehensive, it is considered that an additional criterion be included requiring that development proposals assess harm to the openness of the Green Belt, bearing in mind that much of Block SK43 falls within the South East Derbyshire Green Belt.

Minerals safeguarding

- 5.26 The draft plan proposes a policy for Minerals Safeguarding Areas (MSA's) to provide long term protection to areas of proven mineral resource, that are considered to be of local and national importance. These include glacio-fluvial sand and gravel and surface mined coal. MSA designation does not convey any presumption that mineral extraction is acceptable; nor does it preclude other development from being permitted. The purpose of MSAs is to provide a policy tool to ensure that mineral resources are taken into account alongside all other considerations when they are at risk from being lost to other forms of non-mineral development. There is also no presumption against mineral extraction in areas that are not safeguarded, as MSAs may not necessarily capture every viable resource.
- 5.27 The MSAs will include a 250m buffer zone to avoid sterilisation and will also function as Minerals Consultation Areas for use in development management to afford appropriate protection from non-mineral development. The mineral resources to be protected are set out in Policy SG1, included at Annexe A.
- 5.28 There will be cases where non-mineral development can take place within mineral safeguarding areas. Where it does take place, to prevent the unnecessary sterilisation of mineral resources, there may be opportunities for extraction of the mineral prior to or as part of the development. The developer will be required to provide the necessary justification. This is most likely to be viable for shallow resources such as sand and gravel and surface coal.
- 5.29 District and Borough Councils in that area will be responsible for ensuring that development proposals that they determine in Safeguarding Areas are assessed appropriately. This will be done by using defined Minerals Consultation Areas, within which the District/Borough Councils would consult with Derbyshire County Council, as minerals planning authority, before decisions are taken on certain forms of non-mineral development which could sterilise minerals resources. The proposed policy addressing this issue, SG2, is set out at Annexe A.

Safeguarding Minerals Related Infrastructure

- 5.30 Minerals related infrastructure comprises existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport of minerals by rail, sea or inland waterways, including recycled and secondary materials; and existing, planned and potential sites for concrete batching, the

manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

- 5.31 The Draft Plan proposes an overarching policy covering all forms of minerals related infrastructure. It would then be a matter for consideration in the determination of a planning application as to whether the loss of a particular site would be a significant issue in a particular case and over time. District/borough authorities will be responsible for safeguarding sites in their local plans, other than those which are located at quarries or aggregate wharves or rail terminals.
- 5.32 Much of the infrastructure is located within the boundaries of existing minerals operations. The Minerals Planning Authorities do not consider it necessary to add another layer of safeguarding as these forms of development already have a sufficient level of protection.
- 5.33 To ensure that the presence of the safeguarded facility is taken into account in any planning application that might conflict with and have an impact on the ability of the facility to continue operating effectively (for example, a new housing development built near to a concrete batching plant might lead to complaints about noise from residents which may result in the activities of the operation being restricted) a standard consultation area of 250m is proposed to be designated around each facility.
- 5.34 It may be the case that a particular site is no longer required for valid reasons. In such cases it would not be appropriate to prevent alternative, productive forms of development from using the site. It is also possible that other forms of development could be allowed if it can be shown that the loss of the particular infrastructure site would not affect the provision of the resource to which it relates in overall terms or would be replaced elsewhere. This option would allow for the importance and role of the facility to be considered at the planning application stage, taking account of the potential contribution of alternative types of development. Draft Policy SG3, addressing these matters, is set out at Annexe A.

Comment

It should be noted that Draft Policy SG3 will require the District Council to identify minerals related infrastructure sited within South Derbyshire in the next review of the South Derbyshire Local Plan.

Cumulative Impacts

- 5.35 By their scale and nature, mineral developments have the scope for generating significant adverse impacts on the environment, local communities and the surrounding area in general. The concept of cumulative impacts is to determine if, and how the aggregate sum of these individual impacts is greater than on an individual basis. The draft policy CP1 addressing this issue is set out at Annexe A.

Comment

The eastern part of the Trent Valley within South Derbyshire has experienced significant minerals extraction activity in recent decades and the proposed allocated sites at Swarkestone and Preferred Areas at Elvaston and Swarkestone will continue this long

term trend. The proposal to include a policy to address cumulative impacts on the local environment and local communities in the MLP is therefore to be welcomed.

Restoration

- 5.36 Mineral working restoration schemes should be sympathetic to and have regard to the wider context of the site, helping to ensure that the restored site integrates with the character of the surrounding landscape, mitigates any visual intrusion, enhances biodiversity, improves the appearance of the area and provides benefits to the local community. Measures to mitigate and adapt to the impacts of climate change should be incorporated into mineral restoration schemes wherever possible.
- 5.37 River valley sand and gravels are relatively shallow and do not generate large quantities of overburden for use as fill material in the final restoration scheme. Inert infill material, such as pulverised fuel ash, builders' rubble and soils from ground excavations is used, where appropriate and available, to restore land levels. The drive to divert these materials from landfill in general and to increase recycling has reduced the availability of suitable infill materials and this will continue to be an issue throughout the Plan period, which could limit restoration options. The closure of coal fired power stations in the area will also reduce the amount of pulverised fuel ash that will be available in the future.
- 5.38 Sites can be restored to agricultural uses where sufficient infill material is available. Many restored sites provide important opportunities to increase biodiversity (for example by the incorporation of reed beds, wet grasslands, wet woodlands and open water areas). They also provide opportunities for formal recreation (sailing, fishing, bird watching) and informal recreation (walking and cycling).
- 5.39 Restoration involving areas of open water and/or grassland can result in the attraction of large numbers and species of birds. This can pose a strike hazard to aircraft where the site is close to an airport. A 13km safeguarding zone is delineated around airports to ensure that bird strike is taken into account when considering proposals for development. In the Plan area, potentially affected facilities include East Midlands Airport, Derby Aerodrome near Egginton and Tatenhill Aerodrome near Burton-Upon-Trent in Staffordshire. A balance should be struck between competing interests, aiming to maximise biodiversity benefits while managing the risk of bird strike.
- 5.40 Where infilling is intended to be used as a means of restoring the site it is important that there is confidence that sufficient supplies of suitable material will be available so that restoration is likely to proceed broadly at the same rate as extraction and for the whole operation to be completed within a reasonable timescale.
- 5.41 The emerging Strategy for the Trent Valley area will set out a more detailed long-term approach for the restoration of sand and gravel workings in the Trent, Lower Derwent and Lower Dove valleys, seeking to achieve a more co-ordinated and joined up approach to the way in which sites are restored. This will be supported by a Supplementary Planning Document. It is expected that this SPD will be developed once the Minerals Local Plan is adopted. Draft policy R1 addressing the above issues is set out at Annexe A.

Comment

The need for the minerals extraction schemes to demonstrate that provision has been made from the outset of the preparation of planning applications for minerals extraction for the restoration and sustainable after-use of the site in Draft Policy R1 is welcomed.

Large parts of current and former sand and gravel workings within South Derbyshire have been restored as open water and it should be noted that there may be less scope for such after-uses in future bearing in mind the presence of aerodromes, both within and close to the District boundary.

It should be noted that whilst the Trent Valley Strategy is being lead by the County Council, the District Council is assisting in its production and refers to it in South Derbyshire Local Plan Part 1 Policy INF7, which indicates that any development within the area defined by the Trent Valley Vision will be expected to contribute toward delivering the vision in accordance with the strategy. Given the Council's support for the initiative, the requireent for restoration schemes to be compliant with the Trent Valley Strategy, as referred to in Draft Policy R1 (1) is to be welcomed.

6.0 Financial Implications

6.1 There are no direct financial implications for the Council.

7.0 Corporate Implications

7.1 The emerging Minerals Plan has implications for the following key aims of the Corporate Plan:

- “Enhance environmental standards”, in that minerals working and subsequent site after uses can potentially have environmental and amenity implications in terms of noise, vibration, air quality, flood risk, contamination, ecological, landscape and traffic generation impacts.
- “Maintain a skilled workforce”, in that the minerals industry can generate local employment.
- “Help to influence and develop the infrastructure for economic growth” in that minerals development can often provide infrastructure benefits as part of a mitigation package.
- “Increase levels of participation in sport, health, environmental and physical activities”, in that mineral workings are often restored for recreational and ecological after- uses.

8.0 Community Implications

8.1 The emerging Minerals Plan has implications for the following themes of the Sustainable Community Strategy:

- “Sustainable development” in that mineral workings potentially impact upon the environment and can provide economic and employment benefits.
- “Healthier communities”, in that mineral workings are often restored for recreational after-uses.

9.0 Conclusions

9.1 The proposed Council response to the Minerals Local Plan consultation is set out in italics throughout Section 5 of this report.

10.0 Background Papers

“Towards a Minerals Local Plan”

Derbyshire County Council, 2018

ANNEXE A

The Vision

Minerals Provision

Over the Plan period to 2030, Derbyshire will continue to provide a steady and adequate supply of minerals to meet its share of local and national needs. Minerals development will continue to reflect the importance of the industry to the area and to make a positive contribution to delivering the materials required to support planned growth and to sustain the local, regional and national economies, whilst protecting and enhancing the area’s environment.

The supply of minerals will have the support of those who live and work in the area through the close co-operation between the minerals industry, local communities, local authorities within and adjacent to the area and all other interested parties.

Sustainable Development

Minerals development will be located, designed and operated in accordance with the economic, social and environmental principles of sustainable development. Minerals will continue to be recognised as a valuable natural resource whereby they are extracted and used as efficiently as possible and the maximum benefit is obtained by reusing minerals wherever possible.

Spatial Distribution of Minerals Development

Within natural geological constraints, minerals development will be located in areas to optimise the match between the locations of supply and demand and which allow the use of the most sustainable form of transport.

Safeguarding of Mineral Resources and Facilities

Mineral resources and the facilities which enable the sustainable processing and transport of extracted minerals will be safeguarded from inappropriate development.

Protection of Local Communities, the Natural and Built Environment and Cumulative Impacts, Restoration

Minerals developments will contribute to the protection and enhancement of the areas outstanding environmental assets and the quality of the built environment. All developments will be located, designed and operated in accordance with the highest practicable standards to ensure that they do not adversely impact on, and where possible, enhance the historic

environment, landscape character and biodiversity of the area and will incorporate proposals to ensure that sites are restored to the most appropriate use, providing maximum benefit to the area and local communities. Where possible, minerals development will also be located in areas - and at a scale - that provide the greatest opportunities to deliver strategic restoration benefits.

Minerals development will also be located, designed, operated and restored to prevent any adverse cumulative impacts on the area, either as a direct result of the development or in association with other developments.

Protection of the Peak District National Park

Derbyshire will help to protect the special quality and characteristics of the Peak District National Park area by assisting in achieving a progressive reduction of minerals obtained from sites in the Peak Park.

Flood Risk and Climate Change

Minerals developments will be located, designed and operated in ways which help to reduce flood risk and maintain or enhance water quality. Developments will also be located, designed and operated to ensure that impacts on climate change are minimised.

The Objectives

- Objective 1 - Ensuring a Steady and Adequate Supply of Minerals
- Objective 2 - Delivering Sustainable Minerals Development
- Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development
- Objective 4 - Safeguarding Mineral Resources and Facilities
- Objective 5 - Minimising Impacts on Communities
- Objective 6 - Protecting the Natural and Built Environment
- Objective 7 - Protecting the Peak District National Park
- Objective 8 - Minimising Flood Risk and Climate Change

Policies

Policy SS1: Spatial Strategy

Proposals for mineral development in Derbyshire and Derby which embrace the following spatial principles will be supported:

- Where sites are proposed for primary mineral production, it can be shown that it provides overall gains across the three sustainability themes, giving priority to the extension of existing sites.
- Where, so far as is practicable, proposals take account of the contribution that substitute or secondary and recycled material can make as an alternative to primary minerals.
- Where the site is in a location where the use of sustainable modes of transport can be maximised, thus helping to ensure that the development minimises its impact on the causes of climate change.
- The development will be located in areas where there would be no unacceptable adverse impacts on the local environment and the amenity and quality of life of local communities

and any benefits are maximised, including where maximum use will be made of the primary road network to reduce the need for transport through villages.

- Where the strategic restoration of mineral workings has been considered from the outset in their planning and development and that the sites will be restored at the earliest opportunity and in the most appropriate manner for the area, resulting in after-uses which provide benefits to the environment and local communities and compensating for the loss of any community facilities that may occur as a result of the development taking place.
- Proposals for restoration in the river valleys should demonstrate how they contribute to the comprehensive restoration strategy and lead to a more coherent ecological network alongside community and economic benefits within and beyond the boundaries of Derby and Derbyshire.

Policy MS1: Supply of Sand and Gravel

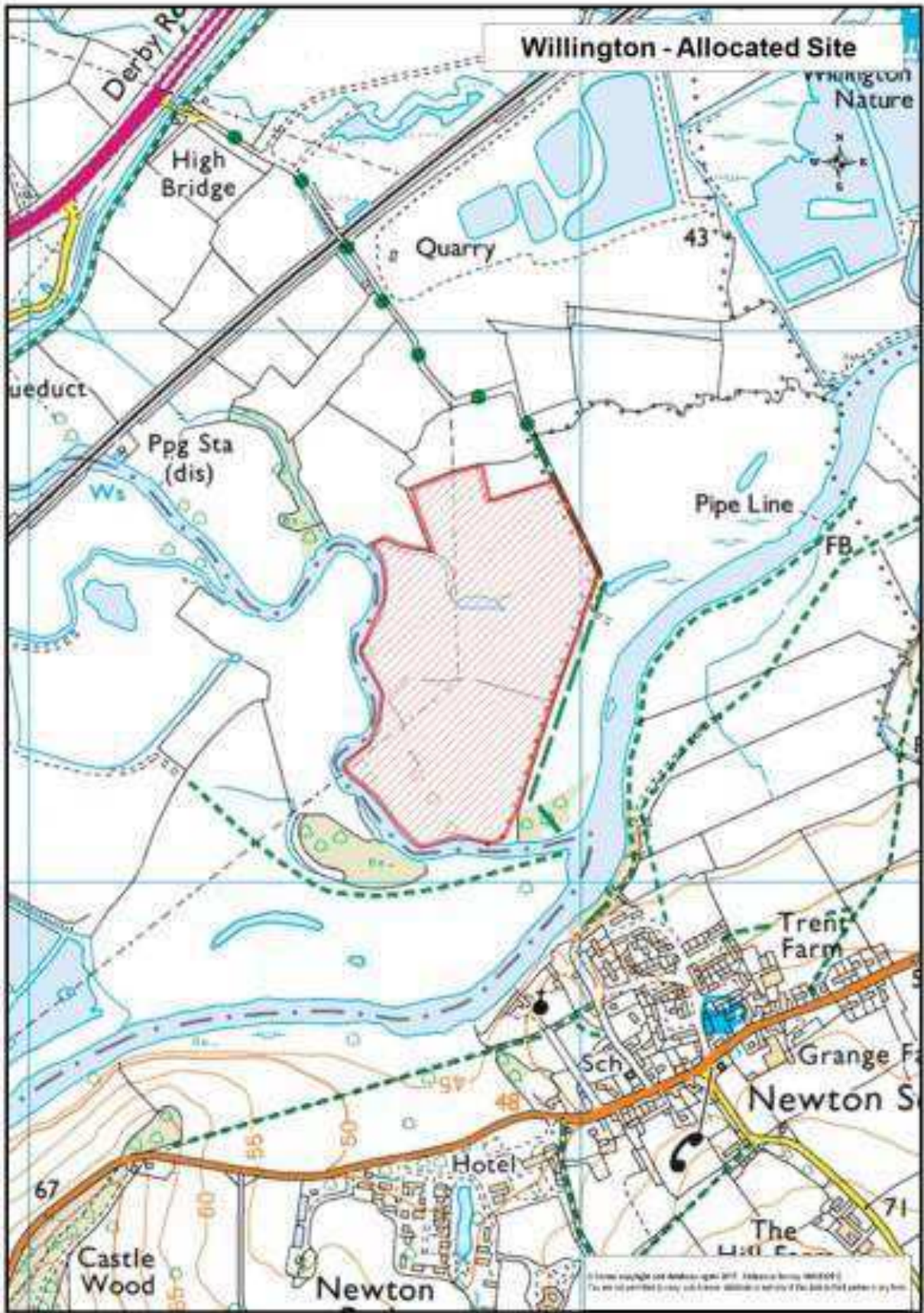
The Plan will ensure a steady and adequate supply of sand and gravel is made by:

- making provision over the Plan period for the extraction of sand and gravel in accordance with the most recent Local Aggregate Assessment;
- maintaining a landbank of at least 7 years based on the past 10 years average sales;
- giving priority to proposals for extraction to be worked as extensions to existing site operations.

Policy MS2: Allocation of Sites for Sand & Gravel

Land is allocated for sand and gravel extraction at Willington and Swarkestone Quarries, as shown on the maps below.

The extensions can only be worked following cessation of mineral working within the existing site, 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.



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Policy MS3: Other Sites for Sand & Gravel Extraction

Outside allocated areas, planning permission will be granted for sand and gravel extraction for aggregate purposes provided that the site is required to meet a specific identified shortfall in the landbank and and:

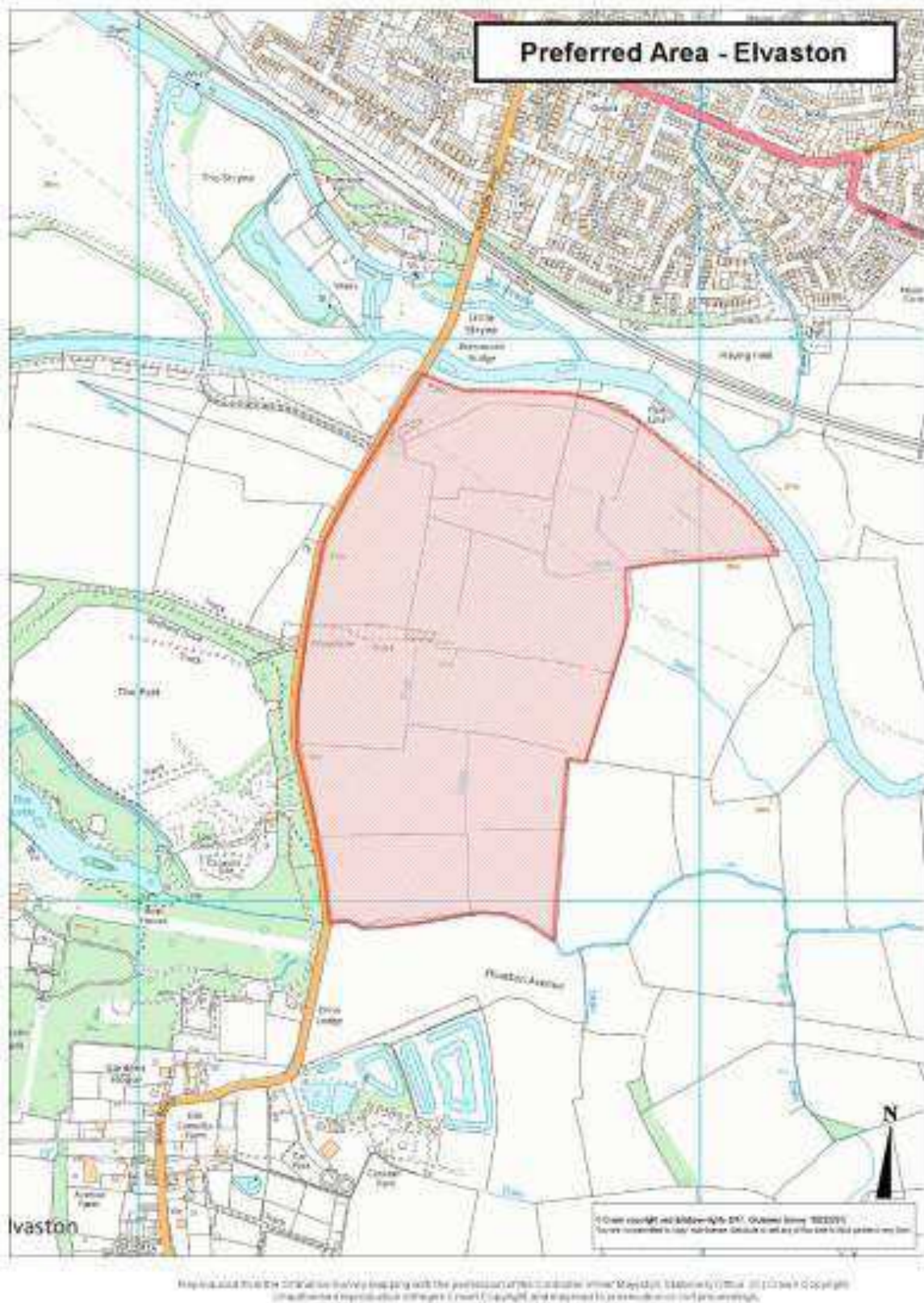
- the site forms an extension to an existing site; or
- where the proposal is for a new quarry, the site is required to replace an existing site that is exhausted or nearing exhaustion

Preferred Area: Swarkestone North

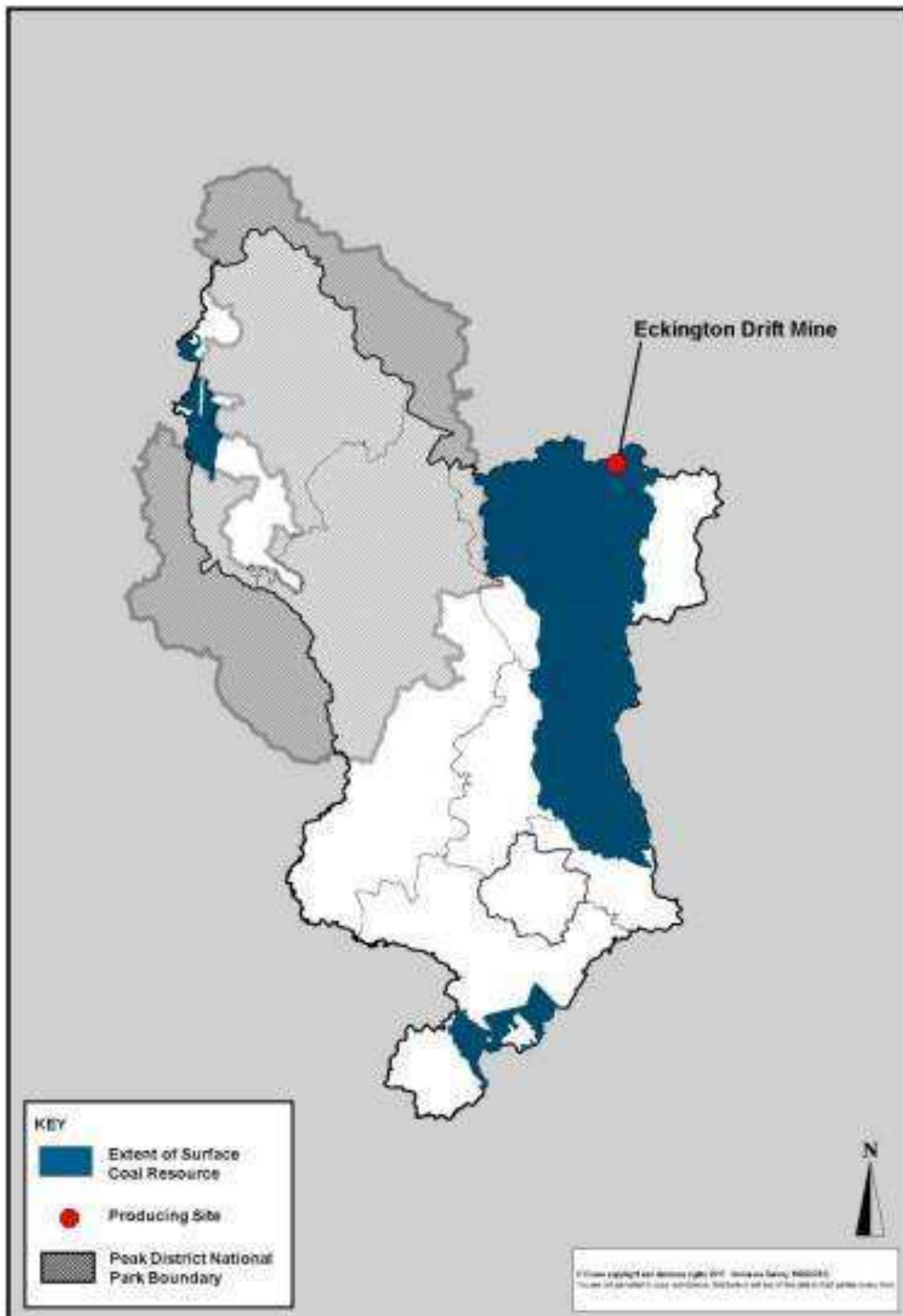


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Preferred Area: Elvaston



Derbyshire Surface Coal Resource and Operating Sites (December 2017)



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Policy MS13: Coal Extraction and Colliery Spoil Disposal Criteria

General Considerations for Coal Mining and Colliery Spoil Disposal

Proposals for the extraction of coal by surface mining methods or deep mined coal and the disposal of colliery spoil will only be permitted where the applicant can demonstrate that the development satisfies the following requirements:

- that it is environmentally acceptable, or can be made so by planning agreements and obligations; or
- that it provides national, local or community benefits of a scale which clearly outweigh the likely impacts sufficient to justify the grant of planning permission.

Policy MS15: Assessment of the Benefits of Coal Mining Development

In the assessment of benefits of coal mining development against adverse impacts the mineral planning authority will take into account:

- the contribution of the coal to national energy requirements;
- the contribution of the coal from that site in comparison to other sites;
- the potential benefits to the site, in terms of improved soil condition, drainage, landscaping, after-uses;
- the removal of pollution and dereliction or the resolution of ground stability problems;
- the relationship of the benefits to the actual development, including both on and off-site benefits;
- the relevance of the benefits to the local area and local requirements

Policy MS16: Incidental Coal Extraction

Proposals for the prior extraction of coal from sites where the applicant can demonstrate that:

- the removal of the coal is necessary for the safe implementation of another approved development; it would avoid the permanent or long-term sterilisation of coal resources;
- it would enable the stabilisation of abandoned coal mine workings and reduce the risk of gas leakage;
- it improves the efficiency of the intended land use by the treatment of unstable ground conditions;
- it enables the removal of ground obstructions (from previous developments) and locates high walls;
- it enables the remediation of contamination; and
- it would not give rise to unacceptable impacts on the environment and local amenity.

Where the scale and extent of ancillary coal extraction is small the respective district or borough council will be the appropriate planning authority. Where the scale and extent of ancillary coal extraction is of a significant level or the volume of coal to be extracted is greater than the minimum necessary to enable the development to proceed, then the mineral planning authority will be the appropriate planning authority. For the purposes of this policy ancillary coal extraction will be the responsibility of the mineral planning authority where the area of coal extraction exceeds 1 hectare or the volume of coal exceeds 5,000 tonnes.

Policy MS17: Proposals for Oil and Gas Exploration and Appraisal

Proposals for exploration and appraisal of onshore oil and gas will be permitted where they meet all of the following criteria:

Well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed

- It has been demonstrated that possible effects that might arise from the development would not adversely affect the integrity of sites designated or recognised for their landscape, historic heritage or biodiversity interests
- The application demonstrates that there would be no adverse impact on the underlying integrity of the geological structure
- The application provides an indication of the extent of the reservoir and the extent of the area of search within the reservoir
- Exploration and appraisal operations are for an agreed temporary period
- Well sites and associated facilities are restored at the earliest opportunity if oil and gas is not found in economically viable volumes, or they are developed within an agreed time frame.

An alternative option is:

Proposals for the exploration and appraisal of onshore gas and oil will be permitted where the applicant can demonstrate that the development would satisfy all of the following criteria:

Well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed;

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

Policy MS18: Proposals for Oil and Gas Production and Ancillary Development

Proposals for hydrocarbon production well sites and facilities, and other related ancillary development, will be permitted where they meet all of the following criteria:

- A full appraisal programme for the oil and gas field has been completed to the satisfaction of the Mineral Planning Authority;
- A framework for the full development of the field is submitted for approval by the Mineral Planning Authority;
- Facilities required for hydrocarbon production sit within the agreed development framework, are justified in terms of their number and extent, and are progressively installed wherever possible;
- Extraction, processing, dispatch and transport facilities are sited, designed and operated to minimise environmental and amenity impacts and provide proportionate environmental enhancements;
- Any adverse impacts, both individual and cumulative, can be avoided or mitigated to the satisfaction of the Mineral Planning Authority;
- It has been demonstrated that possible effects that might arise from the development would not adversely affect the integrity of designated and non-designated biodiversity sites, either alone or in combination with other plans or projects;
- It can be demonstrated that there would be no adverse impact on the underlying integrity of the geological structure, including any disturbance to former coal mining shafts and seams that could result in additional adverse impacts from those sources;
- Existing facilities are used for the development of any additional fields discovered unless the applicant satisfies the Mineral Planning Authority that this would not be feasible and any adverse impacts can be mitigated;
- Where a proposal uses existing production facilities, the integrity of the existing infrastructure can be demonstrated, having regard to local environmental factors;
- The development includes the use of pipelines for the transport of the oil or gas unless it is demonstrated that this is not feasible. In such cases rail or road will be considered but in the case of road it will only be allowed where it has been demonstrated that it would not give rise to unacceptable impacts on the environment or highway safety.

Policy SG1: Safeguarding Mineral Resources

The following mineral resources and associated buffer zones will be safeguarded from other forms of surface development to protect the resource for the future:

- i) All crushed rock resources (Carboniferous (with associated Fluorspar) and Permian Limestone) with an additional 500m buffer;
- ii) All sand and gravel and shallow coal resources (with associated fireclay) with an additional 250m buffer;
- iii) Safeguarding of resources of sandstone/gritstone for building and roofing purposes, Sherwood Sandstone and clays will be limited to existing quarries and disused quarries with known remaining resources and potential areas for extension around these quarries with an additional 250m buffer.

Policy SG2: Development within Mineral Safeguarding Areas

Within a Mineral Safeguarding Area, non-mineral development will only be permitted where:

- a) It can be shown that it would not sterilise the mineral or prejudice future extraction; or
- b) it constitutes exempt development (as defined in the Safeguarding Exemption Criteria list, above) or
- c) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or
- d) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or
- e) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed or;
- f) it can be shown that the proposal for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations, or;
- g) where it is necessary for non-minerals development to take place, the mineral will be extracted prior to the development (where this can be achieved in practicable and economic terms without unacceptable impact on the environment or local communities and having regard to the benefits of the restoration of the site),

Applications for development other than mineral extraction in Minerals Safeguarding Areas must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Policy SG3: Safeguarding Minerals Related Infrastructure

Existing, planned and potential rail heads, rail links to quarries, sites for concrete batching and processing and distribution of recycled and secondary aggregate within quarries are safeguarded to ensure that they are taken into account when other forms of development are planned in or around the facility.

Should the facility be removed during the course of the Plan period or it can be proved that is no longer required, this will be taken into account when considering a proposal on or in the vicinity of the facility.

Policy CP1: Cumulative Impacts

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

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

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

Policy R1: Restoration and After-Use of Mineral Sites

Planning proposals for all mineral extraction schemes will have to demonstrate that, from the outset of the preparation of the application, provision has been made for the restoration and sustainable after-use of the site.

Proposals for minerals development will be required to show that the following principles have been taken into account:

1. Restoration schemes will need to demonstrate, where applicable, that the scheme complies with any specific restoration strategy for that area, for example the Trent Valley Strategy or the Strategy for Hard Rock Quarries.
2. Restoration should be sympathetic to and have regard to the wider context of the site, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area.
3. Schemes should, where appropriate, make provision for progressive restoration.
4. Schemes should provide details of the final landform on which the restoration scheme is based and include indicative details of the drainage system and landscaping, including the retention of any existing, important landscape features.

5. Where restoration will involve the use of imported materials to achieve the intended ground levels the operator will be required to demonstrate that sufficient infill materials are likely to be available to restore the site within an acceptable timescale.
6. Where restoration would take account of local landscape initiatives.
7. Schemes will need to indicate how soils and subsoils are to be removed, stored during the extraction operations and finally replaced, in accordance with established best practice.
8. Proposals will need to demonstrate how the scheme will retain, enhance and/or replace areas of the best and most versatile agricultural land.
9. Proposals will be required to demonstrate that flood risk on the site or in the surrounding area would not be increased and any opportunities to reduce flooding would be maximised.
10. Where sites lie within an Airport Safeguarding Zone, the issue of bird strike and its impact on the final restoration scheme will be considered carefully.
11. Where possible, proposals should seek to provide benefits to the local and wider community including enhancement and creation of biodiversity and geodiversity interests, linking of site restoration to other green infrastructure initiatives, enhanced landscape character, improved public access, recreation, education, employment or tourism opportunities.
12. The restoration plan should be sufficiently flexible to accommodate changes in design needed during the lifetime of the scheme without affecting the integrity of the overall scheme, including allowing for adaptation to the effects of climate change.
13. Cumulative effects associated with reclamation and long-term management should be considered at the outset of the application process, with a view to minimising impacts and optimising potential benefits.
14. An appropriate period of aftercare should be agreed with the mpa to enable the site to be restored to a standard suitable for its intended after-use.
15. Developers will be required to demonstrate that adequate financial provision has been made to fulfil the restoration and aftercare requirements when proposals are submitted. This can be through membership of trade association with a Restoration Guarantee Bond or by providing an equivalent guarantee bond and be secured as part of a Section 106 Legal Agreement to cover all or part of the restoration and aftercare costs.