

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

**Towards a Minerals Local Plan:
Pre-Submission Draft Plan**

Spring 2023 Consultation

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

February 2023



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1. Introduction

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

2. Stakeholder Workshop 2009

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

3. Issues and Options 2010

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

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

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

Sustainability Appraisal

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

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

4. Drop-in Sessions 2012

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

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

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

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

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

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

Questionnaire Responses

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

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

Assessment of Comments and Outcomes for the Plan

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

Duty to Cooperate

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

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

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

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

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

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

Duty to Cooperate Report - Background and Progress, December 2017

Sustainability Appraisal

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

5.8 The SA reported at this stage as follows:

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

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

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

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

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

6. Towards a Minerals Local Plan – Spring 2018 Consultation

- 6.1 Four representations were received to this part of the Plan at this stage. These are as follows together with the outcomes for the Proposed Draft Plan.

Representation

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

Actions/Considerations

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

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

Outcomes for Proposed Draft Plan

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

Representation

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

Actions/Considerations

The text will be updated to reflect this.

Outcomes for Proposed Draft Plan

Amend text as suggested.

Supporting Comments

Representations

Support the approach.

Actions/Considerations

Noted

Outcomes for Proposed Draft Plan

No changes required.

Duty to Cooperate

- 6.2 The development of a strategy for the restoration of mineral workings in the Trent Valley area is considered to be a strategic issue as restored mineral sites often cover a large area and can have an impact on land in adjoining administrative areas. As a result, there is the requirement to liaise with a number of organisations in the preparation of the strategy as set out above in paragraph 5.5.

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

6.4 In preparing the Proposed Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to proposals for the restoration strategy for the river valleys. The following issues remain identified:

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

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

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

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

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

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

Policy R2 outlines requirements for the restoration of sand and gravel sites in the Trent, Derwent and Lower Dove Valley areas. A **positive effect** is predicted in the medium to long term for biodiversity (SA topic 1) and heritage and

landscape (SA topic 4), as the policy requires that the most environmentally sensitive areas are protected and those with deficiencies / lower quality are enhanced. The need to consider how schemes link to other restoration activities should also help to provide more strategic improvements in connectivity. Given that many restoration schemes for sand and gravel sites are likely to involve water-based features, there is potential for **significant positive effects** in terms of habitat creation in the longer term (SA1). Improvements to the landscape (SA4) are likely to be achieved as a result of restoration schemes, as well as providing recreational activities for communities and improving visual amenity (SA topic 7). A **neutral effect** is predicted for waste and minerals (SA topic 3) as the policy is not likely to undermine mineral extraction in these areas. The effects of this policy on land and water resources, air quality and transport and climatic factors (SA topics 2, 5, 6 and 8) are likely to be negligible as there would be no movement of materials following restoration. A **positive effect** is possible with regards to local employment through the use of local materials, businesses and labour to aid the restoration works (and potential recreational services) but there is a degree of uncertainty this stage associated with such effects.

6.8 The full report can be found at:

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

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

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

6.10 The full report can be found at:

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

7. Proposed Draft Plan - Winter 2021/2022 Consultation

Revised NPPF and NPPG

- 7.1 Since the Spring 2018 Consultation was published the Government has revised the NPPF and partly revised the PPG. We have revisited our proposed approach in planning for the restoration of sites in the river valleys in the light of this new policy guidance. There are no specific changes to Government policy in respect of these issues. There is a new requirement in terms of Duty to Co-operate whereby planning authorities are required to produce one or more statements of common ground (SOCG). These should document the cross-boundary matters being addressed and progress in co-operating to address these.
- 7.2 In accordance with the NPPF the Proposed Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working. The paragraphs below set out the outcomes for the Pre-Submission Draft Plan, in the light of previous consultation, in relation to this issue.
- 7.3 14 representations were received to this part of the Plan at this stage. These are as follows together with the outcomes for the Pre-Submission Draft Plan.

Representations

- 7.4 Supportive of the strategic/co-ordinated approach being proposed for the high quality, sustainable restoration of sand and gravel sites within the Trent Valley area. However, proposals for mineral development must be stringently assessed to ensure they will contribute positively to the wider area. The

planning conditions/ safeguards which are put in place must also be capable of being enforced should mineral extraction or the proposed restoration, aftercare and after-use of a site fall below the high-quality standards which are necessary to deliver this new and attractive landscape and its associated benefits for local residents, visitors, the economy and the area's heritage and wildlife.

Actions/Considerations

- 7.5 Noted. Development management policies and enforcement procedures will help to ensure that the restoration schemes are implemented and managed as necessary.

Outcomes for the Pre-Submission Draft Plan

- 7.6 No changes required to the Plan.

Representation

- 7.7 It is not all about creating endless pools of water and people walking round them 30 years later. There will be so many holes filled with water that no one will be interested. The area near Sudbury is productive farmland and removing endless amounts of this endangers the UK's food security. Whoever suggested that this hole filled with water has the potential to attract visitors and bring in businesses has clearly never been to Sudbury/Scropton.

Actions/Considerations

- 7.8 The Councils have a requirement to identify land which can be worked for sand and gravel to help meet the national and local need for the resource. Sand and gravel can only be quarried where it is found naturally. The policies in the MLP try to help ensure that any extraction will be undertaken in a manner which causes least disruption, and that restoration will be sympathetic to the local area. Policy SP20 seeks to ensure that a more coordinated approach is taken to restoration considering the wider context of the site in the valley as a whole.

The operator that has suggested the site at Sudbury has proposed that the majority of the site would be restored to farmland, as the owner wishes to carry on farming it once the mineral has been removed.

Outcomes for the Pre-Submission Draft Plan

- 7.9 No changes required.

Representations

- 7.10 The plan of the Trent Valley Restoration Study Area included in the Draft MLP excludes the proposed Foston and Sudbury allocations and should be amended. to fully accord with the comment on the principal planning requirement referred to above.

Actions/Considerations

- 7.11 The amended plan will be included in the Pre-Submission Draft Plan.

Outcomes for the Pre-Submission Draft Plan

- 7.12 Amend plan as suggested.

Representation

- 7.13 The objectives for restoration in the river valleys need to be cautious in placing undue and overly onerous restrictions on operators for restoration of mineral workings. There may be opportunities for the wider objectives to be addressed but they should be caveated with 'where practicable'. A contribution towards the vision and the wider objectives is more justified.

Actions/Considerations

- 7.14 It is important that a more robust and strategic approach is taken to the restoration of mineral workings to ensure that they reflect and complement more closely the surrounding landscape and that the restored workings are seen more positively by local communities as places that they can visit and feel pride in. It is important therefore to maintain the approach in this policy, but it is

considered that the phrase 'where practicable' could be inserted without adversely affecting this approach.

Outcomes for the Pre-Submission Draft Plan

- 7.15 Amend Policy SP20 to include the phrase 'where practicable'.

Representation

- 7.16 Welcome that there is a chapter and relevant policy looking at the opportunities available when restoration takes place at mineral sites to providing environmental benefits such as biodiversity net gain and flood risk mitigation and enhancement. Climate change should be taken into account during restoration proposals and included within the policy.

Actions/Considerations

- 7.17 It is considered unnecessary to include reference to climate change in this policy. It is referenced in the reasoned justification. Also, Policy DM15 Restoration After Care and After use covers this issue comprehensively so to duplicate the information would be contrary to the principles of the NPPF.

Outcomes for the Pre-Submission Draft Plan

- 7.18 No changes considered necessary.

Representation

- 7.19 Would welcome the inclusion of the term 'historic environment' or 'heritage assets' in the list set out in paragraph 10.5.

Actions/Considerations

- 7.20 Agree that this sentence should also make reference to the historic environment.

Outcomes for the Pre-Submission Draft Plan

- 7.21 Add 'historic environment' to the paragraph.

Representation

- 7.22 Would welcome additional detail in this policy about what the aim is for the river valleys and how has this been influenced by appropriate evidence base such as historic landscape characterisation. We support the ethos of the policy to have a coordinated approach with other sand and gravel sites, yet we also want to ensure that the restoration principles applied are appropriate in the context of the historic environment and within each specific locality. We consider that the Minerals Plan needs to include more detail than at present; though we accept that an SPD may be appropriate to contain additional detail and case studies etc.

Actions/Considerations

- 7.23 The policy is not the place for this information. The reasoned justification has been rewritten to include more information in this respect. The SPD will include greater detail which will also help to address concerns raised in this comment.

Outcomes for the Pre-Submission Plan

- 7.24 Amend reasoned justification to help address this comment.

Representation

- 7.25 National Trust supports Policy SP20 which aims to ensure that a co-ordinated approach is taken to restoration schemes in the Trent, Derwent and Dove Valleys taking account of the wider context for each site. We believe that the policy should specifically refer to the Trent Valley Vision that is being developed by the County Council (and Supplementary Planning Document to follow) to ensure that this will guide future schemes.

Actions/Considerations

- 7.26 Noted.

Outcomes for Pre-Submission Draft Plan

- 7.27 No change.

Representation

- 7.28 Natural England encourages the consideration of Nature Recovery Networks (NRN). The NRN is a major commitment in the government's 25 Year Environment Plan. Defra and Natural England are bringing together partners, legislation, and funding to create the Nature Recovery Network. The NRN will be a national network of wildlife-rich places.

Actions/Considerations

- 7.29 A paragraph will be added to the reasoned justification to address this.

Outcome for the Pre-Submission Draft Plan

- 7.30 Add a new paragraph.

8. Pre-Submission Draft Plan – Spring 2023 Consultation

NPPF and PPG

- 8.1 Since the last consultation there have been no revisions to the NPPF or PPG in relation to planning for the restoration of sites. The Pre-Submission Draft Plan sets out the strategic priorities for the Plan which are encompassed in the draft vision and objectives. It includes a framework of strategic policies aimed at addressing those priorities together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate they identify specific sites for working.

Duty to Cooperate

- 8.2 The majority of DtC work was undertaken during the previous stages. However, in preparing the Pre-Submission Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to proposals for the restoration strategy for the river valleys.
- 8.3 The Councils have produced a Duty to Co-operate Report setting out the background and overview to duty to co-operate issues.

Sustainability Appraisal of the Pre-Submission Draft Plan – January 2023

- 8.4 A minor positive effect is predicted in the medium to long term for biodiversity (SA topic 1), as the restoration of these sites presents opportunities for ecological enhancements, particularly for areas of existing low quality. The need to consider how schemes link to other restoration activities should also help to provide more strategic improvements in connectivity. Given that many restoration schemes for sand and gravel sites are likely to involve water-based features, there is potential for significant positive effects in terms of habitat creation in the longer term (SA1). Restoration schemes are likely to achieve

improvements to landscape character (SA4) and the setting of sites within the existing wider landscape, some of which is of historic value. Restoration could also support the introduction and restoration of important landscape features which has potential to deliver significant positive effects, although these effects are currently uncertain.

8.5 No changes are suggested as a result of the sustainability appraisal.

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

Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal, SA Report, January 2023

Strategic Flood Risk Assessment

8.7 A Strategic Flood Risk Assessment (SFRA) has been undertaken on the Pre-submission Draft Plan. The SFRA incorporated a Sequential Test required to be carried out on proposed site allocations to ensure that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. The full text can be found in the following document:

Derbyshire Level 1 Minerals Strategic Flood Risk Assessment Update (February 2023)

Health Impact Assessment

8.8 A Health Impact Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

Derbyshire and Derby Minerals Plan 2022-2038: Health Impact Assessment January 2023

8.9 The HIA raised no specific concerns regarding policies relating to the restoration of sites in the river valleys.

Actions/Considerations

8.10 None.

Outcome for the Pre-submission Draft Plan

8.11 None.