

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

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

Spring 2023 Consultation

**Developing the Proposed Draft Plan
Reducing Quarrying in the Peak
District National Park**

February 2023



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1. Introduction

- 1.1 The purpose of this Paper is to show how the current Pre-Submission 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 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 have been taken into account, 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 (MLP) 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 County Council's website and in a newsletter that was circulated to stakeholders.
- 2.2 These comments were taken into account in the preparation of the Issues and Options Report. The issues of relevance to this chapter were those concerning how to make adequate and proper provision for the future extraction of aggregate crushed rock and the role of the Plan in helping in the objective of the Peak District National Park Authority (PDNPA) to reduce aggregate crushed rock extraction from within the Peak District National Park (PDNP) area.

3. Issues and Options 2010

- 3.1 Stakeholders identified the reduction in quarrying in the Peak Park as a key issue at the initial stage in the development of the MLP. As a result, this was included in the Issues and Options paper in 2010. Responses to this issue indicated continued support for the development of an approach which would help to reduce quarrying in the PDNP.

- 3.2 The first Interim Sustainability Appraisal (SA) concluded that Option 2 (to reduce the landbank of crushed rock in DCC and the Peak Park) is expected to perform better than Option 1 (to reduce the landbank of crushed rock in DCC) in terms of achieving environmental and social objectives by reducing permitted extraction in the PDNP and therefore assist in the delivery of the Park's objectives and also maintain potential recreational areas for Derby's and Derbyshire's communities.
- 3.3 In terms of meeting economic objectives, both options would reduce the overall land bank for crushed rock. This however is not expected to result in provision for less than what is required, as part of the apportionment set out in the national and regional guidelines for aggregates provision and both options would still grant new permissions where these are applied for, therefore still encouraging minerals extraction where this is needed. This would also help to maintain the important role the extraction of this aggregate plays in national supplies as Derbyshire has the second highest annual output of limestone in England.

The full appraisal is set out in the following document:

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

4. Towards a Minerals Local Plan – Rolling Consultation 2015-2016

- 4.1 The draft proposals set out in the Issues and Options Paper were prepared prior to the introduction of significant changes in international and national planning policy, notably the publication of the National Planning Policy Framework (NPPF). Other emerging local policies and strategies and new evidence base 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 reduction of quarrying in the PDNP.
- 4.2 There were 11 responses to this paper from 6 respondents at this stage, as follows.

- Whilst most support the overall aim of helping to reduce in quarrying of aggregate in the Peak Park over time, this is tempered by concerns relating to whether this would lead to a significant increase in quarrying in Derbyshire and the resulting environmental and social impacts.
- This section seeks to justify an increased apportionment figure by suggesting that providing ‘a secure platform for the economic recovery’ is an important underpinning principle of the NPPF. We consider that this is a misreading of the NPPF. While we agree that the NPPF supports sustainable economic growth, we believe that it is neutral in relation to the economic cycle and that economic recovery does not take precedent over social and environmental concerns.
- One particular area of concern is around Rowsley, where it is feared new stone quarries would open/re-open to compensate for those closing in the adjoining Peak Park.
- One comment sets out that the mineral planning authority must have evidence that the resources are interchangeable; if there are unique resources in the Peak Park this should be addressed.
- One comment suggests that the policy should also cover building stone not just aggregates and therefore that Derbyshire should increase its supply of building stone.
- Amendments and additions to wording to this policy are also suggested.

4.3 **Outcomes for the Plan**

- Permission for extensions to quarries or for new quarries will only be given where they offer significant benefits to the environment and/or community. As part of this, the Councils may also seek to negotiate reductions to the overall landbank with the mineral operator concerned. There are considered to be sufficient reserves of limestone in Derbyshire outside the National Park to ensure that the relatively limited additional production as a result of the progressive closure of quarries within the National Park can be replaced without having any significant additional impact in environmental terms. The issue will of course be monitored over the course of the Plan period.

- The Strategy addresses the need for Derbyshire to replace the production of aggregate crushed rock from the Peak Park over time (not building stone). It is the limestone production which will be replaced and this will come mainly from the quarries around Buxton. It is unlikely to mean that small gritstone quarries near Rowsley will be reopened to meet this run down in production of aggregate in the Peak Park.
- This policy is purely about replacing progressively the production of aggregate crushed rock. This product is of a very similar quality within and outside the National Park in Derbyshire, unlike industrial grade limestone and building stone, which have more specific and unique qualities over a relatively small area.

4.4 As a result of all responses received, the Strategy has been amended. In doing so, the Councils have continued to work closely with the PDNPA in the development of the strategy.

4.5 Given the size of its landbank of crushed rock and the fact the quarries serve similar markets to the PDNP quarries, the two councils have agreed to compensate for the reduction in production in the PDNP by increasing the Derbyshire apportionment figure for aggregate grade crushed rock. The Derbyshire County and Derby City Councils undertake a joint Local Aggregate Assessment (LAA) with the PDNPA.

4.6 The latest LAA was published in 2018 using 2017 data. This has concluded that Derbyshire will provide 8.08mtpa of aggregate crushed rock annually and the PDNP 2.98mtpa. This proposed figure for Derbyshire allows for the continued compensation for the progressive loss of production from the PDNP and also by setting a slightly higher figure than recent past sales would otherwise suggest (the most recent 3 year average for DCC 2015-2017 is 7.75mt), this also provides a degree of flexibility should production increase as a result of infrastructure projects both national and local, and provides a secure platform for future sustainable economic development.

Duty to Cooperate

4.7 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 MLP the Councils

identified the following strategic cross-boundary issues in helping to reduce quarrying in the PDNP.

- To help in the reduction of quarrying from the Peak District National Park.

4.8 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Outcomes from the co-operation have fed into the Proposed Approach, Spring 2018 consultation.

4.9 All Duty to Co-operate Issues, together with the Stakeholders involved have been set out in the 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

4.10 The SA process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. An SA has been undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2014-2017, including those concerning the reduction of quarrying in the Peak Park. It reported on this issue as follows:

The appraisal from the Issues and Options was reiterated. It stated that a draft policy is being prepared and an appraisal will be presented in the SA Report.

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

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

5. Towards a Minerals Local Plan–Spring 2018 Consultation

5.1 Five comments were received to this part of the Plan at this stage. These are summarised as follows:

Two raised the following comment.

- Policy MS6 is not consistent with national policy and is considered unsound. NPPF sets out that minerals should provide for the maintenance of landbanks from outside national parks as far as practical. The phrase “as far as practical” is important here as minerals can only be worked where they occur and it may not be practical or viable to extract minerals outside the national park and ensures that valuable minerals are not sterilised. Para 116 of the NPPF is also important as this supports the benefits of mineral extraction to the local economy.

Outcome for the Proposed Draft Plan

This policy would not prevent future mineral extraction from taking place in the PDNP. It is a mechanism to take account of the natural closure of some quarries in the PDNP and to allow for some of this production to be replaced in Derbyshire outside the PDNP where the resource is often similar in geological and chemical terms. It is allowing for sustained and continued production of minerals in the wider area to allow for quarries which are naturally coming to the end of their lives in the PDNP. It does not mean that applications could not be considered for new quarries in the PDNP; that is the responsibility of the PDNPA to consider with regard to their overall strategies and policies. It is therefore in accordance with NPPF para 205 by, as far as is practical, seeking to maintain landbanks of non-energy minerals outside National Parks. “As far as practical” means we are taking steps to maintaining a landbank outside the PDNP by allowing for exhausted quarries in the PDNP to be replaced by production outside the PDNP; the policy is not preventing quarrying in the PDNP completely. The rural economy of the PDNP would be benefited also by a reduction in quarrying in that it would benefit the tourism industry to some extent. No change required to the Plan as a result.

- The three remaining comments support the proposed policy approach. The comments have been used in helping to develop the Proposed Draft Plan.

Duty to Cooperate

- 5.2 In order to obtain as much relevant information as possible about this issue, Derbyshire County Council and Derby City Council have engaged in meetings and discussions with relevant authorities. The Councils also corresponded with organisations and individuals with relevant knowledge and experience to develop the evidence base for the 2015/2016 consultation exercise and for developing the proposed approach set out below.
- 5.3 National Planning Practice Guidance (NPPG) sets out that in planning for minerals extraction, MPAs are expected to co-operate with other authorities on strategic matters. This is considered to be a strategic matter by virtue of the implications of increasing gradually the production of aggregate crushed rock in Derbyshire while production in the PDNP reduces. This may affect supply patterns nationally, given the widespread use of the rock from Derbyshire and the PDNP. The Councils have cooperated, and will continue to co-operate, with the PDNPA and other relevant bodies regarding this issue.
- 5.4 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 (SoCG). These should document the cross-boundary matters being addressed and progress in cooperating to address these.
- 5.6 In preparing the Proposed Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to the reduction of quarrying in the PDNP. The following issues remain identified:
- To help reduce quarrying in the Peak District National Park.
- 5.7 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to help reduce the quarrying of aggregate crushed rock from the PDNP and has fed into the Proposed Draft Plan, Winter 2021/2022 consultation.

- 5.8 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

- 5.9 The SA process is a way of testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated. A SA has been undertaken on all the Papers that constituted the Towards a Minerals Local Plan Spring 2018 consultation, including those concerning the proposed reduction of quarrying in the PDNP. It reported on this issue as follows:
- 5.10 Policy MS6 seeks to compensate for the reduction of quarrying activity in the PDNP by allocating additional capacity for aggregate crushed rock in the plan area. This would have a positive effect on biodiversity (SA topic 1) and heritage and landscape (SA topic 4) as the policy supports the gradual shift of mineral extraction from a designated conservation area to less environmentally sensitive locations in Derbyshire. Although the effects on the environment within Derbyshire would be likely to increase, these ought to be of a lower magnitude, although this would also be dependent on the location of alternative extraction sites. Allocating additional capacity in Derbyshire to compensate for reduced output in the PDNP should safeguard production output across the region and help to maintain employment in the industry. Reduced output and job losses in the national park are set to occur regardless of Policy MS6. However, measures in this policy should counterbalance supply and safeguard / deliver new jobs in Derbyshire. A neutral effect is predicted on land and water resources, air quality and climatic factors. A minor negative effect is predicted on communities and health, as additional mineral extraction is likely to have more notable or prolonged effects on

communities already experiencing negative effects. However, measures outlined in Policy MS5 should help to ensure these issues are minimised.

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

Derbyshire and Derby Minerals Local Plan, 3rd Interim Sustainability Appraisal (SA) Report, August 2020

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

5.12 The 4th Interim Sustainability Appraisal of the Proposed Draft Plan (January 2022) has considered the proposed approach taken to the reduction in quarrying in the PDNPA. No amendments were required to be made as a result of this. The full report can be found at:

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

6. Proposed Draft Plan - Winter 2021/2022 Consultation

Representations

6.1 Policy SP8 is unsound and should be deleted in full. The assertion that Minerals Policy 1 of the PDNP Core Strategy is in accordance with the NPPF is wrong. It is out of date and little if any weight should be given to it. Nowhere in NPPF is there a policy of 'managed retreat' for aggregate minerals within areas of designation which in effect Minerals Policy 1 is. Ultimately minerals can only be worked where they exist. The mineral planning authority cannot explicitly support an unsound approach from another authority.

There are numerous circumstances, and policy exceptions criteria where development may be acceptable, and this is not clearly reflected in policy. There should be added emphasis/recognition on the fact minerals can only be worked where they are found.

Actions/Considerations

6.2 The mineral planning authority recognises that the NPPF does not advocate a managed retreat of mineral production from designated areas such as National Parks. We are supporting an approach by the PDNP to help protect the important qualities of the National Park, by which it will only permit new proposals for mineral extraction in exceptional circumstances. The Councils agree that the approach needs to be explained more clearly in the supporting text than it is currently and framed more in the context of the protection of the important landscape of the National Park and the maintenance of landbanks outside National Parks as set out in the NPPF.

An approach (as set out in the PDNP Core Strategy) which does not permit new mineral development other than in exceptional circumstances, is considered to be in accordance with the NPPF as it is helping to achieve a fundamental aim of the NPPF of protecting the nationally protected landscape. Also, by DCC helping to meet the displaced mineral production in areas outside the National Park, this is helping to meet the aspect of the NPPF specific to minerals in this respect i.e., to maintain landbanks of non-energy minerals outside National Parks.

It is acknowledged that this does require the supporting text of Chapter 6.4 to be reworded as it currently gives the incorrect impression that the NPPF seeks explicitly to reduce quarrying in the National Parks. The text will therefore be amended in the context of the NPPF giving great weight to conserving and enhancing the landscape and beauty of National Parks and helping to achieve this through maintaining landbanks of non-energy mineral landbanks as far as practical outside National Parks. The Plan supports this approach by compensating for a continued planned reduction in quarrying in the PDNP through a progressive increase in the provision figure for aggregate crushed rock in Derbyshire, as set out in the joint LAA. This does not mean that there will be a complete cessation of quarrying in the Peak Park, with the PDNP Core Strategy setting out that proposals for new or extended quarries for crushed rock will be considered in exceptional circumstances.

Outcomes for Pre-Submission Draft Plan

6.3 Alter the text to clarify the issue as set out above.

Representations

6.4 Support this approach.

Actions/Considerations

6.5 Noted.

Representation

6.6 Remove reference to Fluorspar.

Actions/Considerations

6.7 Agree to remove.

Outcomes for the Pre-Submission Draft Plan

6.8 Remove reference to Fluorspar.

Duty to Cooperate

6.9 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders but more so in the previous stages of the Plan preparation. Cooperation has focussed on the need to help reduce the quarrying of aggregate crushed rock from the PDNP and has fed into the Pre-Submission Draft Plan. In preparing the Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to the reduction of quarrying in the PDNP.

6.10 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 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 document:

Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Pre-Submission Draft Plan - Duty to Cooperate Report: January 2023

Sustainability Appraisal of the Pre-Submission Plan – January 2023

- 6.11 The report concludes that this policy would have a positive effect on biodiversity (SA topic 1) and heritage and landscape (SA topic 4) as the policy supports the gradual shift of mineral extraction from a National Park to less environmentally sensitive locations in Derbyshire. It goes on that although the effects on the environment within Derbyshire would be likely to increase, these should be of a lower magnitude (though this would also be dependent on the location of alternative extraction sites).
- 6.12 The full appraisal is set out in the following document:
Derbyshire and Derby Minerals Local Plan: Sustainability Appraisal, SA Report, January 2023

Strategic Transport Assessment (STA)

- 6.13 A STA has been undertaken on the policies of the Proposed Draft Plan.
- 6.14 Stage 1 concluded that the majority of existing minerals sites are either situated within a good location in terms of transport connectivity or have appropriate planning controls to govern HGV movements to/from the site. All proposed minerals sites are located within a good location in terms of transport access. Stage 2 concluded that, considered cumulatively, the existing and proposed Minerals Local Plan sites would not generate a 'severe' impact on the highway network that would be greater than otherwise expected based upon observations of the existing use of sites.
- 6.15 The appraisal is set out in the following documents:
Derbyshire and Derby Minerals Plan - Strategic Transport Assessment: Stages 1 and 2, September 2021 and December 2021

Strategic Flood Risk Assessment

- 6.16 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)

- 6.17 The SFRA did not identify any issues associated with Policy SP8, Helping to Reduce Quarrying in the PDNP.

Actions/Considerations

- 6.18 None

Outcome for the Pre-submission Draft Plan

- 6.19 None

Health Impact Assessment

- 6.20 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

- 6.21 The HIA raised no specific concerns regarding Policy SP8.

Actions/Considerations

- 6.22 None.

Outcome for the Pre-submission Draft Plan

- 6.23 None.

Equalities Impact Assessment (EqIA)

- 6.24 An EqIA has been undertaken on the Pre-submission Draft Plan. With regard to Policy SP8, the EqIA The report did raise an issue regarding the impact of this

proposed policy. It states that there is some evidence that some groups are (or could be) differently affected by it. However, there is unlikely to be any potential unlawful discrimination against protected groups associated with the implementation of the policy.

The full EqIA is set out in the following document:

*Derbyshire and Derby Minerals Local Plan 2022-2038 - Spring 2023
Consultation: Equality Impact Analysis, January 2023*

Actions/Considerations

6.25 None.

Outcome for the Pre-submission Draft Plan

6.26 None.