

# **DERBYSHIRE AND DERBY MINERALS LOCAL PLAN 2022-2038**

**Pre-submission Draft Plan**

## **Developing the Pre-submission Draft Plan**

### **8.1 Coal and Colliery Spoil Disposal**

**January 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 a stakeholder workshop in 2009. 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 strategies 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 attendees 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 County Council's website and in a newsletter that was circulated to stakeholders. The workshop identified that the importance of coal as an energy mineral could increase over the Plan period due to the need to provide greater security over energy production, but that this should be balanced by the need to reduce the impacts of climate change.
- 2.2 These comments were taken into account in the preparation of the Issues and Options Report.

## **3 Issues and Options Consultation 2010**

- 3.1 The Issues and Options consultation 2010 identified two key issues in respect of coal, namely the areas where future coal extraction could take place and the continued use of surface mining constraint areas. In respect of the former issue, the Issues and Options consultation suggested that the most appropriate approach would be to indicate the general extent of the shallow coalfield and define within that area the main areas of environmental constraints. Beyond this, a criterion-based policy, such as that in the adopted Minerals Local Plan

was suggested as the most appropriate route by which to assess individual proposals. All respondents agreed with this approach.

3.2 The approach to the second issue was consistent with national guidance at the time which advocated that areas of the coal resource where working would be unacceptable should be shown. Whilst the Issues and Options consultation recognised that this approach had previously been an effective way of protecting areas of environmental importance, the exercise also recognised that the use of Constraint Areas may have had adverse consequences for other area and canvassed opinion on their continued use. In response, 80% of respondents favoured their continued use. Further information can be found in the following documents:

*Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2010*

*Responses to Derby and Derbyshire Minerals Local Plan: Issues and Options Consultation, 2011.*

### **Sustainability Appraisal (SA) of the Issues and Options Paper 2010**

3.3 The 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.

3.4 An SA was carried out on the suggested approach set out in the Issues and Options Paper as to how provision should be made for the supply of coal. It concluded that a criterion-based policy should be adequate to avoid sterilisation of coal resources, particularly in light of the lack of technical information about the location, scale and viability of those resources. The SA also considered this to be an appropriate approach in climate change terms by not pre-empting the use of coal in preference to other alternatives. The designation of constraint areas was considered sufficient to protect the most sensitive areas with positive implications for biodiversity, landscape, heritage and natural resources although

the lack of detailed information about the extent of constraints could mean that non-designated areas with unknown constraints could be more vulnerable to development pressures. These findings were taken into account in developing the approach set out in the Rolling Consultation. The full appraisal is set out in the following document which was published as part of the Rolling Consultation:

*Towards a Minerals Local Plan: Rolling Consultation 2015-2017  
1<sup>st</sup> Interim Sustainability Appraisal (SA) Report, July 2013*

## **4 Towards a Minerals Local Plan: Rolling Consultation 2015-2017**

- 4.1 The draft proposals set out in the Issues and Options consultation 2010 were prepared prior to the introduction of significant changes in national planning policy and guidance, most notably the publication of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) in 2012 and 2014 respectively. Other emerging local policies and strategies as well as additional evidence collated since 2010 were also considered to be factors that should be taken into account in the formulation of the vision, objectives and policies for the new Plan, including the approach to the provision for coal extraction and related developments. Therefore, the Councils revisited the issues and options surrounding the planning for the supply of coal, in the context of this policy and guidance. The Councils also embarked on co-operation with other authorities on significant strategic cross border issues as required by the Localism Act 2011.
- 4.2 The next stage in preparing the Plan was the 'Towards a Minerals Local Plan: Rolling Consultation' which commenced in 2015. This consultation consisted of a series of individual Papers, including three relating to coal: a background support paper and two separate strategy papers relating to deep coal mining and surface coal mining. In the light of the new national policy and guidance, the Councils were seeking to define the vision and objectives and develop strategies to achieve those objectives and deliver the vision.

- *Towards a Minerals Local Plan - Rolling Consultation 2015-2016: Coal Supporting Paper (November 2014)*
- *Towards a Strategy for Deep Mined Coal (December 2014)*
- *Towards a Strategy for Coal and Colliery Waste (December 2014)*

4.3 The ‘*Coal Supporting Paper*’, November 2014, provided facts and figures together with historical coal mining information, and a review of the then current national and local policy. It also identified the general planning issues pertaining to coal mining. The two coal strategy papers identified a series of topic related issues and then set out options to help develop the Councils’ approach to future coal mining developments.

4.4 Paragraphs 4.6 – 4.11 and 4.14 – 4.33 below include a summary of the representations that were received to these Papers as well as the outcomes for the Proposed Approach. Full details of the responses received in respect of the 2015-2017 Rolling Consultation can be found in the following document.

*Towards a Minerals Local Plan: Spring 2018 Consultation Report of Representations, (December 2017)*

## **Issues and Options for the Emerging Strategy**

### **Deep Mined Coal**

4.5 The ‘*Towards a Strategy for Deep Mined Coal*’ paper (December 2014) identified the factors which may need to be taken into account and the issues to be addressed in developing an approach for the provision of deep mined coal and the policies which will apply in the assessment and determination of future planning applications for coal development over the Plan period. The issues and options set out for deep mined coal extraction were:

Issue 1: Making Provision for possible future deep mined coal extraction,

Issue 2: How should the plan develop a policy approach for proposals for deep mine coal extraction?

Issue 3: Inclusion of a separate and specific policy for deep mined coal

- Option 1: Do not include a separate policy for deep mined coal
- Option 2: Include a separate policy for deep mined coal

Issue 4: The range of tests or criteria to be applied to proposals for the extraction of coal from deep mines

- Option 1: Include only those matters in the NPPF and the PPG
- Option 2: In addition to those matters in the NPPF and PPG also include other tests of acceptability for deep mined coal developments.

### **Assessment of Comments and Outcomes for the Proposed Approach**

**Issue 1 Making Provision for possible future deep mined coal extraction, Issue 2: How should the plan develop a policy approach for proposals for deep mine coal extraction?**

- 4.6 A limited number of responses were received to the consultation on deep mined coal extraction generally, with only one respondent providing comments on Issues 1 and 2. The response, which acknowledged the demise of deep coal mining over the last 30 years and the difficulties in assessing the likelihood of any future resumption in such mining activity, also referred to the scale of the remaining deep coal resource and the fact that licences for deep coal mining still exist as an indication that the possibility for future deep coal mine development should not be discounted.
- 4.7 The MPA considered that the Plan needed to be comprehensive and flexible in order to set out the approach to both minerals of national importance at the time of adoption as well as those that may be of national importance during the Plan period. Accordingly, it was concluded that the new Plan would acknowledge the deep coal resource present in the area and set out an approach for any proposal that may come forward.

**Issue 3: Inclusion of a Separate and Specific Policy for Deep Mined Coal**

- 4.8 Three responses were received in respect of Issue 3, and whilst there was some support for having a separate policy (Option 2), there was also opposition on the basis that the principles set out in the NPPF were acceptable criteria for evaluating both deep mine and coal mine planning applications (Option 1).
- 4.9 Whilst it was considered unlikely that there would be a resumption in deep coal mining activity within the Plan period, the Councils felt it important that the new Minerals Plan set out the criteria that would be used to determine any proposal that may come forward. The Councils also considered that the range of issues/criteria relevant to such proposals would have many similarities with those for surface mining and any differences could be accommodated within a single criterion-based policy.

#### **Issue 4: The Range of Tests or Criteria to be Applied to Proposals for the Extraction of Coal from Deep Mines**

- 4.10 All respondents recommended that only those matters set out in the NPPF and PPG should be included in any policy as per Option 1.
- 4.11 It is necessary for any coal mining policy in the new Plan to reflect the particular importance of the industry to the area and the impacts it has given rise to over a long period. Accordingly, it was considered likely that the Plan would include factors and criteria in addition to those set out in the NPPF. This would take account of the more general comments set out in respect of cumulative impacts in former coal mining areas.

#### **Coal and Colliery Waste**

- 4.12 The *'Towards a Strategy for Coal and Colliery Waste'* paper set out the national and local background to coal extraction by surface mining methods and identified the factors which may need to be taken into account, and the issues to be addressed in developing an approach for the provision of surface mined coal and the policies which will apply in the assessment and determination of future planning applications for coal development over the Plan period. The issues set out for future surface mining included:



### **Issue 1: Identifying Future Coal Extraction Areas**

- Option 1: Identify on a plan the extent of the shallow coal resource and separately list the main environmental, social and economic constraints for coal mining development
- Option 2: Identify on a plan the broad locations where coal extraction may be acceptable.
- Option 3: Identify on a plan specific sites where coal extraction could be suitable.

### **Issue 2: Surface Mining Constraint Areas**

- Option 1: Not to identify and include surface mining constraint areas in the new Minerals Local Plan
- Option 2: Adopt a different method of identifying constraints to surface mining.

### **Issue 3: Sustainable Principles for the Provision of Coal Extraction**

### **Issue 4: The Need for a Specific Criterion Based Policy for Coal Extraction and Related Development Proposals**

- Option 1: Include in the Minerals Local Plan another specific coal related policy for the assessment of coal related development proposals based on the four sustainable principles above.
- Option 2: Not include a specific coal related policy and rely on the provisions and tests of the environmental criteria and other, general policies of the Minerals Local Plan.

### **Issue 5: In addition to the Environmental Criteria Policy, what Additional Matters should be included in a separate and specific coal development policy?**

- Option 1: Include only those matters identified in the NPPF
- Option 2: In addition to those matters listed in the NPPF also include other tests of acceptability for coal developments.

### **Issue 6: Methodology for the Assessment of Cumulative Impacts**

- Option 1: Adopt a methodology to quantify and assess cumulative impacts of coal mining developments using only the relevant criteria set out in the NPPF
- Option 2: Adopt a methodology to quantify and assess cumulative impacts of coal mining developments incorporating successive effects, simultaneous effects and concurrent developments and the combined effects from the same developments.
- Option 3: Adopt a different methodology and criteria to quantify and assess cumulative impacts of coal mining developments.

#### **Issue 7: How to Assess the Benefits of Coal Extraction and other Coal Related Developments**

- Option 1: That for coal mining developments, the Minerals Local Plan includes a policy which reflects the requirement in the NPPF where the benefits include national, local or community benefits, but leaves the assessment of those benefits to be determined on a case by case basis taking account of local circumstances and after consultation with the local community.
- Option 2: That for coal mining developments the Minerals Local Plan includes a policy which provides clear guidance about the range of national, local or community benefits that will be taken into account in the consideration of development proposals and which establishes the minimum level of benefits that would be required to outweigh applications which are otherwise environmentally unacceptable.

#### **Issue 8: Prior Extraction of Coal**

- Option 1: Maintain the approach of the adopted Derby and Derbyshire Minerals Local Plan and include a policy specifically for the prior extraction of coal and a separate policy for the prior extraction of other minerals. Both policies would set out criteria for the acceptability of prior extraction.
- Option 2: Include only one policy relating to the prior extraction of all minerals.

#### **Issue 9: Reworking of Colliery Spoil Tips**

- Option 1: Include in the Minerals Local Plan a separate criteria based policy for the reworking of former colliery spoil tips for coal and any other mineral.
- Option 2: Do not include a separate policy for the reworking of former colliery spoil tips and rely on the general criteria established in the main policy for coal extraction developments.

The full details of the above can be found in the following documents:

*Towards a Minerals Local Plan – Rolling Consultation 2015-2016:*

*Towards a Strategy for Coal and Colliery Waste, December 2014*

*Towards a Strategy for Deep Mined Coal, December 2014.*

### **Assessment of Comments and Outcomes for the Proposed Approach**

- 4.13 A number of general responses were received in respect of the Strategy Towards Coal and Colliery Spoil and these are summarised below.

#### **Coal Mining Issues - General**

- 4.14 One respondent stated that it would be important for historic environment implications be accounted for as part of the minerals plan process, although no specific view was provided about how this could be achieved.

#### **Coal Mining Issues – Need for Coal**

- 4.15 One respondent referred to the issues associated with coal powered electricity generation and the government commitment to phase out coal fired power stations by 2025, concluding that this would lead to a likely near-term situation of most coal demand disappearing. The respondent considered that plans to expand local coal production would be over-optimistic, leading to short lived schemes with poor restoration and non-sustainable local jobs as a consequence, stating that no further ‘significant development of coal mining should be allowed’ in the Plan area.

#### **Coal Mining Issues – Paragraph 3.4**

- 4.16 Two respondents made comments on this particular paragraph, both stating that they considered that the development of local planning policy for energy minerals should accord with national planning policy as set out in the NPPF. One respondent stated that consideration of the need for energy minerals at a local level was unnecessary as this is already underpinned in UK and international energy policy and its inclusion in the strategy document could be misleading, potentially leading to an assumption on the part of interested parties and the public, that the new MLP would not permit new coal extraction as there is no need for indigenous coal. This approach would conflict with the NPPF. The second respondent agreed that the list of likely issues encompassed the issues relevant for consideration in an application for coal mining but reiterated that these should be consistent with the NPPF.

#### **Coal Mining issues – Environmental Impacts**

- 4.17 One respondent provided a list of environmental issues that they considered highly relevant to the assessment of proposals for coal mining, including impacts to heritage assets, landscape character, agricultural resource, impacts to ecology and pollution, but acknowledged that these would be likely to be incorporated in the plan elsewhere.

#### **Outcome for Proposed Approach**

- 4.18 The comment concerning the use of fossil fuels in general was noted by the MPA, but whilst coal remains a legitimate fuel, it was not considered that the Plan could place an embargo on its future extraction and use, this being a matter for national and international policy rather than local policy. As the comments related to specific aspects of national mineral planning policy, it was considered that the new Minerals Local Plan would have to take that advice and guidance into account. It would therefore recognise that the remaining coal resource is of national importance, safeguard the resource, and set out the approach to prior extraction where non-mining proposals are approved on land with coal close to the surface. It would also have to plan for the possibility of the demand for coal rising in the future and set out the policies to assess and determine any planning applications that would potentially come forward. The policies would take account of all the issues

which are relevant to coal mining and which fall within the remit of the planning system.

### **Issue 1: Identifying Future Coal Extraction Areas**

- 4.19 Four responses were received all supporting the identification of the shallow coal resource on a plan (Option 1). It was concluded by the Councils that the only practical approach for the new Plan would be to identify on a plan the extent of the shallow coal resource in the area.

### **Issue 2: Surface Mining Constraints**

- 4.20 Five responses were received, of which four supported the approach of not identifying surface mining constraint areas in the new Plan (Option 1). One respondent did support an approach of identifying unsuitable areas for surface coal mining (Option 2). It was concluded by the Councils that the new Plan would accord with national planning policy and would not continue to include surface mining constraint areas.

### **Issue 3: Sustainable Principles for the Provision for Coal Extraction**

- 4.21 Three responses were received which broadly supported the identified set of sustainability principles as an appropriate basis for the approach of the new Plan towards the provision for coal extraction and the assessment of proposals for future extraction.
- 4.22 The sustainability principles set out in the consultation were specific to coal mining and were in addition to the more general sustainability principles that would be included for the Plan as a whole. The Councils intended that these principles, as set out in the consultation, would be incorporated into the new Plan to help set the context and underlying basis for the provision of coal extraction and to aid the assessment of future coal mining development proposals.

### **Issue 4: The Need for a Specific Criterion Based Policy for Coal Extraction and related Development proposals**

- 4.23 Four responses were received with respondents being equally split between supporting the inclusion of a specific criterion based policy (Option 1) and relying on the provisions and tests of the environmental criteria and other, general policies of the new Minerals Local Plan (Option 2).
- 4.24 It was considered that the specific policy for coal mining developments in the adopted Minerals Plan had proved to be very useful and effective as a means of ensuring that only those developments that would not have an unacceptable adverse impact on the environment or local communities, or those where clear and identified benefits would outweigh such impacts, were allowed to proceed. Accordingly, the Plan would incorporate an amended policy in line with current national mineral planning policy.

**Issue 5: In Addition to the Environmental Criteria, what additional matters should be included in a separate and specific coal development policy?**

- 4.25 Three responses were received, all supporting a policy based only on those matters set out in the NPPF (Option 1).
- 4.26 National planning policy is a very important overarching basis for the form and content of the new Plan. It sets out the matters of relevance to mineral planning in general and specifically for coal mining. In this regard it highlights the role of social and economic factors in the assessment of sustainability. In addition, it indicates that local plans should reflect the circumstances of the area to which they apply. The coal mining industry has had significant influence on the development and appearance of the Plan area and it was considered important that this legacy was incorporated into the approach of the new Plan to future coal mining development. The Councils considered that the Plan should take full account of all the issues involved in such developments and that this may well result in the inclusion of additional matters to those set out in the NPPF.

### **Issue 6: Methodology for the Assessment of Cumulative Impacts**

- 4.27 Four responses were received. Three respondents supported an approach to assessing cumulative impacts based on the relevant criteria set out in the NPPF (Option 1), whilst one supported Option 2, providing that an appropriate methodology for assessing cumulative impacts was developed.
- 4.28 Cumulative impacts were considered an important issue for the Plan area due to the historic impact and legacy of the coal mining industry. The statements about cumulative impacts in the NPPF were noted by the Councils, but in the absence of an established methodology for the assessment and evaluation of cumulative impacts and the need for the Plan to incorporate a clear and robust approach which reflects circumstances in the area, they considered it likely that the proposed approach would be to include a methodology based on that set out as the emerging approach in the cumulative impacts consultation paper. It was also considered that this issue needed to be considered in the round, together with comments received in response to the separate consultation on cumulative impacts.

### **Issue 7: How to Assess the Benefits of Coal Extraction and other Related Coal Developments**

- 4.29 Three responses were received, all supporting the proposed inclusion of a policy that reflects NPPF requirements in terms of national, local or community benefits, leaving assessment of such benefits to be determined on a case by case basis taking account of local circumstances and after consultation with the local community (Option 1).
- 4.30 The policy guidance on coal in the NPPF reflects the longstanding approach of the planning system to the consideration of development proposals by indicating the need to weigh the scale of any benefits of a proposal against the adverse environmental impacts it is likely to generate. For coal mining however, the range of benefits to be included is very broad, including national benefits, and it does not provide any guidance about how such benefits should be weighed against the adverse environmental impacts. There are pros and cons for both of the options put forward and whilst those

commenting supported Option 1, the Councils considered that the issue should be subject to further consideration before any decision was made.

#### **Issue 8: Prior extraction of coal**

- 4.31 Four responses were received, of which one response expressed no clear preference, two supported the inclusion for a policy for the prior extraction of coal specifically (Option 1) and one supported a more general policy relating to all minerals (Option 2).
- 4.32 The Councils considered that, in the absence of any clear preference to the contrary and because of the potential number of cases where it may be an issue given the extent of the shallow coal resource in the Plan area, it was likely that the new Plan would maintain the approach of the adopted Minerals Local Plan and include a separate policy relating to the prior extraction of coal.

#### **Issue 9: Reworking of former colliery spoil tips**

- 4.33 Three responses were received with two respondents supporting the inclusion of a separate criteria based policy for the reworking of former colliery spoil tips and any other mineral (Option 1), and the third supporting an approach where the general criteria in the main policy for coal extraction development would be used (Option 2). One respondent also made suggestions regarding the content of the relevant criteria for Option 1.
- 4.34 Whilst there was no clear preference for either option as a result of the rolling consultation exercise, the message from previous consultations has been that it is very important to manage the use of our mineral resource and to maximise the use of alternative materials instead of further mineral extraction wherever possible. Accordingly, it was taken that there is support in principle for obtaining important minerals from sources such as former colliery spoil tips. It was considered likely that the Plan would continue to recognise the importance of making the most prudent use of all our mineral resources and include a separate policy setting out the criteria for acceptability of reworking former colliery spoil tips for the minerals they contain.



### **Duty to Co-operate**

- 4.35 The Duty to Co-operate was created by the Localism Act 2011 which places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation relating to strategic cross-boundary matters. This is embodied in the NPPF and PPG. The distribution of coal resources in the UK and the energy needs of the country represent significant cross-boundary matters for this Minerals Local Plan and those of neighbouring authorities. Details of the Duty to Co-operate issues identified can be found in the following document.

*Towards a Minerals Local Plan: Winter Consultation 2017/2018*

*Duty to Cooperate Report: Background and Progress, December 2017*

- 4.36 The MPA undertook discussions with neighbouring authorities with an interest in coal related issues. The outcome of these discussions was that the authorities jointly agreed to set out how they would proceed to ensure the development of a consistent and complementary approach towards minerals policy, to new development and proposals, and to undertake joint monitoring and evidence base production as required.

### **Sustainability Appraisal**

- 4.37 An SA was undertaken on all the Papers that constituted the Towards a Minerals Local Plan Rolling consultation 2015-2017. The appraisal considered that there would be benefits from the identification and allocation of sites for coal extraction but acknowledged that it was not a realistic option given the limitations on the information available. It concluded that the option for identifying the area of the known coal resource does not assume that the coal would be extracted, and enables the setting of criteria that ensure extraction is concentrated in areas where environmental impact is acceptable and which reduces the need to travel. In terms of climate change it concluded that it is desirable to encourage the use of alternative sources of fuel, so allocating

sites would not be attractive in this respect as it pre-empts the use of coal, although allocation could be good for the economy. With regard to the potential approach for deep mined coal it concluded that, generally, the inclusion of a policy was positive as it would help to set out what was expected of proposals. The full appraisal is set out in the following document:

*Towards a Minerals Local Plan: Spring 2018 Consultation: Interim Sustainability Appraisal (SA) Report, November 2017*

## **5. Towards a Minerals Local Plan: Spring 2018 Consultation - Proposed Approach**

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

- *Background Paper Coal (December 2017)*
- *Chapter 8.1 Coal and Colliery Spoil (December 2017)*

5.1 The 'Proposed Approach' consultation set out the draft vision and objectives and overarching strategic sustainability principles intended to underpin the Plan, together with the approach to the provision for each of the important minerals found in the Plan area. The consultation included two papers relating to coal and colliery spoil, one an updated background paper, the other a single document that incorporated issues relating to both deep and surface coal mining. The complete text of the proposed approach is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation: Chapter 8.1 Coal and Colliery Spoil (December 2017)*

5.2 More detailed and updated background information, including national energy and planning policy in respect of coal and colliery spoil, was updated and set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan:  
Spring 2018 Consultation: Proposed Approach  
Background Paper Coal (December 2017)*

- 5.3 The Coal and Colliery Spoil Disposal chapter set out the draft vision and objectives for the Plan and included four suggested policies relating to coal, intended to assist in the delivery of those overarching objectives. It also included an updated evidence base in respect of coal and coal production as well as the national and local policy context as well as a discussion about the cumulative, environmental and socio-economic impacts of coal mining. A summary of the representations and the outcomes for the proposed approach in respect of coal and colliery spoil following the 2015-2017 rolling consultation was also provided.
- 5.4 Following the consultation on the Proposed Approach, comments were received from four respondents with the majority of comments aimed at the four suggested policies. One respondent commented on the Identification of Future Coal Extraction Areas, whilst another also made comments regarding the suggested use of buffer zones.

## **6. Towards a Minerals Local Plan: Winter 2022 Consultation – Proposed Draft Plan**

### **Revised NPPF and PPG**

- 6.1 Since the Spring 2018 Consultation was published the government has revised the NPPF and partly revised the PPG. The Councils have revisited the proposed approach in planning for the supply of coal in the light of this new policy, as well as government policy in respect of energy and climate change. The July 2018 revision to the NPPF introduced an amendment to the wording of the relevant paragraph relating to proposals for the extraction of coal which directly affects the way in which such proposals should be assessed. The new revised paragraph (currently 217, but previously para 149 and 211 in the 2012 and 2019 versions respectively) now reads:

*'Planning permission should not be granted for the extraction of coal unless:*

*a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or*

*b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).'*

6.2 There is also a new requirement in the NPPF in terms of the Duty to Co-operate, whereby planning authorities are now required to produce one or more statements of common ground (SOCG). These SOCG should document the cross-boundary matters being addressed and progress in co-operating to address these matters.

6.3 The Proposed Draft Plan sets out a draft Vision and Objectives and overarching strategic policies which will underpin the Plan, together with draft policies for the provision of each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the Proposed Draft Plan, in the light of previous consultation, in relation to coal. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

6.4 More detailed background information about Hydrocarbons has been updated and set out in the following documents:

- *Conventional Oil and Gas Background Paper, June 2021*
- *Unconventional Gas – Gas from Coal Background Paper, June 2021*
- *Unconventional Gas – Shale gas Background Paper, June 2021*

6.5 The four coal supply policies previously consulted on as part of the proposed approach have now been replaced with the following, single, policy as well as other general policies relating to the reworking of spoil tips:

- Policy SP16: Coal and Colliery Spoil Disposal

### **Representations on the proposed Spring 2018 Consultation**

6.6 In total, the MPA received 12 comments from four different respondents on the proposed approach in respect of the coal supply policies. Specific comments were received in respect of the identification of future coal extraction areas as well as in respect of the then four suggested policies relating to coal. No comments were received in respect of the other issues previously identified in the Proposed Approach.

6.7 The four suggested policies included in the Spring 2018 consultation exercise were:

- Policy MS13: Coal Extraction and Colliery Spoil Disposal Criteria;
- Policy MS14: Reworking of Former Colliery Tips;
- Policy MS15: Assessment of the Benefits of Coal Mining Development; and
- Policy MS16: Incidental Coal Extraction.

6.8 All representations have been considered and taken into account in preparing the Proposed Draft Plan. The section below headed 'Outcomes for the Proposed draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. However, for the Proposed Draft Plan, the Coal Chapter and its policies have been subject to significant revisions and some comments may no longer be directly relevant to the policy wording in the Proposed Draft Plan. Detailed information on the individual representations made can be found in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Autumn/Winter 2021 Consultation: Proposed Draft Plan, December 2021 Report of Representations, December 2021*

### **Drop- In Sessions, Spring 2018**

- 6.9 The Report of Representations also contains details of issues raised at drop-in sessions held by the MPAs in each of the Borough/Districts within the Plan area. All comments received have been considered and where relevant used to inform the Proposed Draft Plan Winter 2021/2022 Consultation. No issues were raised in respect of development proposals specifically involving coal or the disposal of colliery spoil.

### **Sustainability Appraisal of the Proposed Approach Spring 2018**

- 6.10 An interim sustainability appraisal (SA) was undertaken on the policies of the Proposed Approach. The full appraisal is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Spring 2018 Consultation 3rd Interim Sustainability Appraisal (SA) Report, May 2018*

- 6.11 The 3rd interim SA concludes that, when considering their purpose in isolation, e.g. to ensure that resources can be extracted where the effects on the environment are manageable, policies MS13-MS15 would have a positive effect when measured against sustainability objectives. However, the need (as set out in the NPPF) to balance overriding 'benefits' of development against environmental acceptability would result in a neutral effect overall. Minor positive effects were predicted in respect of transport and local employment. Policy MS16 was assessed as having a likely neutral effect when viewed against the sustainability objectives. Where appropriate the findings of the SA have been incorporated into the Proposed Draft Plan, Winter 2021/2022 Consultation.

### **Duty to Co-operate**

- 6.12 The strategic cross-border issues previously identified remain relevant in planning for the provision of shallow and underground coal resources:

- That there is the confirmed presence of both shallow and underground coal resources in the Plan area which may become subject to development proposals, in isolation, or in combination with corresponding developments in neighbouring areas
- 6.13 The MPA has engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to continue to monitor and share knowledge and information relevant to planning for the provision of shallow and deep mined coal and fed into the Proposed Draft Plan Winter 2021/2022 consultation.
- 6.14 All Duty to Co-operate issues together with the stakeholders involved have been set out in Part Two of the Duty to Co-operate Report which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan - Duty to Co-operate Report: Part Two Evidence of Co-operation including SOCG, December 2021*

### **Outcomes for the Proposed Draft Plan**

- 6.15 The Proposed Draft Plan sets out a proposed draft Vision and Objectives and overarching strategic policies which will underpin the Plan, together with proposed draft policies for the provision of each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the Proposed Draft Plan, in the light of previous consultations, in relation to coal issues. The complete text is set out in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan, December 2021*

### **Vision and Objectives**

- 6.16 Chapter 3 of the Proposed Draft Plan contains the Vision and Objectives. The Vision is about what the Plan area will be like in terms of mineral development

in 2038 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The contribution that the draft policy set out in the Coal chapter will make towards achieving the overall draft Vision and Objectives of the Plan, will be set out in Chapter 12: Monitoring and Implementation of the proposed Draft Plan.

## **Coal**

- 6.17 The Spring 2018 consultation included key issues that needed to be addressed in order to develop a Strategy for ensuring the supply of coal and proposed four policies numbered MS13-MS16 concerning the issue. These key issues will be referred to again in explaining the development of the Proposed Draft Plan, December 2021. A number of general observations/comments were also received from respondents and these have also been set out below.

### **General comments - Buffer Zones**

- 6.18 One respondent suggested that, in line with PPG, settlements in North East Derbyshire surrounded by surface coal could potentially be better protected from future coal extraction proposals, through the adoption of buffer zones around residential areas. The response acknowledged the long tradition of coal mining in the district, but considered that since all mining activity had ceased to exist, new proposals for coal mining near existing settlements would potentially threaten the strategic vision for North East Derbyshire as set out in the then emerging North East Derbyshire Local Plan. Given the fact that the historic coal mining villages are situated in a similar setting (rural character within undulating topography) it is suggested that it would be appropriate to apply a buffer zone to protect local residents from potential noise and dust nuisance and safeguard the villages' unique settings.
- 6.19 The MPA recognises the longstanding mining history of North East Derbyshire as well as the potential impacts of new coal developments, which will be reflected in the relevant policies to be used to determine the acceptability or otherwise of any proposals that may come forward. The MPA acknowledges that PPG indicates that buffer zones may be appropriate in certain



circumstances, but also notes that the guidance makes it clear that their use would be on a site by site basis. The Proposed Draft Plan will not be identifying any site allocations for potential coal mining development so it would not be possible to define such zones for inclusion within it.

### **Issue: Identification of Future Coal Extraction Areas**

- 6.20 One response was received, supporting the MPA's proposed approach of identifying the whole of the shallow coal resource for potential extraction rather than specific sites.
- 6.21 The MPA notes and welcomes the support for this policy. The Proposed Draft Plan will include a plan setting out the extent of the shallow and underground coal resource in the Plan area. However, as part of the ongoing review and refinement of the Plan content, the MPA has taken the decision not to produce a specific map illustrating the shallow coal resource overlain with the main constraints in respect of coal development. There are a number of reasons for this. From a practical point of view, the extent of the resource, combined with the potential number of environmental and socio-economic constraints, would make any map difficult to read. In policy terms, there is nothing in either the NPPF or PPG that requires such information to be provided specifically in respect of coal. Indeed, paragraph 147 of PPG<sup>1</sup> explicitly states that '*the environmental impacts of coal extraction should be considered in the same way as for other minerals*'. Likewise, the MPA would expect all proposals for mineral development to meet the definition of sustainable development as set out in the NPPF<sup>2</sup>.
- 6.22 The MPA considers that the most appropriate approach is to provide a map/series of maps covering the entire plan area setting out the environmental assets and other constraints as part the Proposed Draft Plan. In addition, all proposals for mineral development in the Plan area will be expected to be assessed against policy SP1: Sustainable Minerals

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<sup>1</sup> Paragraph 147, ref ID 27-147-20140306 (March 2014)

<sup>2</sup> Paragraph 8, NPPF, July 2021.

Development which is located in Chapter 3 of the Proposed Draft Plan. This sets out environmental and socio-economic issues. Chapter 11 of the Proposed Draft Plan also sets out the non-strategic development management policies against which all proposals for minerals development, including those for coal extraction, will be assessed.

**Issue: Surface Mining Constraints**

- 6.23 The Spring 2018 consultation provided a summary of the responses received following the rolling consultation that indicated that the majority of respondents supported not identifying/including surface mining constraint areas in the new Minerals Local Plan (Option 1) as this would accord with the NPPF, but noting that there was some support for their continued use (Option 2). Whilst their further use is not included in the NPPF, the consultation set out the reasons why the issue had been presented i.e. that the reasons why they were no longer advocated could be explained and to examine what alternatives may be available. It also reiterated that such a designation would not now grant any statutory additional levels of protection to the particular areas. For these reasons, and in the absence of any practical alternative, the Spring 2018 consultation concluded that surface mining constraint areas would not be used in the new Plan. Development proposals for coal mining in all parts of the Plan area would therefore be assessed and determined against the criteria set out in the relevant policies.
- 6.24 No comments were received in respect of this issue as a result of the Spring 2018 consultation. The Proposed Draft Plan will not include surface coal mining constraint areas.

**Issue: Sustainable Principles for the Provision of Coal Extraction**

- 6.25 As set out in the 'Proposed Approach', previous consultation responses broadly supported the Councils' identified set of sustainability principles as an appropriate basis for the approach towards the provision for coal extraction and the assessment of proposals for future extraction.

- 6.26 The coal industry in Derbyshire has now declined to the point that it is no longer active, although the MPA also recognises the impact it has had and continues to have on the lives of many people in the Plan area. Current government energy and climate change policy seeks to stop the use of coal in power generation by 2024, and to decarbonise all sectors of the UK economy in order to reduce carbon emissions to net zero (from 1990s levels) by 2050. Notwithstanding the above, however, in view of the large coal resources still remaining in the Plan area, as well as the continued reference to coal as a mineral of importance in the NPPF<sup>3</sup> the MPA acknowledges that this may, at some point in the future, result in proposals for further developments. It was in recognition of this that the consideration of sustainable principles for the provision for coal extraction was previously included in the consultation exercise by the MPA. The sustainability principles set out in the consultation were proposed to be specific to coal mining and were in addition to the more general sustainability principles that would be included for the Plan as a whole. It was intended that these principles, as set out in the consultation, would be incorporated into the new Plan.
- 6.27 No responses were received in respect of this issue as a result of the Spring 2018 consultation and the MPA's intention was, for the reasons previously set out, to include specific sustainable principles for the provision of coal extraction. However, as part of ongoing refinements to the Proposed Draft Plan, and in light of government energy and climate change policy as well as the continued lack of proposals for coal development coming forward, the MPA has now concluded that the general sustainable principles for development set out in strategic Policy SP1: Sustainable Minerals Development, combined with the non-strategic development management policies contained within Chapter 11 of the Proposed Draft Plan would be sufficient to ensure that all appropriate considerations would be taken into account when determining proposals for coal development.

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<sup>3</sup> Appendix B: Glossary, NPPF, July 2021

**Issue: The Need for a Specific Criterion Based Policy for Coal Extraction and related Development proposals**

- 6.28 In addition to the identification of the sustainable principles for coal mining developments, previous consultations sought to determine whether or not the new Plan should continue to include a separate policy setting out the criteria and minimum requirements for coal mining and related development proposals.
- 6.29 The NPPF requires that local minerals plans should set out environmental criteria against which planning applications for all types of mineral development will be assessed, although it does not prevent the use of additional policies for the assessment of specific minerals such as that provided by the adopted Derby and Derbyshire Minerals Local Plan Policy MP 27: Coal Extraction and Colliery Spoil Disposal. In response to the options put forward people indicated a preference for the inclusion of another policy with similar requirements.
- 6.30 No direct responses were received in respect of this issue as a result of the Spring 2018 consultation, although comments were received in respect of suggested Policy MS13 which represents the first iteration of this approach, the detail of which can be found in paragraph 6.45 below. Whilst the MPA acknowledges the previous support for the continued use of such a policy, it has concluded that a single strategic policy for coal proposals (SP16: Coal and Colliery Spoil Disposal), worded to accord with current national planning policy, combined with the content of Policy SP1: Sustainable Minerals Development and the non-strategic policies development management set out in Chapter 11 of the Proposed Draft Plan would cover all relevant issues.

**Issue: In Addition to the Environmental Criteria, what additional matters should be included in a separate and specific coal development policy?**

- 6.31 The Proposed Approach recognised that the terms of the existing coal development policy MP27 did not match those in the more recent guidance in the NPPF and it was considered appropriate to canvas opinion on all the matters which could be included in a new policy. Whilst the NPPF had added national benefits to those to be considered in the event of a development proposal being assessed to generate unacceptable environmental impacts it

was considered that a policy based solely on those elements listed in the guidance may not wholly reflect the range of coal issues pertaining in the Plan area.

6.32 In recognition that, historically, coal mining operations have, and would probably continue to have further economic and social implications, the Proposed Approach included an option for such issues be included in the coal related policy. It was acknowledged that PPG highlighted the environmental factors that could be taken into account, but in the case of coal mining, it was considered that this would not encompass the social and economic aspects which actually form integral parts of the definition of sustainable development. It was considered that any coal policy for the area should take full account of all the potential benefits and costs of coal related development. Based on the comments received and the need to make the Plan fully reflect the circumstances of the area it is intended that these elements be included in the coal policy.

6.33 No comments were received on this issue in response to the 2018 consultation. However, the Proposed Draft Plan will now include a number of policies that the MPA considers would satisfactorily cover this issue. The first is strategic policy SP1: Sustainable Minerals Development which actively requires all proposals for minerals development to meet the social, economic and environmental objectives of minerals development. The second policy, DM2: Criteria for Assessing the Benefits of Minerals Development would enable a thorough assessment of the promoted benefits of any development proposal if it were to come forward.

#### **Issue: Methodology for the Assessment of Cumulative Impacts**

6.34 The Spring 2018 consultation noted the outcome of previous consultation exercises in respect of a methodology for the assessment of cumulative impacts (both generally and in respect of legacy coal issues) noting that its inclusion as part of the development management process was supported and the way forward on this subject is provided elsewhere in the coverage of that part of the consultation exercise.

6.35 No responses were received on this issue as a result of the Spring 2018 consultation on the Proposed Approach. However, the MPA has concluded that a single, general policy relating to the assessment of cumulative impacts for all minerals development and minerals related development would be the simplest way forward. The policy, Policy DM14: Cumulative Impacts will be included in Chapter 11: Development Management of the Plan.

**Issue: How to Assess the Benefits of Coal Extraction and other Related Coal Developments**

6.36 The NPPF<sup>4</sup> 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 (taking all relevant matters into account, including any residual environmental impacts). This adds national benefits to the list of benefits included in the existing policy (MP27) in the adopted Derby and Derbyshire Minerals Local Plan which increases the need to reassess the approach of the new Plan. The NPPF does not define the range of benefits in each category and does not advise how to assess those benefits or how to weigh them against adverse impacts.

6.37 The determination of all proposals for mineral development involves an assessment of the respective benefits and any adverse impacts, and decisions often rest on the balance between the two. The point at which the value of national, local and community benefits of coal mining developments could outweigh any adverse impacts is difficult to determine but it is a judgement that the MPAs will have to make. It is therefore important that the Proposed Draft Plan provides an appropriate framework for these decisions.

6.38 No comments were received in respect of this issue following the consultation on the Proposed Approach and it has been difficult for the MPA to draw any

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<sup>4</sup> Paragraph 217, NPPF, July 2021

conclusions from the exercise. However, as part of ongoing redrafting and refining of the Proposed Draft Plan, the MPA now proposes that the assessment of the benefits of all minerals development, including coal extraction, will be covered by a single development management policy entitled DM2: Criteria for Assessing the Benefits of Mineral Development.

**Issue: Prior extraction of coal**

- 6.39 Due to the abundance of shallow coal measures in parts of the Plan area it is likely that some non-mineral development proposals will find it necessary or expedient to extract and remove the coal lying close to the surface prior to the development proceeding. This can be for a variety of reasons, including structural integrity issues where it is necessary to remove the soft coal to ensure that buildings have suitable foundations, and for health and safety reasons where the removal of the coal or the treatment of old mine entrances would prevent the release of contaminants or gases into the new buildings. An added benefit of the prior extraction of coal at that stage is that it would provide an amount of coal and avoid the long-term and possibly permanent sterilisation of those reserves.
- 6.40 The issue of safeguarding of all important mineral resources was explained in a separate paper; Minerals Safeguarding Supporting Paper, September 2014 with the objective of the consultation on the Proposed Approach being to determine whether or not the new MLP should include a specific policy concerning situations where there may be a need to extract coal close to the surface prior to another development.
- 6.41 No responses were received in respect of this issue as a result of the 2018 consultation. Comments were, however, received in respect of Policy MS16: Incidental Working of Coal, the details of which are set out in paragraph 6.51 below. Further work refining and updating the policy content of the Proposed Draft Plan, as well as recognition of national policy in respect of the supply of coal, energy generation and climate change, has resulted in the MPA creating a single policy Policy SP18: Mineral Safeguarding Areas and Consultation Areas, relating to the safeguarding of minerals resources. The policy seeks to

prevent the sterilisation of local and nationally important mineral reserves by non-mineral development by requiring a mineral resource assessment to be produced. The MPA has concluded that this policy would be sufficient to cover issues relating to the extraction of incidental coal.

**Issue: Reworking of former colliery spoil tips**

- 6.42 The NPPF does not address the issue of the reworking former colliery spoil tips specifically but does advocate the sustainable and prudent use of our mineral resources. In this respect it highlights the advantages of using secondary materials in preference to the extraction of primary materials. It therefore gives implicit support for this form of development. Responses to the Issues and Options consultation exercise indicated support in principle for the reworking of old tips and favoured the inclusion of a criterion-based policy to determine the acceptability of development proposals. Policy MP15 in the current adopted Minerals Local Plan refers to the working of former tips but specifically excludes developments for the purposes of producing secondary aggregates. The guidance and tests it provides are also limited, being restricted to stating that proposals where the land has been satisfactorily reclaimed or naturally re-generated to an acceptable degree will be considered as a new proposal on a greenfield site.
- 6.43 The coal processing plant used at collieries in the 20th century were generally inefficient by modern standards and resulted in substantial quantities of coal being deposited in the spoil tips along with other discarded materials. Advances in coal processing technology have made it possible to recover the coal from these tips, although the viability varies in accordance with the price of coal and the quantity available. Reduced demand for coal in the UK power generation markets as a result of government energy policy have also affected viability of these schemes. Some of the tips also contain other materials which were previously regarded as waste (for example red shale) but are now in demand. Whilst many of the former colliery tips in the Plan area have been removed or restored, a small number of substantial sized tips remain and could be the subject of proposals to rework them in their own right, or for removal/re-contouring as part of a wider development proposal.



Coal and other material obtained from these tips could help reduce the need for resources from other sites.

- 6.44 Conflicting comments were received on this issue following the consultation on the Proposed Approach, with one respondent welcoming the policy, the other considering a missed opportunity and not in line with government energy policy. Support for the policy is noted as are the negative comments regarding its inclusion. The MPA has now concluded that the simplest approach to all forms of proposals involving the reworking of former minerals tips, is to combine them into a single policy, Policy DM18: Reworking of Former Colliery and other Spoil Tips. This approach would provide a more consistent approach to the reworking of all former minerals tips in the Plan area, reduce the number of policies within the Proposed Draft Plan, better reflect the number of former colliery tips in the Plan area that could be reworked as well as acknowledging the decline of the coal industry.

**Issue – Policy MS13: Coal Extraction and Colliery Spoil Disposal Criteria  
General Considerations for Coal Mining and Colliery Spoil Disposal**

- 6.45 Comments were received from two respondents in respect of policy M13 following the consultation on the Proposed Approach, one supportive, the other expressing concern that the permissive wording of the policy would not accord with national energy policy in respect of the then planned closure of coal fired power stations by 2025.
- 6.46 The MPA notes and welcomes the support for the policy. The NPPF requires MPAs to plan for the supply of minerals of national and local importance, the definition of which is set out in Annex B: Glossary. The inclusion of the policy is therefore considered necessary as coal resources remain potentially available for future extraction. Regarding the permissive wording of the policy, the MPA considers that the wording of the policy to be fully in line with the requirements of the NPPF. It is not considered positively phrased as it starts by declaring ‘Proposals for coal extraction will only be supported where it can be

demonstrated that...'. All other policies are phrased to indicate development proposals will be supported unless...

- 6.47 The Proposed Draft Plan will continue to include a policy for coal development proposals. As part of ongoing work and refinements to the Plan, the policy has been renamed as SP16: Coal Extraction and Colliery Spoil Disposal. The MPA has also updated the wording of the policy to reflect recent changes to the NPPF which are contained in paragraph 217. No other significant changes have been made to the wording or content of the policy in the Proposed Draft Plan.

#### **Issue - Policy MS14: Reworking of Former Colliery Tips**

- 6.48 The few responses received in respect of Policy MS14, following the consultation on the Proposed Approach, were mixed. One respondent supported the inclusion of the policy, which was considered to set out appropriate criteria against which proposals for reworking of spoil heaps will be assessed. The other respondent acknowledged the aims of the policy to make development 'environmentally acceptable but considered that its inclusion was a missed opportunity to promote positive change. Amendments to the wording of the policy were also requested.
- 6.49 Support for the policy is noted as are the negative comments regarding its inclusion. The MPA has now concluded that the simplest approach to all forms of proposals involving the reworking of former minerals tips, is to combine them into a single policy, Policy DM18: Reworking of Former Colliery and other Spoil Tips. This approach would provide a more consistent approach to the reworking of all former minerals tips in the Plan area, reduce the number of policies within the Proposed Draft Plan, better reflect the number of former colliery tips in the Plan area that could be reworked as well as acknowledging the decline of the coal industry.

#### **Issue – Policy MS15: Assessment of the Benefits of Coal Mining Development**

6.50 Very few responses were received in respect of the wording of Policy MS15 following the consultation on the Proposed Approach, although one respondent was supportive of its content. Whilst such support is welcomed by the MPA, further work refining and updating the policy content of the Proposed Draft Plan, has resulted in the MPA creating a single policy, Policy DM2: Criteria for Assessing the Benefits of Mineral Development, relating to the assessment of the benefits of all proposals for minerals development.

#### **Issue – Policy MS16: Incidental Coal extraction**

6.51 One respondent supported the inclusion of policy MS16 in the Proposed Approach as it set out all appropriate issues in respect of the incidental extraction of coal. Whilst such support is welcomed by the MPA, further work refining and updating the policy content of the Proposed Draft Plan, as well as recognition of national policy in respect of the supply of coal, energy generation and climate change, has resulted in the MPA creating a single policy relating to the safeguarding of minerals resources.

6.52 Chapter 9: Safeguarding Mineral Resources of the Proposed Draft Plan makes provision for the safeguarding of minerals of local and national importance, including shallow coal. The chapter includes a policy, Policy SP18: Mineral Safeguarding Areas and Consultation Areas which seeks to prevent the sterilisation of local and nationally important mineral reserves by non-mineral development by requiring a mineral resource assessment to be produced. The MPA has concluded that this policy would be sufficient to cover issues relating to the extraction of incidental coal.

#### **Monitoring**

6.53 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's policies and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan's policies, either in whole or part.

6.54 Policy SP16 seeks to enable the supply of coal throughout the Plan period. The MPA will monitor the supply of coal and liaise with relevant adjoining MPAs to monitor supply particularly where the coal resource lies cross-border. Further information on this issue can be found in the updated Statement of Common Ground and in Chapter 12 of the Proposed Draft Plan.

### **Sustainability Appraisal of the Proposed Draft Plan Winter 2021/2022**

6.55 A 4<sup>th</sup> interim SA has been undertaken on the proposed Draft Plan. The full text can be found in the following document:

6.56 With regard Policy SM16, the SA states *‘Whilst coal is being phased out as an energy source, there is a current need for the resource to provide energy security and thus there is potential for an overly restrictive approach to undermine national self-sufficiency and availability of coal resource in the short term. However, at the same time it is important that the approach does not encourage unfettered extraction of coal, which as a fossil fuel will contribute to climate change’*. On this issue, the SA concludes that the role of the policy is ensure that coal resources can be extracted in a manner that ensures that the environmental effects are manageable and predicts a positive effect for minerals and waste (SA3). Support towards the stockpiling and extraction of fireclay as part of coal extraction operations should further support the efficient use of land resources (SA2), and this with measures to ensure fireclay extraction does not sterilise coal resources should have positive effects for minerals and waste (SA3).

6.57 With regards to environmental factors the SA predicts neutral effects on balance, with negative effects in respect of climate change, as one could argue that coal should be phased out immediately particularly given the COP26 discussions on such matters. A neutral effect is predicted for transport due to the coal resource being located in areas with good transport connections. A minor positive effect is predicted for local employment. Whilst no specific sites or areas of opportunity are identified, the policy was considered relatively flexible, allowing for suitable developments to come

forward without delay. This would contribute a small positive effect in terms of job creation, potentially in areas that suffer from deprivation.

## **7. Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Spring 2023 Consultation**

### **NPPF and PPG**

7.1 There have been no significant changes to either the NPPF or PPG in respect of coal since the Winter 2021/2022 Proposed Draft Plan consultation. A current consultation on revisions to the NPPF does not directly affect Chapter 17: of the NPPF.

7.2 The Pre-submission Draft Plan provides a Spatial Portrait of the Plan area and sets out the Vision and Objectives and the overarching strategic policies which will underpin the Plan, together with the strategic policies for the provision of each of the important minerals found in the Plan area. The paragraphs below set out the outcomes for the Pre-submission Draft Plan, in the light of previous consultation, in relation to coal, the disposal of colliery spoil and the reworking of former colliery tips. The complete text is set out in the following document:

- *Derbyshire and Derby Minerals Local Plan (2022-2038) Pre-submission Draft Plan, Spring 2023 Consultation, January 2023*

7.3 More detailed background information about other hydrocarbons found in the Plan area has been updated and set out in the following documents:

- *Derbyshire and Derby Minerals Local Plan (2022-2038) Conventional Oil and Gas Background Paper, January 2023*
- *Derbyshire and Derby Minerals Local Plan (2022-2038) Unconventional Gas – Gas from Coal Background Paper, January 2023*
- *Derbyshire and Derby Minerals Local Plan (2022-2038) Unconventional Gas – Shale gas Background Paper, January 2023*

7.4 Following the Winter 2021/2022 consultation on the Proposed Draft Plan, the Pre-submission Draft Plan retains the approach of a single policy for the supply

of coal. Contrary to the approach set out in the Proposed Draft Plan, where the reworking of former coal and other spoil tips was included in policy DM18: The Reworking of Former Colliery and other Spoil Tips the policy requirements relating to the reworking of former colliery tips have now been added to the overarching coal policy. The policy has also been renumbered as SP15: Coal and Colliery Spoil Disposal following the deletion of another policy.

### **Representations from the proposed Draft Plan Winter 2021/2022 consultation**

- 7.5 In total, the MPA received five comments from ten different respondents in respect of the coal supply policy. Specific comments were received in respect of the inclusion of a coal policy in the plan, the use of a criteria-based approach, lack of consistency with NPPF/UK Government policy in respect of climate change, typographical errors in the text and the lack of a definition of 'environmentally acceptable'.
- 7.6 The suggested policy included in the Proposed Draft Plan Winter 2021/2022 consultation exercise was:
- Policy SP16: Coal and Colliery Spoil Disposal.
- 7.7 All representations have been considered and taken into account in preparing the Pre-submission Draft Plan. The section below headed 'Outcomes for the Pre-submission Draft Plan' shows how comments have been taken into account based on the previously defined 'Issues'. However, for the Pre-submission Draft Plan, policy SP16 (now SP15) has been subject to significant revisions and some comments may no longer be directly relevant to the policy wording in the Pre-submission Draft Plan. Detailed information on the individual representations made can be found in the following document:
- *Derbyshire and Derby Minerals Local Plan 2022-2038 Pre-submission Draft Plan, Spring 2023 Consultation, Report of Representations, January 2023*

### **Drop- In Sessions, Spring 2022**

- 7.8 The Report of Representations also contains details of drop-in sessions held by the MPAs in the Plan area as part of the Winter 2021/2022 consultation exercise. Where relevant, comments received have been considered and used to inform the Pre-submission Draft Plan 2022-2038. No issues were raised in respect of development proposals specifically involving coal or the disposal of colliery spoil, although one visitor to the Chesterfield drop-in session requested information about the demise of the coal industry and asked whether there was still a demand for coal.

### **Duty to Cooperate**

- 7.9 The strategic cross-border issues previously identified remain relevant in planning for the provision of shallow and underground coal resources:
- That there is the confirmed presence of both shallow and underground coal resources in the Plan area which may become subject to development proposals, in isolation, or in combination with corresponding developments in neighbouring areas
- 7.10 The MPA has engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to continue to monitor and share knowledge and information relevant to planning for the provision of shallow and deep mined coal and fed into the Pre-submission Draft Plan 2022 – 2038.
- 7.11 All Duty to Co-operate issues together with the stakeholders involved have been set out in Part Two of the Duty to Co-operate Report which has been updated to add additional matters that have arisen since the Plan has progressed. Further information can be found in the following document:

*Derbyshire and Derby Minerals Local Plan - Towards a Minerals Local Plan: Winter 2021/2022 Consultation: Proposed Draft Plan - Duty to Co-operate Report: Part Two Evidence of Co-operation including SOCG, January 2023*

## **Outcomes for the Pre-submission Draft Plan**

### **Vision and Objectives**

- 7.12 Chapter 3 of the Pre-submission Draft Plan contains the Vision and Objectives. The Vision is about what the Plan area will be like in terms of mineral development in 2038 if the policies and proposals of the Plan have been successfully delivered over the Plan period. The Objectives set out the key goals that will need to be attained to make the Vision a reality. The contribution that the draft policy set out in the Coal chapter will make towards achieving the overall draft Vision and Objectives of the Plan, will be set out in Chapter 12: Monitoring and Implementation of the Pre-submission Draft Plan.

### **Coal**

- 7.13 The Winter 2021/2022 consultation on the Proposed Draft Plan included a chapter relating to coal and the disposal of colliery spoil in the Plan area and proposed one policy, numbered SP16, concerning the issue. A number of observations/comments regarding the chapter and policy were received from respondents, and these are set out below.

### **General approach to the supply of coal**

**Representations** (*CPRE, 1152/0731; Derbyshire Wildlife Trust, 1145/0655; Sustainable Hayfield, 1155/0765*)

- 7.14 Several respondents repeated their opposition in principle to the extraction of all energy minerals, including coal, in the Plan area. Reasons cited included:
- inconsistency with Derby City / Derbyshire County Council declared climate emergencies and associated policies and strategies.
  - the MLP should clearly state that that the future extraction of coal in Derbyshire is inconsistent with both Government policy and law with regard to carbon targets The Climate Change Act 2008 (2050 Target Amendment) Order 2019.
  - The accumulated global evidence of the impacts of fossil fuel extraction and use on the release of greenhouse gases leading to climate change.
  - the UK Government's Advisory Committee on Climate Change advice to government that *'the evidence against any new consents for coal*



*exploration or production is overwhelming' (letter to Secretary of State, BEIS, February 2022)*

- 7.15 One respondent suggested that the entire section relating to energy mineral (e.g. coal, conventional and unconventional hydrocarbons and gas from coal) should be removed due to these inconsistencies, suggesting the following supporting text and policy wording as an alternative.

*'8.1 Coal, conventional and unconventional hydrocarbons and gas from coal are present across Derbyshire but the Climate Emergency, combined with both Derby and Derbyshire's net zero carbon ambitions and the shift away from fossil fuels, means that the extraction of fossil fuels will not be permitted across the County.*

***Policy SP16: The exploration, appraisal and production of fossil fuels***  
*The exploration, appraisal and production of fossil fuel resources will not be permitted.*

(CPRE 1152/0731)

- 7.16 The PDNPA highlighted the need for an urgent review of the NPPF in respect of its advice and policy in respect of coal. It further commented that the potential for new planning permissions for coal extraction (and therefore burning and carbon generation) would appear to be contrary to the principles of statements made in Chapter 5 of the Proposed Draft Plan.

(PDNPA 1159/0891)

### **Actions/Considerations**

- 7.17 In accordance with the NPPF the Plan is required to make provision for a sufficient supply of minerals to provide the energy, infrastructure, buildings, and goods that the country needs and to provide for the extraction of mineral resources of local and national importance. The NPPF includes coal (shallow and deep-mined) in its definition of such resources. It is appropriate therefore that where such resources are present in the Plan area they are identified.

## **Outcome for the Pre-submission Draft Plan**

- 7.18 Retain policy SP15 but reword text to ensure it better reflects government energy policy in respect of phasing out unabated coal in energy generation and insert an additional criterion to require the proposal to demonstrate that it would be 'net zero' for the lifetime of the development (including restoration and aftercare).

### **Issue: Use of Criteria-based approach to coal development**

**Representations** (*Chesterfield Borough Council, 1154/0747; Erewash Borough Council, 1143/0641; North East Derbyshire District Council 972/3561; Bolsover District Council 1147/3560*)

- 7.19 Chesterfield Borough Council commented that the Proposed Draft Plan conflicts with paragraph 215 (c) of the NPPF because it adopts a criteria-based policy approach to coal development rather than indicating any areas where coal extraction and the disposal of colliery spoil may be acceptable. The Borough stated that it did not agree with the reasoning given for this approach e.g., that it would be more flexible and prevent 'blight'. Because the entire Borough is identified as having Coal Bearing Strata at the surface, the net result would be to create uncertainty. The Borough went on to observe that no justification was provided within the plan as to why this approach is more appropriate in Derbyshire, despite an indication that it is known where seams are substantial enough to be worked commercially and requested that the Plan should seek to positively identify sites where Coal extraction and the disposal of colliery spoil may be acceptable.
- 7.20 Erewash Borough Council noted the presence of coal bearing strata at surface in the north-east of the Borough – largely around the town of Ilkeston. It drew attention to the proposed allocation of three strategic housing sites as part of its Core Strategy review within the shallow coal resource area (at Cotmanhay, Kirk Hallam and Stanton) and expressed concern about any efforts to embark upon the extraction of shallow coal reserves at any of these locations. The

Borough recognised that the general framework provided by the policy offered clarity around situations in which extraction may be justified.

7.21 North East Derbyshire District Council acknowledged the extent of the North Derbyshire Coalfield within its administrative area and that it is identified as a resource for surface coal. The Council noted the draft criteria based approach of the policy and the Development Management type policies in relation to coal, and appreciates that there are no specific site allocations for coal extractions in North East Derbyshire.

7.22 Bolsover District Council noted that it formed a key part of the former North Derbyshire / Nottinghamshire Coalfield, with a number of coal and colliery spoil tips and features. The Council commented that these are often in close proximity to local communities and therefore any attempts to extract energy minerals from these would be likely to generate unacceptable environmental impacts.

### **Actions/Considerations**

7.23 The MPA notes consultee comments with regard to the proposed criteria-based policy approach to coal. The MPA has been consistent in this approach, which was identified following the Issues and Options consultation and consulted upon during the 2018 'Proposed Approach' consultation. Responses received in respect of that consultation exercise favoured the identification, on a map, the general extent of the shallow coal resource and also identification the main constraints. The MPA maintains that this would represent a flexible approach where all the remaining coal resources (in effect one large area of search) could be subject to appropriate, detailed consideration and would avoid imposing any targets or limits on the amount of coal that could be extracted. Whilst it would not automatically exclude any of the resource from future consideration, it would also avoid the potential for planning blight arising from the identification of specific sites or areas for future coal working. In accordance with the advice in the NPPF, the responsibility for developing individual proposals would be placed in the hands of the mining industry.

- 7.24 In the absence of any specific sites being promoted for coal extraction by operators, the MPA only has access to very general information in respect of the location of commercially viable coal seams within the Plan Area. Whilst the identification of specific sites for future coal extraction would be of benefit to the industry, the detailed geotechnical information that would be required to do so is not available to the mineral planning authorities.

### **Outcomes for Pre-submission Draft Plan**

- 7.25 No amendments to the criteria-based approach towards coal development proposed in the plan. But plan to be amended to provide a map showing coal resource with main constraints.

### **Issue – Conflict with NPPF/UK Climate Changes targets**

**Representations** (*Transition Chesterfield 1139/0624, DWT 1145/0655; CPRE 1152/0731; Sustainable Hayfield 1155/0765*)

- 7.26 The policy is weak as it permits extraction of coal where it can demonstrate that it is environmentally acceptable or can be made so by planning conditions and/or obligations etc. Based on evidence from the International Monetary Fund, the Committee on Climate Change and others, coal extraction is not environmentally acceptable, and the policy should be amended to make it clear that there should be no new coal extraction.
- 7.27 The policy is unsound because it lags behind the national recognition of the climate emergency and the need to reduce the use of fossil fuels, the policy of allowing further coal extraction where need can be demonstrated is inconsistent with the Government's most recent target to reduce climate changing gas emissions by 2050 to 100% below 1990 levels as stated in The Climate Change Act 2008 (2050 Target Amendment) Order 2019. This Plan period encompasses the 4th and 5th Carbon Budget periods, with Government targets for cuts in CO2 emissions of 51% by 2025 and 57% by 2030, so there should be no new coal extraction from the County to meet Derbyshire's contribution to meeting those targets.

7.28 If the MPA chooses to continue with proposed inclusion of policy allowing for the extraction of coal, SP16 (at criterion 16.1) should be amended so as to include the following additional criteria: 1) *'...that the development satisfies the following requirements:*

- *that emissions from the development (including indirect/downstream emissions) would not contribute to climate change or prejudice the achievement of UK climate change objectives and be consistent with national and local carbon budgets and targets; or that it is environmentally acceptable'.*

7.29 The policy should be reworded to have a presumption against coal (and other hydrocarbon resources) unless *'a proposal can demonstrate it has a net zero impact on carbon emissions'*. This, we understand, is the approach taken in the equivalent plan produced in Kirklees, suggesting this is possible, if the will is there.

#### **Actions/Considerations**

7.30 The MPA acknowledges the inherent conflict between the UK's commitment to reduce carbon emissions to Net Zero and the inclusion of a policy for a carbon rich mineral such as coal. The NPPF clearly sets out a requirement in respect of coal development and it is important that the Plan takes account of this to ensure it is legally sound. However, in acknowledgement of the carbon intensive nature of coal as a mineral, which is far in excess of any other type of mineral, including oil and gas, the MPA considers it appropriate to require all schemes to demonstrate that they will be 'net zero' for the lifetime of the development.

#### **Outcomes for Pre-submission Draft Plan**

7.31 Reword policy SP15 so it is negatively framed; better reflects government energy policy in respect of phasing out unabated coal in energy generation and insert an additional criterion to require the proposal to demonstrate that it

would be net zero for the lifetime of the development (including restoration and aftercare).

**Issue: Missing policy text**

**Representations** (*Erewash Borough Council 1143/0641, North East Derbyshire District Council 972/3561*)

- 7.32 A number of consultees identified that there were typographical errors in the text of criterion 2 to Policy SP15. As identified in the erratum, criterion 2) of policy SP15 needs replacing as it is a repetition of the opening of part 1).

**Actions/Considerations**

- 7.33 The MPA acknowledges that text was missing from sub-paragraph 2 of policy SP15. Notice of erratum with the Proposed Draft Plan were published during the consultation with the correct text for Criterion 2.

**Outcomes for the Pre-submission Draft Plan**

- 7.34 The policy wording under criterion 15.2 will be retained as it reflects the requirements of the NPPF regarding the approach an MPA should take when assessing proposals for coal extraction.

**Issue: Policy doesn't define 'environmental acceptability' and how it will be assessed**

**Representations** (*Historic England 1158/0802; Transition Chesterfield 1139/0624*)

- 7.35 A number of consultees made comments on the assessment of environmental impacts and how they would be assessed against the benefits of proposals for coal extraction. They also expressed concern that there was no definition of 'environmentally acceptable'
- 7.36 Historic England commented that the policy was unclear as to how 'environmental acceptability' would be assessed and stated that it was unclear as to what the impacts could be for the historic environment and how the scale of benefits versus the likely impacts will be considered. Reference within policy SP16 to sub paragraph 2 of Policy DM 2 was noted but additional explanation

within the reasoned justification for this policy about the process and approach was requested.

### **Actions/Considerations**

- 7.37 The NPPF sets out a broad requirement that mineral local plans should set out criteria-based policies to assess and determine all mineral development proposals. National policy and guidance statements provide further clarification as to the range of criteria that fall within the planning system. This range of criteria could be relevant to all forms of mineral development and, in each case, only those issues and criteria that are relevant to a particular proposal would be taken into consideration in the determination of an application. Whilst the comment regarding lack of specific reference to the historic environment within policy SP15 is noted, the MPA does not consider it necessary to include it as an additional criterion within the policy.
- 7.38 The phrase environmental acceptability is a commonly used one in national and local planning policy and is a requirement of all the strategic policies within the Plan. It is not specific to proposals for coal development. The MPA acknowledges, however, that a further, general, statement or definition of 'environmental acceptability' would be beneficial for users of the Plan.

### **Outcomes for Pre-submission Draft Plan**

- 7.39 The Plan includes a plan wide criteria-based policy SP15 together with general development management policies at Chapter 11 which allow for constraints to working, including impacts to the historic environment, to be considered on a case-by-case basis in the assessment of development proposals. No changes to policy SP15 proposed in terms of additional criteria in this respect. The MPA will revise the reasoned justification to make it clearer that all proposals will be assessed against the policies contained within Chapter 11. The plan will also be amended to include a general statement at the front of the plan as to 'environmental' acceptability.

### **Monitoring**

- 7.40 The Plan, as set out at in Chapter 3, will contain a number of objectives to be achieved over the Plan period, in order to achieve the Plan's overall Vision. The effectiveness of the Plan's policies and proposals, put in place to meet those objectives, will be monitored so that, if necessary, issues can be identified and addressed through a revision of the Plan's policies, either in whole or part.
- 7.41 Policy SP15 seeks to enable the supply of coal throughout the Plan period. The MPA will monitor the supply of coal and liaise with relevant adjoining MPAs to monitor supply particularly where the coal resource lies cross-border. Further information on this issue can be found in the updated Statement of Common Ground and in Chapter 12 of the Pre-submission Draft Plan.

### **Sustainability Appraisal of the Pre-submission Draft Plan Spring 2023**

- 7.42 A final SA has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derbyshire and Derby Minerals Local Plan Sustainability Report January 2023*

- 7.43 With regard to Policy SP15, the SA states the following:

*'Policy SP15 enables the extraction of coal and the disposal of colliery spoil providing that it would not be for electricity production, it would be environmentally acceptable, and where not acceptable the benefits of doing so clearly outweigh the likely impacts. The policy further sets out that adverse effects will be assessed against requirements in Policy DM2 and encourages the extraction and stockpiling of fireclay to prevent sterilisation. A presumption against coal as an electricity generating source, will help to continue the phasing out of fossil fuels, which is a positive effect. Therefore, the role of the policy is to ensure that resources can be extracted where the effects on the environment are manageable and only when coal extraction is absolutely necessary. In this respect, a positive effect is predicted for minerals and waste (SA3). Support towards the stockpiling and extraction of fireclay as part of coal extraction operations should further support the*



*efficient use of land resources (SA2), and this with measures to ensure fireclay extraction does not sterilise coal resources should have positive effects for minerals and waste (SA3).*

*With regards to environmental factors (SA topics 1, 2 and 6), Policy SP15 seeks to ensure that impacts are 'acceptable', which ought to be beneficial for biodiversity, natural resources, heritage and landscape. However, where coal mining is proven to have overriding benefits, more substantial environmental impacts may well be accepted. Therefore, the effects are considered to be neutral on balance. The need to ensure that benefits are substantial in terms of energy provision should also ensure that developments that are permitted on this basis contribute positively to energy security (SA6) and minerals provision (SA3). Enabling coal extraction where appropriate at a time of reducing demand and production of the resource should in the long term safeguard supply and reduce potential reliance on the import of the resource, potentially reducing carbon emissions from transport (SA6).*

*A **neutral effect** is predicted for transport (SA 5). The majority of surface coal resources in Derbyshire are concentrated along the county's eastern boundary which has broadly good road and rail connections to local and national markets (including power stations and major steel manufacturing areas).*

*The likely impacts on communities and health (SA 7) are not clear at this stage as the policy does not outline specific measures to address effects on communities. The policy does however require proposals not environmentally acceptable to provide community benefits of a scale which outweigh the likely impacts. There is some potential for this to deliver improvements for communities, but the effects are uncertain, as the extent to which such factors would influence permissions is unclear.*

*A minor positive effect is predicted for local employment (SA topic 8). Whilst no specific sites or areas of opportunity are identified, the policy is relatively flexible and ought to allow for suitable developments to come forward without*

*delay. This would contribute a small positive effect in terms of job creation (potentially in areas that suffer from deprivation).*

*Support for reworking former colliery spoil tips is likely to be positive in terms of environmental restoration, and this is stipulated as a requirement in the policy. As such minor positive effects are predicted in terms of biodiversity (SA1) and landscape (SA4)'.*

#### **Actions/Considerations**

7.44 Noted.

#### **Outcome for the Pre-submission Draft Plan**

7.45 None.

#### **Habitats Regulations Assessment Screening Report**

7.46 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.47 With regard to Policy SP15, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

*'This policy makes no allocations but rather sets out the circumstances under which proposals will be determined for acceptability. Individual proposals when they come forward may or may not pose likely significant effects on European sites but that will be assessed as part of the scrutiny process when any applications are made'.*

#### **Actions/Considerations**

7.48 Noted

### **Outcome for the Pre-submission Draft Plan**

7.49 No amendments required.

### **Strategic Transport Assessment**

7.50 A Strategic Transport 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: Strategic Transport Assessment (Stage 2) December 2021*

7.51 The STA raised no specific concerns regarding policy SP15.

### **Actions/Considerations**

7.52 None

### **Outcome for the Pre-submission Draft Plan**

7.53 None

### **Strategic Flood Risk Assessment**

7.54 A Strategic Flood Risk Assessment has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

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

7.55 The SFRA did not identify any issues associated with Policy SP15.

### **Actions/Considerations**

7.56 None

### **Outcome for the Pre-submission Draft Plan**

7.57 None

### **Health Impact Assessment**

7.58 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*

7.59 The HIA raised no specific concerns regarding Policy SP15.

#### **Actions/Considerations**

7.60 None

#### **Outcome for the Pre-submission Draft Plan**

7.61 None

#### **Equalities Impact Assessment**

7.62 An Equality 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 Local Plan 2022-2038: Equality Impact Analysis (January 2023)*

7.63 With regard to Policy SP15, the EqIA did not identify any clear link between the policy and equality.

#### **Actions/Considerations**

7.64 None

#### **Outcome for the Pre-submission Draft Plan**

7.65 None

#### **Habitats Regulations Assessment Screening Report**

7.66 A HRA screening report has been undertaken on the Pre-submission Draft Plan. The full text can be found in the following document:

- *Derby & Derbyshire Minerals Plan HRA Screening Report January 2023*

7.67 With regard to Policy SP15, the HRA screening report concluded that the policy would have no likely significant effects on any European sites. It further stated:

*‘This policy makes no allocations but rather sets out the circumstances under which proposals will be determined for acceptability. Individual proposals when they come forward may or may not pose likely significant effects on European sites but that will be assessed as part of the scrutiny process when any applications are made.’*

**Actions/Considerations**

7.68 None

**Outcome for Pre-submission Draft Plan**

7.69 None