

# Derbyshire and Derby Minerals Local Plan 2022 – 2038

## Duty to Cooperate Draft Statement of Common Ground

January 2023



Derby City Council



DERBYSHIRE  
County Council

# Duty to Co-operate

## **Duty to Co-operate: Statement of Common Ground**

The purpose of this Paper is to document the strategic cross boundary issues being addressed in preparing the Minerals Local Plan and the progress with the relevant parties in co-operating to address these.

The Councils have produced another Paper relating to the Duty to Co-operate:

## **Duty to Co-operate: Introduction and Overview**

The purpose of this Paper is to set out the background and requirements of the Duty to Co-operate provisions and to set out the way in which the Councils have sought to meet their obligations under the 'duty to co-operate' in preparing the Minerals Local Plan.



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# 1. Introduction and Background

## **Duty to Co-operate**

- 1.1 An important element of local plan preparation is the requirement to fulfil the Duty to Co-operate provisions established by the Localism Act 2011 and as set out in Section 33A of the Planning and Compulsory Purchase Act 2004. It places a duty on local planning authorities (including county councils) and prescribed public bodies to engage, on an ongoing basis, to maximise the effectiveness of a local plan in the context of strategic matters that cross administrative boundaries. Evidence of the discussions and the outcomes from them, will need to be made available at the local plan examination as part of the test of soundness.

## **Statements of Common Ground**

- 1.2 In order to demonstrate effective and on-going joint working, the National Planning Policy Framework (NPPF), published in July 2018, introduced the requirement for strategic policy-making authorities to prepare and maintain statements of common ground (SoCG), documenting the cross-boundary matters being addressed and the progress in co-operating to address these. Planning Practice Guidance (PPG) sets out detailed guidance on the approach that planning authorities should take in the production of SoCG.

# 2. Purpose

- 2.1 The purpose of this SoCG is to document the level of agreement or otherwise with relevant policy-making bodies on the strategic cross boundary issues identified in the preparation of the Derbyshire and Derby Minerals Local Plan (DDMLP). The DDMLP is a jointly prepared local plan between Derbyshire County Council and Derby City Council. It covers the geographical county of Derbyshire excluding that part of the county which lies within the Peak District National Park (PDNP). The Plan period is until 2038.

# 3. Parties

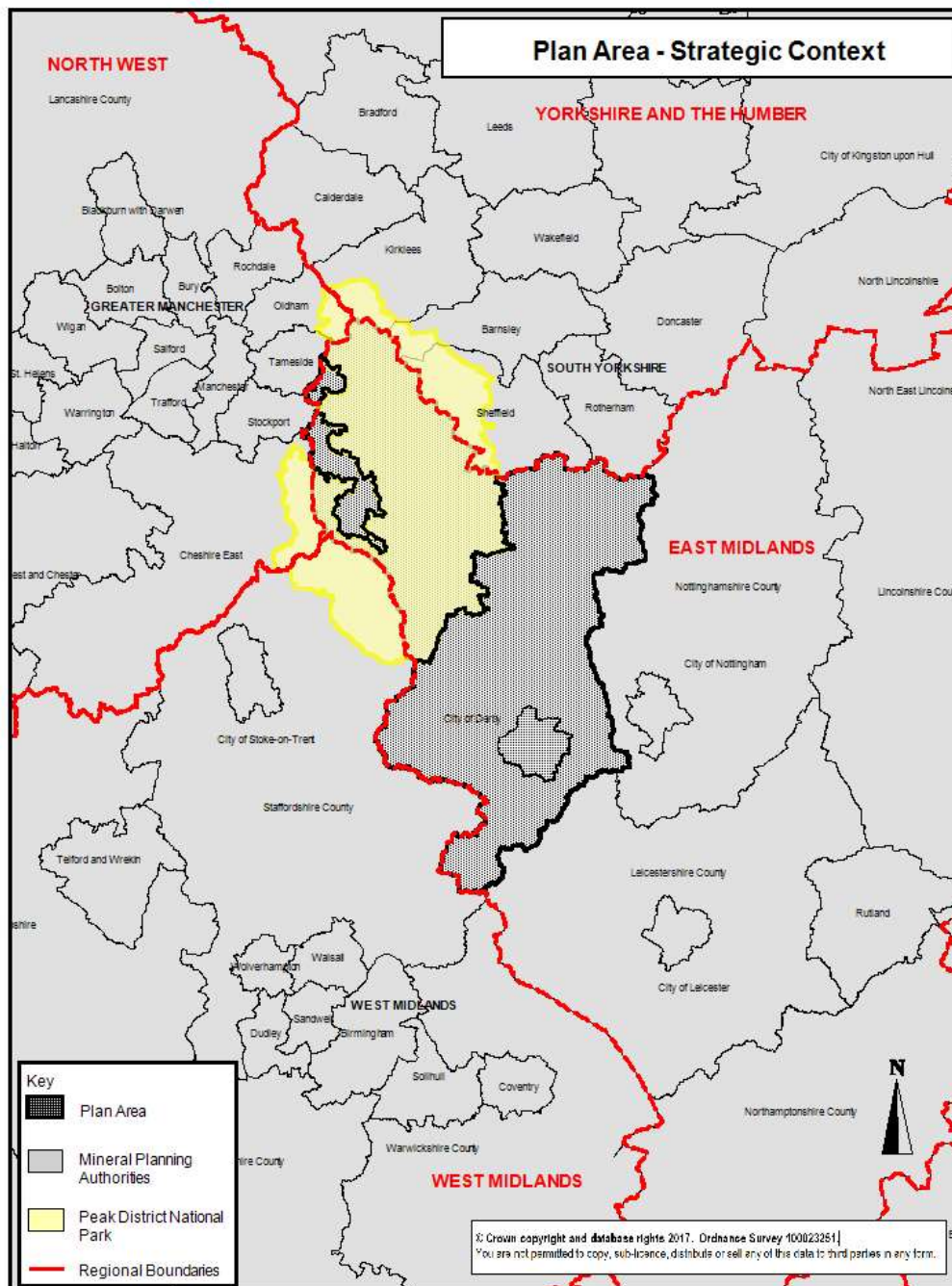
- 3.1 The Parties to this SoCG are set out below. The relevant parties for each strategic cross-boundary issue are set out at Section 8.
- Peak District National Park Authority
  - High Peak Borough Council

- Chesterfield Borough Council
- North East Derbyshire District Council
- Bolsover District Council
- Amber Valley District Council
- Derbyshire Dales District Council
- Erewash Borough Council
- South Derbyshire District Council
- Nottinghamshire CC
- Leicestershire CC
- Lincolnshire CC
- Rutland CC
- Northamptonshire CC
- Sheffield City Council
- Rotherham MBC
- Barnsley MBC
- Doncaster MBC
- North Yorkshire CC
- Bradford MDC
- Kirklees MBC
- Greater Manchester Combined Authority (GMCA)
- Durham CC
- Cumbria CC
- Lancashire CC
- Staffordshire CC
- Warwickshire CC
- Cheshire East Council
- Cheshire West and Chester Council
- Shropshire Council
- Cambridgeshire CC
- Central Bedfordshire CC
- Milton Keynes UA
- Essex CC
- Suffolk CC
- East Midlands Regional Aggregates Working Party Members
- Trent and Tame Partnership
- Dove Valley Partnership

## 4. Strategic Geography

4.1 Figure 1 shows the plan area which comprises the administrative boundary of Derbyshire County Council (not including the PDNP) and Derby City Council. The local plan area supplies minerals, crushed rock aggregates in particular, on a national scale and this strategic context is also depicted on Figure 1.

**Figure 1 Strategic Context**



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## 5. Strategic Cross-Boundary Issues Overview

### National Planning Policy Context

- 5.1 The NPPF identifies the provision of minerals as a strategic matter for which the local plan should contain strategic policies to address the strategic priorities of the area, including any cross-boundary issues. Strategic policies should provide a clear strategy for bringing sufficient land forward at a sufficient rate meet the development needs of the area and where appropriate, any unmet needs from neighbouring areas.
- 5.2 The NPPF identifies the importance to the country of maintaining a sufficient supply of minerals. The NPPF also points out that minerals are a finite resource and can only be worked where they are found, which can result in significant geographical imbalances in terms of areas where they occur and areas where they are most needed, a factor inevitably leading to strategic cross-boundary issues and the need for co-operation between mineral planning authorities.
- 5.3 Mineral resources do not respect administrative boundaries which can lead to strategic cross-boundary issues where mineral resources or sites straddle Mineral Planning Authority (MPA) boundaries. Additionally, in two tier authorities, district/borough councils are responsible for planning for non-mineral development and county councils responsible for minerals which can lead to cross-boundary issues, for example, safeguarding mineral resources and infrastructure.

### Strategic cross-boundary issues

- 5.4 This section explains the strategic cross-boundary issues that are relevant for the Derbyshire and Derby Minerals Local Plan. They are listed below in the chapter order that they appear in the Pre-Submission Draft Plan 2023 Consultation.

Issue 1: Chapter 6.1	The supply of recycled and secondary aggregates
Issue 2: Chapter 6.2	The supply of aggregate sand and gravel
Issue 3: Chapter 6.3	The supply of aggregate crushed rock
Issue 4: Chapter 6.4	Helping to reduce the level of quarrying in the PDNP

Issue 5: Chapter 7.1	The supply of building stone
Issue 6: Chapter 7.2	The supply of industrial dolomitic limestone
Issue 7: Chapter 7.2	The impact of extending Brassington Moor/Aldwark Quarry on the PDNP
Issue 8: Chapter 7.2	Hope Cement Works, PDNP
Issue 9: Chapter 7.2	The supply of cement making raw materials to Tunstead Cement Works, Derbyshire
Issue 10: Chapter 7.3	The supply of brick clay from Mouselow Quarry, Glossop to Denton Brick Works, Greater Manchester
Issue 11: Chapter 7.3	The supply of brick clay for blending purposes from Waingroves Quarry to brickworks in Nottinghamshire and Leicestershire
Issue 12: Chapter 7.4	The supply of vein minerals
Issue 13: Chapter 8.1	The supply of deep-mined and surface-mined coal
Issue 14: Chapter 8.2	The supply of oil and gas from unconventional and conventional sources
Issue 15: Chapter 9.1	The safeguarding of mineral resources
Issue 16: Chapter 9.2	The safeguarding of mineral related infrastructure
Issue 17: Chapter 10	The development of a restoration strategy for the Trent Valley



## 6. Strategic Cross-Boundary Issues

### 6.1 Issue 1: The supply of Recycled and Secondary aggregates

#### Overview

6.1.1 The use of secondary and recycled aggregates in place of primary materials is an important element of delivering sustainable mineral development as it re-uses material that would otherwise be waste, and helps preserve our finite mineral resources for the longer-term. In preparing their Local Aggregate Assessments (LAAs) to assess the demand for and supply of aggregates MPAs are required to take into account the likely contribution made by recycled and secondary aggregates. The provision of aggregate minerals over the Plan period will include a contribution from recycled and secondary aggregates. Their supply will be maximised by adopting a positive approach to development proposals for facilities which make these materials, and encouraging their use wherever possible. A further duty to cooperate issue relating to recycled and secondary aggregates is the safeguarding of mineral related infrastructure which produce them and is included at 6.16.

#### Relevant Parties

6.1.2 East Midlands Aggregates Working Party members

#### Agreement between the Parties

##### Matters agreed

6.1.3 To take into account the contribution that recycled and secondary aggregates make to the overall supply of aggregates from the Plan area and to make provision for proposals which encourage and enable the production of recycled and secondary aggregates.

##### Matters not agreed

6.1.4 None

#### Outcome of co-operation for the Proposed Draft Plan

6.1.5 The relevant parties will continue to monitor and share knowledge on the production of recycled and aggregates in their LAAs.

6.1.6 The Plan includes Policy SP3 which supports the production of recycled and aggregates production in appropriate locations as set out in the policy.

6.1.7 The Plan includes monitoring indicator MO3 which will monitor the supply of recycled and secondary aggregates. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

### 6.2 Issue 2: The Supply of Aggregate Sand and Gravel

#### Overview

6.2.1 To ensure that a steady and adequate supply of sand and gravel is maintained over the Plan period from the Plan area. This will be achieved through the allocation of new sites. This involves monitoring of production and demand in the Plan area as well as in adjoining MPAs.

The NPPF requires MPAs to make provision for a stock (landbank) of permitted reserves for at least 7 years.

### **Relevant Parties**

6.2.2 Nottinghamshire CC, Staffordshire CC, Leicestershire CC, Lincolnshire CC, Rutland CC, Northamptonshire CC, East Midlands Aggregates Working Party, South Derbyshire District Council, Derbyshire Dales District Council, Rotherham MBC, Doncaster MBC, Barnsley MBC, PDNPA.

### **Agreement between the Parties**

#### **Matters agreed**

6.2.3 To maintain the supply of sand and gravel as identified in the current Local Aggregate Assessment.

#### **Matters not agreed**

6.2.4 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.2.5 All discussions and comments have been taken into account in developing the Draft Plan. It has become clear through these discussions that maintaining the provision of sand and gravel at the current rate is the most appropriate approach to take. The situation will be monitored on an annual basis and reviewed if necessary. Discussions regarding potential sites for sand and gravel working have led to the selection of the preferred sites. Policies SP4, SP5 and SP6 set out the policy approach to enable this provision to continue.

## **6.3 Issue 3: The Supply of Aggregate Crushed Rock**

### **Overview**

6.3.1 This involves determining how much of Derbyshire's crushed rock other MPAs will require. The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of aggregate crushed rock of at least 10 years. We have identified the areas where significant amounts of Derbyshire's crushed rock is consumed and have contacted the relevant authorities.

### **Relevant Parties**

6.3.2 Authorities which use significant amounts of Derbyshire's crushed rock (>50,000 tonnes per annum) (identified as Cheshire East, Cheshire West and Chester, Central Bedfordshire, Greater Manchester Combined Authorities, Essex County Council, North Yorkshire County Council, Doncaster MBC, Nottinghamshire CC, Lancashire CC, Peak District National Park Authority, South Yorkshire Authorities, Staffordshire CC, Milton Keynes, Walsall MBC, Lincolnshire CC.); Aggregate Working Parties (East Midlands, West Midlands, North West, Yorkshire & Humber, South East and London); High Peak Borough Council, and Derbyshire Dales District Council.

## **Agreement between the Parties**

### **Matters agreed**

6.3.4 To maintain the provision of aggregate crushed rock from the Plan area, helping to ensure that the local and national requirements for this material continue to be met.

### **Matters not agreed**

6.3.5 None

## **Outcome of co-operation for the Proposed Draft Plan**

6.3.6 Discussions have resolved that there will be an ongoing reliance on Derbyshire's crushed rock and demand from other authorities throughout the country is likely to remain stable or to increase slightly throughout the Plan period. Derbyshire will continue to meet this demand, with monitoring continuing to review this position on an annual basis. Policy SP7 sets out the approach to enable this.

## **6.4 Issue 4: Helping to Reduce the Level of Quarrying in the PDNP**

### **Overview**

6.4.1 This will be achieved by increasing the level of provision for aggregate crushed rock in Derbyshire progressively as quarries in the PDNP become exhausted.

### **Relevant Parties**

6.4.2 Peak District National Park Authority, East Midlands Aggregates Working Party.

## **Agreement between the Parties**

### **Matters agreed**

6.4.3 Production from quarries in Derbyshire will continue to cater for a progressive reduction in quarrying from the PDNP throughout the Plan period.

### **Matters not agreed**

6.4.4 None

## **Outcome of co-operation for the Proposed Draft Plan**

6.2.5 There is an ongoing commitment from the authorities for the approach with general support from the public. As a result, the approach is included in Policy SP8 in the Draft Plan.

## **6.5 Issue 5: The Supply of Building Stone**

### **Overview**

6.5.1 Unlike for aggregates, there is no specific provision figure that can be set for building stone. It is a matter of ensuring that a policy is in place which allows for extraction when and where required to meet a specific identified need.

### **Relevant Parties**

6.5.2 British Geological Survey, Peak District National Park Authority, National Stone Centre.

## **Agreement between the Parties**

### **Matters agreed**

6.5.3 To continue to meet demand for building stone through a criteria-based policy.

### **Matters not agreed**

6.5.4 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.5.5 It has become clear through discussions referred to above that there is insufficient robust information available to enable to the proposal of any allocations in the MLP for new building stone quarries or extensions to existing ones. The Plan, therefore, includes a criteria based policy (SP9), to allow for new or extended building stone quarries provided that they are primarily for building stone production, they are of a suitable scale in the area proposed and a need is shown for the specific character of stone to be worked in that particular location.

## **6.6 Issue 6: The Supply of Industrial Dolomitic Limestone**

### **Overview**

6.6.1 Whitwell Quarry and associated Works are the sole supplier of specialist Permian dolomitic limestone products to the steel industry supplying both national and international markets. The quarry is operated by Tarmac whilst the adjacent works site is operated by Lhoist. Planning permission was granted in May 2018 for four relatively small extension areas which should provide for the supply of industrial limestone until 2033. The industrial limestone resource straddles the county boundary between Derbyshire and Nottinghamshire. Lhoist are investigating alternative satellite sites both in Derbyshire and Nottinghamshire to supply the works. Possible new sources of supply that have been investigated by Lhoist include Henny Moor Farm in Derbyshire and Holbeck in Nottinghamshire. Both would require bringing mineral back to be processed at Whitwell Works via the public highway. Both sites would bring mineral working closer to Creswell Crags a Site of Special Scientific Interest (SSSI), Scheduled Ancient Monument (SAM), registered Historic Park and Garden and potential World Heritage Site.

6.6.2 The only other source of Permian industrial dolomitic limestone of similar quality in the UK lies in County Durham; Thrislington East and West Quarries, operated by Tarmac, which have historically supplied the adjacent Thrislington Works, operated by Lhoist, with industrial dolomite, however, in January 2016 the kilns were mothballed. Thrislington West contains no further reserves of industrial dolomite; Thrislington East contains around 20 million tonnes of high-grade material which is to be conserved for future high-grade industrial uses. It should be noted that although this mineral is Permian dolomitic limestone it contains levels of impurities which mean that it is not suitable for making the same range of products that are made at Whitwell.

6.6.3 The NPPF provides specific advice about planning for a steady and adequate supply of industrial minerals. It requires the MPA to co-operate with neighbouring and more distant authorities to support their likely use in industrial and manufacturing processes.

Safeguarding and stockpiling should be encouraged to ensure that the mineral remains available for future use. The NPPF sets out that MPAs should plan to maintain a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. It does not set out any requirements in terms of the number of years that stocks of reserves should be maintained for industrial dolomitic limestone. The relevant parties will share knowledge and work together to safeguard industrial dolomitic limestone resources and ensure the supply of mineral to Whitwell Works. Anticipated production and the estimated stock of permitted reserves at Whitwell Quarry will be monitored on an annual basis and the results published in the Derbyshire and Derby Minerals Local Plan Annual Monitoring Report. Stocks of reserves will be monitored as an indication of the likely need for additional sources of supply.

### **Relevant Parties**

6.6.4 Nottinghamshire County Council, Durham County Council, Bolsover District Council

### **Agreement between the Parties**

#### **Matters agreed**

6.6.5 Industrial dolomitic limestone is a very scarce resource in the UK with only two resource areas containing mineral suitable to make refractory products. The onus therefore for ensuring sufficient land-won supplies lies with those MPAs whose areas are underlain by this mineral where this is reasonable and consistent with achieving sustainable development.

#### **Matters not agreed**

6.6.6 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.6.7 The Parties to this statement will continue to monitor and share knowledge and information relevant to planning for the conservation and supply of industrial dolomitic limestone with particular reference to Whitwell Works.

6.6.8 The Plan includes Policy SP10 which allows for the working of additional industrial limestone to sustain production throughout the plan period and enables the MPA to seek to enter into Section 106 agreements to safeguard the use of industrial limestone.

6.6.9 The Plan includes monitoring indicator MO12 which will monitor the supply of industrial limestone. The MPA will monitor the life of permitted reserves at Whitwell based on the proposed estimated annual output. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

## **6.7 Issue 7: The impact of extending Brassington Moor/Aldwark Quarry on the PDNP**

## **Overview**

- 6.7.1 Brassington Moor Quarry, operated by Longcliffe Quarries Ltd, lies within the Carboniferous limestone resource, centred on the Matlock/Wirksworth area, close to the boundary of the PDNP. The Operator primarily produces high purity limestone for specialist markets, some of the products produced require exacting specifications which impacts on the suitability of reserves at the quarry and dictates that extraction operations take place at various locations within the quarry complex dependent on customers' requirements. The Operator has identified a need for additional reserves during the plan period is to provide mineral that is low in cadmium, iron and lead which occur at different locations and depths throughout the quarry but which are vital for the production of animal feed products and for use in glass manufacture.
- 6.7.2 The Plan proposes to allocate land for an extension to Brassington Moor Quarry, known as Aldwark South, through policy SP9. The extension measures 25 Ha and would yield approximately 24 mt of additional reserves. The reserves would be worked and processed via the existing permitted plant and access arrangements. The site, part of which adjoins the PDNP boundary lies within the setting of the National Park. The Plan seeks to ensure that appropriate consideration is given to the impact of working the proposed allocation on the setting of the PDNP by setting out at Appendix A the principal planning requirements that will need to be addressed as part of any planning application to work the site. The requirements have been drawn up in consultation with officers from the PDNPA.

## **Relevant Parties**

- 6.7.3 Derbyshire County Council, Derby City Council, Peak District National Park Authority, Derbyshire Dales District Council

## **Agreement between the Parties**

### **Matters agreed**

- 6.7.4 An initial assessment of the site raised concerns about the impact of working on the setting of the National Park. Following on from this assessment, further work has been undertaken by the Operator in liaison with the County Council to provide more detail on the potential impact of working the site on the surrounding visual receptors/landscape including impacts on the PDNP. The Council has liaised with the PDNPA and both parties have come to an agreement on anticipated impacts and requirements to mitigate such impacts.
- 6.7.5 The additional information submitted by the Operator which includes photographic material and 'Zone of Theoretical Visual' (ZTV) analysis confirms that visual impacts are likely to be confined to the local landscape with receptors to the south and south-east most likely to be affected by the proposed allocation especially those recreational users of the High Peak Trail, Limestone Way and Harboro Rocks. There are vantage points to the north, within the PDNP, where the allocation area is also visible but this visibility would be confined to the north-western extent of this area and would be viewed at distance and within the context of the established quarry complex. A 'Mitigation Strategy' has been submitted by the Operator containing a range of techniques that could be applied to the progressive working and

restoration of the site to assist in mitigating those impacts. The details of the mitigation strategy is included in the principal planning requirements.

## **Matters not agreed**

6.7.6 None

## **Outcome of co-operation for the Proposed Draft Plan**

6.7.7 Appendix A paragraph A35 of the Plan includes a criterion requiring that any planning application submitted to work the proposed allocation will need to address impacts on the PDNP and in particular will need to meet the principal planning requirements detailed below:

6.7.8 Any planning application to work the site would need to include:

- A phased sequence of working and restoration which prioritises early rollover restoration of the western perimeter face;
- Temporary screen bunds which take advantage of the local topography to temporarily reduce the visibility of the extraction areas;
- A strategy for tree and woodland planting along the B5056 corridor which reflects the Derbyshire County Council and PDNPA strategies for the local landscape character including:
  - Further improvement to planting around the Curzon Lodge site to mitigate cumulative impacts;
  - Retention of the woodland/coppice block close to the southern boundary of the extension area for as long as possible as part of the phased development of the area;
  - Woodland planting on the western and southern boundaries of the proposed allocation site;
  - Planting in key areas of the landscape to the east of the B5056;
- A comprehensive management plan for all new tree planting and existing tree planting associated with the quarry site to take into account the impact of Chalara ash die back;
- Introduction of a diverse habitat mix through the implementation of a pre-designed 'green infrastructure' strategy which includes areas of calcareous grassland where appropriate and particularly on steeper slopes in accordance with the PDNPA White Peak Landscape Character Area Strategy.

## **6.8 Issue 8: Hope Cement Works, PDNP**

### **Overview**

6.8.1 Cement is an important product for supporting the national economy and house building. It is produced at just 11 plants within the UK with the rest of supply imported. Tunstead is the only cement works within the Plan area. Hope Cement Works lies some 10 km away from Tunstead within the PDNP. Both of these works transport cement by rail and are important



sources of supply for the nearby Greater Manchester and West Midlands conurbations and further afield.

- 6.8.2 Hope Cement Works, operated by Breedon Cement, produces 1.5 mt of cement annually. The works are supplied by raw materials from the adjoining Hope Limestone and Hope Shale Quarries. The Operator also blends imported pulverised fuel ash (PFA) with the shale as a partial shale replacement in the production of cement clinker. Both quarries have permission for extraction until 2042 however at anticipated production rates it is likely that additional limestone reserves will be required before this date.
- 6.8.3 It will be for the Peak District National Park Authority to determine any planning proposals in their area to enable the continued operation of Hope Cement Works. The NPPF sets out that, in National Parks, great weight should be given to conserving and enhancing the landscape, scenic beauty, wildlife and cultural heritage. The scale and extent of development within these areas should be limited and planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Whether the proposal is 'major development' is a matter for the Peak District National Park Authority taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In considering such applications an assessment should be made of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it on the local economy;
  - b) the cost of, and scope for, developing outside the designated area or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.8.4 The outcome of any decision may have implications for the Plan area insofar that it could potentially lead to an increase in cement production from the area with a subsequent impact on the demand for cement raw materials. Limestone is supplied to Tunstead Cement Works by the adjoining Tunstead and Old Moor Quarries (the latter of which lies within the PDNP). Secondary raw materials consisting of marl and shale are imported from two quarries in Staffordshire, (the supply of these secondary materials to Tunstead cement works is considered under Issue 9). Planning permission has been granted for a second cement kiln at Tunstead Quarry which would increase cement capacity by 1.15 mpta. The date when this kiln will be operational is unknown but could possibly be influenced by decisions affecting the future of Hope Cement Works. It is important therefore to co-operate with the Peak District National Park Authority in order to exchange information and monitor this situation.

### **Relevant Parties**

6.8.4 Peak District National Park Authority

### **Agreement between the Parties**

#### **Matters agreed**



6.8.5 The supply of cement manufactured in the UK is limited to 11 plants. It is important therefore that, where appropriate, plants are supplied with suitable raw materials. Individual cement plants require a combination of primary and secondary raw materials with particular specifications. The onus therefore for ensuring sufficient land-won supplies lies with those MPAs whose areas are underlain by those raw materials where this is reasonable and consistent with achieving sustainable development. Within National Parks, however, great weight should be given to conserving and enhancing the landscape, scenic beauty, wildlife and cultural heritage and permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

#### **Matters not agreed**

6.8.6 None

#### **Outcome of co-operation for the Proposed Draft Plan**

6.8.7 The relevant parties will continue to monitor and share knowledge on this strategic cross border issue relating to the supply of cement making raw materials and identify any implications for the Plan area.

### **6.9 Issue 9: The supply of cement making raw materials to Tunstead Cement Works, Derbyshire from Staffordshire**

#### **Overview**

6.9.1 Cement is an important product for supporting the national economy and house building. It is produced at just 11 plants within the UK with the rest of supply imported. Tunstead Cement Works lies on the Carboniferous Limestone resource and is the only cement works within the Plan area. The plant transports cement by rail and is an important source of supply for the nearby Greater Manchester and West Midlands conurbations and further afield.

6.9.2 The NPPF requires MPAs, when planning for a steady and adequate supply of industrial minerals to co-operate with neighbouring and more distant authorities to support their likely use in industrial and manufacturing processes. It also requires MPAs to make provision in their local plans for a stock of permitted reserves of primary and secondary raw materials to support investment required to maintain or improve an existing cement plant or to provide a new kiln. The minimum requirement is 15 years to support investment at an existing plant and 25 years to support the development of a new kiln. The requirements apply to individual sites or feeder sites rather than the whole Plan area. They should be calculated when a planning application is submitted and used as an indicator to assess whether additional reserves are required to support the level of capital investment proposed.

6.9.3 Tunstead Cement Works is operated by Tarmac and supplied with limestone by two adjoining quarries Tunstead and Old Moor (part of this quarry lies within the PDNP (outside the Plan area). Most of the secondary raw material required i.e. clay also comes from the quarries in the form of slurry resulting from the washing of limestone in the production of chemical stone for industry. However, 60,000 tpa of shale is imported from Kingsley Quarry and 120,000 tpa of marl is imported from Keele Quarry; both quarries are located in Staffordshire. It is important to plan for the continuation of this supply. Additionally, whilst the

plant currently has capacity to produce 1mt of cement per year, planning permission was granted in 2011 for a second cement kiln, K2, which would result in a capacity of 2.15 mt when built. The date for the likely development of K2 remains unknown however its operation is likely to result in an increase in the demand for both primary and secondary raw materials.

### **Relevant Parties**

6.9.4 Staffordshire County Council

### **Agreement between the Parties**

#### **Matters agreed**

6.9.5 The supply of cement manufactured in the UK is limited to 11 plants. It is important therefore that, where appropriate, plants are supplied with suitable raw materials. Individual cement plants require a combination of primary and secondary raw materials with particular specifications. The onus therefore for ensuring sufficient land-won supplies lies with those MPAs whose areas are underlain by those raw materials where this is reasonable and consistent with achieving sustainable development.

#### **Matters not agreed**

6.9.6 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.9.7 The relevant parties will continue to monitor and share knowledge relevant to planning for the cross-border supply of cement making raw materials to Tunstead Cement Works from Kingsley and Keele Quarries.

6.9.8 Permitted reserves at Tunstead are used for aggregate production and other industrial applications as well as cement manufacture and therefore it is not possible to monitor permitted reserves available for cement production only. An estimate of the level of permitted reserves at Tunstead will be monitored through Monitoring Indicator MO14.

6.9.9 The Plan includes Policy SP12 which allows for the working of additional cement making raw materials to sustain production throughout the plan period.

6.9.10 The Plan will monitor the grant of any new planning permissions for cement making raw materials over the Plan period through Monitoring Indicator MO15. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

## **6.10 Issue 10: The supply of brick clay from Mouselow Quarry, Glossop to Denton Brick Works, Greater Manchester**

### **Overview**

6.10.1 Denton Brickworks is located approximately 16 km from the county boundary in east Manchester; shale from Mouselow Quarry supplies 50% of the raw material for the brickworks. It is present in 35 out of the 49 product groups and is included in 80% of all the bricks manufactured. The other 50% of raw material is supplied from Harwood Quarry, Bolton; additional small amounts of raw materials for blending purposes are sourced from Bradford and Leicestershire. The supply of Mouselow shale is essential for the continued

operation of the brick works. Mouselow Quarry and the brickworks are operated by Wienerberger UK Ltd.

Planning permission was granted for an extension to Mouselow Quarry in 2019 which provides for an additional 850,000 tonnes of brick making shale sufficient at anticipated annual production rates of approximately 45,000 tpa to maintain production throughout the Plan period and beyond.

### **Relevant Parties**

6.10.2 Greater Manchester Combined Authority Minerals and Waste Planning Unit (GMCAMWPU)

### **Agreement between the Parties**

#### **Matters agreed**

6.10.3 Brick clay resources are not evenly distributed across all MPA areas and therefore the onus for ensuring sufficient land-won supplies lies with those MPAs whose areas are underlain by this mineral.

#### **Matters not agreed**

6.10.4 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.10.5 The Parties to this statement will continue to monitor and share knowledge and information relevant to planning for the supply of brick clay to Denton Brickworks.

6.10.6 The Plan includes Policy SP13 which enables the provision of additional brick clay reserves to meet any unidentified needs for brick clay to maintain supply throughout the plan period.

6.10.7 The Plan includes monitoring indicator MO16 which will monitor the estimated permitted reserves at Mouselow based on the proposed estimated annual output. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

## **6.11 Issue 11: The supply of brick clay for blending purposes from Waingroves Quarry to brickworks in Nottinghamshire and Leicestershire**

### **Overview**

6.11.1 Waingroves Quarry, Ripley is operated by Forterra Building Products Ltd and supplies brick clay to the Company's brick works located at Kirton in Nottinghamshire and Desford in Leicestershire. Approximately 60% is transported to Nottinghamshire and 40% to Leicestershire. The brick clay is then blended with clay and shale material from other active quarries at the brickworks, chiefly because being a Carboniferous Shale it gives a far stronger fired product than ones made purely from Keuper Marl and helps the brick to be frost resistant. As a result, it is used to manufacture bricks destined for engineering specifications rather than general house building.

6.11.2 Production has averaged around 60,000 tpa in recent years and is anticipated to continue at this rate for the short term. A new brick works at Desford has been permitted and when

this is commissioned, estimated to be around 2021/2022, the demand for material from Waingroves is anticipated to rise to around 115,000 tpa. Taking this expected increase into account, the level of permitted reserves at Waingroves are sufficient to maintain production throughout the Plan period.

### **Relevant Parties**

6.11.3 Nottinghamshire County Council, Leicestershire County Council.

### **Agreement between the Parties**

#### **Matters agreed**

6.11.4 Brick clay resources are not evenly distributed across all MPA areas and therefore the onus for ensuring sufficient land-won supplies lies with those MPAs whose areas are underlain by this mineral.

#### **Matters not agreed**

6.11.5 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.10.6 The Parties to this statement will continue to monitor and share knowledge and information relevant to planning for the supply of brick clay to Kirton and Desford Brickworks.

6.11.7 The Plan includes Policy SP13 which enables the provision of additional brick clay reserves to meet any unidentified needs for brick clay to maintain supply throughout the plan period.

6.11.8 The Plan includes monitoring indicator MO16 which will monitor the estimated life of permitted reserves at Waingroves based on the proposed estimated annual output. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

## **6.12 Issue 12: The supply of vein minerals**

### **Overview**

6.12.1 Sources of fluorspar and barytes are very limited in the UK. The Carboniferous Limestone resource within the PDNP is now the focal point of the Country's fluorspar production; by 2021 there were two active sites, Milldam Mine and Smalldale Quarry and one current proposal to resume underground working at Watersaw Mine. Within the Plan area vein mineral exploitation is limited to the Carboniferous Limestone resource bordering the PDNP and currently at one operational site, Slinger Top near Cromford. Vein mineral from Slinger Top is transported to a central processing plant at Cavendish Mill located within the PDNP. There is no existing or likely future interest in exploiting barytes from this resource area.

### **Relevant Parties**

6.12.2 Derbyshire County Council, Derby City Council and Peak District National Park Authority,

### **Agreement between the Parties**

### **Matters agreed**

6.12.3 Vein minerals are a nationally important but scarce mineral resource within the UK. The current focus of the Country's vein mineral industry is on the Carboniferous Limestone resource, principally within the PDNP but also within the Plan area bordering the PDNP, and is likely to remain so, due to the availability of permitted reserves and the location of a central processing facility within a commercially viable distance of permitted sites.

### **Matters not agreed**

6.12.4 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.12.5 The Parties to this statement will continue to monitor and share knowledge and information relevant to planning for the supply of vein minerals.

6.12.6 The Plan includes Policy SP15 which allows for the working of additional vein mineral reserves throughout the Plan period.

6.12.7 The Plan includes monitoring indicator MO19 which will monitor any planning applications to supply vein minerals. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

## **6.13 Issue 13: The supply of deep-mined and surface-mined coal**

### **Overview**

6.13.1 Derbyshire contains both shallow and underground coal resources. The viable shallow coal resource in Derbyshire is found in two areas, the North Derbyshire Coalfield and the South Derbyshire Coalfield. The North Derbyshire Coalfield runs along much of the shared boundary between Derbyshire and Nottinghamshire as well as the shared boundary with Rotherham Metropolitan Borough. The South Derbyshire Coalfield is located around Swadlincote and runs along the shared boundary with Leicestershire. There are no current active or proposed surface mines in either coalfield area although there continues to be some potential for such proposals to come forward.

6.13.2 Underground resources of coal lie east of the main shallow coal resource, again running along much of the shared Derbyshire-Nottinghamshire border. High investment costs and uncertain coal prices indicate that it is unlikely that proposals for major new colliery development will come forward, however given the right circumstances there continues to be some potential for proposals to come forwards.

### **Relevant Parties**

6.13.3 Nottinghamshire County Council, Leicestershire County Council, Rotherham Metropolitan Borough Council, Staffordshire County Council.

### **Agreement between the Parties**

#### **Matters agreed**

6.13.4 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.

#### **Matters not agreed**

6.13.5 None

### **Outcome of co-operation for the Pre-submission Draft Plan**

- 6.13.6 The Parties to this statement will continue to monitor and share knowledge and information relevant to planning for the provision of shallow and deep mined coal.
- 6.13.7 The Plan includes Policy SP15 which allows for the working of the shallow and deep coal resource under certain circumstances during the Plan period.
- 6.13.8 The Plan includes monitoring indicator MO19 which will monitor the life of any planning permissions granted for coal extraction or colliery spoil disposal. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.

## **6.14 Issue 14: The supply of oil and gas from unconventional and conventional sources**

### **Overview**

- 6.14.1 There are a number of oil and gas bearing mineral resources that straddle the Plan area boundary along with a number of extant Petroleum, Exploration and Development Licences (PEDL) required to facilitate the exploitation of oil and gas in a licensed area. The mineral resources contain oil and gas deposits that can be exploited by conventional and unconventional methods.
- 6.14.2 Conventional oil and gas reserves can be typically exploited by drilling a well, with oil or gas then flowing out under its own pressure. Conventional deposits are contained in porous rocks with interconnected spaces, such as limestone and sandstone. Unconventional oil and gas deposits are contained in impermeable rocks, such as shale or coal deposits. In these cases, the oil or gas cannot easily flow through the reservoir. To extract the oil and gases, techniques such as hydraulic fracturing (commonly referred to as fracking), coal bed methane dewatering or coal gasification are used.
- 6.14.3 Historically oil and gas has been exploited within the Plan area on a small scale, mainly from conventional limestone resources. In the recent past coal mine methane has been extracted on a small scale from the now closed deep-mines at Markham, Whitwell and Shirebrook. The Plan area contains part of the Bowland-Hodder shale deposit which extends in to neighbouring authorities from which gas is obtainable by hydraulic fracturing methods. To date only one site at Bramley Moor has been granted planning permission (in 2018) for the exploration of shale



gas, although work has not yet started. There is a currently a government moratorium on the issuing of Hydraulic Fracturing Consents whilst further exploration is undertaken into the management of induced seismicity associated with hydraulic fracturing. Co-operation with cross boundary authorities is important on this issue for knowledge sharing, policy development and monitoring.

### **Relevant Parties**

6.14.4 Nottinghamshire County Council, Sheffield City Council, Rotherham Metropolitan Borough Council

### **Agreement between the Parties**

#### **Matters agreed**

6.14.5 There is a confirmed presence of shale gas and other forms of on-shore oil and gas resources in the Plan area which may become subject to development proposals, in isolation, or in combination with corresponding developments in neighbouring areas.

6.14.6 The full implications of some forms of hydrocarbon developments (especially those associated with unconventional resources) are not yet fully known and evidenced, hence there is a particular need to share information, knowledge and experience about the impact of any individual sites on the wider environment and the effectiveness of any monitoring and control mechanisms imposed on the development.

#### **Matters not agreed**

6.14.7 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.14.8 The Parties to this statement will continue to monitor and share knowledge and information relevant to planning for the supply of hydrocarbons.

6.14.9 The Plan includes Policy SP17 which allows for the working of hydrocarbons to enable their supply during the Plan period.

6.14.10 The Plan includes monitoring indicator MO21 which will monitor planning applications granted permission for hydrocarbon exploitation. Monitoring information will be published in the Derbyshire and Derby Minerals Local Plan Monitoring Report.



## **6.15 Issue 15: The Safeguarding of Mineral Resources**

### **Overview**

6.15.1 To ensure that mineral resources are safeguarded effectively and that a consistent and co-ordinated policy approach is taken to safeguarding of mineral resources across administrative boundaries.

### **Relevant Parties**

6.15.2 MPAs with boundaries adjoining Derbyshire and Derby, District Planning Authorities within Derbyshire.

### **Agreement between the Parties**

#### **Matters agreed**

6.15.3 Recognise the importance of minerals. That a policy which ensures that minerals are given proper consideration when determining planning proposals for non-mineral development will be included in the MLP.

#### **Matters not agreed**

6.15.4 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.15.5 District/Borough Planning Authorities have been made aware of and understand the procedure whereby they are required to consult the Mineral Planning Authority on planning applications for non-mineral development in Mineral Consultation Areas. District/Borough Authorities also understand their requirement to show Mineral Safeguarding Areas (MSA) on their Local Plan Proposals Maps. Policy SP23 sets out the approach that will be taken to ensure the implementation of effective safeguarding of minerals in the Plan area.

## **6.16 Issue 16: The Safeguarding of Mineral Related Infrastructure**

### **Overview**

6.16.1 To safeguard minerals related infrastructure to protect them from being lost to other forms of development. The infrastructure includes but is not limited to transport infrastructure such as freight lines and railheads, concrete batching plants, and asphalt plants. It is important to safeguard minerals related infrastructure to ensure that the minerals which are produced within Derbyshire and Derby and the surrounding areas are supplied to the market in the form required (e.g. concrete or coated road stone), and the potential to transport them in sustainable ways is maintained, including by rail and water. Safeguarding will also

ensure that if development is proposed at, or near to, any of the identified locations then the significance of the site in terms of retaining supply can be considered fully before decisions are made.

### **Relevant Parties**

6.16.2 Mineral Operators, concrete and asphalt suppliers, District, Borough and Unitary Councils.

### **Agreement between the Parties**

#### **Matters agreed**

6.16.3 Recognise the importance of minerals infrastructure. That a policy which ensures that minerals infrastructure is given proper consideration when determining planning proposals for non-mineral development will be included in the MLP.

#### **Matters not agreed**

6.16.4 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.16.5 For all authorities to have a full understanding of this issue and for district/borough planning authorities to be aware of their requirements in respect of this issue. Policy SP24 has been developed which encompasses the issues that have been discussed.

## **6.17 Issue 17: The Development of a Restoration Strategy for the Trent Valley**

### **Overview**

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

### **Relevant Parties**

6.17.2 Nottinghamshire CC, Leicestershire CC, Staffordshire CC, Trent and Tame Valley Partnership, Dove Valley Partnership, Environment Agency, South Derbyshire District Council.

### **Agreement between the Parties**

#### **Matters agreed**

6.17.3 That a policy should be included in the MLP which helps to ensure that a strategic approach is taken to the restoration of sand and gravel sites

in the river valleys. A Supplementary Planning Document will then be prepared once the Plan is adopted to provide more detail to the approach.

### **Matters not agreed**

6.17.4 None

### **Outcome of co-operation for the Proposed Draft Plan**

6.17.5 Policy SP25 has been included in the Draft Plan, which will help to ensure that a strategic approach is taken in the assessment of planning applications for sand and gravel workings to help to develop the restoration schemes for sites.

## **7. Governance Arrangements**

- 7.1 This draft SoCG has been prepared by Derbyshire County Council and Derby City Council and published on the Councils' websites as part of the Winter 2021/2022 Proposed Draft Plan consultation. In preparing this SoCG methods of co-operation have included emails, meetings and plan consultation responses. Detailed evidence of this co-operation can be found in a separate paper.<sup>1</sup>
- 7.2 Derbyshire County Council and Derby City Council will seek authorisation from the relevant Cabinet Member meeting to enter into agreements with the relevant parties identified in this SoCG.
- 7.3 Co-operation will continue through established formal arrangements e.g. East Midlands Aggregate Working Party (EMAWP) and informal meetings/emails.
- 7.4 After the Plan is adopted this Statement will be discussed and updated as and when a Local Plan Review takes place.

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<sup>1</sup> Derbyshire and Derby Minerals Local Plan Summer 2021 Consultation Proposed Draft Plan – Duty to Co-operate: Evidence of Co-operation July 2021

## 8. Signatories

- 8.1 Signatories to this Statement have done so on the basis of the details set out in the agreements contained in this document. By signing it, it does not prejudice the ability of any signatory from making detailed representations (in support or objection) to the local plan.

<b>Organisation</b>	Derby City Council
<b>Issues</b>	All
<b>Title of Signatory</b>	
<b>Signature</b>	
<b>Date</b>	

<b>Organisation</b>	Peak District National Park Authority
<b>Issues</b>	1,2,3,4,5,7,8,12
<b>Title of Signatory</b>	
<b>Signature</b>	
<b>Date</b>	

<b>Organisation</b>	High Peak Borough Council
<b>Issues</b>	1, 15, 16
<b>Title of Signatory</b>	
<b>Signature</b>	
<b>Date</b>	

Derbyshire Dales District Council

**Organisation**

**Issues**

1, 7, 15, 16

**Title of Signatory**

**Signature**

**Date**

**Organisation**

Chesterfield Borough Council

**Issues**

1, 15, 16

**Title of Signatory**

**Signature**

**Date**

**Organisation**

North East Derbyshire District Council

**Issues**

1, 15, 16

**Title of Signatory**

**Signature**

**Date**

**Organisation**

Bolsover District Council

**Issues**

1, 6, 15, 16

**Title of Signatory**

**Signature**

**Date**

**Organisation** Amber Valley Borough Council  
**Issues** 1, 15, 16  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Erewash Borough Council  
**Issues** 1, 15, 16  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** South Derbyshire District Council  
**Issues** 1, 15, 16,17  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Nottinghamshire County Council  
**Issues** 1, 2, 6, 11, 13, 14, 15, 17  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Leicestershire County Council  
**Issues** 1, 2, 11, 13, 15, 17  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Lincolnshire County Council  
**Issues** 1, 2, 15  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Rutland County Council  
**Issues** 1, 2, 15  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Northamptonshire County Council  
**Issues** 1, 2, 15  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Sheffield City Council  
**Issues** 14, 15  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Rotherham MBC  
**Issues** 2, 13, 14  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Barnsley MBC  
**Issues** 2, 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Doncaster MBC  
**Issues** 2, 3  
**Title of Signatory**  
**Signature**  
**Date**



**Organisation** North Yorkshire County Council  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Bradford MDC  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Kirklees MBC  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Greater Manchester Combined Authority (GMCA)  
**Issues** 3, 10  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Durham CC  
**Issues** 6  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Lancashire CC  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Staffordshire CC  
**Issues** 2, 3, 9, 15, 17  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Warwickshire CC  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Cheshire East Council  
**Issues** 3, 15  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Cheshire West and Chester Council  
**Issues** 3, 15  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Central Bedfordshire CC  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Milton Keynes UA  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Essex CC  
**Issues** 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** East Midlands Aggregates Working Party  
**Issues** 1, 2, 3  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Trent and Tame Partnership  
**Issues** 17  
**Title of Signatory**  
**Signature**  
**Date**

**Organisation** Dove Valley Partnership  
**Issues** 17  
**Title of Signatory**  
**Signature**  
**Date**

<b>Organisation</b>	Environment Agency
<b>Issues</b>	17
<b>Title of Signatory</b>	
<b>Signature</b>	
<b>Date</b>	