

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

**Spring 2023 Consultation
Pre-Submission Draft Plan
(2022-2038)**

STATEMENT OF CONSULTATION
(regarding representations under
regulation 18 of the Town And Country
Planning (Local Planning) (England)
Regulations 2012)

February 2023

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1. Introduction

- 1.1. On-going and effective consultation and community involvement is an essential part of the planning process. The Councils' approach to consultation and engagement with local people, statutory bodies and other groups during the preparation of the Local Plan and on mineral planning applications is set out in the Statement of Community Involvement (SCI).
- 1.2 This statement is one of the proposed submission documents of which copies are being made available in accordance with regulation 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as required by regulation 19). It covers the various stages of consultation that were carried out under regulation 18 for the Derbyshire and Derby Minerals Local Plan and shows how this has influenced the development of the Pre-submission document.
- 1.3. In line with the Regulations, this statement sets out: - which bodies and persons were invited to make representations, how they were invited to be involved, a summary of the main issues raised by the representations, and how these have been addressed in the Pre-submission Draft Derby and Derbyshire Minerals Local Plan (2022 - 2038) that Derbyshire County Council (the Plan). The Plan is the local plan which Derbyshire County Council and Derby City Council now propose to submit to the Secretary of State.
- 1.4 Section 110 of the Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to introduce the 'duty to co-operate'. Section 33A of the Act¹ places a legal duty to co-operate on local planning authorities and county councils in England and prescribed bodies or of prescribed description, when preparing development plans, other local development documents and other plans, in relation to strategic cross-boundary matters.

1.5 The prescribed bodies listed in Regulation 4 (2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, are;

- the Environment Agency
- Historic England
- Natural England
- the Mayor of London
- the Civil Aviation Authority
- the Homes and Communities Agency
- each Clinical Commissioning Group established under 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail and Road
- Transport for London
- each Integrated Transport Authority
- each highway authority within the meaning of Section 1 of the Highways Act 1980 (including the Secretary of State where the Secretary of State is the highways authority) and
- the Marine Management Organisation.

1.6 Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty to cooperate but have been identified by Government as organisations that those bodies which are covered by the duty 'should have regard to' when preparing local plans and other related activities. A 'local enterprise partnership' (LEP) is a body, designated by the Secretary of State, which is established for the purpose of creating or improving the conditions for economic growth in an area, whilst a 'local nature partnership' (LNP) is a body, designated by the Secretary of State, which is established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

- 1.7 Work began in 2009 on preparing a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000 (and the subsequent 2002 amendment). At the time it was intended to produce a plan in the form of a Core Strategy setting out the Vision and Objectives, Key Strategies and identifying strategic sites where appropriate. A Key Issues and Options Report was produced for consultation in 2010.
- 1.8 Following the introduction of the National Planning Policy Framework in 2012, however, the means of preparing local plans was changed. The Councils therefore began the preparation of a single, all-embracing plan to comply with this revised national policy approach.
- 1.9 Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires local planning authorities to notify specific and general consultees of the subject of a local plan which they intend to prepare and invite representations as to what the Plan should contain.
- 1.10. The Minerals Local Plan has been through six stages of informal public participation where the public, stakeholders, interest groups, the mineral industry and other interested parties were invited to discuss and comment on the emerging Plan and its proposals.

The series of consultations included:

- Sand and Gravel Sites Consultation 2012,
- Emerging Approach Consultation 2015 and 2016,
- Hard Rock Sites Consultation 2016/2017,
- Proposed Approach Spring 2018,
- Sand and Gravel Consultation in 2020
- Proposed Draft Plan 2021/2022.

- The 2012 Sand and Gravel Sites Consultation focussed on the identification of potential future sites for sand and gravel extraction in the river valleys in the south of the county. Drop-in sessions were held to discuss the proposals with local communities in the Autumn of 2012. This led to the identification of preferred sites.
- The Emerging Approach Consultation began in April 2015 and ran through to 2016. A number of strategy and related supporting papers were published initially, which set out the emerging approach for various elements of the Minerals Local Plan. These were added to during late 2015 and early 2016 and responses continued to be invited on all papers until 3 July 2016.
- The Hard Rock Sites Consultation ran for an initial six-week period from December 2016 to January 2017, but as a result of significant public interest, it was agreed to extend this for a further six-week period to 28 February 2017.
- The Towards a Minerals Local Plan – Spring 2018 Consultation ran for an eight-week period from 19 March 2018 to 18 May 2018. This was a consultation on the full Plan.
- The Sand and Gravel consultation took place for an eight-week period from October 2020 until December 2020. This was considered necessary as a result of a revision to the National Planning Policy Framework (NPPF) which stipulates that Local Plans should cover a 15-year period from adoption of the Plan. This required the Councils to extend the Plan period to 2038 (15 years from the expected adoption of the Plan in 2023), which meant that additional provision had to be made for sand and gravel in the Plan. Community involvement through drop-in sessions was restricted as a result of Covid restrictions in place at the time, so consultation was very much on-line based.

- The consultation on the full Proposed Draft Plan took place for an eight-week period from 2 March 2022 to 29 April 2022. Covid restrictions had been lifted by this time, so we were able to hold drop-in sessions with local communities throughout the Plan area to discuss the Plan.

This statement provides a list of bodies and persons invited to comment, a summary of the consultation methods used in these consultations, the number and content of responses to these consultations and the Councils' responses to these representations.

2. Consultation Methods

The following methods have been used by the councils to publicise the consultations. The precise methods may have varied from one consultation to another. The consultee database developed over the course of the preparation of the Plan

1. Direct Mail Letters and emails to individuals and organisations with a declared interest in minerals planning
2. Latest News articles on the councils' websites
3. Newspaper articles
4. Public displays in libraries
5. Posters/Flyers
6. Community Forums
7. Social media
8. Drop-in sessions

Direct Mail – Emails and letters to organisations and individuals with a declared interest in Minerals Planning

In the early stages of Plan development, mainly letters were sent out. This has evolved so that the majority of correspondence is now sent by email. Clearly, this database has developed over the course of the Plan preparation. Currently, there are 675 consultees on our database who ask to be informed by email. This includes 49 statutory consultees, 556 individuals, 20 mineral operators, 50 businesses/interest groups/public bodies. 4 people ask to be consulted by letter.

Latest News

The authorities ensured that their web pages were updated with the latest information regarding the consultation.

Newspaper Articles

Articles are published about the Minerals Local Plan in various local newspapers to publicise the consultation periods.

Posters

Posters are sent out with the letters to Parish Councils. The letter asks for the poster to be placed on the parish notice board.

Posters are also fixed to lamp posts around the sites that were included in the sites' consultations.

Public Displays

Arrangements were made to place the documents on display in all Derby & Derbyshire libraries, all mobile libraries and in district council offices.

Social Media

A message is placed on the Derbyshire County Council Twitter Page informing people of the beginning of the consultation.

Drop-in Sessions

Nine drop-in sessions were held during the sand and gravel sites consultation in 2012. Five drop-in sessions were held in 2017 to provide an opportunity for local people to discuss the proposals for hard rock sites with council officers. Six were held throughout the Plan area for the 2018 consultation and five were held throughout the county for the Proposed Draft Consultation 2021/2022.

3. Sand and Gravel Consultation, 2012

- 3.1 Drop-in sessions were held to discuss the proposals with local communities in the Autumn of 2012. Consultation was targeted to the specific communities in the river valleys. Leaflets were posted to households close to the suggested sites and only parish councils in the affected areas were consulted. All statutory and general consultees whose details were held on the database at the time were notified.
- 3.2 A summary of the comments made at each event is set out below.

Foston & Scropton Parish Hall, 24 September 2012

41 people attended.

People in general were concerned about the impact of a new quarry on the area, which has so far experienced no significant mineral extraction. There was, as expected, a degree of concern amongst local residents, but this was reduced to some extent once the details of the plan and the long-term nature of the strategy had been explained.

The issue of how a new quarry would affect flooding in an area already highly susceptible to flooding was a major concern. The EA are soon to begin a major flood defence scheme in the area and the southern field suggested for extraction is proposed in the EA scheme as a floodwater holding area. It was considered by residents that the two proposals would be incompatible.

People were also concerned about where the access to the quarry would be and whether HGVs would go through the villages. Noise was also raised as a concern.

The cumulative impact of another industry operating in a rural area already the focus of major employers, such as Cranberry Foods and the proposed pig farm was raised as an issue. It was suggested that increasingly there seems to be more employment than people living in the area. Again, the issue of traffic passing through the village was raised in this respect.

In general, people supported the development of a longer-term strategy for the restoration of the valleys.

Barrow on Trent Village Hall, 26 September 2012

17 people attended.

The issue of cumulative impact of Swarkestone Quarry on the area was raised by a small number of people but most people living in Barrow, in general, accept the quarry, which seems to be operated with respect to the community and have expected that it will extend towards Twyford in time. The fact that this suggested extension means that it is moving gradually away from Barrow also helps to reduce concern.

People who are most concerned are those living in the properties along Twyford Road to the north of the suggested site. Loss of views, impact on property values, increased risk of flooding (Barrow has no new flood defences), traffic impact on unsuitable local roads and effect on the abundant wildlife were all issues that were raised by these residents. Some people raised the issue of cumulative impact on the area and thought that after the current permitted area is worked, it should then be allowed to recover without further working taking place.

The main issue raised by residents of Barrow village was the impact that continued quarry traffic, together with that from the redeveloped power station, will have on the junction of the A5132 with the A514. People considered that a major community benefit from the continued operation of the quarry would be the improvement of this junction.

The environmental sensitivity mapping project being undertaken by the council's Landscape Team was well received and helped people to understand the proposed long term restoration strategy for the Trent Valley.

Weston on Trent Village Hall, 28 September 2012

39 people attended.

Given the fact that there is a planning application on the site, people were a lot more focused on details of the proposal rather than the longer term strategy for sand and gravel extraction in the valley as a whole. Again, most people accepted the need for sand and gravel and that it can only be extracted where it is found and had to some degree expected Shardlow Quarry to eventually extend in this direction. However, the fact it will be much closer to the village than the existing quarry was a concern.

Again, it became clear that, in general, the operator works well with the community and responds to their concerns. It seems that Donington Park and the Airport produce a lot more noise and disturbance than the quarry.

Most expressed concern about where the access would be and whether lorries would travel through Weston. Impact on views, flooding, loss of wildlife and informal recreation were also concerns. People asked for screening on the north side of the site.

The potential impact on Kings Mill Lane was also raised by a significant number of people. It was considered generally that the provision of a bridge across the river from Kings Mill Lane would be a good community benefit resulting from the working of the quarry. The improvement of the canal towpath in the area was also raised in this respect, as were improved community facilities such as buses and shops.

There was overall support for the proposed strategy for the restoration of the Trent Valley area.

Repton Village Hall, 4 October 2012

Over 150 people attended.

There was general concern expressed by the majority of local people over the potential impact that the development of this site could have. The size of the site surprised many.

Most thought that the area of the valley between Repton and Willington is totally unsuitable for aggregate extraction. It was considered that it would have a number of adverse impacts, including increased noise, increased traffic on already unsuitable roads, increased risk of flooding, dust, loss of views across the valley, loss of important historic artefacts and environment and the potential impact on the setting of Repton and Willington and its proximity to built up areas.

Many people asked where the access is proposed and were to some extent relieved that Hansons planned to access the site from Twyford Road with a new river bridge. There was still concern then that lorries would travel through an already congested Willington.

Overall, it was felt that the site was too sensitive in a number of respects and that other sites that have been suggested which are further from communities offer greater potential for mineral extraction.

The main benefit that local people would like to see arise from any future extraction would be a new bridge connecting Repton and Willington to help relieve traffic congestion in the area.

No specific comments were raised about the suggested extension to the Willington Quarry.

People were keen to learn about the longer term strategy for the restoration of the Trent Valley area.

Elvaston Village Hall, 5 October 2012

25 people attended.

The main concerns raised included the potential impact of access arrangements and additional traffic on the local roads, the impacts of noise and dust on local villages and whether the proposal would increase flood risk. The proximity of the site to Elvaston Castle was also raised.

People also commented on the extent to which this area has suffered from the effects of quarrying in the past, some people thought it would be better if the resource was removed so that they could then be left alone, whilst others thought that it should now be the turn of other areas to bear the burden of mineral extraction.

Several people mentioned the poor quality of the deposits in this area and suggested that if sand and gravel extraction was necessary, it should be in an area where the yield would be greater for the amount of land lost.

In terms of restoration, people questioned whether it should be returned to an agricultural end use or left as an open body of water.

Egginton Village Hall, 18 October 2012

52 people attended.

Main concerns raised included the potential impact that extraction may have on flooding in the area, particularly the impact on the water table during extraction.

Local people also discussed with us a long awaited flood alleviation scheme, which is due to start next year and includes the land suggested for extraction. Locals do not want this important scheme to be compromised by sand and gravel extraction.

People were also concerned that quarry traffic would go through the village. It is likely however that access would be to the north through the Airfield. Hanson owns the track.

The cumulative impact on the area was also raised by a number of people in terms of the recent development in the area (A50, Nestle, the proposed rail interchange, housing) and yet another proposal would be unwelcome.

People were concerned about the loss of the footpaths through the site and the impact on important historic landforms (ox bow lakes and ridge and furrow) and on wildlife.

The proximity of Derby Airfield is also of major concern. The threat of bird strike is already a concern but it is considered that an increase in water bodies would increase this risk to unacceptable levels.

The construction of the new gas pipeline through part of the site was raised. Concern was expressed over how this would be protected.

The proposed restoration strategy was well received and people hoped it would be developed further.

Long Eaton Library, 8 November 2012

19 people attended.

People were concerned about the proximity of the extension of the Attenborough Quarry to housing and the potential effect that dust, noise and traffic would have on them. Fears were somewhat allayed when they were told that the material would be transported through the site to the existing processing plant at Attenborough.

The impact on house prices and insurance premiums was also raised; some insurance companies consider that sand and gravel quarries increase the risk of flooding.

Residents were worried that the workings could increase the risk of flooding by disrupting the water table.

Generally, people who had lived in the area for a while accepted the workings but newer residents were more concerned.

Some people supported the proposal and put forward benefits they hoped the development may bring to the area, such as more informal recreation opportunities and improvements to highway maintenance.

Most people were more concerned about the specific impacts of the site than the overall strategy, which they said should be left to us to develop.

Generally, people would prefer to see the site restored to agriculture rather than another area of water. They were assured to learn that only inert fill could be used and it would not become a landfill site.

Shardlow Village Hall, 22 November 2012

42 people attended.

Many people were not aware that the Chapel Farm site is allocated in the current Minerals Plan and that there is a planning application on it. Those who are were concerned that this latest consultation process means that the extraction is now more likely to proceed.

People were concerned about whether there would be increased heavy quarry traffic passing through the villages, but were relieved to learn that the mineral is proposed to be moved by barge to the former Hemington Quarry.

There was also concern about the increased risk of flooding. People imagine a void full of water and see this as posing an increased flood risk.

Many people were concerned that the existing rights of way through the site, which local people consider a real community asset, will be destroyed and not replaced if extraction goes ahead.

Generally, people could not see any community benefits arising from extraction here. It seems that most have had enough with extraction taking place close by in recent years at Hemington, Shardlow and Elvaston quarries. They think that other communities should now take their share.

Most people thought that the apportionment figure in the Local Aggregate Assessment should be revised downwards to take greater account of the economic conditions.

People were more concerned about the proposals for the site rather so the proposed restoration strategy was not considered to any great extent here.

Sudbury Parish Room, 13 December 2012

17 people attended.

People were concerned about the impact of the sites, particularly the eastern site, on the character of the village, particularly given that it is a conservation area.

Heavy traffic passing through the village was a major concern, as was the potential for bottlenecks forming at the A50 roundabout if the eastern site near Sudbury was worked. Related to this was the question of where the access to each site would be located.

People also asked where the processing plants would be located and how much noise these would be likely to generate and whether this would be monitored by the Council.

Many asked how much sand and gravel there was in the sites and long extraction would last.

The potential for noise, dust and mud on the road were all discussed.

People asked whether Leathersley Lane would remain open or if this was to be removed as part of the scheme.

People generally wanted the site restored back to agricultural use and could see the benefits of the proposed restoration strategy for the river valleys.

A number of people questioned whether it was likely that the site could be delivered in the plan period to 2030, given that production at existing sites has slowed down.

There was no overall consensus on the question in the overall strategy as to whether extraction should take place in this area of the Dove Valley or whether it should continue in the Trent Valley. Some accepted that sand and gravel is a resource that has to be used and expected extraction to take place at some point, while others thought the area should be protected from extraction, given the conservation value of the area.

All comments received were used to develop the sand and gravel section of the Plan in terms of the provision of sand and gravel and proposed allocations.

4. Emerging Approach Consultation 2015/2016

- 4.1 Statutory consultees, general consultees, companies, mineral operators and individuals on the consultee database (See Appendix 1) were advised of the consultation either by email or letter. The documents were available on the Council's web pages
- 4.2 59 people and organisations provided a total of 352 comments. 14 of these people/organisations also completed various parts of the online questionnaire.
- 4.3 A summary of the main issues raised at this stage is set out below. Appendix 2 of this report sets out the representations in more detail and the Councils' responses to these and how the outcomes have fed into the next stage of the Plan.

Main Issues Raised

Spatial Portrait (Supporting Paper)

There have been 4 comments made by 3 respondents to this part of the Plan.

- Two asked for more general background information on the Derbyshire minerals industry to be included in the Plan.
- One asked for reference to be made to the National Forest.
- One asked for a sentence to be included stating that the stunning landscapes coincide with the existence of minerals.

Vision and Objectives (Supporting Paper)

13 comments have been received from 4 individuals/organisations.

- All of these provide advice on the content of the vision and objectives, according to the respondents' area of expertise.

Strategic Sustainability Principles

Written Responses

There have been 33 comments on this paper from eight individuals and organisations.

- Eight of these comments support the policies as drafted.

- Policy SMP1 should emphasise the potential for restored sites to provide environmental enhancement and should place equal emphasis on all sustainability principles not just economic.
- Policy SMP2 is too inflexible. It should provide exceptions/qualifications. It should also provide greater detail on causes of climate change
- Policy SMP3 should distinguish between levels of environmental designation and make reference to the historic environment. It should also be more explicit about the use of recycled aggregates and not refer to “efficient” use of resources.
- Policy SMP4 is considered too inflexible regarding recycled aggregates.
- The others offer various amounts of advice and suggestions as to how the policies should be reworded or provide additional/revised wording according to the respondents’ area of interest.

Aggregate Crushed Rock

Written Responses

There have been 16 comments on this paper from 10 individuals/organisations. These are the main issues that have been raised:

- There is general agreement that new proposals for crushed rock should be restricted, other than in exceptional circumstances of public benefit.
- Opinion is divided as to whether operators should be asked to relinquish reserves in return for new proposals.
- One comment expresses concern that the landbank of over 100 years is misleading since end dates of most permissions are around 2042, so the certain landbank is only considered to be 27 years.
- Concern is also expressed that the text is weighted too much towards economic need rather than giving full consideration to the range of sustainability principles and that greater emphasis should be placed on protection of the environment, both natural and historic.
- One operator argues that any policy should be flexible enough to allow for extensions to existing sites and disagrees that these should only be modest sites that do not increase the landbank significantly.
- Others argue that, because of the large landbank, extensions or new sites should only be permitted in exceptional circumstances.
- One operator objects to a policy requirement that local benefits should be provided in order to make a proposal acceptable, stating that there are environmental benefits from extensions in any case.
- One comment calls for increased transport of aggregate by rail rather than road. Revised and/or additional wording is offered or suggested to address these concerns.
- Other MPAs support the approach of Derbyshire maintaining supplies to other parts of the country.

Questionnaire Responses

There were two responses to the questionnaire which supported Option 2 (To not permit any new proposals for crushed rock).

Helping to Reduce Quarrying in the Peak District National Park

Written Responses

There have been 11 responses to this paper from 6 respondents.

- Whilst most support the overall aim of helping to reduce in quarrying of aggregate in the Peak Park over time, this is tempered by concerns relating to whether this would lead to a significant increase in quarrying in Derbyshire and the resulting environmental and social impacts.
- One particular area of concern is around Rowsley, where it is feared new quarries would open/re-open to compensate for those closing in the adjoining Peak Park.
- One comment sets out that the mpa must have evidence that the resources are interchangeable; if there are unique resources in the Peak Park this should be addressed.
- One comment suggests that the policy should also cover building stone not just aggregates and therefore that Derbyshire should increase its supply of building stone.
- Amendments and additions to wording to this policy are also suggested.

Questionnaire Responses

There have been 4 responses to the questionnaire; 1 supported the proposed approach and three were unsure.

Sand & Gravel

Written Responses

8 individuals or organisations responded and together made a total of 8 comments to this paper.

- Two of these question the method by which the provision figures have been calculated, suggesting that the figure should be higher, using the previous SRA figure until a robust forecast methodology has been developed and to include an element of flexibility. Concerned, therefore, about under provision over the course of the Plan period.
- Equally, support is expressed for the provision figure.
- The Plan should indicate that production can be maintained at more than 1mtpa.
- One comment of support is expressed for the proposal to favour extensions to existing sites over new ones.

- Concern is expressed for opening up sites in the Lower Dove Valley and also around Repton where the road network would not be considered suitable for heavy lorries.

Questionnaire Responses

Three individuals completed the on line questionnaire, responses being split equally between supporting and not supporting the emerging approach and being unsure.

Sand and Gravel Site Assessment Methodology (Supporting Paper)

10 comments have been received to the site assessment methodology from 5 organisations.

- One states that preference should be given to extensions
- One states that there should be no new sites allocated
- Modifications should be made to the scoring system
- The quality of the resource should be included as a criteria
- Concern is expressed over consideration of cross border environmental assets.
- The assessments should include a criteria to consider the loss of sports facilities.
- Soil surveys should be undertaken to determine the quality of the soil.
- One expresses support for the exclusion of low scoring sites

Sand and Gravel Site Assessments (Supporting Paper)

21 comments have been received from 10 respondents.

- 1 operator supports the allocations at Swarkestone and Elvaston but suggests their potential for working should be regraded to medium/high.
- 3 individuals and 1 organisation object to the allocation at Swarkestone South
- 1 objects to an allocation at Egginton
- There are 3 comments about Chapel Farm (Site now withdrawn for consideration)
- 1 organisation objects to the proposed allocation at Repton/Foremark
- Staffs CC provide a comment on the ecological value of the Willington site.
- Historic England is concerned about the approach to *Historic Environment - Designated Sites and Settings* sections and how the setting of assets outside the site boundary has been considered. Concerns raised in this respect about Swarkestone, Elvaston, Foston and Repton
- The rest offer suggestions for how the sites should be worked and restored should the allocations proceed

Trent Valley Strategy and Methodology

Written Responses

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

- Four support the proposed approach.
- Three express concern that the Environmental Sensitivity Mapping excludes national environmental designations from its analysis.
- One asks for the strategy to coordinate with the Central Rivers Initiative for the Trent and Tame Valleys.
- The RSPB document “Bigger and Better” should be taken into account in the Strategy.
- It should be coordinated with the CRI strategy so that it links with neighbouring areas.
- More general comments relate to wording and the consistency of the strategy with the sand and gravel strategy.

Questionnaire Responses

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

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

Industrial Limestone

Written Responses

There have been 37 comments (25 on the Strategy paper and 11 on the supporting paper) submitted by 9 individuals/organisations.

- The three operators that proposed extensions to their quarries at Whitwell, Ashwood Dale and Brassington Moor supported their allocation in the Plan.
- One respondent supported the recognition that industrial minerals are scarce resources in need of safeguarding from unnecessary sterilisation from non-mineral development.
- One respondent supported the requirement to maximise the use of industrial limestone for those purposes and acceptance that where limestone cannot be used for industrial purposes it can be used for construction purposes.
- One respondent supported the recognition of the resource at Whitwell as being nationally important.
- One respondent supported the Duty to Co-operate working taking place on issues at Whitwell Quarry.
- One respondent was concerned about the proposed extensions to Whitwell Quarry in relation to the need to protect Creswell Crags from future mineral working especially in view of its potential for World Heritage status.
- One respondent stressed the importance of taking into account the impact of mineral extraction on historic and other environmental assets both in any emerging policies and in the assessment of any proposed

allocations.

- One respondent thought it was misleading to refer to the level of permitted industrial limestone reserves within the whole Plan area and suggested that the level of reserves at individual active quarries should be included in the Plan.
- One respondent argued it was misleading to use the term 'landbanks' when referring to industrial limestone reserves; the phrase 'stock of permitted reserves' should be used as per the NPPF.
- Amendments and additions to wording are also suggested.

Questionnaire Responses

- There have been 6 responses to Issue 1 about the way in which the Plan should make provision for the future supply of industrial limestone; 4 supported Option 3 which was to make provision through existing permitted reserves, allocations and a criteria based policy, 1 supported the Option 2 which was to rely on existing permitted reserves and a criteria based policy only and 1 supported Option 1 to only make provision through existing reserves and allocations.
- There were 4 responses to Issue 2; which was about the components of a criteria based policy. One suggested that the policy should include environmental protection including heritage. One agreed that it was reasonable for the need to work that particular mineral to require justification; two suggested it was too onerous to require both justification of need and maximisation of recovery to meet that need.
- There were 4 responses to Issue 3; two required the heritage impacts of the suggested sites for working to be properly taken into account. Particular mention was made of the need to protect Creswell Crags from any future working. Two respondents supported specific allocations that had been put forward. One respondent questioned the need for any allocations in view of the current level of permitted reserves.
- There were three responses to Issue 4; there was general consent for the requirement for sufficient evidence to be submitted in support of any proposed site to enable a proper evaluation of the site to take place in relation to its need, deliverability and impacts on the environment and communities.
- There were two responses to Issue 5; both supported the approach of a separate policy for the supply of raw materials for cement production. One added the need to include environmental criteria in any policy.

Hard Rock Quarries Potential Allocations Site Assessment Methodology (Supporting Paper)

- There have been 3 responses from 1 respondent about the Site Assessment Criteria used relating to the weighting of criteria, potential

mitigation measures and the thresholds chosen for several criteria e.g. noise and dust.

Building Stone

Written Responses

There have been 12 comments from 5 individuals or organisations.

- Two of these comments support the approach proposed.
- One disagrees with the assumption made that future need for building stone is impossible to predict.
- One considers the proposed approach too restrictive in terms of the level of production that would be permitted and in terms of the sale of aggregate from sites as a by-product.
- One suggests that the policy should recognise that the market for building stone changes over time and that it should encompass the whole of the UK.
- One suggests that the policy should recognise that building stone is required for uses other than maintaining character of buildings and settlements.
- One suggests that the policy should coordinate with that for reducing quarrying in the Peak Park.
- One suggests that the resources map should indicate the presence of building stone resources around Hardwick Hall.
- A site at Bent Lane, Darley Dale, is put forward as a proposed allocation.

Questionnaire Responses

3 people completed the questionnaire relating to building stone. Two of these express support for the approach proposed of making future provision through a criteria policy rather than allocations, and one does not.

Seven comments were also made on the building stone supporting paper by one respondent. These relate to interpretation of national policy, the often high percentage of reject stone which could be used as aggregate, the fact that stone can be transported beyond the local area for processing and the interpretation of what national policy means by “small scale” and therefore whether the policy should stipulate that building stone quarries should be small scale.

Safeguarding Mineral Resources

Written Responses

There have been 36 responses to this paper from 13 individuals or organisations.

- There is overall support for the approach as proposed and for the minerals which are proposed to be safeguarded.
- One comment suggests that the high grade industrial element of the Permian Limestone should be safeguarded separately to distinguish them from the aggregate grade mineral.
- Three consider that safeguarding of building stone should not be as restrictive and it should cover all the resource. One of these refers also to clays and Sherwood sandstone
- Most agree that urban areas should be washed over but one considers it impractical except for shallow coal or sand and gravel.
- One asks whether the policy can safeguard non designated minerals for example on the line of proposed HS2.
- It is suggested that there may be cases where deep coal could be safeguarded so as not to conflict with sensitive surface land development.
- The opinion regarding the definition of buffer zones is split. The MPA states that we should build the buffers into the MSAs in accordance with good practice rather than use the MCA. It is also stated by others that there should be no set buffer zones but that they should be determined on a case by case basis and only where absolutely necessary.
- Policy should clarify who makes the judgement on the implications of working within MSAs.
- Support is expressed for the exempt categories of development but to include also applications for Listed Building consent.
- There are other comments requesting wording changes.

Questionnaire Responses

Seven people completed this part of the questionnaire. Four comment on and agree on the extent to which the minerals should be safeguarded. Three commented on the proposed approach, with two agreeing and one being unsure.

Safeguarding Minerals Infrastructure

There have been 3 comments from 1 respondent to this strategy.

- There should be a blanket approach to safeguarding all minerals infrastructure.
- Support definition of MCAs around sites on a site by site basis
- Policies should be flexible to allow for change i.e. if facilities are removed.

Clay

Written Responses

There have been 4 responses to this strategy document from 3 respondents

- One supports the recognition of the importance of extraction at Mouselow for Denton Brickworks

Questionnaire Responses

- Three people completed the questionnaire regarding the issue of how best to make provision for the future supply of clay. Two supported the option of making future provision through permitted reserves and specific allocations; one supported the option of making provision through permitted reserves, specific allocations and a criteria based policy.
- One respondent completed the questionnaire regarding the specific sites that have been put forward by operators for allocation in the Plan. They were in support of the allocation of land at Mouselow quarry for additional working.

Surface Mined Coal

Written Responses

37 responses have been received from 8 individuals or organisations to the various issues presented in this paper.

- Four respondents support the option of identifying the shallow coal resource and listing the constraints to coal mining development to assess any future proposals for extraction.
- There is support shown for the option of not identifying surface mining constraint areas in the Plan.
- Respondents agree that the proposed sustainable principles for coal extraction are correct and should be related to NPPF.
- There is support for a general policy for cumulative impacts covering all minerals rather than there also being a separate one for coal.

Questionnaire Responses

Forty one responses were received to the ten questions in the questionnaire relating to surface mined coal. These generally support the proposed approach and reflect the support for the various options as indicated above.

Deep Mined Coal

Written Responses

8 responses have been received from 3 individuals or organisations regarding this paper.

- There is support for not including a specific policy for deep mined coal extraction.
- There is overall agreement that national policy should be sufficient to deal with applications for deep mined coal.

Questionnaire Responses

This part of the questionnaire was completed by four individuals/organisations. Two do not support the inclusion of a specific policy for deep mined coal and two do.

Hydrocarbons

Written Responses

32 comments have been received from 17 individuals/organisations to this strategy paper.

- 3 of these support the approach set out in the paper
- One states that there should not be a separate policy for hydraulic fracturing; one policy covering hydrocarbons should be sufficient.
- The remainder are all concerned about the impact that hydraulic fracturing would have on the environment

Cumulative Impacts

Written Responses

3 responses have been received from 3 individuals or organisations regarding this issue.

- The main concern raised is that it highlights the negative effects of mineral extraction without balancing the arguments out by discussing the positive effects which mineral production can have.
- One sets out that cumulative impacts should be just one consideration in the assessment of planning applications.

Questionnaire Responses

Two people completed the part of the questionnaire regarding this issue. One supported the approach proposed whilst the other was unsure.

Restoration

There have been 5 responses from 5 organisations to this strategy paper.

- There is general support for the approach but with some amendments/additions put forward.
- The benefits of green infrastructure should be referred to and incorporated into the strategy.
- There should be no requirement for a restoration guarantee bond.
- Reference should be made to natural features which it is suggested should be incorporated into restoration schemes

Restoration Strategy for Carboniferous Limestone Quarries

There has been 1 response from 1 respondent to this strategy paper.

- Support for Option 1 which is to restrict the area of the study to the A515 quarries only.

Transport

There has been 1 response from 1 respondent to this strategy paper.

- Support for the proposed policy approach but with a request for greater clarity regarding the type of information that would be required relating to mineral resources and markets.

Duty to Co-operate (Supporting Paper)

There have been 4 responses from 2 respondents to this supporting paper.

- Two responses supported the approach that the Councils propose to adopt to plan for issues with strategic cross-boundary impacts.
- Two responses requested additional references to be included in the cross boundary issues identified.

General Comments

There have been 9 general comments from 5 respondents.

- There should be greater reference to the historic environment through the Plan. Each comment refers to a different aspect of the Plan.
- Reference should be made to the National Forest

The Local Nature Partnership objectives should be incorporated into the Plan

5. Hard Rock Sites Consultation 2016/2017

- 5.1 Five sites were suggested for allocation and were included in the consultation which ran for a 12-week period from December 2016 to February 2017.
- 5.2 All statutory and general consultees, companies and individuals on the consultee database at the time (Appendix 1) were informed of this consultation. A series of five drop-in events were held with the communities potentially affected by the proposals.
- 5.3 A summary of the main issues raised during this consultation is set out below. Appendix 3 sets out the summaries of the representations received at this stage and the Councils' responses to these.

Main Issues Raised

A. New Parish Quarry, Darley Dale

The following is a summary of the issues which have been raised in the 310 individual letters/emails, as well as the 8 organisations which also made comments. (CPRE, Natural England, Historic England, Severn Trent Water, RSPB, Woodland Trust, Mineral Products Association, Peak District National Park Authority). A petition signed by 603 people opposing the quarry was also submitted. The following is a summary of the issues raised:

Highways Impact

188 people consider the narrow local roads to be totally inadequate for HGVs. 30 of these people express the additional concern that HGVs will take the direct route to the A6 through Darley Hillside.

Health Risks from Increased Dust and Traffic Pollution

175 people expect the dust from the proposal to affect a wider area than the Councils' assessment indicates. In this respect, the 200m and 500m buffer zones used in the assessment were questioned. Particulate dust (PM10s) is of particular concern in terms of its effect on people's health, (particularly people with existing respiratory problems such as asthma) given the proximity to a large residential area, which includes two care homes for the elderly. Pollution from quarry traffic is also expressed as a major concern in terms of its impact on people's health.

Impact on the Landscape

145 people (and CPRE) express their concern about the impact of the proposal on the beauty, character and amenity of the landscape, which they consider has remained intact for centuries. Being on a south facing slope, its prominence (visual impact) in the landscape over a wide area was also raised by 66 people in this respect.

Impact on Wildlife

124 people have raised concerns regarding the potential impact of the proposal on wildlife in the area, the site and its surroundings being an important nesting and breeding area for birds, insects and mammals. Bent Lane itself is recognised locally as being an important wildlife corridor.

The RSPB is particularly concerned about the impact of the proposed haul route on birds in the SSSI and SAC to the north of the proposed site.

Ancient Woodland

The potential impact on birds in the adjacent ancient woodland of Halldale Wood (a Local Wildlife Site, which is a haven for many important native and migratory species) has been raised by 36 individuals as well as Natural England and the Woodland Trust. There are also a number of protected species in this area such as Badgers, Tawny Owls, Bats and Bramblings.

Hydrology

122 local people expect the proposal to increase the impact and occurrence of flooding in the area by disrupting the numerous natural local springs, water courses and the water table in the area and by excavation removing a large area of soil and rock which currently acts as a sponge for much of the excess water. The proposal may also disrupt the supply of water to the ponds at Whitworth Park. People also anticipate that the flooding together with the destabilisation of the land will increase the risk of landslips and landslides in the area, with spoil from Halldale Quarry being considered a risk in this respect.

Water Aqueduct

69 people and Severn Trent Water have highlighted the presence of the Victorian water aqueduct just to the south of the site. This carries water by two large Victorian cast iron pipes in a brick lined tunnel, supplying water to over 590,000 households in Derbyshire, Leicestershire and Nottinghamshire. People are concerned that quarrying could disrupt the pipeline and lead to significant flooding of the area. STW need assurance from the developer that the integrity of the pipeline will not be affected by the working of the quarry.

Before the proposals are accepted, a full detailed study should be commissioned, at no cost to STW, of the full impact of the quarry activities on the DVA along with a flooding assessment should there be a catastrophic failure.

Noise Impacts

110 people have expressed their concern about the potential for noise from the working of the proposed quarry.

Local Economic Benefits

106 people suggest that they do not expect there to be any significant local economic benefits from the proposed quarry. They consider that the small number of jobs that would be created would be outweighed significantly by job losses in the local tourism industry if the proposal were to go ahead, and there would as a result be a net negative impact on the local economy. It is considered also that there would be a very small economic return to balance against the considerable environmental destruction from the proposal. People consider that the only significant economic benefit would be to the multi-national company which is proposing the site.

1 individual supports the proposal on the grounds that it would provide employment and revenue for the local area.

Widening of Roads

85 people (and RSPB) are concerned that the proposals would destroy the roads and verges and would make it unsafe for other road users. They are also concerned that the widening of the roads to accommodate HGVs would have an adverse impact on the rural character of the area as well as on local wildlife and that it would also impact on two European protected sites to the north of Bent Lane and adjacent to Chesterfield Road on both sides. These sites are classified as the Eastern Peak District Moors SSSI, Peak District Moors SPA under the EC Birds Directive and the South Pennine Moors SAC under the EC Habitats Directive.

Need for the Stone

77 people question the need for the stone given the number of existing building stone quarries in the overall area. In this respect, people asked why the adjacent Halldale Quarry could not be worked out instead. A small number of people stated that they would be more receptive to a smaller quarry, which would produce stone for mainly local purposes.

Informal Recreation

72 people comment that the site is currently used for informal recreation by the community (walking, cycling, horse riding, running, bird watching, picnicking)

being crossed by two well-used footpaths, and would be a great loss in this respect. Many people are concerned that the general health and wellbeing of the local population would be adversely affected by the loss of this area.

Impact on Tourism

65 people express their concern that the quarry would have a significant impact on local tourism, deterring people from visiting the area and its attractions.

Visual Impact from the Peak District National Park

37 individuals (and CPRE S. Yorks) raise the issue of the site being prominent in views across the Derwent Valley from the Peak District National Park.

Road Safety

36 people are concerned about the impact of HGVs on the safety of other road users should the quarry go ahead.

Impact on Designated Sites

36 people (and RSPB and Natural England and the Woodland Trust) are concerned about the potential impact of quarry working on the adjacent Local Wildlife Site/Ancient Woodland of Halldale Wood and the SSSI to the north of the site.

Scale of the Proposal

16 people have expressed their concerns regarding the scale of the proposed quarry. In this respect, people state that the proposal would not comply with the NPPF, which sets out that MPAs should recognise the small nature and impact of building stone quarries.

Impact on the Local Economy

37 people consider that the proposal would have a significant negative impact on the local economy and that any benefits would be outweighed significantly by the negative impacts of the proposal.

Proximity to Residential Areas

14 people are concerned about how close the proposal is to a large residential area, and in this respect consider that the operator should look for and consider alternative sites in more appropriate, secluded locations before this one.

Cumulative Impacts

5 people set out that the area as a whole has seen quarrying for a significant number of years and that other large manufacturing industries such as

Enthovens and Firth Rixon have also had an impact on the area in terms of noise, pollution, HGV traffic etc.

Agricultural Land

7 people argue that, although the land is not classified as being BMV, it is still good quality land for grazing and silage production and generates good income for the local farmer. The loss of this resource would be detrimental to the local economy.

Disruption to Water Supply

6 residents are concerned that their only water supply from local springs will be disrupted by the quarry.

Restoration

8 people have set out that they consider that the restoration of the site would appear to offer few benefits over and above what is present on the existing site.

Archaeology

2 people consider that the site does have archaeological value and should be investigated.

Radon Gas

7 people are concerned that Radon gas will be emitted from the rock if the quarry is worked.

House Prices

6 people expressed concern that the quarry would have an impact on the price of their property.

Damage to Property/Subsidence

3 people express concern that their properties may be damaged by quarry working.

Threat to Moorland Heather

1 person has highlighted the potential adverse impact of the air pollution from the quarry on the Heather in the nearby moorland area.

New Parish Quarry - Drop-in Session, 2 February 2017

This event was held at the Whitworth Centre, Darley Dale on 2 February 2017 to give local people the opportunity to discuss with Council Officers the proposal by Stancliffe Stone Limited to include a building stone quarry off Bent Lane in the Derbyshire and Derby Minerals Local Plan.

83 people came to the event throughout the day, which was held between 9am and 7pm. These were mainly members of the public. A Town Councillor also attended, as well as the Chair of the Darley Hillside Residents Association.

Most people who attended had already sent in written comments, but six more left their comments with us on the day.

This is a summary of the issues raised:

- Local people do not expect that the economic benefits, particularly in terms of the small number of jobs proposed, would outweigh the significant adverse impacts of the proposal.
- The need for the stone was questioned given the number of existing quarries in the area. In this respect, people asked why the adjacent Halldale Quarry could not be worked out instead.
- Local people would be more receptive to a smaller quarry, which would produce stone for mainly local purposes.
- The geological information provided was questioned. People thought there would be a lot more waste material produced.
- The scale of the proposal gave cause for great concern.
- Local people expect the noise and dust from the proposal to affect a wider area than the Councils' assessment indicates. In this respect, the 200m and 500m buffer zones used in the assessment were questioned. The dust is of particular concern in terms of its effect on people's health and wellbeing.
- The cutting of the stone to the north of the proposed quarry gave cause for concern in terms of noise and dust.
- People expect the proposal to increase the impact and occurrence of flooding in the area by disrupting the numerous local springs in the area and by destabilising the land and water table.
- The Victorian water aqueduct just to the south of the site could be disrupted and flood the area.
- There were concerns that the operation could be working 24 hours a day for seven days a week.
- The roads around the site are considered to be totally inadequate for HGVs. People are concerned that they would destroy the roads and verges and would make it unsafe for other road users. Widening of the roads would have an adverse impact on the rural character of the area.
- The site is currently used for informal recreation by the community and would be a great loss in this respect.

- The impact on wildlife, particularly birds in adjacent ancient woodland.
- The adverse impact on tourism in the area.
- The proposal would have an impact on local house prices.
- Impact of the proposal on the landscape and on views from the Peak District National Park.
- People were concerned that the consultation had not reached all parts of the community.
- A number of people were concerned about the traffic counters and speed tubes that had been installed on the local roads this week.

B. Whitwell Quarry

- The operator of Whitwell Quarry i.e. the promoter of the extension sites wishes to amend the site boundary of the promoted northern area extension to reflect the area included in the current planning application submitted to the MPA. The revised site boundary draws the promoted site further back from the southern edge of Whitwell village.
- The operator of Whitwell Quarry suggests that a number of detailed assessments included as part of the planning application should be used to assess impacts relating to noise, dust, blasting/vibration, the water regime and agricultural land to provide a more detailed and accurate assessment.

Note of Drop-in Session, Whitwell, Friday 3rd February 2017

10 people visited the session, including Whitwell Parish Councillors, Belph and Hodthorpe Parish Councillors, Tarmac Representative and Quarry Liaison Members.

Issues raised:

Most people had no concerns about the quarry extensions.

One issue raised was how to distinguish between the emissions from the kiln and the dust emissions from the quarry. May be an issue if Lhoist burn different waste types for fuel.

One person asked about the use of material from Whitwell Colliery Tip for reclamation purposes similar to what had happened with Belph Tip.

One person stated that it was important that any sub-contractors understood and carried out the work in accordance with any planning conditions and agreements.

Most people were supportive of the proposed extensions and recognised the importance of the mineral.

C. Ashwood Dale Quarry

- One respondent is concerned about the proximity of the site to the Peak District Dales Special Conservation Area which also includes the Wye Valley SSSI. A rigorous Habitat Regulations Assessment would be required to assess the impact of dust on these sites and ongoing dust monitoring would be a necessity.
- A housing site has been allocated in the High Peak Borough Local Plan close to the promoted quarry extension; both are in close proximity to the SAC/SSSI. The cumulative impact of proposals on the ecological sites should be taken into account especially in relation to air quality and hydrological impacts.
- One respondent stated that due to the close proximity of the site to the Peak District National Park the wider impact of the site on the setting of the PDNP needs to be taken into account.
- One respondent opposes the allocation of this site unless it can be demonstrated that mitigation measures would suitably protect nearby by ancient woodland from damage and loss.

Drop-in Session, Monday 6th February 2017.

25 people visited the session, including land owners near to the quarry, Cowdale residents, Buxton residents and Buxton Civic Association members.

The following issues were raised:

Most people had no concerns about the promoted quarry extension.

One person asked if there were any proposals to start quarrying at Cowdale Quarry.

One person stated that there was a need to ensure that Cuning Dale is not breached by any mineral development given its SSSI/SAC status.

One person asked about the blasting buffer zone and what this meant in practice and how it affected the proposed housing allocation in the HPBC Local Plan.

One person asked if there would be any lorry traffic passing through Fairfield.

Two people mentioned that there appeared to be extensive earth moving machinery in the permitted area near to Cuning Dale and enquired as to what and why the earthworks were taking place.

D. Aldwark/Brassington Moor Quarry

- The operator of Aldwark/Brassington Moor Quarry and one other respondent supported the inclusion of the site as an allocation in the Plan.
- The operator considers that the potential landscape and visual impacts of the site have been overstated including impacts on the PDNP.
- Five respondents are concerned about the impact of the proposal on the PDNP, the wider landscape, on existing PROW users and visitors to the area. Of particular concern is noise, dust, visual impacts and impacts on tranquillity.
- One respondent commented that effective mitigation strategies need to be implanted at an early stage to reduce the impact of the proposal.
- One respondent is concerned about the proximity of the site to the Peak District Dales Special Conservation Area and the Via Gellia SSSI. A rigorous Habitat Regulations Assessment would be required to assess the impact on these sites.

Note of Drop-in Session, Brassington, Friday 10th February 2017

6 people visited the session, including Brassington and Aldwark residents, Brassington Local Environment Group member, Peak District National Park Officer.

Issues raised:

One resident of Aldwark complained about the noise particularly early in the morning. She thought that the quarry use did not compliment the leisure/holiday cottages that were present at Aldwark which lies within the Peak District National Park.

People recognised the importance of the quarry as a local employer.

The Peak District National Park officer has concerns about the visual impact of the quarry extension on the wider landscape setting of the National Park.

Two residents were concerned about work that was taking place at Manor Farm close to the proposed extension area. They were concerned that mineral working was taking place without the benefit of planning permission.

E. Mouselow Quarry

- One respondent stated that due to the proximity of the site (within 2km) of the PDNP account needs to be taken of the wider impact of the promoted site on the setting of the PDNP.

General

- One respondent considered it unnecessary to allocate any new sites for industrial limestone working in view of the current land bank. They suggested that reactivating inactive sites would be a less intrusive approach particular in relation to impacts on the PDNP.

Site Assessment Methodology Criteria

- One respondent stated that the Site Assessment Methodology should clarify whether the assessment criteria are of equal or variable weighting. Some criteria should carry more weight than others.
- One respondent stated that the Site Assessment Methodology should take into account potential mitigation measures.
- One respondent considered that the Criteria relating to economic need were misleading and should refer to the need for additional reserves to commence during the plan period.
- One respondent considered that the quality/yield of mineral should be evaluated by using the expected yield per hectare
- One respondent considered it inappropriate at the Local Plan Site Allocation stage to require information on the end use of mineral resources to be provided.
- One respondent considered that the assessment relating to existing infrastructure favoured extensions rather than new sites contrary to NPPF.
- One respondent considered it inappropriate to include a Criteria at the Local Plan allocation stage on sterilising mineral resources.
- One respondent considered that the Criteria were inappropriate for considering building stone operations.
- Three respondents have commented that the Criteria in relation to ecology do not appropriately reflect NPPF which requires distinctions to be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status.
- One respondent has commented that the Criteria in relation to landscape do not appropriately reflect the Guidelines for Landscape and Visual Assessment (Edition3).
- One respondent has commented that the Criteria do not appropriately reflect the historic environment constraints hierarchy set out in the NPPF.
- One respondent considered that the 'buffer zones' used to assess the impacts of dust on air quality and human health do not accord with the latest guidance in Guidance on the Assessment of Mineral Dust Impacts for planning (May 2016).
- One respondent considered that the Criteria used to assess Transport impacts are inappropriate.

- One respondent considered that the Criteria used to assess cumulative impacts should be amended and widened to reflect current practice in assessing such impacts.
- One respondent considered that the Groundwater Source Protection Zones had been wrongly classified.
- One respondent supported the Site Assessment Methodology.

Drop- in Session, Monday 13th February 2017

8 people visited the session, including a County Councillor, a High Peak Borough Councillor, a Wienerberger representative, a Boothventures representative, Chair of Mouselow Quarry Liaison Committee, a Higher Dinting resident.

Issues raised:

One Higher Dinting resident was concerned about the impact of the quarry in terms of views, land instability and any increase in dust, noise or traffic on the surrounding area.

Other visitors raised the impact of the quarry on the surrounding landscape as the main issue relating to the extension.

Councillor Wilcox asked if there would be any increased traffic as a result of the extension.

The operator, Wienerberger, is keen to engage with people living locally to the quarry to answer any concerns before a planning application is submitted for the site which could be later in 2017.

Most visitors appreciated the importance of the quarry in terms of the need for the continued supply of material to Denton brickworks and the resulting employment that it provided.

A Borough Councillor was particularly concerned about another quarry in High Peak, Birchvale/Arden quarry/landfill site and the problem with odour from the landfill site.

6. Towards a Minerals Local Plan - Spring 2018 Consultation

- 6.1 This consultation ran for the eight-week period from 19 March 2018 to 18 May 2018.
- 6.2 Statutory consultees, general consultees, mineral companies and individuals as set out in Appendix 1 were invited to make representations at this stage.
- 6.3 523 comments were received from 79 individuals and organisations regarding the emerging policies and proposals in the Plan.
- 6.4 A series of drop-in sessions were held, one in each district within the county, during this period to discuss the emerging Plan with local communities.
- 6.5 A summary of the main issues raised during this consultation is set out below. Appendix 4 sets out the summaries of the representations received at this stage in more detail and the Councils' responses to these, how the outcomes have helped to develop the Plan.

Main Issues Raised

Vision and Objectives

28 comments were made. Most were supportive or suggest wording amendments. Objective 6 should include additional wording so that the Plan will set out specific criteria for the selection of mineral development sites that would specifically avoid sites of environmental value, including designated sites and the best and most versatile agricultural land. This would require policy distinction between international, national and local sites.

The element of the vision which seeks to assist in reducing quarrying in the Peak Park is not consistent with NPPF and is therefore considered to be unsound.

Sustainability Principles

Fourteen comments were received from seven respondents to this part of the Plan. Only relatively minor wording changes were suggested. Most of these are supportive of the text and policy.

Spatial Strategy

5 comments were received.

- Criteria are too subjective, onerous upon operators and unjustified. It is therefore unsound.
- Policy SS1 appears to focus on aggregates, with no clear recognition of the uniqueness of other minerals, such as hydrocarbon development opportunities, and appears to miss the temporary nature of certain development phases.

Secondary and Recycled Aggregates

2 comments were received. Both seek wording changes.

Sand and Gravel

Twenty five comments were received to this part of the Plan. The following is a summary of the main issues raised.

- DCC has not considered properly the requirements of the NPPF in that the calculation of the requirement for sand and gravel only considers the 10 year average. Para 145 of the NPPF states that other relevant information should also be taken into account. The past three years sales should also be considered to identify the general trend of demand. Applying the 3 year average gives a higher annual requirement figure, 1.12mt as opposed to 1.04. No attempt has been made to quantify the supply having considered local factors. This needs to be addressed. Also, the Plan period is considered to be too short.
- There is no discussion regarding the anticipated demand that adjoining areas may place on Derbyshire resource and vice versa. Leicestershire has an insufficient landbank and sites are not identified in the emerging Plan to meet anticipated demand.
- Object to the inclusion of the Elvaston site as a Preferred Area for a number of social and environmental reasons.
- Note that the allocation at Swarkestone will impact on Anchor Church located opposite the site which would represent unjustified harm to the significance of the Listed Building which also forms setting to the Grade I listed Foremark Hall. Moreover, the rock-cut features comprising Anchor Church are an Ancient Monument of national archaeological importance notwithstanding that they are not scheduled under the 1979 Act. As such, we object to the allocation of the site as shown and recommend that the area of land shown in the current planning application for a panel of extraction and associated bunds and infrastructure on the land opposite Anchor Church is deleted from the

proposed allocation in the emerging Plan, as well as the current planning application.

- With regard to the allocation of land at Willington and the issues listed under paragraph 6.2.69 previous comments provided by Staffordshire County Council regarding the cross boundary implications from developing this site remain relevant.
- Paragraph 6.2.71 indicates a potential requirement for additional reserves to maintain production capacity from 2027. Are there any options that can be identified to fulfil this potential shortfall?

The remaining comments either supported the proposed approach or suggested minor wording changes.

Crushed Rock

Thirteen comments were received to this part of the Plan.

- There appear to be significant supplies of limestone within Derbyshire, sufficient to last for more than 90 years at current 'apportionment' rates. This suggests that there are likely to be sufficient permitted reserves at Dowlow Quarry to continue supplying the Walsall depot for the rest of the Plan period, although if you have any evidence to the contrary, we would be grateful if you would let us know.
- We do not consider that this paragraph is worded correctly, as reserves that are unlikely to be worked would not have an impact and therefore could not/should not be used as a bargaining tool for new quarries or extensions. We consider it should read: 'Where a clear benefit to the local community or environment cannot be identified within the proposal itself, additional benefits might include contributions to local environmental projects or the maintenance of public footpaths through operator owned land. It could also involve the relinquishment of consented reserves elsewhere in the Plan area or the PDNP, which are considered unacceptable if they were worked in the future, in exchange for new reserves. Proposals would need to deliver better outcomes in overall sustainability terms'.
- MPA should ensure sufficient production capacity to maintain anticipated demand/sales and flexibility to meet upturns in demand. Whilst there is a significant landbank, it is still important to consider the operational capacity of sites, where they are located and how much mineral Derbyshire is contributing to overall supply.
- Consider that Policy MS5 is not positively prepared, nor does it reflect NPPF or the principles of sustainable development and the overall

weighting given to the three facets of sustainability. There is too great an emphasis on providing benefits to the community which outweighs the benefits of securing long-term supply of a nationally important source of aggregate.

The other comments were supporting the proposed approach.

Building Stone

Ninety eight comments were received to this section of the Plan at this stage (94 of these related specifically to the proposed quarry at Bent Lane, Darley Dale). These comments are summarised below.

- DCC is misinterpreting NPPF in terms of the need for building stone. There is no logic to this thinking that building stone quarries should all be small. The term small scale is not defined so should reflect local circumstances including market for the mineral which may be wider than the local authority area. Most quarries would not be viable if restricted in this way.
- The second bullet of this policy should be deleted as there is no requirement to prove a need for the mineral. Proposals should be based on land use criteria. By the time an operator could show a need the opportunity to supply a specific project would be gone. Building stone extraction should not be limited to local markets or for heritage projects. Limiting building stone production in this way is against the spirit and purpose of the NPPF.
- Support the inclusion of a Building Stone policy which will help to ensure a supply of stone for important conservation work to historic properties, as well as provision of building material of a suitable character for conservation areas. However, we suggest that the policy needs to be adjusted to ensure that an appropriate 'justification' is provided, rather than simply a statement of need. This is to ensure that any inappropriate or unsustainable demand for building stone cannot be used to obtain planning consent.
- Challenge the reference which states that only four people responded to the two options put forward at the 2016/2017 Sites Consultation stage. At no point were these two options communicated during the consultation, including no reference at public meetings with the then Head of Planning Services.
- Object to the phrase 'significant number of objections to the proposal from local people' – "significant" needs to be defined i.e. "a record level of overwhelming objections", with over 325 objection letters and a petition with over 600 signatures.

- The text is misleading as it was not just local people but a significant number of statutory/major organisations who objected e.g. Severn Trent Water, PDNPA, RSPB, Woodland Trust etc.
- There is no clarity in the Plan as to the exact approach that would be taken if a planning application was received for the new Parish Quarry site.
- Policy MS7 contains three criteria which are so vague and general that they are meaningless.
- The Revised Site Assessment Methodology; December 2017 contains no detail as to how and when this would be applied. This objection relates specifically to its application to New Parish Quarry.
- The document is considered to be too long and complicated for most people to read and understand.
- Communication with the public regarding the proposal at Bent Lane has been poor and inconsistent.
- The process regarding the privacy notices has been handled badly and would appear incorrectly to allow previous comments to be disregarded if a PN is not returned, therefore diluting the level of opposition to this proposal.
- The site at Bent Lane could be worked either as a new quarry or as an extension to Hall Dale Quarry. Because of the detailed site investigation required, an allocation is necessary rather than a criteria policy.

Helping to Reduce Quarrying in the Peak Park

Five comments were received to this chapter.

- Policy MS6 is not consistent with national policy and is considered unsound. NPPF sets out that minerals should provide for the maintenance of landbanks from outside national parks as far as practical. The phrase “as far as practical” is important here as minerals can only be worked where they occur and it may not be practical or viable to extract minerals outside the national park and ensures that valuable minerals are not sterilised. Para 116 of the NPPF is also important as this supports the benefits of mineral extraction to the local economy.
- Progressive reduction of quarrying in the NP is contrary to NPPF Para 144 which states this should be “as far as practical”. Whilst it is the intention to limit mineral extraction, consideration needs to be given to the significance/importance of the resource. The need for development

should be given appropriate weight in cases where there are clear economic benefits and continuation in supply of mineral resources are of national importance having regard to the tests for major development in national parks (Para 116 NPPF).

The remaining comments supported the approach set out.

Industrial Limestone

9 comments were received.

- Para 7.2.9 should reference the evidence referred to in 7.2.10. 7.2.10 and 7.2.11 are contradictory. MPA is predicting the demand for Industrial Limestone is unlikely to increase but operators are suggesting sites which contradicts this.
- Para 7.2.45 states that operators are actively promoting extensions to the quarries and that there is need for additional reserves. This should be evidenced.
- Amend the supporting text to Policies MS8 and MS9 to exclude any references that allude to the fact that Hope cement works could be supplied by mineral from other quarries.

Brick Clay and Fireclay

3 comments were received. No major issues were raised.

Vein Minerals

3 comments were received.

Coal and Colliery Spoil

12 comments were received.

- There are concerns that existing settlements within the district which are surrounded by surface coal should be better protected from any future coal extraction nearby. This could be achieved through the integration of buffer zones around residential areas

Hydrocarbons

131 comments were received.

- The main message was one of opposition to the possibility of hydraulic fracturing (fracking) taking place in the Plan area due to the perceived adverse impacts of this form of development and impacts on climate change and health. Very few comments were received in direct response to the set of issues and options set out in the consultation, providing limited support or opposition to the possible alternative approaches for the new Plan.

Restoration

Fourteen comments were received in respect of this section of the Plan. These are as follows.

- Policy R1 is not prepared positively, nor is it an effective strategy as it may place undue onerous constraint on operators. Therefore, it is considered to be unsound. Suggest policy amendments.
- The use of Environmental Sensitivity Mapping to aid site selection should be treated with caution. Considered unreasonable for a strategic map to dictate that development would be unacceptable. Recommend the removal of the second paragraph.

The remaining comments either supported the proposed approach or suggested minor wording alterations.

Safeguarding Mineral Resources

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

- Should refer to the agent of change which places the emphasis on any mitigation on the developer of the new development being sited in proximity to an existing use. The applicant for the new development should be required to put in place suitable mitigation prior to the new development taking place.
- Specific MCAs should be drawn up around existing operations. These are a clearer and more useful tool in decision making.
- In terms of safeguarding, we note the list of minerals to be safeguarded to ensure that they are taken into account in proposals for non-mineral development. Given the importance of hydrocarbons we believe the onshore oil and gas should be added to the list of the safeguarded minerals and accordingly the PEDL areas safeguarded.
- The Minerals Plan needs to address the question of how to deal with safeguarding when two minerals resources coincide.
The Written Ministerial Statement, Shale Gas and Oil, dated 16th September 2015 stated that:
There is a national need to explore and develop our shale gas and oil resources in a safe, sustainable and timely way. In our submission, the clear conclusion to be drawn is that in areas of potential development conflict between the two resources, the identified national need to explore and develop hydrocarbon resources will take precedence over the local need to explore and develop other minerals. (Ineos)

The remaining comments either support the proposed approach or suggest minor wording changes.

Safeguarding Minerals Related Infrastructure

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

- Support in principle but the policy is not considered to be compliant with the NPPF. Should delete reference to "within quarries" as safeguarding of infrastructure extends beyond these.

7. Sand and Gravel Consultation 2020

- 7.1 This consultation was held in the Autumn of 2020 regarding Sand and Gravel supply and sites. It ran for an 8-week period from 26th October to 20th December 2020.
- 7.2 All statutory and general consultees as well as mineral companies were informed by email. Other groups including parish councils were more targeted for this consultation given that sand and gravel is only found in the river valleys in the south of the Plan area.

Consultation Methods

- 7.2 The following methods were used to consult on this document.
- 1) Direct emails/letters to individuals and organisations who had a declared interest in minerals planning;
 - 2) Direct emails sent to parish councils and asking them to publicise the consultation on their websites/newsletters; Only parish councils which cover the area of the river valleys were consulted.
 - 3) Direct emails sent to local county councillors in the river valley areas and asking them to publicise the consultation in their constituencies;
 - 4) Direct emails sent to community forums in Derby City that were close to proposed sites;
 - 5) A press release was issued which resulted in articles in the local newspaper i.e. Derby Evening Telegraph;
 - 6) Site notices were displayed near the proposed sites;
 - 7) The consultation documents were posted on the Have Your Say section of the County Council's website with a link from Derby City's website;
- 7.3 Under normal circumstances, the Councils would have held drop-In sessions, where officers of the Council would be in attendance, at various locations across the Trent Valley and deposited Paper copies of the Plan at Libraries

and District Council offices but unfortunately, due to Covid-19 restrictions, we were unable to do this.

- 7.4 91 individuals and organisations responded to the consultation. This includes 68 individual local residents, 16 organisations, 4 parish councils, 1 district authority and 2 local councillors. This section provides a summary of the 114 comments received.
- 7.5 A summary of the issues raised is set out below and statement summarising these representations and how these representations have been taken into account by the Councils is set out in Appendix 5 of this report.

Issues RaisedIssues Raised

Foston

Representations

Foston & Scropton Parish Council raises concerns about the Foston site, including the impact on the flood defence scheme, which they say may result in increased flooding and even dam failure. Concerns are also expressed about hours of operation, routeing of lorries and restoration which they request should exclude the possibility of noisy motor boats. Impact on wildlife, loss of farmland and the impact on the local economy are raised as further concerns.

Representation

South Derbyshire DC objects to the proposal on the grounds of a potentially significant increase in flood risk and risk to the recently constructed flood defences of the Lower River Dove, as identified by the Environment Agency (EA), with potential detrimental impact on considerable economic interests in the area as well as communities. Also, the setting of a precedent in recent times for sand and gravel extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area. (*SDDC 691/0113*)

Representation

The Environment Agency (EA) reiterates its concern over the site because of its potential impact on the flood alleviation scheme. (*Environment Agency 666/0076*)

Representation

Nestle expresses concern as their recent investment in the area may be affected by increased flooding. (*Nestle 658/0060*)

Representations

Nineteen individual residents oppose plans for the site at Foston. Concerned about the serious implications of working this site on the new flood defence scheme. Properties and businesses may be affected. It would jeopardise future investment in the area. Also, it may set precedent for working other areas in the Lower Dove Valley, introducing alien features to the landscape. Noise, dust, air quality, traffic, impact on wildlife and effect on property values are also cited. (*Individuals listed above*)

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Representation

Hanson, as proposer of the site, supports the proposal. (*Hanson 687/0098*)

Representation

Egginton Parish Council opposes the proposal as it may affect the flood defences which could have implications further upstream. (*Egginton Parish Council 634/0034*)

Representation

The settlement of Scropton, which lies to the east of the site, is prone to flooding problems related to the watercourses which enter it from the north and west, and any proposed works should ensure that the flood risk isn't increased and, where possible, reduced. When the site is restored, the potential to improve flood risk in Scropton should be considered in conjunction with both the Lead Local Flood Authority and the Environment Agency. (*LLFA 690/0108*)

Elvaston

Representations

Ten residents of Borrowash have objected to the site at Elvaston as a result of its proximity to Borrowash and the potential impact it would have on this area in terms of noise, air quality, recreation, wildlife, flooding and increased traffic. Loss of important open space for informal recreation. Also, they consider it would have a negative impact on visitors' enjoyment of Elvaston Castle, the redevelopment of which they consider is likely to be hindered by the quarry proposal. (*Individuals listed above*)

Representation

Elvaston Castle and Gardens Trust has objected to the proposal as it considers that the proposal may affect the viability of future proposals to improve and upgrade the Castle. (*Elvaston Castle and Gardens Trust 682/0093*)

Representation

Derbyshire Wildlife Trust (663/0069), Natural England (664/0073) and the Environment Agency (666/0076) provide expert advice to help with the assessment of the site.

Representation

Tarmac supports the proposal. (*Tarmac 688/0102*)

Swarkestone North

Representations

Residents of Twyford Road (Individuals) object to the continuation of quarrying in the area with the resultant, noise, traffic, dust, impact on landscape and house prices. Potential for increased flooding once the mineral is removed is also raised as an issue. They think that this area has now seen enough quarrying and other areas should be considered to relieve the impact. The area of Swarkestone North should be reduced to protect properties on Twyford Road. They consider that both this site and Swarkestone South should not be worked at the same time. Also that restoration conditions should be more stringent so that one area is restored before moving to the next. (*Individuals as listed above*)

Representations

Natural England (664/0071), National Grid (671/ 0081), Trent Rivers Trust (678/0089) and the Environment Agency (666/0076) provide advice on how the site should be worked and restored.

Representation

Tarmac supports the proposal. (*Tarmac 688/0101*)

Swarkestone South

Representations

Fourteen local residents (listed as individuals above) and Repton Parish Council object to the Swarkestone South site on the grounds that public rights of way would be affected, spoiling enjoyment of the area, increased noise, impact on residential amenity, increased potential for flooding, increased traffic and access to the site. Residents who live at Waterworks Cottages are also concerned that their property will be surrounded by workings on three sides with potential impact of the value of their properties. Suggest that more properties and viewpoints would be affected than set out in the current assessment. A visitor who uses the area to walk objects to the proposal as he considers that it would destroy a tranquil area. Also concerned about the new concrete bridge over the river. (*Individuals as listed above*) (*Repton Parish Council 627/0027*)

Representation

The Environment Agency (666/0076), Derbyshire Wildlife Trust (663/0067), Natural England (664/0071) and Trent Rivers Trust (678/0089) provide expert advice on how the site should be worked and restored.

Representation

The Open Spaces Society comment that this proposal would badly affect links between the old Twyford ferry crossing site and Repton and Foremark. Also affects Trent Valley Way, a national route. (*Open Spaces Society 635/0035*)

Twyford (Area to the north of Twyford Road) (Not proposed for allocation)

Representation

Potential loss of key public rights of way connecting Sinfin, Arleston and Twyford. Damage high. (*Open Spaces Society 635/0035*)

Representation

In the north-west the boundary is immediately adjacent to Twyford Greens Complex Local Wildlife Site (SD340). This site supports wetland habitats including wet grassland and wet woodland and some tall herb fen type vegetation. There is a risk that the site could be adversely impacted by changes in hydrology or other causes. A range of bird species listed as Species of Principal Importance or otherwise protected are recorded from this area. There are also records for Otter, Badger and Brown Hare and older records for Water Vole associated with wetland habitats. (*Derbyshire Wildlife Trust 663/0067*)

Representations

Eight individuals, including residents of Arleston, Twyford and Twyford Road have objected to the part of the Twyford site to the north of Twyford Road promoted by Cemex (not proposed for allocation). They set out that noise, dust, traffic and the visual impact will be unbearable. Proximity to residential properties. Also that the roads are unsuitable roads for heavy traffic which would affect other road users. Arleston Lane is used by residents not only of Arleston but also from Stenson etc. for leisure purposes. The lane is proposed as part of a leisure route. (*Individuals as listed above*)

Representation

Cemex objects to this site not being proposed for allocation and puts forward a case for the site to be allocated.(672/0082) Cemex has confirmed subsequently that it is no longer pursuing this site for allocation in the MLP.

Foremark (Not proposed for allocation)

Representations

Four local residents (referred to as individuals above) object to this proposal on the grounds of the site's historical and archaeological importance. (*Individuals as listed above*)

Representation

Derbyshire Wildlife Trust does not support the use of this land for sand and gravel extraction as it would result in substantive ecological impacts, including the loss of a Local Wildlife Site. (*Derbyshire Wildlife Trust 663/0066*)

Representation

Repton Village History Group objects to this site because of its historical significance. (*Repton Village History Group 633/0033*)

Representation

Hanson objects to the non-allocation of this site and continues to promote the site as a replacement for Shardlow. Hanson remains of the view that the Foremark site is a proven valuable mineral resource that should be allocated as a potential development site as a replacement for Shardlow quarry. The smaller proposal avoids the most sensitive landscape closest to Repton. Contest that the criteria for cumulative impact has been assessed wrongly and unfairly. (*Hanson 687/0099*)

Representations

This site includes the main route of Trent Valley Way and the 'Repton to Foremark Circular route' which would be impacted by the proposal. (*Trent Rivers Trust 678/0088*)

There is a severe danger that, by allocating this site, it opens the possibility that the company operating the site will, in the future, seek to extend the extraction area to the west, into the area between the villages of Repton and Willington. This would have a major impact on the setting of several very important Listed Buildings.

(*Derbyshire Archaeological Society 654/0056*)

Representation

Question the application of the methodology in terms of flooding, landscape and ecology/biodiversity (prior to and post restoration).

Argues that there are contradictions in the application of the assessment and its application to ecology. (*Hanson 697/0100*)

All Sites

Representations

Two local residents object to all the proposed allocations on the grounds that they will affect the beauty of the area, the impact on the abundant wildlife in the area, as well as the potential for increased traffic and dust. (*Individuals as listed*)

Swarkestone (Both N and S sites)

Representations

Three residents of Twyford object to the sites at Swarkestone North and South because of the potential impact on the ancient rural tranquil character of the area, potential for increased impact of flooding and the impact on archaeology, particularly the Round Barrow Scheduled Monument. (*Individuals as listed*)

Representation

Tarmac supports the allocation of both sites. (*Tarmac 668/0101*)

Representation

Repton Village History Group states that all sites in this area are steeped in historical value and rich in archaeology, which will be lost if these sites are worked. (*Repton Village History Group 633/0033*)

Representation

Swarkestone Gravel Liaison Group questions the need for such a large number of extraction sites which could all be operational at the same time. A preference would be for one or two sites being permitted to be operational at a time. Subsequent final restoration schemes being implemented during the time new sites are opened. (*Swarkestone Gravel Liaison Group 669/0079*)

Supply of Sand and Gravel

Representation

Asks how the future demand requirements have been quantified, including the account that given to future changes in construction technologies and techniques and of the use of recycled aggregates. (*Individual 616/0016*)

Representation

The need for the mineral is not justified. (*Individual 681/0092*)

Representation

Questions the validity of assumptions in the LAA regarding future supply of sand and gravel in Derbyshire and recommends that an additional 5.58 million tonnes should be provided over the Plan period. Suggests an additional site at Sudbury to meet this requirement. (*Breedon 676/0086*)

Representation

The 2019 LAA proposes to use the latest three-year average of sand and gravel production as the long-term measure of demand, which will be carried forward in the Local Plan as the preferred level of provision. This average is mentioned in Planning Practice Guidance as an indicator which should “identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.” It was never intended to become the provision level itself but to spur further research into trends to see what an increased level of provision should be. This means that the County Council’s choice of provision is arbitrary since it has not come from any such consideration. In fact, the increase in provision relies solely on a single year’s upswing in sales in 2016. Thus, the methodology adopted by the County Council cannot by any stretch of the term be considered a forecast of demand.

Some figures are given of numbers of houses planned for in various districts, but this is not translated into average annual percentage increases which could inform future levels of demand compared to the past. We consider the only proper course of action should be for the County Council to take rates of planned development at face value and to plan accordingly to support them with appropriate levels of minerals supply.

Derbyshire’s output of sand and gravel fell dramatically during the last recession and has largely flatlined (apart from 2016). The reasons for this include the mothballing of sites or the reigning in of sites’ output during the recession which has not been rectified, coupled with a concomitant increase in imports, a ceiling on productive capacity and reluctance by the industry to invest in new sites because of substantial delays to the review of the local plan. We think that without these effects the true sales of sand and gravel in Derbyshire would be about 400,000 tonnes pa higher than they currently are. The provision level in the Minerals Local Plan should therefore be increased to at least 1.4 Million tpa, which would mean identifying an additional 5.6 Million tonnes of sand and gravel resource. (*Minerals Products Association 689/0105*)

Representations

The consultation paper has been published in October 2020 but does not include production figures for 2019, this should be corrected as the figures should now be available from an updated Local Aggregates Assessment. The prediction of demand is based solely on historical sales figures. The NPPF at paragraph 207(a) states the assessment should relate to previous demand 'and other relevant local information'. There is no evidence to indicate to what extent any other issues have been considered, when there is good evidence available to indicate demand has recently increased and likely to increase further. The duration of the plan is 15 years from 2021-2036, the paper recognises that a landbank of least 7 years is a requirement of the NPPF. However, the tonnage assessment ignores the fact the Authority will be required to maintain this landbank at the end of the plan period. (*Hanson 687/0107*)

Careful annual monitoring will be required to judge the implications on Derbyshire resource from increased building rates and construction projects, the implication of HS 2 and adjoining Authority demand (particularly from Leicestershire and the West Midlands). (*Tarmac 688/0106*)

Representation

South Derbyshire District Council objects to:

- (i) the methodology adopted for calculating future demand, based on a three rather than ten-year sales average, on the grounds that it is unjustified and significantly overstates the likely quantity of sand and gravel needed within the proposed plan period.
- (ii) the allocation of sites other than the four assessed as having 'high' potential in the MLP on the grounds that these alone can provide more than sufficient capacity to meet sand and gravel needs over the plan period. (*SDDC 691/0114*)

Assessment Methodology

Whilst the use of a standardised methodology for site selection is sensible, it should not be the sole basis for decision making as the process should also allow for planning and other factors to be taken into consideration.

It is noted that issues such as 'deliverability' have informed site selection, but the potential for mitigation of adverse effects should also be accounted for. For example, a site that has a notable impact on a local community and therefore performs poorly against a particular criterion might be capable of

mitigation to a greater degree than another site that scores better against the same criterion, but lends itself less well to mitigation.

Some inconsistencies in the site assessment narratives and the expression of effects in relation to the scoring criteria have been noted. For example, in the Egginton site assessment the indication under the 'jobs creation' criterion that the site would be a new operation but would be unlikely to result in job losses elsewhere (Assessment (-)) is confusing.

It is likely that some evidence will change during the plan preparation process and this should be fed into the assessments to ensure they remain up to date and robust. For example, in regard to fluvial flood risk, the Trent in Derbyshire has recently been remodelled. Any assessment should be updated to reflect both this and any strategic flood risk assessment that may be undertaken to inform plan making. (South Derbyshire DC 691/0115)

8. Proposed Draft Plan – Winter 2021/2022 Consultation

8.1 Statutory consultees, general consultees, mineral and other companies and interested parties and 556 individuals on the consultee database as set out in Appendix 1 were invited to make representations at this stage. All parish councils within Derbyshire were also consulted.

8.2 The consultation ran for an eight-week period from 2 March 2022 to 29 April 2022.

Consultation Methods

8.3 The following methods were used to consult on this document.

- 1) Direct emails/letters to individuals and organisations who have a declared interest in minerals planning;
- 2) Direct emails sent to parish councils and asking them to publicise the consultation on their websites/newsletters;
- 3) Direct emails sent to local county councillors and asking them to publicise the consultation in their constituencies;
- 4) A press release was issued which resulted in articles in the local newspapers throughout the Plan area;
- 5) The consultation documents were posted on the Have Your Say section of the County Council's website with a link from Derby City's website;
- 6) A series of drop-in sessions were held across the Plan area which provided members of the public with the opportunity to discuss the Plan with Council officers. These were held at Bolsover Library, Buxton Library, Foston and Scropton Village Hall, Shardlow Village Hall and Wirksworth Library.

8.4 463 individuals and organisations responded to this consultation and made a total of 3,560 separate representations. The representors included national government bodies and agencies, local authorities, mineral operators and other businesses, national and local interest groups, county councillors, parish councils and individual members of the public. Approximately 70% of

representors submitted the same letter of objection, relating mainly to climate change and fossil fuel issues, accounting for 2,978 of the total representations received.

- 8.5 A summary of the main issues raised at this stage is set out below. A full report on representations received at this stage of the Plan and how the Councils have taken these into account in preparing the Pre-Submission Plan is set out in Appendix 6.

Main Issues Raised

General Comments

15 comments (13 objections 2 supports)

General objections were made about:

- the technical language of the Plan, apply plain English standard
- include plan period in plan title
- both parts of plan should have contents page
- make documents landscape not portrait for ease of reading
- no need to repeat National Planning Policy and Guidance in Plan
- All maps should be OS based and show District Boundaries

General supporting comments were made about:

- more environmentally friendly to extract minerals indigenously than import them
- provision of many jobs for skilled and unskilled British workers.

Chapter 1.0 Introduction and Background

2 comments (both objections)

- include reference to the Peak District National Park in relation to Duty to Cooperate

Chapter 2.0 Spatial Overview

17 comments (16 objections, 1 supporting comment)

- include reference to anticipated future trends for aggregate production as well as historical trends.
- There is an assumption that sand and gravel is used within 10-15 miles. The 2020 Local Aggregate Assessment indicates significant imports which may suggest that the County is underproviding to meet local demand.
- Include reference to the Grade 2 agricultural land to the east of Bolsover.
- Include all Local Wildlife and Geological Sites and Heritage Assets on Figure 2.3.
- Support the identification of Key Environmental assets on Figure 2.3.
- Update the figures from 2019 to 2020

Chapter 3.0 Strategic Priorities - Vision and Objectives

1,003 comments (990 Objections 13 supports)

Vision and Objectives

- Object to the principle that proposals for mineral extraction should continue to be permitted to support economic growth and provided they minimise environmental impacts to acceptable/minimum levels. They should only be permitted in principle where no viable substitutes/alternatives exist, and the onus should be on the applicant to prove that.
- Object to the presumption that minerals can be extracted provided they minimise environmental impacts to 'acceptable' levels. Environmental safeguards should be specifically and rigorously defined.
- The impacts of mineral development should be minimised not mitigated to an acceptable level.
- Object to the principle of a 'managed retreat' of mineral extraction from the PDNP.
- The Vision should incorporate a stronger commitment to addressing climate change including a commitment to no net increase in greenhouse gas emissions during operations and subsequent use of those minerals. Carbon audits should be included to assess the impacts of development on climate change.
- Support the commitment to sustainable development defined as meeting the needs of present generations without compromising the needs of future generations.
- Support the principle of balancing the need for minerals against protecting local communities, the natural built and historic environment and contributing to the zero-carbon agenda to respond to the impacts of climate change and flood risk.

- Support the principle of maximising recycling in preference to extraction primary minerals in order to support their long-term conservation.
- Support the principle of non-road transport wherever possible.
- Support the principle of a 'managed retreat' of mineral extraction from the PDNP.
- Support the commitment to high quality restoration and aftercare.

Objective 1 Ensuring a Steady and Adequate Supply of Minerals

- Forecasts of mineral requirements to 2038 especially for buildings and roads construction are likely to be greatly exaggerated. The construction industry is moving away from minerals to sustainable timber and home working / local 15 min neighbourhoods, public transport use and active travel are likely to reduce the need for road construction and maintenance etc

Objective 2 Ensure the Prudent use of Primary Mineral and other Natural Resources

- The prudent use of primary mineral resources is not within the remit of the MPA; it is a matter for commercial decisions.

Objective 3 Safeguarding Mineral Resources and Mineral Related Infrastructure

- The objective should include 'known' mineral resources and protect existing mineral operations.

Objective 4 Ensuring the Sustainable Transport of Minerals

- Support movement of freight by water

Objective 5 Protecting Local Communities

- Revise to include ‘visual impacts, noise, dust, processing emissions, pollutants, blast vibration, traffic impact, light pollution, land instability and ground contamination....’

Objective 6 Protecting, Conserving and Enhancing the Natural Built and Historic Environment

- For clarity include reference to canals and rivers
- Support for Objective covers the remit of the Environment Agency
- Include separate Objective for Historic Environment

Objective 7 Protecting the Peak District National Park

- Object to the principle of the ‘managed retreat’ of mineral extraction from the PDNP
- Support the principle of the ‘managed retreat’ of mineral extraction from the PDNP

Objective 8 Minimising the Impacts of Climate Change and Flood Risk

- Include the positive benefits of mineral extraction namely water flood storage and reservoirs.
- Support for objective especially need for water efficiency, prevention of flooding and protection of water quality
- Include all mineral development will need to clearly demonstrate progressive carbon (or other greenhouse gas emission) reductions consistent with meeting national and local carbon budgets.’
- Incorporate principle that mineral extraction will only be permitted where no viable alternatives exist

- The objective should be to enable renewable energy schemes to be incorporated rather than maximised
- Include ensuring the regular maintenance of machinery.
- Include recirculation in relation to optimising on site water use.

Objective 9 Ensuring the Sustainable Restoration of Mineral Sites

- Support for the sustainable restoration of mineral sites including wider and local benefits.
- Include biodiversity loss.

Chapter 4.0 Sustainable Minerals Development

22 Comments (17 Objections 5 Supports)

General Comments

- Support the reference that ALL POLICIES OF THE PLAN AND THEIR CRITERIA WILL APPLY WHERE RELEVANT
- Clarify terms mineral and mineral related development

SP1 Sustainable Minerals Development

- Support the approach to sustainable minerals development set out in SP1.
- Criterion 1 - Object to the 'retreated approach' to mineral extraction in the PDNP.
- Criterion 1 - Support the 'retreated approach to mineral extraction in the PDNP.
- Criterion 1- Define sub national.
- Criterion 1 - Support the approach of meeting the sub national and national need for minerals.

- Criterion 7 - add where appropriate in relation to the prior extraction of minerals.
- Support criterion 10 which requires that planning permissions protect the existing amenity, health, well-being and safety of existing communities and do not result in unacceptable levels of cumulative impacts on existing communities.
- Criterion 11 - Include a separate criterion for the protection of the historic environment.
- Criterion 15 - Ensure appropriate consideration is given to waterways as recreational and wildlife assets.
- Criterion 15 - Include reference to the opportunity to provide multifunctional environmental enhancements through mineral restoration schemes.
- Criterion 16 - Support the strategic approach to restoration in the Trent Valley.
- Criterion 16 - Ensure that the historic environment is appropriately considered in the strategic approach to restoration in the Trent Valley.
- Criterion 17 - should require there to be no net increase in greenhouse gas emissions during the operation and from the subsequent use of those minerals with a reduction in emissions being a preferred target.
- Criterion 17 - should include reference to national and local carbon budgets.
- Criterion 17 - Include reference to the use of secondary (recycled) substitute low carbon or zero carbon waste derived fuels.

Figure 4.1 Update information from 2019 base date of Plan.

Chapter 5.0 Climate Change

1,023 comments (1,021 objections, 2 supports)

General Comments

- The Plan should specifically acknowledge that a Climate Emergency exists, and its policies should reflect and address this.
- The Plan should recognise the human cost of climate change including famine, devastating temperature increases, floods, enforced migration.
- In order to address climate change issues there should be no mineral extraction where viable alternatives exist.
- There should be no more mineral extraction in view of climate crisis.
- The Plan should include a robust cost v benefit analysis of mineral extraction in view of climate change concerns.
- The Plan should include policies to promote Renewable Energy especially onshore wind.
- Society needs to tackle methane generation from animals/cattle we produce for human consumption
- Derbyshire is in the top 10 polluting local authorities principally because it contains 2 cement plants. Cement is mainly used in concrete production - we need to reduce our reliance on this material in order to address climate change issues.
- The Plan should recognise the key national policy developments which point to the need for a tighter climate change policy.

- The Plan should include further details both on the impacts of climate change on natural systems, but also localised to provide greater context.
- The Plan does not sufficiently reflect the NPPF requirement of moving towards a low carbon economy.
- Local Authority Carbon Budgets should be enshrined in the Plan as the local budgets against which mineral-related carbon emission reductions are implemented and monitored.
- The Plan should include downstream/scope 3 emissions in order to ensure that a cradle-to-grave/whole life approach is taken towards carbon emissions.
- The Plan should promote the feasibility of using former mine and quarry sites for renewable energy technologies.
- The Plan should set the context for reducing dependence on fossil fuels by referencing measures such as retrofitting insulation in existing housing and building new housing to passivhaus standards
- Support the dedicated climate change chapter and policy which is important for minerals and energy sector in delivering the Government's net zero commitments.

SP2 Climate Change

- The Climate Change Policy should be strengthened.
- Do not include offsetting it is unsustainable and difficult to monitor.
- The Policy should include the climate change impacts of the mineral once it has been extracted.

- The Policy should require no net increase in greenhouse gas emissions from extraction and use including fugitive emissions and preferably a reduction in emissions.
- The policy should include 'extended producer responsibility' whereby extraction companies are obliged to ensure that emissions from all extraction operations are not merely reduced from their own operations but the embodied carbon in product is completely negated by actual equivalent simultaneous emission reductions elsewhere.
- The need to reduce greenhouse gas emissions in line with national and local carbon budgets should be included in the policies.
- The policy should emphasise the consideration of nature-based solutions as ways of contributing to meeting net zero.
- Criterion 1 require energy used to extract/process minerals to be generated from renewable sources or green hydrogen
- Support Criterion 3 regarding reference to sustainable transport modes especially water.
- Support Criterion 4 re water efficiency measures.
- Support Criterion 5 re reference that sites located in areas of flood risk should ensure suitable mitigation and should not increase flood risk to others and should avoid locations vulnerable to flood risk and climate change. Suggest policy is strengthened to include opportunity for development and restoration to reduce flood risk, where feasible, taking into account existing flood risk infrastructure.
- Criterion 6 should include a reference to the need for restoration principles to reflect the importance of responding to context of the historic environment.

Chapter 6 The Supply of Aggregate Minerals

Chapter 6.1 Recycled and Secondary Aggregates

7 comments. (5 objections, 2 supports)

- The objections request amended or additional wording. These are to help strengthen the wording.

Chapter 6.2 Sand and Gravel

83 comments (78 objections, 5 support).

These are broken down as follows:

- **Policy SP4** - Supply of Sand and Gravel. There were 8 comments (all objections) on Policy SP4, mainly regarding the fact that the figures in the policy are not considered to be consistent with those in the most recent LAA and as a result are considered to overstate the need for sand and gravel.
- **Policy SP5** – Allocation of Sites for Sand and Gravel. 73 comments (70 objections, 3 supports).
- This includes 18 objections to the Sudbury allocation with 1 supporting comment; 9 objections to the Foston allocation with 1 supporting comment and 15 people objecting to both of the sites together. Objections to these sites related to the impact of increased heavy traffic on local roads, including the National Cycle Route along Leathersley Lane, increased risk of flooding, loss of agricultural land, noise and dust and impact on property values.
- 17 objected to the Elvaston allocation with increased risk of flooding, dust, noise, visual impact and the impact on Elvaston Castle cited as the main reasons of concern.

- 5 objected to Swarkestone North mainly as a result of the proximity to residential dwellings and the resultant impact on residential amenity, increase in flooding, impact of HGVs, impact on property values, noise, dust and loss of countryside and wildlife.
- 1 objected to Swarkestone South.
- 1 questioned why Foremark had not been proposed for allocation, 1 why Egginton had not been proposed and 1 why Twyford had not been proposed for allocation.
- Highways England suggested that Transport Assessments should be undertaken for all sites prior to them being allocated.
- There was also a general comment asking for the policy to be stronger by including the principal planning requirements in the policy. 1 supported all the allocations.
- **Policy SP6** – Other Sites for Sand and Gravel Supply. 2 supporting comments were received welcoming the flexibility that the policy provides to the supply of sand and gravel.

Chapter 6.3 Aggregate Crushed Rock

10 comments. (9 objections, 1 support)

- Objections relate mainly to the wording of Policy SP7 and its supporting text.
- Request that the term sustainability is included in the policy and the supporting text when referring to the potential benefits of new quarries. 1 asks for the types of benefits to be clarified in the policy.
- Reference to a reduction of quarrying in the PDNP should be omitted as this is considered an unsound approach.

- The tonnages referred to in the policy should be minimum.
- The supply section should identify the quantity of permitted reserves which are contained within the 13 active operations and how that reflects the operational/available landbank.
- Policy SP7 should be amended to increase flexibility as per the approach to sand and gravel reserves.
- The figures should be updated to take account of the most recent LAA.

Chapter 6.4 Helping to Reduce Quarrying in the PDNP

7 comments (5 objections, 2 supports)

- The policy should be deleted as it is unsound. The assertion that Minerals Policy 1 of the PDNP Core Strategy is in accordance with the NPPF is wrong. Nowhere in NPPF is there a policy of 'managed retreat' for aggregate minerals within areas of designation which in effect Minerals Policy 1 is. The Plan should not support this unsound approach.
- Amendments to the wording of the supporting text are suggested.

Chapter 7 The Supply of Non-Aggregate Minerals

Chapter 7.1 Building Stone

11 comments. (7 objections, 4 supports)

- There should be additional criteria setting out that the stone should only be used for local development and repair of local buildings.

- Additional criteria should be included setting out that there should be benefits to the residents of Derbyshire and that local infrastructure should be able to support any proposal.
- Criteria 2 is too restrictive and should be deleted.
- Criteria 3 is unnecessary, with DM policies covering this aspect.
- Request additional criteria setting out that extraction should be restricted to building stone and not for aggregate and that any impacts will be minimised.

Chapter 7.2 Industrial Limestone and Cement Making Materials

28 Comments (17 Objections and 11 Supporting Comments)

General Comments

- The Plan should include greater detail in relation to the spatial distribution of permitted industrial reserves.
- The Plan should acknowledge that the majority of crushed rock reserves (including industrial reserves) are time limited and effectively sterilised by their 2042 permission end date.
- Additional text should be included to the effect that the principle of working these permitted reserves will continue to be acceptable beyond these permission end dates. This is important to ensure appropriate stocks of industrial permitted reserves are available at the end of the Plan period.
- The need to maintain sufficient stocks of permitted reserves to support Tunstead cement kiln and a second kiln K2 should be acknowledged in the Plan in relation to the end date of the current permissions (2040 Old Moor, PDNP and 2042 Tunstead).

- Support the acknowledgement of need for clay imports to support cement manufacture from sites in Staffordshire.
- The Plan should indicate that permitted reserves at Whitwell Quarry are estimated to be worked out before the end of the Plan period with existing kiln grade reserves only sufficient for 7 years.
- The Plan assumes that the demand for cement will continue at the same rate over the Plan period. However, the use of more sustainable building materials could see the demand for cement fall and negate the need for large scale permitted reserves.

Policy SP10 Supply of Industrial Limestone

- The Policy needs to include a caveat that regard should be had to the availability of a landbank of 'industrial limestone' permitted reserves which would supply the same market as the proposal.
- Object to the final sentence of this Policy. The approach to restrict the use of industrial limestone by Section 106 agreements is contrary to NPPF.
- The use of Section 106 agreements to control the use of industrial grade material should be applicable in every case.

Policy SP11 Aldwark South Allocation

- Support for the allocation was received from animal feed companies around the Country.
- The site is located on a principal aquifer, and within Source Protection Zone 1 for a public water supply and therefore is an extremely sensitive location from a groundwater protection point of view. Any planning application will need to thoroughly address these matters to demonstrate that the proposal does not pose an unacceptable risk to the environment.
- Matters contained in Appendix A Principal Planning Requirements regarding the protection of the PDNP should be incorporated into the Policy.

Policy SP12 Supply of Cement Making Materials

- The policy approach is too open. It should include environmental safeguards including those relating to the protection of the PDNP.
- Raw materials from Keele and Kingsley quarries in Staffordshire may not be available in sufficient quantities to supply the requirements of a second cement kiln at Tunstead.
- Important to ensure that the cement kiln at Tunstead is managed to decrease the greenhouse gas emissions generated from cement manufacture.

Chapter 7.3 Brick Clay and Fireclay

5 Comments (3 Objections, 2 Supports)

- Support the reference to the need to supply brickworks outside of the County
- Need to ensure that the criterion requiring sites to be located as near as possible to where the clay will be used doesn't impact on the protection of environmental assets such as historic environment.
- Include additional details relating to restoration principles to ensure that restored sites have a beneficial impact on the landscape and environment.
- The extraction of coal (including fireclay extraction) is contrary to climate change objectives.

Chapter 7.4 Vein Minerals

4 Comments (4 objections)

- Policy SP15 Criterion 2 should include reference to the environmental impacts of disposing waste arisings etc including on the historic environment.

Chapter 8.0 The Supply of Energy Minerals

664 objections

The Plan should not include policies which allow for the extraction of fossil fuels for the following reasons:

- 1)- the Plan should reflect the statement of the International Energy Agency Executive Director Faith Birol in May 2021 who said, “If governments are serious about the climate crisis, there can be no new investments in oil, gas and coal, from now – from this year.”
- 2) - the Plan should reflect the statement of Antonio Guterres head of the Intercontinental Panel on Climate Change who said on releasing the latest Sixth Assessment Report in February 2022 stated “Increasing fossil fuel production will only make matters worse. It is time to stop burning our planet and start investing in the abundant renewable energy all around us. Investing in new fossil fuels infrastructure is moral and economic madness. Such investments will soon be stranded assets — a blot on the landscape and blight on investment portfolios.”
- 3) There is no cost-effective mature technology currently available that can effectively capture carbon dioxide from coal burning and other fossil fuel combustion.
- 4) The threat from fugitive emissions (escape) of methane in natural gas and hydraulic fracturing operations is recognised as a serious threat to climate stability because of its high warming potential. Scaling down coal and reducing methane emissions

were key priorities at Global Climate Summit Conference of the Parties Glasgow 26 Nov 2021.

5) Fossil fuel extraction is contrary to the County and City Council's climate change policies.

6) Fossil fuel extraction is not sustainable development in line with the National Planning Policy Framework because it will compromise the ability of future generations to survive.

- The Plan should not include reference to recoverable fossil fuel resources in the Plan area which could be economically recovered between now and 2038.

Chapter 8.1 Coal and Colliery Spoil

8 comments, (8 objecting)

Comments received in respect of policy SP16: Coal and Colliery Spoil

- No definition of 'environmentally acceptable' in the policy/ supporting text and more information required to support how it will be assessed if an application were to come forward
- coal extraction is not environmentally acceptable and is inconsistent with government policy/national legislation in respect of the climate change emergency.
- The policy should include a presumption against coal extraction or, if not possible, be reworded to ensure that emissions from development would not contribute to climate change/affect ability of UK to meet its climate change objectives etc
- The Plan should seek to positively identify sites where Coal extraction and the disposal of colliery spoil may be acceptable as

the current approach would lead to uncertainty for local communities.

- Policy text is missing

Chapter 8.2 Conventional and Unconventional Hydrocarbons and Gas from Coal

471 Comments (466 Objections, 5 supporting comments)

General Comments

- Consultation on the Plan is premature. The Councils should have waited until after the findings of the British Geological Survey report on whether there has been new scientific evidence to warrant lifting the moratorium on issuing Hydraulic Fracturing Consents.

Need for oil and gas

- The Plan wrongly assumes that there is a continued need for oil and gas. It should adopt a presumption against more gas extraction. The Committee on Climate Change Sixth Carbon Budget predicts a 76% reduction in gas consumption in the period 2020-2050.
- Support the extraction of on shore oil and gas (including hydraulic fracturing) in order to enable security of supply and reduce energy costs.
- Support the Plan's recognition of the continued need for oil and gas. It is not national policy to restrict the production of hydrocarbons in the UK and there is no national policy which provides that 'a net zero carbon economy in 2050 would be hydrocarbon-free.'

Policy Development General

- The Plan should contain separate policies for the extraction of conventional and unconventional hydrocarbons;
- A definition of hydraulic fracturing should be included in the Plan differentiating between fracturing for conventional and unconventional hydrocarbons;
- The Plan should use the Infrastructure Act 2015 definition of hydraulic fracturing rather than the Planning Policy Guidance definition.
- The Plan should not include policies which allow for underground coal gasification.

Policy Development Shale Gas (including Hydraulic Fracturing)

- The Plan should not include policies which allow hydraulic fracturing for the following reasons:
 - 1) In view of the current moratorium on hydraulic fracturing, as set out in the Government's Written Ministerial Statement November 2019, the Plan should not include policies which allow hydraulic fracturing to take place;
 - 2) Renewables can provide for our energy needs so gas is not required;
 - 3) Hydraulic Fracturing extends the use of fossil fuels which is not compatible with climate change objectives;
 - 4) The time taken to bring shale gas into production would not be a quick fix to solve the energy crisis and the amount of gas produced is insignificant compared to the demand.

5) The strength of public opposition against hydraulic fracturing in Derbyshire and elsewhere in the Country.

- Hydraulic Fracturing causes adverse impacts on the environment and human health from:

6)HGVs especially on local unsuitable roads;

7)Impacts of pipelines used to transport the gas;

8)Impacts re volume of water required and treatment of wastewater and ground water contamination from fracturing fluid;

9)Vibrations and noise from drilling (24 hours a day) compressors, pumps etc;

10)Light Pollution from night-time working affecting people and wildlife;

11) Air pollution from ozone, dust and escaped/venting/flaring methane adding to poor air quality and climate change impacts;

12)impacts on nature conservation and trees including impacts on water courses/drainage affecting on people and wildlife;

13)impacts on landscape character from rural/farming to industrial;

14)contrary to openness required by green belt policy;

15)impacts of hydraulic fracturing taking place underneath or below properties;

16)associated risks of induced seismicity in relation to brick-built buildings and historic environment;

17)impacts on previously worked coal mining areas with respect to land stability and release of Radon gas;

18) Cumulative impacts of multiple well sites plus additional cumulative impacts in North East Derbyshire which has experienced coal mining in the past and where coal seams are present.

19) Inability of regulators to protect local residents.

Policy SP17 Supply of Conventional and Unconventional Oil and Gas

- Acknowledge the need for and support the inclusion of a criteria-based policy to assess proposals for 'hydraulic fracturing' should the moratorium on Hydraulic Fracturing Consents be lifted and proposals submitted to the Councils seeking planning permission.
- The Policy should include criteria requiring justification for the need for the gas to be extracted. Extraction should only be permitted where no viable alternative to the energy source exists through demand management or renewable resources.
- Support the inclusion of the following policy elements
 - 1) The requirement that exploration sites and associated infrastructure are sited in "the least sensitive location";
 - 2) That applicants must demonstrate no adverse impact on the underlying geological structure;
 - 3) That any activity must be temporary;
 - 4) That all sites must be restored, and;
 - 5) That any applications for production must be "justified" in terms of volume.

If the Plan is to include a policy which allows for hydraulic fracturing, then the following safeguards should be included:

- Criterion 2 The Plan should adopt the approach of the adopted Kirklees Local Plan: Strategy and Policies (Adopted Feb 2019)
Policy LP42 Proposals for production of hydrocarbons
Proposals for the production of hydrocarbons will be considered against the following criteria:
h. Where a proposal demonstrates that it will have a net zero impact on climate change.
- Support Policy SP17 however consider that in the next iteration of the Plan the policy should include a criterion which requires proposals to demonstrate net zero impact on climate change (similar to Kirklees). This policy requirement should also include consideration of the embedded carbon in the end use of hydrocarbons as well as their transportation alongside the operational aspects of the development itself.
- A 500/750 metre buffer zone should be required between well sites and sensitive receptors such as houses.
- The Plan should adopt the approach of North Yorkshire Minerals and Waste Local Plan (Adopted Feb 2022) in relation to a 500-metre buffer zone set out below:

Policy M17: Other Spatial and locational criteria applying to hydrocarbon development.

4) Specific local amenity considerations relevant to hydrocarbon development

'Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbon development and residential buildings and other sensitive receptors in order to protect against unacceptable adverse individual and cumulative impacts on amenity and public health, in line with the requirements of Policy D02. (Local Community and Cumulative Impacts). Proposals for

surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, will only be permitted following the particularly careful scrutiny of supporting information which robustly demonstrates how in site specific circumstances an unacceptable degree of adverse impact can be avoided.'

- Criterion 2 requiring well sites and associated infrastructure to be located in the 'least sensitive location' should also apply to proposals for production.
- Criterion 2 the term 'least sensitive' should be defined. It is a subjective term. The Policy should be amended to read 'ensure that well sites and associated infrastructure are sited in the most appropriate location from which the target reservoir can be accessed and extracted economically'
- Criterion 3 What level is an unacceptable adverse impact? Measurable safeguards should be included where adverse impacts are identified.
- Criterion 3 'the deep underlying geological structure' is not a material planning consideration. However, agree that disturbance to shafts and seams associated with former coal mining should be considered as part of the plan.
- Criterion 3 the inclusion of the matter of seismicity should be removed it is the remit of the North Sea Transition Authority (previously Oil and Gas Authority) to address this matter not the MPA.
- Criterion 9 the Policy should be clearer in terms of the number of wells that would be considered justified in any future production phase.
- Criterion 9 Limit the density of wells as per North Yorkshire Adopted Local Plan Policy MP17 Other Spatial and Locational Criteria applying to hydrocarbon development.

- Criterion 9 It should not be assumed that non-core activities such as processing, which are industrial in character need to be automatically located on site.
- Criterion 10 Requirements to mitigate the transport impacts of hydrocarbon development should be included within Policy SP17 as per North Yorkshire Adopted Local Plan Policy MP17 Other Spatial and Locational Criteria applying to hydrocarbon development.
- Criterion 10 include 'economically' when considering the use of non-road transport options.
- Criterion 11 As well as a beneficial state for future re-use; the restoration principles should be appropriate to the environmental context they are sited within and protect and where possible, enhance the historic environment, where relevant.

Additional Comments

- Do not allow offsetting of pollution targets which will affect local population, wildlife, environment .
- Ensure best practice is used and embedded as a requirement of policy.
- Include an assessment of emissions and waste for lifetime of site.
- Include contribution to national and local carbon budgets as a policy requirement.
- Ensure that methane emissions are properly controlled as a policy requirement.
- The policy should include the cumulative impacts set out separately for unconventional extraction along with mitigating standards as per North Yorkshire Adopted Local Plan Policy MP17 Other Spatial and Locational Criteria applying to hydrocarbon development.
- There should be a 3.5km/4.5km zone around the edge of the PDNP and AONB to protect them from the impacts of mineral extraction. Include the 3.5 km zone as per adopted North

Yorkshire Minerals Local Plan Policy M16 Key spatial principles for hydrocarbon development.

- Para 8.2.51 Provide details on the type and level of information that would be required to support an application.

Chapter 9 Safeguarding

Chapter 9.1 Safeguarding Mineral Resources

21 comments. (18 objections, 3 supports)

- It is considered best practice to include buffer zones to guard against proximal development potentially affecting mineral resources.
- Urban areas and allocations should be excluded from the safeguarding areas.
- The text and policy should refer to the “known” mineral resource and also the “agent of change” principle.
- The fifth of the exemption criteria is unclear. “Development which is in accordance with the District/Borough Local Plan which took account of mineral sterilisation and determined that prior extraction would not be practicable” Clarification is required.
- District authorities would welcome further cooperation with the MPA on this matter.
- The Safeguarding Plans should be made available at a larger scale to assist with identifying whether they affect specific sites.
- Questions whether safeguarding area is needed for surface coal given the reduction in demand for the mineral and because of climate change issues.

- Mineral resource assessments should not be an additional burden on applicants.
- A number of amendments are requested for the exemptions list. Also, the exemptions list should be referred to in the policy for clarification.

Chapter 9.2 Mineral Related Infrastructure

10 comments (all objections)

- As the mineral and waste lead Authority, the County Council has a responsibility in providing clear guidance to District and Borough Councils on the importance of safeguarding when allocating land and determining planning applications. As such the proposed policy is unsound as it fails to do this.
- The 'agent of change' principle should be applied.
- Paragraph 9.2.18 states that 'facilities within the control of the County Council will be safeguarded and it isn't necessary to add another layer of safeguarding as facilities are protected by being located within an active mineral working'. This statement is disputed and is contrary to the NPPF. The NPPF does not advocate that only mineral related infrastructure situated, 'within quarries' are safeguarded.
- Clear criteria should be included for how it may be demonstrated that a safeguarded facility is no longer required, and how development in the vicinity of the facility should be identified and any policy considerations that should apply to such developments.
- It is unclear what the information in the Appendices 9.2A-C relates to.
- Wording changes are suggested to ensure clarity and in some cases for correction.

Chapter 10.0 Restoration of Sites in the River Valleys

15 comments (9 objections, 6 supports)

- Natural England encourages the consideration of Nature Recovery Networks (NRN). This should be referred to in this section.
- More detail is required about what the aim is for the river valleys and how has this been influenced by appropriate evidence base such as historic landscape characterisation.
- Historic England would welcome reference to the term 'historic environment' or 'heritage assets'. Would welcome a discussion with the Councils about the restoration principles appropriate for the historic environment and historic landscape context.
- The suggestion in the text that a hole filled with water has the potential to attract visitors and bring in businesses has clearly never been to Sudbury/Scropton. This area is productive farm land.
- The objectives for restoration in the river valleys need to be cautious in placing undue and overly onerous restrictions on operators for restoration of mineral workings. There may be opportunities for the wider objectives to be addressed but they should be caveated with 'where practicable'

Chapter 11.0 Development Management Policies

DM1: Protecting Local Amenity

(4 comments, 2 objecting)

Comments received in respect of policy DM1 covered the following:

- Inclusion of ground contamination in list of criteria is supported

- Policy wording should be amended to ensure criteria relating to land stability, vibration, emissions and landscape/visual impacts are as broad as possible to take account of all aspects of minerals development
- Policy needs to ensure that there will be no impacts to water quality from minerals development

DM2: Criteria for Assessing the Benefits of Minerals Development

Proposals

9 comments, (7 objecting, 2 supports)

4 Comments received in respect of policy DM2 covered the following:

- inclusion of flood alleviation measures, enhanced public access, environmental enhancements and reclamation of areas of derelict land as benefits of minerals development welcomed
- criteria in policy should be amended to remove sub-para (b) the relinquishment of permitted reserves in sensitive areas and amend sub-paragraph h) to strengthen wording in respect of flood alleviation/resilience measures to ensure NPPF compliance.
- Historic environment should be added to the list of criteria
- sub-paragraph (g) should be amended to refer to national/local carbon reduction budgets and targets rather than greenhouse gas emissions
- 'carbon offsetting' should not be identified as a benefit in the assessment of minerals development.
- policy should not give great weight to oil and gas development proposals

DM3: Transport of Minerals

7 comments (5 objecting, 1 supporting)

6 Comments received in respect of policy DM3 covered the following:

- reference to sustainable transport modes welcomed but policy should encourage early engagement with relevant navigation authority where transport by water is investigated
- policy should require a long-term transportation plan (TP) to be submitted with planning applications and include a presumption against future variation of TP post determination without a demonstrable clear need.
- policy should clarify how applications for pipelines will be considered and require these to be included as part of an overall development proposal so as to avoid cumulative impacts/'salami-slicing' impacts
- policy wording should be amended to ensure proposed carbon offsetting measures are consistent with local and national carbon budgets and targets
- policy should be amended to include impacts to historic environment arising from the environmental effects HGV movements as a criterion
- policy should require assessment of environmental impact of mineral traffic when it passes through Peak District National Park
- policy should be amended to require an assessment of traffic/highways impact, including impacts on highway safety and local communities, along with proposed mitigation measures.

DM4: Landscape

11 comments (8 objecting, 2 supports)

8 Comments received in respect of policy DM4 covered the following:

- Support the inclusion of policy for landscape, which will have positive social impacts in terms of mental health, well-being and connection with nature.
- policy should be amended to broaden range of criteria close to which development should be sensitively located e.g. SACs/SPAs, green belt, conservation areas, AONB etc
- policy should include 3.5km visual sensitivity zone around PDNP for oil and gas development proposals
- policy should make reference to historic landscape and reference appropriate evidence base to support this
- policy should seek to 'protect and enhance landscapes' rather than 'not result in significant harm'
- policy should be amended to specify the need for a landscape and visual assessment, to clarify the range of information required at planning application stage, including need for appropriately qualified professional
- policy should be amended to ensure cumulative landscape/visual impacts are given consideration

DM5: Biodiversity and Geodiversity

8 comments (4 objecting, 1 support)

10 Comments received in respect of policy DM5 covered the following:

- support the inclusion of policy relating to nature conservation which will have positive social impacts in terms of mental health, well-being and connection with nature.

- Policy is unsound and not compliant with the NPPF as it does not: demonstrate a clear hierarchy in terms of national/local nature conservation designations, include any ability to 'avoid, mitigate and compensate' or separate the need to considered irreplaceable habitats from hierarchical designation considerations
- Policy should be reworded to clarify that minimum 10% biodiversity net gain will be national mandatory requirement and that it will support proposals with significant BNG above 10% minimum and whether BNG should be achieved during life of development or during restoration.
- Further information regarding mechanisms by which MPA will secure BNG and its management should be set out
- Policy should be amended to take account of the opportunities for protecting, enhancing river corridor habitats and creating/enhancing wetland/floodplain biodiversity as well as multifunctional opportunities such as flood risk and water quality improvements.
- Policy should specify need for ecological assessment

DM6: Trees, Woodland and Hedgerows

3 comments (1 objecting, 2 supporting)

12 Comments received in respect of policy DM6 covered the following:

- Support inclusion of policy in respect of trees and woodland
- All development that would result in loss of ancient woodland is unacceptable and policy should be reworded to be stronger than NPPF in this regard

DM7: Historic Environment

11 comments (7 objecting, 3 supporting)

Comments received in respect of policy DM7 covered the following:

- Support inclusion of policy protecting the historic environment

- Use of planning obligations to secure appropriate programmes for archaeological investigation works is unjustified and should be last resort
- Policy wording should be amended to better reflect the distinction between asset/level of harm/public benefit test as well between less than substantial harm and substantial harm and set out in the NPPF
- Policy should be amended to include how consideration of any heritage assets has been given consideration in the development of restoration proposals
- Policy should include opportunities for enhancement of the historic environment/heritage assets
- Policy should be amended to ensure that heritage statements also reflect perceptual/experiential impacts to historic environment resulting from minerals development.

DM8: Water Management and Flood Risk

3 comments (1 objecting)

Comments received in respect of policy DM8 covered the following:

- Support inclusion of policy DM8
- Policy should be amended by requiring scheme design to consider opportunities for flood storage/alleviation during operational and restoration phases
- Policy should include requirement for site specific geomorphology to determine minimum stand-off required from any watercourse in order to protect integrity during excavation works
- Policy wording should be amended to provide for no deterioration of water quality during operational phases and possible enhancements at restoration to support wider requirements of Water Framework Directive

DM9: Soil Quality and Agricultural Land

(2 comments, 1 objection, 1 support)

Comments received in respect of policy DM9 covered the following:

- Inclusion of policy is supported
- Policy wording should be amended to also prioritise the retention, storage, treatment etc of soil and soil making resources for beneficial use/re-use within the site

DM10: Aviation Safety

No comments received

DM11: Green Belt

2 comments (2 supporting)

Comments received in respect of policy DM11 covered the following:

- Inclusion of policy supported

DM12: Green Infrastructure

6 comments (2 objecting, 2 supporting)

Comments received in respect of policy DM12 covered the following:

- Inclusion of policy supported
- Policy should be grouped with biodiversity, landscape policies to highlight links between them
- Policy should be expanded cover blue infrastructure and to provide for a green infrastructure network strategy
- policy should have regard to Natural England's set of national Green Infrastructure standards

DM13: Public Access

4 comments (2 objecting, 1 supporting)

Comments received in respect of policy DM13 covered the following:

- inclusion of policy DM13 supported
- policy should be amended to require upgrades/creation of new routes to be considered at outset not at restoration stage
- policy should provide for recreational access to restored mineral workings (where this is possible)
- supporting text should also highlight links between open access land and recreational routes and the opportunities minerals development provided to strengthen these

DM14: Cumulative Impacts

6 comments (5 objecting)

Comments received in respect of policy DM14 covered the following:

- inclusion of policy DM14 supported
- cumulative impacts should be taken into account for all mineral development not just EIA development
- policy should take account of all developments not just cumulative impacts associated with individual development, particularly for oil and gas development proposals
- legacy of past mining should be taken into account
- policy should clarify the thresholds for determining that cumulative impacts are such that planning applications are refused
- policy should be amended to make reference to the Peak District National Park

DM15: Restoration, Aftercare and After-Use

7 comments (5 objecting)

Comments received in respect of policy DM15 covered the following:

- inclusion of policy DM15 supported
- policy should be amended to include opportunities for natural flood storage/alleviation in restoration schemes
- policy should include restoration principles relevant to the historic environment
- policy should recognise that after-use of sites can include built development
- policy should include criterion requiring woodland creation in National Forest
- policy should give more consideration to public access/recreation in after uses of mineral sites

DM16: Planning Obligations

3 comments received (1 objecting, 2 supporting)

Comments received in respect of policy DM16 covered the following:

- inclusion of policy DM16 supported
- policy repeats existing guidance and is not clear about what planning obligations will be used to secure

Other Mineral Related Issues

DM17: Borrow Pits

No comments received

DM18: Re-Working of Spoil Tips

1 comment, objecting

Comments received in respect of policy DM16 covered the following:

- policy should be reworded to ensure new development would not adversely affect previous restoration/natural regeneration unless significant improvements to previous scheme are delivered

DM19: Incidental and Prior extraction of Clay

one comment, expressing support but providing no further comment.

DM20: Mineral Related Development

3 comments (2 objecting)

Comments received in respect of policy DM20 covered the following:

- policy is limited, with few criteria. Policy could be amended to make reference to applying relevant policies of Local Plan for area in which development is situated
- supporting text should be expanded to define 'significant adverse environment impact'
- policy should make reference to the Peak District national Park

DM21: Mineral Exploration

2 comments (1 objecting, 1 supporting)

Comments received in respect of policy DM21 covered the following:

- inclusion of policy DM21 supported
- supporting text could be expanded to define 'significant adverse environment impact'

Chapter 12.0 Monitoring and Implementation

3 Objections

- The Climate Change indicator should include targets relating to local carbon budgets
- There should be an indicator reflecting the principal of no fossil fuel extraction.

Policies Map

2 Objections

- The scale is too small in respect of Safeguarded Mineral Resources
- The Safeguarded Mineral Facilities should be included on the Policies Map.

Appendix A - Proposed Allocations - Principal Planning Requirements

24 comments.

- All comments are from statutory consultees offering information or advice in relation to their particular specialism. 7 are for Foston, 7 for Sudbury, 2 for Swarkestone North, 2 for Swarkestone South, 2 for Elvaston and 1 for Aldwark South. The reminder are general comments.

APPENDIX 1

List of Consultees

Statutory Consultees

National Health Service
Clinical Commissioning Group
Highways England
Homes England
Regulator of Social Housing
Historic England
Network Rail
Coal Authority
Environment Agency
Natural England
Natural England
Severn Trent Water
Yorkshire Water
National Grid
Health and Safety Executive
United Utilities
Amber Valley Borough Council
Erewash Borough Council
Chesterfield Borough Council
Bolsover District Council
North East Derbyshire District Council
Derbyshire Dales District Council
South Derbyshire DC
High Peak Borough Council
High Peak Borough Council
Northamptonshire CC
Lincolnshire CC
Nottinghamshire CC
Leicestershire CC
Greater Manchester
Staffordshire CC
Rotherham MBC
Peak District NPA
Peak District NPA
Doncaster MBC
NW Leicestershire DC
Cheshire East
Durham CC
AECOM
Sheffield City Council
Cheshire West
Central Bedfordshire
Civil Aviation Authority

Lead Local Flood Authority
Cumbria CC
North Yorkshire CC
Lancashire CC
Rushcliffe Borough Council
East Staffordshire Borough Council
All Parish Councils within Derbyshire

General Consultees

Organisation
Derbyshire Gypsy Liaison Group
Derbyshire Voice
Derby and Derbyshire Local Access Forum
East Midlands Airport
Canal and River Trust
Sport England
Peak District Local Access Forum
Derbyshire Wildlife Trust
CPRE
Friends of the Earth
National Forest
Transition Chesterfield
Overseal PC
National Trust
Hathersage Parish Council
Wayne Henderson
Benita Wignall
Dev Plan
Derbyshire Chamber of Commerce
Derbyshire LEP
Derbyshire LNP
Open Spaces Society
Nestle UK
Charis Consultancy
Trent Rivers Trust
Elvaston Castle and Gardens Trust
Derbyshire 50+ Forums
Amber Valley Youth Forum
Bolsover/NED Youth Forum
Chesterfield Youth Forum
Erewash Youth Forum
High Peak Youth Forum
Derbyshire Dales Youth Forum
South Derbyshire Youth Forum
Guardian Industries Ltd
L'Anson Bros Ltd
Lloyds Animal Feeds
Marchington Parish Council
Mars Horsecare Ltd

Sudbury Gasworks Restoration Trust
Sustainable Hayfield
The Millboard Company
Trouw Nutrition

Operators

Cemex
Lhoist
Wienerberger
Aggregate Industries
Tarmac
Hanson
Breedon
Hope Cement
Longcliffe
Quarry Plan
Longcliffe
Mineral Products Association
British Aggregates Association
British Geological Survey
Heaton Planning
Geoff White
David Brittain planning consultant

556 Individuals

Appendix 2 – Emerging Approach 2017

Representations and outcomes arising from the Towards a Minerals Local Plan Rolling Consultation 2015/2016

General Comments on the 2015 2016 Rolling Consultation

Table of Representations

Name	Name Reference Number	Representation Reference Number
Durham County Council	008	0067
Historic England	011	0089
Historic England	011	0090
Historic England	011	0091
Historic England	011	0092
Historic England	011	0093
Historic England	011	0354
National Forest Company	014	0116
Lowland Derbyshire LNP	031	0230

Mineral Safeguarding Consultation

Representation

3.1 Durham County Council would be most grateful if we could be added to the Minerals Plan consultation database. In particular, we would be interested in being afforded the opportunity to consider and comment upon all future consultation documentation relating to:

1. mineral safeguarding, specifically the approach taken to Permian Limestone for industrial uses and also Fluorspar;
2. the approach to be taken to High Grade Dolomitic limestone for use in the steel and refractory industries.

Durham CC (008/0067)

Actions/Considerations

3.2 Agreed

Outcomes for the Proposed Approach

3.3 N/A

Historic Environment

Representation

3.4 There are a number of important considerations relating to the historic environment which require addressing as part of the new Minerals Plan. The National Planning Policy Framework (NPPF), sets out clear requirements for Local Plans with regards to the historic environment. This includes Paragraph 126 which states that: “local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment”, while local plans should include strategic policies to deliver the protection and enhancement of the historic environment (paragraph 156) and should identify land where development is inappropriate because of its environmental or historic significance (paragraph 157). The Local Plan as a whole should be able to demonstrate that it sets out a positive strategy for the historic environment. Our recently published Historic Environment Good Practice Advice Note 1: The Historic Environment in Local Plans sets out further information. This can be accessed via the following link:
<https://www.historicengland.org.uk/advice/planning/planning-system/>

(Historic England 011/0089)

Actions/Considerations

3.5 The comments are noted. It should be borne in mind however that the development plan for the area will include the District prepared local plans and a Unitary Plan for Derby City which will ensure that the historic environment is adequately considered. Nevertheless we will ensure that the Mineral Local Plan's strategic policies adequately refer to the historic environment. Furthermore the Plan's development management policies will provide detail regarding how the historic environment will be considered in the determination of planning applications.

Outcomes for the Proposed Approach

3.6 Ensure that the strategic policies adequately refer to the historic environment and that the development management policies provide more detail regarding how the historic environment will be considered in the determination of planning applications.

Historic Environment

Representation

3.7 With specific regard to minerals, the historic environment is of considerable relevance to minerals planning for a number of reasons. Ensuring that the impacts of current and future extraction avoid harming heritage assets wherever possible is a key aim, along with opportunities to enhance the historic environment through appropriate restoration. Maintaining a supply of building and roofing stone for conservation purposes is another key aim, along with the objective to safeguard the industrial heritage of mineral exploitation. Our 2008 guidance document on Mineral Extraction and the Historic Environment sets out Historic England's position on minerals planning. We also have produced a number of other documents related to minerals which may be of use. All of these documents can be downloaded from our Minerals Planning pages: <https://historicengland.org.uk/advice/planning/mineral-extraction/>

(Historic England 011/0090)

Actions/Considerations

3.8 Agreed

Outcomes for the Proposed Approach

3.9 The Plan will contain policies which will ensure that the historic environment continues to be given due consideration in the determination of planning applications for mineral development.

Historic Environment

Representation

3.10 In relation to minerals plans, Paragraph 143 of the NPPF states that local planning authorities should set out environmental criteria against which planning applications will be assessed to ensure that developments do not have unacceptable adverse impacts on the historic environment (6th bullet point). Reclamation policies should consider the historic environment (8th bullet point), while specific minerals resources of local and national importance should be safeguarded (3rd bullet point). The need to consider to meeting demand for building stone is mentioned in paragraph 144.

(Historic England 011/0091)

Actions/Considerations

3.11 Noted.

Outcomes for the Proposed Approach

3.12 These considerations have been taken account in the preparation of the Proposed Approach.

Historic Environment

Representation

3.13 We also note that many of the consultation documents relate to the allocation of sites for various minerals development. For your information, Historic England have recently publish a draft Advice Note entitled “The Historic Environment and Site Allocations in Local Plans” This document sets out broad principles for the consideration of the historic environment within plans to ensure soundness and promotes a site selection methodology. This can be accessed via the following link:

<https://content.historicengland.org.uk/content/docs/guidance/site-allocations-local-plans-consultation-draft.pdf>

(Historic England 011/0092)

Actions/Considerations

3.14 Noted.

Outcomes for the Proposed Approach

3.15 The historic environment has been taken fully into account in the site assessments.

Historic Environment

Representation

3.16 In the assessment of sites, we also consider that our Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets may be of particular interest to you and may provide additional information. These can be accessed via the following link: <https://www.historicengland.org.uk/advice/planning/planning-system/>

(Historic England 011/0093)

Actions/Considerations

3.17 Noted.

Outcomes for the Proposed Approach

3.18 The historic environment has been taken fully into account in the site assessments.

Historic Environment

Representation

3.19 We hope that, as per the advice given in our last letter in August 2015 that the historic environment continues to be recognised as part of the development of the minerals local plan. In relation to the allocation of sites for minerals extraction, we refer you to our new guidance on the historic environment and the allocation of sites within local plans, which is relevant.

(Historic England 011/0354)

Actions/Considerations

3.20 Noted.

Outcomes for the Proposed Approach

3.21 The historic environment has been taken fully into account in the development of the Plan's policies and in the site assessments.

National Forest

Representation

3.22 The National Forest covers 200 square miles of the East and West Midlands. The National Forest Company leads the creation of the Forest and is a Non-Departmental Public Body sponsored by Defra. To date in excess of 8.5 million trees have been planted taking the amount of woodland cover from 6% of the area to 20%. The Forest covers the southern half of South Derbyshire District.

3.23 The National Forest Company supports the County Council's intention to create a plan-led system for minerals development. The emerging documents suggest that there are no existing or proposed mineral extraction sites within the Forest.

(National Forest Company 014/0116)

Actions/Considerations

3.24 The comments are noted.

Outcomes for the Proposed Approach

3.25 None

Local Nature Partnership

Representation

3.26 The LNP has sought advice from the Councils about how to discharge the Duty to Co-operate and incorporate its strategic objectives into local planning. Their advice was for the LNP to set clear spatial priorities and targets which would facilitate the process of inclusion into Local Plans. We hope that the rolling nature of your Minerals Local Plan consultation will mean it will be feasible for you to incorporate the LNP's objectives and targets, when they are available, into the Minerals Local Plan.

3.27 Alternatively, we would welcome ongoing discussions with you as further natural capital data and our strategy both emerge. This should help ensure that reviews of MLP during its lifetime takes account of the LNP's work and that you are aware of our work when you start the process of updating the MLP.

(Lowland Derbyshire and Nottinghamshire Local Nature Partnership 031/0230)

Actions/Considerations

3.28 Noted.

Outcomes for the Proposed Approach

3.29 The Local Nature Partnerships spatial objectives and targets will be incorporated into the Plan where appropriate.

Chapter 2 – Spatial Context

Spatial Portrait Background Paper, January 2015

Table of Representations

Name	Name Reference Number	Representation Reference Number
Mineral Products Association	013	0096
Mineral Products Association	013	0097
National Forest Company	014	0117
Sport England	050	0312

Representation

3.30 In section 1.1 it would be useful to mention that in large part the ‘stunning and diverse landscapes’ of Derbyshire coincide with the minerals for which the county is a ‘national leader’.

(Mineral Products Association 013/0096)

Actions/Considerations

3.31 Agreed

Outcomes for the Proposed Approach

3.32 A sentence has been added to this effect.

Representation

3.33 "2. In section 2.4 it might also be useful to elaborate on the economic importance of the mineral products sector. The following is some suggested text, in 2012 the Mineral Products Association (MPA) commissioned a study of the economic contribution of the mineral products industry to the national economy. This document is called The Foundation for a Strong Economy and was undertaken by Capital Economics. It may be found here:

http://www.mineralproducts.org/documents/The_foundation_for_a_strong_economy.pdf

pdf

3.34 The Report's main findings are that

- Mineral products are part of the unseen and unloved part of the economy, but which employs the bulk of the workforce and generates much of the country's prosperity. It isn't high profile or glamorous but nevertheless without it, much of what is high profile would simply not be possible.
- The mineral products industry generates over £4 Billion of Gross Value Added (GVA) and employs between 33,000 and 39,000 people directly. A similar number is supported indirectly.
- Using GVA per worker as a measure the sector's productivity employees are over 2½ times more productive than the average for the UK generating over £110,000 of GVA per worker each year.
- The industry contributes similar levels of GVA to the economy as creative industries such as architecture, television or radio or some high-tech manufacturing activities. It is not significantly smaller than the motor vehicle manufacturing and aerospace industries.
- The industry is also a major tax payer contributing over £1 Billion of taxes to the exchequer each year.
- The industry spends over £5 Billion on suppliers each year which benefits many other sectors and unlike some of the more glamorous sectors it increases economic activity in every region of the UK.
- The biggest customer of the industry is the construction sector, which is crucial to providing the infrastructure that the country will depend on to supply the economic growth that it needs to renew the economy. In total this sector comprises 6% of total economic output.
- In total the construction sector spends over £6 Billion on mineral products (over 5% of construction turnover) which are vital to almost every type of building project.
- Every £1 invested in construction delivers almost £3 of benefit to the total economy.
- The total value of mineral products in construction is £6.4 Billion. Of this over £2 Billion of product flows into infrastructure products. Repair and maintenance and

private commercial property construction accounts for another £2.2 Billion and non-infrastructure public work accounts for £800 Million.

- The total turnover of the industries which are dependent on mineral products for their raw materials is over £400 Billion, and they provide jobs for 1.3 Million people.

- About 250 Million tonnes of mineral products are extracted in the UK each year or just over 4 tonnes per person, or 1 Million tonnes every working day. This represents the largest materials movements in the economy although much of it is unseen by the public.

3.35 This record of importance is in line with the government's own assessment of the industry published in 2015. The construction sector is highly diverse with a range of discrete sub-sectors. It delivered around £92 billion GVA to the UK economy in 2014 (2011 prices) employing around 2.1 million workers, and as such is a key contributor to UK growth. The government's Plan for Growth, published alongside the Budget in March 2011, set out how Coalition Government policy would aim to encourage growth in a number of industries, including construction. The document stressed the importance of investment in infrastructure projects and house building for the UK economy.

3.36 It is also critical to the achievement of UK climate change targets. The UK has a comparative advantage in certain construction services, primarily engineering, architecture and activities associated with low-carbon built environment solutions. This advantage will be important in benefiting from opportunities driven by technological change, increasing environmental awareness and emerging economies. Construction is heavily influenced by direct and indirect levers from the public sector, which procures around 40% of the industry's output, and commitments to renew and expand national infrastructure are therefore significant to the sector.

3.37 The use of mineral products makes a major contribution to wider national targets for carbon reduction. For example, 90% of the energy and emissions related to buildings are due to the lifetime use or operation of the building. The use of well-designed concrete construction can significantly reduce "in use" energy because the thermal mass effect of concrete creates more even temperatures within buildings, therefore reducing the need for additional heating and cooling. The use of mineral

products is also essential for the construction and operation of lower carbon energy generation capacity, including electricity from nuclear and renewable plants (source: MPA Sustainable Development Report 2014).

3.38 Construction is identified as an important component of the UK economy in the years ahead. With energy it is labelled an enabling industry which will have a major impact on other sectors, and whose growth is likely to be heavily influenced by societal challenges such as tighter environmental standards for low carbon construction. These sectors are heavily influenced by regulation. One other advantage of the construction sector is that growth will be felt across the entire country and not concentrated in specific locations.

3.39 The importance of the mineral industry to the economy has been recognised by the government in national planning policy which says, “Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs.” (paragraph 142). And, “When determining planning applications, local planning authorities should...give great weight to the benefits of the mineral extraction, including to the economy.” (paragraph 144). The weight accorded to the benefits of mineral extraction is on the same level as that that should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

(Mineral Products Association 013/0097)

Actions/Considerations

3.40 Agreed

Outcomes for the Proposed Approach

3.41 A paragraph has been added to this section to highlight the importance of the minerals sector.

Representation/s

3.42 The National Forest Company (NFC) considers that The National Forest should be referred to within the Spatial Portrait. The boundary of the Forest could be

shown on Diagram 2 with a paragraph added to the Natural and Historic Environment section. The NFC can provide a GIS layer of the boundary and text for the paragraph if that would be of assistance

(National Forest Company 014/0117)

Actions/Considerations

3.43 Agreed

Outcomes for the Proposed Approach

3.44 Agreed. A sentence has been added and also a layer to Diagram 2

Representation/s

3.45 Please note additional comments re: criteria based policy and draft Spatial Portrait which are linked to this heading and for which a direct question/response box does not appear to have been provided (apologies if this is not the case and please assign comments as appropriate):

3.46 Within the draft Spatial Portrait, the continued reference to leisure use (which is taken to include sport and other physical activity based schemes) as all or part of a restoration solution is supported, as is the approach of taking account site specific circumstances, physical characteristics, opportunities, needs and community benefits when considering the optimum solution. For the avoidance of doubt, it would be helpful to specifically reference sport and physical activity based resources / uses as valuable potential components of restoration programmes.

(Sport England, 050/0312)

Actions/Considerations

3.47 Agreed

Outcomes for the Proposed Approach

3.48 Agreed that the Plan should specifically reference sport and physical based resources/uses as valuable potential components of restoration programmes. This detail will be included in Chapter 12 Restoration.

Chapter 3 – Vision and Objectives

Table of Representations

Name	Name Reference Number	Representation Reference Number
Natural England	016	0328
RSPB	021	0244
RSPB	021	0245
RSPB	021	0246
RSPB	021	0247
RSPB	021	0248
RSPB	021	0249
RSPB	021	0250
RSPB	021	0251
RSPB	021	0252
RSPB	021	0253
South Derbyshire DC	022	0240
Harworth Estates	033	0232

Towards a Vision and Objectives Strategy and Supporting Papers

3.49 The consultation on the draft vision and objectives of the Plan was presented as a single set of statements and did not put forward a range of options as in the other consultation papers on specific issues and individual minerals. The representations set out below were, in some cases, quite detailed and lengthy. Some of the representations put forward suggestions that conflicted with those made by others. Some suggested changes to the use of individual words, whilst others suggested substantial additions or alterations. Accordingly it is not possible to set out in detail why some were considered appropriate and not others but all were taken into account in developing the Proposed Approach.

Representations

3.50 The emerging local plan should recognise the critical importance of feasibility and economic viability to the working or use of any safeguarded resource, and the range of benefits which can be reaped from the restoration and development of sites

where mineral workings have permanently ceased are not feasible or viable. It is therefore suggested that additions are made to the draft vision as follows.

3.51 Add the heading '**Restoration of Unviable Sites**' to paragraph 7.2 – Emerging Draft Vision, with supporting text as follows: ***Where there is no reasonable prospect of minerals working taking place, the opportunity for the viable restoration of minerals sites should be taken, and the opportunity to contribute towards local development goals will be explored. Opportunities will be taken to provide benefits to local communities, the natural and built environment, reducing flood risk and climate change, through the viable restoration of minerals sites where the working of economic mineral reserves has been exhausted or is no longer feasible or viable.***

3.52 Under the existing heading, **Safeguarding of Mineral Resources and Facilities**: *Mineral resources and the facilities which enable the sustainable processing and transport of extracted minerals will be safeguarded from inappropriate development, **where there is a feasible and economically viable prospect of minerals extraction taking place, and facilities being required and operational.***

3.53 Accordingly, the following additions are suggested to the draft objectives.

Objective 4 – Safeguarding Mineral Resources and Facilities: *Mineral resources and the facilities which are used to process and transport extracted minerals will be protected from inappropriate development that would impair their availability and use for future generations, **unless it can be demonstrated that the working of resources and use of facilities is no longer feasible or economically viable.** This will include the identification and safeguarding of surface and underground mineral resources of local and national importance, important aggregates supply and transport infrastructure such as rail heads, coating and concrete plants and effective co-operation with the district and borough councils in the area.*

3.54 **Objective 5 – Minimising Impacts on Communities:** *The Plan will minimise the potential adverse impacts of minerals development on local communities in the*

area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further cumulative impacts. This will include developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development proposals are allowed. **Where minerals operations are no longer feasible or economically viable, opportunities will be taken to restore and develop sites for uses which are beneficial to local communities.**

3.55 **Objective 6 – Protecting the Natural and Built Environment:** *The Plan will conserve and enhance the area's natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments, **and will help to facilitate opportunities to restore minerals sites which are no longer economically viable.***

Vision and Objectives Supporting Paper

3.56 This supporting paper sets out a series of 'key issues' to inform the formulation of the Minerals Local Plan vision and objectives. It is suggested that an additional key issue is added as follows:

Opportunities to restore minerals sites where minerals workings are no longer economically viable.

3.57 Within the section on 'Safeguarding', amend paragraph 10 as follows:

*Safeguarding important minerals to ensure they are not sterilised by other development and therefore are protected for longer term supply for future generations, **unless it can be demonstrated that extraction is not feasible or economically viable.***

3.58 It is considered that the paper should make reference to NPPF policy relating to the effective use of previously developed land, with a view to ensuring that the goals of the Minerals Local Plan relates to wider objectives in relation to communities, minimising impact upon the natural and built environment, minimising

flood risk, and minimising climate change. Although many minerals sites benefit from restoration clauses and therefore may not classify as 'brownfield land', opportunities for the restoration of sites should be considered in light of wider development goals such as those of Local Plans within the Derbyshire County. Accordingly, it is requested that the following NPPF reference be added:

3.59 *The NPPF sets out a series of 'core planning principles', one being that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (paragraph 17).*

3.60 The acknowledgement of this NPPF paragraph will help to ensure that the Minerals Plan integrated with local development policies effectively, in seeking to utilise appropriate sites for development.

(Harworth Estates 033, 0232)

Representations

3.61 The Vision and Objectives for the minerals plan substantially address the issues of concern within South Derbyshire and can be supported, although it is considered the Council should make a number of points in responding to the consultation. These are explained below and, for clarity, marked as proposed changes at Annexe A.

3.62 Objective 1 could be clarified by indicating that rather than providing an "adequate number of sites", the plan will seek to provide "adequate overall site capacity", since potential output is not just a function of site numbers, but a variety of factors, including the size of the sites and the rates at which they can be worked within the limits imposed by the minerals planning authority.

3.63 It is considered that Objective 2 should be strengthened by indicating that the plan will seek to "maximise", rather than "increase", levels of secondary and recycled aggregates and the reuse of other materials.

3.64 Objective 3 is about the spatial distribution of minerals development. In the interests of clarity, it is considered that the reference to using the "highest standard

of transport links” should be replaced by “the most sustainable transport links”, to ensure that the three dimensions of sustainable development: environmental, social and economic, are properly addressed.

3.66 Objective 5 is concerned with minimising impacts on communities. It is considered that the policy should be strengthened by making clear that any adverse impacts will be mitigated.

3.67 In regard to Objective 6, the County Council’s previously published Climate Change supporting paper emphasises the importance to wildlife of ensuring that water is managed so that water bodies, water courses and wetlands are receiving and retaining water for the benefit of wildlife and highlights that creating space for flood waters can also provide new habitats for wildlife. It is therefore considered that Objective 6 should be amended to indicate that as well as avoiding, minimising and mitigating potential adverse impacts on wildlife, minerals development should seek to maximise the potential ecological benefits.

3.68 It is considered that Objective 8 is insufficiently robust in seeking to minimise and mitigate flood risk. The National Planning Policy Framework requires that where development in the floodplain is necessary it must be made safe without increasing flood risk elsewhere. Furthermore, sand and gravel workings sometimes create potential for additional water storage capacity, thus helping to reduce the risk of downstream flooding. In light of this it is considered that Objective 8 should be amended to indicate that development will not lead to increased flood risk and will, where possible, reduce flood risk.

(South Derbyshire DC 022, 0240)

Vision and Objectives Q1. Do you agree that these are the key issues and elements which will help to formulate the vision and objectives to be included in the new minerals local plan?

3.69 Natural England broadly supports the key issues and elements identified to formulate the vision and objectives. It recommends that overall landscape impacts be considered, in particular taking a landscape scale approach to mineral restoration which means considering the whole landscape of an area in order to make it ecologically coherent. Natural England are supporting this approach in the Trent &

Tame Valleys where there is a co-ordinated approach to encouraging wetland habitat at a strategic scale.

(Natural England 016, 0328)

3.70 Although the RSPB acknowledges that the consultation document has identified and addressed some important and relevant issues, we believe that there is significant scope for improvement, as outlined below.

4 Key Issues and Elements of the Vision and Objectives

4.4 Where Minerals are Located

3.71 The consultation identifies that *‘the issue which is of relevance to the Vision and Objectives is that the extraction of these resources is not confined to a small part of the Plan area’*. Whilst this may present a significant challenge, for example, where minerals are located in sensitive areas, it also presents a significant opportunity. The widespread nature of the mineral resource provides the Mineral Planning Authority with the opportunity to pro-actively drive minerals development to locations – and at a scale – that will provide the greatest opportunities for delivering strategic restoration benefits.

3.72 For example, there may be particular locations where mineral development and restoration could provide the most significant opportunities for delivering flood risk management, Water Framework Directive objectives, recreational opportunities and/or creating coherent and resilient ecological networks. In the context of ecological networks, preference should be given to locations where mineral development would help to make existing wildlife sites even bigger (as long as there are no adverse effects on the existing wildlife resource) and/or locations that would provide a ‘stepping-stone’ between wildlife sites that are further apart.

3.73 Where mineral sites are located close together, any development and restoration proposals should consider these sites as a cluster, such that they collectively deliver more strategic restoration benefits than they would individually (i.e. the whole is greater than the sum of its parts). For example, habitat creation across the cluster should be complementary, rather than each site cramming in lots of habitat at too small a scale.

3.74 The developing Worcestershire Minerals Local Plan (MLP) provides a good example of a MLP which is seeking to pro-actively drive the location of minerals development to locations where strategic restoration benefits can be delivered. The Grensmaas project, in the Netherlands, demonstrates what can be achieved when this approach is delivered on-the-ground. In this project, sand and gravel is being extracted along the River Maas/Meuse in a strategically planned way, primarily as a means to significantly reduce the risk of flooding for tens of thousands of families, at no cost to the taxpayer.

(RSPB 021, 0244)

4.7 Environmental Impacts of Mineral Extraction

3.75 Whilst the RSPB acknowledges *‘the need to balance the provision of an adequate supply of minerals whilst preventing unacceptable environmental impacts’*, we are concerned by the narrow focus of the consultation document on adverse environmental impacts. We believe that it is also important to identify the potential for environmental enhancements, particularly through the opportunities provided by mineral site restoration.

3.76 As indicated in the ‘National Planning Policy and Legislation’ page of this consultation, the National Planning Policy Framework (NPPF) *‘requires authorities to set out the strategic priorities for their area in the local plan’*, with these priorities *‘usually expressed as part of the Vision and Objectives’*. The NPPF (para. 156) states that *‘this should include strategic policies to deliver... climate change...adaptation, conservation and enhancement of the natural...environment’*. The NPPF (para. 157) goes on to state that, crucially, Local Plans should *‘contain a clear strategy for enhancing the natural...environment’*. In other words, the Plan should be much more visionary and aspirational than simply aiming to minimise and mitigate adverse environmental impacts.

3.77 The document *‘Bigger and Better: How Minerals Local Plans can help give nature a home on a landscape scale in the Trent and Tame River Valleys’* already provides a clear vision and strategy for enhancing the natural environment in the Trent Valley section of the Plan Area. It also shows how MPAs could start to address

the NPPF (para. 117) requirement to '*plan for biodiversity at a landscape-scale across local authority boundaries*' by considering how the mineral sites within this section of the Plan Area complement the ecological network of the entire river valley corridor from source to sea.

3.78 As well as addressing biodiversity issues, 'Bigger and Better' also identifies how other environmental, social and economic objectives could be delivered. This document was developed in partnership with a wide range of stakeholders across six counties, including Derbyshire County Council, and is endorsed by organisations such as Derbyshire Wildlife Trust and Trent Rivers Trust.

(RSPB 021, 0245)

4.11 Restoration, Aftercare and After-use

3.79 The RSPB is pleased to see that a major priority for the new Plan will be '*the need to ensure that sites are properly restored and managed after mineral extraction has ceased*'. Whilst mineral sites can be restored to a variety of after-uses, the Plan should acknowledge that mineral site restoration provides nationally significant opportunities for enhancing biodiversity, in particular. For example, mineral site restoration has the potential to deliver 100% of the UK habitat creation targets for nine priority habitats, including reedbed, wet grassland and heathland.

3.80 Minerals development and mineral site restoration is uniquely placed to provide these opportunities, particularly at the scale required to help halt and reverse ongoing declines in biodiversity. This is particularly true in the Trent Valley, where mineral site restoration offers the only realistic opportunity to create large areas of priority habitat.

3.81 As outlined in response to sections 4.4 and 4.7, above, restoration should not just be considered on a piecemeal, site-by-site approach, but at a more landscape scale and should deliver strategic restoration benefits. These strategic restoration benefits should be identified explicitly in the Vision and Objectives. This would be more in line with both the NPPF and the government's biodiversity strategy, Biodiversity 2025.

(RSPB 021, 0246)

4.13 Climate Change

3.82 The RSPB supports the aspiration for '*avoiding and negating further adverse climate changes and incorporating resilience*'. One of the key ways in which mineral development can '*incorporate resilience*' is to help establish coherent and resilient ecological networks by creating new areas of priority habitat to provide **more** wildlife sites that are **bigger**, **better** managed and **joined** together (i.e. the sites provide new wildlife corridors and 'stepping stones' between other wildlife sites). This opportunity to provide resilience to climate change should be reflected within the Plan.

Duty to Co-operate

3.83 As indicated in the consultation document, the Duty to Co-operate is intended '*to maximise the effectiveness of Local Plan preparation relating to strategic, cross-boundary matters*'. The NPPF (paras. 156 and 178) indicates that these strategic, cross-boundary matters (or 'strategic priorities') should include climate change adaptation and conservation and enhancement of the natural environment.

3.84 This is particularly relevant for mineral development in the Trent Valley, as the Trent Valley provides an ecological network that extends well beyond Derbyshire. Any mineral development within Derbyshire's part of the Trent Valley should consider how the proposed development and restoration enhances the ecological network of the Trent Valley as a whole. This principle should be reflected within the Vision and Objectives and other relevant sections of the Plan. The 'Bigger and Better' document, referred to in responses to section 4.7 above, provides further guidance on this principle.

3.85 This principle is already recognised in the Minerals Local Plans (MLPs) of neighbouring Mineral Planning Authorities (MPAs), including Nottinghamshire. By addressing this principle within the Derbyshire MLP, the Derbyshire MPA will be demonstrating that they are delivering the Duty to Cooperate in relation to strategic environmental priorities.

(RSPB 021,0247)

Vision and Objectives Q2: Do you agree that the draft Vision and Objectives identified above address all the aspects which need to be included in the new Minerals Local Plan and that they form an appropriate basis for developing the detailed policies of the Plan?

3.86 The RSPB believes that the draft Vision and Objectives have addressed many, but not all, of the important and relevant aspects which need to be included in the new Minerals Local Plan. However, there is still considerable room for improvement, as outlined below.

Next Steps

7.2 Emerging Draft Vision

3.87 **Spatial Distribution of Minerals:** the RSPB acknowledges the requirement that *‘within natural geological constraints, minerals development will be located in areas to optimise the match between the locations of supply and demand and which allow the use of the most sustainable form of transport’*. However, as outlined in response to section 4.4 of the consultation document, we believe that the potential of the location – and scale – of minerals development to deliver strategic restoration benefits, such as delivering net-gains in biodiversity, should also be addressed in this section of the Vision.

3.88 We suggest that the following new text is added at the end of this part of the Vision:

Where possible, minerals development will also be located in areas - and at a scale - that provide the greatest opportunities to deliver strategic restoration benefits, such as the landscape-scale creation of priority habitats.

(RSPB 021, 0248)

3.89 **Protection of Local Communities, the Natural and Built Environment and Cumulative Impacts:** the RSPB supports the requirements for mineral development to *‘contribute to the protection of the areas outstanding environmental assets’*, *‘not adversely impact on the biodiversity of the area’* and to be *‘restored to the most appropriate use, providing maximum benefit to the area and local communities’*.

3.90 However, as outlined in response to section 4.11 of the consultation document, the Plan should recognise the unique opportunity that minerals development and restoration provides for helping to halt and reverse ongoing declines in biodiversity, by creating new areas of priority habitat at a landscape-scale. As such, the Plan should follow the lead of the Nottinghamshire Minerals Local Plan by promoting a biodiversity-led approach to mineral development and restoration.

3.91 We suggest that the following new text is added at the end of this part of the Vision:

Minerals development will make a significant contribution to delivering a net-gain in biodiversity and establishing coherent and resilient ecological networks by taking a biodiversity-led approach to mineral site restoration. In particular, minerals development will contribute to the Trent Valley once again becoming one of Britain's greatest wetlands, providing a range of multi-functional benefits in an attractive and inspiring landscape.

(RSPB 021, 0249)

3.92 **Flood Risk and Climate Change:** *the RSPB welcomes the consultation document's acknowledgement of the need for minerals developments to 'be located, designed and operated in ways which help to reduce flood risk and maintain or enhance water quality' and to 'ensure that impacts on climate change are minimised'. However, this Vision statement does not adequately reflect the extent to which minerals developments can support climate change adaptation. For example, as outlined in response to sections 4.11 and 4.13 of the consultation document, mineral development provides a unique opportunity to create new areas of priority habitat at a landscape scale and to deliver the Lawton Review principles of more, bigger, better and joined.*

3.93 *Delivering all of these principles through mineral site restoration will help to establish coherent ecological networks that are resilient to the current and future pressures of climate change. This potential should be reflected within the Vision statement.*

3.94 We suggest that the following new text is added at the end of this part of the Vision:

In addition, minerals developments will support climate change adaptation by helping to establish coherent ecological networks that are more resilient to the current and future pressures of climate change.

(RSPB 021, 0250)

7.3 Emerging Draft Objectives

3.95 **Objective 3 - Achieving the most Appropriate Spatial Distribution of Mineral Development:** the RSPB acknowledges the need to encourage ‘*new or extended minerals developments in locations as near as possible to where they will be used and which can be delivered using the highest standard of transport links*’. However, as outlined in response to sections 4.4 and 7.2 of the consultation document, we believe that the potential of the location – and scale – of minerals development to deliver strategic restoration benefits, such as delivering net-gains in biodiversity, should also be addressed in this Objective.

3.96 We suggest the following text:

Within natural geological constraints, minerals development will be located in areas to optimise the match between the locations of supply and demand and which allow the use of the most sustainable form of transport. The potential of the location – and the scale - of mineral development to deliver strategic restoration benefits, such as the landscape-scale creation of priority habitats, will also be taken into account.

(RSPB 021, 0251)

3.97 **Objective 6 – Protecting the Natural and Built Environment:** The RSPB supports the aspiration to ‘*conserve and enhance the area’s natural...environment, including its distinctive...habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments*’. However, as outlined in response to sections 4.11 and 7.2 of the consultation document, the Plan should also recognise the unique opportunity that minerals development and restoration provides for helping to halt and reverse ongoing

declines in biodiversity, by creating new areas of priority habitat at a landscape-scale.

3.98 We suggest that the following new text is added to the end of this section of the Vision:

In particular, preference will be given to biodiversity-led restoration. This biodiversity-led restoration should contribute to establishing coherent and resilient ecological network, primarily through the creation of new areas of priority habitat (at a landscape-scale, where possible). Regardless of the selected restoration option, all mineral sites will be required to deliver a significant net-gain in biodiversity.

3.99 This emphasis on biodiversity-led restoration would reflect the emphasis given in the neighbouring Nottinghamshire Minerals Local Plan (Submission Draft).

(RSPB 021, 0252)

3.100 **Objective 8 – Minimising Flood Risk and Climate Change:** the RSPB acknowledges the need to minimise and mitigate the risk of flooding and the impacts of climate change arising from minerals developments. However, as outlined in response to sections 4.11, 4.13 and 7.2 of the consultation document, Objective 8 does not adequately reflect the extent to which minerals developments can support climate change adaptation.

3.101 We suggest that the following new text is added to the end of this section of the Vision:

The Plan will promote climate change adaptation through encouraging the creation of priority habitat (at a landscape-scale, where possible) to help establish coherent ecological networks that are more resilient to the current and future pressures of climate change. In this context, minerals developments in the Trent Valley will be required to consider how they contribute to the wider ecological network of the Trent Valley beyond Derbyshire.

(RSPB 021, 0253)

Actions/Considerations

3.102 All respondents indicated general support for the draft Vision and Objectives but also suggested a number of additions and alterations to the specific wording. Some of the suggestions are inappropriate for further consideration as they conflate two or more of the separate statements, some are inappropriate for inclusion in the statements as they are too detailed for that part of the Plan and others conflict directly with the suggestions of other respondents. However, some merit further consideration for inclusion in the final Plan.

Outcomes for the Proposed Approach

3.103 The suggested amendments and additions to the draft Vision and Objectives were considered in the round and appropriate changes and alterations have been incorporated into the revised statements in the Winter 2017/2018 Consultation.

Chapter 4 - Strategic Sustainability Principles

Table of Representations

Name	Name Reference Number	Representation Reference Number
Derbyshire Wildlife Trust	007	0058
Derbyshire Wildlife Trust	007	0059
Derbyshire Wildlife Trust	007	0060
Derbyshire Wildlife Trust	007	0061
Derbyshire Wildlife Trust	007	0062
Historic England	011	0085
Historic England	011	0086
Historic England	011	0087
Mineral Products Association	013	0109
Mineral Products Association	013	0110
Mineral Products Association	013	0111
Mineral Products Association	013	0112
National Forest Company	014	0119
National Trust	015	0149
National Trust	015	0150
National Trust	015	0151
National Trust	015	0152
National Trust	015	0153
Natural England	016	0158
Natural England	016	0159
Natural England	016	0160
RSPB	021	0175
RSPB	021	0176
RSPB	021	0177
RSPB	021	0178
South Derbyshire DC	022	0183
South Derbyshire DC	022	0182
Transition Chesterfield	044	0299
Sport England	050	0311
Transition Chesterfield	044	0298
Nottinghamshire CC	042	0266

Towards Strategic Sustainability Principles

Issue: Economic Development

3.104 Policy SMP1 over emphasises economic development rather than providing a balanced overall view of sustainable development.

Representations

3.105 The supporting text refers to a 'national policy presumption in favour of sustainable economic development'. This reflects a common trend within the Minerals Plan papers towards prioritising economic considerations above social and environmental considerations. Paragraph 14 of the NPPF contains a 'presumption in favour of sustainable development' while paragraph 8 is clear that 'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously'.

(National Trust 015/0152)

Actions/Considerations

3.106 This was included as one of the Council's main priorities is to promote economic development. It is accepted, however, that this can be achieved within the overall remit of sustainable development, as set out in national policy.

Outcomes for the Proposed Approach

3.107 Amend supporting text to refer to sustainable development rather than sustainable economic development.

Strategic Sustainability Principles

Issue: Climate Change

3.108 Policy SMP2: Climate Change is considered to be too inflexible. It should provide exceptions/qualifications. It should also provide greater detail on the causes of climate change and provide a caveat relating to the historic environment.

Representations

3.109 We suggest that the policy as drafted is too inflexible. It is an absolute statement that has no exceptions or qualifications. Amended wording is suggested. (*Mineral Products Association 013/0110*)

3.110 The policy needs to address the causes of climate change and adaptation to the effects of climate change. (*Derbyshire Wildlife Trust 007/0061*)

3.111 It is important to note that there may be cases where it is inappropriate to incorporate the measures set out in the policy due to historic environmental impacts. (*Historic England 011/0086*)

Actions/Considerations

3.112 The redrafted policy will include most of the suggestions.

3.113 There are some more detailed matters raised, however, which are more appropriately included in the restoration chapter but which can be referred to in this policy.

Outcomes for the Proposed Approach

3.114 Re-draft the policy to include the proposed amendments, as set out above.

Strategic Sustainability Principles

Other issues raised

3.115 Policy SMP3; Sustainability Principles in Derbyshire and Derby, should not refer to efficiency of use of minerals and should distinguish between levels of environmental designation and make reference to the historic environment. It should also be more explicit about the use of recycled aggregates.

Representations

3.116 The policy should not refer to efficiency of use of minerals, which is a misinterpretation of policy in NPPF, which refers to the best use being made of minerals to secure their long term conservation. (*Mineral Products Association 013/0111*)

3.117 The proposed policy relating to the environmental designations is very broad brush and does not distinguish between the different levels of nature conservation designation ranging from international to national to local. It is unclear what the term special circumstances will actually mean in practice. We would recommend that the policy needs to distinguish between different levels of designation and the weight placed upon each needs to reflect legislation, the NPPF and best practice guidelines. (*Derbyshire Wildlife Trust 007/0058*)

Actions/Considerations

3.118 The policy is intended to be broad brush and strategic in nature, setting the scene for a more detailed development management policy later in the Plan. It is accepted however that the text could refer to varying levels of protection according to the status of the site.

Outcome for the Proposed Approach

3.119 Re-draft the policy to include the requested proposed amendments, as set out above.

Climate Change Supporting Paper

Representation

3.120 The Local Plan should have an explicit reference to the Climate Change Act and the need for any proposed mineral or waste activity to conform with the aim of reaching net zero carbon emissions. For example, the Minerals and Climate Change Supporting Paper Dec 2015, only considers the impacts of the processing of the minerals and the transportation of minerals and movement of vehicles on and off site. However, with the extraction of any fossil fuel, coal, conventional or unconventional gas, the fugitive emissions of methane and the burning of that fuel clearly contributes to greenhouse gas emissions and should be acknowledged in the paper.

(*Transition Chesterfield 044/0298*)

Actions/Considerations

3.121 Agreed that the Climate Change supporting paper should make reference to fossil fuels.

Outcomes for Proposed Approach

3.122 Amend supporting paper to make reference to fossil fuels.

Towards A Strategy for Transporting Minerals

Paragraph 6.21: The emerging policy approach for the sustainable transport of minerals

Representation

3.123 Nottinghamshire CC considers that the proposed policy approach towards sustainable transport is generally appropriate. However it is unclear as to the types of information that would need to be provided for point 1 of para 6.21. This is particularly the case as to 'how transport movements relate to mineral resources'.

(Nottinghamshire CC 042/0266)

Actions/Considerations

3.124 The type of information that would need to be provided under point a) of paragraph 6.21 refers to the scale of transport movements and destination of movements as they relate to the resource. For instance, the Carboniferous Limestone resource predominantly serves the North West and Greater Manchester area whilst the Permian Limestone serves the Nottinghamshire/South Yorkshire area. Also aggregate minerals which are greater in volume and, hence lead to greater traffic movements, travel to more local markets (although rail transport alters this fact) than other minerals such as industrial limestone, coal and gas, sandstone and clay and shale whose higher value per tonne often makes it economically viable to transport smaller quantities of these minerals for use beyond the Plan area. Such information should be provided as part of the overall Transport Assessment required to be submitted as part of any planning application.

Outcomes for the Proposed Approach

3.125 Ensure that the justification for any Policy criteria explains in detail the information that needs to be collected and the reason for its collection.

Chapter 6 – Supply of Aggregates

6.2 Sand & Gravel

Table of Representations

Name	Name Reference Number	Representation Reference Number
Individual	010	0069
Historic England	011	0083
Mineral Products Association	013	0098
National Forest Company	014	0118
South Derbyshire DC	022	0179
Tarmac	023	0213
Staffordshire CC	040	0254
Long Eaton Natural History Society	054	0318

Issue: Provision of sand and gravel

Representation/s

3.126 There were equal levels of support and objection to the proposed figure. There were two objections to the figure proposed, one from the (*Mineral Products Association 013/0098*) and one from (*Tarmac 023/0213*), both saying it should be higher because of the economic recovery and two comments of support for the figure proposed, one individual (*010/0069*) and (*South Derbyshire District Council 022/0179*).

Actions/Considerations

3.127 The provision figure has been considered through public consultation and also discussed and agreed through the AWP. Given this overall support and mandate, we consider, therefore, that the figure is appropriate and robust for the Plan period, but if necessary can be reviewed through the Plan period.

Outcomes for the Proposed Approach

3.128 To develop the policy approach as set out in the draft Strategy.

Representation

3.129 It would be better to limit the number of sites so monitoring is easier and we can keep more of our meadowland which has been seriously reduced in area over the past 40 years. More restoration should be made to meadowland with public access by means of footpaths and common areas. (*Long Eaton Natural History Society 054/0318*)

Actions/Considerations

3.130 The Councils have a statutory duty to provide sites to meet the requirement for sand and gravel. Only sites that are needed will be allocated and restoration schemes will have to meet strict requirements. These are set out in the Restoration chapter. Restoration to grassland will be required where appropriate.

Outcomes for Proposed Approach

3.131 No change.

Issue: Consideration of cross border environmental assets in the methodology

Representation

3.132 Concerns are raised about the consideration of cross border environmental assets/sensitivities in terms of ecological and historic interests. It is suggested that a meeting is arranged with the relevant specialists so that these concerns can be addressed in the review of site assessments. (*Staffordshire CC 040/0254*)

Actions/Considerations

3.133 As suggested, it would be appropriate and useful to arrange a meeting to discuss the cross border implications of the site assessment methodology in terms of the ecological and historic interests.

Outcomes for the Proposed Approach

3.134 Organise a meeting with Staffordshire County Council to discuss these issues.

Sand and Gravel Site Assessment Methodology

Table of Representations

Name	Name Reference Number	Representation Reference Number
Natural England	016	0321
South Derbyshire DC	022	0206
Tarmac	023	0214
Tarmac	023	0217
Tarmac	023	0218
Staffordshire CC	040	0255
Staffordshire CC	040	0256
Sport England	050	0312

Issue: The scoring system for assessing sites should be modified

Representation

3.135 In terms of the methodology and scoring of sites, support the principle of the analysis with regard to the identification of the preferred sites. However, in terms of the detail of the site assessment criteria we suggest that there are modifications to the scoring system which would provide a more objective outcome in terms of ranking. For example, with economic criteria we consider that a site which has existing infrastructure should score 4 points in the ranking rather than 3 because of the importance of this factor and the significant economic cost of developing new site infrastructure. Also, sites scoring 17 such as Elvaston and Swarkestone North should be ranked Medium/High. Also, in terms of economic criteria, the quality of the mineral resource should be considered as an economic factor. (*Tarmac 023/0217 & 0218 & 0219*)

Actions/Considerations

3.136 These scores are the outcome of how the scoring system has been devised, so that as in this case, where there are only two factors for that particular criteria, a single plus and a single minus have been used, and as with all the other criteria, these factors are scored as three and two respectively. Altering the scoring for this

criteria would therefore have implications for the whole of the assessment and is not considered necessary. The sites have been reassessed since this representation was received and Swarkestone North and Elvaston are ranked as having high potential for working.

3.137 Regarding the request to include the quality of the mineral resource as an economic factor. This information would only be determined by the industry and we would have no way of verifying this information or comparing it with other areas that are not being promoted. As a result, we do not consider that this should be included as a criterion.

Outcomes for the Proposed Approach

3.138 Consider amendments to the scoring system.

Representation

3.139 Whilst we do not object to equal preference being given to sites within the Dove/Trent Valley, we would encourage a strategy which gives preference to extensions to existing operations as opposed to new greenfield sites. There are a number of environmental and economic benefits in sustaining supply from existing operations (e.g. good access and existing processing infrastructure) which should be given priority over new sites. (*Tarmac 023/0214 & 0218*)

Actions/Considerations

3.140 Whilst NPPF and NPPG do not give specific preference to extensions, NPPG sets out that proposals for new sites whether extensions to an existing site or new sites should be considered on their individual merits, taking into account issues such as:

- need for the specific mineral;
- economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure), and;

- positive and negative environmental impacts (including the feasibility of a strategic approach to restoration).
- the cumulative impact of proposals in an area.

3.141 These are included as criteria in the assessment methodology. Given these considerations, the Plan now concludes in draft Policy MS1 that preference will be given to extensions to existing sites.

Outcomes for the Proposed Approach

3.142 Maintain approach of prioritising extensions to existing sand and gravel operations.

Representation

3.143 Assessment of potential sites have taken likelihood of Best and Most Versatile Soil present on each site into consideration. Natural England recommends that suitable soil surveys be undertaken prior to extraction in order to determine what if any BMV land is present in order to determine final restoration of the extraction areas. (*Natural England 016/0321*)

Actions/Considerations

3.144 Noted. Detailed surveys would be undertaken as part of the scoping exercise for the planning application for each site.

Outcomes for the Proposed Approach

3.145 No change.

Representation

3.146 Any criteria based policy and / or site allocation selection methodology needs to include consideration of the need to avoid loss of or impact on sports facilities, (including playing fields) and measures to offset / compensate for any negative impact or loss through replacement or alternative sports. (*Sport England 050/0312*)

Actions/Considerations

3.147 None of the proposed sites impacts on any sports facilities so a criteria was not included to this effect. If any proposals came forward during the plan period on unallocated sites which impacted on sports facilities, this would be given due consideration through the planning application.

Outcomes for the Proposed Approach

3.148 No change.

Sand and Gravel Site Assessments

Table of Representations

Name	Name Reference Number	Representation Reference Number
Historic England	011	0347
Historic England	011	0348
Historic England	011	0349
Historic England	011	0350
Historic England	011	0351
Historic England	011	0352
Natural England	016	0320
North West Leicestershire DC	017	0162
Tarmac	023	0215
Tarmac	023	0219
Egginton Parish Council	025	0197
Individual	026	0198
Borrowash Action Group	038	0242
Staffordshire CC	040	0257
Staffordshire CC	040	0258
Staffordshire CC	040	0259
Individual	047	0308
Canal and Rivers Trust	051	0313
Long Eaton Natural History Society	054	0316
Individual	055	0319
Repton School	059	0345
Repton School	059	0346

Issue: The allocation of sites for sand and gravel working - Elvaston

Representations

3.149 The proposed working at Elvaston is close to the village of Borrowash. There will be noise and visual intrusion for a large number of houses on the southern edge of Borrowash. As the land rises from the river this creates excellent views from Borrowash across the Derwent flood plain that is the subject of the extension of the gravel workings. The site will be visible from many houses and from public open space and footpaths used by many residents of Borrowash.

(Borrowash Action Group 038/0242)

Actions/Considerations

3.150 The site at Elvaston has been assessed, along with a number of other sites, against a number of social, economic and environmental criteria and the conclusion from this assessment was that this site should not be allocated for sand and gravel extraction in this Plan, principally because it is unlikely to be delivered over the Plan period. However, should a planning application be submitted for extraction during the period of the Plan, all these considerations set out in the representation above will be taken into account.

Outcomes for the Proposed Approach

3.151 Determine which sites should be allocated in the Plan.

Issue: The Allocation of Sites – Swarkestone South

Representations

3.152 1) Worried about the impact such a large extension to the existing quarry, and the timescales involved would have on the area. Possible impact of flooding on the area. The impact on the historical site of anchor church. Worried that this will be very damaging to the area if the water levels rise. The risk of birdstrike to aircraft is also alarming, as well as the noise and views of the local area. *(Individual 055/0319)*

3.153 2) There is no mention of Foremark Hall Preparatory School. Surely they overlook these workings and their presence may well prejudice their success in attracting pupils to the school. This does not seem to have been taken into account in the economic considerations either.

3.154 That the area is not within 1 Km of an AQMA does not stop it harming the health of people that are. This includes Foremark Hall Preparatory School.

3.155 Bearing in mind that the Old Trent water was for hundreds – possibly thousands of years – a major transport route and that Foremark pre-dates the Vikings, then there is much we need to learn but are unlikely to do so unless a properly planned archaeological study is made before any work begins. To excavate this area will remove both the context for ancient Foremark, and indeed, Repton and spoil the historical heritage the valley contains. (*Individual 047/0308*)

3.156 3) South Swarkestone site should not be allocated in the Minerals Local Plan for sand and gravel extraction. Any proposal to allocate it would fail the tests of soundness, primarily because the identified need for sand and gravel reserves can be adequately met from the North Swarkestone (SG02 – 4.5mt) and Elvaston (SG04 – 1.5mt) sites which have been found in the Site Assessment report to be more sustainable alternatives than either of the Foremark/Repton and South Swarkestone sites. South Swarkestone would therefore not be justified when considered against the reasonable alternatives. (*Repton School 059/0345*)

3.157 4) The road through Milton and Repton, and along by Foremark is of generally low quality, with several sharp corners, and it is prohibitive to consider walking along or cycling with family. Thus any traffic from the quarry must consider an alternative route. The outlook of the area should be restored where possible, it is important to ensure that the identity of "rural Derbyshire" is maintained as a brand for more appropriate investment. Although not truly within the National Forest boundary, the area should be sensitive to this. The quarry companies should be encouraged to develop a truly environmental approach at every opportunity. (*Individual 026/0198*)

3.158 5) Support the identification of the Swarkestone South site (*Tarmac 023/0215*)

Actions/Considerations

3.159 The extension would be worked in stages so the whole site as shown would not all be worked at the same time. It would be restored progressively. Sand and gravel quarries can help to reduce the incidence and scale of flooding because the

voids can hold excess water. The quarry operator works closely with the Environment Agency regarding this matter.

3.160 Properties in Foremark were considered in the assessment, but it is agreed that the report does not make this completely clear. It will be amended to take this into account but is unlikely to affect the overall assessment because the properties are reasonably well screened by trees.

3.161 The historic nature of the area is recognised. It is proposed to protect the area around Repton from mineral extraction as a result. The site at Swarkestone was found to not be as important in historic terms and in overall terms has the potential to be considered as an allocation provided that stringent conditions are adhered to. The operator will be required to work with archaeologists during the working of the site and any finds will be logged. All these matters raised will be considered in detail when a planning application is submitted for the site to ensure that the impact on the area is kept to a minimum during the working of the site. The restoration proposals for the site would also help to maximise future benefits for the site and the surrounding area.

3.162 Quarry traffic would use the existing access onto the A5132 so would not travel through the villages of Repton, Milton and Foremark.

Outcomes for the Proposed Approach

3.163 To determine which sites should be allocated in the Plan.

Issue: The Allocation of Sites – Repton/Foremark

Representations

3.164 This site should not be allocated in the Minerals Local Plan for sand and gravel extraction. Any proposal to allocate it would fail the tests of soundness, primarily because the identified need for sand and gravel reserves can be adequately met from the North Swarkestone (SG02 – 4.5mt) and Elvaston (SG04 –

1.5mt) sites which have been found in the Site Assessment report to be more sustainable alternatives than the Foremark/Repton site. The allocation of the Foremark/Repton site or South Swarkestone would therefore not be justified when considered against the reasonable alternatives. (*Repton School 059/0346*)

Actions/Considerations

3.165 The site at Repton was considered in the assessments and emerged as the least favourable site for allocation, scoring negatively against a significant number of the criteria. It is considered that there are other more appropriate sites available which could meet the shortfall in sand and gravel provision over the Plan period.

Outcomes for Proposed Approach

3.166 Do not allocate in the MLP.

Issue: The Allocation of Sites – Chapel Farm

Representations

3.167 Natural England recommends that Lockington Marshes SSSI should be considered within the Ecological Assessment due to water connectivity from the River Trent which borders Chapel Farm to the east and which supplies water to Lockington Marshes SSSI downstream. (*Natural England 016/0320*)

3.168 The existing access onto the B6540 would be utilised. As the former Quarry and access is located within North West Leicestershire district, there is the potential for highway and amenity impacts in this locality. It is noted that that site is identified as having "Low Potential for Working" and at this stage we would be content to be kept informed on any progress relating to this stage. (*North West Leicestershire DC 017/0162*)

3.169 If the site is allocated, safeguards should be put in place to protect the canal. (*Canal and Rivers Trust 051/0313*)

Actions/Considerations

3.170 Chapel Farm is no longer being promoted as an allocation so this site will no longer be considered in the Minerals Local Plan.

Issue: The allocation of Sites – Egginton

Representation

3.171 In terms of the proposed strategic shift of emphasis for gravel extraction from the River Trent to the River Dove valley, Egginton Parish Council is deeply concerned and would not support this proposal. Particularly concerned about the impact of working on flooding. (*Egginton Parish Council 025/0197*)

Actions/Considerations

3.172 The site assessment process has not identifies the site at Egginton as a preferred allocation. It is unlikely therefore that it will be included as an allocation in the final Plan. If a planning application were to be submitted for the site over the course of the Plan period, all the matters raised would be given careful consideration.

Outcomes for the Proposed Approach

3.173 No change.

Issue: The potential impact of sand and gravel allocations on Staffordshire

Representations

3.174 The potential impacts on the landscape character of Staffordshire and local receptors as a result of the potential allocations at Willington, Foston and Egginton would be a concern. (*Staffordshire CC 040/0257, 0258, 0259*)

Actions/Considerations

3.175 There is a planning application currently being considered for the Willington site, on which SCC has been consulted. If this application is approved, there will no longer be a need to include the site as an allocation in the MLP. The results of the assessments indicate that the sites at Foston and Egginton do not currently have the

potential to be included as allocations in this MLP. It will still be appropriate, however, to have discussions with SCC regarding their concerns about these sites.

Outcomes for the Proposed Approach

3.176 To set up a meeting with Staffordshire CC to discuss cross boundary issues relating to the site allocations.

Issue: Designated Sites and Settings

Representations

3.177 There is concern about the approach to Historic Environment - Designated Sites and Settings sections and how setting of assets outside the site boundaries have been considered. This includes the assessment of sites at Swarkestone, Egginton, Foston, Repton and Elvaston. (*Historic England 011/0347-0352*)

Actions/Considerations

3.178 Noted. The Council's Archaeologist has reconsidered the assessments of the sites in respect of historic sites and settings to take account of these comments. The scorings of the sites have been altered accordingly.

Outcomes for the Proposed Approach

3.179 Amend site assessments in light of these comments.

Issue: New Sites

Representation

3.180 Do not think the new sites should be opened. (*Long Eaton Natural History Society 054/0316*)

Actions/Considerations

3.181 The councils have a duty to provide some sites to meet the demand for sand and gravel.

Outcomes for the Proposed Approach

3.182 No change.

6.3 Aggregate Crushed Rock

Table of Representations

Name	Name Reference Number	Representation Reference Number
Individual	001	0001
Historic England	011	0076
Matlock Bath Parish Council	012	0094
Mineral Products Association	013	0098
National Trust	015	0134
National Trust	015	0135
National Trust	015	0136
National Trust	015	0137
National Trust	015	0138
National Trust	015	0139
National Trust	015	0140
Tarmac	023	0225
Greater Manchester Authorities	027	0200
Bedfordshire Council	028	0201
Nottinghamshire CC	042	0267
Hulland Ward Parish Council	058	0337

Issue: General

Representations

3.183 I do not see any problem with current strategy, provided that suitable screening is applied wherever possible.

(Individual 001/ 0001)

Actions/Considerations

3.184 The comment is noted.

Outcomes for the Proposed Approach

3.185 N/A

Issue: General

Representations

3.186 Matlock Bath Parish Council recognises the significant role of mineral extraction in the surrounding area and, in particular, its importance to employment and the local economy. The need for the extraction of aggregate crushed rock is of national importance and will be part of our environment for the foreseeable future.

We note that several quarries have permissions which extend to 2042. Of these, Middle Peak is not currently producing. Harveydale has permission for residential development and we assume extraction of hard rock will now cease. The permission for Slinger Top, which is currently in production, expires in 2021.

3.187 The Plan allows for the extraction of aggregate for at least 10 years. It allows for the opening of new quarries if significant economic/social benefits can be shown. The building of HS2 could lead to substantial demand for aggregate. We note that Ball Eye, Middle Peak, Middleton Mine, Hoe Grange, Crich and Dene quarries have existing permissions and could restart production at any time. The national need and the economic benefits to the local community would be difficult to deny.

If this happens, we ask that the bulk of aggregate should be moved by rail. There are existing and redundant routes which could be utilised, providing possible long term transport infrastructure benefits to the Dales and Peaks.

Matlock Bath is a tourist destination, vital to our local community. It is already adversely affected by heavy traffic. If increased HGV movement is to be expected and for a prolonged period, we ask that consideration be given to the creation of a bypass route minimising the effect on Derbyshire Dales. This could revitalise tourism, which is a major employer.

If carefully planned and implemented, balancing the need for aggregate and hard rock with the importance of leisure and tourism, the plan could result in benefits to everyone. In particular, HS2 as a major national infrastructure project, might justify the creation of new transport links or the upgrading of others.

We ask that the Parish Council be kept informed of all developments which could

impact on our community throughout the period of the plan. (*Matlock Bath PC 012/0094*)

Actions/Considerations

3.188 The comment is noted. However, although the Plan can encourage the increased transport of aggregate by rail, it is beyond its remit to ensure that this happens. This is the responsibility of mineral and rail operators.

Outcomes for the Proposed Approach

3.189 No change

Issue: General

Representation

3.190 It is of concern that the vision and objectives in the aggregate crushed rock paper currently do not recognise:

- The importance of the environment and the need to avoid and where unavoidable minimise environmental impact.

- The value of the National Park to the economy. (*National Trust 015/0137*)

Actions/Considerations

3.191 The Plan should be read as a whole. The Vision and Objectives and the Strategic Sustainability Principles will include reference to the importance of the environment. The development management policies will also ensure that the environment is taken into full consideration in the determination of proposals for mineral development. Reference will also be made to the need to protect the setting of the National Park.

Outcomes for the Proposed Approach

3.192 Ensure that policies take account of the comments.

Representation

3.193 A number of NPPF policies other than those relating to minerals extraction are particularly pertinent when considering the extraction of aggregate crushed rock in Derbyshire. The valued landscapes of the Peak District and its setting should be protected in accordance with NPPF paragraphs 109, 115 and 116. In particular the planning system should contribute to ‘protecting and enhancing valued landscapes’, while ‘great weight should be given to conserving landscape and scenic beauty in National Parks’.

3.194 In accordance with NPPF Chapter 12, the County Council should ensure that future extraction conserves heritage assets and their settings. (*National Trust 015/0138*)

Actions/Considerations

3.195 The text will be amended to include reference to the suggested paragraphs of the NPPF. Policies in the Plan will ensure that heritage assets and their settings are taken into account in the assessment of proposals for mineral development.

Outcomes for the Proposed Approach

3.196 Make amendments as necessary.

Issue: The Supply of Crushed Rock

Representations

3.200 1) Our comments on the level of demand for sand and gravel apply equally to crushed rock and we will not repeat them here.

3.201 2) Although the MPA claims a landbank of crushed rock of 108 years we believe this must be nuanced with reference to the end dates of permissions. Your supporting paper does not mention the end dates of permissions but we understand that the majority have 2042 as an end date.

3.202 3) Given that applications for renewal of consent have to be supported by and be subject to, environmental assessment, DCC cannot guarantee that any material remaining in sites will be available to the landbank after the expiry of planning permission. In this case, we believe the landbank figures quoted (although calculated according to PPG) are misleading. In effect, whatever the quantum of reserves, Derbyshire only has a certain landbank of 27 years.

3.203 4) Policy should either be specific in its support of time extensions to expiring planning permissions, or the plan should analyse the potential shortfalls and provide accordingly. It may be argued that this is not a problem for the plan period but for a couple of reviews in the future. However, we would disagree because the replacement of current crushed rock reserves will need to be carefully planned over a period of time to ensure continuity of supplies. It at least merits a mention and some thought about how it will be tackled. (*Minerals Products Association 013/098*)

Actions/Considerations

3.204 It is agreed that for clarity the Plan should make reference to the end dates of the quarries, as is set out in our LAA. We do not agree however, that the landbank should be recalculated. We have followed the agreed approach to calculating aggregate landbanks as set out in NPPG. It is clear from the scale of the landbank that there is no requirement to make additional provision for hard rock quarries over the plan period. (A landbank of 27 years is still significantly greater than the required minimum landbank of 10 years.) As set out in NPPG, this will of course continue to be monitored annually over the Plan period. There will be a policy in the Plan to permit extensions or new quarries, in cases where there are shown to be clear sustainability benefits and where the landbank would not be increased significantly.

Outcomes for the Proposed Approach

3.205 Include a list of end dates for the quarries in the chapter or supporting paper.

Representations

3.206 The text is weighted too much towards economic need rather than giving full consideration to the range of sustainability principles and that greater emphasis should be placed on protection of the environment, both natural and historic. Also approval of new or extended sites should be restricted.

(National Trust 015/0135 & 0140) and (Historic England 011 /0076)

3.207 Greater Manchester relies on imports of higher quality aggregates for construction purposes, including from Derbyshire. Other authorities support the proposal in the LAA to maintain supply to other authorities. *(Greater Manchester Authorities 027/0200, Bedfordshire Council 028/0201, Notts CC 042/0267)*

Actions/Considerations

3.208 Policies in the Plan will follow the principles of sustainable development and this will ensure that a range of economic, social and environmental criteria are taken into account in the assessment of proposals for minerals development. All considerations will be carefully balanced in reaching a decision. Should Option 1 be selected, the criteria will be drafted to address the concerns raised.

As a result of the size of the landbank, the Plan will include a policy which will only allow new or extended sites in exceptional circumstances. The Local Aggregate Assessment sets out that Derbyshire has sufficient reserves of crushed rock for the foreseeable future to supply the needs of neighbouring authorities.

Outcomes for the Proposed Approach

3.209 Re-draft text to refer to the full range of sustainability considerations rather than focus on economic criteria.

Issue: Relinquishment of Reserves

The relinquishment of reserves in exchange for new permissions.

Representations

3.210 We consider that the Council should reconsider the requirement that operators should relinquish reserves elsewhere where extraction would harm the environment. (*National Trust 015/0140*)

Actions/Considerations

3.211 Although national policy no longer includes a requirement to try to reduce the scale of excessive landbanks and therefore we will not be including a specific policy regarding this issue, as a result of public support for such an objective expressed during the consultation we are still proposing to include it as one of a number of criteria which will be taken into account in assessing proposals for aggregate crushed rock.

Outcomes for the Proposed Approach

3.212 Retain policy criteria.

Issue: Provision for New Working

3.213 Proposal to allow for new sites or extensions to existing sites to provide further reserves of aggregate crushed rock.

Representations

3.214 Whilst we accept that there is a large landbank for crushed rock, there may be circumstances where extensions to existing sites are required and justified (both within Derbyshire and the Peak Park). These generally would be for reasons of sustainability and sustaining mineral supply. Although no new sites need to be identified, the strategy must be flexible enough to allow for extensions to existing operations. We would object to an emerging policy which only allows for aggregate production utilising the existing landbank. Market conditions and competition would be stifled with such strict policy impositions on operators. By their nature, extensions to existing operations would extend the permitted landbank. We would object to the inclusion of a strategy which would not allow extensions that 'significantly increase' the overall landbank of aggregate crushed rock.

(*Tarmac 023/0225*)

3.215 It is clear that the current landbank for aggregate crushed rock vastly exceeds the requirement to 2030. We therefore consider that approval of new or extended sites should be restricted, other than in exceptional circumstances of public benefit. *(National Trust 015/0134)*

Actions/Considerations

3.216 We are proposing a flexible approach to future provision of aggregate crushed rock by the inclusion of a policy which allows for extensions or new sites where appropriate and where they meet a number of other criteria.

3.217 We consider that the significant permitted landbank for crushed rock is a material consideration for the plan making process and whilst there may be benefits of allowing some modest extensions e.g. in return for not working a more sensitive part of the site, we do not accept that any support for extensions should just be based on “reasons of sustainability and sustaining mineral supply” when there are clearly a range of other social and environmental factors that need to be considered.

Outcomes for the Proposed Approach

3.218 Maintain the proposed policy approach.

Issue: Restoration

Representation

3.219 Little is said within this document about restoration - In particular we consider that restoring or recreating high quality biodiversity resources should be prioritised. We would encourage the County Council to consider using one or more former quarries for outdoor adventure centres such as mountain biking facilities. Such a use would have economic benefits while encourage outdoor activity and also potentially reducing the impacts of high intensity use in certain areas of the Peak District. *(National Trust 015/0139)*

Actions/Considerations

3.220 A separate restoration strategy has been published as part of this consultation. The issues raised are covered in this paper.

6.4 Helping to Reduce the Supply of Aggregates from the Peak District National Park

Table of Representations

Name	Name Reference Number	Representation Reference Number
Historic England	011	0081
Mineral Products Association	013	0099
National Trust	015	0141
National Trust	015	0142
National Trust	015	0143
National Trust	015	0144
National Trust	015	0145
National Trust	015	0146
Natural England	016	0156
Natural England	016	0322
Rowsley Parish Council	020	0171

Representations

3.221 1) In general, the only comment we would wish to make is that this policy depends on the assumption both mpas have made that the markets for products in the National Park are interchangeable with products arising in Derbyshire, particularly dimension stone. (*Mineral Products Association 013/0099*)

3.222 2) While the National Trust is supportive of reduced levels of mining activity within the National Park, The County Council should ensure that this is not off-set by increasing extraction within other areas, including the Park's setting, to unsustainable levels. (*National Trust 015/0141*)

3.223 While we support the reduction of the apportionment figure within the Peak District National Park, we remain concerned about the maintenance of excessive landbanks and a permissive regime towards new applications in areas of Derbyshire outside of the National Park. (*National Trust 015/0142*)

3.224 Natural England supports the working in partnership with the Peak District National Park Authority in looking to conserve and enhance the landscape of the

Peak District National Park. In doing so it is important also to consider the landscape of Derbyshire and when considering the apportionment figure for aggregate crushed rock, to take into consideration the National Character Areas for the region. (*Natural England 016/0322*)

3.225 Historic England supports a general reduction in major minerals development within the National Park, however we consider that it should be balanced against wider environmental considerations relating to the extraction of aggregate grade crushed rock across the whole of Derbyshire. (*Historic England 011/0081*)

3.226 Rowsley Parish Council is particularly concerned about the opening/reopening of quarries around Rowsley to compensate for loss of production in the Peak Park (*Rowsley PC 020/0171*)

3.227 3) The bold text in this section also refers to further applications being 'encouraged'. This is not consistent with the Aggregate Crushed Rock paper which suggests that additional consents will only be approved in exceptional circumstances. This section seeks to justify an increased apportionment figure by suggesting that providing 'a secure platform for the economic recovery' is an important underpinning principle of the NPPF. We consider that this is a misreading of the NPPF. While we agree that the NPPF supports sustainable economic growth, we believe that it is neutral in relation to the economic cycle and that economic recovery does not take precedent over social and environmental concerns. The NPPF is clear at paragraph 8 that 'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system'. (*National Trust 015/0143*)

3.228 4) The NPPF also provides at paragraph 115 that 'great weight should be given to conserving landscape and scenic beauty in National Parks', and at paragraph 116 that planning permission should be refused for major developments in these areas except in exceptional circumstances (*National Trust 015/0145*)

3.229 5) Little is said within this document about restoration - In particular we consider that restoring or recreating high quality biodiversity resources should be

prioritised. We would encourage the County Council to consider using one or more former quarries for outdoor adventure centres such as mountain biking facilities. Such a use would have economic benefits while encouraging outdoor activity and also potentially reducing the impacts of high intensity use in certain areas of the Peak District. (*National Trust 015/0146*)

Actions/Considerations

3.230 1) This policy is purely about replacing progressively the production of aggregate crushed rock. This product is of a very similar quality within and outside the National Park in Derbyshire, unlike industrial grade limestone and building stone, which have more specific and unique qualities over a relatively small area.

3.231 2) Taking account of the overall level of permitted reserves of aggregate crushed rock in Derbyshire outside the National Park, the relatively small increase in production at quarries in this area should be quite easily absorbed by these quarries over the Plan period without having any significant additional impact on the environment of Derbyshire. It is agreed, however that this whole issue should be clarified further in the text.

3.232 The Strategy addresses the need for Derbyshire to replace the production of aggregate crushed rock from the Peak Park over time (not building stone). It is the limestone production which will be replaced and this will come mainly from the quarries around Buxton. It is unlikely to mean that small gritstone quarries near Rowsley will be reopened to meet this run down in production of aggregate in the Peak Park.

3.233 3 & 4) The references to NPPF will be amended to take account of the comments.

3.234 5) Restoration is covered in a separate chapter of the Plan.

Outcomes for the Proposed Approach

3.235 Maintain policy with amendments as considered above and ensure also that the situation is monitored throughout the Plan period.

Chapter 7 – Supply of Non-Aggregates

7.1 Supply of Building Stone

Table of Representations

Name	Name Reference Number	Representation Reference Number
Historic England	011	0078
Historic England	011	0353
Mineral Products Association	013	0107
Mineral Products Association	013	0107
Mineral Products Association	013	0107
National Trust	015	0122
National Trust	015	0123
National Trust	015	0124
National Trust	015	0125
National Trust	015	0126
GW Minerals	049	0310

Issue: The need for and provision of building stone

Representations

3.236 Disagree with the assumption made in the Plan that future need for building stone is impossible to predict. It states that all indications are that the demand for the product is increasing slowly. (*Mineral Products Association 013/0107*)

Actions/Considerations

3.237 There would appear to be little purpose in attempting to predict the need for building stone and is more likely than not to be inaccurate. This is because future proposals for building stone will result from a specific conservation need and, as shown by the Strategic Stone Study, would, therefore, relate to a particular location and specification of material required at a specific time. We consider, therefore, that a policy which assesses proposals for building stone as they are submitted would be the most pragmatic and realistic way of dealing with this issue.

Outcomes for the Proposed Approach

3.238 To continue to develop the policy approach to building stone, as set out in the draft Strategy.

Issue: The scale and type of provision of building stone

Representations

3.239 The approach as proposed is considered to be too restrictive in terms of the level of production that would be permitted and in terms of the sale of aggregate that would be permitted from sites as a by-product. (*Mineral Products Association 013/0107, GW Minerals 049/0310*). One maintains that proposals should be small in scale (*National Trust 015/0123*).

Considerations

3.240 Building stone quarries have always been relatively small scale and by their very nature often intermittent in their production. However, it is agreed that the policy could be more appropriately worded to be less overtly restrictive in terms of the scale of the proposal whilst maintaining that proposals should be of a scale which does not have an adverse impact on the environment. With regards to the second point, the emerging approach is not restricting the sales of aggregate per se but simply ensuring that building stone is the primary product which seems entirely reasonable for a policy which is addressing future proposals for building stone. We are well aware that there will always be a proportion of sub-standard stone extracted from these quarries, which will be used as aggregate.

Outcomes for the Proposed Approach

3.241 To amend the draft policy approach to building stone.

Issue: Whether there should be a criteria based policy or whether specific sites should be allocated in the Plan

Representations

3.242 The identification of new sites requires considerable investment and this investment risk is reduced if sites are allocated in the Plan (*GW Minerals 049/0310*).

3.243 Option 2 for a criteria based policy for building stone seems a suitable approach. Should the new building stone site at Bent Lane, Darley Dale be taken forward, Historic England is of the view that a criteria based policy would also be required. (*Historic England 011/0353*)

3.244 Support the approach of a criteria policy. (*National Trust 015/0122*)

3.245 We consider that the policy and its supporting text should: Emphasise the importance of stone in the repair and restoration of historic buildings. Highlight the importance of quality and the fact that resources are finite, often scarce, and can only be worked where they are found. Make provisions for winning of valuable and/or scarce stone resources if the route of HS2, when agreed, will impact on these. Highlight the importance of landscape and scenic beauty in the Peak District National Park and the need to protect the Park's setting. Contain criteria to avoid, minimise and mitigate impacts on heritage assets and their settings. Contain criteria to avoid, minimise, mitigate and (as a last resort) compensate impacts on the natural environment. Contain criteria for assessing impacts on landscape character and valued landscapes. Contain criteria to ensure that other environmental impacts such as those associated with noise, dust and vibration are minimised and kept within acceptable limits. (*National Trust 015/0124*)

Actions/Considerations

3.246 Future proposals for building stone will result from a specific conservation need and, as shown by the Strategic Stone Study, would, therefore, relate to a particular location and specification of material required at a specific time. We maintain, therefore, that a policy which assesses proposals for building stone against a series of policy criteria rather than allocating sites would be the most pragmatic and realistic way of dealing with this issue.

3.247 Some of the criteria suggested will be more appropriately included in development management policies, but where appropriate suggestions are included in either the text or the policies of this chapter.

Outcomes for the Proposed Approach

3.248 Include a criteria policy in the Plan and amend as appropriate.

Issue: Safeguarding Resources

Representation

3.249 We support the flexible approach as proposed, however we consider that recognition of existing quarries and known areas of resources should also be safeguarded. We are happy to assist in the development of any further policy relating to this matter. (*Historic England 011/0078*)

Action/Considerations

3.250 Noted. As set out in the Safeguarding strategy, it is proposed to safeguard existing and disused building stone quarries and the area of known resource around these quarries.

Outcomes for the Proposed Approach

3.251 No change required.

Issue: Resource near Hardwick Hall

Representation

3.252 The presence of building stone resource at Hardwick Hall is not recognised.

Actions/Considerations

3.253 The BGS Resource Maps from which we draw out information, do not show the building stone resource around Hardwick. Our map does indicate the location of Hardwick Quarry and we will include a paragraph in the text indicating the presence of building stone in this area.

Outcomes for the Proposed Approach

3.254 Include reference to building stone resource at Hardwick Hall.

7.2 Industrial Limestone and Cement

Table of Representations

Name	Name Reference Number	Representation Reference Number
Historic England	011	0071
Historic England	011	0072
Historic England	011	0073
Historic England	011	0074
Historic England	011	0075
Mineral Products Association	013	0106
Mineral Products Association	013	0100
Mineral Products Association	013	0101
Mineral Products Association	013	0102
Mineral Products Association	013	0103
Mineral Products Association	013	0104
Mineral Products Association	013	0105
National Trust	015	0120
National Trust	015	0121
Omya UK Limited	018	0163
Omya UK Limited	018	0164
Omya UK Limited	018	0165
Omya UK Limited	018	0168
Tarmac	023	0187
Tarmac	023	0188
Tarmac	023	0189
Tarmac	023	0190
Tarmac	023	0191
Tarmac	023	0192
Tarmac	023	0193
Tarmac	023	0194
Tarmac	023	0195
Tarmac	023	0224
Tarmac	023	0221
Tarmac	023	0222
Tarmac	023	0290
Notts CC	042	0271
Longcliffe Quarries Ltd	045	0301
Longcliffe Quarries Ltd	045	0302
Longcliffe Quarries Ltd	045	0303
Hulland Ward Parish Council	058	0343
Tarmac	023	0220
Tarmac	023	0223

Staffordshire CC	040	0260
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Towards a Strategy for Industrial Limestone, February 2015

Issue: Industrial Limestone Provision

Issue: Which Option do you think is the best way of making provision for the supply of industrial limestone during the Plan period?

Representations

3.255 Support Option 3 which is to make provision for the future supply of industrial limestone through permitted reserves, allocations and a criteria based policy.

(Tarmac 023/0221), (Omya 018/0163), (Mineral Products Associations 013/0100), (Nottinghamshire CC 042/0271)

3.256 Support Option 2 which is to use permitted reserves and a criteria based policy but, in view of the overall level of permitted reserves the Plan should not make specific site allocations.

(National Trust 015/0120)

3.257 Support Option 1 which is to make provision from existing reserves and allocations only.

(Hulland Ward Parish Council 058/343)

Actions/Considerations

3.258 There is overall support for Option 3 and some operators have identified that additional reserves are required to maintain production throughout the plan period and have put forward extensions to their quarries. The NPPG favours site allocations when planning for minerals.

Outcomes for the Proposed Approach

3.259 Develop a strategy for making provision for the supply of industrial limestone over the Plan period in accordance with Option 3.

Issue: Industrial Limestone Provision Criteria Based Policy

Issue: Do you have any comments about the different components of a criteria based policy including the level and type of information that an applicant should be asked to submit to inform this approach?

Representation/s

3.260 A criteria based policy should include environmental criteria including special reference to the historic environment.

(Historic England 011/0071)

3.261 It is reasonable to expect an applicant for planning permission to extract industrial limestone to demonstrate the quality and quantity of the mineral including its 'special' characteristics. Information on products and markets should also be provided.

(National Trust 018/0164)

3.262 It is too onerous to expect an applicant for planning permission to extract industrial limestone to demonstrate the need for minerals with particular specifications and then require the maximisation of recovery to meet that need. The value of industrial mineral will naturally result in its use for industrial purposes.

(Mineral Products Association 013/0101), (Tarmac 023/0222)

Actions/Considerations

3.263 This policy is only about economic considerations for industrial limestone working and therefore does not cover the impacts of mineral working on environmental and social factors which will be dealt with elsewhere in the Plan. It is important, however, that users of the Plan are well informed and understand that in considering a planning application for mineral development all policies of the local plan apply where relevant.

3.264 In line with the NPPF¹ which emphasises the need to make the best use of minerals which are scarce resources it is important that applicants are able to demonstrate why there is a need i.e. products and markets for that particular specification of mineral to be worked. Need should also cover the quantity of mineral proposed for extraction. These issues are particularly relevant for industrial minerals which are often very scarce and therefore their value should be maximised.

3.265 Whilst it might seem inconceivable that a mineral operator would use 'industrial grade' limestone for 'non industrial' purposes, the Councils consider that the requirement for proposals to maximise the recovery of the high grade material is justified in terms of controlling the overall development of a quarry and maximising the use of scarce resources in line with the NPPF.

Outcomes for the Proposed Approach

3.266 Explain implicitly in the Plan how all of its policies apply, where relevant, in considering development proposals.

3.267 Develop a criteria based policy which includes the requirement for the need for the extraction of the mineral to be justified in terms of the quantity, specification, products and markets and require the recovery of that mineral to be maximised.

3.268 Explore the issue of using 106 agreements to restrict the use of high grade material to those uses requiring high grade material.

Issue: Industrial Limestone Provision - Sites promoted for working

Issue: Do you have any comments at this stage on the sites being promoted for industrial limestone working within the plan period? (Includes comments made to the Appendices of the Strategy and Supporting Papers which set out details of the promoted sites).

Representations

General

3.269 No comments

¹ NPPF 2012, Paragraph 142

(Mineral Products Association 013/0102)

Whitwell Quarry

3.270 The text should be amended to state that permission was granted in July 2004 for the five extensions not 2002.

(Tarmac 023/0192)

3.271 The proposed extensions to Whitwell Quarry are supported by the Operator. The Operator acknowledges the importance of Creswell Crag and is prepared to continue with monitoring and protection measures regulated through planning conditions & Section 106 agreements should planning consent be granted for the proposed new areas of working.

3.272 The operator has also proposed a stand-alone site to the south of Creswell Crag in Nottinghamshire to provide additional reserves at Whitwell Quarry. In considering the future development of the quarry, it is important that an integrated approach is taken in terms of the extensions to the north and south of the Crag.

(Tarmac 023/0193, Tarmac 023/0194)

3.273 The existing quarry and proposed extensions are close to Creswell Crag which is a scheduled monument, forms part of the Welbeck Registered Park and Garden and a Conservation area. The Crag is also on the UK tentative list for World Heritage Site designation. It is also a designated SSSI. The MPA should give great weight to the conservation of Creswell Crag which is of national and international significance, including any contribution made by its setting.

(Historic England 011/0072), (National Trust 015/0121)

3.274 The Company welcomes as best practice that Derbyshire and Nottinghamshire Councils have actively and constructively cooperated in considering the provision for industrial limestone and appropriate measures to ensure the protection of the Crag.

(Tarmac 023/0195)

Ashwood Dale

3.275 Any policy associated with this proposed extension should address heritage impacts including historic landscape character, the setting of the adjacent scheduled monument, on-designated archaeology and restoration.

(Historic England 011/0073)

3.276 The proposed extension to Ashwood Dale Quarry is supported. The quality and quantity of limestone in the extension area has been proven. There is a demand and need for the wide range of industrial products manufactured at the site and customers have developed their production processes around a consistent supply of material. The potential issues with the proposed High Peak Local Plan housing allocation have been resolved. The environmental benefits of the proposals are considerable.

(Omya 018/0165)

Brassington Moor

3.277 The Operator supports the extension of Brassington Moor Quarry in view of the need for additional high grade reserves during the plan period.

(Longcliffe Quarries Ltd 045/0303)

Actions/Considerations

3.278 In view of the support received for Option 3 (see Issue 1) the MPAs are developing a strategy approach for the supply of industrial limestone that will include the possible allocation of sites. The MPAs have consulted on a site assessment methodology which will be used to carry out an initial assessment of the promoted sites.

3.279 The next stage will be to refine the methodology in the light of any comments (if applicable) and carry out the initial assessments.

Outcomes for the Proposed Approach

3.280 Allocate acceptable sustainable sites to maintain the supply of industrial limestone.

Issue: The Assessment of promoted Sites

Issue: Do you have any comments about the way in which sites should be assessed to ensure their acceptability for allocation?

Representations

3.281 The assessment of potential allocations should include a heritage impact assessment.

(Historic England 011/0074)

3.282 An applicant should be able to demonstrate the quantity and quality of the industrial mineral to be extracted and identify what makes it "special". Information on products and markets should also be provided to identify a need/market. The type of processing to be used may also be relevant.

(Omya 018/0168)

3.283 Agree that sufficient information will be required to enable a detailed assessment of the site including the need to be able to demonstrate that any potential site is justified in terms of its need to be worked, its deliverability and that it could be worked sustainably without causing unacceptable adverse impacts on the environment and communities.

(Mineral Products Association 013/0103)

Actions/Considerations

3.284 A site assessment methodology has been prepared and published for consultation. It will be refined in the light of any comments.

Outcomes for the Proposed Approach

3.285 The Site Assessment Methodology will be used to carry out an initial assessment of 'hard rock' sites promoted by operators to determine whether they are suitable to be carried forward as allocations in the Draft Plan.

Issue: The provision of minerals for Cement Manufacture

Issue: Do you agree the Plan should include a specific policy to allow for the provision of additional reserves (primary and secondary) to support the

manufacture of cement where they are required to maintain a landbank of 15 or 25 years?

Representations

3.286 Any policy for the provision of additional reserves to support cement manufacture should include environmental criteria including special reference to the historic environment.

(Historic England 011/0075)

3.287 Support for a criteria based policy to ensure the provision of sufficient reserves to support the manufacture of cement in line with the requirement set out in the NPPF.

(Mineral Products Association 013/0104), (Tarmac 023/0220)

3.288 The policy should make clear the need to ensure the maintenance of a stock of permitted reserves to support cement manufacture in line with the landbank requirements set out in NPPF.

(Tarmac 023/0290)

Actions/Considerations

3.289 There has been overall support for a criteria based policy to ensure that the requisite levels of permitted reserves of primary and secondary materials are maintained to support the manufacture of cement.

Outcomes for the Proposed Approach

3.290 Develop a criteria based policy to support the requirements for cement manufacture set out in the NPPF.

Industrial Limestone Supporting Paper

Paragraphs 4.4 & 4.5

Issue: Maximising the use of industrial limestone

Representations

3.291 The maximisation of the use of chemical grade stone at Whitwell for Industrial purposes is supported and recognition is welcomed that by-products from the processing, not suitable for Industrial purposes ,can be sustainably used for construction uses e.g. product too small in diameter to pass through the kilns.

(Tarmac 023/0187)

Actions/Considerations

3.292 The support is noted.

Outcomes for the Proposed Approach

3.293 None

Paragraph 4.6

Issue: Safeguarding

Representations

3.294 Support the safeguarding of the Permian Resource which includes the promoted extension areas at Whitwell. The dolomite resource at Whitwell should be safeguarded as a nationally important resource.

(Tarmac 023/0188), (Mineral Products Association 013/106)

Actions/Considerations

3.295 The support is noted.

Outcomes for the Proposed Approach

3.296 The Plan will include a policy approach to safeguard important minerals including the Permian Limestone resource.

Paragraph 8.1

Issue: Conclusions

3.297 Flexibility to allow working of additional Industrial limestone is welcomed and supported

(Tarmac 023/0189)

Actions/Considerations

3.298 The support for the conclusion that, despite the level of permitted industrial limestone reserves, the Plan should adopt a flexible approach allowing new working where appropriate is noted.

Outcomes for the Proposed Approach

3.299 None

Paragraph 8.1

Issue: Conclusions

3.300 It is misleading to refer to overall permitted industrial limestone reserves in the Plan area and would be more realistic if industrial reserves at each of the active quarries was listed.

(Longcliffe Quarries Ltd 045/0302)

Actions/Considerations

3.301 Reference to the overall level of permitted reserves is intended to provide readers with a picture of the overall scale of industrial limestone compared to other minerals. Whilst the Plan could list individual active quarries and their reserve levels this again could be misleading due to the detailed specification requirements of particular end uses/markets.

Outcomes for the Proposed Approach

3.302 None

Paragraph 8.2

Issue: Conclusions

3.303 Support the approach of allocating sites, particularly at Whitwell, where the resource is of national importance.

(Tarmac 023/0190)

Actions/Considerations

3.304 The support is noted.

Outcomes for the Proposed Approach

3.305 None

Paragraph 8.3

Issue: Conclusions

3.306 The use of high grade limestone can be controlled through Legal Agreements as is the current case at Whitwell Quarry where a Section 106 Agreement so regularises.

(Tarmac 023/0191)

Actions/Considerations

3.307 The support for the use of Legal Agreements as a means of controlling the use of high grade stone is noted.

Outcomes for the Proposed Approach

3.308 Explore how the Plan can support an approach requiring the use of high grade stone through Section 106 agreements.

Industrial Limestone Strategy and Supporting Papers

General Comments

Representations

Issue: Permian Limestone Resource - Whitwell Quarry

3.310 Durham County Council notes the position in relation to reserves at Whitwell and asks to be kept informed of any decisions in respect of the promoted extensions.

(Durham CC 008/0066)

Actions/Considerations

3.311 The comments are noted and the MPA will keep Durham CC informed of any decisions on the promoted extensions to Whitwell Quarry.

Outcomes for the Proposed Approach

3.312 None

Issue: Landbanks

Representation

3.313 The Papers should use the phrase 'stock of permitted reserves' rather than landbanks. This wording accords with the NPPF which uses this phrase when referring to industrial minerals.

(Mineral Products Association 013/0105)

Actions/Considerations

3.314 Agree that it would be useful to distinguish between the permitted reserves that are Plan wide and supply the aggregates market and those that are specifically for industrial purposes. However the term 'landbank' remains applicable to industrial minerals.

Outcomes for the Proposed Approach

3.315 Ensure that the wording of the Plan distinguishes between landbanks of generic aggregate minerals and stocks of permitted reserves for industrial use.

Issue: Industrial Limestone Industry

Representations

3.316 The Paper demonstrates a good understanding of the particular requirements and constraints of the industrial limestone industry.

(Longcliffe Quarries Ltd 045/0301)

Actions/Considerations

3.317 The support is noted.

Outcomes for the Proposed Approach

3.318 None

Cement Manufacture Supporting Paper

Paragraph 6.2

Issue: Supply of material to Tunstead Cement Works

Representations

3.319 In accordance with the NPPF, there is a need to ensure adequate provision of industrial materials to support industrial and manufacturing processes across county boundaries. Tunstead Cement Works requires security of supply; shale and clay supply for Tunstead is primarily met from sources within Staffordshire due to the proximity of the works to the county boundary. To ensure security/ continuity of supply it is, therefore, important that reserves of industrial minerals to supply Tunstead are maintained throughout the Plan period.

(Tarmac 023/0224)

3.320 A Duty to Co-operate issue has been identified in relation to the supply of marl and shale to Tunstead for cement making purposes from two quarries in

Staffordshire. The adopted Staffordshire Minerals Local Plan includes reference to the need to monitor sales and reserves at the quarries. Complimentary monitoring will need to be undertaken by the Derbyshire Local Plan to ensure that shale supply options to the cement works are fully taken into account.

(Staffordshire CC 040/260)

Actions/Considerations

3.321 The MPA has identified the supply of material to support cement manufacture as a Duty to Co-operate issue. Specifically in relation to Tunstead the MPA has been in liaison with Staffordshire CC with regard to provisions set out in their Minerals Local Plan for ensuring the supply of shale and marl from Kingsley and Keele quarries.

Outcomes for the Proposed Approach

3.322 Ensure that an appropriate reference is made in the Monitoring section of the Plan setting out the need to monitor clay and shale reserves, in cooperation with Staffordshire CC, in order to maintain appropriate landbanks for cement manufacture.

7.3 Brick Clay and Fireclay

Table of Representations

Name	Name Reference Number	Representation Reference Number
Greater Manchester Authorities	027	0199
Nottinghamshire CC	042	0268
Wienerberger Ltd	046	0306
Wienerberger Ltd	046	0307
Hulland Ward Parish Council	058	0338

Towards a Strategy for Brick Clay and Fireclay

Issue: Brick Clay – Options for making provision for an adequate and steady supply of brick clay

Which Option do you think is the best way of making provision for the supply of brick clay throughout the Plan period?

Representations

3.323 Option 3 would appear to be the best option which is to make provision for the future supply of brick and fire clay.

(Nottinghamshire CC 042/0268)

3.324 Support Option 1 which is to make provision through existing permitted reserves and allocations.

(Wienerberger 046/0306),(Hulland Ward PC, 058/338)

Actions/Considerations

3.325 The limited number of responses is not helpful in considering this issue. However, on balance the MPA consider that Option 3 would be the best way of making provision because it would provide both flexibility to meet unforeseen needs and the clarity and certainty of supply through the allocation of sites where we know

there is an identified need for additional reserves and that known economically viable resources exist and operators/landowners are supportive and actively promoting minerals development. Additionally the NPPG favours site allocations when planning for minerals.

Outcomes for the Proposed Approach

3.326 Develop a strategy for making provision for the supply of brick clay over the Plan period in accordance with Option 3.

Issue 3: Specific Identification (allocation) of land for brick clay working

Do you have any comments at this stage on the sites being promoted for brick clay working within the plan period?

Representations

3.327 Support the allocation of land at Mouselow Quarry for additional extraction to secure the long term future of Wienerberger. Although the Paper refers to the quarry has having sufficient reserves to 2030 which is true in terms of volume. The quality of the mineral only gives a useable period to 2025 at which point the top shales will be fully extracted and will not be available to blend with the higher sulphur shales that are on site and as such the mineral will not be suitable for brickmaking after this period.

(Wienerberger 046/0307)

3.328 Support for the acknowledgement that extraction at Mouselow Quarry is important for brick production at the Denton Brickworks in Manchester outside of the Plan area and that the Company are seeking an extension to maintain future production.

(Greater Manchester Authorities 027/0199)

Actions/Considerations

3.329 In view of the consideration of responses to Issue 1 the MPAs will develop a strategy approach for the supply of brick clay that will include the possible allocation

of sites. The MPAs have consulted on a site assessment methodology which will be used to carry out initial assessment of the promoted site.

3.330 The next stage will be to refine the methodology in the light of any comments (if applicable) and carry out the initial assessment. The representations made at this stage will feed into those assessments.

Outcomes for the Proposed Approach

3.331 Allocate acceptable sustainable sites to maintain the supply of brick clay.

Chapter 8 – Supply of Energy Minerals

8.1 Coal

Towards a Strategy for Coal and Colliery Waste

Table of Representations

Name	Name Reference Number	Representation Reference Number
Coal Authority	004	0017
Coal Authority	004	0018
Coal Authority	004	0019
Coal Authority	004	0020
Coal Authority	004	0021
Coal Authority	004	0022
Coal Authority	004	0023
Coal Authority	004	0024
Coal Authority	004	0035
Coal Authority	004	0036
Coal Authority	004	0037
Coal Authority	004	0038
Coal Authority	004	0039
Coal Authority	004	0040
Coal Authority	004	0041
COALPRO	005	0042
COALPRO	005	0043
COALPRO	005	0044
COALPRO	005	0045
COALPRO	005	0046
COALPRO	005	0047
COALPRO	005	0048
COALPRO	005	0049
COALPRO	005	0050
COALPRO	005	0051
Historic England	011	0079
National Trust	015	0127
National Trust	015	0128
National Trust	015	0129
National Trust	015	0130
National Trust	015	0131
National Trust	015	0132
National Trust	015	0133
South Derbyshire DC	022	0185

Individual	036	0239
Nottinghamshire CC	042	0269
Hulland Ward Parish Council	058	0329
Hulland Ward Parish Council	058	0330
Hulland Ward Parish Council	058	0331
Hulland Ward Parish Council	058	0332
Hulland Ward Parish Council	058	0333
Hulland Ward Parish Council	058	0334
Hulland Ward Parish Council	058	0335
Hulland Ward Parish Council	058	0336

Towards a Strategy for Coal and Colliery Waste

Coal Mining Issues - General

3.332 A complicated set of options is presented in the paper. While we have no detailed comments to offer at this time, it is important that historic environment implications are properly accounted for as part of this process, be that in a policy, specific sites or other.

(Historic England 011/0079)

Coal Mining Issues – Need for Coal

3.333 Coal is mainly used for power generation, but the government has recently pledged to phase out all coal powered electricity by 2025, or at the very least unabated coal generation. This removes about 80% of the demand for coal in the next 9 years. CCS for abatement of CO2 emissions from coal is unlikely because most coal plants are near end of life, the projected costs are generally higher than gas + CCS, and if anything coal stations are more likely to suit conversion to biomass + CCS. This leads to the likely near-term situation of most coal demand disappearing. This means that any plans to expand local production are likely to be overly-optimistic and lead to short-lived schemes with all the problems associated with failed projects, such as lack of funds to make good environmental clean-up, and non-sustainable local jobs. I don't think any significant development of coal mining should be allowed in our area.

(Individual 036/0239)

Coal Mining Issues – Paragraph 3.4

3.334 The development of planning policy at the Local Plan level for energy minerals, including coal needs to accord with national planning policy in the NPPF. There is no requirement to consider need for energy minerals in any way at the Local Plan level. The political and economic factors that underpin the energy mineral market are highly dynamic and take into account a range of complex and often competing factors. To respond to this, the role of Local Plans is to put in place a suitable planning policy framework that is flexible enough to cater for changing circumstances across the plan period.

(Coal Authority 004/0041)

3.335 A number of the issues identified in paragraph 3.4 are not relevant considerations for the development of Local Plan policy. They are issues which underpin UK and international energy policy. To include these topics in the document is misleading as it may give interested parties and the public the view that the Derbyshire Minerals Local Plan could seek to argue that coal extraction will not be permitted as there is no need for indigenous coal. Such an approach would of course be completely at odds with the NPPF and is not therefore a reasonable alternative.

(Coal Authority 004/0017)

3.336 We agree that the list encompasses the issues to consider for a coal mining application. The policy needs to be consistent with NPPF and not complicated by local protectionism if this leads to undue sterilisation of a nationally important fuel source.

(COALPRO 005/0051)

Coal Mining Issues – Environmental Impacts

3.337 National Trust considers that the following issues are highly relevant, although we recognise that these specific issues are likely to be incorporated within 'identification of constraints', 'development of policies' and 'impact of extraction on the environment and local communities':

- Impact on heritage assets including buried archaeology, designated and non-designated assets and their settings
- Impacts on landscape character, views, public amenity and recreation
 - Impact on agricultural resource
 - Pollution of the natural environment including water catchments
 - Impact on wildlife and ecology

(National Trust 015/0133)

Actions/Considerations

3.338 The general responses consisted of individual observations covering a wide range of coal related issues, including the safeguarding of resources, prior extraction, the need to take account of specific issues in the assessment and determination of development proposals, particularly the interests related to certain major heritage assets. One amounted to an objection to future coal mining in the Plan area on the grounds of declining demand and cited a list of adverse consequences for such developments if they were not genuinely viable developments. The comment concerning the use of fossil fuels in general is noted but whilst coal is a legitimate fuel the Minerals Plan cannot place an embargo on its future extraction and use. That is a matter for national and international policy rather than local policy.

Outcomes for the Proposed Approach

3.339 These comments relate to specific aspects of national mineral planning policy and the new Minerals Local Plan will have to take that advice and guidance into account. It will therefore recognise that the remaining coal resource is of national importance and safeguard the resource, set out the approach to prior extraction where non-mining proposals are approved on land with coal close to the surface. It will also have to plan for the possibility of the demand for coal rising in the future and will therefore set out the policies to assess and determine any planning applications that may come forward. The policies will 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

Representation

3.340 The Coal Authority acknowledges the difficulty for mineral planning authorities to identify specific sites due to the lack of detailed information about the scale of resources and the viability of extraction so support Option 1 to identify on a plan the extent of the shallow coal resource but consider that constraints would apply to all minerals and should not be identified specifically for coal mining development.

(Coal Authority 004/0039 and 0040)

3.341 Support Option 1 for economic reasons. Changing demand and the duty to safeguard potential resources mean that this should be as wide as possible in scope.

(COALPRO 005/0042)

3.342 Support Option 1. There is currently uncertainty around the need for coal mining extraction in Derbyshire during the plan period. Unless there are clear candidate sites for future extraction and disposal then the identification of areas may result in blight and inhibit regeneration of former coal mining areas. Nevertheless, the Councils should be satisfied that the requirements of NPPF paragraph 147 bullet point 3 have been met.

(National Trust 015/0127)

3.343 Support Option 1

(Hulland Ward Parish Council 058/0329)

Actions/Considerations

3.344 All respondents supported Option 1. One respondent acknowledged the practical barriers to the ability of mineral planning authorities to identify and allocate specific sites for future coal extraction. In addition, there would be political issues to be addressed before such allocations could be considered.

Outcomes for the Proposed Approach

3.345 The only practical approach of the new Plan will be to identify on a Plan the extent of the shallow coal resource in the area.

Issue 2: Surface Mining Constraint Areas

3.346 Support Option 1 to not identify such areas as it is the only option that would accord with the NPPF.

(Coal Authority 004/0019, Hlland Ward Parish Council 058/0330, Nottinghamshire CC 042/0269)

3.347 Support Option 1. Constraints can change over time. Environmental issues, economic issues and need for the mineral will determine constraint at the time of application. A possible exception might be where working the mineral could create significant flood risk.

(COALPRO 005/0043)

3.348 Support Option 2. Adopt a different method of identifying constraints to surface mining. While surface mining constraint areas may not be promoted specifically by the NPPF, the identification of unsuitable areas would nevertheless be beneficial both in steering the mining industry away from inappropriate sites and in helping the owners of historic, ecological and landscape assets to secure their future conservation. We consider that Hardwick Hall, Calke Abbey, their wider estates (incorporating SSSIs and agricultural land) and their settings would be candidate areas where a designation of this sort would be beneficial.

(National Trust 015/0128)

Actions/Considerations

3.349 Five responses were received, four supported the approach of the NPPF not to include mining constraint areas in minerals local plans whilst one supported an approach of identifying unsuitable areas for surface coal mining.

Outcomes for the Proposed Approach

3.350 The Plan will accord with national planning policy and will not continue to include surface coal mining constraint areas.

Issue 3: Sustainable Principles for the Provision for Coal Extraction

3.351

(Coal Authority 004/38)

3.352

(COALPRO 005/0044)

3.353

visual amenity, the natural environment etc.

(National Trust 015/0129)

Actions/Considerations

3.354 Three responses were received which broadly supported the identified set of sustainability principles as an appropriate basis for the approach of the new Plan to the provision for coal extraction and the assessment of proposals for future extraction.

Outcomes for the Proposed Approach

3.355 The sustainability principles set out in the consultation will be incorporated into the 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

3.356 The Coal Authority support Option 1 to include a policy for coal development based on the four sustainability principles identified above.

(Coal Authority 004/0037)

3.357 South Derbyshire District Council supports Option 1 to include a specific policy for coal extraction proposals to ensure adequate protection to the environment and communities in its area.

(South Derbyshire District Council 022/0185)

3.358 Option 2. Surface mined coal is identified in the NPPF as a mineral of national importance and should not be treated differently from other mineral resources.

(COALPRO 005/0045)

3.359 Support Option 2 not to 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.

(Hulland Ward Parish Council 058/0331)

Actions/Considerations

3.360 Two respondents support the inclusion of a specific criterion based policy for coal extraction and related development proposals whilst two do not.

Outcomes for the Proposed Approach

3.361 The specific policy for coal mining developments in the current minerals plan has 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 will 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

3.362 The Coal Authority could only support Option 1, to include only those matters set out in the NPPF paragraph 149.

(Coal Authority 004/0018)

3.363 Support Option 1

Hulland Ward PC 058/332)

3.364 Support Option 1. Imposing other tests will expose the planning authority to potentially expensive appeals. In addition how does this reconcile with the duty to safeguard.

(COALPRO 005/0046)

Actions/Considerations

3.365 All respondents supported a policy based only on those matters set out in the NPPF.

Outcomes for the Proposed Approach

3.366 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 been very influential on the development and appearance of the Plan area and it is important that this legacy is incorporated into the approach of the Plan to future coal mining development. Accordingly it is considered that the Plan should take full account of all the issues involved in such developments and 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

3.367 The methodology used should be that set out in the NPPF and should be applied to mineral development and not just energy based minerals.

(Coal Authority 004/0035)

3.368 Support Option 1. Adopt a methodology to quantify and assess cumulative impacts of coal mining development using only the relevant criteria set out in the NPPF.

(Coal Authority 004/0036)

3.369 Support Option 1. The cumulative impacts of coal mining are the issue under consideration. The impacts of other industries or activities are not caused by the coal site applicants and the phrase "cumulative effects" can also lead to consideration over factors which might not have been present in recent memory.

(COALPRO 005/0047)

3.370 Support Option 1.

(Hulland Ward Parish Council 058/0333)

3.371 Support Option 2. Provided that Derby and Derbyshire Councils can develop an appropriate methodology drawing on recent case law and appeals, we believe that there would be benefits (in terms of creating a decision making framework that is socially and environmentally just) to including successive, simultaneous and combined effects in the assessment of cumulative impacts.

(National Trust 015/0131)

Actions/Considerations

3.372 The responses to this issue will be considered in the round together with those received in response to the separate consultation on cumulative impacts.

Outcomes for the Proposed Approach

3.373 Cumulative impacts are 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 are noted but as yet there is not an established methodology for the assessment and evaluation of cumulative impacts and it is important that the Plan incorporates a clear and robust approach which reflects circumstances in the area. It is likely that the Proposed Approach will be to include a methodology based on that set out as the emerging approach in the cumulative impacts consultation paper.

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

3.374 The Coal Authority supports Option 1 to assess those benefits set out in the NPPF and where the actual assessment is on a case by case basis taking account of local circumstances and after consultation with the local community.

(Coal Authority 004/0024)

3.375 Support Option 1. Every site should be determined on a case by case basis. Local geography and geology might mean a different set of benefits from sites within the area.

(COALPRO 005/0058)

3.376 Support Option 1

(Hulland Ward Parish Council 058/0334)

Actions/Considerations

3.377 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 the benefits should be weighed against the adverse environmental impacts. Three responses were received all supporting Option 1.

Outcomes for the Proposed Approach

3.378 There are pros and cons for both of the options put forward and whilst those commenting supported Option 1 the issue will be subject to further consideration before any decision is made.

Issue 8: Prior Extraction of Coal

3.379 The Coal Authority has no specific preference for the use of a separate policy for prior coal extraction or to have the issues addressed via a more general policy as they consider both options have been used elsewhere and proven to be successful. The Coal Authority suggest that the policy approach should recognise the relationship between the extraction of remnant surface coal resources and this being a remediation approach for mining legacy issues.

(Coal Authority 004/0022 and 0023)

3.380 Support Option 2. The NPPF describes surface mined coal as a mineral of national importance and therefore it should not require any different treatment from other minerals.

(COALPRO 005/0049)

3.381 Support Option 1.

(Hulland Ward PC 058/0335)

3.382 If Councils consider that there are special considerations relating to the prior extraction of coal then Option 1 would be preferable.

(National Trust 015/0132)

Actions/Considerations

3.383 There is no clear preference from the responses made.

Outcomes for the Proposed Approach

3.384 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 is likely that the new Plan will 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

3.385 The Coal Authority support Option 1 for the inclusion of a separate policy for the reworking of former colliery spoil tips and any other mineral. In addition the CA suggests that the relevant criteria should include the provision of important minerals, the environmental benefits to the visual appearance and landscaping of an area and other safety issues.

(Coal Authority 004/0020 and 0021)

3.386 Support Option 2. Each case will be different and should be judged on its own merits.

(COALPRO 005/0050)

3.387 Support Option 1.

(Hulland Ward PC 058/0336)

Actions/Considerations

3.388 There was no clear preference from the three responses that were received on this issue but 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 is taken that there is support in principle for obtaining important minerals from sources such as former colliery spoil tips.

Outcomes for the Proposed Approach

3.389 It is likely that the Plan will continue to recognise the importance of making the most prudent use of all our mineral resources and have a separate policy setting out the criteria for acceptability of reworking former colliery spoil tips for the minerals they contain.

Towards a Strategy for Deep Mined Coal

Table of Representations

Name	Name Reference Number	Representation Reference Number
Coal Authority	004	0011
Coal Authority	004	0012
Coal Authority	004	0013
Coal Authority	004	0014
Coal Authority	004	0015
Coal Authority	004	0016
COALPRO	005	0052
Historic England	011	0080
Hulland Ward Parish Council	058	0341
Hulland Ward Parish Council	058	0342

Deep Coal Mining Issues – Paragraph 3.7

3.390 The development of planning policy at the Local Plan level for energy minerals, including coal needs to accord with national planning policy in the NPPF. There is no requirement to consider need for energy minerals in any way at the Local Plan level. The political and economic factors that underpin the energy mineral market are highly dynamic and take into account a range of complex and often competing factors. To respond to this, the role of Local Plans is to put in place a suitable planning policy framework that is flexible enough to cater for changing circumstances across the plan period.

(Coal Authority 004/0013)

3.391 A number of the issues identified in paragraph 3.7 are not relevant considerations for the development of Local Plan policy. They are issues which underpin UK and international energy policy. To include these topics in the document is misleading as it may give interested parties and the public the view that the Derbyshire Minerals Local Plan could seek to argue that coal extraction will not be permitted as there is no need for indigenous coal. Such an approach would of course be completely at odds with the NPPF and is not therefore a reasonable alternative.

(Coal Authority 004/0014)

3.392 We agree with the list as set out in 3.7.

Historic England 011/0080)

Actions/Considerations

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

3.393 The Coal Authority states that the economics that influence the viability of deep mined coal are far more complex than those for surface mining. They add that whilst underground coal mining is constricting, licences for such working do exist and there remains some interest in the possibility of further extraction. In order for the Local Plan to remain flexible across the Plan period they suggest that it should make clear that proposals for future development would be considered against national policy in the NPPF and where the local policy on surface mining remained of relevance.

(Coal Authority 004/0016 and 004/0017) Note this comment was written for Issues 1 and 2.

Actions/Considerations

3.394 The response acknowledges the demise of the deep coal mining industry over the last 30 years and also recognises the difficulties in assessing the likelihood of any future resumption in such mining activity but refers to the scale of the remaining resource and the existence of licences as an indication that the possibility should not be discounted. It recommends that any proposal that could come forward should be assessed and determined in accordance with national mineral planning policy.

Outcomes for the Proposed Approach

3.395 The Plan needs to be comprehensive and flexible in order to set out the approach to both minerals of national importance at the present time and those that may be of national importance during the Plan period. Accordingly the new Plan will 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

3.396 The Coal Authority favours Option 1 to not have a separate policy for deep mined coal for the reasons set out above.

(Coal Authority 004/0011)

3.397 Support Option 1. A deep mine application should be treated like any other major planning application. The principles in the NPPF are perfectly acceptable criteria for evaluating a deep mine application. The amount of capital investment required will ensure that applications are only made because there is a need for the mineral. Producing the coal in the UK means fewer CO2 permissions in transporting the coal to its point of use.

(COALPRO 005/0052)

3.398 Support Option 2

(Hulland Ward Parish Council 058/0341)

Actions/Considerations

3.399 Two responses received favour the use of a general coal mining policy for all forms of development where the policy is based on national coal mining policy whilst one supported a separate policy for deep mined coal.

Outcomes for the Proposed Approach

3.400 Whilst it is currently considered unlikely that there will be a resumption in deep coal mining activity within the Plan period it is important that it sets out the criteria

that will be used to determine any proposal that may come forward. It is considered that the range of issues/criteria that would be 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

3.401 If the Plan were to include such a policy the CA suggest that it include only those factors set out in the NPPF.

(Coal Authority 004/0012)

3.402 Support Option 1.

(Hulland Ward Parish Council 058/0342)

Actions/Considerations

3.403 The response repeats the view that any coal mining policy in the new Plan should be based on the factors set out in the NPPF only.

Outcomes for the Proposed Approach

3.404 For the reasons set out above 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 is likely that the Plan will include factors and criteria in addition to those set out in the NPPF. This would take account of the more general comments set out below.

Towards a Strategy for Hydrocarbons: Including Conventional Oil and Gas, Unconventional Oil and Gas, Gas from Coal and Shale Gas Support and Strategy Papers

Table of Representations

Name	Name Reference Number	Representation Reference Number
Coal Authority	004	0291
Coal Authority	004	0292
Coal Authority	004	0293
Coal Authority	004	0294
Coal Authority	004	0295
South Derbyshire DC	022	0203
South Derbyshire DC	022	0204
South Derbyshire DC	022	0205
Individual	030	0226
Individual	030	0227
Individual	030	0228
Individual	030	0229
Individual	032	0231
Individual	034	0236
Individual	035	0237
Individual	036	0238
Individual	037	0241
Individual	039	0243
Friends of the Earth	041	0262
Nottinghamshire CC	042	0270
Nottinghamshire CC	042	0356
Nottinghamshire CC	042	0357
Nottinghamshire CC	042	0358
Ineos	043	0273
Ineos	043	0274
Ineos	043	0275
Ineos	043	0276
Ineos	043	0277
Ineos	043	0278
Ineos	043	0279
Transition Chesterfield	044	0300
Individual	048	0309
Individual	052	0314
Individual	053	0315

3.4	Dronfield Town Council	056	0324
	SAVE	057	0327
	National Trust	015	0355

05 The consultation on hydrocarbons included separate Support Papers for Conventional Oil and Gas, Unconventional Oil and Gas, Gas from Coal measures and Shale Gas in order to provide a comprehensive background to the different forms of hydrocarbon extraction but as the regulatory regimes involved are common to all the different forms and the issues raised in the assessment and consideration of development proposals are similar the consultation combined them all in to one Strategy paper to develop a consistent approach to the subject.

Representations

Hydrocarbons in General

3.406 The areas of Heath and Hardstoft are mentioned as areas of historic hydrocarbon extraction activity in the east of the County. Any future extraction in this area will need to take account of the impact on settings of internationally important heritage assets including Hardwick Hall and Parkland.

(National Trust 015/0355)

Shale Gas

General Observations

3.407 Most respondents commented on the issue of hydraulic fracturing in principle without referring to the issues and options presented in the consultation document. These comments are presented below.

3.408 Dronfield Town Council opposes fracking in Dronfield and its surrounding areas. The letter identified a list of reasons for this comment.

Dronfield Town Council (056/0324)

3.409 I am writing to oppose the introduction of hydraulic fracturing on sites across Derbyshire. The letter indicated a list of reasons.

(Individual 053/0315)

3.410 I feel strongly that any carbon based alternative is inappropriate considering the recent Paris proposals. To economically extract shale gas would require numerous wellheads which would present an environmental impact far in excess than which you suggest. As a resident of Derbyshire I would appeal to the County Council to reconsider their attitude towards fracking and immediately put a moratorium on all licenses.

(Individual 052/0314)

3.411 In respect of permissions for fracking, it is evident from all the evidence on climate change that we must do all we can to end the use of fossil fuels. To allow fracking in Derbyshire (or anywhere else for that matter) would be a dereliction of our duty to future generations on our stewardship of the environment. Only development of renewable energy can be considered a responsible approach to our future energy needs.

(Individual 048/0309)

3.412 The evidence in favour of fracking is shaky at best, while the evidence against fracking is strong and alarming. Please do not allow short-term commercial considerations and political pressure to bring risk to our environment, potable water and health. The risks are there; they are real. Please instead consider how we as a region can innovate and lead the way in reducing in managing energy demand and generating alternative energy.

(Individual 039/0243)

3.413 I have read with great concern that fracking may be considered somewhere near Elvaston Castle. I am therefore writing with great concern to say that I am completely against this form of energy gathering. There are enough other greener forms of creating energy. The track record for fracking is not good in America. Fracking's safety record is questionable and is still focused on carbon energy

production. It sounds like complete madness. There's plenty of wind and solar energy in South Derbyshire like there is everywhere else. Invest in that.

(Individual 037/0241)

3.414 Presently more than half the gas used in the UK is imported, either via pipeline or LNG, so national production might seem attractive. But the time has passed. The decarbonisation of electricity production and heating is an urgent priority, which will drastically reduce the need for gas in the next 15 to 20 years. There is a distinct possibility that any infrastructure for extraction will only be in use for a short time. This, along with very low gas prices presently and quite possibly going forward make a poor financial case for both the private sector investors and tax payer funded Government support. It is estimated that at recent gas prices, fracking is not economic. Also, uncertainty about fugitive methane emissions mean that fracked gas could have carbon emissions much higher than piped imported and even approaching those of coal. Finally, I am very concerned about the local environmental impacts e.g. earthquake triggering, local water supply pollution and noise. I don't think fracking should be allowed in our area.

(Individual 036/0238)

3.415 I don't want local fracking because I have concerns about earthquakes, water pollution and the incompatibility with decarbonisation that the UK is signed up for.

(Individual 035/0237)

3.416 I wish to register my concerns regarding the inclusion of 'fracking' in the minerals local plan. I believe this option should be strongly resisted on the grounds that we need to keep CO2 in the ground, safeguard our water supplies and wider environment, and put more resources into the development of carbon neutral fuels development policies; get ahead of the game in demanding that all new developments are carbon neutral and include in their plans some contribution to low-carbon energy production as a prerequisite for planning approval.

(Individual 034/0236)

3.417 It has been brought to my attention that South Derbyshire is being considered as a potential site for hydraulic fracturing. In particular, the village of Aston on Trent,

where I live, will be affected. I have considerable reservations about this type of development.

3.418 Although the document in question states that this method of extraction is now considered "established" in the USA, I wish to point out that this clearly does not mean that fracking is safe and without hazards. There are continued, documented cases, from all over America, of ongoing pollution, damage to the environment and toxicity, all with unknown risks on long term health.

3.419 The letter listed a set of concerns relating to: contamination of drinking water, consumption of scarce resources, air pollution, global warming and damage to the environment.

Individual (032/0231)

3.420 This area is green belt land. No fracking or development in the area should be allowed. Aston on Trent and area has been hit by possible housing developments we have a crematorium being built on land that is owned by a family member of a councillor on the local Parish council. Traffic is already a problem in the area. Any development and extraction will damage the integrity of the village. There is also exhausted mines in the area with numerous mine shafts. What would the implication be if fracking happened to potentially unstable land?

(SAVE 057/0327)

3.421 Objects to the possibility of fracking taking place in North Derbyshire which has experienced significant coal mining in the past and/or where coal seams remain. Also raised concerns about the possibility of fracking taking place under or near to properties in built-up areas. The letter refers to the long history of coal mining and other related industries in the area and the contribution they have had to the cumulative impacts experienced in the area and therefore what makes it particularly vulnerable to hydraulic fracturing.

Individual 030/0226 and 0227

3.422 In relation to shale gas the Minerals Plan should also refer to a forthcoming report from the Committee on Climate Change (CCC) as to whether shale gas production is compatible with future carbon emissions targets. The CCC's report was submitted to the Government on 30 March but has not yet been published. If the report is not published before the Minerals Plan is published the plan should make reference to the need to comply with any recommendations made by the CCC.

3.423 Shale gas can only play a role in tackling climate change IF it substitutes for coal burning. However, to stay within 'safe' levels of greenhouse gas emissions the Committee on Climate Change advise we need to phase out coal by the early 2020s. Fracking will not be online in commercially significant amounts for another 10-15 years which means it won't be able to replace coal, as pointed out by the 2015 Environmental Audit Committee report on fracking². Even if it comes sooner it will be in proportionately smaller amounts. There are already many technically mature zero carbon renewable energy technologies such as wind and solar. Fracking will detract from investment in renewables. It also undermines UKs climate leadership as it makes it difficult to convince oil and gas producing countries that conventional fossil fuel resources should be left in the ground.

(Transition Chesterfield 044/0300)

3.424 FoE indicated its objection to hydraulic fracturing and made specific reference to some of the individual sections of the consultation paper. These are set out further on in this Section.

(Friends of the Earth 041/0062)

3.425 The development of planning policy at the Local Plan level for energy minerals, including conventional and unconventional hydrocarbons needs to accord with national planning policy in the NPPF. There is no requirement to consider need

² House of Commons, Environmental Audit Committee, Environmental risks of fracking, eight report of session 2014-2015 26th January 2015

for energy minerals in any way at the Local Plan level. The political and economic factors that underpin the energy mineral market are highly dynamic and take into account a range of complex and often competing factors. To respond to this, the role of Local Plans is to put in place a suitable planning policy framework that is flexible enough to cater for changing circumstances across the plan period.

3.426 The Local Plan will need to consider how it addresses conventional and unconventional hydrocarbons, whilst the production of separate topic papers is helpful, national policy for hydrocarbons tends to be broadly similar and any policy approach should not result in unnecessary duplication between policies.

(Coal Authority 004/0291)

3.427 The paper refers back to historic policy which is unnecessary; however it properly interprets current policy in the NPPF and Planning Practice Guidance. In particular recognition of the three stage approach (exploration, appraisal and production) is welcomed. Many Mineral Plans have been developing policies for hydrocarbons and have found that actually in policy making the first two stages of exploration and appraisal have many similarities and as such are often combined in policies. Somerset County had a significant debate on hydrocarbons at their public examination and as such we would recommend reading their plan.

3.428 We agree that hydrocarbons do not require safeguarding through the Local Plan.

(Coal Authority 004/0292)

3.429 The paper was of course written before the Government announced just before Christmas the proposed outcome to the consultation on the permitted development rights for exploratory boreholes. The Local Plan will of course need to reflect the latest position once an amendment to the 2015 GPDO is published.

(Coal Authority 004/0293)

3.430 The paper correctly refers to the role of the Oil and Gas Authority (OGA) in relation to petroleum licensing.

(Coal Authority 004/0294)

3.431 In relation to unconventional hydrocarbon extraction from shale, then permission would also be required from The Coal Authority if the drilling were to intersect any coal seam. The proposed new permitted development rights for exploratory boreholes to investigate mining legacy in connection with proposed petroleum exploration will be subject to a requirement for The Coal Authority to be notified in order that we can address public safety issues through the issuing of a Permit to enter or disturb coal.

(Coal Authority 004/0295)

Actions/Considerations

3.432 The majority of the responses indicate an objection in principle to hydraulic fracturing in the Plan area whilst others provide general comments which do not relate to any of the specific issues and options set out in the consultation paper. The comments are noted but no further action can be considered.

Outcomes for the Proposed Approach

3.433 The new Minerals Local Plan cannot impose an embargo on hydraulic fracturing or any other form of hydrocarbon extraction. To do so would be contrary to national mineral planning policy. Accordingly there are no outcomes for the draft plan from these observations.

Issue 1: Emerging approach to the provision for hydrocarbons

3.434 We support a positive statement in line with Government policy. The overall policy approach should be to provide a presumption in favour of development and to then identify a series of considerations or criteria relevant to the particular proposal and then to assess the proposal against bespoke criteria. Such criteria will usually be contained in the wider policies of the local plan.

(Ineos 043/0273)

3.435 Support the approach.

(Nottinghamshire CC 042/0356)

3.436 In general our view is that the approach of the Plan to the provision for hydrocarbon minerals needs to set out the policy constraints – both in terms of assessing the implications of the development of hundreds of shale gas wells in terms of greenhouse gas emissions and other social, environmental and local economic impacts – and in terms of identifying place-based constraints which the PEDL licenses failed to do. Nor did the SEA of the licensing round properly assess wildlife impacts – again, development at scale needs to be assessed at this stage of the plan-making process.

Friends of the Earth (041/0262)

Actions/Considerations

3.437 Three responses were received to this issue. One supported the approach. One supported a positive approach in line with national planning policy but with the added requirement of an overall presumption in favour of hydraulic fracturing followed by an assessment of individual proposals against a set of criteria. Another supported a greater focus on constraints and the impacts of development proposals.

Outcomes for the Proposed Approach

3.438 The approach of the new Plan will have to accord with national planning policy and will therefore acknowledge that all hydrocarbon resources could potentially be subject to proposals for extraction. In line with all other important minerals in the area the Plan will set out policies, again in line with national policy, to assess those planning applications and to determine whether planning permission can be granted.

Issue 2: Identification of hydrocarbon resources within the plan area

3.439 We support Option 1. The approach should be to follow Government guidance. We see no reason to adopt a different approach. That guidance is recently published and reflects best practice. Therefore, the Plan should identify and safeguard PEDLs. Individual drilling sites are so small and potentially so numerous that it is not feasible to map them all. A safeguarding of PEDL areas and a positive

policy statement in support of the principle of exploration, appraisal and production of hydrocarbons should be sufficient.

(Ineos 043/0274)

3.440 The use of PEDL licenses to 'map' as the SEA was flawed in failing to limit licenses despite obvious environmental e.g. wildlife constraints during the process of assessment. Instead it was stated by DECC that these matters would be picked up by planning authorities. Therefore the planning authority should start by setting out all constraints, including distances from residences.

3.441 Mapping of sensitive areas for protection of groundwater, landscape, natural environment, soil quality, air quality and geology should also be included in line with the precautionary principle. Section 50 of the Infrastructure Act 2015 and Section 4A of the Petroleum Act 1998 requires that hydraulic fracturing will not take place within protected groundwater source areas or within other protected areas.

3.442 The NPPG is subject to frequent change and is not formally consulted upon. We would therefore advise caution on the application of its policies in a document that is expected to be valid for ten years or more.

3.443 The options set out only include mapping of potential hydrocarbon extraction suggesting that the Council would not comply with the Section 39 (2) of the Planning and Compensation Act 2004 statutory duty to act with the objective of achieving sustainable development, relevant paragraphs in the NPPF and the Infrastructure Act 2015/Petroleum Act 1998.

3.444 We question whether promoting shale gas (as opposed to promoting renewable energy development) would comply with the need for the plan policies as a whole to contribute to the mitigation of climate change.

(Friends of the Earth 041/0262)

3.445 Support Option 1 in respect of Issue 2 and identify only those areas that licenced for hydrocarbon exploration, drilling and production in the Minerals Local Plan.

(South Derbyshire District Council 022/0203, Nottinghamshire County Council 042/270)

Actions/Considerations

3.446 Of the four responses received, three support Option 1 whilst the other response focuses on alleged problems and failures of the Licencing process which is not within the remit of the Plan.

Outcomes for the Proposed Approach

3.447 It is considered that Option 1 presents the most appropriate approach for the new Plan and would conform to the requirements of national policy. The level of information which is available concerning the presence of commercially viable hydrocarbon resources is very limited and identifying other areas in addition to the PEDL areas may imply a greater level for potential working. It is acknowledged that new licence areas could be granted during the Plan period but that would not affect the approach of the Plan to determining development proposals in those areas.

Issue 3: Identification of constraints on the production and processing of conventional and unconventional hydrocarbons

Representation

3.448 Rather than identify constraints, which can only be generic because they will vary with each drilling site, the policy should identify the criteria against which the 3 stages of exploration, appraisals and production of hydrocarbons will be assessed. The criteria listed in paragraph 13 of the Minerals section of NPPG should be the basis for such assessment. Nottinghamshire recently published a simple policy that we believe is sufficient. Such a policy approach makes clear that environmental and other considerations will be identified on a local site by site basis and implicit in the planning process is the fact that once considerations for each application are identified the scrutiny of application proposals against those considerations will have

the full weight of planning law. Given that NPPG Minerals paragraph 13 sets out assessment considerations we do not feel that the actual policy needs to specify the criteria, although it could be referred to in the supporting text. Given also the shared boundary with Nottinghamshire and the current and potential future overlap of PEDL areas between the two authorities we feel that a consistent policy approach should be adopted

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This issue was subdivided into further questions/options concerning the areas of the Plan where constraints could/should be identified and what type of constraints should be listed.

3.449

In rel

Given our response to issue 2 we support Issue 3 option 1 because the two approaches are inextricably linked and this will provide consistency. The policy should do no more than provide a direction about the issues that are likely to be important. This can be stated in the text, with the policy making clear that where issues are identified assessment and mitigation will be required. As noted above, we support the Nottinghamshire approach and would advocate the following policy wording, which is applicable to each stage to the involvement of the planning system in the hydrocarbon process:

Exploration

1. Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment and residential amenity.

Appraisal

2. Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted provided they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment and residential amenity.

Extraction

3. Proposals for extraction will be supported provided they are consistent with an overall scheme for enabling the full development of the resource

and do not give rise to unacceptable impacts on the environment and residential amenity.

4. Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.
5. All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required.

(Ineos 043/0275)

3.450 In relation to the area options FoE responded as follows:

As this is a minerals plan, constraints should be identified for the whole plan area, particularly as impacts from hydrocarbon development may be outside the license area. Note that applications for hydrocarbon minerals would not occur in places which are not licensed.

3.451 The NPPF indicates a broad range of considerations could fall within the term 'constraints'. Even the statements within the NPPG do not limit the Council to the environmental constraints that should be considered.

(Friends of the Earth 041/0262)

3.452 Support Option 2 to Identify constraints for current PEDL areas and those parts of the Plan area where hydrocarbon resources are known to be present given that the effects of some types of developments could take place outside of areas currently licenced for hydrocarbon development.

(South Derbyshire District Council 022/0204)

3.453 It would seem sensible to have a broad policy covering the range of constraint's not just limited to existing PEDL areas. This sits somewhere between option 1&2. Option two as written seems a little over kill.

(Nottinghamshire CC 042/0357)

3.454 In response to the type of constraints FoE responded as follows:

The NPPF indicates a broad range of considerations could fall within the term 'constraints'. Even the statements within the NPPG do not limit the Council to the environmental constraints that should be considered.

3.455 These constraints should also be included for the legal/policy reasons given above:

- Climate change/greenhouse gas emissions
- 'Water protection' should include groundwater and surface water protection, and water scarcity.
- Soil quality
- Air quality
- Seismicity
- Areas of Outstanding Natural Beauty (proposals that would impact on AONBs)
- National Park (proposals that would impact on the Peak District National Park)
- Light pollution
- Noise
- Under Heritage: Conservation Areas, Archaeology
- Under biodiversity/ecology: SSSIs, Ramsar sites, Areas of Special Protection/Special Protection Areas

(Friends of the Earth 041/0262)

3.456 Supports the inclusion of heritage interests as a constraint but considers that the range of heritage constraints used as exclusion areas should be extended.

(Individual 030/0228)

Actions/Considerations

3.457 One response supported the use of constraints in general but suggested that the Plan merely sets out the criteria to identify those constraints on a site by site basis. In terms of the area where constraints should be identified, Option 1 and 2 were favoured by one respondent each whilst another suggested constraints be

identified for the whole of the Plan area. One suggested having a broad policy covering the range of constraints not just limited to existing PEDL areas; somewhere between Options 1 and 2. In terms of the range of constraints that will be identified one response indicated support for the identification of buildings with heritage designations but suggested that the constraint be extended to all buildings. Another respondent suggested the need to identify constraints under 11 additional headings.

Outcomes for the Proposed Approach

3.458 The NPPF states that mineral local plans should address the constraints on the production and processing of hydrocarbons within the areas that are licenced for oil and gas exploration or production but does not provide any further guidance as to the range and type of constraint to be identified. Whilst the responses provide general support for the identification of constraints they do not provide any definitive answers to the options provided. As the level of information about the scale of resources in areas outside the PEDL areas is very limited at this stage it is considered appropriate that new Plan adopts the approach set out in the NPPF in terms of area coverage. The range and type of constraints set out in the consultation paper are also considered to be the most appropriate for inclusion in the Plan. Some of the suggested additions are specific elements which are already covered by the headings put forward whilst some are not capable of being identified to a specific area and therefore cannot be included.

Issue 4: The use of criterion based policies for conventional and unconventional hydrocarbon developments

This issue was subdivided in to two parts relating to the possible use of separate criteria based policies for each stage of development and the need or otherwise for additional criteria for hydraulic fracturing.

3.459 In response to the first part respondents commented as follows:

We do not support the options put forward in this consultation. There is no need to adopt different criteria for each stage of the hydrocarbon process because the issues need to be defined locally and on a site specific basis. We believe that one policy is sufficient and have suggested the following wording:

Exploration

1. Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment and residential amenity.

Appraisal

2 Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted provided that they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment and residential amenity.

Extraction

3 Proposals for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme for enabling the full development of the resource and do not give rise to unacceptable impacts on the environment and residential amenity.

4. Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.

Restoration

5. All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required.

3.460 This policy contains all the elements of the required to be covered by policy and is positively worded. It notes that the main concerns are with the environment and residential amenity but as there are other policies dealing with such impacts, each containing assessment criteria, the minerals planning policy need not listed these considerations because each application needs to be considered against all

relevant planning policies and the amenity policies of the relevant local plan should list the criteria necessary to protect amenity. The supporting text to the minerals policy suggested above should provide background and justification, which links to the National Planning Policy Framework and other Government policies, and make reference to the fact that the PEDLs are mapped and safeguarded.

(Ineos 043/0276)

3.461 Paragraph 7.7 of the text in this section states “there are unlikely to be significant difference between the issues which are relevant to the exploration and appraisal stages.”

Hydraulic fracturing can be used as part of the exploration and appraisal phases and may have material similarities in this respect to the production. The level of intensity of all 3 phases could have significant similar impacts on climate change and amenity (noise, transport, emissions).

Friends of the Earth propose that the same criteria are used for all 3 stages of the process

(Friends of the Earth 041/0262)

3.462 In response to the second part respondents commented as follows:

There should not be a different set of criteria for hydraulic fracturing. We reiterate our response to Issue 4 a), only one policy is needed to cover all the stages of the hydrocarbons process and we have suggested the wording in our responses to Issues 3 and 4 a). Given the proximity with Nottinghamshire and the existing and potential PEDL overlap we believe that the same policy approach should be adopted by each authority. The crossing of a county boundary with no obvious change occurring other than it being a different administrative area should not result in a noticeably different change in policy approach. If it did it would be contrary to the requirement of NPPG for development plans to be clear and transparent and to provide certainty.

3.463 There are a set of key considerations for assessment of considerations, which are specified in paragraph 13 of the Minerals section of NPPG. The planning

considerations necessary to assess hydraulic fracturing are not so different that it requires a different overall policy approach.

(Ineos 043/0277)

3.464 The evidence is clear from the US and Australia that hydraulic fracturing and the extraction of unconventional hydrocarbons are likely to have significant additional impacts compared to 8 conventional sources and warrants a separate policy. There are likely to be significant impacts on greenhouse gas emissions and climate change.

3.465 Shale gas, while utilised in the US there is a litany of consequences on health leading to a moratorium in New York on public health grounds, the environment (including water pollution, and more lately the evidence that is beginning to emerge that it causes more methane leakage than previously understood or acknowledged.

3.466 Underground coal gasification is an unproven technology. A pilot facility operated in Queensland Australia by Cougar Energy was shut down due to potentially carcinogenic pollution including benzene and toluene emissions: <http://frack-off.org.uk/extreme-energies/underground-coal-gasification/>

3.467 Gasification of coal is the process which used to be operated at gas works and coking works. In many cases the resulting contamination is still being cleared up. A precautionary approach should be followed to ensure that underground gasification is not allowed to create new contamination. It was tried in the 1950s in the UK – prompting questions in parliament about ‘noxious fumes over a wide area’ reference:

<http://hansard.millbanksystems.com/commons/1955/nov/28/underground-gasification-experiments>

(Friends of the Earth 041/0262)

3.468 Support the need for a hydraulic fracturing policy (rather than a general hydrocarbons policy) on the basis that this type of development could give rise to impacts that are significantly different to other forms of hydrocarbon extraction.

(South Derbyshire District Council 022/0205)

3.469 Include one policy covering exploration, appraisal and extraction.

(Nottinghamshire CC 042/0358)

Actions/Considerations

3.470 Three respondents who commented on the first part of this issue considered that the same criteria should be applied to all three stages of the hydraulic fracturing process. Two respondents considered that there was a need for a separate policy setting out criteria for the assessment of hydraulic fracturing proposals whilst the other respondent considered that all hydrocarbon based proposals could be assessed against the criteria listed in national planning guidance.

Outcomes for the Proposed Approach

3.471 It is likely that the Proposed Approach will have a separate policy for all hydrocarbon development proposals (including hydraulic fracturing) and that it will contain a set of criteria that could be used in the consideration of all three stages of development. The policy could set out all the criteria that may need to be taken into account but, as with all proposals, only those criteria that are relevant to the particular proposal will be used in the assessment.

Issue 5: The range of criteria to be included in the policies for conventional and unconventional hydrocarbons.

3.472 The policy should be as we have set out in our response to the other issues in this consultation, where we have suggested a draft policy that covers each stage of the process comprising exploration, appraisal and development. Reference to criteria should be restricted to those set out in paragraph 13 of the Minerals section of NPPG because these are a nationally agreed set of criteria. The reference should be contained within the supporting justification, not in the policy. Our suggested draft policy makes clear that impacts will be defined and agreed on a site by site basis because not all the criteria listed in this part of the consultation will be applicable to every drilling site.

(Ineos 043/0278)

3.473 We object to the exclusion of matters ‘for other regulatory regimes’ as outlined. Seismicity is a planning matter on which there is planning guidance. Flaring and venting cause greenhouse gas emissions which are also firmly a planning matter and would be assessed under Environmental Impact Assessments. The planning authority officers and members must have access to information e.g. on securing protections to groundwater (which overlaps with well design and indeed Government has suggested a condition on this point), the content of the fluid is relevant because of the site protections such as bunding etc which are controlled by planning condition, and the transportation and availability of waste treatment capacity is a matter for the minerals planning authority. Decommissioning is important given the need to consider financial bonds for unconventional activities. Only one well has been hydraulically fractured at high volume in the UK, and it resulted in a moratorium given its impacts.

3.474 Paragraph 7.8 states “The issues which are identified [in the NPPG] to be matters for other regulatory regimes include seismic risks, well design, construction and integrity, operation of other surface equipment on the well pad, mining waste, chemical content of hydraulic fracturing fluid, flaring and venting, off-site disposal of water and well decommissioning.”

3.475 However so far as they are relevant to the Council’s legal duties and NPPF policy, Friends of the Earth contend that the following should be addressed by the Minerals Plan:

- Criteria for assessment of greenhouse gases and impact on climate change [for the reasons given above].
- Criteria for assessment of the impact of lighting should include the impact of flaring on local amenity and dark skies/light pollution, as well as on air quality and climate change/greenhouse gas emissions covered under separate criteria.

- Criteria for the impact on the water environment should include the impact on ground and surface water, and water scarcity.
- Criteria for land stability and subsidence should include impact on potential seismic disturbance as a result of local geology.
- Criteria needed for assessing the impact on the neighbouring Peak District National Park and any AONBs [fracking can take place under National Parks].
- Criteria to assess the impact on archaeological or heritage features should include impact on the character of Conservation Areas.

Friends of the Earth commented that all the identified criteria should be applied to each of the stages.

(Friends of the Earth 041/0262)

3.476 Supports the criteria listed and considers that they require full enforcement and that other criteria should be included. The inclusion of historic buildings should be extended to cover all buildings.

(Individual 030/228)

Actions/Considerations

3.477 Two respondents supported an approach which was consistent with national planning policy whereby the criteria to be included were those listed in the documents referred to in the consultation. The other respondent favoured the inclusion of issues and criteria that were the main responsibility of other regulators. There were no further comments provided relating to the criteria that should or should not be used for the three distinct phases of hydrocarbon extraction.

Outcomes for the Proposed Approach

3.478 National planning policy is quite specific about the roles and responsibilities of local planning authorities and other regulators involved in the system which

determines whether or not companies can extract oil or gas from hydrocarbon resources and the Plan cannot take an approach which is not consistent with that advice. The draft Plan will therefore focus on the criteria set out in the consultation document.

Issue 6: Criteria to be applied to proposals for the hydraulic fracturing of shale gas.

3.479 As we have stated in our response to issue 4, there should not be a separate policy approach or criteria for considering hydraulic fracturing. The reasons are set out in our response to issue 4.

3.480 The policy dealing with unconventional gas, in all its forms, should be as we have set out in our response to the other issues in this consultation, where we have suggested a draft policy that covers each stage of the process comprising exploration, appraisal and development. Reference to criteria should be restricted to those set out in paragraph 13 of the Minerals section of NPPG because these are a nationally agreed set of criteria. The reference should be contained within the supporting justification, not in the policy. Our suggested draft policy makes clear that impacts will be defined and agreed on a site by site basis because not all the criteria listed in this part of the consultation will be applicable to every drilling site.

(Ineos 043/0279)

3.481 Friends of the Earth stated that none of the criteria identified should be excluded from a policy on hydraulic fracturing.

(Friends of the Earth 041/0262)

Actions/Considerations

3.482 The responses to this issue were directly related to those made in response to Issue 4 above. Accordingly one respondent repeated the comment that only those criteria set out in national planning policy should be used to assess proposals for hydraulic fracturing whilst the other respondent repeated that the Plan should take

into consideration all issues, including those which were specifically within the remit of other regulators only.

Outcomes for the Proposed Approach

3.483 In accordance with the assessment set out above it is likely that the Plan will contain a separate policy specifically for hydraulic fracturing and that the criteria to be included will be those set out in national planning policy.

Unconventional Gas – Gas from Coal

General Observations

3.484 The paper correctly refers to the role of the Oil and Gas Authority (OGA) in relation to petroleum licensing. In relation to unconventional hydrocarbon extraction from coal, then permission is also required from The Coal Authority in all circumstances; the paper does not make this clear at present. In other Mineral Plan examinations there has been debate as to the role of the Mineral Planning Authority versus the other regulatory bodies. National policy makes it clear that it is not for the planning process to duplicate the other regulatory systems. This is made clear later in the paper. When published the Local Plan will need to reflect the latest PEDL licence position, it should be noted that our sister body the OGA published a revised PEDL map at the beginning of every month.

(Coal Authority 004/0924)

Actions/Considerations

3.485 The comments are noted.

Outcomes for the Proposed Approach

3.486 N/A

Chapter 10 - Safeguarding

10.1 Safeguarding Mineral Resources

Table of Representations

Name	Name Reference Number	Representation Reference Number
Coal Authority	004	0025
Coal Authority	004	0026
Coal Authority	004	0027
Coal Authority	004	0028
Coal Authority	004	0029
Coal Authority	004	0030
Coal Authority	004	0031
Coal Authority	004	0032
Coal Authority	004	0033
Coal Authority	004	0034
COALPRO	005	0053
COALPRO	005	0054
COALPRO	005	0055
Derbyshire and Peak District Geodiversity Action Group	006	0056
Derbyshire and Peak District Geodiversity Action Group	006	0057
Durham County Council	008	0064
Durham County Council	008	0065
Historic England	011	0082
Mineral Products Association	013	0114
Mineral Products Association	013	0115
National Trust	015	0147
National Trust	015	0148
Omya UK Limited	018	0166
Omya UK Limited	018	0167
Rotherham Metropolitan Borough Council	019	0169
Rotherham Metropolitan Borough Council	019	0170
South Derbyshire DC	022	0186
Tarmac	023	0207
Tarmac	023	0208
Tarmac	023	0209
Tarmac	023	0210
Tarmac	023	0211
Tarmac	023	0212
Harworth Estates	033	0233
Nottinghamshire CC	042	0265
Hulland Ward Parish Council	058	0344

Issue 1- Safeguarding of Building Stone Resources.

Representations

3.487 We consider that all known resources of sandstone and gritstone for building purposes should be safeguarded, not just those close to existing workings.

(Tarmac 023/0207)

3.488 National Trust would welcome further information on the selective approach to safeguarding of sandstone for building and roofing purposes.

(National Trust 015/0147)

Actions/Considerations

3.489 The proposal to safeguard only parts of the sandstone/gritstone resource resulted from the fact that this resource is so extensive and only small areas are found to be of sufficient quality to use as building stone. Safeguarding those areas which are known to contain good quality resources (i.e. existing building stone quarries) and the area around these quarries is considered to be a pragmatic approach.

Outcomes for the Proposed Approach

3.490 Maintain the proposed approach.

Issue 2 - The delineation of buffer zones.

Representations

3.491 We do not support a generic approach to the definition of buffer zones, as they should only be used where absolutely necessary.

(Tarmac 023/0211)

3.492 We do not accept your proposals in para 9.5. We object to the approach to MSAs which does not include buffers against sterilisation as advised by BGS good

practice guidance. Your solution to this issue is to surround the MSAs with MCAs to a standard distance dependant on the mineral. We consider this to be against good practice. The BGS guidance specifically advises against this approach because MCAs lack the required 'presumption against' protection that national policy gives to MSAs. Para 5.34 of the guidance says "MCAs are a consultation mechanism and are not a safeguarding mechanism. They do not carry any presumption against permission being granted for development on a mineral resource and there is virtually no sanction should planning permission be granted within one. Primarily, the level of safeguarding that MCAs can provide is not comparable to that which can be afforded through a MSA-based process." We strongly urge DCC to adopt MSA boundaries that include buffers and to review the standoff distances for each mineral. The result of your proposed approach could be that damaging development on the edge of a resource could still be permitted because it is not located in an MSA.

(Mineral Products Association 013/0114 & 0115)

3.493 As the surface coal resource is extensive, The Coal Authority is neutral on the issue as to whether MCA need to extend beyond the boundary of the MSA to cater for proximal development.

(Coal Authority 004/0026)

3.494 Each should be determined on a case by case basis.

(COALPRO 005/0055)

Actions/Considerations

3.495 Agreed. Our approach to the definition of buffer zones will be flexible. They will be designated for some minerals as appropriate, the width of which will depend on the type of mineral affected. In accordance with current guidance, we will include the buffer areas within the MSA rather than the MCA. The MSA will also be the MCA for consultation purposes.

Outcomes for the Proposed Approach

3.496 Revise the policy approach, as set out above and undertake further work to determine the areas covered by the buffer zones.

Issue 3 - Urban Areas being washed over and Exempt Developments

Representations

3.497 It may be impractical to include all existing urban areas within the MSA. Mineral extraction is likely to be incompatible with development within existing urban areas in terms of timescale, environmental and amenity impacts except perhaps for valuable minerals such as coal or very shallow deposits such as sand and gravel which can be quickly removed. Furthermore as the vast majority of urban development is unlikely to result in any mineral extraction the strength of the MSA policy will be lessened as a negative response will become standard. The MSA requirement will result in unnecessary work/liaison between local and mineral planning authorities. Existing urban areas should not be included in MSAs.

(Omya 018/0166)

3.498 Support the approach in line with national policy in the NPPF, the Planning Practice Guidance and the 2011 BGS/The Coal Authority Guide to Mineral Safeguarding in England that urban areas should remain within MSAs.

(Coal Authority 004/0030, Tarmac 023/0209)

3.499 Support the list of exempt development.

(Coal Authority 004/0027)

3.500 The Coal Authority would highlight that to date within Derbyshire we have not seen any district Local Plan that has assessed site allocations and considered prior extraction sufficiently in the allocation process to trigger this exemption. *(Coal Authority 004/0028)*

3.501 Whilst The Coal Authority does not advocate the use of additional thresholds and are aware that the Mineral Products Association do not support them, other

development plans have sometimes used a site size threshold. Where plans have proposed such thresholds then they have been evidence based on local circumstances, for example being related to the size of allocated and windfall sites. If the Council were to ever consider modifying its approach to exempt development The Coal Authority would welcome an early discussion to avoid unnecessary conflict on this topic.

(Coal Authority 004/0029)

Actions/Considerations

3.502 Urban areas will be washed over by the safeguarding areas and a series of exemptions will apply so that district councils will not have to consult the MPA on minor developments in these areas. This approach is in accordance with national policy. The Council will continue to liaise with district planning authorities regarding the issue of prior extraction.

3.503 It is the Council's intention to judge the developments which are not listed as being exempt from the mineral consultation procedure when they are passed to us for comment.

Outcomes for the Proposed Approach

3.504 No change to Plan. Liaise with Districts regarding prior extraction.

Representations

3.505 With regards to 'exempt developments', the wording should be revised to ensure that any alterations/intensifications of use does not increase sensitivity. It is often the sensitivity of a use that would make it more vulnerable/susceptible to disturbance from mineral operations i.e. change of use to residential.

(Tarmac 023/0210)

3.506 Applications for listed building consent should be included in the exemptions list.

(Historic England 011/0082)

Actions/Considerations

3.507 The list of exempt developments will be amended to take account of these comments.

Outcomes for the Proposed Approach

3.508 Amend text to take account of these comments.

Issues: General

Representation

3.509 In the Draft Policy (section 3) more clarification is required as to who makes a judgement on the implications of working within mineral safeguarding areas. This should include consultation with mineral operators to ascertain that reserve is not or no longer, viable/workable.

(Tarmac 023/0212)

Actions/Considerations

3.510 The prospective developer will be required to provide the information and the MPA will make the final judgement. This will be clarified in the policy or supporting text.

Outcomes for the Proposed Approach

3.511 Amend text to take account of this comment.

Representation

3.512 Broadly agree with the principle of safeguarding land for minerals working. However the Minerals Local Plan should take into account the need to redevelop and regenerate, as well as restore, brownfield sites where the former use is exhausted, surplus to requirements and/or no longer economically viable. It is therefore suggested that the following amendments are made to the draft policies.

3.513 Accordingly, the subsequent paragraph should be amended as follows:

3.514 Where this cannot be demonstrated, and where a clear need for the non-minerals development is shown, prior extraction of the mineral will be sought, where practicable providing that this is economically feasible and viable, having regard to the benefits of the restoration of the site.

3.515 Section 5 - The policy will also seek to ensure that the future working of a mineral resource is not compromised by non-mineral development being built adjacent to the resource where it can be demonstrated that the working of the resource will be economically feasible and viable. This will be achieved by the designation of a buffer zone for some minerals as appropriate, the width of which will depend on the type of mineral affected.

(Harworth Estates 033/0233)

Actions/Considerations

3.516 Agree that the amendments could be made to the text and/or policy.

Outcomes for the Proposed Approach

3.517 Amend text and/or policy.

Representation

3.518 The plan will need to define a Mineral Consultation Area because Derbyshire (but not Derby) remains a two tier planning area. The issue of proximal development potentially sterilising mineral resources potentially affects different mineral resources to a varying degree.

(Coal Authority 004/0025)

Actions/Considerations

3.519 Define MCAs for surface coal.

Representation

3.520 As you are aware, Thrislington Quarry in County Durham and the area to its immediate east in County Durham and Whitwell Quarry in Derbyshire share similar geologies both containing high grade dolomitic limestone with suitable chemical

properties for it to be used – after processing – as a refractory raw material and as a flux in steel making. On the basis of the scarcity of these deposits in Great Britain and their national importance, Durham County Council would wish to offer our support to the proposed safeguarding of the Permian Limestone resource around Whitwell.

3.521 We do however note that paragraph 4.2 of the ‘Mineral Safeguarding Supporting Paper’ also refers to an intention to safeguard both ‘industrial’ and ‘aggregate’ grade Permian limestone. While we recognise that both industrial and aggregate grade deposits often co-exist; if it is possible to do so, we consider that it may be prudent for Derbyshire to identify and specifically seek to safeguard any area or areas of high grade dolomitic limestone which would be suitable for refractory use and steel making. Such an approach would be in line with Durham County Council’s longstanding approach to – and would help distinguish the importance of – the ‘higher quality’ Permian limestone deposits over those which are only suitable for aggregate purposes.

(Durham County Council 008/0064)

Actions/Considerations

3.522 Noted, however, at this time, the council does not have the same detailed information available regarding the specific grades of mineral in this deposit.

Representation

3.523 The consultation route for HS2 passes through minerals resources other than those specifically proposed for safeguarding. For example, north of Tibshelf and west of the M1 there are sandstone resources similar to that used for the building of Hardwick Hall and estate. Can the safeguarding policy also include provisions to ensure that non-designated minerals resources are investigated and, where appropriate, extracted prior to the construction of HS2?

(National Trust 015/0148)

Actions/Considerations

3.524 The County Council will be consulted on the final route for HS2, and the issue of mineral sterilisation will be one of the issues that we will raise at that time.

Outcomes for the Proposed Approach

3.525 No change required.

Representation

3.526 The emerging policy may not be fully compatible with that of SDDC in its emerging Local Plan. That further liaison regarding the scope and wording of a minerals safeguarding policy may be beneficial between the MPA and this Authority.

(South Derbyshire District Council 022/0186)

Actions/Considerations

3.527 Discuss implications with officers at SDDC.

Representation

3.528 It is possible for sensitive non-mineral surface development to prevent permitted underground coal working on permitted faces due to the impact of ground movement or the potential costs associated with liability of subsidence. In circumstances where there is licensed underground workings we suggest that the MPA liaise with the operator regarding the likelihood or not of operational sterilisation occurring. If this is considered to present a realistic risk then it may be appropriate to safeguard the licensed deep coal resource working area.

(Coal Authority 004/0034)

Actions/Considerations

3.529 This will be discussed with operators on an individual basis.

Supporting Comments

3.530 The Coal Authority would support the proposed approach to safeguard the 'surface coal resource' as a mineral of national importance. The Coal Authority would

also support the proposed approach to safeguard the whole of the 'surface coal resource'. Also support safeguarding of fireclay. There is no requirement to safeguard deep coal resources.

(Coal Authority 004/0031, 0032, 0033)

3.531 Support the list of minerals to be safeguarded and the extent of safeguarding.
(COALPRO 005/0053, 0054) (006/0056, 0057) (Hulland Ward PC 0058/0344)
(Nottinghamshire CC 0042/0265) (Omya 0018/0167)

3.532 Support the safeguarding of fluorspar.

(Durham County Council 008/0065)

3.533 Rotherham Metropolitan Borough Council is happy to continue to liaise with DCC on safeguarding issues across boundary. *(RMBC 0019/0169 & 0170)*

Actions/Considerations

3.534 Support noted.

10.2 Safeguarding Minerals Related Infrastructure

Table of Representations

Name	Name Reference Number	Representation Reference Number
Tarmac	023	0280
Tarmac	023	0281
Tarmac	023	0282

Issue 1– Should all minerals infrastructure be safeguarded in the same way?

Representations

3.535 There has been one representation from Tarmac which supports Option 3 to safeguard all minerals infrastructure through a blanket policy approach.

(Tarmac 023/0221)

Actions/Considerations

3.536 It is considered that this might be the most realistic and flexible approach to take to this issue and given the support shown for this approach, consideration will be taken to including this as the preferred approach in the draft Plan.

Outcomes for the Proposed Approach

3.537 To develop Option 3 as the preferred approach to this issue.

Issue 2 - The use of consultation areas around safeguarded sites and facilities?

Representations

3.538 There has been one representation from Tarmac which supports Option 1, which is to define the consultation areas for the facilities on a site by site basis.

(Tarmac 023/0281)

Actions/Considerations

3.539 This issue will require further consideration. It is becoming apparent that the drawing up of individual consultation zones around each facility will be very time and resource consuming.

3.540 A standard consultation zone is being used by other MPAs. This would still allow for issues to be highlighted.

Outcomes for the Proposed Approach

3.541 To consider this matter further and undertake further work in determining the area covered by the consultation zones.

Issue 3 - Are there circumstances where safeguarded sites could be allowed to be redeveloped for other uses?

Representations

3.542 There has been one representation which supports Option 2, which allows for the removal of safeguarding protection where the facility is no longer required.

(Tarmac 023/0282)

Actions/Considerations

3.543 We consider that it would be reasonable to incorporate some flexibility into the approach to the safeguarding of infrastructure facilities to accommodate and respond to any different circumstances that may arise.

Outcomes for the Proposed Approach

3.544 To develop a policy which incorporates flexibility to allow for facilities to be redeveloped if no longer required.

Chapter 11 – Cumulative Impacts

Table of Representations

Name	Name Reference Number	Representation Reference Number
Historic England	011	0088
Mineral Products Association	013	0108
South Derbyshire DC	022	0184
Hulland Ward Parish Council	058	0339
Hulland Ward Parish Council	058	0340

Chapter 11 Cumulative Impacts (Support and Strategy Papers)

3.545 The message from previous local plan consultation exercises and from the responses to individual planning applications has been that the industrial heritage of the Plan area has given rise to cumulative impacts and that it is a major issues for local communities, particularly those in the former coal mining areas and other areas which have experienced significant mineral activity. The consultation recognised these views and presented a series of options to determine an agreed methodology for evaluating cumulative impacts that was appropriate to the local area.

General Observations

3.546 The Mineral Products Association recognised the role and importance of cumulative impact assessment in the planning system but considered that the consultation focuses far too much on negative aspects and failed to recognise the cumulative benefits of mineral development. The MPA considered that the approach put forward would have adverse impacts for future mineral development in the area and that the examples of methodologies included in the paper were inappropriate and went beyond the requirements of national planning policy. The MPA considered that cumulative impacts could readily be identified within the current Environmental Impact Assess regime and that, based on evidence from such assessments and

using the methodology included in the NPPF/national planning policy, it would be unusual for such impacts to be identified.

(Mineral Products Association 013/0108)

3.547 South Derbyshire District Council consider it to be important to make provision for cumulative impact assessment in the plan making and development control process to ensure that communities are not affected in an unacceptable way by further mineral development.

(South Derbyshire District Council 022/0184)

Actions/Considerations

3.548 Support for the inclusion of cumulative impact assessment within the new Minerals Local Plan as one of the criteria for assessing and determining development proposals is welcomed. The concerns are noted but, as explained in the introduction to the consultation papers on cumulative impacts, the positive, aggregate outcomes of developments will be fully taken into account. The consultation indicated that the focus on negative outcomes was deliberate for several important reasons. Firstly, the clear message from communities in the Plan area was that they considered that they had experienced adverse effects from industrial development over a long period and that it should be recognised in the new Plan. Secondly, whilst cumulative impacts are acknowledged in the NPPF and the assessment of such impacts is advocated as one of the criteria for the determination of development proposals, there is as yet no recognised and accepted standard methodology in use in the planning system. The need for a well-defined methodology is therefore paramount. Finally, it is important that the methodology to be put forward by the Minerals Local Plan fully respects the prevailing circumstances in the Plan area.

Outcomes for the Proposed Approach

3.549 Cumulative impact assessment will be an important element of the new Minerals Local Plan and the methodology to be adopted will take into account all outcomes of development proposals, both positive and negative.

Issue: Methodology for the Assessment of Cumulative Impacts

3.550 The consultation put forward two options; one using the broad guidance in the National Planning Policy Framework, whilst the other would be based on that used in recent appeals on major mineral developments.

Representations

3.551 Support Option 1 based on the guidance in the NPPF.

(Hulland Ward Parish Council 058/0339)

3.552 Support Option 2.

(Historic England 011/0088)

Actions/Considerations

3.553 As set out in the consultation, it is considered very important that the chosen methodology takes into account all the elements which are evident in the Plan area. This includes the inclusion of impacts from the past to reflect the industrial heritage of the area.

Outcomes for Proposed Approach

3.554 It is considered that Option 2 best reflects the circumstances in the Plan area.

Issue: Recognition of differences in the baseline conditions in different parts of the Plan area.

3.555 The consultation put forward two options. Option 1 proposed to reflect the differences in the baseline conditions whilst Option 2 would not.

Representations

3.556 Historic England supported Option 2 on the basis that it presented a more robust framework for assessing cumulative impacts. The differences across the area

were not but that was not considered a reason to support the use of different baseline conditions.

(Historic England 011/0088)

3.557 Support Option 1.

(Hulland Ward Parish Council 058/0340)

Actions/Considerations

3.558 The limited number of respondents to this issue and the very different opinions they expressed does not provide any definitive steer for this issue.

Outcomes for the Proposed Approach

3.559 The consultation papers suggested that the reason why cumulative impacts was considered such an important issue by the people of Derbyshire may be due to the long-term effects of the industrial heritage which has impacted on them for a long period. The provision of a methodology that reflected that situation should be sufficient to enable all aspects of cumulative impact to be taken into consideration in the assessment of any development proposal.

Chapter 12 - Restoration

12.1 Restoration Strategy

Name	Name Reference Number	Representation Reference Number
Natural England	016	0323
Tarmac	023	0285
United Utilities	024	0196
Harworth Estates	033	0234
Nottinghamshire CC	042	0264

Representation

3.600 Recommend your authority considers the benefits of Green Infrastructure that certain restoration proposals could bring, open green space, public rights of way are a couple of examples of schemes to be incorporated into final restoration proposals.

(Natural England 016/323)

Actions/Considerations

3.601 Green infrastructure will be referred to in the restoration chapter of the Plan.

Outcomes for the Proposed Approach.

3.602 Include reference to green infrastructure.

Representation

3.603 We generally support the criteria contained within the Council's 'Emerging Approach for the Restoration and After-Use of Minerals Sites'. However, criterion 14 makes reference to a requirement for developers to demonstrate that adequate financial provision is in place or to provide a restoration guarantee bond to fulfil

restoration and aftercare requirements when proposals are submitted. We request that the MLP makes explicit that membership to a trade association with a restoration guarantee fund (e.g. Mineral Products Association) is sufficient in this regard.

(Tarmac 023/0285)

Actions/Considerations

3.604 Noted. This will be included in the Restoration chapter.

Outcomes for the Proposed Approach

3.605 Include reference to the above in the chapter.

Representation

3.606 Quarry restoration schemes (even outline schemes) should be circulated for consultation to appropriate interest groups so that opportunities for conserving potentially important geological features are not overlooked and lost forever.

(Individual 006/0057)

Actions/Considerations

3.607 The Council does consult relevant groups on restoration schemes when they are submitted as part of a planning application.

Outcomes for the Proposed Approach

3.608 No change required.

Representation

3.609 New mineral workings, restoration and long-term aftercare schemes should include techniques that aim to work with the natural features and characteristics to manage the sources and pathways of storm and natural waters.

3.610 These techniques include the restoration, enhancement and alteration of natural features and characteristics, but exclude traditional flood defence engineering that works against or disrupts these natural processes.

3.611 In addition, each scheme will need to take into consideration, other climate change; flooding; land and water catchment management plans to ensure the resulting schemes do not counter act each other or deliver a cumulative negative output.

(United Utilities 024/0196)

Actions/Considerations

3.612 Mineral operators are increasingly using methods which incorporate more natural means of restoration, working with natural features and characteristics. A paragraph will be included in the Plan to this effect.

Outcomes for the Proposed Approach

3.613 Include a paragraph in the Restoration chapter to address the response.

Representation

3.614 This section should take into account the desirability of restoring brownfield sites. In particular this would draw upon the benefits of restoration in terms of enhancements to visual appearance, ecological value, flood resilience, and contributing to development goals through facilitating development on significant brownfield sites. Accordingly, the following amendments are proposed to the section on the 'Emerging Approach for the Restoration and After-Use of Minerals Sites.

3.615 Part 2: Restoration should be sympathetic to and have regard to the wider context of the site, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area having regard to the desirability of restoring the site and improving the appearance of the area.

3.616 It is also suggested that an additional requirement/criteria be added to this section as follows: 15. No factor should be considered in isolation, and the benefits

of restoring the site should be considered as a whole, whilst also having regard to the desirability of the viable restoration of the site and providing an opportunity for community and economic benefits.

(Harworth Estates 033/0234)

Actions/Considerations

3.617 The suggested addition to part 2 of the policy will be incorporated into the text, however, we do not consider that the additional suggested criteria would add anything to the policy if the policy is read as a whole. It is always expected that the policies will be read as a whole.

Outcomes for the Proposed Approach

3.618 Amend as stated.

Representation

3.619 Support the proposed approach.

(Nottinghamshire CC 042/0264)

Actions/considerations

3.620 Noted.

12.2 Trent Valley Strategy

Table of Representations

Name	Name Reference Number	Representation Reference Number
Individual	002	0002
Central Rivers Initiative	003	0003
Central Rivers Initiative	003	0004
Central Rivers Initiative	003	0005
Central Rivers Initiative	003	0006
Central Rivers Initiative	003	0007
Central Rivers Initiative	003	0008
Central Rivers Initiative	003	0009
Central Rivers Initiative	003	0010
Derbyshire Wildlife Trust	007	0063
Individual	010	0070
Historic England	011	0084
Mineral Products Association	013	0113
Natural England	016	0154
Natural England	016	0155
Natural England	016	0157
Natural England	016	0161
RSPB	021	0172
RSPB	021	0173
RSPB	021	0174
South Derbyshire DC	022	0180
Tarmac	023	0216
Staffordshire CC	040	0261

Issue: The Approach to determining Environmental Sensitivity

Representations

3.621 Whilst we broadly welcome the aims of this project and the intent to identify relative sensitivities of the river valleys in environmental terms, we are concerned that the project will fall short in its ambition to inform the development of a forward looking vision and overarching strategy for the working and restoration of sites in the Trent valley. Given the visionary aspirations of many of the Strategy's key stakeholders (e.g. the LNP for Lowland Derbyshire and Nottinghamshire) and the opportunities highlighted by the Bigger and Better document, we believe that the

methodology should provide the evidence and analysis which enables the identification of environmental opportunities in addition to its focus on a subset of environmental constraints. We use the term subset, because the project methodology expressly excludes SSSIs and other wildlife sites designated on restored mineral quarries from being included in the mapping analysis. This concerns us: a strategy cannot be comprehensive and truly visionary by excluding significant environmental assets from the analysis.

3.622 As indicated earlier in our response, the sensitive location and restoration of mineral quarries presents significant opportunities for the creation of large areas of new high quality wildlife habitat which can bring wider benefits to local communities and the local economy. The Environmentally Sensitive Mapping project, in our view, should help identify the locations and scale of wetland habitat creation opportunity to bring about these benefits, not just identify constraints. And to do that, we recommend that all existing biodiversity assets that contribute to the ecological network need to be included in the analysis.

(Central Rivers Initiative 003/0009)

3.623 DWT supports the intention to 'promote a more strategic and coordinated landscape scale approach to minerals planning that involves developing an overarching strategy for the working and restoration of sites in the Trent valley. It would seek to contribute to the delivery of a new, connected and more attractive, landscape, improving life for existing communities, where people want to come to live, with new economic and recreational opportunities, and which is rich in history and wildlife and attracts visitors to the area'. DWT believes that this type of approach offers opportunities for more joined-up thinking and should allow a strategic overview of the Trent Valley ecosystem, its functionality and ecological integrity. The approach is consistent with the Trusts own 'Living Landscapes' strategy which has identified the Trent Valley as a priority 'Living Landscape' within the County.

3.624 This type of approach is also consistent with the principles of the Making Space for Nature report (Lawton, 2010) which seeks to have bigger, better and more

joined up sites. The National Planning Policy Framework also requires Local Authorities to identify and map ecological networks within their areas and there is a need for these to link into neighbouring authorities and counties.

3.625 We note that this landscape scale strategy is informed by mapping of environmental sensitivity based on the method set out in the Trent Valley Project Methodology document (November 2014). We are aware of concerns, and indeed have previously raised concerns, regarding the methodology and how it treats some sites of high ecological value.

3.627 Whilst on the one hand we do understand the rationale that a) SSSIs are fully protected and b) that Local Wildlife Sites designated on former gravel workings are probably unlikely to be impacted by further workings we are not convinced that the methodology allows for a complete understanding of the interconnectedness of semi-natural habitats and if these sites are excluded from the mapping the opportunities to manage and enhance these sites could also be overlooked. In particular we do not understand the meaning and implications of the following paragraphs in the methodology,

3.628 “These datasets were specifically chosen as a means of identifying those areas of landscape where there are numerous intact and connected semi-natural habitats across the Trent Valley. In this context local wildlife sites designated from former gravel workings have been excluded from the assessment as it was felt these designations do not reflect areas of intact landscape or remnant habitat. Furthermore these habitats can be recreated through mineral working and are unlikely to be worked in any case because the mineral reserve is most likely to have already been removed.”

3.629 “National designations for the natural environment have also been excluded from the assessment for similar reasons outlined above. The majority of Sites of Special Scientific Interest (SSSI) in the Trent Valley are former gravel workings and the fact that they are designated conveys a significant degree of protection with respect to future mineral extraction and site allocation.”

3.630 These statements and especially the comment that these designations do not reflect areas of intact landscape or remnant habitat certainly needs further clarification especially in relation to how these sites are perceived to contribute to the wider ecological network (all Local Wildlife Sites and SSSIs are core sites) and how this will be integrated into the strategy if not the sensitivity mapping.

3.631 Derbyshire Wildlife Trust has been working with Local Authorities to develop ecological network mapping in South Derbyshire and much of the rest of lowland Derbyshire and High Peak using methodologies and definitions set out in the NPPF and Biodiversity 2020 Strategy. Clarification on whether a separate ecological network map will also be used to help inform and guide the strategies for the Trent is needed.

3.632 With regard to developing a more detailed understanding of ecological functionality, habitat connectedness and species diversity within the Trent Valley further thought is required on such issues as type, location and extent of habitat to be established, restoration techniques and long-term management strategies.

Derbyshire Wildlife Trust 007/0063)

3.633 At the heart of our concern lies the puzzling decision, in this methodology, to exclude important wildlife habitats from the mapping analysis if they have formed on or been created through past mineral workings.

3.634 We find this approach quite strange. We do not understand how a methodology that purposely excludes SSSIs and non-statutory wildlife designations on former mineral workings can be said to, “identify those areas of landscape that are considered to be of greatest sensitivity with respect to landscape character, biodiversity and the historic environment”

(RSPB 021/0174)

3.635 Natural England generally supports the approach set out in the methodology as it will establish an environmental baseline for land use planning in the Trent

Valley. We are pleased to note that the National Character Areas (NCAs) have been referenced.

(Natural England 016/0155)

Actions/Considerations

3.640 This latest consultation is quite clear in its intent that it is basically seeking views on “Towards a Strategy for the Trent Valley” and in this regard the RSPB are supportive of this approach, which is welcomed. The Environmental Sensitivity Mapping work is NOT that strategy but merely part of the baseline that will help inform the strategy and longer term landscape vision for the Trent Valley. The strategy will need to respond to a range of issues (social, economic and environmental) currently affecting the Trent Valley. The methodology fully explains what data is included in the assessment with respect to ecology, the historic environment and the landscape and explains why certain data has been excluded from the assessment. With regards to national designations such as SSSIs, Scheduled Monuments, etc. these were excluded because it was considered that these designations are already afforded the highest level of environmental protection so to a large extent already inform where gravel extraction is likely to take place or not. These are included on the plan to show their extent and how they relate to other environmental qualities that were included in the assessment. Local wildlife sites derived from past mineral working were specifically excluded because they are unlikely to influence future mineral workings because the sand and gravel has already been extracted – an approach we thought reasonable in ascertaining those areas of the Trent Valley that still display intrinsic sensitivity to future development. As the methodology explains at 4.1 the intent is to “identify those areas of landscape that are considered to be of greatest sensitivity with respect to landscape character, biodiversity and the historic environment” – i.e. the combined sensitivity of the landscape with respect to these environmental datasets. I think in this regard our approach fully reflects the expectations of paragraphs 109, 113 and 117 of the NPPF.

Representation

3.641 We support the use of a strategic approach to restoration design for the Trent valley and the provision of ecological services using the principle of landscape scale change. However, it is now proposed to use the baseline information to select proposed sites to work. We consider that this might be a step too far for the database, which might not be sensitive enough to allow for the opportunity for operators to propose solutions to perceived problems. In particular, the exclusion of all but the 'pink' areas for working would be regrettable if achieved without confirmation from proposers that working would lead to un-mitigatable damage to environmental interests. We shall monitor the use of this technique in the light of our members' proposals for working.

(Minerals Products Association 013/0113)

Actions/Considerations

3.642 The information from the environmental assessment of the Trent Valley area is only one element that is being used to assess the sites that have been suggested for sand and gravel extraction. The environmental element of the assessments will combine both the detailed site assessment work and the strategic environmental sensitivity work. It is considered that this strategic baseline information provides a useful and important element to this assessment work.

Outcomes for the Proposed Approach

3.643 No change required

Representation

3.644 Whilst we do not discourage the use of the Environmental Sensitivity Mapping drawn up by the Council's conservation and design section as a base tool, we consider it should be used with caution. It is proposed by the MPA to be used to, 'assess the sensitivity of the river valleys in overall environmental terms. The most sensitive areas are those above average with respect to their ecology, historic

environment and landscape qualities and will be the most susceptible to change and which should be protected from mineral working'. Firstly, consultation and liaison should be undertaken to ascertain and clarify 'above average'. Whilst this work was originally to be used as a basis for strategic restoration, the work will now also form an important part of the site assessment for potential sand and gravel operations. Sites located within an area of identified higher sensitivity, should not be precluded from becoming an allocation. Minerals can only be worked where they are located and the Planning Application stage is where the potential for impact would be fully assessed. There needs to be some balance which identifies the advantages of working these sites to achieve the long term/wider environmental goals/objectives for the Trent Valley through restoration. In addition to balancing the desires of the landowners and the ongoing aftercare commitments. There is a danger that these could become overly onerous on operators and landowners. We would advocate that if a strict policy criteria was to be imposed on operators for restoration of sites within the Trent Valley, these should form part of the Local Plan as opposed to a Supplementary Planning Document to follow the Plan. This would provide some certainty for operators and allow for their input in the development of the Strategy.

(Tarmac 023/0216)

Actions/Considerations

3.645 There is a written methodology describing how this work has been undertaken and what the term 'above average' means with respect to each of the environmental datasets used in the study. The work was always intended to be used as a strategic tool but in the absence of any other environmental study for the Trent and Dove Valleys it does provide some environmental context for informing both site allocation and restoration strategies. In this context we don't accept their contention that sites located in higher sensitivity areas should not be precluded from becoming an allocation on the pretence that mineral can only be worked where it is found. The sensitivity mapping amply shows that there are extensive areas of lower environmental sensitivity and it would be expedient of companies like Tarmac to demonstrate why mineral can't be extracted from these locations in preference to the more sensitive areas. Our goals and long-term vision for the Trent Valley are more

holistic than perhaps other areas that Tarmac are familiar with, and simply working large sites in a few locations may not be desirable for delivering that vision.

Outcomes for the Proposed Approach

3.646 No change.

General Issues

Representations

3.647 The RSPB document “Bigger and Better” should be taken into account in the Strategy.

(RSPB 003/0009) (Staffordshire County Council 040/0261)

3.648 The Strategy should make reference to and be coordinated with the Central Rivers Initiative strategy so that it links with neighbouring areas.

(Central Rivers Initiative 003/0004 & 0007)

Actions/Considerations

3.649 It is considered that the two strategies referred to should be taken account of more fully within the Trent Valley Strategy.

Outcomes for the Proposed Approach

3.650 Redraft strategy to take more detailed account of the Bigger and Better document and the CRI Strategy.

Representation

3.651 The consultation document’s description of the proposed timing and role of the strategy in helping form the Minerals Local Plans comes across as a little confusing, perhaps even contradictory. In paragraphs 1.3 and 5.4 it suggests that work on the strategy will be completed early enough in MLP preparation process in order to influence site allocations and restoration. We strongly support this intention.

However, in paragraph 6.1 the consultation document hints that the strategy will be incorporated into SPD after the MLP is adopted. (*RSPB 021/0173*)

Actions/Considerations

3.652 It is intended that the environmental sensitivity mapping element of the strategy will help to inform the assessment of sites for future sand and gravel extraction. This will be clarified with an amendment to the text.

Representation

3.653 The CRI is anxious to ensure that the development of policies and supporting statements in the Strategy for River Valleys takes proper account of the need to protect the landscape character and the historic environment of the river valleys. Furthermore, this approach should also provide a sound basis for the design and implementation of measures for landscape enhancement associated with the restoration of mineral quarries. In this respect, we advise that the Strategy should reference and be informed by the CRI's assessment of landscape character and the opportunities for landscape enhancement 'Landscape Character and Opportunities for Landscape Enhancement' dated September 2014.

(Central Rivers Initiative 003/0008)

Actions/Considerations

3.654 The environmental sensitivity mapping which informs the Strategy takes full account of landscape character and the historic environment.

Outcomes for the Proposed Approach

3.655 No change required.

Representation

3.656 We would hope and expect that there will be relevant and strong policy cross-references between this Strategy and the emerging Towards a Strategy for Sand

and Gravel, given that most sand and gravel sites are located in the alluvial sand and gravel resource in the river valleys.

(Central Rivers Initiative 003/0010)

Actions/Considerations

3.657 Noted. We will ensure that the two strategies are consistent and cross-cutting.

Outcomes for the Proposed Approach

3.658 Ensure consistency between the two chapters.

Representation

3.659 The fragmentation of the river valley terrain is all too obvious. Also after gravel extraction very little of it has public access- at best it is for fishermen, but much of it could be very pleasant recreational areas and an asset to wildlife. *(Individual 002/0002)*

Actions/Considerations

3.660 Noted. One of the main purposes of the Strategy is to help ensure that mineral operators consider the valley as a whole and do not see their operation in isolation. This will result in a more strategic, comprehensive and less fragmented means of restoration and which will help to incorporate schemes and ideas which are more appropriate and relevant to the specific area.

Outcomes for the Proposed Approach

3.661 No change required.

Supporting Comments

3.662 Welcome and support the preparation of this strategy, which provides a holistic and comprehensive landscape scale approach to the restoration of sites in the Trent Valley.

*(Central Rivers Initiative 003/0003, 0005 & 0006) (Individual 010/0070)
(Historic England 011/0084) (Natural England 016/0154 & 0157 & 0161) (RSPB
021/0172) (South Derbyshire DC 022/0180)*

Actions/Considerations

3.663 The support is noted.

12.3 Hard Rock Restoration Strategy

Table of Representations

Name	Name Reference Number	Representation Reference Number
Tarmac	023	0284

Towards a Restoration Strategy for Carboniferous Limestone Quarries

Paragraph 8.8

Issue 1: What area should the Strategy cover?

Representation

3.664 In our view, the carboniferous limestone restoration strategy should encompass the four quarries along the A515 ('Option 1'). The co-ordinated approach to the restoration of these four quarries is logical given their proximity to one another and the existence of shared opportunities and constraints. In respect of 'Option 2' and 'Option 3', in is our view that a blanket restoration strategy for all quarries within the carboniferous limestone/ Plan area is not appropriate as it would not take into account the individual circumstances/ opportunities afforded by limestone quarries located within other parts of the Plan area.

Tarmac (023/0284)

Actions/Considerations

3.665 The preference for Option 1, limiting the scope of the study to the A515 quarries, is noted. However in considering this Option it is important to examine the original reasons for suggesting a co-ordinated approach to restoring the A515 quarries and whether those reasons remain justified.

3.666 The option of preparing a co-ordinated restoration strategy for the four limestone quarries was suggested in view of the significant impact of these quarries on the surrounding landscape, particularly the Peak District National Park and, in view of the previous co-ordinated restoration approach taken as part of the ROMP

process which resulted in revised and consistent planning conditions being issued for all four sites in 1998.

3.667 At that time it was envisaged that working and restoration of the four quarries would be simultaneous facilitating a coordinated approach to their working and restoration. However, in practice whilst working has taken place at Dowlow and Brierlow, Hindlow and Hillhead have remained inactive. In the light of the NPPF which encourages a strategic approach to restoration the preparation of the Minerals Local Plan is seen as an opportunity to extend the remit of the Strategy to encompass all hard rock quarries on the Carboniferous Limestone.

3.668 The Strategy would set out a framework of strategic principles that would deliver a preferred pattern of restoration for all hard rock quarries within the Carboniferous Limestone and would provide consistent advice to all operators across the White Peak landscape within the Plan area.

Outcomes for the Proposed Approach

3.669 Include a policy/reference to support the preparation of a Restoration Strategy for all Hard Rock Quarries on the Carboniferous Limestone.

Chapter 13 Development Management Policies

Table of Representations

Name	Name Reference Number	Representation Reference Number
Coal Authority	004	0296
Coal Authority	004	0297
Harworth Estates	033	0235

Policies for Inclusion in the New Minerals Local Plan Support Paper

3.670 This paper set out a list of the issues and minerals that could require the inclusion of an appropriate policy in the Mineral Local Plan. It was intended as a paper setting out the range of policies and the reasons why they should be included but did not present options.

Representations

3.671 The Coal Authority would support the principle of including policies on the following topics:

SMP6: Mineral Safeguarding Area

SMP7: Minerals Consultation Area

SMP8: Safeguarding of Mineral Sites and Facilities

3.672 In addition the Coal Authority would support the principle of including policies on the following topics:

SP1: Coal Criteria (including incidental coal and reworking of colliery tips)

SP3: Oil and Gas Criteria (phases)

SP4: Shale Gas Criteria (phases)

Coal Authority (004/296, 004/297)

3.673 The Supporting Paper sets out a series of 'issues requiring policy coverage. Further to the above, it is requested that an additional issue be added in order to the current development, and national policy coverage: SMP9 Opportunities to restore mineral sites and develop them for alternative uses, where the working of the site for minerals or development of related uses is no longer feasible and/or economically viable. Accordingly, under development management criteria the following should be taken into consideration:

3.674 DM1: Development Management Criteria – the criteria should account for all of the following benefits of restoration in an holistic manner:

- Enhancing the visual appearance of the area
- Improving public access
- Enhancing the ecological value of the area
- Increasing flood resilience
- Removing potential safety risks
- Improving water treatment
- Opportunities to provide brownfield sites for development.

3.675 Furthermore, under policy DM2: Planning Conditions and Obligations should ensure that conditions and obligations do not place unnecessary burdens or delays on restoration of minerals sites which could affect the viability of the development.

(Harworth Estates 033/0235)

Actions/Considerations

3.676 Comments noted.

Outcomes for the Proposed Approach

3.677 These suggestions will be considered in more detail when the respective policies of the Minerals Local Plan are being formulated.

Chapter 14 Site Allocations

Table of Representations

Name	Name Reference Number	Representation Reference Number
Tarmac	023	0287
Tarmac	023	0325
Tarmac	023	0326

Chapter 14 Site Allocations

Site Assessment Methodology for potential allocations for hard rock quarries

Table1: Site Assessment Criteria: Weighting

Representation

3.678 The Council's 'Site Assessment Criteria Table' (Table 1) does not indicate whether the assessment criteria are of equal or variable weightings in respect of the allocation of sites. In our view, some of the criteria should hold greater weight in the selection process than others, for example the 'need for the mineral' (Criteria Ref. 1) should be given greater weight than the 'location of the processing plant' (Criteria Ref. 4). We would welcome clarification in this regard.

(Tarmac 023/0287)

Actions/Considerations

3.679 Greater clarification is needed in the Paper as to how the Assessment will be used. It is not the purpose of the Assessment to score sites hence there is no need for any weighting. The purpose of the assessment is to identify any positive factors that would support the allocation of the site and any negative factors against its allocation.

Outcomes for the Revised Site Assessment Methodology Paper: Hard Rock Quarries - December 2016

3.680 Clarify the purpose of the Assessment in relation to the weighting of criteria.

Table1: Site Assessment Criteria: Mitigation

Representation

3.681 The site assessment criteria do not appear to take account of potential mitigation measures. For example, the existence of 'many dust sensitive receptors within 500m of a site boundary' would, according to the Council's criteria, be a 'major negative factor against favouring an allocation'. This does not take account of the potential for development proposals to alleviate/ minimise adverse impacts through mitigation measures, scheme design etc. In our view, the potential to mitigate adverse impacts should be considered as part of the site assessment process.

(Tarmac 023/0325)

Actions/Considerations

3.682 Where the impact is identified as being a negative factor against allocation, and particularly a major negative factor, it does not mean that the site cannot progress to the allocation stage. The MPA will carry out further detailed work, in consultation with appropriate bodies, to see if that impact could be mitigated or avoided to enable the site to go forward for allocation.

Outcomes for the Revised Site Assessment Methodology Paper: Hard Rock Quarries - December 2016

3.683 Clarify the role of the Assessment in relation to the mitigation of negative impacts.

Table1: Site Assessment Criteria: Buffer Zones

Representation

3.684 In addition to the above, there is no explanation or justification in the Assessment Methodology as to why certain thresholds (for example the existence of

many sensitive receptors within 500m of the site boundary) have been selected. At present, a number of the thresholds (for example in relation to noise and dust) appear potentially excessive and unjustified. This could result in the site assessments/ scores being skewed.

(Tarmac 023/0326)

Actions/Considerations

3.685 In terms of the thresholds 'buffer zones' have been used historically by MPAs to protect sensitive development from the impacts of mineral working; it should be reiterated that a 'buffer zone' is not intended to be a 'no go' area in terms of extraction but a way of measuring the scale of potential impacts relating to the number of sensitive receptors lying near to a site. In the light of the responses received, however, and based on the knowledge gained in processing mineral planning applications 200 metres is considered to be a more appropriate distance to use for hard rock quarries particularly in relation to noise and vibration impacts. For dust impacts, however, it remains useful to consider the wider 500 metre zone.

Outcomes for the Revised Site Assessment Methodology Paper: Hard Rock Quarries - December 2016

3.686 Amend the criteria relating to noise, dust and vibration impacts to reflect the concerns raised.

Chapter 15 Monitoring and Implementation

Name	Name Reference Number	Representation Reference Number
Tarmac	023	0283

Representation

3.687 We support the Council's proposed approach to monitoring the Minerals Local Plan (including the monitoring of aggregate supply) through the Council's yearly monitoring report and the Local Aggregate Assessment.

Actions/Considerations

3.688 The support is noted.

Outcomes for the Proposed Approach

3.689 N/A

Duty to Co-operate Paper Supporting Paper

Table of Representations

Name	Name Reference Number	Representation Reference Number
Tarmac	023	0286
Tarmac	023	0304
Tarmac	023	0305
Nottinghamshire CC	042	0263

Paragraph 7.1

Issue: Planning for Issues with Strategic Cross Boundary Impacts

Issue 1: Do you agree with the approach that the Mineral Planning Authority proposes to adopt to plan for issues with strategic cross-boundary impacts?

Representation

3.690 We support the Council's proposed approach to recording duty to cooperate matters (set out at paragraph 7.1 of the Supporting Paper) and the strategic cross-boundary issues identified, including those relating to Tarmac's assets.

Tarmac (023/0286)

3.691 Nottinghamshire County Council considers the approach set out in the DtC document will adequately deal with cross boundary impacts.

Nottinghamshire CC (042/0263)

Actions/Considerations

3.692 The support is noted.

Outcomes for the Proposed Approach

3.693 None

Paragraph 7.2

Issue: Strategic Cross Boundary Issues and Key Stakeholders

Issue2: Do you agree with the list of strategic cross-boundary issues and key stakeholders that we have identified?

Representation

3.694 In regards to the identified cross-boundary issue relating to ‘supply of cement making raw material to Tunstead Cement Works, Derbyshire’, we note that the Supporting Paper only makes reference to supply of limestone and shale. A steady and adequate supply of marl is also required from quarries within the Staffordshire area to support Tunstead Cement Works. We request that the Supporting Paper is amended to this effect.

Tarmac (023/0304)

Actions/Considerations

3.695 Agree that reference should be made separately to the cement making materials shale and marl supplied from Staffordshire.

Outcomes for the Proposed Approach

3.696 Amend the supporting paper and ensure that future local plan publications refer to both shale and marl.

Paragraph 7.2

Issue: Strategic Cross Boundary Issues and Key Stakeholders

Issue2: Do you agree with the list of strategic cross-boundary issues and key stakeholders that we have identified?

Representation

3.697 It would be helpful if the ‘supply of crushed rock from Ballidon Quarry’ was included as a duty to cooperate issue in the Council’s ‘Background and Progress Paper’ given the competing policy objectives of 1. Maintaining crushed rock supply in

the Plan area and 2. Reducing the level of quarrying in the Peak District National Park. The key stakeholders would include Tarmac and the Peak District National Park Authority.

Tarmac (023/0305)

Actions/Considerations

3.698 Although not included as a specific issue this matter is covered under the topic Aggregate Crushed Rock, Issue 2: Help reduce the level of quarrying in the Peak District National Park.

Outcomes for the Proposed Approach

3.699 None

Paragraph 7.2

Issue: Strategic Cross Boundary Issues and Key Stakeholders

Issue2: Do you agree with the list of strategic cross-boundary issues and key stakeholders that we have identified?

Representation

3.700 Nottinghamshire County Council consider that the issues and key stakeholders listed are appropriate.

Nottinghamshire CC (023/0263)

Actions/Considerations

3.701 The support is noted.

Outcomes for the Proposed Approach

3.702 N/A

Appendix 3 - Hard Rock Sites Consultation 2017

Site Assessment Methodology for potential allocations for hard rock quarries

Table of Representations

Name	Name Reference Number	Representation Reference Number
Tarmac	202	2015
Tarmac	202	2016
Tarmac	202	2024
CEMEX	204	2029
CPRE PDNP ,High Peak and South Yorks Area	206	2037
Minerals Products Association	207	2038
Natural England	208	2047
Natural England	208	2046
Nottinghamshire County Council	209	2048
AECOM (for Stancliffe Stone)	213	2053
AECOM (for Stancliffe Stone)	213	2054
AECOM (for Stancliffe Stone)	213	2055
AECOM (for Stancliffe Stone)	213	2056
AECOM (for Stancliffe Stone)	213	2057
AECOM (for Stancliffe Stone)	213	2058
AECOM (for Stancliffe Stone)	213	2059
AECOM (for Stancliffe Stone)	213	2060
AECOM (for Stancliffe Stone)	213	2061
AECOM (for Stancliffe Stone)	213	2062
AECOM (for Stancliffe Stone)	213	2063
AECOM (for Stancliffe Stone)	213	2064
AECOM (for Stancliffe Stone)	213	2065
AECOM (for Stancliffe Stone)	213	2066
AECOM (for Stancliffe Stone)	213	2067
AECOM (for Stancliffe Stone)	213	2068
AECOM (for Stancliffe Stone)	213	2069
AECOM (for Stancliffe Stone)	213	2070
AECOM (for Stancliffe Stone)	213	2071
AECOM (for Stancliffe Stone)	213	2072
Individual	214	2073

General

Individual	214	2074
Individual	214	2075
Individual	214	2076
Individual	215	2077
Individual	215	2078

Scale of Provision

Representation

4.1 CPRE calculate that the land bank (active and inactive sites, all permitted) will now be 216 Mt, equating to 72 years (at 2017). In this situation, we believe it is unnecessary and inappropriate to make any allocations and we would re-emphasise the need to instead utilise existing sites which would have much less impact on the PDNP (by virtue of distance from the Park or being underground, such as Middleton Mine). This preference includes re-activating currently inactive sites, although we realise that some of those are still close to the PDNP.

(CPRE, PDNP, High Peak and South Yorkshire Area Branch 206/2037)

Actions/Considerations

4.2 The latest information that the MPA has about the level of permitted industrial limestone reserves is set out in the Local Aggregates Assessment 2016 which provides data for the year 2015. Permitted industrial limestone reserves totalled some 203 million tonnes equivalent to 67 years' worth of production. Numerically there appears to be sufficient reserves to meet anticipated demand over the Plan period. However in planning for industrial minerals there are several factors which might warrant additional reserves to maintain supply such as, shortfalls at existing quarries, geological variations, specifications for particular markets and land bank requirements. The exacting specifications of industrial mineral markets mean that resources are often not interchangeable. Additionally relying on inactive sites to make provision would not ensure that supply could be maintained.

Outcomes for the Proposed Approach

4.3 Maintain the approach of examining the need for additional industrial limestone reserves on an individual site basis taking into account the need for any impacts from working additional reserves (including any on the PDNP) to be acceptable.

Table1: Site Assessment Criteria: Weighting

Representation

4.4 The Site Assessment Methodology and subsequent Site Assessment of Whitwell Quarry do not indicate whether the assessment criteria are of equal or

variable weightings. Some of the criteria should hold greater weight in the selection process than others. In the summary of the assessment there is no reference to the scoring/weighting system.

(Tarmac 202/2015)

4.5 One person's major may be another person's minor and might also depend on the criterion being assessed. The absence of objective assessment parameters is problematic and compounds the in-built bias from the positive/negative allocation.

(Individual 214/2075)

4.6 A major impact under one criterion can be dwarfed in real terms by minor of another criterion. The criterion need some kind of weighting in order to present a measured outcome than can be put to decision makers.

(Individual 214/2076)

Actions/Considerations

4.7 The Site Assessment Methodology Paper has been amended from its original version (dated April 2016) to clarify the purpose of the assessment which is essentially to identify any positive factors that would support the allocation of the site and any negative factors against its allocation. Its purpose is not to score sites hence there is no need for the criteria to be weighted. Additionally the assessment criteria should be used to assess sites on an individual basis and therefore what is considered a major impact for one criterion should not be compared to a major impact for another criterion. The Assessment identifies if a factor is negative or positive and the degree of positivity/negativity. The Assessment is not intended to be a stop/go analysis hence the statement that even where negative factors have been identified further assessment will take place to ascertain if those factors can be mitigated or avoided to enable a site to progress towards allocation.

Outcomes for the Proposed Approach

4.8 An Explanatory Note has been added to the Site Assessment Methodology to provide further explanation about the how the individual assessment criteria apply in the context of the overall assessment of sites.

Table1: Site Assessment Criteria: Mitigation

Representation

4.9 The site assessment criteria do not currently take account of potential mitigation measures. Currently, the existence of 'many high/medium dust sensitive receptors within 200m of a site boundary' would, according to the Council's criteria, be a 'major negative factor against favouring an allocation'. This does not take account of the potential for development proposals to alleviate/minimise adverse

impacts through mitigation measures, scheme design etc. At present, a number of the thresholds in our view skew the scale of impact.

(Tarmac 202/2016)

Actions/Considerations

4.10 It is difficult at the initial site assessment stage to take mitigation into account. Where negative factors have been identified and particularly major ones the next stage of the assessment process will be to identify whether mitigation or avoidance is possible.

Outcomes for the Proposed Approach

4.11 An Explanatory Note has been added to the Site Assessment Methodology to clarify the role of the Assessment in relation to the mitigation of negative impacts.

Table1: Site Assessment Criteria: General

Representation

4.12 The Assessment Methodology is fundamentally undermined by its presumption that quarrying is positive, all other outcomes are negative. This introduces strong psychological bias towards achieving a desired outcome whereas the assessment work should be strictly neutral, reserving subjective decisions to later in the process when they can be publically challenged by stakeholders.

(Individual 214/2073)

Actions/Considerations

4.13 The Minerals Local Plan has to accord with the policies of the NPPF. In terms of planning for minerals the NPPF at paragraph 143 states that in preparing local plans MPAs should identify and include policies for the extraction of mineral resources of local and national importance in their area. It adds at paragraph 144 that when determining planning applications MPAs should give great weight to the benefits of mineral extraction, including to the economy. The Site Assessment Methodology has been developed to accord with the NPPF.

Outcomes for the Proposed Approach

4.15 Ensure that explicit references are made in the Minerals Local Plan and associated evidence base documents to accord with the NPPF which requires a positive approach to be taken towards mineral development.

Table1: Site Assessment Criteria: General

Representation

4.16 The Assessment fails to examine the detriment to the local economy through potential impacts such as those on tourism, reduction in the desirability of the area and consequent negative impact on inward migration by older/wealthier people and increased outward migration by younger people seeking a better quality environment in which to raise young families.

(Individual 214/2074)

Actions/Considerations

4.17 Agree that the impact on tourism/leisure is a matter that should be taken into account. The provision/control of leisure/tourist development is the responsibility of District Council Authorities. The Assessment includes a criteria to ascertain whether there is a conflict of competing land uses. The MPA has also consulted the District Council on the promoted sites and would expect them to take such matters into account in their response. The 'desirability' of an area is totally subjective and is not a planning matter which can be taken into account.

Outcomes for the Proposed Approach

4.18 The Site Assessment Methodology has not received negative comments from the District Planning Authorities within the Plan area. However the impact on tourism is a matter that has been raised by respondents on commenting on the promoted sites at Aldwark/Brassington Moor Quarry and New Parish Quarry, Darley Dale and will be taken into account in assessing those sites.

Table1: Site Assessment Criteria: General

Representation

4.19 Support for the Methodology for assessing hard rock quarries.

(Nottinghamshire County Council 209/2048)

Actions/Considerations

4.20 The support is noted.

Outcomes for the Proposed Approach

4.21 Not Applicable

Table1: Site Assessment Criteria 01: Need for the Mineral

Representation

4.22 The indicators used to assess the need for the mineral are defective in that they limit assessment to the need for additional reserves to be worked over the Plan period. This limitation is inappropriate as the requirement in NPPF is to plan for a

steady and adequate supply which requires the maintenance of land banks and/or market supply throughout the Plan period. In the case of crushed rock for aggregate, for example, this means that the MLP must allocate sufficient sites to enable a land bank at least 10 years to be maintained during and at the end of the Plan period i.e. sufficient sites to enable planned annual production until 2040. The indicators should be changed to reflect this.

(AECOM for Stancliffe Stone 213/2053)

Actions/Considerations

4.23 Agree that the indicators as written are misleading. The intention is to assess whether new reserves are needed during the Plan period before 2030 to enable production to continue and/or to maintain land banks at the requisite level throughout the Plan period at that site. It is not the intention that new reserves have to be worked out over the Plan period. The MPA requires evidence on the scale and nature of existing permitted reserves and their likely extraction rate over the Plan period.

Outcomes for the Proposed Approach

4.24 Amend the Site Assessment Methodology and ensure that any reference to the need for additional reserves to be worked is clarified in the Proposed Approach as set out above.

Table1: Site Assessment Criteria 02: Quality/Yield of Mineral

Representation

4.25 One of the stated considerations is 'is the reserve/quality/yield sufficient to suggest that extraction would be economically viable and the related indicators are based on the adequacy of geological information provided. The problems with both the stated consideration and the indicators are that the MPA is most unlikely to have access to the expertise necessary to make such judgements and that neither are land use planning considerations. Better therefore to amend the considerations/indicators to ones which are more relevant and within the competence of the MPA i.e. efficient use of land measured by the expected yield per hectare.

(AECOM for Stancliffe Stone 213/2054)

Actions/Considerations

4.26 Agree that 'viability' is the wrong terminology. This criteria is about the MPA assessing the quality and quantity of the mineral resource area promoted for working which is a land use planning matter. The NPPF at paragraph 163 requires that MPAs develop and maintain an understanding of the extent and location of mineral resources in their area and assess the projected demand for their use. Paragraph

182 of the NPPF requires the Plan to be based on a strategy which meets objectively assessed development requirements. In order to assess mineral development requirements it is important to determine the scale and nature of the promoted mineral resource and to ascertain whether there is a need for new reserves to be permitted during the Plan period. At the Plan stage it is considered reasonable that the promoter of a site should provide information on the scale and nature of the mineral resource. Further detailed information will be required as part of a planning application as to why the development is considered necessary or justified.

Outcomes for the Proposed Approach

4.27 Amend the Site Assessment Methodology and ensure that references in the Plan refer to 'requirements' based on the scale and nature of the promoted resources area rather than on the viability of working.

Table1: Site Assessment Criteria 03: Use of Mineral

Representation

4.28 The indicators are based on the unreasonable expectation that detailed evidence will or should be provided by the proponent of a hard rock quarry site allocation to justify that the end use will be appropriate for the mineral. This is a level of detail appropriate only for consideration at the planning application stage. The indicators should therefore be revised to simply mark a proposed site allocation down only in the event that the MPA has its own evidence to suggest that end uses would not include making the best use of the material.

(AECOM for Stancliffe Stone 213/2055)

Actions/Considerations

4.29 The NPPF at paragraph 142 notes that because minerals are a finite natural resource and can only be worked where they are found it is important to make the best use of them to secure their long-term conservation. The MPA consider it reasonable that as a minimum some evidence should be provided about the intended purpose/market for the mineral. For example, this will ensure that the best use is made of more scarce 'industrial' minerals compared to 'aggregate' minerals which are more abundant.

Outcomes for the Preferred Approach

4.30 Retain the indicators in the Site Assessment Methodology.

Table1: Site Assessment Criteria 05: Existing Infrastructure

Representation

4.31 Whether intended or not, the effect of the two indicators is to give bias to quarry extensions as compared to the development of new quarry sites contrary to the guidance in the NPPG (see paragraph 0.10 Reference ID:27-010-20140306. If the indicators are meant to reflect this paragraph they misinterpret this part of the NPPF. What Para 146 actually draws attention to is the fact that companies considering investment in new or existing plant need to be able to amortise these costs over a suitable quarry life. The indicators should therefore be reworded to ensure that positive factors are recognised if the proposed allocation is needed to support significant new investment in plant.

(AECOM for Stancliffe Stone 213/2056)

Actions/Considerations

4.32 NPPG specifically sets out those circumstances where it would be preferable for the MPA to focus on extensions to existing sites rather than plan for new sites. One of those circumstances is where existing plant and other infrastructure can be continued to be utilised. It is therefore appropriate for this consideration to be used as a positive sustainable economic indicator in assessing promoted sites. The reference to paragraph 146 of the NPPF and the need for additional reserves to meet land bank requirements is taken into account at Criterion 1 of the Assessment.

Outcomes for the Proposed Approach

4.33 Retain the indicator in the Site Assessment Methodology.

Table1: Site Assessment Criteria 06: Sterilisation of Resources

Representation

4.34 The implementation of mineral safeguarding policy invariably requires a responsive position to be taken by the MPA - as the nature and timing of potentially sterilising development is normally impossible to predict. It follows that site allocations in the MLP is not an appropriate or effective way to implement mineral sterilisation policy. It follows that this criterion is not soundly conceived and should be deleted.

(AECOM for Stancliffe Stone 213/2057)

Actions/Considerations

4.35 NPPG specifically sets out those circumstances where it would be preferable for the MPA to focus on extensions to existing sites rather than plan for new sites. One of those circumstances is where an extension would enable the continued extraction of the resource. In the interests of making the best use of resources to ensure their conservation, as required by the NPPF, this criteria is about assessing whether the resource is likely to be worked if it is not worked as part of an existing operation. For hard rock quarries which often require expensive plant and

infrastructure it is important that the mineral resource is exploited sustainably. For other minerals, such as clay and sand and gravel, extraction and processing is often undertaken on a smaller scale, it may involve the extraction of the mineral via a borrow pit or processing using mobile plant which makes working of the resource as part of an existing operation less of an issue.

Outcomes for the Proposed Approach

4.36 Retain the indicator in the Site Assessment Methodology; clarify the purpose of the indicator and alter the wording to refer to resource conservation rather than sterilisation which I agree has a different meaning in planning for mineral resources.

Table1: Site Assessment Criteria 09 Visual Intrusion

Representation

4.37 The third paragraph of the considerations is an incorrect interpretation of GLVIA3 in several ways. Firstly an LVIA assesses all effects in classes of receptor in order to identify likely significant effects. It is not solely related to sensitive receptors - there may be significant effects on non-sensitive receptors if the magnitude of effect is large enough. Secondly, under GLVIA guidance, people visiting schools/hospitals/community centres/leisure facilities are not automatically sensitive receptors. The key consideration is whether the activity includes an appreciation of the landscape or views/visual amenity. GLVIA3 specifically refers to people non engaged in activities connected with appreciation of the landscape such as work activity as being of lower sensitivity. The indicators do not fully accord with GLVIA3 assessment criteria. The number of receptors, or extent of visibility of a site, is not the key determinant in significance of effect. These definitions fail to consider sensitivity and only focus on aspects of magnitude excluding the effect of distance for example. There may be many receptors with a view but if they are extremely distant effects are unlikely to be significant and correctly applying GLVIA3 criteria would not result in a major negative impact.

(AECOM for Stancliffe Stone 213/2058)

Actions/Considerations

4.38 This representation relates to the assessment of Visual Intrusion as part of the overall assessment of environmental effects and challenges the approach with respect to the application of the Guidelines for Landscape and Visual Impact Assessment (3rd edition) (GLVIA3). It is acknowledged that our approach does not fully accord with this guidance but adopts a broader approach to that guidance document to help assist in giving an overview of the overall strategic, visual sensitivity of the site from a range of visual receptors. The narrative supporting the overall judgement of visual intrusion, e.g. PMAJ, clearly articulates the type of receptor affected by the proposed site such as residential, footpath or road user and

the potential magnitude of impact, which in part addresses the requirements of the GLVIA3 guidelines. A more detailed assessment of visual intrusion would require a comprehensive Visual Impact Assessment to be confident about the scale of potential impact associated with allocating a site and this might be something required of the operator as part of the site allocation process.

Outcomes for the Proposed Approach

4.39 Retain the indicator as presently written as part of the Initial Assessment Process. Where visual impact is likely to be a major constraint then further assessment would be required as part of the Assessment Process. This may involve a requirement for the promoters of sites to provide comprehensive visual impact assessments.

Table1: Site Assessment Criteria 10 Noise

Representation

4.40 While the distances quoted in the indicators may be a helpful 'rule of thumb' for categorising prospective hard rock quarry site allocations in terms of potential effects due to noise, they clearly relate to the intensive end of the spectrum and are therefore inappropriate when considering proposed allocations for less intensive operations, such as those typically carried out at building stone quarries. The indicators should be reworded to reflect this and to replace the arbitrary 'few', 'some' and 'many' by justified numbers.

(AECOM for Stancliffe Stone 213/2059)

Actions/Considerations

4.41 The impact of noise associated with the mineral operations is an issue set out at NPPG (Paragraph 012 Reference ID: 27-012-20140306) which the MPA should address. At this stage there is insufficient evidence to prepare a noise impact assessment which should be undertaken at the planning application stage. It is possible however to identify, as an indication where noise might be an issue, the location and number of noise sensitive properties i.e. dwellings including their distance from the quarry. In the interests of clarity agree it would be helpful to define few, some and many to provide details of the number of properties involved.

Outcomes for the Proposed Approach

4.42 Assign numerical values to few, some and many in the Revised Assessment Methodology.

Table1: Site Assessment Criteria 11 Dust

Representation

4.43 Whilst the approach incorporated in the indicators adopting a 'rule of thumb' for categorising hard rock quarry site allocations in terms of dust and related effects is accepted the distances quoted are inappropriate. The most detailed and authoritative guidance on this topic is that published by IAQM - 'Guidance on the Assessment of Mineral Dust Impacts for Planning (May 2016v1.1) which states: "From the experience of the Working Group, adverse dust impacts from sand and gravel sites are uncommon beyond 250 m and beyond 400 m from hard rock quarries measured from the nearest dust generating activities... In the absence of other information it is commonly accepted that the greatest impacts will be within 100 m of a source and this can include both large (>30um) and small dust particles. The greatest potential for high rates of dust deposition and elevated PM10 concentrations occurs within this distance. Intermediate sized particles (10um to 30 um) may travel up to 400 m, with occasional elevated levels of dust deposition and PM10 possible. Particles of less than 10 um have the potential to persist beyond 400 m but with minimal significance due to dispersion". The indicators should therefore be reworded to reflect this guidance and to replace the arbitrary 'few', 'some' and 'many' by justified numbers. The term 'nuisance' dust should not be used to describe criterion 11, as this has a statutory meaning which is almost certainly not what is meant here.

(AECOM for Stancliffe Stone 213/2060)

4.44 The ratings in the above category are based upon the distance from the boundary of the site. I would suggest that the assessment method is potentially flawed as it does not account of the amount of noise or dust being created. Clearly an industrial scale facility will create more noise or dust than one with small scale extraction. (Ref. Para 2.1 of Towards a Minerals Local Plan for Derbyshire and Derby). This is an example where the scale and impact of the proposed facility renders it inappropriate for assessment using the proposed Site Assessment Criteria.

(Individual 215/2077)

Actions/Considerations

4.45 The impact of dust associated with mineral operations is an issue set out at NPPG (Paragraph 012 Reference ID: 27-012-20140306) which the MPA should address. NPPG adds at (Paragraph: 023 Reference ID: 27-023-20140306) that where dust emissions are likely to arise mineral operators are expected to prepare a dust assessment study. At this stage there is insufficient evidence to prepare the detailed dust impact assessment which should be undertaken at the planning application stage. It is possible however to identify, as an indication where dust might be an issue, the location and number of dust sensitive receptors.

4.46 I note the reference to the IAQM study which does appear to provide updated technical guidance assessing minerals dust impacts. I agree that the assessment criteria should be amended to clarify the approach towards the assessment of dust

impacts both in terms of dust that may cause dis-amenity and that which can have health impacts.

Outcomes for the Proposed Approach

4.47 Amend the Sites Assessment Methodology to clarify and update the approach towards dust impacts with reference to the IAQM study and NPPG.

Table1: Site Assessment Criteria 13 Blasting Vibration

Representation

4.48 It is not wholly correct to say that disturbance due to blasting is dependent on the factors specified. Of equal importance is whether or not modern computerised electronic detonation techniques will be employed - which eliminate the prospect of charge holes being detonated simultaneously and thereby significantly reduce vibration and related effects measured outside the quarry boundary. As with the points made in relation to Criteria 10 and 11 above, whilst the distances quoted in the indicators may be a helpful rule of thumb for categorising prospective hard rock quarry site allocations in terms of potential effects due to blasting, they clearly relate to the more intensive end of the spectrum and are therefore inappropriate when considering proposed site allocations for less intensive operations such as are typically seen at building stone quarries (where blasting is either not used at all or consists of only black powder 'pop shooting' which is much more benign. The indicators should be reworded to reflect this.

(AECOM for Stancliffe Stone 213/2061)

Actions/Considerations

4.49 The impact of blasting/vibration associated with the mineral operations is an issue set out at NPPG (Paragraph 012 Reference ID: 27-012-20140306) which the MPA should address. At this stage there is insufficient evidence to prepare a blasting/vibration impact assessment which should be undertaken at the planning application stage. The only factor that can be measured is the distance between the quarry and nearby buildings and structures. The 200 metre distance was used to reflect a recent example, where the operator, Environmental Health Officer and Planning officers agreed that this distance was an appropriate minimum distance between a proposed new housing allocation and the promoted quarry extension at Ashwood Dale quarry. The approach was written into a Memorandum of Understanding and approved by a Planning Inspector to the High Peak Local Plan and now incorporated in the adopted Plan. I do accept however that given the different types of blasting undertaken and required for different rocks blasting/rock removal can take place at closer distances. For this reason I consider that it is very

difficult to undertake any meaningful initial assessment of blasting and that this issue is best left for consideration at the planning application stage.

Outcomes for the Proposed Approach

4.50 Remove the criteria on blasting/vibration for the reasons set out above.

Table1: Site Assessment Criteria 14 Transport Local Amenity

Representation

4.51 Whilst the indicators may provide a helpful 'rule of thumb' for categorising prospective hard rock quarry site allocations in terms of potential effects on amenity due to HGV traffic, they take no account of the volume of that traffic so to categorise any proposal which would generate 400 HGV movement per day, for example, in the same way as one which would generate 4. It also takes no account of the distances which houses are set back from the highway. These are clearly major flaws that need rectifying. The indicators should be reworded to reflect this and to replace the arbitrary 'few', 'some' and 'many' by justified numbers.

(AECOM for Stancliffe Stone 213/2062)

Actions/Considerations

4.52 The impact of traffic associated with the mineral operations is an issue set out at NPPG (Paragraph 012 Reference ID: 27-012-20140306) which the MPA should address. At this stage there is insufficient evidence to prepare a traffic impact assessment which should be undertaken at the planning application stage. One of the major concerns of the public in relation to minerals is the impact of HGVs especially when they use unsuitable roads. Whilst I agree that the scale of traffic will be a factor in undertaking a more detailed traffic assessment, at this initial stage, I consider that the number of sensitive receptors and distance to the strategic road network are appropriate indicators to use. I do agree however that the terms few, some and many should be assigned a numerical value.

Outcomes for the Proposed Approach

4.53 Retain the indicator in the Site Assessment Methodology with the amendments referred to above.

Table1: Site Assessment Criteria 15 Transport – Safe and Effective Access

Representation

4.54 There is no important land use planning reason to differentiate between a proposed site which has satisfactory access and one which has access which is

clearly capable of being made satisfactory. The indicators should be reworded to reflect this.

(AECOM for Stancliffe Stone 213/2063)

Actions/Considerations

4.55 I consider it to be reasonable to differentiate between a site that has an existing operating access to current highway standards to one where there is no current access but where subject to the agreement of the highway authority it is likely that one could be provided. The latter situation has been classed as minor negative factor inferring that it is a matter that can be resolved.

Outcomes for the Proposed Approach

4.56 Retain the indicators in the revised Site Assessment Methodology.

Table1: Site Assessment Criteria 16 Transport – Export Routes

Representation

4.57 The length and classification of any route used to reach the strategic road network is broadly immaterial. What is relevant is the suitability of that connecting route in terms of width, alignment, capacity, safety etc.

(AECOM for Stancliffe Stone 213/2064)

Actions/Considerations

4.58 The detailed factors with regard to the suitability of connecting routes as set out above are matters that will need to be included in any Transport Assessment. However at this stage it is considered a reasonable approach in principle to use the classification of the road and the distance from it as a means of assessing the suitability of a transport route. Roads of a lower class are less suitable for carrying HGVs and if such roads have to be used over a greater distance the impact is greater.

Outcomes for the Proposed Approach

4.59 Retain the indicators in the revised Site Assessment Methodology.

Table1: Site Assessment Criteria 17 Transport – Sustainable Transport

Representation

4.60 The NPPG highlights the truism that minerals can only be worked where they are found (see paragraph: 001 Reference ID: 27-001-201 40306). It is therefore not appropriate to assess prospective mineral extraction sites in terms of their use of

sustainable transport options - as might be done for a form of 'footloose industry' - unless a proposed site just happens to be close to rail head or canal wharf.

(AECOM for Stancliffe Stone 213/2065)

4.61 I note that the criteria 'All material must be transported by road' is rated as NMIN. I would suggest that there is inadequate differentiation between occasional or 'small scale' use, for which road transport might reasonably be rated NMIN and large volume road movements, which might reasonably be rated NMAJ.

(Individual 215/2078)

Actions/Considerations

4.62 I agree that given that minerals can only be worked where they are found it would be inappropriate to assess a site as having a major negative impact purely on the mode of transport used. However I do consider that in the interests of sustainability using alternative methods of transport should be seen as positive factors when assessing the suitability of sites. Impacts from the scale of road usage are covered by other criteria.

Outcomes for the Proposed Approach

4.63 Retain the indicators in the revised Site Assessment Methodology.

Table1: Site Assessment Criteria 19 Cumulative Impacts

Representation

4.64 There is an ongoing debate about how cumulative impacts should be defined and assessed. Most focus on the assessment of cumulative impacts which could be generated by a proposed development together with those which could be generated by other future development when there is reasonable certainty that such future development will take place and where the 'environmental footprints' of the two are likely to overlap. Although the assessment of past effects can be included in such assessments, it is generally considered to be more practicable to take them into account when defining baseline conditions. Hence, for example, any poor quality restoration associated with past nearby mineral workings is a factor to be taken into account when defining baseline landscape character and could be assessed as influencing the capacity of the landscape to absorb further change. DCC is therefore invited to reconsider the wording in the light of the above.

(AECOM for Stancliffe Stone 213/2066)

Actions/Considerations

4.65 NPPF at paragraph 144 requires the MPA, when determining planning applications, to take into account the cumulative effect of multiple impacts from

individual sites and/or form a number of sites in a locality. There is no formal national methodology for the assessment of cumulative impacts and it is particularly difficult when carrying out an initial assessment of promoted sites to take cumulative impacts into account. With this in mind it is considered more appropriate to make an assessment of cumulative impacts at the planning application stage when all relevant matters can be taken into account. In relation to the issue of landscape character change this matter has been taken into account at Criterion 29.

Outcomes for the Proposed Approach

4.66 Delete the Criterion relating to Cumulative Impact.

Table1: Site Assessment Criteria 21: Water Environment - Groundwater

Representation

4.67 Groundwater Source Protection Zones are categorised as 1, 2 or 3 depending on their sensitivity. The indicators should not treat all SPZs as one and should be reworded accordingly.

(AECOM for Stancliffe Stone 213/2067)

Actions/Considerations

4.68 Agree that the indicators should be changed to reflect the groundwater protection zone hierarchy.

Outcomes for the Proposed Approach

4.69 Change the indicators in the revised Site Assessment Methodology to reflect the groundwater protection zone hierarchy.

Table1: Site Assessment Criteria 23 Ecology

Representation

4.70 The indicators for Criteria 23 have been written in the reverse order.

(Tarmac 202/2024)

4.71 The indicators which deal with ecology make no distinction between the different tiers of ecological designations and their relative importance. NPPF states that 'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and contribution that they make to wider ecological networks'.

4.72 (*Mineral Products Association 207/2038, CEMEX 204/2029, AECOM for Stancliffe Stone 213/2069*)

Actions/Considerations

4.73 The NPPF does indeed confirm that the hierarchy of conservation priority applies in the setting of planning policy, such that sites receive protection commensurate to their status, with distinction drawn between international, national and locally designated sites. At this early stage the intention is not to carry out a full NPPF assessment but rather to discover any positive factors that would support the allocation of the site and any negative factors that would constrain its allocation. It is important, therefore, that the criteria are sufficiently broad-ranging to encompass the full gamut of ecological interests nevertheless there may be others not included that will require consideration at the planning application stage.

4.74 In making an assessment on the potential scale of impact (from NMAJ to PMAJ), professional judgement has been used to anticipate the likely significance of impact, taking account not only of the 'level' of ecological value concerned (international to local), but also the nature of the habitats concerned, the proximity and location of the receptor in relation to the proposed site, and the implied likely magnitude of impact the site or habitat might be envisaged to experience. It must be recognised – as is the case with EIA/EcIA methodologies – that an ecological impact might be considered significant where a nationally or internationally designated site is involved, even if the site is substantially retained and intact. But at the same time, a proposal that leads to a locally designated site being more significantly affected – for example the wholesale loss of a locally designated site - might equally be considered significant. At this stage, allowing for the fact that this is a desktop exercise undertaken with incomplete information at an early stage of the planning process, it is nevertheless arguably more acceptable to be concerned about the likely significance of the impact which can be foreseen, rather than focussing solely on the position of the site in the conservation hierarchy.

4.75 At this stage a negative assessment (and particularly NMAJ) would flag up areas that need further attention and may require the promoter of a site to provide more detailed information to enable the MPA to determine whether a site is suitable to progress towards allocation. In some cases an NMAJ assessment may result in a situation where the impact would be so great that the site could not progress to allocation and whilst this is most likely in situations where nationally/internationally designated assets are involved this isn't the only situation where this is a foreseeable outcome.

Outcomes for the Proposed Approach

4.76 Retain the criteria as it is considered that the 'hierarchical' approach to protecting ecological assets has been incorporated.

Table1: Site Assessment Criteria Cumulative Impacts Ecology

Representation

4.77 There is an ongoing debate about how cumulative impacts should be defined and assessed. Most focus on the assessment of cumulative impacts which could be generated by a proposed development together with those which could be generated by other future development when there is reasonable certainty that such other future development will take place in the future and where the 'environmental footprints' of the two are likely to overlap. Although the assessment of past effects can be included in such assessments, it is generally considered to be more practicable to take them into account when defining baseline conditions. Hence, for example, any poor quality habitat created by past nearby mineral working would be a factor to be taken into account when defining the baseline ecological conditions and could be assessed as influencing the capacity of the area to absorb further ecological change.

(AECOM for Stancliffe Stone 213/2068)

Actions/Considerations

4.78 NPPF at paragraph 144 requires the MPA, when determining planning applications, to take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. There is no formal national methodology for the assessment of cumulative impacts and it is particularly difficult when carrying out an initial assessment of promoted sites to take cumulative impacts into account. With this in mind it is considered more appropriate to make an assessment of cumulative impacts at the planning application stage when all relevant matters can be taken into account.

4.79 In relation to the specific issue of baseline ecological conditions and their influence on the capacity of the area to absorb further ecological change this issue is covered by the Ecology criteria. Past impacts of former workings are indeed being considered as part of the site baseline, for the wider area. Where previous working has resulted in environmental fragmentation across the landscape such that its functionality is compromised, a new quarry site might be deemed to present a less significant threat to ecology. Where existing quarries have the potential to offer ecological gains, a new quarry may be considered likely to add to that resource. In both cases, it is envisaged that these factors may weigh in favour of an allocation. Conversely, where a landscape is considered functionally intact with regards to ecology or not significantly degraded by previous working, the introduction of a new industry and potential impact into a previously unworked area might be considered less likely to be environmentally positive, at least in the short to medium term.

Outcomes for the Proposed Approach

4.80 Delete the Criterion relating to Cumulative Impact.

Table1: Site Assessment Criteria 27 Landscape – Existing Impacts from Mineral Extraction

Representation

4.81 It should be recognised that the character of the existing landscape is often not a factor which determines if the landscape and visual effects of a quarry development can be successfully mitigated. For example Mountsorrel Quarry or Cliffe Hill Quarry in Leicestershire are very large scale quarries, successfully screened by perimeter landforms. The indicators do not represent a logical range of scenarios for assessing negative or positive effects. As drafted, negative effects would only occur in simple landscape and mitigation is only possible in complex landscapes. The GLVIA3 concept of susceptibility to a specific form of change/development is the correct approach.

(AECOM for Stancliffe Stone 213/2070)

Actions/Considerations

4.82 Landscape character clearly is a factor in determining whether development of any type is more or less acceptable in a particular location. Accepting that there are a range of mitigation designs that might be acceptable in reducing the environmental impact of a proposal, it remains our view that more complex landscapes with many characteristics have greater capacity to mitigate the effects of a development proposal than simpler, more open landscapes. The methodology makes it clear that this is a strategic assessment based on desk top analysis and is not a comprehensive Landscape Impact Assessment.

Outcomes for the Proposed Approach

4.83 Retain the indicators in Table 1.

Table1: Site Assessment Criteria Landscape 28 – Visual Impact

Representation

4.84 The considerations confuse landscape and visual effects. Working of a site has a direct effect on its landscape character and potentially an indirect effect on wider landscape character depending on visibility. There is no visual impact on the landscape - there is visual impact experienced by receptors and indirect effects on landscape character. The indicators meanwhile do not fully accord with GLVIA3 assessment criteria. The number of receptors or extent of visibility of a site is not the key determinant in significance of effect. These definitions fail to consider sensitivity and only focus on aspects of magnitude.

(AECOM for Stancliffe Stone 213/2071)

Actions/Considerations

4.85 Agree that it is confusing to include this criterion under 'environmental criteria' when essentially the visual impact of working the site has been taken into account by Criterion 09. Considerations relating to the way in which this criterion has been applied are set out earlier in this Report under Criterion 09. Impacts on the character of the landscape are set out under Criterion 29.

Outcomes for the Proposed Approach

4.86 Delete Criterion 28 from the Assessment Methodology.

Table1: Site Assessment Criteria 32-34 Historic Environment

Representation

4.87 The indicators for criteria 32 to 34 do not adequately reflect the historic environment constraints hierarchy set out in the NPPF (and paragraph 132 in particular - which makes it clear that scheduled monuments, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens and world heritage sites should be afforded the greatest protection followed by grade II listed buildings and parks and gardens. The corollary of this is that the local factors currently listed in the criteria 32 – 34 indicators should be assessed on the basis that they normally qualify for a lesser degree of protection. It is important to test proposed sites against the full national historic environment constraints hierarchy in order to ensure that the MLP takes an 'absolute' approach which accords with national planning policy rather than a 'relative' approach which could see local historic environmental constraints elevated to a level which is inconsistent with that seen in plans adopted elsewhere in the Country. The indicators should be reworded to reflect this.

(AECOM for Stancliffe Stone 213/2072)

Actions/Considerations

4.88 Designated and undesignated heritage assets are indeed accorded different weighting under the policies at NPPF chapter 12. Archaeological remains and historic landscapes (criteria 33 and 34) are not, however, necessarily 'local factors', but can attain regional or national importance depending on their assessed significance. Under NPPF the weight to be accorded to individual assets and aspects of their settings is highly case-specific and depends on detailed assessments of significance and impact which are not within the remit of this initial assessment process. At this early stage the intention is not to carry out a full NPPF assessment but rather to discover any positive factors that would support the allocation of the site and any negative factors that would constrain its allocation. It is important, therefore, that the criteria are sufficiently broad-ranging to encompass the full gamut of historic environment factors nevertheless there may be others, such as impacts on non-

designated sites that are not included in this assessment but nevertheless will require consideration at the planning application stage.

4.89 At this stage a negative assessment (and particularly NMAJ) would flag up areas that need further attention and may require the promoter of a site to provide more detailed information to enable the MPA to determine whether a site is suitable to progress towards allocation. In some cases an NMAJ assessment may result in a situation where the impact would be so great that the site could not progress to allocation and whilst this is most likely in situations where nationally/internationally designated assets are involved this isn't the only situation where this is a foreseeable outcome.

Outcomes for the Proposed Approach

4.90 Amend Criteria 32 to more closely reflect the wording in NPPF. Retain Criteria 33 and 34.

Table1: Site Assessment Criteria 35 Agricultural Land

Representation

4.91 In line with the Planning Practice Guidance to support the NPPF; we advise that a soil and ALC assessment should be carried out as part of the site selection process, (see Sections titled Natural Environment - Brownfield Land, Soils and Agricultural Land (Paras 025 & 026 refer) and Assessing environmental impacts from minerals extraction (Para 013).

(Natural England 208/2046)

Actions/Considerations

4.92 Whilst I note the guidance set out in NPPG it is difficult to apply in this particular situation; mineral extraction usually involves large areas of agricultural land, however minerals can only be worked where they are found and this assessment is not about comparing the benefits of working one site to another. I consider that the predictive agricultural land map is sufficient for assessing sites in the first instance.

Outcomes for the Proposed Approach

4.93 Retain the indicators at this stage but require full agricultural land classification surveys to be undertaken on sites progressing towards allocation.

General advice on protected species

Representation

4.94 Natural England has produced standing advice (<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Actions/Considerations

4.95 The advice is noted.

Outcomes for the Proposed Approach

4.96 N/A

Site Assessment: Whitwell Quarry

Table of Representations

Name	Name Reference Number	Representation Reference Number
Tarmac	202	2017
Tarmac	202	2020
Tarmac	202	2018
Tarmac	202	2021
Tarmac	202	2019
Tarmac	202	2022
Tarmac	202	2023
Tarmac	202	2025
Tarmac	202	2026
Tarmac	202	2012
Tarmac	202	2014
Tarmac	202	2013
Natural England	208	2045
Nottinghamshire County Council	209	2049

General

Representation

4.97 The Paper context refers to the assessment of four promoted sites at Whitwell Quarry. This should be amended to reflect Section 2 to clarify that the areas are all extensions to the one site and not discrete/individual sites.

(Tarmac 202/2012)

Actions/Considerations

4.98 Agree

Outcome for the Proposed Approach

4.99 Amend the text to clarify that the promoted areas are all extensions to one site and not individual sites.

General

Representation

4.100 Tarmac has informed the MPA that it wishes to promote an amended site area for the northern extension which reflects the area included in the planning application (CM5/0416/4). The revised site boundary draws the promoted site back from the southern edge of Whitwell village. The estimated yield from this site remains unchanged.

(Tarmac 202/2014)

Actions/Considerations

4.101 The MPA notes the revised boundary of the northern extension.

Outcome for the Proposed Approach

4.102 Amend the Plan to reflect the proposed change to the promoted northern extension.

General

Representation

4.103 The Maps do not accord with the MAGIC website in relation to the boundaries of the SSSI, SAM and Conservation Areas.

(Tarmac 202/2013)

Actions/Considerations

4.104 Check the MAGIC website and MPA records to accurately plot SSSI's, SAM and Conservation Areas.

Outcomes for the Proposed Approach

4.105 Make any necessary alterations to the Maps.

Table1: Site Assessment Criteria: General

Representation

4.106 Support for the assessment of the promoted sites at Whitwell Quarry. The future supply of this important mineral which straddles the Derbyshire/Nottinghamshire border has been identified as a Duty to Cooperate matter.

(Nottinghamshire County Council 209/2049)

Actions/Considerations

4.107 The support is noted.

Outcomes for the Proposed Approach

4.108 N/A

Table1: Site Assessment Criteria 10: Noise – Site 2a Northern Extension and 2b North Eastern Extension

Representation

4.109 A detailed impact assessment has been carried out as part of the planning application reference CM5/0416/4 submitted in April 2016. The noise impact assessment concludes that there will be no significant impact. The Environmental Health Officer has reviewed the application and no objections have been raised with respect to noise.

(Tarmac 202/2017,202/2020)

Actions/Considerations

4.110 The Initial Assessment process adopts a strategic high level approach to assessing noise impacts. However where detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.111 Take into account the more detailed information on noise impacts submitted in support of the planning application to work the promoted sites.

Table1: Site Assessment Criteria 11: Dust – Site 2a Northern Extension and 2b North Eastern extension

Representation

4.112 A detailed impact assessment has been carried out as part of the planning application reference CM5/0416/4 submitted in April 2016. The dust assessment concludes that there will be no significant impact. The Environmental Health Officer has reviewed the application and no objections have been raised with respect to dust.

(Tarmac 202/2018, 202/2021)

Actions/Considerations

4.113 The Initial Assessment process adopts a strategic high level approach to assessing dust impacts. However where detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.114 Take into account the more detailed information on dust impacts submitted in support of the planning application to work the promoted sites.

Table1: Site Assessment Criteria 13: Blasting/Vibration – Site 2a Northern Extension and 2b North Eastern extension

Representation

4.115 A detailed impact assessment has been carried out as part of the planning application reference CM5/0416/4 submitted in April 2016. The blasting assessment concludes that there will be no significant impact.

(Tarmac (202/2019, 202/2022)

Actions/Considerations

4.116 This criteria has been removed from the Initial Assessment process because it was considered more relevant to assess blasting/vibration at the detailed planning application stage.

Outcomes for the Proposed Approach

4.117 Take into account the more detailed information on blasting/vibration impacts submitted in support of the planning application to work the promoted sites.

Table1: Site Assessment Criteria 20: Water Environment – groundwater protection

Representation

4.118 Consistent with current operations, dewatering of the quarry will continue during the operation of the four extension areas to facilitate mineral extraction and the placement of restoration materials under dry conditions. The regulation of the discharge of pumped water to the surface water system will continue under an Environmental Permit which is regulated by the Environment Agency. The proposed extension areas will not be extracted to a lower level than the currently consented mineral extraction. It will not be necessary to increase the rate of dewatering as a result of the proposed extensions. No objections have been raised by the

Environment Agency or the Derbyshire County Council Flood Risk Management Team. The operation and restoration of the extension areas and the extension of time of operations at the site are a continuation of the current operations and progressive restoration.

(Tarmac 201/2023)

Actions/Considerations

4.119 The Initial Assessment process adopts a strategic high level approach to assessing impacts on the water environment. However where detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.120 Take into account the more detailed information on impacts on the water environment submitted in support of the planning application to work the promoted sites.

Table1: Site Assessment Criteria 24: Ecology – UK, regional and local BAP priority species and habitats

Representation

4.121 The existing quarry is adjacent (within 200m) to Creswell Crags SSSI and is also in close proximity to the Holinhill and Markland Grips SSSI we would therefore need to be satisfied that the proposed extensions to the quarry would not damage or destroy the interest features for which these sites have been notified.

(Natural England 208/2045)

Actions/Considerations

4.122 The MPA recognise the importance of nearby ecological sites including the need to protect them from the impact of working the promoted mineral sites.

Outcomes for the Proposed Approach

4.123 Ensure that appropriate consideration is given to the need to protect nearby important ecological sites in assessing the suitability of the promoted sites for allocation.

Table1: Site Assessment Criteria 27: Landscape – existing impacts from mineral extraction

Representation

4.124 The restoration scheme for the quarry includes land uses similar to those that occupied the area prior to mineral extraction and includes a variety of land uses including arable and grazing fields with areas of amenity grassland on low lying ground. In the low lying areas there will be an emphasis on nature conservation associated with the watercourse and lakes with wetland habitats. Overall there would be low levels of landscape impact on the landscape character and the amenity of the local landscape. It is considered the extensions to Whitwell Quarry should be assessed as PMIN for this category

(Tarmac 202/2025)

Actions/Considerations

4.125 The Initial Assessment process adopts a strategic high level approach to assessing the existing impacts of mineral extraction on the landscape. However where detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.126 Take into account the more detailed information on landscape impacts submitted in support of the planning application to work the promoted sites.

Table1: Site Assessment Criteria 36: Best and Most Versatile Agricultural Land

Representation

4.127 A detailed impact assessment has been carried out as part of the planning application reference CM5/0416/4 submitted in April 2016. The North East extension is the only area in which soil remains undisturbed as part of ongoing quarry operations. The soil resources and agricultural land assessment found that in the North East extension 84% of the soil was subgrade 3b (moderate quality agricultural land) with the remaining 16% being subgrade 3a (good agricultural land). The soils from the North East extension will be stored and used in the restoration of the site resulting in no overall loss of BMV or agricultural land. The total area of the four extensions is 9.8ha and the

Grade 3a land in the North East extension is 0.4ha. As BMV land comprises 4% of the area of the four extensions and a soil handling strategy will maintain the value of BMV. The assessment should be amended to PMAJ.

(Tarmac 202/2026)

Actions/Considerations

4.128 The Initial Assessment process adopts a strategic high level approach to assessing the impact of mineral extraction on best and most versatile agricultural land. However where detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.129 Take into account the more detailed information on the impacts of mineral working on best and most versatile agricultural land submitted in support of the planning application to work the promoted sites.

Site Assessment: Ashwood Dale Quarry

Table of Representations

Name	Name Reference Number	Representation Reference Number
Natural England	208	2041
Natural England	208	2042
Woodland Trust	211	2051

Table1: Site Assessment Criteria 23: Ecology – Existing Impacts from mineral extraction

Representation

4.130 This site is in close proximity to the Peak District Dales SAC and is also notified at a national level as the Wye Valley SSSI (units1-3 Cuning Dale). We would be particularly concerned that quarrying right up to the SAC boundary could cause adverse impacts and a rigorous Habitat Regulations Assessment (HRA) would be required.

4.131 We note that the proposed extension would be sited closer to the boundary of the designated sites than the existing workings. We are therefore concerned with the impact of dust on the interest features of the SAC and SSSI. We have previously expressed our concern with the impact of dust in response to the recent planning application on this site (CM1/0315/158) by our letters of 21st May 2015 and 15th April 2016. We requested ongoing dust monitoring because the source of the dust will be closer to the designated site which will therefore be at risk. We also suggest that the HRA of this proposal will have to conclude that in the absence of ongoing dust monitoring, it is not possible to screen out Likely Significant Effects (LSE).

4.132 In addition Cuning Dale also falls within a Higher Level Stewardship (HLS) agreement and the proposed extension may impact on the agreed management requirements of this area, for example dust-fall onto the sward from the quarry would be of particular concern.

4.133 We would also suggest that when the proposed quarry extension is considered together with the proposed Fairfield housing development, that there would be significant disturbance to Cuning Dale. There would therefore be a need to prevent this cumulative physical disturbance to the SSSI/SAC and the need for a full and thorough monitoring regime including air quality and hydrological impacts.

(Natural England 208/2041)

Actions/Considerations

4.134 The MPA recognise the importance of nearby ecological sites including the need to protect them from the impact of working the promoted mineral site. The Initial Assessment process adopts a strategic high level approach to assessing the existing impacts of mineral extraction on ecological assets. However where detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.135 Take into account the more detailed information on ecological impacts submitted in support of and in the assessment of the planning application to work the promoted sites.

Table1: Site Assessment Criteria 24: Ecology – Impacts on Ancient Woodland

Representation

4.136 The Ashwood Dale site, near Buxton, features a western extension to Ashwood Dale Quarry. Although the quarry already adjoins a section of ancient woodland, Ashwood Dale South (grid ref: SK075728), the proposed extension will be directly adjacent to the remainder of the ancient woodland that follows the railway line adjacent to the A6. There will inevitably be significant damage in this case and also potential for direct losses to the woodland. The Woodland Trust opposes the allocation of this site unless it can be demonstrated that mitigation measures would suitably protect these ancient woodlands from damage and loss. Secondary woodland should also be retained to ensure that ecological networks are maintained and enhanced.

(Woodland Trust 211/2051)

Actions/Considerations

4.137 The MPA recognise the importance of nearby ancient woodlands including the need to protect them from the impact of working the promoted mineral site. The Initial Assessment process adopts a strategic high level approach to assessing the existing impacts of mineral extraction on ecological assets. However where detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.138 Take into account the more detailed information on ecological impacts submitted in support of and in the assessment of the planning application to work the promoted sites.

Table1: Site Assessment Criteria 31: Landscape – Impacts on Peak District National Park

Representation

4.139 The site is in close proximity to the Peak District National Park. Account needs to be taken of the wider impact of the site on the setting of the PDNP. The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. Any future applications should be assessed carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

(Natural England 208/2042)

Actions/Considerations

4.140 The Initial Assessment process adopts a strategic high level approach to assessing impacts on the PDNP. However where more detailed information is available it will be taken into account in the next stage of assessment.

Outcomes for the Proposed Approach

4.141 Take into account the more detailed information on impacts on the PDNP submitted in support of the planning application to work the promoted site.

Site Assessment: Aldwark/Brassington Moor Quarry

Table of Representations

General Representation	Name	Name Reference Number	Representation Reference Number
4.142	Longcliffe Quarries Ltd	201	2003
	Longcliffe Quarries Ltd	201	2004
	Longcliffe Quarries Ltd	201	2005
	Longcliffe Quarries Ltd	201	2006
	Longcliffe Quarries Ltd	201	2007
	Longcliffe Quarries Ltd	201	2008
	Longcliffe Quarries Ltd	201	2009
	Longcliffe Quarries Ltd	201	2010
	Longcliffe Quarries Ltd	201	2011
	Longcliffe Quarries Ltd	201	2001
	Longcliffe Quarries Ltd	201	2002
	Brassington Local Environmental Group	203	2027
	Brassington Local Environmental Group	203	2028
	CPRE Derbyshire Branch	205	2031
Support the inclusion of Aldwark/Brassington Moor site	CPRE Derbyshire Branch	205	2032
	CPRE PDNP ,High Peak and South Yorks Area	206	2033
	CPRE PDNP ,High Peak and South Yorks Area	206	2034
	CPRE PDNP ,High Peak and South Yorks Area	206	2035
	CPRE PDNP ,High Peak and South Yorks Area	206	2036
	Natural England	208	2039
	Natural England	208	2040
	Peak District National Park	212	2052
	Individual	216	2079

as an allocation and support the Paper's recognition of the importance of Industrial Limestone.

(Longcliffe Quarries Ltd 201/2001, 201/2002)

4.143 Support the inclusion of Aldwark/Brassington Moor site as an allocation.

(Brassington Local Environmental Group 203/2027)

4.144 CPRE do not agree that there is a need to extend the existing quarry because national supplies of aggregate/limestone are at high levels with many decades of supply already identified from existing workings.

(CPRE Derbyshire Branch 205/2032)

Actions/Considerations

4.145 The latest information that the MPA has about the level of permitted industrial limestone reserves is set out in the Local Aggregates Assessment 2017 which provides data for the year 2016. Permitted industrial limestone reserves totalled some 203 million tonnes equivalent to 67 years' worth of production. Numerically there appears to be sufficient reserves to meet anticipated demand over the Plan period. However in planning for industrial minerals there are several factors which might warrant additional reserves to maintain supply such as, shortfalls at existing quarries, geological variations, specifications for particular markets and land bank requirements. The exacting specifications of industrial mineral markets mean that resources are often not interchangeable.

Outcomes for the Proposed Approach

4.146 Examine the need for additional industrial limestone reserves on an individual site basis taking into account the need for any impacts from working additional reserves (including any on the PDNP) to be acceptable.

General

Representation

4.147 The production split between industrial and aggregate uses is not a 50/50 split but more commonly a 70% industrial and 30% aggregate split.

(Longcliffe Quarries Ltd 201/2003)

Actions/Considerations

4.148 The information set out in the Assessment is sourced from the Annual Mineral Survey returns completed as part of the Local Aggregate Assessment work which distinguishes between aggregate and non-aggregate production. Based on this survey a 50/50 split is correct. However, I appreciate that the quarry produces bright white dusts for precast concrete products which although categorised in the survey as aggregates are in fact more akin to non- aggregate 'industrial' use due to the unique specification of the deposit in terms of its colour. Taking this factor into account results in a 70/30 industrial/aggregate split.

Outcomes for the Proposed Approach

4.149 Ensure that future references to this issue reflect the correct terminology i.e. non-aggregate or industrial

General

Representation

4.150 Object to the expansion of Aldwark/Brassington Moor Quarry because of the impacts on Aldwark village and surrounding area for the following reasons: 1) impact on Aldwark's tourism trade 2) Impact from noise and blasting, noise has increased from the quarry and can be heard both day and night 3) Impact from dust, dust levels have increased and results in a covering by a fine layer of dust 4) Increased light pollution from quarry and lorry park 5) Damage to surrounding roads, the existing road network requires repair - the situation will only be exacerbated by continued quarrying. 6) Damage to dry stone walls adjoining highway. 7) Damage to natural beauty and wildlife of PDNP reducing its attractiveness for visitors and residents.

(Individual 216/2079)

Actions/Considerations

4.151 Many of the issues raised, for example, noise, blasting, dust, lighting are detailed matters that are considered capable of being satisfactorily controlled through the use of planning conditions. For more strategic matters such as the visual impact of the extension on the PDNP, on surrounding villages and recreational routes it is difficult to determine whether this impact could be made acceptable without detailed information on these issues.

Outcomes for the Proposed Approach

4.152 the environmental effects of working this site need to be examined in greater detail before a conclusion can be reached on the suitability of this site for allocation.

Table1: Site Assessment Criteria Landscape and Visual Impacts General

Representation

4.153 In view of the likely visual impact of the promoted site from the High Peak Trail, Limestone Way, approach to Aldwark and the PDNP it is vital that such impacts are assessed in detail and that an effective mitigation strategy is put in place which should be implemented at an early stage.

Brassington Local Environmental Group (2028)

4.154 CPRE is concerned about the landscape impact of the promoted site at Brassington Moor.

CPRE Derbyshire Branch (2031)

Actions/Considerations

4.155 Agree that in view of the likely visual impacts of the promoted site from recreational routes, surrounding villages and the PDNP these matters need to be addressed in detail.

Representation

4.156 The potential landscape and visual impacts of the proposed site have been overstated. The proposed allocation site has a very small Zone of Theoretical Visibility – See photographs submitted for illustration purposes.

Longcliffe Quarries Ltd (2004)

Actions/Considerations

4.157 The opinion that the proposed site has a very small Zone of Theoretical Visibility (ZTV) is not necessarily supported by the ZTV analysis which is based on a single point along the western boundary of the proposed site.

Outcomes for the Proposed Approach

4.158 The visual and landscape impacts of working this site need to be examined in greater detail before a conclusion can be reached on the suitability of this site for allocation.

Table1: Site Assessment Criteria 27 Landscape – Existing Impacts from Mineral Extraction

Representation

4.159 Possibly PMIN not NMIN. Landform and screen belt/woodland planting can be employed in the satisfactory mitigation of operations from certain locations. Local landscape characteristics can be explored in the restoration of the site – particularly extending the Limestone Dales character to link the quarry with the Via Gellia.

(Longcliffe Quarries Ltd 201/2005)

Actions/Considerations

4.160 Mitigation proposals are noted but the White Peak is a relatively simple landscape with few characteristics that can be employed in the satisfactory mitigation of identified impacts. Without a detailed development proposal for the site, the judgement is based on the overall character of the surrounding landscape.

Outcomes for the Proposed Approach

4.161 The character of the existing landscape and its' scope to accommodate change is a matter that would need to be considered in greater detail.

Table1: Site Assessment Criteria 28 Landscape - Existing Infrastructure

Representation

4.162 Support the Assessment

Longcliffe Quarries Ltd (2006)

Actions/Considerations

4.163 The support is noted. However the MPA consider that this criteria duplicates Criteria 05 Existing Infrastructure and that they should be amalgamated.

Outcomes for the Proposed Approach

4.164 This criteria has been incorporated with Criteria 05 Existing Infrastructure.

Table1: Site Assessment Criteria 29 Landscape – Strength of Landscape Character

Representation

4.165 Generally agree with the Comment. The proposed site accords with the established landscape character and is in good condition. This shouldn't necessarily imply 'conservation'. The landscape will change providing opportunities for habitat creation and possibly agricultural restoration. ALL descriptions could apply here.

Longcliffe Quarries Ltd (2007)

Actions/Considerations

4.166 This is a strategic judgement where in general terms a landscape of strong character and in good condition would be prioritised for conservation. It is not

accepted that ALL descriptions are relevant to this area of land - the judgement is based on current character.

Outcomes for the Proposed Approach

4.167 No change

Table1: Site Assessment Criteria 30 Landscape – Visual Impact

Representation

4.168 Agree that NMIN is a good assessment. The published assessment is NMIN or NMAJ. This statement doesn't take account of mitigation. The extension would be in the context of the existing quarrying activity. The proposed extension specifically will only impact upon small lengths of the Limestone Way and High Peak Trail as well as views from Harboro Rocks (all outside PDNP). No roads or dwellings would be negatively affected (landscape or visual).

Longcliffe Quarries Ltd (2008)

Actions/Considerations

4.169 The judgement attempts to take account of the range of visual receptors affected by the potential development of the promoted site. It does not consider all receptors in detail or detailed mitigation strategies as the assessment is not a comprehensive Landscape and Visual Assessment.

4.170 The MPA consider that this criteria duplicates criteria 09 which is concerned with visual intrusion and proposes that they should be amalgamated.

Outcomes for the Proposed Approach

4.171 The visual and landscape impacts of working this site need to be examined in greater detail before a conclusion can be reached on the suitability of this site for allocation.

4.172 This Criteria has been amalgamated with Criteria 09.

Table1: Site Assessment Criteria 31 Landscape – impact on the Peak District National Park

Representation

4.173 The site abuts 1500m of the PDNP boundary but it is questionable whether the southern extension would form part of its immediate setting. Most the southern extension would not be visible from the key PDNP areas of Ible and Bonsall Moor which experience views of the existing quarrying activity at Aldwark Brassington and

Grange Mill. There would be no views of the southern extension from Aldwark and views from the Aldwark to Longcliffe Road could be mitigated. NMIN is more appropriate in respect of views available particularly from the south.

(Longcliffe Quarries Ltd 201/2009)

4.174 CPRE is concerned about the impact of the promoted site on the PDNP in terms of the impact on its setting and the amenity of visitors; it considers that the visual impact from PROW has been underscored; it is concerned about the impacts of noise and dust and the negative impacts on tranquillity.

4.175 CPRE support the assessment conclusions on visual/landscape impacts.

CPRE High Peak & South Yorkshire Area (206/2033, 206/2034, 306/2035, 206/2036)

4.176 Concerned about the impact of the promoted site on the PDNP. The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. Any future applications should be assessed carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A (2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

(Natural England 208/2040)

4.177 The allocation of Aldwark is of concern due to the significant impacts that would accrue in relation to impacts on the National Park, its setting and the amenity of visitors in that area. We note that your assessment currently identifies the visual/landscape impact on the PDNP as negative/major and also the heavy cumulative impact in the nearby area. However we believe that your assessment underscores impacts on amenity (specifically in relation to the National Park), especially for visitors using the nearby PROW network. Impacts of noise, dust, and on tranquillity are a particular concern.

(Peak District National Park Authority 212/2052)

Actions/Considerations

4.178 The Assessment notes that the site adjoins the PDNP boundary forming part of its immediate setting and that large parts of the site will be clearly visible from it. This is considered to be a major constraint to the suitability of the promoted site for allocation and is an issue that requires detailed consideration.

Outcomes for the Proposed Approach

4.179 The impacts of working the promoted site on the PDNP will need to be examined in greater detail before a conclusion can be reached on the suitability of this site for allocation.

Table1: Site Assessment Criteria 32 Historic Environment – designated sites and settings

Representation

4.180 Agree

(Longcliffe Quarries Ltd 201/2010)

Actions/Considerations

4.181 The support is noted.

Outcomes for the Proposed Approach

4.182 N/A

Table1: Site Assessment Criteria 34 Historic Environment – historic landscape

Representation

4.183 NMIN is appropriate.

(Longcliffe Quarries Ltd 201/2011)

Actions/Considerations

4.184 The support is noted.

Outcomes for the Proposed Approach

4.185 N/A

Site Assessment: Mouselow Quarry

Table of Representations

Name	Name Reference Number	Representation Reference Number
Natural England	208	2043
Natural England	208	2044

Table1: Site Assessment Criteria 24: Ecology – UK, Regional and local BAP priority species and habitats

Representation

4.186 As the proposed extraction area is a relatively small extension to the existing Mouselow Quarry and located away from sites designated for nature conservation we have no particular comments.

(Natural England 208/2043)

Actions/Considerations

4.187 The comment is noted.

Outcomes for the Proposed Approach

4.188 N/A

Table1: Site Assessment Criteria 31: Landscape – Impact on Peak District National Park

Representation

4.189 The site is within 2km of the Peak District National Park boundary. Account needs to be taken of the wider impact of the site on the setting of the PDNP. The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. Any future applications should be assessed carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A (2) of the National Parks and

Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

(Natural England 208/2044)

Actions/Considerations

4.190 The impact on the Peak District National Park has been taken into account in the Assessment through Assessment Criteria 26. It concludes that PDNP boundary is some distance away although recognises that some parts of the site will be visible from it. This impact has been assessed as a minor negative factor in considering the suitability of the site for allocation.

Outcomes for the Proposed Approach

4.191 The impact on the PDNP is not considered to be a major constraint to the allocation of the site.

Site Assessment: New Parish Quarry

Table of Representations

Name	Name Reference Number	Representation Reference Number
Individual	217	2080
Individual	218	2081
Individual	219	2082
Individual	220	2083
Individual	221	2084
Individual	222	2085
Individual	223	2086
Individual	224	2087
Individual	225	2088
Individual	226	2089
Individual	227	2090
Individual	228	2091
Individual	229	2092
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Individual	240	2103
Individual	241	2104
Individual	242	2105
Individual	243	2106
Individual	244	2107
Individual	245	2108
Individual	246	2109
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Individual	439	2302
Northwood and Tinkersley PC	440	2303
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Individual	472	2335
Rowsley PC	473	2336
Individual	474	2337
Individual	475	2338
Individual	476	2339
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Individual	478	2341
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Individual	481	2344
Severn Trent Water Ltd	482	2345
Individual	483	2346
Individual	484	2347
Individual	485	2348
Individual	486	2349
Individual	487	2350
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Individual	526	2389
Individual	527	2390
CPRE	205	2391
Friends of the Peak District	528	2392
Natural England	208	2393
RSPB	529	2394
Woodland Trust	530	2395
AECOM	213	2396
Mineral Products Association	207	2397
Peak District National Park	212	2398

Site Assessment: New Parish Quarry

4.192 All of the individuals/organisations listed above, apart from AECOM (for Stancliffe Stone) the promoter of New Parish Quarry site, have objected to the allocation of the site for mineral working in the local plan. Both objectors and the promoter of the site have raised objections to the way in which the Councils have assessed the site. Details of these objections are set out below:

4.193 16 objectors and the operator commented on the site assessment criteria, offering comments on how they think it should be amended.

Criteria 01 - Need for the Mineral

Representations

4.194 Objectors consider that this should also consider the amount of waste material that would be produced. Should be NMAJ

4.195 The operator sets out that since the Council states that there is no framework to determine need for building stone then this criterion should not be used. *AECOM (for Stancliffe Stone)*

Actions/Considerations

4.196 The Council's statement in the draft strategy is made in respect of the lack of a general framework to determine the need for building stone meaning that it was difficult for the Council to justify the allocation of sites particularly given that at the time the draft Strategy was written, no specific sites had been put forward for allocation. The representation has omitted the further statement in the draft strategy that which states "As a result, the need for the stone has to be assessed when planning applications for a specific site are submitted". Given that this site has since been put forward for allocation, it is reasonable for the Council to assume that the operator had undertaken some work to determine whether a need for the mineral from this site exists (A need for the stone has to be shown for the proposal to have any viability) and it is this evidence on which this part of the assessment is based.

Outcomes for the Proposed Approach

4.197 Retain the criteria but alter the indicators in accordance with the response to the overall methodology.

Criteria 02 - Quality/Yield of Mineral

Representations

4.198 Objectors state that since there is uncertainty over the amount of mineral it should be NMAJ.

4.199 The operator says it should be PMAJ since detailed information has been submitted. *(AECOM (for Stancliffe Stone)*

Actions/Considerations

4.200 Although some information has been submitted regarding this criteria, it is correct to state that there is some uncertainty still regarding the quality of the resource and that further information will be required particularly in terms of the amount of waste material that will be produced. PMIN would seem to be a reasonable classification in this respect.

Criteria 03 - Use of Mineral

Representations

4.201 The operator states that it should not be marked down in this respect as they have provided evidence that the mineral will be used for high quality masonry products.

(AECOM (for Stancliffe Stone)

Actions/Considerations

4.202 Further evidence will be required to show the end use of the mineral and what the products will be and where they will be sold. In this respect, it would seem reasonable to set out that “some” rather than “detailed” evidence has been submitted at this stage.

Criteria 04 - Location of Processing Plant

Representations

4.203 Objectors set out that, although the site is located centrally within the UK, it is in a poor location in the local area with a poor road system and environmental impact so should be NMAJ.

Actions/considerations

4.204 This criteria is used to determine the suitability of the site in relation to the market it will serve. There are other criteria which assess the suitability of the local road system and other environmental considerations.

Criteria 05 - Existing Infrastructure

Representations

4.205 Since there is no quarry infrastructure, objectors say it should be rated NMAJ.

4.206 The operator says this is a misreading of NPPF by the Council and should be PMIN.

(AECOM for Stancliffe Stone)

Actions/considerations

4.207 NPPG specifically sets out those circumstances where it would be preferable for the MPA to focus on extensions to existing sites rather than plan for new sites. One of those circumstances is where existing plant and other infrastructure can be continued to be utilised. It is appropriate, therefore, for this consideration to be used as a positive sustainable economic indicator in assessing promoted sites. New infrastructure would be required at this site so it should be assessed in this respect.

Criteria 07 - Employment

Representations

4.208 Objectors state that there will be few jobs created. They think it is highly likely that any employment on the site would be jobs transferred away from other sites in the area that may be closing or running down. It should refer to net employment because it would result in job losses in the local tourism industry. Should therefore be NMAJ.

Actions/considerations

4.209 This criteria covers employment at the quarry operation rather than its impact on other sectors of the local economy. It has been altered to address some of the concerns of objectors regarding transfer of jobs from another quarry. The rating for this criteria has been altered to PMIN accordingly. Further more detailed information will be required from the operator to confirm whether the jobs would be transferred from another of their quarries.

Criteria 08 - Duration of Extraction

Representations

4.210 Objector says this should be NMAJ as it will have impact over a long time.

4.211 The operator says it would be fairer to be rated as NMIN/PMIN as it would be closer to 20 years not 30.

AECOM (for Stancliffe Stone)

Actions/Considerations

4.212 It seems reasonable for the site to be rated as NMIN as it will be worked and then restored for a 20 year period. The indicators need to use defined numerical values to be workable and effective.

09 Visual Intrusion

Representations

4.213 Objectors are concerned that the impact from Bent Lane and Hallmoor Road isn't considered.

Actions/Considerations

4.214 Should a planning application be submitted for this site, then this is an issue that would be covered as part of the EIA.

Criteria 10 - Noise

Representations

4.215 There are more noise receptors than listed in the assessment. Noise is heard over a much wider area than assessed. Should be revised to NMAJ. (Objectors)

4.216 The operator says it should be PMAJ as the assessment takes no account of mitigation and low key nature of building stone quarries. Also, Burley Fields Farm is not within 200m of the site. *AECOM (for Stancliffe Stone)*

Actions/Considerations

4.217 The impact of noise associated with the mineral operations is an issue set out at NPPG (Paragraph 012) which the MPA should address. At this stage there is insufficient evidence to prepare a full noise impact assessment, which should be undertaken at the planning application stage and which will consider mitigation etc. It is possible, however, at this stage to identify, as an indication where noise might be an issue, the location and number of noise sensitive properties i.e. dwellings including their distance from the quarry.

4.218 The number of, and distance from, properties will be reconsidered should a planning application be submitted for this site.

Criteria 11 - Dust

Representations

4.219 There are more receptors than listed and buffer zones should be measured from the edge of the site not the centre. (Objectors)

4.220 The operator says it should be PMAJ as the assessment takes no account of mitigation and low key nature of building stone quarries. Also Burley Fields Farm is not within 200m of the site.

AECOM (for Stancliffe Stone)

Actions/Considerations

4.221 The impact of dust associated with the mineral operations is an issue set out at NPPG which the MPA should address. At this stage, there is insufficient evidence to prepare a detailed dust impact assessment (which will consider mitigation etc.) which should be undertaken at the planning application stage. It is possible and appropriate at this stage however to identify, as an indication where dust might be an issue, the location and number of dust sensitive properties i.e. dwellings, schools, old peoples care homes including their distance from the quarry.

4.222 It is agreed that the zones should be drawn from the edge of the site. Also the number of properties within the zones will be reassessed.

4.223 Also the zones will be renamed indicator zones as the term buffer zones caused some confusion during the consultation process, implying the wrong meaning.

Criteria 12 - Air Quality

Representations

4.224 Should not use AQMAs as the air is clean now so there is no need for an AQMA but with the quarry the air will be dustier so need to assess how it would be i.e. how many properties are within 1000m of the edges of the site. (Objectors)

Actions/Considerations

4.225 This is an issue that would be considered in detail if a planning application is submitted for the working of this site.

Criteria 13 - Blasting/Vibration

Representations

4.226 There will be vibration which could disrupt the Water Aqueduct and damage properties. (Objectors)

Actions/Considerations

4.227 Modern computerised electronic detonation techniques will be employed - which eliminate the prospect of charge holes being detonated simultaneously and thereby significantly reduce vibration and related effects measured outside the quarry boundary. At building stone quarries, blasting is either not used at all or consists of only black powder 'pop shooting' which is much more benign.

Criteria 14 - Transport/Local Amenity

Representations

4.228 There are 18 properties and a hotel on the transport route, not 6 as set out in the assessment. (Objectors)

4.229 The operator states it should be PMIN as most properties are set back from road and the terms “some” and “few” used in the assessment are subjective. *AECOM (for Stancliffe Stone)*

Actions/Considerations

4.230 The number of properties on the route has been reassessed and it is concluded that there are 17 residential properties and a hotel either adjacent to or close to the proposed transport route between the site and the A632 Matlock to Chesterfield Road. This information has been incorporated into the revised assessment.

4.231 Whilst it is agreed that the scale of traffic will be a factor in undertaking a more detailed traffic assessment, at this initial stage it is considered that the number of sensitive receptors and distance to the strategic road network are appropriate indicators to use. Agree however that the terms few, some and many are too subjective and should be assigned a numerical value.

Criteria 15 - Access from the site

Representations

4.232 Objectors doubt that access can be made acceptable and safe so should be NMAJ.

4.233 The Operator states that improvements can be made to make a satisfactory access so should be classified PMIN. *AECOM (for Stancliffe Stone)*

Actions/Considerations

4.234 We have taken advice from the Council’s Highway Engineers and we have to rely on their expertise regarding this matter. Their comments will be retained in the revised assessment.

Criteria 16 - Transport Export Route

Representations

4.235 The operator sets out the improvements they think could be made to the export route without having an adverse impact on local amenity. *AECOM (for Stancliffe Stone)*

Actions/Considerations

4.236 Again, we have taken advice from the Council's Highway Engineers in this respect and are guided by their expertise on this matter.

Criteria 17 - Sustainable Transport Options

Representations

4.237 The operator says it is unfair to mark the proposal down in this respect if no other options are available in the area.

AECOM (for Stancliffe Stone)

Actions/Considerations

4.238 Agree that given that minerals can only be worked where they are found it would be inappropriate to assess a site as having a major negative impact purely on the mode of transport used. However, this is just one of a number of criteria which are used to assess all hard rock sites that have been put forward and we do consider that in the interests of sustainability, using alternative methods of transport should be seen as positive factors when assessing the suitability of all sites.

Criteria 18 - Benefits from the working and after use of the site

Representations

4.239 This criteria should refer to "net" benefits. The benefits would be negligible compared to what is lost. Should be NMAJ. (Objectors)

Actions/Considerations

4.240 This criteria is included to address the NPPF requirement to consider the positive impacts of any proposal. As a result, we consider that the criteria should be retained in the revised assessment.

Criteria 19 - Cumulative Impacts

Representations

4.241 The area has witnessed significant quarrying in the past (including in the nearby Peak Park) and existing industries like Enthovens and Firth Rixon have a significant impact on the area. (Objector)

Actions/Considerations

4.242 Agree that the impact of other industries in the area was not addressed sufficiently in the initial assessment. This will be considered further and included in the revised assessment.

Criteria 20 - Flood Risk

Representations

4.243 Flooding is not just about being located on a flood plain. The assessment should also take account of the overall hydrology of the area. There are numerous springs in the area and the local area suffers from numerous flooding events as water comes off the hillside and this would be exacerbated by the loss of the topsoil at the proposed quarry. Also, the area would flood if the nearby aqueduct was damaged. (Objectors)

Actions/Considerations

4.244 A full hydrology survey would be required as part of a planning application for the working of this site, which would investigate these matters.

Criteria 23 - Ecology Existing Impacts

Representations

4.245 The Operator states that mineral working at Halldale Quarry has the potential to increase biodiversity and has not fragmented surrounding habitats.

Criteria 24 – Ecology

Representations

4.246 The assessment takes no account of the potential impact on the SSSI, SAC and SPA to the north of the site along the proposed haul route. (RSPB and other objectors). It should also give greater consideration to the Ancient Woodland of Halldale Wood (Woodland Trust)

Criteria 25 - Ecological Coherence

4.247 Operator says that the criteria bear little relation to the indicators.

Criteria 27-30 - Landscape

Representation

4.248 Various comments from the operator which are included in their landscape appraisal.

4.249 The assessment states that “the landscape character is generally intact and is in generally good condition, (and) the historic landscape pattern remains intact.” We agree with this assessment but feel that you have somewhat underplayed the importance of these factors. (CPRE)

Criteria 31 - Impact on the Peak District National Park

4.250 The impact on the Peak Park is not properly quantified. Should at the least be NMIN. (Objectors)

Actions/Considerations

4.251 The initial assessment of the site was intended to provide an indication of the issues for and against the working of this site. If a planning application is submitted for the working of this site, the issues would be covered in more detail as part of an EIA.

Criteria 32 - Archaeology

4.252 There are remains of archaeology on the site, which should be investigated. (Objectors)

Actions/Considerations

4.253 Agree that the site would need some archaeological study and evaluation as part of any future planning application, in line with NPPF para 128. This level of archaeological potential is however easily managed through the pre-planning and planning process and is not especially relevant to the site assessment/allocation phase.

Criteria 34 - Historic Landscape

4.254 Historic England is concerned about the impact on the historic landscape character of this part of Darley Dale when there appears to be no justification for the site to be used for the extraction of building stone.

4.255 The operator states that the historic field pattern could be restored. Should be classified as PMIN.

Actions/Considerations

4.256 This will be addressed should a planning application be submitted for the site.

Criteria 36 – Best Most Versatile Agricultural Land

Representations

4.257 Although the site is not classified as BMV, it is fertile land which is good and profitable grazing and arable land. (Objectors)

Actions/Considerations

4.258 Consider that the predictive agricultural land map is sufficient for assessing sites in the first instance, however where sites progress forward to the next stage, a full agricultural assessment will then be required.

Criteria 37 - Conformity with other Local Plans

Representations

4.259 Since the proposal would have a significant impact on the amenity of the area and on local people it would not conform with the local Neighbourhood Plan or the DDDC Local Plan. Also, its impact on the Peak Park would mean it is not in conformity with their Plan and its policy to reduce quarrying does not apply to building stone so don't need to replace their quarries with ones just outside the NP. (Objectors)

Actions/Considerations

4.260 This criteria is intended to ensure that there are no significant conflicts with other local plans in terms of the area of land or adjoining land being designated for other purposes which may create a conflict. This will be clarified in the revised assessment.

Specific Comments on New Parish Quarry

4.261 The following is a summary of the issues which have been raised in objection to the allocation of the site in the 318 individual letters/emails from local residents, as well as the 9 statutory organisations which also made comments. (CPRE, Friends of the Peak District, Natural England, Historic England, Severn Trent Water, RSPB, Woodland Trust, Mineral Products Association, Peak District National Park Authority). It also includes the issues and concerns which were raised by the 83

people who attended the drop-in session on 2 February 2017. A petition was also submitted which had been signed by 603 people.

Highways Impact

4.262 188 people consider the narrow local roads to be totally inadequate for HGVs. 30 of these people express the additional concern that HGVs will take the direct route to the A6 through Darley Hillside.

Actions/Considerations

4.263 The County Council's Highways Engineers have considered the proposal and concluded that in terms of the access point to Bent Lane, it is likely an acceptable arrangement could be designed to serve the site, however, it is likely to require some roadside vegetation to be removed to achieve satisfactory visibility sightlines and additional carriageway construction would be likely to be required to accommodate the turning manoeuvres of an articulated/rigid HGV. Detailed designs would be required to confirm the extent of the works required.

4.264 In terms of the proposed haul route, given the generous highway limits available it may be possible to create additional passing opportunities to mitigate against the impact of conflicting traffic movements on Bent Lane, however, at this stage it would be difficult to pre-empt how many would be required or at what locations. However, it is considered the perceived number of passing places that may be required over the 1.85km route, together with the scale required to allow HGVs to pass each other (or other agricultural vehicles and trailers), is likely to have a significant impact on the nature of the lane. It is also noted that land immediately west of Bent Lane is designated as SSSI, SPA, SAC, and the junction of Bent Lane/Chesterfield Road itself forms the boundary of the Peak District National Park. Beyond Bent Lane, the route appears appropriate to accommodate the proposed number of vehicles, however the junction of Chesterfield Road/Bent Lane will require some improvement in terms of increased radii (to accommodate articulated vehicles without having to cross into oncoming traffic) and visibility – where restricted by vegetation.

4.265 The junction of Bent Lane with Chesterfield Road would need to be modelled to ensure it could accommodate the required turning manoeuvres for HGVs. Whilst existing highway margins are generous, existing field boundaries may be a restricting factor in improving junction radii – this adjoining land does not appear to be in the applicant's control. The SSSI may also be a restricting factor in this respect. The acute angled junction of Chesterfield Road with Beeley Lane could also be difficult to use for out-bound HGV traffic – where views to approaching vehicles, to the left, may be obscured by the vehicle itself.

4.266 Based on the information available at present there are a number of highway safety related concerns regarding the introduction of quarrying operations at this site,

which would need to be fully addressed before the proposals may be considered acceptable.

Health Risks from Increased Dust and Traffic Pollution

4.267 175 people expect the dust from the proposal to affect a wider area than the Councils' assessment indicates. In this respect, the 200m and 500m buffer zones used in the assessment were questioned. Particulate dust (PM10s) is of particular concern in terms of its effect on people's health, (particularly people with existing respiratory problems such as asthma) given the proximity to a large residential area, which includes two care homes for the elderly. Pollution from quarry traffic is also expressed as a major concern in terms of its impact on people's health.

Actions/Considerations

4.268 This is a matter which will be considered in greater detail should a planning application be submitted for the site, when the applicant will be required to submit a detailed Dust Assessment Study (NPPG paragraph 023). NPPG states that additional measures to control fine particulates (PM10) to address any impacts of dust might be necessary if, within a site, the actual source of emission (e.g. the haul roads, crushers, stockpiles etc.) is in close proximity to any residential property or other sensitive use. Operators will follow the assessment framework for considering the impacts of PM10 from a proposed site.

4.269 At this stage, we have undertaken a broad assessment to determine whether this is likely to be an issue if the site comes forward. We have, therefore, considered the number of residential properties in close proximity to the site and which therefore may be affected to some extent by dust and pollution. It should be recognised that modern working method mean that dust can normally be suppressed to, and maintained at, acceptable levels.

Impact on the Landscape

4.270 145 people (and CPRE and Historic England) express their concern about the impact of the proposal on the beauty, character and amenity of the landscape, which they consider has remained intact for centuries. Being on a south facing slope, its prominence (visual impact) in the landscape over a wide area was also raised by 66 people in this respect.

Actions/Considerations

4.271 The Council's assessment indicates the importance of the site in the surrounding landscape and the impact that the working of the site would have on the landscape.

Impact on Wildlife

4.272 124 people have raised concerns regarding the potential impact of the proposal on wildlife in the area, the site and its surroundings being an important nesting and breeding area for birds, insects and mammals. Bent Lane itself is recognised locally as being an important corridor for wildlife.

4.273 The RSPB is particularly concerned about the impact of the proposed haul route on birds in the SSSI and SAC to the north of the proposed site.

Actions/Considerations

4.274 We recognise that this is an aspect that was not covered in detail in the assessment, particularly the impact of the haul road on the SSSI and associated wildlife. It is often not appropriate to consider detailed and complex issue like this at this stage of the process. The appropriate organisations would need to consider the issue in detail. Should a planning application be submitted for the site, then this is an issue that would be considered in detail, as part of an EIA, along with all other issues.

Ancient Woodland

4.275 The potential impact on birds in the adjacent ancient woodland of Halldale Wood (a Local Wildlife Site, which is a haven for many important native and migratory species) has been raised by 36 individuals as well as Natural England and the Woodland Trust. It is noted that there are also a number of protected species in this area such as Badgers, Tawny Owls, Bats and Bramblings.

Actions/Considerations

4.276 This would be addressed as part of an EIA should a planning application be submitted for the site.

Hydrology

4.277 122 local people expect the proposal to increase the impact and occurrence of flooding in the area by disrupting the numerous natural local springs, water courses and the water table in the area and by excavation removing a large area of soil and rock which currently acts as a sponge for much of the excess water. The proposal may also disrupt the supply of water to the ponds at Whitworth Park. People also anticipate that the flooding together with the destabilisation of the land will increase the risk of landslips and landslides in the area, with spoil from Halldale Quarry being considered a risk in this respect.

Actions/Considerations

4.278 It is recognised that flooding is an issue in this area and the developer will be expected to submit a full appraisal of the hydrology of the site and the impact of its working on the hydrology of the surrounding area alongside a planning application

that may be submitted for the site. In terms of the Local Plan process, however, we are not considering this level of detail; the intention is to highlight issues regarding the site and to determine whether any of these mean that the site could not be worked and therefore should not be allocated. There may well be negative factors regarding a proposal but many of these can be mitigated to acceptable levels to enable the proposal to go ahead.

Water Aqueduct

4.279 69 local people and Severn Trent Water have highlighted the presence of the Victorian water aqueduct just to the south of the site. This carries water by two large Victorian cast iron pipes in a brick lined tunnel, supplying water to over 590,000 households in Derbyshire, Leicestershire and Nottinghamshire. People are concerned that quarrying could disrupt the pipeline and lead to significant flooding of the area. STW needs assurance from the developer that the integrity of the pipeline will not be affected by the working of the quarry.

Actions/Considerations

4.280 Severn Trent Water has provided comments on this issue. They state that the quarry is hard rock and the operator mentions that blasting is unlikely as they do not want to damage much of the rock; however blasting is not ruled out. The operator's report mentions mechanical excavation will be used, therefore a lot of vibrations will occur due to this as well. Being hard rock, the vibrations can travel a long distance within the rock, and are a potential risk to the structure. Fatigue loading of cracks could occur. Contours show the ground level decreasing towards the Derwent Valley Aqueduct (DVA) from the quarry, i.e. the quarry is higher than the DVA. This is again not beneficial for any vibrations from the quarry impacting upon the DVA.

4.281 Drilling will require lubricants or water to be added to the ground to cool the drills. This could add chemicals to the groundwater. This is a concern as they could leach into the main.

4.282 Vibration over access/ transport routes which cross the DVA also need to be considered along with the weight of such vehicles.

4.283 Before the proposals are accepted, Severn Trent Water asks that a full detailed study should be commissioned of the full impact of the quarry activities on the DVA along with a flooding assessment should there be a failure of the aqueduct.

Noise Impacts

4.284 110 people have expressed their concern about the potential for noise from the working of the proposed quarry.

Actions/Considerations

4.285 The developer will have to carry out a noise impact assessment (as part of an overall Environmental Impact Assessment) as part of a planning application for the site to determine the impact of the quarry on the surrounding neighbourhood (NPPG) and whether any noise impact can be mitigated so that it falls within acceptable levels. This level of detail is not expected as part of a submission of a site for an allocation in a Local Plan. This is why we used a criterion which assesses the number of properties within a defined area which may be affected by increased noise levels. It therefore assesses whether there may be a potential issue which will need addressing.

Local Economic Benefits

4.286 106 people suggest that they do not expect there to be any significant local economic benefits from the proposed quarry. They consider that the small number of jobs that would be created would be outweighed significantly by job losses in the local tourism industry if the proposal were to go ahead, and there would as a result be a net negative impact on the local economy. It is considered also that there would be a very small economic return to balance against the considerable environmental destruction from the proposal. People consider that the only significant economic benefit would be to the multi-national company which is proposing the site.

4.287 1 individual supports the proposal on the grounds that it would provide employment and revenue for the local area.

Actions/Considerations

4.288 The developer will be expected to provide comprehensive details of the impact of the proposal on the economy both local and national, as part of the submission of a planning application.

Widening of Roads

4.289 85 people (and RSPB) are concerned that the proposals would destroy the roads and verges and would make it unsafe for other road users. They are also concerned that the widening of the roads to accommodate HGVs would have an adverse impact on the rural character of the area as well as on local wildlife and that it would also impact on two European protected sites to the north of Bent Lane and adjacent to Chesterfield Road on both sides. These sites are classified as the Eastern Peak District Moors SSSI, Peak District Moors SPA under the EC Birds Directive and the South Pennine Moors SAC under the EC Habitats Directive.

Actions/Considerations

4.290 The operator has submitted proposals which indicate that passing spaces would be positioned in the existing verge area along Bent Lane without encroaching

beyond the highway boundary. It is not considered that improvements would have to be made to Chesterfield Road.

4.291 The Highways Authority considers that the perceived number of passing places that may be required over the 1.85km route of Bent Lane, together with the scale required to allow HGVs to pass each other (or other agricultural vehicles and trailers), is likely to have a significant impact on the nature of the lane and the presence of SSSI is noted in this respect. Beyond Bent Lane, they consider that the route appears appropriate to accommodate the proposed number of vehicles, although the junction of Chesterfield Road/Bent Lane would require some improvement in terms of increased radii (to accommodate articulated vehicles without having to cross into oncoming traffic) and visibility – where restricted by vegetation.

Need for the Stone

4.292 77 people question the need for the stone given the number of existing building stone quarries in the overall area. In this respect, people asked why the adjacent Halldale Quarry could not be worked out instead. A small number of people stated that they would be more receptive to a smaller quarry, providing that it would produce stone for mainly local purposes.

Actions/Considerations

4.293 The Operator (SSSL) has indicated that the stone would be sold to the UK market and that there is a proven demand for this resource. Further information would be required on this issue should the operator submit a planning application for the site.

Informal Recreation

4.294 72 people comment that the site is currently used for informal recreation by the community (walking, cycling, horse riding, running, bird watching, picnicking) being crossed by two well-used footpaths, and would be a great loss in this respect. Many people are concerned that the general health and well-being of the local population would be adversely affected by the loss of this area.

Actions/Considerations

4.295 There would be an impact in terms of the loss of some open space. This would be weighed against all other considerations should a planning application be submitted for the site.

Impact on Tourism

4.296 65 people express their concern that the quarry would have a significant impact on local tourism, deterring people from visiting the area and its attractions.

Actions/Considerations

4.297 The developer will be expected to provide comprehensive details of the likely impact of the proposal on the economy both local and national, as part of the submission of a planning application, should this be forthcoming.

Visual Impact from the Peak District National Park

4.298 37 individuals (and CPRE S. Yorks) raise the issue of the site being prominent in views across the Derwent Valley from the Peak District National Park.

Actions/Considerations

4.299 It is recognised that the site is prominent from areas which lie within the Peak National Park. The operator will have to show how this could be mitigated to acceptable levels (screening through advance planting, working methods) if the development were to proceed.

Road Safety

4.300 36 people are concerned about the impact of HGVs on the safety of other road users should the quarry go ahead.

Actions/Considerations

4.301 The Highways Authority have set out that the additional HGV movement from the proposed quarry, combined with agricultural and general traffic using Bent Lane is likely to significantly increase the risk of vehicle conflict along this single track route. This is an issue that will have to be addressed by the developer.

Impact on Designated Sites

4.302 36 people (and RSPB and Natural England and the Woodland Trust) are concerned about the potential impact of quarry working on the adjacent Local Wildlife Site/Ancient Woodland of Halldale Wood and the SSSI to the north of the site.

Actions/Considerations

4.303 Although the Local Wildlife Site at Halldale Wood was considered in the site assessment the impact of the proposal on the SSSI to the north of the site was not taken into account. This part of the assessment will be reviewed to take account of concerns raised and published in the revised assessment.

Scale of the Proposal

4.304 16 people have expressed their concerns regarding the scale of the proposed quarry. In this respect, people state that the proposal would not comply with the

NPPF, which sets out that MPAs should recognise the small scale nature and impact of building stone quarries.

Actions/Considerations

4.305 The NPPF, at paragraph 144, recognises the small scale nature of building stone quarries. It states that this will be to repair heritage assets and to maintain local distinctiveness. The interpretation of “small scale” is important in this respect. Whilst we recognise that this proposed quarry is somewhat larger in scale than many building stone quarries, in comparison to the aggregate quarries around Buxton, this proposal would be relatively small in scale and if only parts of the quarry are worked at one time and restored progressively, there may be a case for considering it as small in scale. There may also be a specific need for this type of stone which may have a wider market and therefore necessitate the need for the quarry to be the scale set out. These are all considerations that will have to be taken into account in determining the potential of this proposal to be included in the Local Plan.

Impact on the Local Economy

4.306 37 people consider that the proposal would have a significant negative impact on the local economy and that any benefits would be outweighed significantly by the negative impacts of the proposal.

Actions/Considerations

4.307 The developer will be expected to provide comprehensive details of the impact of the proposal on the economy both local and national, as part of the submission of a planning application.

Proximity to Residential Areas

4.308 14 people are concerned about how close the proposal is to a large residential area, and in this respect consider that the operator should look for and consider alternative sites in more appropriate, secluded locations before this one.

Actions/Considerations

4.309 This will be a consideration along with all other social, economic and environmental considerations. It is recognised that the site is in close proximity to residential areas. It should also be recognised that modern working methods with appropriate mitigation measures can now enable quarries to operate in relatively close proximity to residential areas.

Cumulative Impacts

4.310 5 people set out that the area as a whole has seen quarrying for a significant number of years and that other large manufacturing industries such as Enthovens

and Firth Rixon have also had an impact on the area in terms of noise, pollution, HGV traffic etc.

Actions/Considerations

4.311 We acknowledge that the initial assessment did not cover this issue in sufficient detail failing to recognise some of the industries mentioned above. This will be rectified in the revised assessment.

Agricultural Land

4.312 7 people argue that, although the land is not classified as being BMV, it is still good quality land for grazing and silage production and generates good income for the local farmer. The loss of this resource would be detrimental to the local economy.

Actions/Considerations

4.313 For this aspect of the assessment, it is necessary to use specific information regarding agricultural land quality from DEFRA.

Disruption to Local Water Supply

4.314 6 residents are concerned that their only water supply from local springs will be disrupted by the quarry.

Actions/Considerations

4.315 Safeguards would be in place to ensure that the local water supply would not be disrupted. The Council would seek the advice of the Environment Agency on this matter should a planning application be submitted for the site.

Restoration

4.316 8 people have set out that they consider that the restoration of the site would appear to offer few benefits over and above what is present on the existing site.

Actions/Considerations

4.317 Noted. However, NPPG states that we have to consider the benefits of any proposal as well as the negative impacts. This is what this criteria is designed to cover.

Impact on Archaeology

4.318 2 people consider that the site does have archaeological value and should be investigated.

Actions/Considerations

4.319 Although there are no known remains or earthworks from the site, and therefore in accordance with the criteria 29, the site is considered to have been assessed correctly, there have been finds in the vicinity which might suggest that potential for buried archaeology within the site is not negligible – for example a cinerary urn containing human remains from ‘Hallmoor Nursery’ about 100m west of the site (HER 9806), and another from Newtonlot Plantation (HER 9805). Agree, therefore, that the site would need some archaeological study and evaluation as part of any future planning application, in line with NPPF para 128. This level of archaeological potential is however easily managed through the pre-planning and planning process and is not especially relevant to the site assessment/allocation phase.

Radon Gas

4.320 7 people are concerned that Radon gas will be emitted from the rock if the quarry is worked.

Actions/Considerations

4.321 The District Council’s Environmental Health Section will be consulted on any application for this site, should this be forthcoming, and will be asked to provide comments on this issue.

House Prices

4.322 6 people express their concern that the quarry would have an impact on the price of their property.

Actions/Considerations

4.323 The impact of a development on house prices in the surrounding area is not a planning consideration.

Damage to Property/Subsidence

4.324 3 people express concern that their properties may be damaged by quarry working.

Actions/Considerations

4.325 The operator would have to ensure that appropriate safeguards are in place to protect nearby properties if the quarry was to proceed.

Threat to Moorland Heather

4.326 1 person has highlighted the potential adverse impact of the air pollution from the quarry on the Heather in the nearby moorland area.

Actions/Considerations

4.327 NPPG sets out that pollution from new development may affect biodiversity. In particular, is it likely to result in deposition or concentration of pollutants that significantly affect a European-designated wildlife site, and is not directly connected with or necessary to the management of the site, or does it otherwise affect biodiversity, particularly designated wildlife sites.

Outcomes for the Proposed Approach

4.328 Given that the proposed strategic approach regarding building stone is to not allocate any sites in the Minerals Local Plan, it is not necessary to undertake a revised assessment of this site. This site will not be included as an allocation in the Plan.

General

4.329 No comments on any of the Consultation documents.

(Coal Authority 530/2030, United Utilities 210/2050)

4.330 The response is noted.

Appendix 3 – Hard Rock Sites Consultation 2026/2017

F. New Parish Quarry, Darley Dale

The following is a summary of the issues which were raised in the 310 individual letters/emails, as well as the 8 organisations which also made comments. (CPRE, Natural England, Historic England, Severn Trent Water, RSPB, Woodland Trust, Mineral Products Association, Peak District National Park Authority). A petition signed by 603 people opposing the quarry was also submitted. The following is a summary of the issues raised:

Highways Impact

188 people consider the narrow local roads to be totally inadequate for HGVs. 30 of these people express the additional concern that HGVs will take the direct route to the A6 through Darley Hillside.

Health Risks from Increased Dust and Traffic Pollution

175 people expect the dust from the proposal to affect a wider area than the Councils' assessment indicates. In this respect, the 200m and 500m buffer zones used in the assessment were questioned. Particulate dust (PM10s) is of particular concern in terms of its effect on people's health, (particularly people with existing respiratory problems such as asthma) given the proximity to a large residential area, which includes two care homes for the elderly. Pollution from quarry traffic is also expressed as a major concern in terms of its impact on people's health.

Impact on the Landscape

145 people (and CPRE) express their concern about the impact of the proposal on the beauty, character and amenity of the landscape, which they consider has remained intact for centuries. Being on a south facing slope, its prominence (visual impact) in the landscape over a wide area was also raised by 66 people in this respect.

Impact on Wildlife

124 people have raised concerns regarding the potential impact of the proposal on wildlife in the area, the site and its surroundings being an important nesting and breeding area for birds, insects and mammals. Bent Lane itself is recognised locally as being an important wildlife corridor.

The RSPB is particularly concerned about the impact of the proposed haul route on birds in the SSSI and SAC to the north of the proposed site.

Ancient Woodland

The potential impact on birds in the adjacent ancient woodland of Halldale Wood (a Local Wildlife Site, which is a haven for many important native and migratory species) has been raised by 36 individuals as well as Natural England and the Woodland Trust. There are also a number of protected species in this area such as Badgers, Tawny Owls, Bats and Bramblings.

Hydrology

122 local people expect the proposal to increase the impact and occurrence of flooding in the area by disrupting the numerous natural local springs, water courses and the water table in the area and by excavation removing a large area of soil and rock which currently acts as a sponge for much of the excess water. The proposal may also disrupt the supply of water to the ponds at Whitworth Park. People also anticipate that the flooding together with the destabilisation of the land will increase the risk of landslips and landslides in the area, with spoil from Halldale Quarry being considered a risk in this respect.

Water Aqueduct

69 people and Severn Trent Water have highlighted the presence of the Victorian water aqueduct just to the south of the site. This carries water by two large Victorian cast iron pipes in a brick lined tunnel, supplying water to over 590,000 households in Derbyshire, Leicestershire and Nottinghamshire. People are concerned that quarrying could disrupt the pipeline and lead to significant flooding of the area. STW need assurance from the developer that the integrity of the pipeline will not be affected by the working of the quarry.

Before the proposals are accepted, a full detailed study should be commissioned, at no cost to STW, of the full impact of the quarry activities on the DVA along with a flooding assessment should there be a catastrophic failure.

Noise Impacts

110 people have expressed their concern about the potential for noise from the working of the proposed quarry.

Local Economic Benefits

106 people suggest that they do not expect there to be any significant local economic benefits from the proposed quarry. They consider that the small number of jobs that would be created would be outweighed significantly by job losses in the local tourism industry if the proposal were to go ahead, and there would as a result be a net negative impact on the local economy. It is considered also that there would be a very small economic return to balance against the considerable environmental destruction from the proposal. People consider that the only significant economic benefit would be to the multi-national company which is proposing the site.

1 individual supports the proposal on the grounds that it would provide employment and revenue for the local area.

Widening of Roads

85 people (and RSPB) are concerned that the proposals would destroy the roads and verges and would make it unsafe for other road users. They are also concerned that the widening of the roads to accommodate HGVs would have an adverse impact on the rural character of the area as well as on local wildlife and that it would also impact on two European protected sites to the north of Bent Lane and adjacent to Chesterfield Road on both sides. These sites are classified as the Eastern Peak District Moors SSSI, Peak District Moors SPA under the EC Birds Directive and the South Pennine Moors SAC under the EC Habitats Directive.

Need for the Stone

77 people question the need for the stone given the number of existing building stone quarries in the overall area. In this respect, people asked why the adjacent Halldale Quarry could not be worked out instead. A small number of people stated that they would be more receptive to a smaller quarry, which would produce stone for mainly local purposes.

Informal Recreation

72 people comment that the site is currently used for informal recreation by the community (walking, cycling, horse riding, running, bird watching, picnicking) being crossed by two well-used footpaths, and would be a great loss in this respect. Many people are concerned that the general health and wellbeing of the local population would be adversely affected by the loss of this area.

Impact on Tourism

65 people express their concern that the quarry would have a significant impact on local tourism, deterring people from visiting the area and its attractions.

Visual Impact from the Peak District National Park

37 individuals (and CPRE S. Yorks) raise the issue of the site being prominent in views across the Derwent Valley from the Peak District National Park.

Road Safety

36 people are concerned about the impact of HGVs on the safety of other road users should the quarry go ahead.

Impact on Designated Sites

36 people (and RSPB and Natural England and the Woodland Trust) are concerned about the potential impact of quarry working on the adjacent Local Wildlife Site/Ancient Woodland of Halldale Wood and the SSSI to the north of the site.

Scale of the Proposal

16 people have expressed their concerns regarding the scale of the proposed quarry. In this respect, people state that the proposal would not comply with the NPPF, which sets out that MPAs should recognise the small nature and impact of building stone quarries.

Impact on the Local Economy

37 people consider that the proposal would have a significant negative impact on the local economy and that any benefits would be outweighed significantly by the negative impacts of the proposal.

Proximity to Residential Areas

14 people are concerned about how close the proposal is to a large residential area, and in this respect consider that the operator should look for and consider alternative sites in more appropriate, secluded locations before this one.

Cumulative Impacts

5 people set out that the area as a whole has seen quarrying for a significant number of years and that other large manufacturing industries such as Enthovens and Firth Rixon have also had an impact on the area in terms of noise, pollution, HGV traffic etc.

Agricultural Land

7 people argue that, although the land is not classified as being BMV, it is still good quality land for grazing and silage production and generates good income for the local farmer. The loss of this resource would be detrimental to the local economy.

Disruption to Water Supply

6 residents are concerned that their only water supply from local springs will be disrupted by the quarry.

Restoration

8 people have set out that they consider that the restoration of the site would appear to offer few benefits over and above what is present on the existing site.

Archaeology

2 people consider that the site does have archaeological value and should be investigated.

Radon Gas

7 people are concerned that Radon gas will be emitted from the rock if the quarry is worked.

House Prices

6 people expressed concern that the quarry would have an impact on the price of their property.

Damage to Property/Subsidence

3 people express concern that their properties may be damaged by quarry working.

Threat to Moorland Heather

1 person has highlighted the potential adverse impact of the air pollution from the quarry on the Heather in the nearby moorland area.

New Parish Quarry - Drop-in Session, 2 February 2017

This event was held at the Whitworth Centre, Darley Dale on 2 February 2017 to give local people the opportunity to discuss with Council Officers the proposal by Stancliffe Stone Limited to include a building stone quarry off Bent Lane in the Derbyshire and Derby Minerals Local Plan.

83 people came to the event throughout the day, which was held between 9am and 7pm. These were mainly members of the public. A Town Councillor also attended, as well as the Chair of the Darley Hillside Residents Association.

Most people who attended had already sent in written comments, but six more left their comments with us on the day.

This is a summary of the issues raised:

- Local people do not expect that the economic benefits, particularly in terms of the small number of jobs proposed, would outweigh the significant adverse impacts of the proposal.
- The need for the stone was questioned given the number of existing quarries in the area. In this respect, people asked why the adjacent Halldale Quarry could not be worked out instead.
- Local people would be more receptive to a smaller quarry, which would produce stone for mainly local purposes.
- The geological information provided was questioned. People thought there would be a lot more waste material produced.
- The scale of the proposal gave cause for great concern.

- Local people expect the noise and dust from the proposal to affect a wider area than the Councils' assessment indicates. In this respect, the 200m and 500m buffer zones used in the assessment were questioned. The dust is of particular concern in terms of its effect on people's health and wellbeing.
- The cutting of the stone to the north of the proposed quarry gave cause for concern in terms of noise and dust.
- People expect the proposal to increase the impact and occurrence of flooding in the area by disrupting the numerous local springs in the area and by destabilising the land and water table.
- The Victorian water aqueduct just to the south of the site could be disrupted and flood the area.
- There were concerns that the operation could be working 24 hours a day for seven days a week.
- The roads around the site are considered to be totally inadequate for HGVs. People are concerned that they would destroy the roads and verges and would make it unsafe for other road users. Widening of the roads would have an adverse impact on the rural character of the area.
- The site is currently used for informal recreation by the community and would be a great loss in this respect.
- The impact on wildlife, particularly birds in adjacent ancient woodland.
- The adverse impact on tourism in the area.
- The proposal would have an impact on local house prices.
- Impact of the proposal on the landscape and on views from the Peak District National Park.
- People were concerned that the consultation had not reached all parts of the community.
- A number of people were concerned about the traffic counters and speed tubes that had been installed on the local roads this week.

G. Whitwell Quarry

- The operator of Whitwell Quarry i.e. the promoter of the extension sites wishes to amend the site boundary of the promoted northern area extension to reflect the area included in the current planning application submitted to the MPA. The revised site boundary draws the promoted site further back from the southern edge of Whitwell village.
- The operator of Whitwell Quarry suggests that a number of detailed assessments included as part of the planning application should be used to assess impacts relating to noise, dust, blasting/vibration, the water regime and agricultural land to provide a more detailed and accurate assessment.

Note of Drop-in Session, Whitwell, Friday 3rd February 2017

10 people visited the session, including Whitwell Parish Councillors, Belp and Hodthorpe Parish Councillors, Tarmac Representative and Quarry Liaison Members.

Issues raised:

Most people had no concerns about the quarry extensions.

One issue raised was how to distinguish between the emissions from the kiln and the dust emissions from the quarry. May be an issue if Lhoist burn different waste types for fuel.

One person asked about the use of material from Whitwell Colliery Tip for reclamation purposes similar to what had happened with Belp Tip.

One person stated that it was important that any sub-contractors understood and carried out the work in accordance with any planning conditions and agreements.

Most people were supportive of the proposed extensions and recognised the importance of the mineral.

H. Ashwood Dale Quarry

- One respondent is concerned about the proximity of the site to the Peak District Dales Special Conservation Area which also includes the Wye Valley SSSI. A rigorous Habitat Regulations Assessment would be required to assess the impact of dust on these sites and ongoing dust monitoring would be a necessity.
- A housing site has been allocated in the High Peak Borough Local Plan close to the promoted quarry extension; both are in close proximity to the SAC/SSSI. The cumulative impact of proposals on the ecological sites should be taken into account especially in relation to air quality and hydrological impacts.
- One respondent stated that due to the close proximity of the site to the Peak District National Park the wider impact of the site on the setting of the PDNP needs to be taken into account.
- One respondent opposes the allocation of this site unless it can be demonstrated that mitigation measures would suitably protect nearby by ancient woodland from damage and loss.

Drop-in Session, Monday 6th February 2017.

25 people visited the session, including land owners near to the quarry, Cowdale residents, Buxton residents and Buxton Civic Association members.

The following issues were raised:

Most people had no concerns about the promoted quarry extension.

One person asked if there were any proposals to start quarrying at Cowdale Quarry.

One person stated that there was a need to ensure that Cuning Dale is not breached by any mineral development given its SSSI/SAC status.

One person asked about the blasting buffer zone and what this meant in practice and how it affected the proposed housing allocation in the HPBC Local Plan.

One person asked if there would be any lorry traffic passing through Fairfield.

Two people mentioned that there appeared to be extensive earth moving machinery in the permitted area near to Cuning Dale and enquired as to what and why the earthworks were taking place.

I. Aldwark/Brassington Moor Quarry

- The operator of Aldwark/Brassington Moor Quarry and one other respondent supported the inclusion of the site as an allocation in the Plan.
- The operator considers that the potential landscape and visual impacts of the site have been overstated including impacts on the PDNP.
- Five respondents are concerned about the impact of the proposal on the PDNP, the wider landscape, on existing PROW users and visitors to the area. Of particular concern is noise, dust, visual impacts and impacts on tranquillity.
- One respondent commented that effective mitigation strategies need to be implanted at an early stage to reduce the impact of the proposal.
- One respondent is concerned about the proximity of the site to the Peak District Dales Special Conservation Area and the Via Gellia SSSI. A rigorous Habitat Regulations Assessment would be required to assess the impact on these sites.

Note of Drop-in Session, Brassington, Friday 10th February 2017

6 people visited the session, including Brassington and Aldwark residents, Brassington Local Environment Group member, Peak District National Park Officer.

Issues raised:

One resident of Aldwark complained about the noise particularly early in the morning. She thought that the quarry use did not compliment the leisure/holiday cottages that were present at Aldwark which lies within the Peak District National Park.

People recognised the importance of the quarry as a local employer.

The Peak District National Park officer has concerns about the visual impact of the quarry extension on the wider landscape setting of the National Park.

Two residents were concerned about work that was taking place at Manor Farm close to the proposed extension area. They were concerned that mineral working was taking place without the benefit of planning permission.

J. Mouselow Quarry

- One respondent stated that due to the proximity of the site (within 2km) of the PDNP account needs to be taken of the wider impact of the promoted site on the setting of the PDNP.

General

- One respondent considered it unnecessary to allocate any new sites for industrial limestone working in view of the current land bank. They suggested that reactivating inactive sites would be a less intrusive approach particular in relation to impacts on the PDNP.

Site Assessment Methodology Criteria

- One respondent stated that the Site Assessment Methodology should clarify whether the assessment criteria are of equal or variable weighting. Some criteria should carry more weight than others.
- One respondent stated that the Site Assessment Methodology should take into account potential mitigation measures.
- One respondent considered that the Criteria relating to economic need were misleading and should refer to the need for additional reserves to commence during the plan period.
- One respondent considered that the quality/yield of mineral should be evaluated by using the expected yield per hectare
- One respondent considered it inappropriate at the Local Plan Site Allocation stage to require information on the end use of mineral resources to be provided.
- One respondent considered that the assessment relating to existing infrastructure favoured extensions rather than new sites contrary to NPPF.
- One respondent considered it inappropriate to include a Criteria at the Local Plan allocation stage on sterilising mineral resources.
- One respondent considered that the Criteria were inappropriate for considering building stone operations.
- Three respondents have commented that the Criteria in relation to ecology do not appropriately reflect NPPF which requires distinctions to be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status.
- One respondent has commented that the Criteria in relation to landscape do not appropriately reflect the Guidelines for Landscape and Visual Assessment (Edition3).

- One respondent has commented that the Criteria do not appropriately reflect the historic environment constraints hierarchy set out in the NPPF.
- One respondent considered that the 'buffer zones' used to assess the impacts of dust on air quality and human health do not accord with the latest guidance in Guidance on the Assessment of Mineral Dust Impacts for planning (May 2016).
- One respondent considered that the Criteria used to assess Transport impacts are inappropriate.
- One respondent considered that the Criteria used to assess cumulative impacts should be amended and widened to reflect current practice in assessing such impacts.
- One respondent considered that the Groundwater Source Protection Zones had been wrongly classified.
- One respondent supported the Site Assessment Methodology.

Drop- in Session, Monday 13th February 2017

8 people visited the session, including a County Councillor, a High Peak Borough Councillor, a Wienerberger representative, a Boothventures representative, Chair of Mouselow Quarry Liaison Committee and a Higher Dinting resident.

Issues raised:

One Higher Dinting resident was concerned about the impact of the quarry in terms of views, land instability and any increase in dust, noise or traffic on the surrounding area.

Other visitors raised the impact of the quarry on the surrounding landscape as the main issue relating to the extension.

Councillor Wilcox asked if there would be any increased traffic as a result of the extension.

The operator, Wienerberger, is keen to engage with people living locally to the quarry to answer any concerns before a planning application is submitted for the site which could be later in 2017.

Most visitors appreciated the importance of the quarry in terms of the need for the continued supply of material to Denton brickworks and the resulting employment that it provided.

A Borough Councillor was particularly concerned about another quarry in High Peak, Birchvale/Arden quarry/landfill site and the problem with odour from the landfill site.

Comments were used to determine whether the sites should be allocated in the Plan and if so many of the comments informed the development of the Principal Planning Requirements for the sites.

Appendix 4 – Spring 2018 Consultation

Spatial Portrait Background Paper

Table of Representations

Name	Name Reference Number	Representation Reference Number
Natural England	502	0027
Natural England	502	0028
CPRE Peak and S Yorkshire	524	0146
DDDC	506	0033
Minerals Products Association	538	0200
National Trust	547	0283
Tarmac	551	0319
Tarmac	551	0320
Environment Agency	507	0048

Spatial Context

General

Representations

- 2.2.1 Supports Chapter 2 which includes details regarding protected habitats.

(Environment Agency 507/0048)

Actions/Considerations

- 2.2.2 The support is welcomed.

Outcomes for Proposed Draft Plan

- 2.2.3 No action required

Natural and Historic Environment

Representation

- 2.2.4 Natural sites identified in paragraph 2.23 should specify their designation, e.g. SPA, SAC or SSSI.

(Natural England 502/0028)

Actions/Considerations

- 2.2.5 The representation is noted.

Outcomes for Proposed Draft Plan

- 2.2.6 The text could be amended as recommended

A Profile of Minerals in Derbyshire

Representation

- 2.2.7 Recommends that Statement 2.31 be expanded to refer to the ecological qualities of peat, and its importance as a carbon sink, and to state that any new peat extraction should not be included in any future plan.

(Natural England 502/0027)

Actions/Considerations

- 2.2.8 Chapter 17, paragraph 210 of the NPPF states that “Planning policies should provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction.” The Plan area does not contain any existing sites for peat extraction and given the NPPF’s negative approach to peat extraction the MPA considers that it is not necessary to make specific reference to peat resources in the Plan area, notwithstanding their qualities as a carbon sink.

Outcomes for Proposed Draft Plan

2.2.9 No change required.

Representation

2.2.10 Supports the identification of limestone production as being of national importance.

(Tarmac 551/0319)

Actions/Considerations

2.2.11 Support is welcomed

Outcomes for Proposed Draft Plan

2.2.12 No change required.

Representations

2.2.13 States that no mention is made of building stone in the mineral resources section of the plan

(Mineral Products Association 538/0200)

Actions/Considerations

2.2.14 The Mineral Resources section of the plan (Paragraphs 2.28-2.32) currently makes no mention of working building stone, although Chapter 7 – Supply of Non-Aggregates covers Building and Roofing Stone.

Outcomes for Proposed Draft Plan

2.2.15 Appropriate reference is made to building stone at paragraph 2.11.

Representation

2.2.16 Map 2 could be amended to reflect recent oil and gas exploration licences

(National Trust 547/0283)

Actions/Considerations

- 2.2.17 Agree that oil and gas Petroleum Exploration and Development Licences (PEDLs) need to be shown within the Plan.

Outcomes for Proposed Draft Plan

- 2.2.18 Figure 8.2.5 Chapter 8.2 displays the current PEDLs.

Representation

- 2.2.19 Reference should be made to aggregate rail sidings and their importance in securing national mineral supply.

(Tarmac 551/0320)

Actions/Considerations

- 2.2.20 Reference is made at 2.35 to the existing and potential transport of mineral, particularly aggregates, by rail. Chapter 9.2 considers the issue of safeguarding mineral related infrastructure, including rail sidings and their importance in securing sustainable modes of transport for minerals.

Outcomes for Proposed Draft Plan

- 2.2.21 The issue is appropriately covered in the Plan both at Chapters 2 and 9.

Mineral Reserves

Representations

- 2.2.22 Requests the provision of a landbank estimate for industrial limestone within the plan.

(CPRE 524/0146)

Actions/Considerations

- 2.2.23 The issue of a landbank of permitted reserves for Industrial Limestone use is set out at paragraph 7.2.12 in Chapter 7.2 of the Plan.

Outcomes for Proposed Draft Plan

2.2.24 No change to Chapter 2.

Contribution to the Local Economy

Representation

2.2.25 Supports references regarding the contribution the minerals industry makes to the local and national industry, and in particular the Derbyshire Dales.

(DDDC 508/0033)

Actions/Considerations

2.2.26 The support is welcomed

Outcomes for Proposed Draft Plan

2.2.27 No action required

2.3 Chapter 3 – Vision and Objectives

Table of Representations

Name	Name Reference Number	Representation Reference Number
PDNPA	501	0020
Natural England	502	0026
Cheshire West and Chester Councils	503	0029
DDDC	506	0032
Environment Agency	507	0035
Environment Agency	507	0049
Environment Agency	507	0050
Central Bedfordshire Councils	522	0144
CPRE	524	0147
CPRE	524	0148
CPRE	524	0165
Minerals Products Association	538	0201
Minerals Products Association	538	0202
Minerals Products Association	538	0203
South Derbyshire DC	542	0227
National Trust	547	0264
National Trust	547	0265
National Trust	547	0266
National Trust	547	0267
National Trust	547	0268
National Trust	547	0269
Tarmac	551	0321
Tarmac	551	0322
Tarmac	551	0323
Tarmac	551	0324
Tarmac	551	0325
Tarmac	551	0326
Historic England	563	0446

Representations

- 2.3.1 Support the vision and objectives, particularly Objectives 6 and 7 concerning protection of the natural and built environment and the Peak District National Park area but suggested changes so that they do not just refer to ‘the area’ which could be construed as meaning the Plan area only, but should include the surrounding areas.

(PDNPA 501/0020)

Actions/Considerations

- 2.3.2 Support for the vision and objectives is welcomed. However, the Plan can only set out policies for the area within the Plan boundaries. Whilst it is intended that the Plan will help to support the protection of adjoining areas, it can only do so by indirect means, for example by helping to reduce the level of mineral extraction in the PDNPA.

Outcomes for Proposed Draft Plan

- 2.3.3 The vision and objectives cannot be amended to imply policies for areas outside the Plan area and the suggested changes have not been made.

Representation

- 2.3.4 Objective 6 should include additional wording so that the Plan will set out specific criteria for the selection of mineral development sites that would specifically avoid sites of environmental value, including designated sites and the best and most versatile agricultural land. This would require policy distinction between international, national and local sites.

(Natural England 502/0026)

Actions/Considerations

- 2.3.5 The underlying purpose of Objective 6 is to indicate that the Plan will seek to protect all aspects and features of the natural, built and historic environment from the unacceptable adverse impacts of mineral development. The

Objectives are implemented through the Strategic Policies of the Plan and the more detailed Non-Strategic Development Management policies. New Policy SP1 Sustainable Minerals Development sets out strategic policies relating to resource conservation and the protection of important environmental and built assets. The Development Management policies at Chapter 11 seek to include specific reference and approaches to the different levels of designated sites.

Outcomes for Proposed Draft Plan

- 2.3.6 No change to Objective 6 to set out more specific development management criteria.

Representation

- 2.3.7 Support the vision, especially the statement that Derbyshire will continue to provide a steady and adequate supply of minerals to meet its share of local and national needs as it provides 20-30% of crushed rock needs in the Cheshire West and Chester area.

(Cheshire West and Chester Councils 503/0029)

Actions/Considerations

- 2.3.8 The vision and the wider Plan is being prepared in recognition of the important contribution the Plan area makes in delivering nationally important minerals to meet the needs of society.

Outcomes for Proposed Draft Plan

- 2.3.9 No action required.

Representation

- 2.3.10 Support the proposed Vision and Objectives for the following reasons: The Plan recognises that minerals will continue to be required to sustain

sustainable growth and seeks to achieve, through a planning framework, the appropriate balance to ensure the suitable supply of minerals over the plan period whilst providing consideration to the social, economic and environmental influences and factors arising from such development.

(Derbyshire Dales District Council 506/0032)

Actions/Considerations

- 2.3.11 Representation noted and welcomed

Outcomes for Proposed Draft Plan

- 2.3.12 No action required.

Representation

- 2.3.13 The Environment Agency welcomes the clear inclusion of the opportunity to minimise flood risk both as part of the overall vision as well as within Objective 8. We also welcome the Visions aim to maintain or enhance water quality. Where sites are situated in catchments that are failing to meet good ecological status for the Water Framework Directive, we would ask whether the vision could be amended to state 'Minerals developments will be located, designed and operated in ways which help to reduce flood risk and maintain and enhance water quality ***in line with the requirements of the Water Framework Directive***'

(Environment Agency 507/0035, 0049 & 0050)

Actions/Considerations

- 2.3.14 Support for the vision and objectives is noted and welcomed. Comments relating to the Waste Framework Directive are noted but the vision and objective statements are intentionally broad expressions and the level of detail in the suggestion is more appropriate for consideration in the specific development management policies.

Outcomes for Proposed Draft Plan

- 2.3.15 Policy DM8 Water Management and Flood Risk includes provisions to protect water quality and prevent flood risk. Detailed reference is made to the Water Framework Directive at paragraph 11.93.

Representation

- 2.3.16 Support the vision and objectives to ensure a steady supply of minerals and the safeguarding of mineral resources and facilities.

(Central Bedfordshire Councils 522/0140)

Actions/Considerations

- 2.3.17 Support noted and welcomed.

Outcomes for Proposed Draft Plan

- 2.3.18 No action required.

Representation

- 2.3.19 1) Objective 2 is acceptable but do not believe that sustainable minerals development will be achieved through the policies and proposals of the Plan, particularly as the policies for hydrocarbons do not address carbon emissions sufficiently such that the authority can help to reduce climate change.

2) Support Objective 7 but suggest 'and its setting' in the first sentence after PDNP.

(CPRE 524/0147 & 0148)

Actions/Considerations

- 2.3.20 1) Representations relating to hydrocarbon issues are addressed in the appropriate section of this report.

2) Agree that protection of the 'setting of the PDNP' should be included in Objective 7.

Outcomes for Proposed Draft Plan

2.3.21 1) No change

2) Objective 7 has been reworded to Include reference to the 'setting of the PDNP'.

Representation

2.3.22 1) The element of the vision which seeks to assist in reducing quarrying in the Peak Park is not consistent with NPPF and is therefore considered to be unsound. The Plan should not use part of the PDNP Core Strategy which predates NPPF to justify its policies. The NPPF should take precedent. This part of the Vision should therefore be deleted.

2) Objective 3 is welcomed but it should include the 'agent of change' introduced in the draft NPPF revision to assist District Councils dealing with non-mineral development near or on mineral safeguarded areas as well as DCC in respect of mineral infrastructure.

3) Objective 7 is considered unsound for the reasons stated above and the last sentence should be deleted.

(MPA 538/0201 – 0203)

Actions/Considerations

2.3.23 1) The NPPF at paragraph 211 sets out that,

'In considering proposals for mineral extraction, minerals planning authorities should:

a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas; '

The policy of helping to preserve the special character of the Peak District National Park is a longstanding and well-supported aspect of the adopted Minerals Local Plan and the approach is clearly consistent with the NPPF hence its inclusion in the Vision and Objective 7 is clearly justified.

2) Objective 4 deals with safeguarding resources and mineral related infrastructure and is entirely consistent with the requirements of the NPPF. The detailed application of this Objective is through policies set out at Chapters 9.1 and 9.2 of the Plan.

3) See above

Outcomes for Proposed Draft Plan

2.3.24 1) 2)and 3) No change to Plan.

Representations

2.3.25 The intention to seek close cooperation between mineral operators and local authorities is welcomed as is the consideration of restoration proposals from the early stages.

(South Derbyshire DC 542/0227)

Actions/Considerations

2.3.26 Comments noted and welcomed.

Outcomes for Proposed Draft Plan

2.3.27 No action required.

Representation

2.3.28 1) Vision point 5 insert Historic into the title i.e. Protection of Local Communities, the Natural, Built, and Historic Environment and Cumulative Impacts, Restoration’.

2.3.29 2) Vision point 6 - we support the commitment to assist in achieving a progressive reduction in mineral extraction within the Peak District National Park.

2.3.30 3) Vision point 7 - We support the commitment to minimise impacts on climate change, but suggest that the text is revised to say 'to ensure that they do not contribute to climate change'.

2.3.31 4) Reflecting our comments on the Vision, the National Trust requests that Objective 6 is amended to give proper recognition to the historic environment:

'Objective 6 - Protecting the Natural, and Built and Historic Environment

2.3.32 The Plan will conserve and enhance the area's natural and built environment, including its distinctive heritage, landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.'

2) and 6)Support Objectives 6, 7 and 8.

(National Trust 547/0264 – 0269)

Actions/Considerations

2.3.33 1) and 4) Agree that the term historic environment should be included in the Vision and Objectives.

3) Agree that Vision and Objectives should be amended to take into account the need to address the issue of climate change in delivering sustainable minerals development. However, it would be inappropriate to revise the text to include the wording that mineral proposals should not contribute to climate change because inevitably they do; the approach has to be to minimise impacts on the causes of climate change, and facilitate adaptation to increase resilience to climate change.

2) and 6)The support for Objectives 6,7 and 8 is noted.

Outcomes for Proposed Draft Plan

2.3.34 1) and 4) The term historic environment has been included in the Vision and Objectives.

3) The Vision and Objectives have been widened and strengthened to take into account the need to address the issue of climate change more effectively in delivering sustainable minerals development.

2) and 6) No change needed.

Representation

2.3.35 1) Vision - Spatial distribution of minerals development. Whilst it is considered appropriate to consider the environmental sustainability credentials of mineral extraction and support for sustainable modes of transport and proximity to markets should be encouraged, it is not appropriate to categorically seek to locate minerals development, 'in areas to optimise the match between the locations of supply and demand' and, 'allow for the use of sustainable modes of transport'. Mineral extraction can only occur where the resource exists. Currently as worded this appears to relate solely to new sites but does not consider a preference for extensions which is a theme within the Plan.

2.3.36 2) Vision - Protection of the Peak District National Park. Progressive reduction of quarrying in the PDNP is contrary to NPPF Para 144 which states this should be "as far as practical". Whilst it is the intention to limit mineral extraction, consideration needs to be given to the significance/importance of the resource. The need for development should be given appropriate weight in cases where there are clear economic benefits and continuation in supply of mineral resources are of national importance having regard to the tests for major development in National Parks (Para 116 NPPF).

2.3.37 3) Whilst Objective 1 is supported generally, there needs to be more flexibility in line with the revised NPPF. Para 11 requires plans to be sufficiently flexible to adapt to rapid change. Full consideration should also

be given to the Duty to Cooperate and the potential to draw on resource from neighbouring areas.

- 2.3.38 4) Objective 3 whilst it is correct for the Plan to identify any shortfalls in resource, it is not considered that a locational strategy is the most effective method for securing new mineral development.
- 2.3.39 5) Objective 6 the NPPF does not advocate protection and enhancement in all circumstances. Caveat with "where possible".
- 2.3.40 6) Objective 7 The NPPF seeks to reduce 'as far as practicable' the landbank from outside the National Park. However, plans need to take account of mineral resource and where they exist as well as the significance and scarcity of the resource in maintaining supply which is of national importance. Objective 7 is unsound as it is not in accordance with the NPPF. Plans need to take account of mineral resource and where they exist as well as the significance and scarcity of the resource in maintaining supply which is of national importance.

(Tarmac 551/0264 – 0269)

Actions/Considerations

- 2.3.41 1) and 4) Agree that approach towards the spatial location and distribution of minerals could be more effectively explained in the Plan.
- 2.3.42 2) and 6) It is not accepted that the statements relating to assisting in protecting the special characteristics of the PDNP are contrary to the NPPF. The effect of approach advocated is to increase production in the Plan area to enable a reduction in the PDNP. It is not intended to directly replace all production in that area and therefore is a measure that constitutes an approach that is 'as far as practical' as stated in the NPPF.
- 2.3.43 3) Agree that the wording in Objective 1 should better reflect the need to meet the national, sub national and local demand for aggregates. This aim is reflected in Policy SP1 Sustainable Development and the detailed application of this policy is set out at Chapter 6. The Plan reflects Duty to Cooperate requirements to meet the supply of aggregates and is sufficiently

flexible to meet any increases in demand. The demand/supply of aggregates is monitored annually through the preparation of the LAA and the policies of the plan will be monitored in accordance with the monitoring framework set out at Chapter 12.

- 2.3.44 5) Objective 6 does not refer to protecting the natural and built environment in 'all circumstances' as it specifies that protection will be provided in the context of avoiding, minimising and/or mitigating against the potential adverse impacts of minerals developments. It therefore acknowledges that some impacts are unavoidable but, read in the context of the Plan as a whole, it seeks to avoid unacceptable adverse impacts in accordance with the NPPF.

Outcomes for Proposed Draft Plan

- 2.3.45 1) and 4) The sustainable location and spatial distribution of minerals has been addressed at paragraphs 4.29 to 4.32 of the new Plan to reflect the characteristics of the Plan area and the fact that minerals can only be worked where they are found. The extension of sites is covered at paragraph 4.32.

2) and 6) No change

3) Objective 1 has been reworded to better reflect the need to meet the national, sub national and local demand for aggregates.

5) No change

Representation

- 2.3.46 Objective 6 refers only to the built environment rather than historic environment. As such, none of the objectives make provision for archaeology/buried remains, which is required by the NPPF. It is recommended that Objective 6 be revised to include historic environment as well and that this be updated on all sections throughout the Plan.

(Historic England 563/0446)

Actions/Considerations

2.3.47 Agree

Outcomes for Proposed Draft Plan

2.3.48 Objective 6 has been rewritten to include the historic environment.

2.4 Chapter 4 - Strategic Sustainability Principles

Table of Representations

Name	Name Reference Number	Representation Reference Number
Environment Agency	507	0036
Environment Agency	507	0037
CPRE Peak and S Yorks	524	0149
CPRE Peak and S Yorks	524	0150
CPRE Peak and S Yorks	524	0151
Mineral Products Association	538	0204
National Trust	547	0270
National Trust	547	0271
National Trust	547	0272
Friends of the Earth	549	0313
Tarmac	551	0327
Tarmac	551	0328
Tarmac	551	0329
Canal and Rivers Trust	577	0514

4.1 General Principles - Policy SMP1

Representations

- 2.4.1 Policy SMP1 generally supported but is unsound as not consistent with national policy. In addition to safeguarding resources, the policy should also seek to safeguard other mineral related (including transport) infrastructure in accordance with Para 204 of the NPPF.

(Tarmac 551/0327)

Actions/Considerations

- 2.4.2 Agree.

Outcomes for Proposed Draft Plan

- 2.4.3 The Strategic Sustainability Principles have been incorporated in Chapter 4 Sustainable Minerals Development which contains Policy SP1 covering both safeguarding mineral resources and minerals related infrastructure. Policies in Chapter 9 add provide detailed requirements on this issue.

4.2 Other Sustainability Principles More Locally Distinctive to Derbyshire and Derby - Policy SMP2

Representations

- 2.4.4 Policy SMP2 is supported in general but a number of amendments are suggested relating to flood risk, impact on the setting of the Peak Park, alternatives to road transport and environmental designations.

(Environment Agency 507/0036; CPRE 524/0149; Mineral Products Association 538/0204; National Trust 547/0270; Tarmac 551/0328)

Actions/Considerations

- 2.4.5 Agree

Outcomes for Proposed Draft Plan

- 2.4.5 The Strategic Sustainability Principles have been incorporated in Chapter 4 Sustainable Minerals Development which contains Policy SP1 which now covers all of these issues.

4.3 Climate Change - Policy SMP3

Representations

- 2.4.6 The second paragraph should be amended. "Unreasonably high" is too subjective and unsound. Whilst public benefit is advantageous, economic benefit and need for the mineral should be given as much weight as social

and environmental facets. Suggested wording: "Incorporating measures to respond to the predicted effects of climate change, such as ensuring that new development in the flood plain is made safe without increasing flood risk elsewhere and providing for enhanced water storage during droughts where practical" followed by "measures should be proportionate to the scale and type of development and may include some or all of the following"

(Tarmac 551/0329)

Actions/Considerations

- 2.4.7 Agree that the policy is in need of rewording.

Outcomes for Proposed Draft Plan

- 2.4.8 The Proposed Draft Plan contains a new specific Chapter and Policy relating to Climate Change.

4.3 Climate Change

Representation

- 2.4.9 This section should refer to and address the impact of fossil fuels, in particular hydrocarbons, on climate change.

(CPRE 524/0150 & 0151)

Actions/Considerations

- 2.4.10 Government policy is in principle to allow the exploration of hydrocarbons. However, policies of the Plan will ensure that any impacts of oil and gas development in relation to climate change is fully addressed.

Outcomes for Proposed Draft Plan

- 2.4.11 The Proposed Draft Plan contains a new specific Chapter and Policy relating to Climate Change.

Representation

- 2.4.12 The Environment Agency welcomes the inclusion of a climate change policy, with reference to flood risk made within this policy. The Environment Agency recommends the following amendments to bullet point 4 ‘incorporating measures to reduce flood risk to the site and elsewhere, where possible’.

(Environment Agency 507/0037)

Actions/Considerations

- 2.4.13 Agree

Outcomes for Proposed Draft Plan

- 2.4.14 The Proposed Draft Plan contains a new specific Chapter and Policy relating to Climate Change which incorporates this matter.

Supporting Comments

Representations

- 2.4.15 We support the policy goal of minimising transport movements and maximising the use of alternatives to road transport. We suggest the addition of the wording ‘subject to those alternatives achieving low emissions of greenhouse gas and other pollutants’.

(National Trust 547/0272)

- 2.4.16 The Canal & River Trust notes the comments made at paragraph 4.4.39 in relation to the limited potential for using water to transport minerals within the Plan Area, and we acknowledge that the nature of the waterways operated by the Trust within Derbyshire (none of which are designated as commercial waterways) may limit this potential.

(Canal and River Trust 577/0514)

Actions/Considerations

2.4.17 The support if noted.

4.4 Transport

Representations

2.4.18 There are considered to be increased movements for mineral working as a result of fracking proposals, so the first part of paragraph 4.4.5 is questioned. Alter this part to read “should not be significant” rather than “minimal”.

(Friends of the Earth 549/0313)

Actions/Considerations

2.4.19 Agree with this comment however see 2.4.20.

Outcomes for Proposed Draft Plan

2.4.20 The issue of transport has been included in Chapter 4 Sustainable Minerals Development with a new Policy SP1 covering transport. Detailed transport policies are set out at Chapter 11 Policy DM3.

Representation

2.4.21 We support the policy goal (SMP4) of minimising transport movements and maximising the use of alternatives to road transport. We suggest the addition of the wording ‘subject to those alternatives achieving low emissions of greenhouse gas and other pollutants’.

(National Trust 547/0272)

Actions/Considerations

2.4.22 Agree with this comment however see 2.4.20.

Outcomes for Proposed Draft Plan

2.4.23 The issue of transport has been included in Chapter 4 Sustainable Minerals Development with a new Policy SP1 covering transport. Detailed transport policies are set out at Chapter 11 Policy DM3. The Plan also includes a separate Policy SP2 on Climate Change which covers the issue of greenhouse gas emissions.

2.5 Chapter 5 – Spatial Strategy

Name	Name Reference Number	Representation Reference Number
SDDC	542	0028
Staffordshire County Council	543	0237
National Trust	547	0273
Tarmac	551	0330
UKOOG	562	0444

Table of Representations

Spatial Strategy

Representation

- 2.5.1 The proposed approach to the restoration of the sites in the river valleys is welcomed.

(South Derbyshire DC 542/0228)

Actions/Considerations

- 2.5.2 The support is noted

Outcomes for Proposed Draft Plan

- 2.5.3 N/A

Representation

- 2.5.4 Final bullet point - recognition of demonstrating benefits to ecological networks beyond the county boundary is supported.

(Staffordshire CC 543/0237)

Actions/Considerations

2.5.5 The support is noted

Outcomes for Proposed Draft Plan

2.5.6 N/A

Representation

2.5.7 National Trust supports the policy commitment to considering the strategic restoration of mineral workings from the outset in their planning and development and providing after-uses that benefit the environment and local communities.

(National Trust CC 547/0273)

Actions/Considerations

2.5.8 The support is noted

Outcomes for Proposed Draft Plan

2.5.9 N/A

Representation

2.5.10 Criteria are too subjective, onerous upon operators and unjustified. It is therefore unsound.

(Tarmac 551/330)

Actions/Considerations

2.5.11 The MPA consider that this part of the Plan needs to be significantly changed to be more streamlined and clearer.

Outcomes for Proposed Draft Plan

- 2.5.12 The Plan includes a new Chapter and Policy SP1 Sustainable Mineral Development which covers matters that were in the spatial strategy. This Chapter also covers the sustainable location of minerals development.

Representation

- 2.5.13 Policy SS1 appears to focus on aggregates, with no clear recognition of the uniqueness of other minerals, such as hydrocarbon development opportunities, and appears to miss the temporary nature of certain development phases.

(UKOOG CC 562/0444)

Actions/Considerations

- 2.5.14 The MPA consider that this part of the Plan needs to be significantly changed to be more streamlined and clearer.

Outcomes for Proposed Draft Plan

- 2.5.15 The Plan includes a new Chapter and Policy SP1 Sustainable Mineral Development which covers matters that were in the spatial strategy. This Chapter also covers the sustainable location of minerals development.

2.6 Chapter 6 – Supply of Aggregates

6.1 Secondary and Recycled Aggregates

Table of Representations

Name	Name Reference Number	Representation Reference Number
PDNPA	501	0019
Individual	578	0517

Representations

2.6.1 "Should the policies be re-numbered so this is Policy MS1? The PDNPA consider that the list of types of sites should be made into a hierarchy, with the most favoured being first, through to the least favoured being last. Our suggested hierarchy would be:

- 1) On demolition and redevelopment sites where the use is for a temporary duration related to the approved redevelopment works;
- 2) On industrial estates or sites with planning permission for new industrial and storage development or is allocated for such uses in the local plan;
- 3) At active landfill sites or other appropriate waste management sites;
- 4) At active quarries;
- 5) On previously developed land or redundant agricultural and forestry land. It is considered that 'redundant agricultural and forestry land' should not be included as an acceptable location for this type of development.

2.6.2 Additionally the PDNPA question what is meant by 'redundant' and whether this would persuade people to deliberately abandon agricultural and forestry land for the sole purpose of gaining planning permission for this type of development.

(PDNPA 501/0019)

Actions/Considerations

- 2.6.3 Agree re-numbering of policies. This section will be placed at the beginning of the aggregates chapter.

The approach of the Plan is to enable and encourage the development of facilities for the production of secondary and recycled aggregates to reduce the need for primary aggregates. The policy is written to encourage the development of recycling and secondary aggregate production facilities/operations in appropriate locations in response to the market. The MPA consider it inappropriate to list locations in a hierarchical list as each proposal will be considered in its own merits.

Agree with issue relating to 'redundant' buildings.

Outcomes for Proposed Draft Plan

- 2.6.4 The Plan contains a revised Policy (SP3) which seeks to support proposals for facilities/operations for the production of recycled and secondary aggregates in appropriate locations, as listed.

Representations

- 2.6.5 It is important that secondary or recycled aggregates are not extracted from former quarries that, under planning regulations, have returned to nature and are therefore officially classed as greenfield and not brownfield sites. Many such currently disused quarries that may have ceased operations 50 or more years ago are now havens for wildlife and are important feeding grounds for birds, animals and insects, even if rare species are not present within them. We all know that the environment is under extreme pressure from man's activities, for example it has recently been assessed by Birdlife that 1 in 8 species of bird may soon become extinct primarily due to the actions of man.

(Individual 578/0517)

Actions/Considerations

2.6.6 Agree

Outcomes for Proposed Draft Plan

2.6.7 Policy SP3 of the Plan only supports recycled/secondary facilities at operational quarries on a temporary basis where they are linked to the permitted timescale of mineral extraction.

6.2 Sand & Gravel

Table of Representations

Name	Name Reference Number	Representation Reference Number
Peak District National Park Authority	501	0018
Environment Agency	507	0038
Environment Agency	507	0039
Environment Agency	507	0040
Environment Agency	507	0041
Environment Agency	507	0051
Borrowash Action Group	517	0133
Cemex	521	0139
Mineral Products Association	538	0205
Mineral Products Association	538	0206
South Derbyshire District Council	542	0229
Staffordshire County Council	543	0238
Staffordshire County Council	543	0239
Staffordshire County Council	543	0240
Tarmac	551	0331
Tarmac	551	0332
Tarmac	551	0333
Tarmac	551	0334
Tarmac	551	0335
Individual	558	0379
Historic England	563	0447

Sand and Gravel Provision

Representations

- 2.6.8 DCC has not considered properly the requirements of the NPPF in that the calculation of the requirement for sand and gravel only considers the 10-year average. The 3-year average is marginally higher. Policy MS1 is therefore considered to be unsound. Changes to the policy are suggested to ensure the soundness of the policy. The landbank calculations are also considered to be incorrect as Potlocks Farm is included in the figures. Also, NPPF states that the Plan period should be 15 years from adoption. As a result, the sand and gravel requirement should be revised.

(Mineral Products Association 538/0205 & 0206, Tarmac 551/0332 & 0333)

Actions/Considerations

- 2.6.10 The role of a LAA is not to prepare a forecast of future demand in the same manner that we do for waste, but to use locally available information to determine if future demand might vary from historical sales averages. However, we have considered the most recent data and other information in reviewing the LAA and have concluded that the 10-year average figure should be used. This figure is a realistic and achievable one that will continue to be reviewed on an annual basis to ensure that it remains so. The 3-year average is actually lower than the 10-year average at 0.80mt.
- 2.6.11 It is agreed that the Plan period should be extended to take account of the requirements of the NPPF. It has been extended to 2038.
- 2.6.12 The permission for the Potlocks Farm site had not been revoked at the time the figures were calculated for inclusion in the Spring 2018 consultation. The site has now been removed from the figures. The resulting reduced landbank and the extension of the Plan period means the remaining requirement is around 10mt. This will require additional sites to be included in the MLP.
- 2.6.13 The suggested changes to the first part of Policy MS1 (now SP4) are not considered necessary as the LAA considers the 10-year average, other information and production capacity. It would be superfluous to add this to the policy considering the requirement of the NPPF to keep Local Plans

succinct. Reference to the 10-year average in the second bullet point will be removed.

Outcomes for Proposed Draft Plan

- 2.6.14 To use the 10-year average for calculating the figures for future provision and continuing the annual review to ensure that they remain accurate.

Extend the Plan period to 2038 and revise the figures as necessary.

Remove reference to 10-year average sales from the revised Policy SP4.

Sand and Gravel Provision

Representation

- 2.6.15 There is no discussion regarding the anticipated demand that adjoining areas may place on Derbyshire resource and vice versa. Leicestershire has an insufficient landbank and sites are not identified in the emerging Plan to meet anticipated demand.

(Tarmac 551/0331)

Actions/Considerations

- 2.6.16 This is considered and discussed in the LAA, which supports the Local Plan. To duplicate the information in the Plan would be contrary to NPPF which encourages streamlined plans.

Outcomes for Proposed Draft Plan

- 2.6.17 No changes required.

Sand and Gravel Provision

Representation

- 2.6.18 Taking account of above comments, consider that insufficient resource is identified. However, the Policy (MS2) could be supported if the area to the west of the southern extension at Swarkestone is included.

(Tarmac 551/0334)

Actions/Considerations

- 2.6.19 The latest information in the LAA suggests that additional areas will have to be included in the MLP. The western extension to Swarkestone has been assessed with all other sites and it has been proposed to include the site as a draft allocation. This is now set out in Policy SP5.

Outcomes for Proposed Draft Plan

- 2.6.20 A reassessment of sand and gravel requirements has been undertaken. The proposed allocations are set out in Policy SP5.

Sand and Gravel Provision

Representations

- 2.6.21 Paragraph 6.2.71 indicates a potential requirement for additional reserves to maintain production capacity from 2027. Are there any options that can be identified to fulfil this potential shortfall?

(Staffordshire County Council 543/0240)

Actions/Considerations

- 2.6.22 Given that the Plan period has been extended to 2038, additional sites will be allocated which will address requirements in the latter part of the Plan period

Sand and Gravel Provision

Representation

- 2.6.23 Clarification should be provided on whether the 7-year landbank is to be maintained up to the end of 2030, based on the level of provision established in the recent LAA.

(Staffordshire County Council 543/0238)

Actions/Considerations

- 2.6.24 The 7-year landbank will be maintained throughout and beyond the Plan period. This will be made clearer in the text and more detailed evidence will be provided to show this.

Outcomes for Proposed Draft Plan

- 2.6.25 Clarify in the revised text that the 7-year landbank for sand and gravel will be maintained throughout and beyond the Plan period.

Sand and Gravel Allocations

Representations

- 2.6.26 Provide detailed comments on each site in terms of flood risk etc.

Environment Agency (507/0038, 0039, 0040, 0041)

Actions/Considerations

- 2.6.27 This type of detail was considered during the assessment of the sites and will also be important should a planning application be submitted for this site. EA would be consulted on any application for the sites.

Outcomes for Proposed Draft Plan

- 2.6.27 No change required to the Plan.

Sand and Gravel Allocations

Representations

- 2.6.28 Object to the inclusion of the extension to Elvaston Quarry as a Preferred Area.

(Borrowash Action Group 517/0133; Individual 558/0379)

Actions/Considerations

- 2.6.29 Understand these concerns regarding the site. This site was assessed along with all others that were put forward, using the agreed site assessment methodology. It was found, on balance, to have potential to be worked for mineral extraction. There will always be some negative impacts of mineral extraction, but it is considered that any adverse impacts of the extraction at this site could be mitigated to a satisfactory level. These would be considered in more detail should a planning application be submitted for the site.

Outcomes for Proposed Draft Plan

- 2.6.30 Continue to include this site in the Proposed Plan.

Sand and Gravel Allocations

Representations

- 2.6.31 Concerned about the impact of the proposed extension to Swarkestone Quarry on the Ancient Monument, Anchor Church.

(Historic England 563/0447; Individual 579/0523)

Actions/Considerations

- 2.6.32 This issue has been addressed in the consideration of the planning application for this site. The proposed working area has been revised to protect the setting of this ancient monument. The planning application has now been determined so will not be identified as an allocation in the MLP.

Outcomes for Proposed Draft Plan

- 2.6.33 The site at Swarkestone South now has planning permission so is not identified as an allocation in the MLP.

Sand and Gravel Allocations

Representations

- 2.6.34 With regard to the allocation of land at Willington and the issues listed under paragraph 6.2.69, previous comments provided by SCC regarding the cross-boundary implications from developing this site remain relevant.

(Staffordshire County Council 543/0239)

Actions/Considerations

- 2.6.36 Noted.

Sand and Gravel Chapter Supporting Comments

Representations

- 2.6.37 Support various elements of the chapter.

(Environment Agency 507/0051; Cemex 521/0139; South Derbyshire District Council 542/0229; Egginton Parish Council

Actions/Considerations

- 2.6.38 Noted

Outcomes for Proposed Draft Plan

- 2.6.39 No changes required.

6.3 Aggregate Crushed Rock

Table of Representations

Name	Name Reference Number	Representation Reference Number
Peak District National Park Authority	501	0017
Walsall MBC	508	0058
Walsall MBC	508	0060
Walsall MBC	508	0061
Greater Manchester Combined Authority	510	0067
Greater Manchester Combined Authority	510	0068
Greater Manchester Combined Authority	510	0069
Central Bedfordshire Councils	522	0141
Lincolnshire County Council	533	0184
National Trust	547	0274
National Trust	547	0275
National Trust	547	0276
Tarmac	551	0336
Tarmac	551	0337

Issue: Crushed Rock Provision Figures

Representations

2.6.40 The MPA should ensure sufficient production capacity to maintain anticipated demand/sales and flexibility to meet upturns in demand. Whilst there is a significant landbank, it is still important to consider the operational capacity of sites, where they are located and how much Derbyshire is contributing to overall supply.

(Tarmac 551/ 0336)

Actions/Considerations

- 2.6.41 These issues are considered in the Local Aggregate Assessment, which informs the preparation of the MLP.

Outcomes for Proposed Draft Plan

- 2.6.42 No change required.

Crushed Rock Supply

Representations

- 2.6.43 Support the approach to maintain the supply of aggregate crushed rock from the area, which many parts of the country are dependent upon.

(Walsall MBC 508/0058; Greater Manchester Combined Authority 510/0067 & 0068 & 0069; Central Bedfordshire Councils 522/0141; Lincolnshire County Council 533/0184)

Actions/Considerations

- 2.6.44 Noted.

Outcomes for Proposed Draft Plan

- 2.6.45 No changes required.

Sites for Crushed Rock

Representations

- 2.6.46 Consider that this policy is not positively prepared, nor does it reflect NPPF or the principles of sustainable development and the overall weighting to the three facets of sustainability. The wording places heavy onus on the operator to deliver significant benefits to the community and environment beyond the considerable benefit of sustaining the supply of nationally important minerals. The terms "significant" is ambiguous. "Permitted in exceptional circumstances" should be deleted. Revised wording suggested.

(Tarmac 551/0337)

Actions/Considerations

- 2.6.47 The economic benefit that mineral development brings to the area is very much recognised and embedded in the Plan. This specific policy is worded in this way because of the significant landbank of aggregate crushed rock which exists in Derbyshire. A landbank of 80 years is considered as being significant in the context of the requirement to maintain a minimum 10-year landbank. As a result, there is unlikely to be a need for new reserves but if a planning application comes forward, it will have to ensure that there will be some benefits to the area and the local community beyond the economic benefits of the quarry. It is accepted, however, that some amendments could be made to the policy to help to address the issues raised to ensure that it reflects the principles in the NPPF in having a more positive thrust. Reference to “exceptional circumstances” will be removed from the revised policy.

Outcomes for Proposed Draft Plan

- 2.6.48 Incorporate amendments into revised Policy SP7 to help address some of the issues raised but maintain the overall approach of the policy.

Sites for Crushed Rock

Representations

- 2.6.49 The third bullet point of Policy MS5 requires amendment as currently it would allow for a wide range of ‘benefits’, including potentially financial benefits to the developer, to be an adequate reason for extending a quarry. We suggest the following change:
- 2.6.50 ‘Material planning benefits could include proposals that:- Secure significant environmental benefits from co-ordinated and comprehensive working and restoration;’

2.6.51 The final bullet point also requires amendment as it implies that any major infrastructure project anywhere could justify further release of rock. We suggest that this should only be the case if a major infrastructure project is close to the proposed quarry/extension and where an options appraisal has been carried out to ensure that the proposed quarry/extension represents the most sustainable and least harmful option for obtaining the mineral. We suggest the following changes: - 'are required as part of a major infrastructure project in close proximity to the mineral source, and where the source has been identified as the most environmentally sustainable supply option.'

(National Trust 547/0275 & 0276)

2.6.52 Do not consider that the text and Policy MS5 is worded correctly, as reserves that are unlikely to be worked would not have an impact and therefore could not/should not be used as a bargaining tool for new quarries or extensions. We consider it should read: It could also involve the relinquishment of consented reserves elsewhere in the Plan area or the PDNP, which are considered unacceptable if they were worked in the future, in exchange for new reserves. Proposals would need to deliver better outcomes in overall sustainability terms'.

(Peak District National Park Authority 501/0017)

Actions/Considerations

2.6.53 Agree that amendments should be made to this policy to help to address the points raised.

Outcomes for Proposed Draft Plan

2.6.54 Amend Policy (now SP7) to help to address the concerns raised.

6.4 Helping to Reduce the Supply of Aggregates from the Peak District National Park

Table of Representations

Name	Name Reference Number	Representation Reference Number
Peak District National Park Authority	501	0016
CPRE Peak and S. Yorks	524	0152
Mineral Products Association	538	0207
Tarmac	551	0338
Historic England	563	0448

Representations

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

(Mineral Products Association 538/0207; Tarmac 551/0338)

Actions/Considerations

- 2.6.56 This policy would not prevent future mineral extraction from taking place in the NP. It is a mechanism to take account of the natural closure of some quarries in the NP and to allow for some of this production to be replaced in

DCC outside the NP where the resource is often similar in both geological and chemical terms. It is allowing for sustained and continued production of minerals in the wider area to allow for quarries which are naturally coming to the end of their lives in the PP. It does not mean that applications could not be considered for new quarries in the PP; that is the responsibility of the PDNPA to consider with regard to their overall strategies and policies. It is, therefore, in accordance with NPPF by, as far as is practical, seeking to maintain landbanks of non-energy minerals outside National Parks. "As far as practical" in this respect means that the Councils are taking some steps to reducing gradually the landbank of aggregate crushed rock within the National Park by increasing the provision outside the National Park; the policy is not preventing quarrying in the PP completely. The rural economy of the National Park would be benefited also by a reduction in quarrying in that it would benefit the tourism industry to some extent.

Outcomes for Proposed Draft Plan

2.6.57 No changes proposed.

Representations

2.6.58 This policy which seeks a reduction in quarrying from the Peak Park is supported in general.

(Peak District National Park Authority 501/0016; CPRE Peak and S Yorks 524/0152; Historic England 563/0448)

Actions/Considerations

2.6.59 Noted.

Outcomes for Proposed Draft Plan

2.6.60 No changes proposed to revised Policy SP8.

2.7 Chapter 7 – Supply of Non-Aggregates

7.1 Supply of Building Stone

Table of Representations

Name	Name Reference Number	Representation Reference Number
Peak District National Park Authority	501	0015
Derbyshire Dales District Council	506	0034
Individual	512	0071
Individual	512	0072
Individual	512	0073
Individual	512	0074
Individual	512	0075
Individual	512	0076
Individual	512	0077
Individual	516	0132
Individual	518	0134
Individual	519	0136
Individual	520	0138
Individual	523	0142
Individual	523	0143
Individual	523	0144
CPRE Peak and S. Yorks	524	0153
CPRE Peak and S Yorks	524	0154
Individual	525	0167
Individual	525	0168

Individual	528	0174
Individual	528	0175
Individual	529	0176
Individual	529	0177
Individual	534	0185
Darley Hillside Residents Association	535	0186
Darley Hillside Residents Association	535	0187
Darley Hillside Residents Association	535	0188
Individual	536	0192
Mineral Products Association	538	0208
Mineral Products Association	538	0209
Rowsley Parish Council	539	0210
Individual	540	0211
Individual	540	0212
Individual	540	0213
Individual	540	0214
Individual	540	0215
Individual	540	0216
Individual	540	0218
Individual	541	0219
Individual	541	0220
Individual	541	0221
Individual	541	0222
Individual	541	0223
Individual	541	0224
Individual	541	0226
Two Dales Residents Association	546	0261
National Trust	547	0277
Individual	550	0318
Individual	552	0351
Individual	554	0353
Individual	554	0354

Individual	554	0355
Individual	554	0356
Individual	554	0357
Individual	554	0358
Individual	555	0361
Individual	555	0362
Individual	555	0363
Individual	555	0364
Individual	555	0365
Individual	555	0366
Individual	555	0368
Individual	556	0369
Individual	556	0370
Individual	556	0371
Individual	556	0372
Individual	556	0373
Individual	556	0374
Individual	556	0376
Individual	557	0377
Individual	564	0462
Individual	564	0463
Individual	564	0464
Individual	564	0465
Individual	564	0466
Individual	564	0467
Individual	566	0473
Individual	567	0474
Individual	567	0475
Individual	567	0476
Individual	567	0477
Individual	567	0478
Individual	567	0479

Individual	570	0485
Individual	570	0486
Individual	570	0487
Individual	570	0488
Individual	570	0489
Individual	570	0490
GW Minerals	573	0505
GW Minerals	573	0506
GW Minerals	573	0507
GW Minerals	573	0508
GW Minerals	573	0509
GW Minerals	573	0510

Option Choices

Representations

- 2.7.1 Challenge the reference which states that only four people responded to the two options put forward at the 2016/2017 Sites Consultation stage. At no point were these two options communicated during the consultation, including no reference at public meetings (with some 200 attendees) with the then Chief Planning Officer.

512/0077, 523/0144, 535/0188, 540/0218, 541/0226, 554/0360, 555/0368, 556/0376.

Actions/Considerations

- 2.7.2 The options for ensuring the supply of building stone i.e. allocations and a criteria policy or just a criteria policy, were included clearly in the 2016/2017 Consultation documents and communicated by the Planning Services Manager at a public meeting to residents held on 18th January 2017. In practice, it is very difficult to engage local people in the development of policy options; residents tend to focus purely on the sites that are being promoted for allocation as was the case at Darley Dale.

Outcomes for Proposed Draft Plan

- 2.7.3 The proposal is no longer being promoted through the Local Plan.

Numbers of Objections Referred to in Plan

Representations

- 2.7.5 Object to the phrase 'significant number of objections to the proposal from local people' - significant needs to be defined i.e. a record level of overwhelming objections with over 325 objection letters and a petition with over 600 signatures. It is misleading also, as it was not just local people but a significant number of statutory/major organisations who objected e.g. Severn Trent, PDNPA, RSPB, Woodland Trust etc.

512/0075, 512/0076, 523/0143, 525/0168, 528/0175, 529/0177, 534/0185, 535/0187, 540/0215, 540/0216, 541/0223, 541/0224, 554/0357, 554/0358, 555/0365, 555/0366, 556/0373, 556/0374, 564/0466, 564/0467, 567/0478, 567/0479, 570/0489, 570/0490

Actions/Considerations

- 2.7.6 The main document is not the place for this sort of detail to be included. The number of objections and their detail is set out clearly in the Report of Representations which is signposted in the main document.

Outcomes for Proposed Draft Plan

- 2.7.7 No action required. The site is no longer being promoted in the Plan.

Policy

Representations

- 2.7.8 The policy (now SP9) contains three criteria which are so vague and general that they are meaningless.

(Individuals 512/0073; 518/0134; 519/0136; 523/0142; 525/0167; 528/0174; 529/0176; 534/0185; 535/0186; 540/0213; 541/0221; 554/0355; 555/0363; 556/0371; 564/0464; 567/0476; 570/0487)

Actions/Considerations

- 2.7.9 In assessing any planning applications for mineral development, all policies of the Minerals Local Plan will be taken into account, where relevant, and it is important, therefore, to understand that the general policies of the Plan covering matters such as dust, noise, transport etc. are important as well as the policies relating to the particular mineral that they are interested in.

Outcomes for Proposed Draft Plan

- 2.7.10 The proposal is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan.

Policy MS7 – Clarity of Approach

Representations

- 2.7.11 There is no clarity as to the approach that would be taken of a planning application was received for the New Parish Quarry site.

(Individuals 512/0072; 540/0212; 551/0220; 554/0354; 555/0362; 556/0370; 564/0463; 567/0475; 570/0486)

Actions/Considerations

- 2.7.12 The Minerals Local Plan has to cover a wide range of matters. Building stone is only a small part of the Plan. It would be unnecessary and inappropriate to focus on a site which is not proposed to be included in the Plan in terms of setting out how a planning application would be dealt with for this site; it is like any other area of unallocated land in this respect. All policies of the Plan, where relevant, would be taken into account in the consideration of a planning application for the site.

Outcomes for Proposed Draft Plan

- 2.7.13 The proposal is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan. The criteria-based Policy SP9 and other relevant policies of the Plan would be used to determine a planning application for the site if this was submitted.

Policy MS7 – Scale of Building Stone Quarries

Representation

- 2.7.14 DCC is misinterpreting NPPF in terms of the need for building stone. There is no logic to this thinking that building stone quarries should all be small. The term small scale is not defined so should reflect local circumstances including market for the mineral which may be wider than the local authority area. Most quarries would not be viable if restricted in this way.

(Mineral Products Association 538/0208)

Actions/Considerations

- 2.7.15 The policy does not set out that building stone quarries should be small scale, only that they should be of a scale such that any adverse impacts could be mitigated. It should be noted, however, that NPPF continues to refer to the need to recognise the small-scale nature and impact of building stone quarries.

Outcomes for Proposed Draft Plan

- 2.7.16 No change required to renamed Policy SP9.

Policy MS7 – Need for the Mineral

Representation

- 2.7.17 The second bullet of this policy should be deleted as there is no requirement to prove a need for the mineral. Proposals should be based on land use criteria. By the time an operator could show a need the opportunity to supply a specific project would be gone. Building stone extraction should not be limited to local markets or for heritage projects. Limiting building stone production in this way is against the spirit and purpose of the NPPF.

(Mineral Products Association 538/0209)

Actions/Considerations

- 2.7.18 Agree. This bullet point will be removed.

Outcomes for Proposed Draft Plan

- 2.7.19 Alter renamed Policy SP9 to address the comment.

Site Assessment Methodology

Representations

- 2.7.20 The revised Site Assessment Methodology contains no detail as to how and when it would be applied to any proposal for New Parish Quarry.

(Individuals 512/0074; 540/0214; 541/0222; 554/0356; 555/0364; 556/0372; 564/0465; 567/0477; 570/0488)

Actions/Considerations

- 2.7.21 The proposal at New Parish Quarry is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan.

Outcomes for Proposed Draft Plan

- 2.7.22 No changes required.

Need for Allocations

Representation

- 2.7.23 In terms of Building Stone, the Plan proposals are not site specific; and therefore do not meet both Vision and Objectives. High quality stone together with the minimisation of waste materials arising from quarrying operations can only be identified by a thorough and detailed site investigation. Such research is costly but is essential as a means of identifying viable sites in suitable locations in relation to environmental impacts, highway access, etc. This leads to the identification of specific sites rather than a criteria-based approach.

(GW Minerals 573/0505)

Actions/Considerations

- 2.7.24 The Vision and Objectives do not set out that provision will be always be made through allocation of specific sites in the MLP; only that steady and adequate provision will be maintained through the identification and maintenance of future supply requirements. There is no agreed framework in place to determine future requirements for building stone as there is for aggregates. It is not possible therefore to identify sites at this stage unless a specific need has been shown for stone from a particular site. This is more likely to be the case when a planning application is proposed because there is likely to be greater certainty at this stage. This is the reason for the proposed criteria policy approach to be proposed.

Outcomes for Proposed Draft Plan

- 2.7.25 No change required.

Aggregate as a By-Product

Representations

- 2.7.26 The policy and supporting text are not sufficiently restrictive in relation to aggregate by-product from building stone sites. Suggest that additional text should be added stating that aggregate output should be minimised and must not compromise restoration outcomes.
- 2.7.27 Extraction should be overwhelmingly for building stone (95%+) rather than aggregate, spoil, waste. This efficiency should be the case with a finite resource. Current wording "primarily" suggests something much lower than this. No material should be imported for processing. There should be an identified need for the specific stone to be worked in that particular location. The scale of the proposal should ensure that any adverse impact is completely mitigated. Current wording states that this should be carried out satisfactorily but to whose satisfaction. The scale of the proposal should be in keeping with the general nature of building stone provision in the area which is characterised by small low-key short term working to meet an identified need. The Plan should acknowledge that building stone operations are low key operations in terms of labour and the economic impact.

(CPRE Peak and S Yorks 524/0154; Individual 557/0377)

Actions/Considerations

- 2.7.28 It is not possible to set a precise figure for the proportion of aggregate/non-aggregate to be extracted. This is because the mineral can be so varied and unpredictable in physical and chemical composition at each location. It has to be recognised that there will be an element of waste and aggregate at any building stone quarry but for the reasons set out the policy cannot be too specific at this stage. This part of the policy should, therefore, remain unchanged. In terms of mitigation, it is agreed that the third criteria should be strengthened.

Outcomes for Proposed Draft Plan

- 2.7.29 Make amendments as set out in the renamed policy SP9.

Supporting Comments

Representations

- 2.7.30 Support the decision to not allocate the site for building stone in the MLP including the site at Bent Lane, Darley Dale.

(Peak District National Park Authority 501/0015; 512/0071; 520/0138; CPRE 524/0153; 540/0211; 541/0219; 554/0353; 555/0361; 556/0369; 564/0462; 567/0474; 570/0485; Two Dales Residents Action Group 546/0261)

Actions/Considerations

- 2.7.31 Noted.

Outcomes for Proposed Draft Plan

- 2.7.32 No change required. The proposal is no longer being promoted through the Local Plan. It is no longer being considered for inclusion in the Plan.

7.2 Industrial Limestone and Cement

Table of Representations

Name	Name Reference Number	Representation Reference
Tarmac	551	0339
HPBC	527	0171
PDNPA	501	0013
Staffordshire CC	543	0241
National Trust	547	0278
Tarmac	551	0340
Historic England	563	0449
Walsall MBC	508	0059
Walsall MBC	508	0524

Future Requirements

Representations

- 2.7.33 Para 7.2.9 should reference the evidence referred to in 7.2.10. 7.2.10 and 7.2.11 are contradictory. MPA is predicting the demand for Industrial Limestone is unlikely to increase but operators are suggesting sites which contradicts this.

(Tarmac 551/0339)

Actions/Considerations

- 2.7.34 Agree that paragraph 7.2.9 should include reference to the UK Minerals Forum document Trends in the UK Production of Minerals February 2014 – 7.8 Industrial Carbonates. However, the two paragraphs are not contradictory; the proposals that are coming forward from operators are to maintain production at existing sites and at existing levels of production rather than increase production by putting forward new quarries.

Outcomes for Proposed Draft Plan

- 2.7.35 Ensure that the evidence about the future trend in the production of industrial carbonates is appropriately referenced.

Making provision for an adequate supply of industrial limestone

Representations

- 2.7.36 Para 7.2.45 states that operators are actively promoting extensions to the quarries and that there is need for additional reserves. This should be evidenced.

(HPBC 551/0339)

Actions/Considerations

- 2.7.37 Agree mineral operators will need to provide adequate evidence to justify that additional reserves are required at their quarry during the plan period.

Outcomes for Proposed Draft Plan

- 2.7.38 Ensure that appropriate evidence is provided in order to justify the need for an allocation of additional land.

Cement – Hope Cement Works

Representations

- 2.7.39 Hope Cement Works does not have consent as a free-standing cement factory. The permission links the shale and limestone quarries to the cement works. Therefore there would not be a 'call on minerals from within the Plan area to support cement manufacture at Hope'. Amend the supporting text to Policies MS8 and MS9 to exclude any references that allude to the fact that Hope cement works could be supplied by mineral from other quarries.

(PDNPA 501/0013)

Actions/Considerations

- 2.7.40 In view of the fact that Hope Cement Works does not have consent as a free-standing cement works there should not be a call on minerals from the Plan area to supply cement manufacture at Hope. However, if Hope cement works ceased operation there may be an impact in terms of increased cement production from within the Plan area which could lead to the need for additional cement raw materials. It is important therefore to co-operate with the PDNPA in order to monitor this situation.

Outcomes for Proposed Draft Plan

- 2.7.41 Amend the text accordingly.

Cement – Tunstead

Representations

- 2.7.42 The landbank requirement for cement minerals for the Tunstead Works over the Plan period should be confirmed.

(Staffordshire County Council 543/0241)

Actions/Considerations

- 2.7.43 Due to confidentiality issues it is not possible to set out the stock of permitted reserves required to support cement manufacturing at Tunstead.

Outcomes for Proposed Draft Plan

- 2.7.44 No change

Policy MS8: Industrial Limestone Provision

Representations

2.7.45 Industrial limestone is of national importance and its unique properties mean that the number of sites are limited. The policy is not positively prepared and is therefore considered unsound. Given the scarcity of the resource, the test should be in maintaining supply not demonstrating there is a need for further extraction. The policy should be reworded as follows:

Policy MS8: Industrial limestone provision

Proposals for the extraction of industrial limestone will be supported where:

- They are needed because of their particular chemical or physical composition

(Tarmac 551/0340)

Actions/Considerations

2.7.46 In order to focus on supply rather than meeting a need as set out in the NPPF it is proposed to amend the policy wording. This amendment more closely aligns with the style of other policies in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.7.48 Amend the policy accordingly.

Policy MS9: Provision for cement making materials

Representations

2.7.49 A slight adjustment should be made to the final criteria of the policy to ensure that proximity to existing works does not override other environmental considerations:

‘Proposals that accord with the criteria set out in MP9 will be supported provided that

- They are extensions of time and/or physical extensions to existing limestone/clay/shale quarries or

- Where this is not possible, they are located as near as possible (when weighed with other environmental considerations) to the cement works where the material will be used'

(National Trust 547/0278)

Actions/Considerations

- 2.7.50 In assessing planning applications all policies of the plan apply, where relevant, including those that address environmental considerations. It is not considered necessary to make specific reference to other environmental considerations in this policy.

Outcomes for Proposed Draft Plan

- 2.7.51 No Change.

Policy MS9: Provision for cement making materials

Representations

- 2.7.52 Linked to Policy MS6 (Helping to reduce quarrying in the PDNP) is the extraction at Tunstead through the criteria-based approach. The sufficient supply of cement well beyond the Plan period, even with K2, is noted and we recommend that either the Plan or SA notes the arrangements already agreed through application in respect of the nearby Scheduled Monument at the Tunstead site.

(Historic England 563/0449)

Actions/Considerations

- 2.7.53 Updated modern planning conditions have been established in 2017, under ROMP applications R1/1197/11 and R1/0913/27, for working Tunstead Quarry which will protect the nearby Scheduled Monument. It would be inappropriate to include such details in the local plan.

Outcomes for Proposed Draft Plan

2.7.54 No change.

Background Paper - Cement

Representations

2.7.55 The Cement Background Paper acknowledges that there are only a limited number of cement plants in the UK and very few of them are accessible to the West Midlands Combined Authority Area. It is important therefore that this Paper mentions that the West Midlands is partly dependent on Derbyshire and the Peak District for supplies of cement, which will in turn depend on maintaining sufficient supplies of limestone and shale to these works over time.

(Walsall MBC 508/0059)

Actions/Considerations

2.7.56 Agree that at paragraph 6.7 which refers to the need for shale and marl to be exported to Tunstead from quarries in Staffordshire that reference should be made to the importance of Tunstead as a supplier of cement to the West Midlands conurbation.

Outcomes for Proposed Draft Plan

2.7.57 Amend the Background Paper accordingly.

Background Paper - Cement

Representations

2.7.58 The Cement Background Paper (6.10 – 6.12) refers to the two plants which are outside the local plan area including the Hope Cement Works, on which the Walsall depot depends for its cement supplies. The paper does not mention that this works is supplying the depot in Walsall (and no doubt other depots elsewhere in the Midlands). The Paper suggests that Hope Cement

Works may have only around 6 years' supply of shale and less than 15 years' supply of limestone remaining, although potential alternative sources have been identified (Cement Background Paper, 6.10 – 6.12). Maintaining long-term supplies of material to the Walsall depot will be important for future planning in our area. While this is a matter that we will need to take up with the operator, we would also like to see some recognition of the importance of Hope Cement Works to supplies in our area in the final version of your Cement Background Paper.

(Walsall MBC 508/0524)

Actions/Considerations

- 2.7.59 In response to the previous representation it is proposed to amend the Plan to refer to the importance of the Derbyshire, Peak District and Staffordshire cement plants in supplying the West Midlands conurbation. This is considered sufficient detail for the plan to include on this matter.

Outcomes for Proposed Draft Plan

- 2.7.60 No change.

7.3 Brick Clay and Fireclay

Name	Name Reference Number	Representation Reference Number
Greater Manchester Combined Authority	510	0064
Greater Manchester Combined Authority	510	0065
National Trust	547	0279

Table of Representations

Denton Brickworks

Representations

2.7.61 Support the approach to maintaining the supply of Brick Clay and in particular welcome the recognition given to the importance of Mouselow Quarry in the continuation of brick production at Wienerberger's Denton brickworks.

(Greater Manchester Combined Authority 510/0064)

2.7.62 Welcome the recognition for monitoring the continued need to liaise with those MPAs within which the Brickworks lie.

(Greater Manchester Combined Authority 510/0065)

Actions/Considerations

2.7.63 The support is noted.

Outcomes for Proposed Draft Plan

2.7.64 No action required.

Policy MS10: Brick Clay Provision

Representations

2.7.65 A minor adjustment is suggested to MS10:

- 'Where this is not possible, they are located as near as possible (when weighed with other environmental considerations) to the site where the clay will be used'

(National Trust 547/0279)

Actions/Considerations

2.7.66 In assessing planning applications all policies of the plan apply, where relevant, including those that address environmental considerations. It is not considered necessary to make specific reference to other environmental considerations in this policy.

Outcomes for Proposed Draft Plan

2.7.67 No change

7.4 Vein Minerals

Name	Name Reference Number	Representation Reference Number
Peak District National Park Authority	501	0010
Peak District National Park Authority	501	0011
Peak District National Park Authority	501	0012

Table of Representations

Vein Minerals

Representations

- 2.7.68 Paragraph 7.4.26 – The paragraph states, '...and the role of the Plan area in reducing vein mineral extraction from within the Peak District National Park area'. Policy MIN2 of the Peak District National Park Authority's Core Strategy encourages and supports the continued extraction of fluorspar ore by underground mining and therefore the PDNPA are not seeking to reduce vein mineral extraction from the Peak District National Park area.
- 2.7.69 Paragraph 7.4.17 – This paragraph states that there is currently a planning application to extend the length of the permission at Watersaw Mine until 2028, but the application actually requests a 20 year extension until 2035.
- 2.7.70 Paragraph 7.4.16 – The paragraph states that a small amount of vein mineral is supplied from Slinger Top Quarry, Cromford (equating to 20 tonnes a month). However, the documentation submitted to support a recent planning application for an extension to this quarry revealed that no vein mineral has been excavated from this quarry or exported to Cavendish Mill for processing in the last few years. Should this quarry be mentioned if its reserves of vein minerals have been depleted?

(Peak District National Park Authority 501/001,0011,0012)

Actions/Considerations

- 2.7.71 Agree that the references in the plan to vein mineral working in the PDNP need to be updated.
- 2.7.72 Slinter Top is an operational quarry which has a current permission primarily for vein mineral with ancillary aggregate working. Whilst vein mineral production might be intermittent it is considered that the site should be included.

Outcomes for Proposed Draft Plan

- 2.7.73 The Plan has been updated in accordance with information supplied by the PDNPA .

2.8 Chapter 8 – Supply of Energy Minerals

8.1 Coal and Colliery Spoil

Table of Representations

Name	Name Reference Number	Representation Reference Number
North East Derbyshire District Council	972	??
Transition Chesterfield	1139	0624
Erewash Borough Council	1143	0641
Derbyshire Wildlife Trust	1145	0655
Bolsover District Council	1147	??
CPRE	1152	0731
Chesterfield Borough Council	1154	0747
Sustainable Hayfield	1155	0765
Historic England	1158	0802
Peak District National Park Authority	1159	0891

Issue – General approach to the supply of coal

2.8.x 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 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.

But we cannot accept the Plan's approach, at para 8.1.22 (Policy SP16), which allows for the prospect of coal extraction, albeit mitigated by concerns and assurances needed about this being done in ways that are 'environmentally acceptable'. This seems to fly in the face of:

- the accumulated global evidence of the deleterious impact of fossil fuel extraction and use on the greenhouse gases causing the earth to warm;
- the UK Government's Advisory Committee on Climate Change advice to government, cited above, that '*the evidence against any new consents for coal exploration or production is overwhelming*' (letter to Secretary of State, BEIs, February 2022)
- your own assertion, at para 8.1.19, that 'national planning policy adopts a negative approach to coal extraction'.
-

(CPRE, xxxxx/xxxxx; Derbyshire Wildlife Trust, 1145/0655; Sustainable Hayfield)

2.8.4 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 xxxxx/xxxxx)

Issue: Use of Criteria based approach to coal development

Representations

2.8.x There appears to be a contradiction in this policy with national planning policy as expressed in the NPPF. Paragraph 215 (c) of the NPPF takes a 'negative' approach to coal extraction, requiring that Local Plans "indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable". The draft Plan does not do this, instead opting for a criteria-based approach.

The Plan recognises this at paragraph 8.1.20: "rather than identifying specific areas where coal extraction may be acceptable, as per paragraph 215(c) of the revised NPPF, the Plan adopts a plan wide approach to the entire surface and underground coal resource areas".

We do not agree with the reasoning given for this approach; that it would be more flexible and prevent 'blight'. As the whole of Chesterfield Borough is identified on Figure 8.1.1 as having Coal Bearing Strata at the surface, the net result is to create uncertainty that affects the entire borough.

No justification is provided for why this approach, contrary to the NPPF, is more appropriate in Derbyshire. Para 8.1.6 indicates that it is known where seams are substantial enough to be worked commercially.

The Plan should seek to positively identify sites where Coal extraction and the disposal of colliery spoil may be acceptable.

(Chesterfield Borough Council, xxxxx/xxx)

2.8.xx The DMLP reaffirms the presence of coal bearing strata at surface in the north-east of the Borough – largely around the town of Ilkeston. This forms part of the North Derbyshire Coalfield. The Council are currently promoting the allocation of three strategic housing sites as part of its Core Strategy review within the area identified by the DMLP. We therefore would be concerned about any efforts to embark upon the extraction of shallow coal reserves at any of the three locations (Cotmanhay, Kirk Hallam and

Stanton). It is recognised that the general framework provided by Policy SP16 offers clarity around situations in which extraction may be justified.

(Erewash Borough Council, xxxxx/xxxxx)

2.8.xxx North East Derbyshire District Council acknowledges the fact that North East Derbyshire forms part of the North Derbyshire Coalfield area and is identified as a resource for surface coal. The Council notes the draft criteria based Strategic Policy SP16 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.

2.8.x It is noted that the Draft Plan recognises that Bolsover District forms a key part of the former North Derbyshire / Nottinghamshire Coalfield, with a number of coal and colliery spoil tips and features. 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.

(Bolsover DC xxxxx/xxxx)

Actions/Considerations

2.8.x The MPA notes that consultee comments are conflicted with regard to this approach.

Outcomes for Pre-submission Draft Plan

2.8.x

Issue – Policy SP16: Coal Extraction and Colliery Spoil Disposal

Representations

2.8.7 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.

(*Transition Chesterfield 1139/0624,*)

2.8.8 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.

(DWT 1145/xx)

2.8.x The policy wording (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'.*

(CPRExxxx/xxx)

2.8.x We consider that the most effective way of addressing such matters re prospective exploitation of hydrocarbon resources in the area of Derbyshire and Derby City is by way of an explicit and unambiguous presumption within the Plan against such schemes 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.

(Sustainable hayfield)

Actions/Considerations

2.8.9

Outcomes for Pre-submission Draft Plan

2.8.xx

Issue: Missing policy text

2.8.8 A number of consultees identified that there were typographical errors in the text of criterion 2 to Policy SP16. As identified in the erratum, criterion 2) of policy SP16 needs replacing as it is a repetition of the opening of part 1).

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

Actions/Considerations

2.8.x The MPA acknowledges that text was missing from sub-paragraph 2 of policy SP16. Notice of erratum with the Proposed Draft Plan were published during the consultation with the correct text for Criterion 2. The missing text is as follows:

‘2. Where development proposals are unable to demonstrate the requirements of 1) above, planning permission will only be granted where proposals can be demonstrated to provide national, local or community benefits of a scale which clearly outweigh the likely impacts (taking all relevant matters into account, including any residual environmental impacts).

In the assessment of benefits of coal mining development against adverse impacts the mineral planning authority will have regard to the requirements of sub-paragraphs 2 and 3 of Policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals; and...’

Outcomes for the Plan

2.8.xx The policy wording under criterion 16.2 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:

(Bolsover DC 1157/??)

Actions/Considerations

Outcomes for the Plan

Issue:

More information is required to support clause 1, especially in relation to the second bullet point and how this will be assessed if an application were to come forward. We are currently 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. We note the reference to sub paragraph 2 of Policy DM 2 but would welcome additional explanation within the reasoned justification for this policy about the process and approach.

(Historic England)

Issue:

Reasoned justification

Whilst the NPPF was revised as recently as 20th July 2021 the world climate change emergency has developed rapidly since then and that calls into question the validity of the current advice and need for urgent review.

Paragraph 217 in the NPPF states that:

“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).”

Arguably 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 elsewhere in this Plan, for example:

In your paragraph 5.2 the statement that: *“...carbon budgets are very challenging and will require*

an immediate and rapid programme of decarbonisation...”

In your paragraph 5.4: *“(action to reduce the impact of human activity on the climate system*

primarily through reducing greenhouse gas emissions) and adaptation (adjustments to ... human systems in response to the actual or anticipated impacts of climate change, to mitigate harm".

In your paragraph 5.5: *"The NPPF requires that local plans adopt a proactive approach to mitigating and adapting to climate change..."*

In your paragraph 5.7: *"a) mitigating its effects through the reduction of carbon emissions and the carbon footprint of the minerals industry..."*

In your paragraph 5.11: Reference to the cement sector in 2018 to the use of waste derived sources *"avoiding the use of just under 500,000 tonnes of coal"*.

(PDNPA xxx/xxxx)

Actions/Considerations

2.8.5 Support for the approach set out in the consultation is noted and welcomed.

Outcomes for Proposed Draft Plan

2.8.6 No action required.

Chapter 8.2 – Hydrocarbons

(Hydrocarbons Strategy Paper and Background Papers
Conventional Oil and Gas, Gas from Coal and
Unconventional Gas – Shale Gas)

Name	Name Reference Number	Representation Reference Number
PDNPA	501	0007
PDNPA	501	0008
PDNPA	501	0009
Individual	504	0030
Environment Agency	507	0047
Individual	509	0062
Individual	509	0063
CPRE	524	0155
CPRE	524	0156
CPRE	524	0157
CPRE	524	0158
CPRE	524	0159
CPRE	524	0160
CPRE	524	0161
CPRE	524	0162
CPRE	524	0163
CPRE	524	0164
Individual	526	0169
Individual	526	0170
SDDC	542	0232
SDDC	542	0233
SDDC	542	0234
Individual	544	0246
Individual	544	0247

Individual	544	0248
Individual	544	0249
Individual	544	0250
Individual	544	0251
Individual	544	0252
Individual	544	0253
Individual	544	0254
Individual	544	0255
Individual	544	0256
Individual	544	0257
NEDDC	545	0260
National Trust	547	0282
National Trust	547	0283
National Trust	547	0284
National Trust	547	0285
National Trust	547	0286
National Trust	547	0287
National Trust	547	0288
Individual	548	0302
Individual	548	0303
Individual	548	0304
FOE	549	0307
FOE	549	0308
FOE	549	0309
FOE	549	0310
FOE	549	0311
FOE	549	0312
FOE	549	0315
FOE	549	0316
FOE	549	0317
Individual	553	0352
Transition Chesterfield	559	0380

Transition Chesterfield	559	0385
Transition Chesterfield	559	0386
Transition Chesterfield	559	0387
Transition Chesterfield	559	0388
Transition Chesterfield	559	0389
Transition Chesterfield	559	0390
Transition Chesterfield	559	0391
Transition Chesterfield	559	0392
Transition Chesterfield	559	0393
Transition Chesterfield	559	0394
Ineos Upstream	560	0395
Ineos Upstream	560	0396
Ineos Upstream	560	0397
Ineos Upstream	560	0398
Ineos Upstream	560	0399
Ineos Upstream	560	0400
Ineos Upstream	560	0401
MLP Community Action Group	561	0405
MLP Community Action Group	561	0406
MLP Community Action Group	561	0407
MLP Community Action Group	561	0408
MLP Community Action Group	561	0409
MLP Community Action Group	561	0410
MLP Community Action Group	561	0411
MLP Community Action Group	561	0412
MLP Community Action Group	561	0413
MLP Community Action Group	561	0414
MLP Community Action Group	561	0415
MLP Community Action Group	561	0416
MLP Community Action Group	561	0417
MLP Community Action Group	561	0418
MLP Community Action Group	561	0419

MLP Community Action Group	561	0420
UK Oil and Gas	562	0421
UK Oil and Gas	562	0422
UK Oil and Gas	562	0423
UK Oil and Gas	562	0424
UK Oil and Gas	562	0425
UK Oil and Gas	562	0426
UK Oil and Gas	562	0427
UK Oil and Gas	562	0428
UK Oil and Gas	562	0429
UK Oil and Gas	562	0430
UK Oil and Gas	562	0431
UK Oil and Gas	562	0432
UK Oil and Gas	562	0433
UK Oil and Gas	562	0434
UK Oil and Gas	562	0435
UK Oil and Gas	562	0436
UK Oil and Gas	562	0437
UK Oil and Gas	562	0438
UK Oil and Gas	562	0439
UK Oil and Gas	562	0440
UK Oil and Gas	562	0441
UK Oil and Gas	562	0442
UK Oil and Gas	562	0443
Historic England	563	0450
Frack Free United	571	0492
Frack Free United	571	0493
Frack Free United	571	0494
Frack Free United	571	0495
Frack Free United	571	0496
Frack Free United	571	0497
Frack Free United	571	0498

Frack Free United	571	0499
Frack Free United	571	0500
Frack Free United	571	0501
Frack Free United	571	0502
Frack Free United	571	0503
Eckington Parish Council	574	0511
Coal Authority	515	0127
Coal Authority	515	0128

General Comments

- 2.8.22 The main message from the 2015/16 local plan consultation exercise was one of opposition to the possibility of hydraulic fracturing (fracking) taking place in the Plan area due to the perceived adverse impacts of this form of development. Very few comments were received in direct response to the set of issues and options set out in the consultation, providing limited support or opposition to the possible alternative approaches for the new Plan.
- 2.8.23 Notwithstanding these comments, it is not possible for the new Plan to place an outright embargo on hydraulic fracturing or any other form of oil and gas development. Such an approach would not be compliant with national planning and energy policy which is a pre-requisite for the new Minerals Local Plan. Accordingly, the 2018 consultation provided further commentary on the previous issues and indicated that, in the absence of support for any alternative approach, the approach of the new Plan towards hydrocarbon development would strongly reflect national planning and energy policy. In order to progress the development of the Plan, it also contained two draft examples of policies setting out the range of criteria that could be used for the assessment and determination of hydrocarbon development proposals in the area.

General Representations

- 2.8.25 Several respondents repeated their opposition in principle to all fracking in the Plan area. Reasons cited included:

- Renewables can provide for our energy needs so the gas is not required
- Fracking extends the use of fossil fuels and is not compatible with climate change objectives
- Adverse impact on the environment
- Adverse impact on human health
- Contribution to climate change
- Additional adverse impact in North East Derbyshire which has experienced coal mining in the past and where coal seams remain
- Additional adverse impacts of fracking taking place underneath or near properties

(Individual (504/0030) CPRE (524/0155) Individual (548/0302 & 0303) Individual (553/0352))

2.8.26 Another response expressed disappointment that the objections in principle to fracking in the previous consultation were not taken as an indication that none of the issues/options put forward were acceptable and the comments of the Mineral Planning Authority did not reflect the majority, democratic opinion on the subject.

CPRE (524/0156)

2.8.27 Another respondent questioned why certain areas with special designations were not excluded from the relevant PEDLs.

Individual (548/0304)

2.8.28 Eckington Parish submitted detailed comments about a specific site that, at the time, was the subject of a planning application for the exploration stage of hydraulic fracturing.

Eckington Parish Council (574/0511)

Actions/Considerations

2.8.29 For the reasons previously stated, the new Minerals Local Plan cannot place an embargo on hydrocarbon development in general, and hydraulic fracturing in particular. The potential adverse impacts cited in the responses

are noted, but some are contrary to Government guidance and others are matters are more specific issues that would be addressed in the determination of individual proposals on the merits of each case. The comments by Eckington Parish Council are noted but are not ones which can be addressed directly in the MLP process, although the range of impacts they refer to are relevant to hydrocarbon development in general and are addressed in the policies of the new Proposed Draft Plan.

2.8.30 The PEDL process is undertaken by the Oil and Gas Authority on behalf of the Government and the County and City Councils have no jurisdiction over areas that are included or excluded.

Outcomes for Proposed Draft Plan

2.8.31 The Plan acknowledge the oil and gas resources present in the area, the PEDL licences that have been granted and the possibility that further development proposals may come forward to extract those resources. Accordingly, the Plan sets out an approach to proposals for hydrocarbon developments in the area and include a set of criteria-based policies, as required by national planning policy and legislation.

Issues Addressed in the Consultation

2.8.32 The issues addressed in the consultation included:

- Provision for Hydrocarbons
- Identification of Hydrocarbon Resources Within the Plan Area
- Identification of Constraints on the Production and Processing of Hydrocarbons
- Use and range of Criteria Based Policies
- Specific Issues relating to Hydraulic Fracturing

2.8.33 The two draft policies included in the consultation were:

MS17 Proposals for Oil and Gas Exploration and Appraisal

2.8.34 Two alternatives for policy MS17 were put forward for consideration.

Issue: Provision for Hydrocarbons

Representations

2.8.35 Transition Chesterfield consider that the draft Plan is biased in terms of the need for oil and gas. Whilst they note that the NPPF requires mineral planning authorities to provide sufficient materials to meet society needs, including energy minerals, it does not follow that this means oil and gas.

Transition Chesterfield (559/0385)

2.8.36 Frack Free United submitted a number of comments concerning the supply of energy minerals summarised as follows:

- Plan should recognise that the adverse impacts of hydraulic fracturing can also cause economic harm, e.g. illness, congestion, effects on crops and reduced tourism
- Makes incorrect assumption that all hydrocarbons are from sandstone or limestone and should include definitions of unconventional hydrocarbons such as shale oil, shale gas, coalbed methane, tight oil and tight gas
- Need to make reference to all relevant parts of the NPPF to ensure MLP takes account of all hydraulic fracking issues
- Shale gas is incompatible with the country's obligations on climate change and it cannot play a key role in the decarbonisation of the economy
- Disagree with Ministerial references about the benefits of shale gas to climate change
- Current energy policy does not include any contribution from shale gas
- Plan gives too much weight to the perceived need for oil and gas
- Adopts a too simplistic approach to the need for hydrocarbons by not balancing other objectives such as need to reduce greenhouse emissions, improve air quality, protect wildlife and the environment

- Concerns partly offset by the requirement that mineral development should be sustainable, but this requires further clarification
- Approach should make it clear that hydrocarbon development will be steered away from where impact would be unacceptable
- Need to clarify that there is no concern about the possible sterilisation of hydrocarbon resources
- Suggest the need to make amendments by including additions that make specific references to the North Yorkshire Minerals and Waste Local Plan

Frack Free United (571/0492 to 0501 & 0503)

Actions/Considerations

2.8.37 The commentary in the consultation papers concerning the need for energy minerals, including oil and gas, reflect Government policy in the round, which makes it clear that all forms of energy mineral remain as options to meet those needs. In addition, Government guidance to mineral planning authorities is that mineral plans should not define targets or limits for energy mineral production and that the mix of energy minerals is a matter for the relevant industries. The potential impacts of all mineral developments, including those for oil and gas, are noted in the consultation papers and it is clearly stated that impacts will be assessed by reference to the appropriate criteria policies and only those developments found to be acceptable will be approved.

Outcomes for Proposed Draft Plan

2.8.38 The Plan continues to follow Government guidance in that it acknowledges the presence of oil, gas and coal resources within the Plan area and sets out criteria based policies to determine the acceptability of all such proposals that may come forward. The policies of the Plan, including those specific to hydrocarbon development and the general development management policies, recognise the potential adverse impacts of such operations by setting out relevant criteria that proposals will need to satisfy in order for planning permission to be granted. Those policies, together with the Plan in general, reflect the NPPF and other relevant national policy statements. The

Plan has the delivery of sustainable mineral development as its main core guiding principle. Positive comments about the content of other mineral local plans are noted but the new Plan will not make direct reference to any other specific Plan, although examples of good practice have been taken into account in the development of the Proposed Draft Plan.

Issue: Identification of Hydrocarbon Resources within the Plan Area

Representations

- 2.8.39 SDDC expressed the view that the MLP should only identify licensed areas and not identify other areas where oil and gas resources are known to be present.

SDDC (542/0232)

- 2.8.40 UKOOG indicated that unconventional hydrocarbon bearing geologies are not limited to shale rocks and suggest that the reference to shale be deleted.

UKOOG (562/0421)

Actions/Considerations

- 2.8.41 The consultation did not state that unconventional bearing geologies are limited to shale rocks although the focus was on this source as it is known to be present in the Plan area, and as it provided an appropriate forum for explaining the differences from conventional sources. The comment about reference to the PEDL area in South Derbyshire and Erewash is noted.

Outcomes for Proposed Draft Plan

- 2.8.42 The Proposed Draft Plan identifies the current PEDL areas as required by the NPPF. It includes reference to the potential presence of oil and gas in other areas but does not attempt to define those areas as limited information would not enable such identification to be reliable.

Issue: Identification of Constraints on the Production and Processing of Hydrocarbons

Representations

- 2.8.43 SDDC requested that constraints on hydrocarbon development should be identified in both licensed areas and other areas where they are known to be present.

SDDC (542/0232)

Actions/Considerations

- 2.8.44 The consultation was undertaken prior to the publication of the revised NPPF in 2021 which no longer requires mineral local plans to “*address the constraints on production and processing within areas that are licensed for oil and gas exploration and production*”. It is considered that the plan should adopt a plan wide criteria policy that will apply in existing PEDL areas and in any future PEDL areas and will therefore cover all geographical areas with potential for hydrocarbon development. Constraints to working will be imposed through the implementation of the criteria-based policy which will be applied on a case by case basis in the assessment of development proposals.

Outcomes for Proposed Draft Plan

- 2.8.45 The Proposed Draft Plan includes a plan wide criteria-based policy SP17, specifically relating to the supply of hydrocarbons together with general development management policies at Chapter 11 which allow for constraints to working to be considered on a case by case basis in the assessment of development proposals.

Issue: Use and Range of Criteria based Policies

Representations

- 2.8.46 CPRE favour the use of separate policies for all three phases of hydrocarbon developments.

CPRE (524/157)

2.8.47 SDDC consider that there should be a separate policy for hydraulic fracturing on the basis that it could have separate and distinctive impacts from other forms of hydrocarbon development.

SDDC (542/0234)

2.8.48 NEDDC acknowledge the proposed use of one set of policies for all forms of hydrocarbon development but requests that the option of a specific policy or policies for hydraulic fracturing be open to consideration pending further research and information. Irrespective, the Council requests that the policies should reflect the potential of such development for serious environmental impact (large use of water, water environment, seismic impacts and impacts on human health) and that these impacts be taken very seriously as sites can be close to where people live.

NEDDC (545/0260)

2.8.49 Frack Free United do not agree with having one set of policies for all forms of hydrocarbon development as unconventional hydrocarbon developments have greater impact in terms of the cumulative impact of well pads, HGV traffic and contaminated water.

Frack Free United (571/0502)

Actions/Considerations

2.8.50 The NPPF sets out a broad 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, and for those matters which fall to the responsibility of other regulators (especially for hydrocarbon developments). 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.

2.8.51 Policy/criteria guidance in the NPPF is applicable to all forms of hydrocarbons in general and does not differentiate between hydraulic

fracturing and other forms of development. The only additional guidance is that planning permission is required for each of the three phases of oil and gas development (exploration, appraisal and production) and that planning authorities should differentiate between these three phases. This differential will be maintained by the need for planning permission for each phase, although in practice there is no procedural barrier to an operator applying for permission for two, or even three phases at the same time.

2.8.52 The crucial requirement is that the adopted policies set out appropriate tests for all potential impacts within the remit of planning legislation. The scale of potential impacts does not generate the need for additional impact criteria. Proposals have either acceptable or unacceptable impacts when assessed against these criteria. All relevant criteria could be included in one or more policies that apply to all hydrocarbon developments.

2.8.53 All local plans should be comprehensive, covering all relevant matters but should not be unduly lengthy. With regard to the three phases, the crucial issue is whether or not there is a genuine need for more than one policy. It is acknowledged that the exploration stage involves considerably fewer activities than the production stage but also that there are similarities to the appraisal stage. Accordingly, the Proposed Approach put forward two draft policies; one for the exploration and appraisal stages and another for the production stage. It was considered that the use of two policies in this form provided for the inclusion of all the criteria that are relevant to the appropriate stage.

Outcomes for Proposed Draft Plan

2.8.54 Having regard to representations made to the Proposed Approach and having given this issue further consideration, a single policy is proposed in the Proposed Draft Plan covering the three stages of hydrocarbon development but qualified by sections separating exploration/appraisal and production. It is important to note that many impacts of hydrocarbon development are similar to other forms of mineral extraction and that all policies of the Plan, including general development management policies set out at Chapter 11, will apply where relevant.

Issue: Specific Issues Relating to Hydraulic Fracturing

Representations

- 2.8.55 CPRE recommend the adoption of a clear definition of hydraulic fracturing which is as encompassing as possible. They cited one which was reportedly found to be sound at the North Yorks MWLP in April 2018. This comment was supported by the MLP Community Action Group.

CPRE (524/0158) MLP Community Action Group (561/0405)

- 2.8.56 FOE requested that more explicit wording be included to ensure that hydraulic fracturing developments are consistent with the NPPF in terms of ensuring that they contribute to the mitigation of and adaption to climate change. FOE also stated that planning applications should include a robust landscape and visual impact assessment, prepared in accordance with recommended guidance.

FOE (549/0308 & 0312)

- 2.8.57 Transition Chesterfield considers that the references to Community Benefits for hydraulic fracturing should be more expansive, highlighting that they do not apply to the exploration stage, that not all the money goes directly to the local community and that the system is under review. They also state that much of the alleged benefits derive from replacing coal with oil and gas and as coal use has almost ceased, together with a reduction in the cost of renewables, it is likely that renewables are more likely to plug the gap. In this regard they suggest that the Plan be updated to include reference to the BEIS 2018 energy projections rather than the outdated Ministerial Statement.

Transition Chesterfield (559/0386 & 0387)

- 2.8.58 Ineos submitted a series of detailed comments about national policy and energy statements relating to hydrocarbon development and requested the

inclusion of reference to specific statements. The essence of these comments can be summarised as:

- The UK must have safe, secure and affordable supplies of energy with carbon levels that are consistent with the carbon budgets defined in the Climate Change Act and international obligations
- Gas has a key role to play in meeting these needs now and in the future
- Further development on onshore oil and gas has the potential to deliver substantial benefits to the national economy and local communities
- Shale gas is of national importance
- The Government gives great weight to the benefits of mineral extraction, including shale gas exploration which must therefore be reflected in mineral local plans
- Plans should not set restrictions or thresholds limiting shale gas production without proper justification
- Shale gas development is consistent with national planning policy
Ineos (560/0395)

2.8.59 The MLP Community Action Group is concerned about the noise generated by shale gas extraction, especially as sites are often in rural areas with low background noise levels. Night-time noise was considered to be a particular problem where 24-hour drilling takes place. This issue was cited as supporting their request for the introduction of 500m buffer zones. The increase in traffic around operational sites and the adverse impact that has on amenity and quality of life and the damage to road surfaces was another concern. Particular concern was expressed about the need for adequate safeguards when toxic waste material was transported away from operational sites. Other concerns expressed included:

- Impact of the use of large quantities of water and how it is disposed after being used underground
- Need for adequate re-instatement of sites at the operators expense

- Need for further clarity about the terms of the Community Fund before any planning permissions are granted
- The need to provide local authorities with adequate funding to deal with shale gas development proposals, including adequate monitoring of operational sites
- Need to fully implement planning conditions and not allow the requirements to be watered down after the original permission is granted
- Concerns about the impact of flaring
- Need for a longer period than 16 weeks to allow full and proper consideration of the complexities of shale gas developments
- Local authorities do not have sufficient baseline information to bring a case against an operator in the event of an accident and the need to establish such baseline conditions before any activity takes place
- To date applications have been considered on an individual basis with insufficient regard to cumulative impacts
- Need for communities to be protected from impacts arising from drilling through fault lines and areas of extensive historic mining activity
- Need for a separate local plan for hydraulic fracturing

MLP Community Action Group (561/0406 to 0420)

2.8.60 UKOOG also commented that the Plan should set out the national need for oil and gas as most recently set out in the Written Ministerial Statement of 17 May 2018 on Energy Policy. They expressed support for the clear references from the NPPF concerning the principles on which the new Plan should be based, including the need to distinguish between the three phases of development and the need to identify constraints on production and processing in PEDL areas. UKOOG also requested that the new Plan makes reference to relevant statements published since the consultation papers were written.

UKOOG (562/0422 to 0425)

Actions/Considerations

- 2.8.61 Whilst the consultation sought to obtain comments to help develop the approach to the provision of hydrocarbons as a whole, many of the comments related specifically to hydraulic fracturing and some of those comments were on general issues relating to this form of mineral development rather than as a direct response to the issues and options set out in the consultation.
- 2.8.62 It is agreed that the adoption of suitable definition for hydraulic fracturing, including definitions for the activities involved in the separate phases, would be of benefit to everyone concerned with such developments. This is a national issue rather than one specific to this Plan and the campaign by a number of members of parliament to this effect is supported.
- 2.8.63 The request that the approach to be adopted in the Plan towards hydraulic fracturing (and other forms of hydrocarbon development) be consistent with the NPPF (and other relevant statements) is noted but this is a prerequisite for the Plan as a whole, including climate change. It will have to do so in order to be found 'sound' and become an adopted Plan. Criteria covering the impacts of such developments will be included in the policies of the Plan, insofar as they are within the remit of the planning system. This will include criteria relating to the impacts from noise, traffic, visual impact and impacts on the landscape as referred to in the representations. Where impacts are the responsibility of other regulatory regimes but give rise to land use implications they will be included in the criteria. The policies of the Plan will also require all mineral developments to make provision for restoration to the highest standards and in forms which are commensurate to their surroundings.
- 2.8.64 Reference to the hydraulic fracturing Community Benefits system introduced by the Government were included for information purposes. The scale of benefits available and how they are administered are not matters for the Plan as such.
- 2.8.65 Many comments expressed conflicting opinions about the requirements of national energy policy and the role of gas, oil and coal within that policy and the efforts to meet the UKs carbon footprint reduction targets. Some

commented to the effect that hydrocarbons were not now needed to meet our energy requirements and if used, would conflict with the carbon footprint reduction targets. Others indicated that hydrocarbons were an important and integral element of our energy needs provision and were vital to achieve energy supply security.

2.8.66 All the consultation papers have set out the requirements of relevant national planning policy and other policies that affect the provision of minerals. All have stressed that the new Plan will seek to and will have to comply with that national policy guidance. The hydrocarbon consultation did not indicate that the Plan would unduly favour hydrocarbon provision, nor that it would seek to unduly restrict such development. The Plan will have to recognise that such resources are present in the area and that proposals may come forward to obtain those resources during the Plan period. The Plan cannot place an embargo on hydrocarbon development nor set targets or limits for extraction. This would be in full compliance with national energy and planning policy.

2.8.67 The issue of cumulative impact is a very important matter for the Plan, especially in the context of the long history of mineral development and its' legacy has been evident across the Plan area as a whole. Cumulative impacts will be an important criteria in the overall assessment of development proposals and is addressed in detail in a separate part of the consultation.

2.8.68 Comments about the need to take more than 16 weeks to assess and determine hydrocarbon development proposals do not relate specifically to local plan preparation but the Councils' will continue to seek to undertake this function as expeditiously as possible in accordance with Government requirements, or face the possibility that future applications will be determined directly by the Government.

Outcomes for Proposed Draft Plan

2.8.69 The Proposed Draft Plan is consistent with all relevant aspects of national mineral and overall planning policy. It seeks to make provision for all the nationally and locally important minerals that are present in the Plan and

which are required to meet the needs of society. It sets out however a robust and comprehensive assessment process to ensure that developments that do take place do not give rise to unacceptable adverse impacts, in the context of the need for the mineral.

- 2.8.70 Further, in accordance with national guidance for local plans, it focuses on the policies that will deliver the purposes of the Plan in order to keep it as concise and unambiguous as possible. Evidence on which it is based and legislation and national guidance to which it will conform, are referenced in the Plan itself, more detailed background information and details of how the policies of the proposed draft plan have been developed is available in other supporting documents.

General Responses to the Suggested Draft Policies

Representations

- 2.8.71 The pre-text to the policies seems to be too focused on unconventional gas and more needs to be included on conventional gas.

PDNPA (501/009)

- 2.8.72 CPRE note the absence of any reference to cumulative impacts in the policies but also note and support policy CP1 (on cumulative impacts) and would welcome a cross-reference to it in the hydrocarbon policies.

CPRE (524/0160)

- 2.8.73 One individual and the MLP Community Action Group reiterated the comment made by CPRE concerning the need for a 500m buffer zone around fracking or exploratory well sites and suggested that climate change should be taken into account when considering proposals for fracking which should be carbon neutral and preferably carbon negative. The comment by the MLP Community Action Group cited the need to mitigate adverse environmental and amenity impacts as support for the buffer zone.

Individual (526/0169 & 0170) MLP Community Action Group (561/0406)

2.8.74 FOE requests that policies reflect the NPPG in terms of highlighting the role of MPAs in enforcing planning conditions. FOE also considered that the policies did not give sufficient consideration to the impacts of hydraulic fracturing directly on air quality and indirectly from traffic movements. They requested the precautionary principle in line with the 2015 Act be incorporated into local policy to ensure Plan soundness and that the policies afford similar protection to non-designated assets as it does for designated assets. Further, to ensure that the policies provided the positive approach to climate change set out in the Sustainability Appraisal, they be amended to take full account of the three tests which the Climate Change Committee set out in 2016.

FOE (549/0309, 0310, 0315, 0316 & 0317)

2.8.75 Ineos commented that it supports a positive approach to policies for hydrocarbons with a presumption in favour in line with Government policy with a series of relevant criteria to assess and determine proposals. Supporting reference and support was made to other, specific minerals plans that contained only one policy for all hydrocarbon developments. The policy should do no more than provide a direction about the issues that are likely to be important.

Ineos (560/0396, 0400 & 0401)

2.8.76 OKOOG supported the suggestion that the new Plan would include one policy or policies covering all forms of hydrocarbon development rather than separate sets of policies for the different forms of such developments.

OKOOG (562/0426)

Actions/Considerations

2.8.77 The pre-text to the policies refers to the need to develop policies for hydrocarbon developments. It does not refer to conventional or unconventional gas, or indeed any specific form of oil or gas development. It is intended to set out potential criteria for all forms of oil and gas development that may come forward during the Plan period.

- 2.8.78 The support for the positive approach to policy formulation is noted and welcomed. This reflects the approach advocated by national policy and continues the approach of the existing local plan in which policies are phrased to state that development proposals will be accepted provided that the appropriate tests are satisfied, rather than a negative approach where development proposals will be refused unless. Support for the inclusion of one set of policies for all forms of hydrocarbon development rather than separate policies is noted.
- 2.8.79 The detailed comments concerning individual issues such as air quality, traffic impacts and climate change are noted but these matters will be addressed in the appropriate policy or policies of the Plan. The function and implementation of the Plan will be via the application of the Plan as a whole. All proposals for development will be assessed and considered against all policies relevant to the particular proposal and so it is not necessary to include lengthy cross-references in all the policies.
- 2.8.80 The consideration of cumulative impacts is a requirement of the NPPF and, as stated above, it is considered to be a very important issue for this area because of its coal mining legacy. The comments about enforcing conditions on hydraulic fracturing operations are noted but it is a requirement and responsibility for all local planning authorities for all types of approved developments.
- 2.8.81 The issue of the establishment of a 500m buffer zone is noted and has been considered by the MPA. Rather than defining a buffer zone the MPA consider that each site should be considered on an individual basis having regard to local circumstances with a requirement that well sites and associated infrastructure are located in the least sensitive location.

Outcomes for Proposed Draft Plan

- 2.8.82 In the context of the range of criteria within the planning sphere it is considered that there are sufficient similarities between the different types of hydrocarbons and the issues and impacts that each form of development raises such that one policy would provide an adequate set of tests. The MPA consider that there are specific differences between exploration/appraisal

and production and accordingly propose sub sections within the policy to take account of this. As previously stated it is important to note that many impacts of hydrocarbon development are similar to other forms of mineral extraction and that all policies of the Plan, including general development management policies set out at Chapter 11, will apply where relevant.

Policy MS17 Proposals for Oil and Gas Exploration and Appraisal

Representations

- 2.8.83 The PDNPA expressed support for the first version of the policy on the grounds that the wording was less ambiguous concerning the need for applicants to demonstrate environmental and social acceptability. The second option was considered too vague concerning the definition of acceptability, leaving the issue open to interpretation where decisions may not be sufficiently transparent.

PDNPA (501/007)

- 2.8.84 CPRE commented that bullet point 1 underplays the impacts on non-designated or unrecognised landscapes, cultural heritage assets or biodiversity. Expressed a preference for the second option although they advocated that impacts be minimised rather than mitigated acceptably. They acknowledge that their concerns about the impact on non-designated assets is partly offset by the content of the general Development Management policies but would welcome an appropriate cross-reference.

CPRE (524/0159 & 0161)

- 2.8.85 SDDC noted the differences between the two options and concluded that to ensure that any policy provides the strongest possible protection for the amenity of those who might be adversely affected it should require that there should be no adverse impact on the geological structure. In order to be consistent with national policy it should also reflect the three tenets of sustainability. SDDC also consider that there should be an additional criteria

(for inclusion in any relevant hydrocarbon policy) assessing the impact on the openness of the green belt, bearing in mind that much of Block SK 43 falls within the South Derbyshire Green Belt.

SDDC (542/0233 & 0234)

- 2.8.86 The National Trust has concerns about Option 1 and stated a preference for Option 2. The concerns related to the level of protection afforded to the landscape, biodiversity and interests, particularly those not benefiting from specific designations. In addition, the Trust considered that the draft policy lacked sufficient reference and protection to the water environment, land stability and the impact on residents and other occupants (employment and recreation). The Trust favours Option 2 but also suggest the need to include those criteria listed above not already in the draft policy. As a general approach the Trust states that impacts should firstly be avoided, then mitigated and finally, compensated.

National Trust (547/0282 & 0283)

- 2.8.87 Chesterfield Transition supports Option 2 as it provides a more robust test of acceptability than Option 1. However, in addition they recommend several amendments including:

- More explicit reference to the mitigation of health impacts
- Operations should be for a temporary period limited to a maximum of 5 years
- Transport impacts should be explicitly included
- Minimum distance of 500m between sites and homes

Transition Chesterfield (559/0388 to 0392)

- 2.8.88 Historic England support Option 1 as it makes reference to heritage but request that the phrase 'historic heritage' be replaced by historic environment or cultural heritage as more appropriate phrases.

Historic England (563/0450)

- 2.8.89 Ineos expressed concerns about both versions of the policy including, for option1:

- Requirement to pass all the tests is too stringent
- Not always possible to locate the well in the least sensitive location (best for no significant adverse impact is more appropriate)
- Inappropriate to use the term reservoir
- Inappropriate to use effect on integrity as a criterion (again no significant adverse impact is more appropriate)
- Impact on integrity of the geological structure is not a planning matter
- Not necessary to provide information about the extent of the reservoir as it will be within the PEDL area

2.8.90 The comments on Option 2 were similar but also considered the wording to be too prescriptive and the assessment of potential adverse effects too broad. Rather than identifying constraints, which can only be generic as they will vary from site to site, the policy tests should simply be those set out in paragraph 13 of the minerals section of the NPPG but as these are implicit they do not consider that they need to be specified in the actual policy.

2.8.91 Ineos reaffirmed its view that there should one policy only covering all three phases of development and put forward an alternative version replacing policies MS17 and MS18 as follows:

1. Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment and residential amenity.

Appraisal

2. Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted provided that they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment and residential amenity.

Extraction

3. Proposals for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme for enabling the full development

of the resource and do not give rise to unacceptable impacts on the environment and residential amenity.

4. Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.

Restoration

5. All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required.

2.8.92 This suggested policy contains all the elements of the proposed Nottinghamshire and Cheshire West policies and is positively worded. It notes that the main concerns are with the environment and residential amenity but as there are other policies dealing with such impacts, each containing assessment criteria, the oil and gas development policy of the plan does not need to list these considerations in its policy.

2.8.93 The supporting text should provide background and justification, which links to the National Planning Policy Framework and other Government policies, and ensures that the PEDLs are mapped and safeguarded. We suggest the following wording for that supporting text: The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. On-shore hydrocarbon extraction is comprehensively regulated. The Department for Business Energy and Industrial Strategy (formerly Department of Energy and Climate Change) has awarded a Petroleum, Exploration and Development Licence (PEDL) for an area within the Mineral Plan area. Onshore hydrocarbons provide an opportunity to extract a nationally important natural energy resource without the environmental impact normally associated with minerals extraction.

2.8.94 The extraction of CBM and shale gas will be incremental and involve more than one exploration and production site. Due to advanced drilling

techniques, these sites can be up to 1km apart. Exploration and development rights granted through a PEDL create land use rights across the licence area, subject to obtaining necessary site specific consents. Safeguarding is important because rights create a land use consideration that may be a material factor in assessing other land use proposals in the area. It is a potential land use consideration that others using the planning service need to take into account.

- 2.8.95 The PEDL licence does not create automatic development rights and the effects may not apply equally across the PEDL area. Due to the nature of the resource and the location, it is important that it is safeguarded where it is present. It is important that the extent of the PEDL is identified in the Plan and its consequences explained.

Ineos (560/0397, 0398, 0400 & 0401)

- 2.8.96 UKOOG made comments on this policy similar to those submitted by Ineos, indicating that the need to satisfy all the tests very stringent, that the choice of well location can be very limited, that clear definitions would be required of certain terms such as 'not adversely affect the integrity', the need to avoid duplication with the responsibilities of other regulators, the information to be provided in applications about the extent of the reservoir and the purpose of a criterion relating to the duration of the development.

- 2.8.97 UKOOG proposed an alternate wording for this policy as follows:

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

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

The applicant has demonstrated that all potential adverse environmental, social and economic impacts can be mitigated to levels which are acceptable to the Mineral Planning Authority;

The applicant has demonstrated that the integrity of the geological structure is suitable;

An indication of the extent of the reservoir and the extent of the area of search within the reservoir is provided to the Mineral Planning Authority;

The exploration and appraisal operations are for an agreed, temporary length of time; and

Well sites and associated facilities are restored at the earliest practicable opportunity if oil and gas is not found in economically viable volumes, or they are developed within a time frame which has been agreed in writing by the Mineral Planning Authority.

UKOOG (562/0427 to 0434)

- 2.8.98 The Coal Authority supports the inclusion of policies which set out criteria against which proposals for conventional and unconventional hydrocarbons could be assessed. This should be in line with the requirements set out in the NPPF.

Coal Authority (515/0127)

Actions/Considerations

- 2.8.99 The two versions of this policy, together with the other draft policy referred to below, were included in the 2018 Spring consultation to demonstrate the possible format of the policies that would be included in the final Plan for the assessment and determination of hydrocarbon development proposals. They were based on policies from other mineral plans and were included to stimulate debate. However, the comments on the detailed wording of the policies are welcomed and noted and have been taken into consideration in the formulation of the Proposed Draft Plan.

- 2.8.100 The form and content of planning policies has to meet legal requirements so that all decisions taken are within the remit of planning legislation and free from further legal challenge. They need to be as concise and precise as possible. They should not be ambiguous and open to wide range of interpretation. Comments concerning the use and implementation of terms

(such as acceptability) are noted and have been given further consideration in preparing the Proposed Draft Plan.

2.8.101 Comments about the perceived lack of protection in the policies for particular environmental features (for example non-designated heritage assets) are noted but, as previously stated above, the assessment of all development proposals will take account of all the relevant policies of the Plan in the round, enabling the full range of impacts to be taken into consideration. Where planning permission is granted, the duration of the development specified in the decision notice (if appropriate) will reflect the nature and scale of the proposal as set out in the planning application documents. Policies cannot be used to impose a blanket 5-year maximum duration for hydrocarbon developments.

Outcomes for Proposed Draft Plan

2.8.102 The Proposed Draft Plan includes one policy for hydrocarbons, Policy SP17, which is split into subsections dealing with exploration/appraisal and production. The policy will form part of the overall assessment basis for those types of development proposals. Applications will be assessed against all the relevant policies of the new Plan, including the general development management policies, set out at Chapter 11, which will address specific matters in more detail. Accordingly, the hydrocarbon policy does not repeat all the criteria of those policies. Further, the criteria and tests that are included in the new Plan cover those matters which fall within the remit of the planning system only. Issues which are the responsibility of other regulators have been left to those bodies.

2.8.103 Whilst the policies of the Plan in total include a wide range of criteria, only those that are relevant to a specific proposal will be taken into account. Comments suggesting that the criteria and the need to satisfy them all are too stringent are noted but the more adverse impacts proposals are likely to have, the greater the number of policies and criteria they will need to satisfy.

Policy MS18 Proposals for Oil and Gas Production and Ancillary Development

Representations

2.8.104 The National Trust made several comments about the content and wording of this policy, with suggested amendments to:

- Make specific reference to adverse economic, environmental and social impacts,
- Expand 'biodiversity sites' to include other habitats and species,
- Include reference to land stability,
- Support for bullet point 8, but with the addition that pipelines should also be shown to be environmentally acceptable, and
- Adopt an approach where impacts are avoided, then mitigated and finally compensated.

National Trust (547/0284 to 0288)

2.8.105 The PDNPA recommended that bullet point 4 should also make reference to landscape impacts in addition to environmental and amenity impacts.

PDNPA (501/008)

2.8.106 CPRE states that it is uncertain about the meaning of "progressively installed" in the third bullet point of the policy. Request additional bullet points requiring a) applicants demonstrate compliance with the need for progressive reduction in greenhouse emissions before permission could be granted and b) inclusion of amenity stand-off distances (minimum 500m) and greater distances to protect the PDNP from drilling infrastructure (suggested 3.5km).

CPRE (524/0162, 0163 & 0164)

2.8.107 SDDC – see comment about criteria for impact on the openness of the green belt above.

SDDC (524/0234)

2.8.108 FOE support the use of residential setbacks (500m) to provide adequate noise mitigation.

FOE (549/0311)

2.8.109 Transition Chesterfield recommends that the policy requires applicant to demonstrate the need for the gas and that it would result in a reduction in CO₂ emissions. There should also be a requirement to assess the risks of seismic activity.

Transition Chesterfield (559/0393 & 0394)

2.8.110 Ineos commented that the first three bullet points covering full appraisal programme, a framework for full development, and the timing and distribution of facilities required for hydrocarbon assessment are not acceptable as they are not within the remit of the planning system (responsibility of the OGA).

Ineos (560/0399)

2.8.111 UKOOG made comments on this policy similar to those for policy MS17 including:

- Need to pass all tests is very stringent
- Some of the criteria are the remit of other regulators and not the mineral planning authorities
- No need for criteria concerning facilities sitting within the agreed development framework as applicants will want to put forward full details as early as possible
- Need for clarity for certain phrases such as 'proportionate enhancements
- All potential impacts would be addressed through the EIA process
- Operators would automatically seek to maximise the use of existing sites wherever possible balancing the issues of local geology against the viability of older sites and other constraints

UKOOG (562/0435 to 0443)

2.8.112 The Coal Authority supports the inclusion of policies which set out criteria against which proposals for conventional and unconventional hydrocarbons could be assessed. This should be in line with the requirements set out in the NPPF.

Coal Authority (515/0128)

Actions/Considerations

2.8.113 The response to the general comments set out for draft policy MS17 above apply equally to this policy.

2.8.114 The specific comments concerning the meaning and appropriateness of specific words and phrases are noted and have been taken into account in preparing the Proposed Draft Plan. Any part of the draft policies that relates to matters that are wholly the responsibility of other regulators have been removed. In order to resolve one specific question, the term progressively installed is intended to require that ancillary facilities are only installed as and when they are actually required rather than installed in total at the commencement of the development.

2.8.115 The comments about the green belt being included as a specific criterion are noted but in principle, mineral development in general is not unacceptable in such locations. However, the impact on the openness of an area and impact on landscape and visual amenity are criteria that are taken into consideration as set out in Policy DM11 at Chapter 11 of the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.8.116 The Proposed Draft Plan includes one policy for hydrocarbons, Policy SP17, which is split into subsections dealing with exploration/appraisal and production. The policy will form part of the overall assessment basis for those types of development proposals. Applications will be assessed against all the relevant policies of the new Plan, including the general development management policies, set out at Chapter 11, which will address specific matters in more detail.

Background Papers: General Comments

Representations

2.8.117 The Environment Agency indicated the need to amend a reference to take account of a change of name of a Government Department – from DECC to DBEIS.

Environment Agency (507/0047)

Actions/Considerations

2.8.118 The information provided is noted. The names of Government departments and the bodies and organisations involved with mineral development are subject to change on a periodic basis and the references included in the consultation papers can only be correct at the time of publication.

Outcomes for Proposed Draft Plan

2.8.119 Published documents have been updated to the appropriate Government Department name at the time.

Background Paper: Unconventional Gas – Shale Gas

Representations

2.8.120 Paragraph 1.6 states that : ‘The water normally contains small quantities of other substances...’ This statement is disingenuous and misleading. Fracking fluid contains small proportions of other substances, but bearing in mind that a single fracking operation could use circa 20,000m³ of fluid, this would result in introducing significant quantities of foreign agents through wellbores into underground strata, which may or may not be hydro geologically linked to aquifers. The choice of language should be questioned here with regards integrity and intent.

Individual (544/0246)

Actions/Considerations

2.8.121 The reference to 'small quantities' of other substances is a comparison to the volume of fluid used which is much greater. It is not intended in anyway to be misleading.

Outcomes for Proposed Draft Plan

2.8.122 No change.

Representations

2.8.123 It should be noted that the Coal Authority carries responsibilities for subsidence in ex-mining areas. Fracking below abandoned mine workings could be a risk factor in this regard.

Individual (544/0247)

Actions/Considerations

2.8.124 Agree - ensure that the responsibility of the Coal Authority is appropriately referred to in the Paper.

Outcomes for Proposed Draft Plan

2.8.125 An updated reference is made at paragraph 4.4 of the Background Paper to the responsibilities of the Coal Authority.

Representations

2.8.126 One respondent indicated that references in the support paper regarding the use of water in fracking operations were inaccurate.

Individual (509/0062 and 0063)

Actions/Considerations

2.8.121 The comments about water usage in hydraulic fracturing were noted and all references checked.

Outcomes for Proposed Draft Plan

2.8.122 The wording at 7.5 has been changed to reflect the EA publication Facts about fracking: water 2017.

Representations

2.8.123 Paragraph 4.6 quotes: 'The NPPG states that, as an emerging form of energy supply, there is a pressing need to establish through exploratory drilling, whether or not there are sufficient recoverable quantities of unconventional resources such as shale gas and coal bed methane present to facilitate economically viable full scale production.'

2.8.124 This 'pressing need' has to be seriously questioned. The governments 'Gas Security of Supply assessment published in October 2017 stated that new indigenous sources of gas are not essential, but would only act along with biogas, as additional sources. The industry claims that there will be environmental advantages to reducing imports, but the energy efficiency of shale gas extraction is questionable given the extent of material and activity required in establishing new sites, transporting equipment, water and waste fluid around the country.

2.8.125 DBEIS projections for the annual use of natural gas to generate electricity have fallen from 90.9 TWh. in 2012, to 63 TWh in 2017.

(footnote5 <https://www.gov.uk/government/collections/energy-and-emissions-projections>) Greater, and permanent reductions in gas imports can be achieved through domestic insulation works than by exploiting shale gas.

(footnote 2 Cambridge Econometrics report.

<http://www.energybillrevolution.org/wp-content/uploads/2014/10/Building-the-Future-The-Economic-and-Fiscal-impacts-of-making-homes-energy-efficient.pdf>)

2.8.127 Bearing in mind that the productivity of shale gas wells drops off steeply within the first two years of life, necessitating new wells to be drilled or re-fracking of existing ones, the economic viability of fracking, under scrutiny for

many years now is questionable even given the presence of recoverable quantities of gas in place. <https://www.wsj.com/articles/wall-streets-fracking-frenzy-runs-dry-as-profits-fail-to-materialize-1512577420>

Individual (544/0248)

2.8.128 Paragraph 1.1 of the Duty to Cooperate Report states that: ‘The Government is committed to delivering long-term sustainable growth and requires the planning system to contribute positively towards achieving sustainable development.’ The universally accepted definition of sustainable development is that which “meets the needs of the present without compromising the ability of future generations to meet their own needs. “ Whilst acknowledging the Sustainability Appraisal being undertaken in respect of the proposed minerals plan, specific questions have to be asked as to whether shale gas development constitutes a positive contribution to sustainable development, particularly in respect of meeting the present and predicated future ‘needs:’ A recent study by Manchester University also found that shale gas to be one of the least sustainable options for generating electricity, taking economic, social and environmental effects into consideration. These are all impacts which should be given equal consideration by local authorities when developing mineral and other development plans in line with the concept of sustainable development. <http://www.manchester.ac.uk/discover/news/shale-gas-is-one-of-the-least-sustainable-ways-to-produce-electricity/>

Individual (544/0249)

2.8.129 The projected level of shale gas development is now uncertain, and certainly a lot lower than the ‘boom’ predicted by Cameron in 2011; in reply to a question from Caroline Lucas MP, the Energy Minister, Claire Perry stated: ‘Based on information provided by industry dating from 2016, BEIS previously estimated in 2017 that there could be around 155 wells by around 2025.’ “This figure is now considered to be out of date. The Secretary of State has not made any new estimates for the period to 2025 and has not made any estimates for the period to 2030.’ (Written question and answer, 27 February 2018.) When asked at a residents meeting at Letwell, Rotherham,

(16/01/2017), if he could guarantee that UK shale gas would not be exported, Gary Haywood, (then) CEO of Ineos Shale stated 'We are a commercial organisation.' This denies industry claims that fracking is required to ensure UK energy security, but is to be used primarily to profit the corporate bodies involved in its exploitation.

Individual (544/0250)

2.8.130 In its 2015 report 'The Environmental Risks of Fracking' the House of Commons Environmental Audit Committee called for a halt to fracking, citing non-compliance regarding the UK's Climate Change commitments, along with Public Health and Environmental concerns. "Ultimately fracking cannot be compatible with our long-term commitments to cut climate changing emissions unless full-scale carbon capture and storage technology is rolled out rapidly, which currently looks unlikely. There are also huge uncertainties around the impact that fracking could have on water supplies, air quality and public health."

2.8.131 It should be noted that the DBEIS Energy and emissions projections have pushed back the inception date of carbon capture and storage from 2017 in 2012, to 2035.

(footnote [5https://www.gov.uk/government/collections/energy-and-emissions-projections](https://www.gov.uk/government/collections/energy-and-emissions-projections))

Individual (544/0251 and 0252)

2.8.132 Paragraph 4.15 states that: The infrastructure investment plan statement indicated that a key role for gas is consistent with the need to decarbonise our economy. Serious questions have been raised regarding the climate change impacts of methane, particularly with regards unconventional gas in relation to fugitive releases. The methodology by which the MacKay Stone research⁶ was carried out has been discredited (Footnote 7 <https://www.nature.com/news/methane-leaks-erode-green-credentials-of-natural-gas-1.12123>)

2.8.133 Planning has a key legal role to play in limiting fugitive emissions. The background paper on Hydraulic Fracturing fails to explain the complexities surrounding emissions regulation and whose responsibility it is.

2.8.134 This paper contains a lot of selective and outdated evidence. There are many more recent and credible references that need to be referenced particularly the comprehensive 2016 Scottish Government Review (<http://www.gov.scot/Topics/Business-Industry/Energy/onshoreoilandgas>) on unconventional oil and gas and the independent academic review of that process (Watterson, A. and Dinan, W. (2018)). Public Health and Unconventional Oil and Gas Extraction Including Fracking: Global Lessons from a Scottish Government Review. *International Journal of Environmental Research and Public Health* 2018, 15, 675; doi:10.3390/ijerph15040675)

2.8.135 The Scottish Government commissioned a comprehensive review on unconventional oil and gas dedicated specifically to public health as well as reports on climate change, economic impacts, transport, geology, and decommissioning. The evidence collected for the Scottish government enquiry suggests there are significant public health risks and costs from unconventional oil and gas extraction, including fracking. All these reports are relevant to public health and taken together offer a comprehensive review of existing evidence.

2.8.136 In the interests of balance the paper should also note the countries that have reviewed the evidence on fracking and decided to ban it on the basis of that evidence including Scotland, Ireland, France, Germany, Poland and Bulgaria.

Transition Chesterfield (559/0380)

Actions/Considerations

2.8.137 Many of these issues were raised in response to the main Chapter (see Above). Many comments expressed conflicting opinions about the requirements of national energy policy and the role of gas, oil and coal within that policy and the efforts to meet the UK's carbon footprint reduction targets. Some commented to the effect that hydrocarbons were not now needed to meet our energy requirements and if used, would conflict with the carbon

footprint reduction targets. Others indicated that hydrocarbons were an important and integral element of our energy needs provision and were vital to achieve energy supply security.

2.8.138 All the consultation papers have set out the requirements of relevant national planning policy and other policies that affect the provision of minerals. All have stressed that the new Plan will seek to and will have to comply with that national policy guidance. The hydrocarbon consultation did not indicate that the Plan would unduly favour hydrocarbon provision, nor that it would seek to unduly restrict such development. The Plan will have to recognise that such resources are present in the area and that proposals may come forward to obtain those resources during the Plan period. The Plan cannot place an embargo on hydrocarbon development nor set targets or limits for extraction. This would be in full compliance with national energy and planning policy.

Outcomes for Proposed Draft Plan

2.8.142 The Proposed Draft Plan continues to follow Government guidance in that it acknowledges the presence of oil, gas and coal resources within the Plan area and will set out criteria based policies to determine the acceptability of all such proposals that may come forward. The policies of the Plan, including those specific to hydrocarbon development and the general development management policies, recognise the potential adverse impacts of such operations by setting out relevant criteria that proposals would need to satisfy in order for planning permission to be granted. Those policies, together with the Plan in general, reflect the NPPF and other relevant national policy statements. The Plan has the delivery of sustainable minerals development as its main core guiding principle. Positive comments about the content of other mineral local plans are noted but the new Plan does not make direct reference to any other specific Plan, although examples of good practice have been taken into account in the development of the Plan. The Plan and associated documents will be updated to ensure they reflect the most recent Government guidance as we move forward to the Regulation 19 Publication stage of plan making.

Chapter 9 - Other Minerals

Table of Representations

Name	Name Reference Number	Representation Reference Number
The Coal Authority	515	0129
Individual	578	0518
Individual	578	0519
Individual	578	0521
Individual	578	0522

MS20 Reworking of Former Colliery Tips and Other Spoil Tips

Representation

- 2.9.1 This appears to be same as policy MS14 with the only difference being reference to 'Other Spoil Tips'.

(Coal Authority 0129/515)

Actions/Considerations

- 2.9.2 In developing the Proposed Draft Plan a more robust and streamlined approach has been taken to avoid any duplication of policies.

Outcomes for Proposed Draft Plan

- 2.9.3 See revised policy DM18 Reworking of Former Colliery and Other Spoil Tips.

Representation

- 2.9.4 This comment echoes the previous one I made regarding secondary or recycled aggregates in that reworking former spoil heaps is not undertaken

at former quarries that, under planning regulations, have returned to nature and are therefore officially classed as greenfield and not brownfield sites. Many such currently disused quarries that may have ceased operations 50 or more years ago are now havens for wildlife and are important feeding grounds for birds, animals and insects even if rare species are not present within them.

(Individual 0578/518)

- 2.9.5 Reworking should not be permitted where a site has been reclaimed by nature and is classified as greenfield. It does not need to have important wildlife and habitats on the site to be important to the environment. Small sites containing such species surrounded by areas of extraction will degrade the environment. What is required is special sites joined up by wildlife corridors so that these species can spread and recolonise.

(Individual 0518/519)

Actions/Considerations

- 2.9.6 Agree

Outcomes for Proposed Draft Plan

- 2.9.7 Policy DM18 of the Proposed Draft Plan states that Proposals for the extraction of coal and other minerals previously deposited in colliery and other spoil tips will be supported where they would not adversely affect any previous restoration that has been carried out on the site, or, if so, they would result in further, significant improvements to the previous restoration scheme.

Representation

- 2.9.8 1) Around Buxton there are many abandoned limestone quarries where quicklime was produced through burning limestone with coal in kilns. The spoil heaps at these sites contain stone considered unfit for use at the time along with coal ash, slag and batches of quicklime that did not meet the

required standard. The heaps contain considerable amounts of toxic waste such as heavy metals and highly alkaline quicklime that easily turns to dust. The unsightly and alkaline runoff from Hoffman quarry waste as it crosses under Grin Low road illustrates the problem that not containing such material causes. Any application to process spoil heaps on such sites must be accompanied by a full chemical analysis of the material using several trial pits down to the depth of the material to be excavated. The application must be accompanied by both a chemical hazard and an environmental impact assessment. Proposals to mitigate the hazards of wind-blown dust should be submitted bearing in mind that water misting may well create its own problems through runoff of toxic material into watercourses and aquifers through fractures in the limestone. A restoration plan must include proposals to safely remove and dispose of any accumulated toxic waste.

(Individual 0578/521)

- 2.9.9 2) I support this approach with the proviso that environmental acceptability includes a full assessment of the potential toxicity of the material to be excavated both on the environment and on health. See my previous comment under 9.2 regarding the toxic material contained in limestone quarries that produced quicklime.

(Individual 0578/522)

Actions/Considerations

- 2.9.10 1) Agree

2) The support for the approach is noted. With regard to the provision about toxic waste see the paragraph below.

Outcomes for Proposed Draft Plan

- 2.9.3 Any Proposals for the re-working of spoil tips will be subject to all the relevant policies of the Plan including the Development Management policies at Chapter 11 which cover all of the environmental impacts highlighted.

Chapter 10 - Safeguarding

10.1 Safeguarding Mineral Resources

Table of Representations

Name	Name Reference Number	Representation Reference Number
Peak District National Park Authority	501	0006
The Coal Authority	515	0130
The Coal Authority	515	0131
High Peak Borough Council	527	0172
Tarmac	551	0341
Ineos Upstream Ltd.	560	0402
Ineos Upstream Ltd	560	0403
Ineos Upstream Ltd	560	0404
Gladman Developments	568	0483

The Agent of Change

Representations

2.10.1 Should refer to the agent of change which places the emphasis for any mitigation on the developer of the new development being sited in proximity to an existing use. The applicant for the new development should be required to put in place suitable mitigation prior to the new development taking place. MCAs are a more useful tool than MSAs and should be identified.

(Tarmac 551/0341)

Actions/Considerations

2.10.2 The Agent of Change will be referred to in the revised Draft Plan. MCAs will be used as this is a two-tier area. This will be made clearer in the next draft.

Outcomes for Proposed Draft Plan

2.10.3 Make amendments as set out above.

Safeguarding Hydrocarbons

Representations

2.10.4 It should be made clear that:

1. Safeguarding is not prohibition - and this needs to be made explicit in the text and policy
2. A safeguarded resource is one that needs to be scrutinised for possible harm but does not need a buffer zone, merely proof that the resource will not be significantly sterilised or harmed. Given the depth of hydrocarbon extraction and the relatively small area of surface site workings, together with the short life of the operations and restoration it is surely the case that unconventional gas will rarely if ever give rise to a concern in relation to another mineral.

(Ineos Upstream Ltd. 560/0402)

Actions/Considerations

2.10.5 The text at the beginning of the chapter makes it clear what the purpose of safeguarding is.

The Plan sets out clearly the minerals that safeguarding applies to. Hydrocarbons is not one of these minerals. National planning guidance and BGS Good Practice support the approach of using buffer zones for certain minerals to address potential risks from incompatible development.

Outcomes for Proposed Draft Plan

2.10.6 No changes required.

Safeguarding Hydrocarbons

Representations

- 2.10.7 In terms of safeguarding, we note that paragraph 10.1.23 states that the following minerals will be safeguarded to ensure that they are taken into account in proposals for non-mineral development. Given the importance of hydrocarbons we believe the onshore oil and gas should be added to the list of the safeguarded minerals and accordingly the PEDL areas safeguarded.

(Ineos Upstream 560/0403)

Actions/Considerations

- 2.10.8 The purpose of safeguarding is to ensure that minerals are taken into account should surface non-mineral development threaten their future long-term availability. The depth of hydrocarbon extraction and relatively small area required for the surface site workings means that surface non-mineral development is unlikely to sterilise such a resource, which makes it unnecessary to safeguard this resource. As such, there is no requirement in national planning policy to safeguard hydrocarbons.

Outcomes for Proposed Draft Plan

- 2.10.9 No changes required.

Safeguarding Hydrocarbons

Representation

- 2.10.10 In our submission, the clear conclusion to be drawn is that in areas of potential development conflict between the two resources, the identified national need to explore and develop hydrocarbon resources will take precedence over the local need to explore and develop other minerals.

(Ineos Upstream 560/0404)

Actions/Considerations

2.10.11 Hydrocarbon resources occur at a much deeper level and over a much wider area than other mineral resources such as crushed rock and sand and gravel, so there is unlikely to be any conflict in exploiting hydrocarbons and other minerals.

Outcomes for Proposed Draft Plan

2.10.12 No changes required.

Policy SG2

Representation

2.10.13 Policies should be flexible enough to ensure that decision makers can take a balanced view between the need to safeguard mineral resources and the need to meet the strategic housing and economic needs of the area. Policies should set out the circumstances under which planning permission will be granted and be supported by text that explains what is expected from future applicants for non-minerals development in such areas.

(Gladman Developments 568/0483)

Actions/Considerations

2.10.14 This is the purpose of safeguarding, i.e. not to prevent development taking place over mineral resources, but to ensure that the mineral is taken into account fully, along with all other issues during the consideration of a planning application. This will ensure that a balanced decision is always taken, as is the case with all planning applications.

2.10.15 The proposed policy does set out when non-mineral development will be permitted. Detailed discussions regarding a specific proposal would take place when it is submitted to the MPA.

Outcomes for Proposed Draft Plan

2.10.16 No changes required.

Supporting Comments

Representations

2.10.17 Support both policies SG1 and SG2.

(The Coal Authority 515/0130 & 0131)

Actions/Considerations

2.10.18 Noted.

10.2 Safeguarding Minerals Related Infrastructure

Name	Name Reference Number	Representation Reference Number
National Trust	547	0289
Tarmac	551	0342

Table of Representations

Extent of Safeguarding

Representations

2.10.19 Support in principle but not compliant with NPPF. Should delete reference to "within quarries" as safeguarding of infrastructure extends beyond these.

(Tarmac 551/0342)

Actions/Considerations

2.10.20 NPPG sets out that safeguarding much of the infrastructure, other than that in quarries and wharves and railheads, rests with district/borough planning authorities. This is why the policy refers only to infrastructure within quarries. The wording of the policy could be amended to clarify this issue.

Outcomes for Proposed Draft Plan

2.10.21 Amend supporting text of renamed Policy SP19 to provide greater clarity in this respect.

Supporting Comments

Representations

2.10.21 Support Policy SG3.

(National Trust 547/0289)

Actions/Considerations

2.10.22 Noted.

Chapter 11 – Cumulative Impacts

Table of Representations

Name	Name Reference Number	Representation Reference Number
CPRE	524	0165
South Derbyshire District Council	542	0235

Representations

- 2.11.1 Support the wider interpretation of cumulative impacts set out in policy CP1 but the terminology may need further explanation.

(CPRE 524/0165)

- 2.11.2 The policy is welcome given the continued impacts of mineral development in the area.

(South Derbyshire DC 54/0235)

Actions/Considerations

- 2.11.3 Support for the policy and the reasons why it is considered an important issue in the Plan area are welcomed. Comments concerning the need to clarify and/or define words and phrases relating to cumulative impacts are noted.

Outcomes for Proposed Draft Plan

- 2.11.4 The methodology to be used to assess cumulative impacts will be developed further as well as the wording of the policy to be included in the Plan. This will be an appropriate stage to ensure that the policy is as unambiguous as possible. In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the previously proposed Cumulative Impacts chapter (including previously

proposed Policy CP1: Cumulative Impacts) into a new policy, DM14: Cumulative Impacts, as set out at Chapter 11 of the Plan.

Chapter 12 - Restoration

12.1 Restoration Strategy

Name	Name Reference Number	Representation Reference Number
Environment Agency	507	0045
Environment Agency	507	0046
Environment Agency	507	0052
Environment Agency	507	0053
National Forest	531	0179
National Forest	531	0180
National Forest	531	0181
South Derbyshire District Council	542	0236
Staffordshire County Council	543	0242
National Trust	547	0290
National Trust	547	0291
National Trust	547	0292
Tarmac	551	0343
Historic England	563	0451

Green Corridors

Representation

2.12.1 Paragraph 12.1.4, green corridors can also contribute towards managing and reducing flood risk. Also, add the words “taking account of climate change” to criteria 9 of the policy. At paragraph 12.1.33, add “These networks will only achieve optimum benefit if habitats and species over a wide area are considered”.

(Environment Agency 507/0045; Staffordshire County Council 543/0242)

Actions/Considerations

2.12.2 Agree that the suggested changes could be made to this chapter.

Outcomes for Proposed Draft Plan

2.12.3 Include a reference in the revised chapter. The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). A new policy, policy DM13: Green Infrastructure has been written which covers the issues raised in the comments.

Policy R1

Representations

2.12.4 Generally support the draft restoration policy, in particular criteria 11 which seeks to achieve enhancements to biodiversity, recreation etc. We suggest that the words 'where possible' are an unnecessary watering down of this criterion, bearing in mind that the next words are that 'proposals should seek'. We suggest that proposals should always seek to achieve positive change.

2.12.5 We consider that criteria 11 could go further in providing guidance for developers, including the following:

- that restoration proposals seek to retain/create a variety of landforms and associated habitats through both natural succession and planting, including bare faces, benches, deep and shallow water.

- That opportunities to combine biodiversity restoration with recreational uses is considered, for example mountain biking or rock climbing facilities.

(National Trust 547/0291)

Actions/Considerations

2.12.6 This policy has been replaced with a Development Management policy in the Draft Plan.

Outcomes for Proposed Draft Plan

- 2.12.7 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy R1 has now been superseded by Policy DM 15 Restoration, Aftercare and After-Use which covers the issues raised in the comments.

Policy R1

Representations

- 2.12.8 Policy R1 is not prepared in a positive way nor is it an effective strategy as it may place undue onerous constraint on operators. As a result, it is considered unsound. Suggest amended policy to address concerns raised.

(Tarmac 551/0343)

Actions/Considerations

- 2.12.9 This policy has been replaced with a Development Management policy in the Draft Plan.

Outcomes for Proposed Draft Plan

- 2.12.10 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy R1 has now been replaced by Policy DM 15 Restoration, Aftercare and After-Use which covers the issues raised in the comments.

Supporting Comments

Representations

- 2.12.11 Support various elements of the chapter.

(Environment Agency 507/0052, 0053; National Forest 531/0179, 0180, 0181; South Derbyshire District Council 542/0236; National Trust 547/0290; Historic England 563/0451)

Actions/Considerations

2.12.12 This policy has been replaced with a Development Management policy in the Draft Plan.

Outcomes for Proposed Draft Plan

2.12.13 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy R1 has now been replaced by Policy DM 15 Restoration, After care and After Use.

12.2 Trent Valley Strategy

Name	Name Reference Number	Representation Reference Number
Staffordshire County Council	543	0243
Staffordshire County Council	543	0244
Tarmac	551	0344
Historic England	563	0452

Table of Representations

Environmental Sensitivity Mapping

Representations

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

(Tarmac 551/0344)

Actions/Considerations

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

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

Outcomes for Proposed Draft Plan

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

Central Rivers Initiative

Representations

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

Actions/Considerations

2.12.19 The text will be updated to reflect this.

Outcomes for Proposed Draft Plan

2.12.20 Amend text as suggested.

Supporting Comments

Representations

2.12.21 Support the approach.

Actions/Considerations

2.12.22 Noted

Outcomes for Proposed Draft Plan

2.12.23 No changes required.

12.3 Carboniferous Limestone Quarries Restoration Strategy

Table of Representations

Name	Name Reference Number	Representation Reference Number
Peak District National Park Authority	501	0005
Historic England	563	0453

Remit of Strategy

Representation

2.12.24 Agree that the Strategy should be extended to include all hard rock quarries within the Carboniferous Limestone. The quarries located in these areas are all adjacent to the PDNP, are located in the White Peak landscape and have similar impacts. Therefore, they should all be restored in a similar manner. Agree that the third option (for the Strategy to cover all hard rock quarries in the Plan area) should not be advanced for the reasons outlined in this paragraph.

PDNPA (501/0005)

Actions/Considerations

2.12.25 The support for extending the remit of the strategy to all Carboniferous Hard Rock Quarries but not to cover all other hard rock quarries is noted.

Outcomes for Proposed Draft Plan

2.12.26 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the Carboniferous Limestone strategy into Policy DM 15 Restoration, After care and After Use set out at Chapter 11 of the Plan.

Policy R3 Restoration of Carboniferous Limestone Quarries

Representation

2.12.27 Support this policy.

Historic England (563/0453)

Actions/Considerations

2.12.28 The support is noted.

Outcomes for Proposed Draft Plan

2.12.29 In the interests of preparing a rationalised and streamlined Proposed Draft Plan the MPA has decided to incorporate the requirements of the Carboniferous Limestone strategy into Policy DM 15 Restoration, After care and After Use set out at Chapter 11 of the Plan.

Chapter 13 Development Management Policies

Name	Name Reference Number	Representation Reference Number
PDNPA	501	0004
Natural England	502	0022
Natural England	502	0023
Environment Agency	507	0054
Environment Agency	507	0055
Environment Agency	507	0056
Environment Agency	507	0057
National Forest	531	0182
National Trust	547	0295
National Trust	547	0296
National Trust	547	0297
National Trust	547	0298
National Trust	547	0299
National Trust	547	0300
National Trust	547	0301
Friends of the Earth	549	0314
Tarmac	551	0245
Tarmac	551	0246
Tarmac	551	0247
Tarmac	551	0248
Tarmac	551	0249
Historic England	563	0454

Table of Representations

Issue – Policy DM 1: Development Management

Criteria

Representations

- 2.13.1 The PDNPA commented that in the first bullet point regarding local amenity, reference should also be made to fumes, land instability and the amenity impact of transport routes to and from the site.

(PDNPA 501/0004)

- 2.13.2 Natural England recommends that when referring to the Natural Environment including geological and biodiversity interests that this makes distinctions between International, National and Local sites. Further the policy should set out that any proposal that adversely affects a European site or causes significant harm to a SSSI will not normally be granted. In terms of European designation, this will involve the precautionary principle as outlined in the Habitat Regulations.

(Natural England 502/0022)

- 2.13.3 Tarmac commented that it is unnecessary for the applicant to demonstrate need for the mineral and should be removed from the first paragraph.

(Tarmac 551/0345)

Actions/Considerations

- 2.13.4 Whilst it is acknowledged that the demonstration of need is not necessary for some minerals extracted in the Plan area (for example hydrocarbons) it is necessary for others. However, it is also acknowledged that this could be made more explicit. The criteria set out in the draft policy are comprehensive and it is considered that the factors identified in the response are already adequately covered. Likewise, the criteria include heritage interests which cover all categories. Where proposals could affect heritage sites of

international and national status, this would be demonstrated in the weight that was given to the issue in the overall determination.

Outcomes for Proposed Draft Plan

2.13.5 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM1: Development Management Criteria has now been replaced by Policy DM1: Protecting Local Amenity, Health and Well-Being and DM2: Criteria for Assessing the Benefits of Minerals Development Proposals.

Issue – Policy DM 2: Planning Conditions and Obligations

Representation

2.13.6 Policy as worded is not justified nor is it an effective strategy and is therefore considered unsound. Enhancement of environment, communities and amenity is not justified in all circumstances and development needs to be considered on its merits. Revised policy suggested.

(Tarmac 551/0346)

Actions/Considerations

2.13.7 The comments are noted and have been taken into account in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.13.8 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM2: Planning Conditions and Obligations has now been replaced by Policy DM16: Planning Obligations

Issues – Policy DM4: Landscape and Green Infrastructure

Representation

2.13.9 Natural England broadly supports the policy which looks at landscape and green infrastructure and the intention of considering the wider ecological networks.

(Natural England 502/0027)

2.13.10 Policy DM4 concerning Landscape and Green Infrastructure expects development to 'protect and/or enhance the landscape character, quality and visual amenity'. The NFC considers that development should not be given the choice to protect or enhance, the policy should require development to do both. Existing features that warrant protection should be protected and all schemes should be expected to enhance landscape character and amenity as well.

(National Forest 531/0182)

2.13.11 National Trust supports the commitment to delivering continued long-term improvements to ecological networks and green infrastructure throughout the life of the development, including restoration. We also support the commitment to enhancing the landscape and securing the highest practicable environmental standards.

(National Trust 547/0295)

2.13.12 To be consistent with national policy, policy DM4 should require EIA for all hydraulic fracturing proposals.

(Friends of the Earth 549/0314)

2.13.13 Not consistent with paras 109 and 113 of NPPF which seek to ensure that the level of protection for important landscapes is based on their value and therefore any impact commensurate. Revised policy suggested.

(Tarmac 551/0347)

Actions/Considerations

2.13.14 The general support for the policy is noted and welcomed.

2.13.15 The enhancement of landscapes following the completion of restoration on mineral development sites is the desirable outcome, but the policy is worded to acknowledge that this is not possible in all circumstances. The ultimate test is whether the restored site is acceptable or not in the context of the surrounding landscape. It is therefore considered that the policy is entirely consistent with the NPPF (former version references and current version).

2.13.16 This policy is not an appropriate vehicle for stating legislative requirements for the form and content of mineral planning applications.

Outcomes for Proposed Draft Plan

2.13.17 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM4: Landscape and Green Infrastructure has now been replaced by Policy DM4: Landscape and Policy DM12: Green infrastructure.

Issue – Policy DM5: Biodiversity

Representations

2.13.18 The Environment Agency indicated its support for the policy.

(Environment Agency 507/0054)

2.13.19 National Trust supports the commitment to minimising impacts on habitats and species, and securing a net gain in biodiversity.

2.13.20 The penultimate bullet point needs to be adjusted to say what is sought. Otherwise it could potentially be combined with bullet point 4.

2.13.21 We are concerned that the final paragraph which will allow developments where ‘the merits of the development outweigh any likely environmental damage’ is too weak and may not conform with regulations and policy relating to international sites and SSSIs. We suggest that this needs to be revised.

(National Trust 547/0296, 0297 & 0298)

2.13.22 Considered unsound as it is not consistent with paragraphs 109, 113 and 118 of NPPF which seek to ensure that the level of protection for ecological features is commensurate with their status and opportunities for net gain in biodiversity taken where possible. NPPF does not state that all development within designated sites is unacceptable. The onus is on the developer to avoid, mitigate or compensate. Revised wording suggested.

(Tarmac 551/0348)

Actions/Considerations

2.13.23 The general support for the policy is noted and welcomed.

2.13.24 The penultimate bullet does indeed have words missing from it to explain what is required of applicants. The final decision on all planning applications is a balance in which the benefits of the development are weighed against the impacts and the final paragraph incorporates this position. Any decision involving such a balance would have to take account of the requirements of other legislation relating to the protection afforded to specific designations.

2.13.25 The policy does not place an embargo on mineral development in sites with high level biodiversity designations and is not inconsistent with the NPPF.

Outcomes for Proposed Draft Plan

2.13.26 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Policy DM5: Biodiversity has now been replaced with an updated and revised version of Policy DM5 which is now entitled Biodiversity and Geodiversity. The revised policy includes amendments to better reflect the different levels of biodiversity designation.

Issue – Policy DM6: Historic Heritage

Representations

2.13.27 National Trust suggests that this policy would be better titled 'The Historic Environment'. We also suggest that the policy needs to be strengthened to give great weight to the conservation of designated heritage assets (consistent with the NPPF) and to resist substantial harm or total loss unless there are exceptional circumstances.

(National Trust 547/0299 & 0300)

2.13.28 Considered unsound as it is not consistent with paragraphs 126 and 132 of NPPF. Heritage assets should be recognised as irreplaceable resource. However, they should be conserved in a manner appropriate to their significance. As worded, policy seeks to ensure no adverse impact on any heritage asset (regardless of designation). Revised wording suggested.

(Tarmac 551/0349)

2.13.29 As per our comment in relation to Policy MS17, the use of 'historic heritage' is an odd wording. For the purposes of the policy intending to relate to development management principles, we recommend that the policy title be revised to 'Historic Environment' in line with NPPF terminology. It is considered that the policy that is currently set out is not robust enough and, as a result, is not sound, and should be revisited. The site allocation policies set out general approaches which are supported by basic criteria which is fine if robust DM policies are present to guide developers in terms of expectations for development proposals. At present Policy DM6 does not provide for this. Examples of more recently adopted Minerals Plan historic environment policies are Lincolnshire County Council (2017) and Northampton County Council (2016). We would expect a similarly robust approach as set out in those Plans to Policy DM6 in the emerging Plan and would be pleased to discuss further in due course.

(Historic England 563/0454)

Actions/Considerations

2.13.30 As the policy relates to historic landscapes as well as built features it is considered that a change to the title to Historic Environment would better encapsulate the scope of the policy.

2.13.31 The representations set out different and somewhat opposing positions which again reflects the balance that is required in the assessment and determination of all development proposals, particularly major ones such as mineral developments. The policy cannot place an embargo on mineral development on or near to features of the historic environment, but it does provide for the importance of the feature and the level of potential harm to be taken into consideration. Notwithstanding and in light of the representations, the wording of the policy may require further consideration.

Outcomes for Proposed Draft Plan

2.13.32 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM5: Historic Heritage has now been replaced by Policy DM7: Historic Environment. The revised policy incorporates amendments made to take account of previous representations received.

Issues – Policy DM7: Water Management and Flooding

Representation

2.13.33 We suggest that the first bullet point should be expanded to avoid impacts on ‘the characteristics of existing and potential aquifers’.

(National Trust 547/0301)

Actions/Considerations

2.13.34 It is accepted that the current draft does not specify water resources. The implication via the terms quality and availability may not be sufficient to provide the level of protection required.

Outcomes for Proposed Draft Plan

2.13.35 The Proposed Draft Plan includes an updated and revised development management chapter (now renumbered as Chapter 11). Previous policy DM7: Water Management and Flooding has now been replaced by Policy DM8: Water Management and Flood Risk.

Chapter 14 Site Allocations (incorporating site assessments)

SA1: Site Allocation Whitwell

Name	Name Reference Number	Representation Reference Number
Natural England	502	0024
Environment Agency	507	0043
Environment Agency	507	0055

Table of Representations

SA1: Site Allocation Whitwell

Representation

- 2.14.1 The Policy should specify that extraction will only be permitted on sufficient evidence being provided that no significant impact on Creswell Crags SSSI. By specifying this within the policy, it will strengthen the intention of protecting the site as part of the proposed outcome of the plan.

(Natural England 502/0024)

Actions/Considerations

- 2.14.2 Planning permission has now been granted for this proposed allocation and therefore this matter has been taken into account during the planning application process.

Outcomes for Proposed Draft Plan

- 2.14.3 N/A

SA1: Site Allocation Whitwell

Representation

2.14.4 This site is within Flood Zone 1, low risk of flooding.

(Environment Agency 507/0043)

2.14.5 This site is located with the Bolsover GWMU (Groundwater Management Unit) of the Magnesian Limestone aquifer as detailed within the Idle and Torne ALS (Abstraction Licensing Strategy). Any existing abstraction previously exempt from licencing such as dewatering taking place before 1st of January 2018 will require an abstraction licence and will be processed under New Authorisations as described above in the general comments. Existing activities will stand a good chance of being granted a licence. Any increased abstraction as a result of the proposed extension taking place post the 1st January 2018 to the site will have to follow the normal licencing process. The Bolsover GWMU is currently closed to any new consumptive abstraction and therefore an application would have a strong likelihood of not being granted.

(Environment Agency 507/0055)

Actions/Considerations

2.14.6 Planning permission has now been granted for this proposed allocation and therefore the matters raised by the comments will have already been dealt with as part of the planning application process.

Outcomes for Proposed Draft Plan

2.14.7 N/A

SA2: Site Allocation Ashwood Dale

Name	Name Reference Number	Representation Reference Number
PDNPA	501	0003
Environment Agency	507	0044
Environment Agency	507	0056
High Peak Land Ltd	514	0120
High Peak Land Ltd	514	0121
High Peak Land Ltd	514	0122
HPBC	527	0173
PDNPA	501	0002
High Peak Land Ltd	514	0122
HPBC	527	0173
United Utilities	565	0471

Table of Representations

SA2: Site Allocation Ashwood Dale

Representation

2.14.7 This site is within Flood Zone 1, low risk of flooding.

(Environment Agency 507/0044)

2.14.8 This site is located with the Buxton Limestone GWMU (Groundwater Management Unit) of the Carboniferous Limestone aquifer as detailed within the Derbyshire Derwent ALS (Abstraction Licensing Strategy). Any existing abstraction previously exempt from licencing such as dewatering taking place before 1st of January 2018 will require an abstraction licence and will be processed under New Authorisations as described above in the general comments. Existing activities will stand a good chance of being granted a

licence. Any increased abstraction as a result of the proposed extension taking place post the 1st January 2018 to the site will have to follow the normal licencing process. The Buxton Limestone GWMU is currently closed to any new consumptive abstraction and therefore an application would have a strong likelihood of not being granted.

(Environment Agency 507/0044)

Actions/Considerations

2.14.9 The information and requirements are noted.

Outcomes for Proposed Draft Plan

2.14.10 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

SA2: Site Allocation Ashwood Dale

Representation

2.14.11 We responded to a consultation regarding the proposed quarry extension back in 2015 and subject to a revised restoration scheme, we did not raise an objection to the proposed extension. We therefore raise no objection to this site allocation.

(PDNPA 501/0003)

Actions/Considerations

2.14.12 The support is noted.

Outcomes for Proposed Draft Plan

2.14.13 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

SA2: Site Allocation Ashwood Dale

Representation

2.14.14 Object to the allocation of the promoted extension to Ashwood Dale Quarry for the following reasons:

2.14.15 1) No substantive evidence has been produced by Omya UK Ltd, or the minerals authority, to show a demonstrable and overriding need to allocate the very small amount of mineral resources that could be extracted from the proposed allocation (approximately 0.7% of active reserves). Neither in the local nor the national interest, in terms of maintaining an adequate future supply of industrial limestone.

(High Peak Land Ltd 514/0120)

2.14.16 2) No overriding minerals case has been argued to justify the need to maintain at least a 15-year supply of industrial limestone at Ashwood Dale Quarry.

(High Peak Land Ltd 514/0121)

2.14.17 3) The viability of extracting the reserves in the proposed extension is in serious doubt, the majority of the landowners are not supportive of mineral development, and the proposal is considered, on balance, to be unacceptable in planning terms.

(High Peak Land Ltd 514/0122)

2.14.18 4) I note that the Statement of Common Ground was signed in 2014 and the planning application to work the extension to Ashwood Dale Quarry submitted in March 2015 but not yet determined. There has been no recent communication with OMYA to confirm their intentions for the site. The Plan acknowledges that there is uncertainty surrounding the need for this quarry extension and the business intentions of the operator. If it cannot be confirmed, through evidence from the operator, that the extension will be

brought forward during the Plan period then the allocation should be removed from the Plan.

(High Peak Borough Council 527/0173)

Actions/Considerations

2.14.19 The comments are noted.

Outcomes for Proposed Draft Plan

2.14.20 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

SA2: Site Allocation Ashwood Dale

Representation

2.14.21 Ashwood Dale site allocation is located close to SPZ1. UU preference is for development to take place outside any SPZ1. Recommend a policy with regards to groundwater protection.

(United Utilities 565/0471)

Actions/Considerations

2.14.22 Noted

Outcomes for the Proposed Plan

2.14.23 A new operator has acquired Ashwood Dale Quarry and informed the MPA that it does not wish to promote an extension to the existing quarry. Consequently, the proposed allocation has been removed from the plan.

Site Assessment: Aldwark/Brassington Moor Quarry

Table of Representations

Name	Name Reference Number	Representation Reference Number
PDNPA	501	0002
Longcliffe Quarries Ltd	513	0082
Longcliffe Quarries Ltd	513	0083
Longcliffe Quarries Ltd	513	0084
Longcliffe Quarries Ltd	513	0085
Longcliffe Quarries Ltd	513	0086
Longcliffe Quarries Ltd	513	0087
Longcliffe Quarries Ltd	513	0088
Longcliffe Quarries Ltd	513	0089
Longcliffe Quarries Ltd	513	0090
Longcliffe Quarries Ltd	513	0091
Longcliffe Quarries Ltd	513	0092
Longcliffe Quarries Ltd	513	0093
Longcliffe Quarries Ltd	513	0094
Longcliffe Quarries Ltd	513	0095
Longcliffe Quarries Ltd	513	0096
Longcliffe Quarries Ltd	513	0097
Longcliffe Quarries Ltd	513	0098
Longcliffe Quarries Ltd	513	0099
Longcliffe Quarries Ltd	513	0100
Longcliffe Quarries Ltd	513	0101
Longcliffe Quarries Ltd	513	0102
Longcliffe Quarries Ltd	513	0103
Longcliffe Quarries Ltd	513	0104
Longcliffe Quarries Ltd	513	0105

Longcliffe Quarries Ltd	513	0106
Longcliffe Quarries Ltd	513	0107
Longcliffe Quarries Ltd	513	0108
Longcliffe Quarries Ltd	513	0109
Longcliffe Quarries Ltd	513	0110
Longcliffe Quarries Ltd	513	0111
Longcliffe Quarries Ltd	513	0112
Longcliffe Quarries Ltd	513	0113
Longcliffe Quarries Ltd	513	0114
Longcliffe Quarries Ltd	513	0115
Longcliffe Quarries Ltd	513	0116
Longcliffe Quarries Ltd	513	0117
Longcliffe Quarries Ltd	513	0118
Longcliffe Quarries Ltd	513	0119

Aldwark/Brassington Moor Quarry

Representation

2.14.24 We welcome the decision not to allocate this site within the Plan and agree with the reasons for doing so. We also agree that detailed information akin to that needed to support a planning application would be required in order to fully appreciate the impact an extension at this quarry would have on the PDNP. (*Peak District National Park 501/0002*)

Actions/Considerations

2.14.25 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 County Council has co-operated with the PDNPA on this matter and reached agreement that subject to the setting out of specific site requirements that must be

addressed by any planning application to work the site the PDPA has no objections to the site going forward for allocation in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

- 2.14.26 The Principal Planning Requirements set out at Appendix A of the Proposed Draft Plan include reference to the need that any planning application to work the site will need to address any potential impacts on the PDNP.

Aldwark/Brassington Moor Quarry

Representation

- 2.14.27 Object to the non-allocation of the proposed extension to Aldwark/Brassington Moor Quarry. Taking the assessment as a whole, the majority of outcomes are either positive or minor negative. The remaining negative issues have been exaggerated by the assessment process, assumption and factual inaccuracies and do not justify the decision to make no allocation in respect of this site.

(Longcliffe Quarries Ltd 513/0082)

Actions/Considerations

- 2.14.28 The MPA supports the initial assessment that was carried out on the promoted site at Aldwark/Brassington Moor Quarry which identified a number of potential negative impacts upon which additional investigation would be required to ascertain whether those impacts could be mitigated or avoided to enable the site to progress forward to allocation. In liaison with the Operator further investigation has taken place particularly in terms of reserve information, traffic, visual and landscape assessment. The MPA has concluded that following these investigations the promoted site is suitable to go forward for proposed allocation in the Proposed Draft Plan.

Outcomes for Proposed Draft Plan

2.14.29 The promoted site has been allocated for working in the Proposed Draft Plan. The Plan, at Appendix A, includes a set of principal site requirements that will need to be addressed by any planning application to work the site.

Aldwark/Brassington Moor Assessment

General

Representation

2.14.30 The Company is supportive of the Paper in the way it recognises the importance of the Brassington Moor Quarry but are concerned that the rarity of the deposit (because of its geochemical properties) are not sufficiently documented.

(Longcliffe Quarries Ltd 513/0083)

Actions/Considerations

2.14.31 The information provided in the assessment is that provided by the Company. If the deposit is different to other 'industrial carbonate' deposits found on the Carboniferous Limestone, then it would be helpful if the Company would evidence this in their supporting information. As far as I am aware other quarries in Derbyshire produce similar products to the Brassington Moor Quarry.

Outcomes for Proposed Draft Plan

2.14.32 The Company has supplied additional information in terms of the geotechnical properties of the reserve.

Table 1: Criteria 01 – Need for mineral

Representation

2.14.33 The PMAJ assessment is supported. Given that you have accepted the evidence which demonstrates that low Cadmium reserves are likely to run out during the Plan period we cannot understand why you have decided not to allocate additional reserves which will be necessary. The last planning application to extend the quarry took 3 years to determine. The lead in time to prepare the application and all the technical reports would have added a further 2 years to that. It is therefore highly likely that we will need to submit a planning application to extend quarry workings well before the end of the Plan Period.

(Longcliffe Quarries Ltd 513/0084)

Actions/Considerations

2.14.34 Economic factors such as need are only one element to be considered, environmental and social factors also need consideration.

Outcomes for Proposed Draft Plan

2.14.35 No change to the assessment.

Table 1: Criteria 02 – Quality/Yield of mineral

Representation

2.14.36 Assessment PMIN – not supported by Longcliffe Quarries Ltd

(Longcliffe Quarries Ltd 513/0085)

Actions/Considerations

2.14.37 This assessment has been made purely because detailed borehole information has not been provided by the Company. Given that the justification for additional reserves are based on the need for specific 'low cadmium' resources it is important to ensure that the promoted extension area will yield those specific resources.

Outcomes for Proposed Draft Plan

2.14.38 The Company has supplied detailed borehole information.

Table 1: Criteria 03 – Use of Resources

Representation

2.14.39 Assessment PMAJ – supported by Longcliffe Quarries Ltd

(Longcliffe Quarries Ltd 513/0086)

Actions/Considerations

2.14.40 The support is noted.

Outcomes for Proposed Draft Plan

2.14.41 N/A

Table 1: Criteria 04 – Location to market areas

Representation

2.14.42 The PMIN assessment is not supported. The Brassington Moor Quarry resource is of national importance. Its markets are both national and multi-national and being located at the heart of the UK is of significant logistical benefit.

(Longcliffe Quarries Ltd 513/0087)

Actions/Considerations

2.14.43 The location of the site in relation to market areas has been judged as having a minor impact from the start. PMIN therefore is the highest positive score for this criteria and therefore the location of the site has been judged positively.

Outcomes for Proposed Draft Plan

2.14.44 No Change to the assessment.

Table 1: Criteria 05 – Existing Infrastructure

Representation

2.14.45 The PMIN assessment undervalues the significant benefits associated with the use of existing site infrastructure. Industrial limestone manufacture is very capital intensive due to the scale and number of plant processes involved. Without a significant amount of planned reserves underpinning the required scale of investment in new plant, it is unlikely that a new industrial mineral processing facility could be justified financially. The benefits of the existing site infrastructure should therefore be PMAJ.

(Longcliffe Quarries Ltd 513/0088)

Actions/Considerations

2.14.46 The presence of existing infrastructure has been judged as having a minor impact from the start; PMIN therefore is the highest score for this criterion. It is aimed at supporting extensions to existing sites as opposed to new sites without infrastructure however I appreciate that the plant required to process industrial mineral is much more capital intensive than aggregate mineral processing.

Outcomes for Proposed Draft Plan

2.14.47 No Change to the assessment

Table 1: Criteria 06 – Conservation of resources

Representation

2.14.48 The PMIN assessment is not supported. The Brassington Moor Quarry resource is, geologically, extremely rare. Ensuring that this resource is not unnecessarily sterilised is a PMAJ benefit.

(Longcliffe Quarries Ltd 513/0089)

Actions/Considerations

2.14.49 PMIN is the maximum score for this criterion and therefore the likelihood of the site being worked if not part of the existing mineral operation has been assessed as a positive factor. This Criterion has been revised from the previous version of the methodology so that it focuses on the likelihood of the site being worked rather than its sterilisation.

Outcomes for Proposed Draft Plan

2.14.50 No Change to the assessment

Table 1: Criteria 07 – Employment

Representation

2.1451 The PMIN assessment is not supported. Longcliffe Quarries are the second biggest employer in Derbyshire Dales District. The retention of 175 jobs in a predominantly rural area is of major significance and should be assessed as PMAJ. (This number has recently increased as a result of the continuing development of our products and services). A recent report commissioned by HPBC and DDDC into the economic benefits of quarrying within these authorities, confirms not only the significance of the jobs directly associated with the industry but also the jobs in the long reaching upstream and downstream supply chains. Furthermore, the report confirms that the industry currently contributes £1.633bn to the local economy and £2.188bn to the national economy.

(Longcliffe Quarries Ltd 513/0090)

Actions/Considerations

2.14.52 The PMAJ score is reserved for new sites that would create additional new employment in an area rather than continuing employment or a net gain in employment where a site is opening in one area but closing in another.

Outcomes for Proposed Draft Plan

2.14.53 No Change to the assessment

Table 1: Criteria 08 – Duration of mineral extraction

Representation

2.14.54 There is no recognition that hard rock quarrying is, by nature, a long-term business. Early drilling results now indicate that the potential reserve will be under 30mt and therefore the assessment should be NMIN. In a social context, continuation of long-term employment should be a major benefit to the local community.

(Longcliffe Quarries Ltd 513/0091)

Actions/Considerations

2.14.55 The Council is awaiting detailed borehole information to confirm the yield of the promoted site. Employment has been taken into account at criteria 07. This criterion is about the overall impacts of hard rock sites in terms of longevity compared to other types of mineral sites that can be worked and restored more quickly.

Outcomes for Proposed Draft Plan

2.14.56 No Change to the assessment

Table 1: Criteria 09 – Visual Intrusion

Representation

2.14.57 The assessment is factually inaccurate. The site is not visible from properties in Aldwark or Ible. The site has a small visual envelope as demonstrated by the ZTV submitted previously and attached. Parts of the allocation site are visible along short sections of the High Peak Trail and Limestone Way. The site is only seen in the same context as Grangemill Quarry, in views from the Aldwark Road.

(Longcliffe Quarries Ltd 513/0092)

Actions/Considerations

2.14.58 The Company has submitted revised information on the ZTV, and the Councils have reassessed this site in the light of this new information. The conclusion is that the revised ZTV work reaffirms the initial assessment in that there would be potentially significant adverse effects on key sensitive visual receptors including recreational users of the High Peak Trail, Limestone Way and Harboro Rocks including locations that get little or no view of the current quarry development. An NMAJ assessment is supported at these locations where there are many visual receptors (footpath users) who will gain views of large parts or more than one part of the site.

2.14.59 It is not accepted that the assessment is factually inaccurate in that the enhanced ZTV analysis confirms that there may be some impacts on isolated properties close to Aldwark, including Middle Hills Farm camping and caravan site and Ible; additionally there are footpaths and roads in these areas from which the promoted site may be visible. Any impacts will also be in the context of the existing quarry and the adjoining Grangemill quarry which already exert significant adverse visual effects on surrounding visible receptors.

Outcomes for Proposed Draft Plan

2.14.60 No Change to the assessment but see paragraphs 7.32-7.34 of Developing the Proposed Draft Plan paper³ in relation to additional information supplied regarding Visual Impacts.

Table 1: Criteria 10 and 11 – Noise and Dust

Representation

³ Derbyshire and Derby Minerals Local Plan – Autumn/Winter 2021 Consultation: Proposed Draft Plan – Developing the Proposed Draft Plan: Industrial Limestone, December 2021

2.14.61 There is only 1 property within 400 metres of the allocation site and that is located in the middle of an industrial site at Manor Farm, up wind of the allocation site. Workings within the allocation site would be moving further away from both Aldwark and Ible than is currently the case.

(Longcliffe Quarries Ltd 513/0093)

Actions/Considerations

2.14.62 There is one property at Manor Farm and one on the southern edge of Aldwark village which fall within the 500-metre band for noise and 400-metre band for dust. The PMIN assessment for both therefore is considered justified.

Outcomes for Proposed Draft Plan

2.14.63 No Change

Table 1: Criteria 12 – Air Quality

Representation

2.14.64 The PMIN assessment is supported.

(Longcliffe Quarries Ltd 513/0094)

Actions/Considerations

2.14.65 The support is noted.

Outcomes for Proposed Draft Plan

2.14.66 N/A

Table 1: Criteria 13 – Transport Local Amenity

Representation

2.14.67 The PMAJ assessment is supported.

(Longcliffe Quarries Ltd 513/0095)

Actions/Considerations

2.14.68 The support is noted.

Outcomes for Proposed Draft Plan

2.14.69 N/A

Table 1: Criteria 14 – Transport Safe and Effective Access

Representation

2.14.70 The PMAJ assessment is supported.

(Longcliffe Quarries Ltd 513/0096)

Actions/Considerations

2.14.71 The support is noted.

Outcomes for Proposed Draft Plan

2.14.72 N/A.

Table 1: Criteria 15 – Transport Export Route

Representation

2.14.73 The PMIN assessment is supported. However, congestion as a result of HGV traffic is occasional. The Water Lane/Cromford Hill junction was previously assessed in connection with the Bonemill ROMP application. The assessment identified two pinch points caused by on street vehicle parking but observed that two-way traffic flow was still possible and HGVs were

using the road without difficulty. Little congestion was observed on the road. The traffic levels at Bonemill Quarry that were assessed, have never been reached and are over double the current output. The assessment concluded that even at these increased levels, there would be no material impact on the operation of the local highway network which already safely accommodates HGV traffic from surrounding quarries. The assessment is misleading in that it raises concerns which are unspecified and refers to significant increases in HGVs from Brassington Moor Quarry which are neither planned nor anticipated.

(Longcliffe Quarries Ltd 513/0097)

Actions/Considerations

2.14.74 Although the criteria used to initially assess the traffic impacts of the development do not result in any negative scores, this assessment is based on a continuation of the operation as established under the 2007 permission when anticipated loaded vehicle daily movements was 100, with an average despatch load of 25 tonnes. Information submitted by the Company in support of the promoted extension site indicates that vehicle movements have doubled to 200 loads per day (400 in – out movements) although production has not and is not anticipated to increase. The Company do state that smaller lorries are in use although it is unclear as to whether this pattern of movements will be for a sustained period. The County Council as Highway Authority has concerns about the junction of the B5036 and A5012 in terms of emerging vehicle visibility. It also has concerns about the number of HGVs which travel west along the Via Gellia to join the A6 at Cromford causing congestion and negative impacts on the Conservation Area. These matters would be exacerbated if there was to be a significant increase in the number of HGVs.

2.14.75 Longcliffe Quarries Ltd has supplied additional evidence to the County Council in the form of a Transport Assessment prepared for the Bone Mill Quarry (also operated by Longcliffe) ROMP dated July 2011. This report is principally about lorries from the quarry and the junction of the B5035 although it does provide information on accidents and pinch points in

Cromford. In relation to Longcliffe Quarry the concern relates to junction of the A5012 and the B5036. The Company has supplied further evidence in relation to traffic movements from the site confirming that movements have increased since the 2007 permission. The need to address the impact of this additional traffic has been set out in the local plan as one of the principal planning requirements that will need to be satisfied when detailed proposals to work the site are submitted.

Outcomes for Proposed Draft Plan

2.14.76. No change to the assessment.

Table 1: Criteria 16 – Transport Capacity for sustainable options

Representation

2.14.77 The PMIN assessment is supported.

(Longcliffe Quarries Ltd 513/0098)

Actions/Considerations

2.14.78 The assessment score is NMIN in that all material will be transported by road.

Outcomes for Proposed Draft Plan

2.14.79 N/A.

Table 1: Criteria 17 – Water Environment – Flood Risk

Representation

2.14.80 The PMAJ assessment is supported.

(Longcliffe Quarries Ltd 513/0099)

Actions/Considerations

2.14.81 The support is noted.

Outcomes for Proposed Draft Plan

2.14.82 N/A.

Table 1: Criteria 18 – Water Environment – Groundwater Protection

Representation

2.14.83 The PMIN assessment is supported. There is no history or evidence of any groundwater impacts caused by the operation of the site and modern pollution control measures are already in place and effective.

(Longcliffe Quarries Ltd 513/0100)

Actions/Considerations

2.14.84 The published Assessment wrongly assigns the score PMIN to the site when it should be NMAJ; the site lies within a groundwater protection zone 1 which are the most important to protect from harmful development. The Assessment simply flags up the fact that groundwater protection in that location is potentially a constraint that any planning application would need to address.

Outcomes for Proposed Draft Plan

2.14.85 N/A.

Table 1: Criteria 19 – Water Environment – Aquifer Protection

Representation

2.14.86 The NMAJ assessment is not supported. Although the site lies on a Principal Aquifer there is no history of groundwater pollution or impacts. Modern pollution control measures are already in place and are effective. The assessment suggests a greater degree of risk than has proven to be the case over many years of quarrying at the site.

(Longcliffe Quarries Ltd 513/0101)

Actions/Considerations

2.14.87 The site lies on a Principal Aquifer and therefore the NMAJ assessment is justified. The Assessment simply flags up the fact that aquifer protection in that location is potentially a constraint that any planning application would need to address.

Outcomes for Proposed Draft Plan

2.14.88 N/A.

Table 1: Criteria 20 – Ecology – existing impacts

Representation

2.14.89 The NMIN assessment is not supported. The existing quarry is predominantly located on former agricultural land which would have been limited ecological value. A neutral assessment would be more appropriate.

(Longcliffe Quarries Ltd 513/0102)

Actions/Considerations

2.14.90 This criterion relates to the impact of the existing quarry on the promoted site. The assessment concludes that whilst mineral extraction has occurred and is occurring in the wider area (Slinter, Bone Mill and Dene Quarry for example), most of the intervening land has not been disturbed by quarrying. Neighbouring quarrying operations are not known to exert a significance force on local ecological receptors.

Outcomes for Proposed Draft Plan

2.14.91 No Change.

Table 1: Criteria 21 – Ecology – Priority Species and Habitats

Representation

2.14.92 The NMIN assessment is not supported. No Ancient Woodland is identified on Map 9. The woodland between the allocation site and the B5056 is new plantation, planted by Longcliffe Quarries and would be unaffected by the proposed workings. A neutral assessment would be more appropriate.

(Longcliffe Quarries Ltd 513/0103)

Actions/Considerations

2.14.93 There is a TPO on the area of woodland which has wrongly been referred to as ancient woodland in the assessment. Notwithstanding the woodland, the assessment states that habitats within the site appear to consist of managed farmland unlikely to be of significant ecological interest in its own right, although great crested newts have been recorded from within and adjacent to the site. Impacts on this European Protected Species would need consideration and mitigation as part of any application, if a need is proven, although there should be ample opportunity to provide mitigation and enhancement within and adjacent to the extension area. Accordingly, the site has been assessed as containing some areas of positive ecological value including UK or local priority habitats or species which should be considered for protection/conservation.

Outcomes for Proposed Draft Plan

2.14.94 No Change.

Table 1: Criteria 22 – Ecological Coherence

Representation

2.14.95 The PMIN assessment is supported.

(Longcliffe Quarries Ltd 513/0104)

Actions/Considerations

2.14.96 The support is noted.

Outcomes for Proposed Draft Plan

2.14.97 N/A.

Table 1: Criteria 23 – Ecology – Habitat Creation

Representation

2.14.98 The PMIN assessment is not supported. The text rightly identifies the significant potential that the site offers for the creation of a range of habitats, some of which are rare. Throughout the UK, the quarrying industry, as a whole, has provided a significant percentage of SSSIs and SACs. The assessment should be PMAJ.

(Longcliffe Quarries Ltd 513/0105)

Actions/Considerations

2.14.99 The Assessment concludes that whilst site restoration could deliver a net gain for biodiversity through habitat creation, which would add to resources within the wider area, it wouldn't directly enhance existing habitat corridors. Accordingly, it has been assessed as PMIN -'existing habitats are intact and habitat creation would only provide limited biodiversity enhancement within the site or the wider area.'

Outcomes for Proposed Draft Plan

2.14.100 No change.

Table 1: Criteria 24 – Landscape – Existing Impacts

Representation

2.14.101 The NMIN assessment is supported.

(Longcliffe Quarries Ltd 513/0106)

Actions/Considerations

2.14.102 The support is noted.

Outcomes for Proposed Draft Plan

2.14.103 N/A.

Table 1: Criteria 25 – Landscape – Strength of Landscape Character

Representation

2.14.104 The NMAJ assessment is not supported. Although the site abuts the PDNP it has a very small visual envelope as evidenced by the accompanying ZTV drawing and is not closer to the PDNP than the current working area. The assessment should be NMIN.

(Longcliffe Quarries Ltd 513/0107)

Actions/Considerations

2.14.105 This criterion is about whether the site accords with the established landscape character of the area. The assessment concludes that the promoted allocation area comprises pastoral fields enclosed by limestone walls with boundaries generally in good condition typical of the established character of the wider landscape. The site abuts and seamlessly connects to

the Peak District National Park to the North West and therefore the NMAJ assessment is appropriate.

Outcomes for Proposed Draft Plan

2.14.106 No change

Table 1: Criteria 26 – Impacts on the Peak District National Park

Representation

2.14.107 The NMAJ assessment is not supported. Although the site abuts the PDNP it has a very small visual envelope as evidenced by the accompanying ZTV drawing and is not closer to the PDNP than the current working area. The assessment should be NMIN. Additional landscape assessment is currently being undertaken and will be submitted shortly.

(Longcliffe Quarries Ltd 513/0108)

Actions/Considerations

2.14.108 The company has submitted revised information on the ZTV and the Councils have reassessed the site in the light of this new information. The conclusion is that the revised ZTV work reaffirms the initial assessment in that there would be some impact on the Peak District National Park particularly to the north of Grangemill and Ible where there are footpaths and roads in this area from which the promoted extension site is visible. Additionally, road users and isolated properties around Aldwark, including Middle Hills Farm camping and caravan site, could have views of the promoted area. The assessment concludes that the site abuts the PDNP boundary forming part of its immediate setting and/or large parts of the site will be clearly visible from it.

Outcomes for Proposed Draft Plan

2.14.109 No Change to the assessment but see paragraphs 7.32-7.34 of Developing the Proposed Draft Plan paper⁴ in relation to additional information supplied regarding Visual Impacts.

Table 1: Criteria 27 – Historic Environment - Sites

Representation

2.14.110 The PMIN assessment is supported. Moot Low Barrow is in very poor condition and has been previously 'robbed' by historic archaeological excavations.

(Longcliffe Quarries Ltd 513/0109)

Actions/Considerations

2.14.111 No change.

Outcomes for Proposed Draft Plan

2.14.112 N/A.

Table 1: Criteria 28 – Historic Environment - Archaeology

Representation

2.14.113 The PMIN assessment is supported.

(Longcliffe Quarries Ltd 513/0110)

Actions/Considerations

2.14.114 The support is noted.

Outcomes for Proposed Draft Plan

⁴ Derbyshire and Derby Minerals Local Plan – Autumn/Winter 2021 Consultation: Proposed Draft Plan – Developing the Proposed Draft Plan: Industrial Limestone, December 2021

2.14.115 N/A.

Table 1: Criteria 29 – Historic Environment - Landscape

Representation

2.14.116 The NMIN assessment is supported.

(Longcliffe Quarries Ltd 513/0111)

Actions/Considerations

2.14.117 The support is noted.

Outcomes for Proposed Draft Plan

2.14.118 N/A.

Table 1: Criteria 30 – BMV Agricultural Land

Representation

2.14.119 The PMAJ assessment is supported.

(Longcliffe Quarries Ltd 513/0112)

Actions/Considerations

2.14.120 The support is noted.

Outcomes for Proposed Draft Plan

2.14.121 N/A.

Table 1: Criteria 31 – Local Plan Conformity

Representation

2.14.122 The PMAJ assessment is supported.

(Longcliffe Quarries Ltd 513/0113)

Actions/Considerations

2.14.123 The support is noted.

Outcomes for Proposed Draft Plan

2.14.124 N/A.

5.6 Further Assessment

Representation

2.14.125 Duration of operation - A simple multiplier of reserve against output to calculate the life of the site may be appropriate for an aggregate quarry but not for an industrial operation. Low cadmium reserves will run out during the plan period. An allocation is therefore needed and justified. There are no other potential extension areas available to Grangemill Quarry, so its life is finite.

(Longcliffe Quarries Ltd 513/0114)

Actions/Considerations

2.14.126 The need to take into account the specification of industrial minerals is recognised. This assessment is about the likely long-term duration of hard rock quarries compared to, for instance, sand and gravel quarries.

Outcomes for Proposed Draft Plan

2.14.127 No change.

5.7 Further Assessment

Representation

2.14.128 The site is no closer to PDNP than existing workings.

(Longcliffe Quarries Ltd 513/0115)

Actions/Considerations

2.14.129 This paragraph explains that the visual impact of working the site will be in addition to the existing workings and the adjoining Grangemill Quarry.

Outcomes for Proposed Draft Plan

2.14.130 No change.

5.9 Further Assessment

Representation

2.14.131 The site has a very small visual envelope. Where it is visible from the PDNP it is only visible from agricultural land and therefore will have very little impact on people's enjoyment of the park.

(Longcliffe Quarries Ltd 513/0116)

Actions/Considerations

2.14.132 The site abuts the PDNP boundary forming part of its immediate setting and/or large parts of the site will be clearly visible from it.

Outcomes for Proposed Draft Plan

2.14.133 No Change

5.10 Further Assessment

Representation

2.14.134 The suggestion that the site can only be assessed through the submission of detail comparable to a full planning application cannot be justified.

(Longcliffe Quarries Ltd 513/0117)

Actions/Considerations

2.14.135 Agree that whilst assessment does not require the same amount of detail that would be submitted as part of a planning application it does require a more detailed examination to be undertaken particular with regard to the visual impact of the proposal and within the context of impacts on the PDNP.

Outcomes for Proposed Draft Plan

2.14.136 No Change to the assessment but see paragraphs 7.32-7.34 of Developing the Proposed Draft Plan paper⁵ in relation to additional information supplied regarding Visual Impacts.

5.11 Further Assessment

Representation

2.14.137 There is no history of adverse impact upon the water environment through the many years the site has been operational. It is accepted that detailed conditions will be required but that is nothing unusual and should not be used to justify exclusion of the allocation site. Existing measures are already in place and are effective.

(Longcliffe Quarries Ltd 513/0118)

Actions/Considerations

2.14.138 Paragraph 5.11 explains that the site lies on a principal aquifer and within a groundwater source protection zone 1. It also sets out that the protection of

⁵ Derbyshire and Derby Minerals Local Plan – Autumn/Winter 2021 Consultation: Proposed Draft Plan – Developing the Proposed Draft Plan: Industrial Limestone, December 2021

these features will need to be addressed through detailed planning conditions.

Outcomes for Proposed Draft Plan

2.14.139 No Change.

5.12 Further Assessment

Representation

2.14.140 The assumed increase in HGVs is not justified and not planned. The Cromford Junction has already been assumed as part of the Bonemill Quarry ROMP and found to function well.

(Longcliffe Quarries Ltd 513/0119)

Actions/Considerations

2.14.141 This paragraph raises concerns about the level of HGVs accessing/existing the site and potential impacts on Cromford Conservation Area.

Outcomes for Proposed Draft Plan

2.14.142

N/A

SA3: Site Allocation Mouselow

Table of Representations

Name	Name Reference Number	Representation Reference Number
PDNPA	501	0001
Wienerberger	505	0031
Environment Agency	507	0042
Greater Manchester Combined Authority	510	0066

SA3: Site Allocation Mouselow

Representation

2.14.143 Support the allocation of the extension to Mouselow Quarry.

(Wienerberger 505/0031)

Actions/Considerations

2.14.144 The support is noted.

Outcomes for Proposed Draft Plan

2.14.145 Planning permission has been granted for the proposed site allocation in April 2019.

SA3: Site Allocation Mouselow

Representation

2.14.146 We agree with the assessment that has been made and consider that the reduced area will not have a significant impact on the PDNP due to the distance involved and the progressive restoration proposed.

(PDNPA 501/0001)

Actions/Considerations

2.14.147 The comment is noted.

Outcomes for Proposed Draft Plan

2.14.148 Planning permission has been granted for the proposed site allocation in April 2019.

SA3: Site Allocation Mouselow

Representation

2.14.149 This site is within Flood Zone 1, low risk of flooding.

(Environment Agency 507/0042)

Actions/Considerations

2.14.150 The information is noted.

Outcomes for Proposed Draft Plan

2.14.151 Planning permission has been granted for the proposed site allocation in April 2019.

SA3: Site Allocation Mouselow

Representation

2.14.152 Support the proposed allocation of the extension to Mouselow Quarry.
(Greater Manchester Combined Authority 510/0066)

Actions/Considerations

2.14.153 The support is noted.

Appendix 5 – Sand and Gravel Consultation 2020

Sand and Gravel Consultation 2020 – Schedule of Responses and Recommendations for Actions

91 individuals and organisations responded to the consultation. This includes 68 individual local residents, 16 organisations, 4 parish councils, 1 district authority and 2 local councillors. This report provides a summary of the 114 comments received. All comments will be considered by the Councils and will inform the next stage of the Plan.

Foston

Representations

Foston & Scropton Parish Council raises concerns about the Foston site, including the impact on the flood defence scheme, which they say may result in increased flooding and even dam failure. Concerns are also expressed about hours of operation, routing of lorries and restoration which they request should exclude the possibility of noisy motor boats. Impact on wildlife, loss of farmland and the impact on the local economy are raised as further concerns. (*Foston and Scropton Parish Council 602/0002*)

Actions/Considerations

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

Should a planning application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

Outcome for the Plan

Continue to propose the site as an allocation in the MLP.

Representation

South Derbyshire DC objects to the proposal on the grounds of a potentially significant increase in flood risk and risk to the recently constructed flood defences of the Lower River Dove, as identified by the Environment Agency (EA), with potential detrimental impact on considerable economic interests in the area as well as communities. Also, the setting of a precedent in recent times for sand and gravel

extraction in the Dove Valley, which would inevitably and irreversibly alter the character of the area. (*SDDC 691/0113*)

Actions/Considerations

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

Outcome for the Plan

Continue to propose the site as an allocation in the MLP.

Representation

The Environment Agency (EA) reiterates its concern over the site because of its potential impact on the flood alleviation scheme. (*Environment Agency 666/0076*)

Actions/Considerations

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

Outcome for the Plan

Continue to propose the site as an allocation in the MLP.

Representation

Nestle expresses concern as their recent investment in the area may be affected by increased flooding. (*Nestle 658/0060*)

Actions/Considerations

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed allocation. The EA raises no objection to this revised proposal.

Outcome for the Plan

Continue to propose the site as an allocation in the MLP.

Representations

Nineteen individual residents oppose plans for the site at Foston. Concerned about the serious implications of working this site on the new flood defence scheme. Properties and businesses may be affected. It would jeopardise future investment in the area. Also, it may set precedent for working other areas in the Lower Dove Valley, introducing alien features to the landscape. Noise, dust, air quality, traffic, impact on wildlife and effect on property values are also cited. (*Individuals listed above*)

Actions/Considerations

The Councils have discussed the site with the EA to determine whether the issues regarding the flood protection scheme would rule the site out for sand and gravel extraction. They have concluded that the area closest to the flood defence embankment close to Scropton should not be worked. Should a planning application be submitted for the remainder of the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

Representation

Hanson, as proposer of the site, supports the proposal. (*Hanson 687/0098*)

Actions/Considerations

Further consideration has been given to this proposal, including discussions with Hanson and the EA and taking all comments in to account, it has been determined that the site could be worked with appropriate stand offs to ensure the ongoing protection of the flood defences.

Outcome for the Plan

To allocate the site in the MLP.

Representation

Egginton Parish Council opposes the proposal as it may affect the flood defences which could have implications further upstream. (*Egginton Parish Council 634/0034*)

Actions/Considerations

The Councils have discussed the site with the EA and Hanson to determine whether the issues regarding the flood protection scheme would rule the site out for sand and

gravel extraction. Hanson has clarified that although it was never their intention to work over or close to the flood defence embankment, this has been clarified through the submission of an amended plan to exclude the flood defences from the proposed

Name	Name	Representation
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allocation.
The EA
raises no
objection to
this revised
proposal.

Should a
planning

application be submitted for the site, an Environmental Impact Assessment would be prepared by the applicant alongside the application. This would address the concerns raised above.

Outcome for the Plan

To continue to propose the site for allocation in the MLP.

Representation

The settlement of Scropton, which lies to the east of the site, is prone to flooding problems related to the watercourses which enter it from the north and west, and any proposed works should ensure that the flood risk isn't increased and, where possible, reduced. When the site is restored, the potential to improve flood risk in Scropton should be considered in conjunction with both the Lead Local Flood Authority and the Environment Agency. (LLFA 690/0108)

Actions/Considerations

Noted.

Elvaston

	Reference Number	Reference Number
Individual	608	0008
Individual	612	0012
Individual	613	0013
Individual	614	0014
Individual	615	0015
Individual	616	0016
Individual	626	0026
Individual	661	0064
Derbyshire Wildlife Trust	663	0069
Natural England	664	0073
Environment Agency	666	0076
Individual	681	0092
Elvaston Castle and Gardens Trust	682	0093
Tarmac	688	0102

Representations

Ten residents of Borrowash have objected to the site at Elvaston as a result of its proximity to Borrowash and the potential impact it would have on this area in terms of noise, air quality, recreation, wildlife, flooding and increased traffic. Loss of important open space for informal recreation. Also, they consider it would have a negative impact on visitors' enjoyment of Elvaston Castle, the redevelopment of which they consider is likely to be hindered by the quarry proposal. (*Individuals listed above*)

Actions/Considerations

All comments have been considered and the assessment of the site revised as a result where considered necessary. The revised assessment maintains the conclusion that the site has potential for mineral working. The working of the site would be relatively short term and the restored site is considered unlikely to have any significant adverse impact on the long-term enjoyment of Elvaston Castle.

Outcome for the Plan

To propose the site for allocation in the MLP.

Representation

Elvaston Castle and Gardens Trust has objected to the proposal as it considers that the proposal may affect the viability of future proposals to improve and upgrade the Castle. (*Elvaston Castle and Gardens Trust 682/0093*)

Actions/Considerations

All comments have been considered and the assessment of the site revised as a result where considered necessary. The revised assessment maintains the conclusion that the site has potential for mineral working. The working of the site would be relatively short term and the restored site is considered unlikely to have any significant adverse impact on the long-term enjoyment of Elvaston Castle.

Outcome for the Plan

To continue to propose the site for allocation in the MLP.

Representation

Derbyshire Wildlife Trust (663/0069), Natural England (664/0073) and the Environment Agency (666/0076) provide expert advice to help with the assessment of the site.

Actions/Considerations

The information has been incorporated into the assessments as necessary. The majority of the information is however more relevant to the consideration of a planning application.

Representation

Tarmac supports the proposal. (*Tarmac 688/0102*)

Actions/Considerations

Noted.

Swarkestone North

Name	Name Reference Number	Representation Reference Number
Individual	618	0018
Individual	619	0019
Individual	620	0020
Individual	623	0023
Individual	624	0024
Individual	639	0040
Individual	640	0041
Individual	652	0054
Individual	660	0063
Individual	662	0065
Natural England	664	0070
Environment Agency	666	0076
National Grid	671	0081
Tarmac	688	0101
Trent Rivers Trust	678	0089

Representations

Residents of Twyford Road (Individuals) object to the continuation of quarrying in the area with the resultant, noise, traffic, dust, impact on landscape and house prices. Potential for increased flooding once the mineral is removed is also raised as an issue. They think that this area has now seen enough quarrying and other areas should be considered to relieve the impact. The area of Swarkestone North should be reduced to protect properties on Twyford Road. They consider that both this site and Swarkestone South should not be worked at the same time. Also that restoration conditions should be more stringent so that one area is restored before moving to the next. (*Individuals as listed above*)

Actions/Considerations

All comments have been taken into account and used to help amend the assessment of this site as considered necessary. The amended assessment indicates that the site still has high potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

Outcome for the Plan

To continue to propose the site for allocation in the MLP.

Representations

Natural England (664/0071), National Grid (671/ 0081), Trent Rivers Trust (678/0089) and the Environment Agency (666/0076) provide advice on how the site should be worked and restored.

Actions/Considerations

All comments have been used to help amend the assessment of this site. However, many of these comments will be more relevant should a planning application be considered for the site.

Outcome for the Plan

To propose the site for allocation in the MLP.

Representation

Tarmac supports the proposal. (*Tarmac 688/0101*)

Actions/Considerations

Noted.

Swarkestone South

Name	Name Reference Number	Representation Reference Number
Individual	603	0003
Individual	607	0007
Individual	622	0022
Repton Parish Council	627	0027
Individual	629	0029
Individual	630	0030
Open Spaces Society	635	0035
Individual	637	0037
Individual	641	0042
Individual	644	0045
Individual	647	0048
Individual	653	0055
Individual	655	0057
Derbyshire Wildlife Trust	663	0067
Environment Agency	666	0076
Individual	668	0078
National Grid	671	0081
Individual	673	0083
Individual	680	0091
Individual	684	0095
Tarmac	688	0101
Natural England	664	0071
Trent Rivers Trust	678	0089

Representations

Fourteen

local residents (listed as individuals above) and Repton Parish Council object to the Swarkestone South site on the grounds that public rights of way would be affected, spoiling enjoyment of the area, increased noise, impact on residential amenity, increased potential for flooding, increased traffic and access to the site. Residents who live at Waterworks Cottages are also concerned that their property will be surrounded by workings on three sides with potential impact of the value of their properties. Suggest that more properties and viewpoints would be affected than set out in the current assessment. A visitor who uses the area to walk objects to the proposal as he considers that it would destroy a tranquil area. Also concerned about the new concrete bridge over the river. (*Individuals as listed above*) (*Repton Parish Council 627/0027*)

Actions/Considerations

All comments have been taken into account and used to inform the revision of the assessment as considered necessary. The amended assessment indicates that the site still has good potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to

Name	Name	Representation
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address the concerns raised. As a result, it is considered

that the site should continue to be promoted as an allocation in the Plan.

Outcome for the Plan

To continue to propose the allocation in the MLP.

Representation

The Environment Agency (666/0076), Derbyshire Wildlife Trust (663/0067), Natural England (664/0071) and Trent Rivers Trust (678/0089) provide expert advice on how the site should be worked and restored.

Actions/Considerations

Detailed issues such as how the site should be worked and restored would be considered should a planning application be considered for the site.

Representation

The Open Spaces Society comment that this proposal would badly affect links between the old Twyford ferry crossing site and Repton and Foremark. Also affects Trent Valley Way, a national route. (*Open Spaces Society 635/0035*)

Actions/Considerations

Should a planning application be submitted for this site, consideration would be given to this issue.

Twyford (Area to the north of Twyford Road) (Not proposed for allocation)

	Reference Number	Reference Number
Open Spaces Society	635	0035
Individual	642	0043
Individual	643	0044
Individual	646	0047
Repton Parish Council	648	0050
Individual	649	0051
Individual	660	0062
Derbyshire Wildlife Trust	663	0067
Cemex	672	0082
Individual	677	0087
Trent Rivers Trust	678	0089
Individual	679	0090
Individual	683	0094

Representation

Potential loss of key public rights of way connecting Sinfin, Arleston and Twyford. Damage high. (*Open Spaces Society 635/0035*)

Actions/Considerations

Clarify that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site. Cemex has since withdrawn this proposal from consideration in the MLP.

Representation

In the north-west the boundary is immediately adjacent to Twyford Greens Complex Local Wildlife Site (SD340). This site supports wetland habitats including wet grassland and wet woodland and some tall herb fen type vegetation. There is a risk that the site could be adversely impacted by changes in hydrology or other causes. A range of bird species listed as Species of Principal Importance or otherwise protected are recorded from this area. There are also records for Otter, Badger and Brown Hare and older records for Water Vole associated with wetland habitats. (*Derbyshire Wildlife Trust 663/0067*)

Actions/Considerations

The comments have been considered and the assessment amended where necessary. Clarify also that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site. Cemex has since confirmed that it is no longer pursuing this site.

Representations

Eight individuals, including residents of Arleston, Twyford and Twyford Road have objected to the part of the Twyford site to the north of Twyford Road promoted by Cemex (not proposed for allocation). They set out that noise, dust, traffic and the visual impact will be unbearable. Proximity to residential properties. Also that the roads are unsuitable roads for heavy traffic which would affect other road users. Arleston Lane is used by residents not only of Arleston but also from Stenson etc. for leisure purposes. The lane is proposed as part of a leisure route. (*Individuals as listed above*)

Actions/Considerations

Clarify to objectors that this site is not proposed to be allocated. Should a planning application be submitted for the site, all concerns raised above would be taken into account. Cemex has since confirmed that it is no longer pursuing this site.

Representation

Cemex objects to this site not being proposed for allocation and puts forward a case for the site to be allocated.(672/0082) Cemex has confirmed subsequently that it is no longer pursuing this site for allocation in the MLP.

Actions/Considerations

Noted.

Foremark (Not proposed for allocation)

Name	Name Reference Number	Representation Reference Number
Individual	631	0031
Repton Village History Group	633	0033
Open Spaces Society	635	0035
Individual	637	0038
Individual	647	0049
Derbyshire Archaeological Society	654	0056
Derbyshire Wildlife Trust	663	0066
National Grid	671	0081
Trent Rivers Trust	678	0088
Individual	684	0095
Hanson	687	0099

Representations

Four local residents (referred to as individuals above) object to this proposal on the grounds of the site's historical and archaeological importance. (*Individuals as listed above*)

Actions/Considerations

Clarify that the site is not proposed for allocation, but that issues raised would be considered should a planning application be submitted for mineral extraction from this site.

Outcome for the Plan

To continue not to propose the site for allocation in the MLP.

Representation

Derbyshire Wildlife Trust does not support the use of this land for sand and gravel extraction as it would result in substantive ecological impacts, including the loss of a Local Wildlife Site. (*Derbyshire Wildlife Trust 663/0066*)

Actions/Considerations

Clarify that the impact on wildlife and ecology is one of the reasons why this site is not proposed for allocation by the Councils.

Outcome for the Plan

To continue not to propose the site for allocation in the MLP.

Representation

Repton Village History Group objects to this site because of its historical significance. (*Repton Village History Group 633/0033*)

Actions/Considerations

Clarify that the impact on wildlife and ecology is one of the reasons why this site is not proposed for allocation by the Councils.

Outcome for the Plan

To continue not to propose the site for allocation in the MLP.

Representation

Hanson objects to the non-allocation of this site and continues to promote the site as a replacement for Shardlow. Hanson remains of the view that the Foremark site is a proven valuable mineral resource that should be allocated as a potential development site as a replacement for Shardlow quarry. The smaller proposal avoids the most sensitive landscape closest to Repton. Contest that the criteria for cumulative impact has been assessed wrongly and unfairly. (*Hanson 687/0099*)

Actions/Considerations

The assessment has been revised to take account of the issues raised. The Councils maintain that this is a sensitive site in historic, archaeological and ecological terms and that there are other less sensitive sites that are available for sand and gravel extraction during this Plan period.

Outcome for the Plan

To continue not to propose the site for allocation in the MLP.

Representations

This site includes the main route of Trent Valley Way and the 'Repton to Foremark Circular route' which would be impacted by the proposal. (*Trent Rivers Trust 678/0088*)

There is a severe danger that, by allocating this site, it opens the possibility that the company operating the site will, in the future, seek to extend the extraction area to the west, into the area between the villages of Repton and Willington. This would have a major impact on the setting of several very important Listed Buildings.

(Derbyshire Archaeological Society 654/0056)

Actions/Considerations

The Council is aware of the sensitivity of the area to the west and has previously

Name	Name	Representation	assessed
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this area and rejected it because of its sensitivity in social and environmental terms.

Outcome for the Plan

To continue not to propose the site for allocation in the MLP.

Egginton (Not proposed for allocation)

	Reference Number	Reference Number
Hanson	697	0100
Name	Name	Representation

Representation

Question the application of the methodology in terms of flooding, landscape and ecology/biodiversity (prior to and post restoration).

Argues that there are contradictions in the application of the assessment and its application to ecology. (*Hanson 697/0100*)

Actions/Considerations

The assessment has been reviewed to take account of these issues raised and any amendments made as considered necessary. Having made the amendments, the site continues to emerge as having low potential for mineral working. The Councils maintain that this is a sensitive site in landscape and ecological terms and that there are other less sensitive sites that are available for sand and gravel extraction during this Plan period.

Outcome for the Plan

To continue not to propose the site for allocation in the MLP.

All Sites

	Reference Number	Reference Number
Individual	606	0006
Repton Village History Group	633	0033
Individual	651	0053
Individual	667	0077
Swarkestone Liaison Group	669	0079
Tarmac	688	0101

Representations

Two local residents object to all the proposed allocations on the grounds that they will affect the beauty of the area, the impact on the abundant wildlife in the area, as well as the potential for increased traffic and dust. (*Individuals as listed*)

Actions/Considerations

These comments have been taken into account when revisiting the site assessments.

Swarkestone (Both N and S sites)

Name	Name Reference Number	Representation Reference Number
Individual	605	0005
Individual	617	0017

Representations

Three residents of Twyford object to the sites at Swarkestone North and South because of the potential impact on the ancient rural tranquil character of the area,

potential for increased impact of flooding and the impact on archaeology, particularly the Round Barrow Scheduled Monument. (*Individuals as listed*)

Actions/Considerations

These comments have been taken into account when reconsidering the site assessments. The amended assessments indicate that the sites still have good potential for working. Should a planning application be submitted, the necessary safeguards would be put in place through planning conditions to address the concerns raised. As a result, it is considered that the site should continue to be promoted as an allocation in the Plan.

Outcome for the Plan

To continue to propose the sites for allocation in the MLP.

Representation

Tarmac supports the allocation of both sites. (*Tarmac 668/0101*)

Actions/Considerations

Noted.

Representation

Repton Village History Group states that all sites in this area are steeped in historical value and rich in archaeology, which will be lost if these sites are worked. (*Repton Village History Group 633/0033*)

Actions/Considerations

This information is taken into account in the assessment of the sites and would also form an important part of the consideration of any subsequent planning application.

Outcome for the Plan

To continue to propose the sites for allocation in the MLP.

Representation

Swarkestone Gravel Liaison Group questions the need for such a large number of extraction sites which could all be operational at the same time. A preference would be for one or two sites being permitted to be operational at a time. Subsequent final restoration schemes being implemented during the time new sites are opened. (*Swarkestone Gravel Liaison Group 669/0079*)

Actions/Considerations

The NPPF sets out that mineral planning authorities should ensure that large landbanks bound up in very few sites do not stifle competition. It is more appropriate, therefore, to allocate a broader selection of sites.

Outcome for the Plan

To continue to propose the sites for allocation in the MLP.

Supply of Sand and Gravel

Name	Name Reference Number	Representation Reference Number
Individual	616	0016
Breedon	676	0086
Mineral Products Association	689	0105
Tarmac	688	0106
Hanson	687	0107
Individual	681	0092
South Derbyshire DC	691	0114

Represent

ation

Asks how the future demand requirements have been quantified, including the account that given to future changes in construction technologies and techniques and of the use of recycled aggregates. (*Individual 616/0016*)

Actions/Considerations

Future requirements of sand and gravel are considered as part of the Local Aggregate Assessment for the area. Predicting the impact of future construction technologies on the demand for sand gravel would be guesswork and it would not be appropriate at this time to use this to assess the amount of sand and gravel which is required at the current time. The use of secondary and recycled aggregates is considered as part of the LAA.

Representation

The need for the mineral is not justified. (*Individual 681/0092*)

Actions/Considerations

The Local Aggregate Assessment is the means by which the need for sand and gravel is assessed. This is reviewed on an annual basis and considered and approved by the East Midlands Aggregates Working Party.

Representation

Questions the validity of assumptions in the LAA regarding future supply of sand and gravel in Derbyshire and recommends that an additional 5.58 million tonnes should be provided over the Plan period. Suggests an additional site at Sudbury to meet this requirement. (*Breedon 676/0086*)

Actions/Considerations

The LAA is considered and approved by the East Midlands Aggregates Working Party, which includes members of mineral companies and local authorities. The site at Sudbury has been assessed and considered alongside all other sites to determine its potential for sand and gravel working and, therefore, whether it should be allocated in the MLP.

Representation

The 2019 LAA proposes to use the latest three-year average of sand and gravel production as the long-term measure of demand, which will be carried forward in the Local Plan as the preferred level of provision. This average is mentioned in Planning Practice Guidance as an indicator which should “identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.” It was never intended to become the provision level itself but to spur further research into trends to see what an increased level of provision should be. This means that the County Council’s choice of provision is arbitrary since it has not come from any such consideration. In fact, the increase in provision relies solely on a single year’s upswing in sales in 2016. Thus, the methodology adopted by the County Council cannot by any stretch of the term be considered a forecast of demand.

Some figures are given of numbers of houses planned for in various districts, but this is not translated into average annual percentage increases which could inform future levels of demand compared to the past. We consider the only proper course of action should be for the County Council to take rates of planned development at face value and to plan accordingly to support them with appropriate levels of minerals supply.

Derbyshire’s output of sand and gravel fell dramatically during the last recession and has largely flatlined (apart from 2016). The reasons for this include the mothballing of sites or the reigning in of sites’ output during the recession which has not been rectified, coupled with a concomitant increase in imports, a ceiling on productive capacity and reluctance by the industry to invest in new sites because of substantial delays to the review of the local plan. We think that without these effects the true sales of sand and gravel in Derbyshire would be about 400,000 tonnes pa higher

than they currently are. The provision level in the Minerals Local Plan should therefore be increased to at least 1.4 Million tpa, which would mean identifying an additional 5.6 Million tonnes of sand and gravel resource. (*Minerals Products Association 689/0105*)

Actions/Considerations

The Councils use the 10 year average as a basis for determining future sand and gravel provision in the latest revision of the LAA rather than the most recent 3 year average. Until such time that a more formulaic approach based on potential future economic growth can be suggested and then agreed by the East Midlands AWP to forecast demand and thus to help determine future mineral provision levels more precisely, the pragmatic approach which the Councils will continue to take is to use the previous 10 year average whilst continuing to monitor planned infrastructure growth through the LAA and then to maintain a flexible policy approach to ensure that a steady and adequate supply of mineral is maintained throughout the Plan period.

The delays in the production of a new MLP for the area cannot be accepted as part of an argument for what the MPA deems to be a low output of sand and gravel from Derbyshire. Mineral operators do not appear to have been at all reluctant to propose sites whilst the MLP is being reviewed and those sites that have been proposed have gained planning permission from the Council, including recent extensions to Shardlow, Swarkestone and Willington. More recent information, including NPPF and NPPG and supply information has been taken into account alongside the adopted MLP to determine these applications and to ensure continuity of an adequate and steady supply of sand and gravel from Derbyshire.

The mothballing of sites is outside the Council's control, so this again cannot be accepted as part of the MPA's argument against the provision of sand and gravel in Derbyshire. If the sites are required to meet a higher demand that the MPA points to, then the industry could recommence production at these sites. If the mothballed sites were in production, then the sales figure would be close to the annual 1.4mt that the MPA asks for and imports to the area would be likely to reduce. Also, our deliverability schedule shows that production is likely to increase to this level by 2028, so it is unreasonable for the MPA to ask for an additional 400,000 tonnes each year for the whole plan period remaining and use the figure as a basis for asking for sites to be identified for an additional 5.6mt in total.

Representations

The consultation paper has been published in October 2020 but does not include production figures for 2019, this should be corrected as the figures should now be available from an updated Local Aggregates Assessment. The prediction of

demand is based solely on historical sales figures. The NPPF at paragraph 207(a) states the assessment should relate to previous demand 'and other relevant local information'. There is no evidence to indicate to what extent any other issues have been considered, when there is good evidence available to indicate demand has recently increased and likely to increase further. The duration of the plan is 15 years from 2021-2036, the paper recognises that a landbank of least 7 years is a requirement of the NPPF. However, the tonnage assessment ignores the fact the Authority will be required to maintain this landbank at the end of the plan period. *(Hanson 687/0107)*

Careful annual monitoring will be required to judge the implications on Derbyshire resource from increased building rates and construction projects, the implication of HS 2 and adjoining Authority demand (particularly from Leicestershire and the West Midlands). *(Tarmac 688/0106)*

Actions/Considerations

The Local Aggregates Assessment is the basis for determining future supply of sand and gravel. It has been approved each year by the Aggregates Working Party, which includes representatives of the minerals industry and local planning authorities. Flexibility is built in to the supply figure to take account of future changes in demand and the MLP can be reviewed should ongoing monitoring of the data indicate significant changes in demand for sand and gravel from the area. The NPPF does not include the requirement to maintain a minimum seven year landbank beyond the end of the Plan period. This was referred to by the Inspector for the recent Leicestershire MLP EIP, who set out that ongoing monitoring and review and flexible provision policies will be sufficient to enable a minimum seven year landbank at all times i.e. a review towards the end of the Plan period will determine supply beyond the current Plan period. We are currently revising the LAA to take account of the latest data for 2019. This will inform the MLP.

Representation

South Derbyshire District Council objects to:

- (i) the methodology adopted for calculating future demand, based on a three rather than ten-year sales average, on the grounds that it is unjustified and significantly overstates the likely quantity of sand and gravel needed within the proposed plan period.
- (ii) the allocation of sites other than the four assessed as having 'high' potential in the MLP on the grounds that these alone can provide more than sufficient capacity to meet sand and gravel needs over the plan period. *(SDDC 691/0114)*

Actions/Considerations

The LAA has been revised and the ten-year average is now used as a basis for calculating future sand and gravel provision.

The MLP has a requirement to ensure that a steady and adequate supply of sand and gravel is maintained over the Plan period. Some of the allocated sites will not come forward until later in the Plan period, so other sites have to be allocated to ensure that deliverability of mineral is maintained throughout the Plan period.

Assessment Methodology

Whilst the use of a standardised methodology for site selection is sensible, it should not be the sole basis for decision making as the process should also allow for planning and other factors to be taken into consideration.

It is noted that issues such as 'deliverability' have informed site selection, but the potential for mitigation of adverse effects should also be accounted for. For example, a site that has a notable impact on a local community and therefore performs poorly against a particular criterion might be capable of mitigation to a greater degree than another site that scores better against the same criterion, but lends itself less well to mitigation.

Some inconsistencies in the site assessment narratives and the expression of effects in relation to the scoring criteria have been noted. For example, in the Egginton site assessment the indication under the 'jobs creation' criterion that the site would be a new operation but would be unlikely to result in job losses elsewhere (Assessment (-)) is confusing.

It is likely that some evidence will change during the plan preparation process and this should be fed into the assessments to ensure they remain up to date and robust. For example, in regard to fluvial flood risk, the Trent in Derbyshire has recently been remodelled. Any assessment should be updated to reflect both this and any strategic flood risk assessment that may be undertaken to inform plan making. (South Derbyshire DC 691/0115)

Actions/Considerations

The assessments show the potential that the sites have for mineral working and therefore whether they can be included as allocations in the MLP. It is acknowledged that most impacts of sand and gravel extraction can be mitigated to some extent. Details of mitigation are addressed at the time that a planning application is considered for the sites.

If a “showstopper” issue had arisen at the time the sites were being assessed this would have been highlighted and the site would have been ruled out from further consideration. This situation did not arise.

The inconsistencies referred to in the methodology have been corrected.

The assessments have been updated to include the latest information available at the time.

Appendix 6 – Proposed Draft Plan Consultation 2022

2. Representations and Outcomes arising from the Winter 2021/2022 Consultation

2.1 Introduction

- 2.1.1 This section is split into chapter order corresponding with the Winter 2021/2022 main consultation document. The individual documents and papers that formed part of the Winter 2021/2022 Consultation are listed at Appendix A.
- 2.1.2 The first heading is the name of the individual document on which the representation was made followed by the chapter number.
- 2.1.3 A table of individuals/groups making representations on that chapter/document is listed at the beginning.
- 2.1.4 For each Representation made the layout of the document is as follows:

Representation

(Name of the Organisation/Individual if the representation is by a member of the public, Reference Number of organisation/individuals making the representation/Reference Number of the Representation)

Representations made on the Winter 2021/2022 Consultation begin with 700/0001

Actions/Considerations relating to the Representation (reference to the MPA refers to both the County Council and the City Council)

Outcomes for the Pre-Submission Draft Plan , January 2023

- 2.1.5 Approximately 70% of representors submitted the same letter of objection relating to the Vision and Objectives, Climate Change and Energy Mineral Chapters. For ease of reporting the individual names of representors submitting this letter have been recorded in the table at the beginning of each chapter (with an L next to their name) but only the individual representor number and representation number have been set out in the text.

2.1 General Comments

Table of Representations

Name		Name Ref No	Representation Ref No
Roy	Booth	703	0003
Chris	Stait	727	0030, 0031, 0033, 0034
Catherine	Hughes	750	0086
Carol	Hutchinson	833	0185
Graham	Buckley	1148	0681
Eckington Against Fracking		1149	0687
Chesterfield BC		1154	0741, 0742, 0743, 0744, 0745
Natural England		1161	0967

General Support

Representations (*Roy Booth 703/0003, Natural England 1161/0967*)

- 2.1.5 Support the Plan - Much more environmentally friendly than importing these vital minerals and will provide many jobs for skilled and unskilled British workers.
- 2.1.6 Natural England are generally supportive of the plan, and welcome the changes made in response to our comments on the previous consultation.

Actions/Considerations

- 2.1.7 Noted.

Outcomes for Pre-Submission Draft Plan

- 2.1.8 No change.

General Transport

Representations (*Chris Stait 727/0030*)

- 2.1.9 The Plan needs to highlight the need for a Bypass for Ashbourne in order to enable the sustainable transport of minerals.

Actions/Considerations

- 2.1.10 The issue of a proposed By pass for Ashbourne has been included in the Strategic Transport Assessment that provides evidence to support the development of the Plan.

Outcomes for Pre-Submission Draft Plan

No Change.

2.1.11 **Representations** (*Chris Stait 727/0031*)

2.1.11 There is an existing railhead at Wirksworth which has been used for minerals. Explore the use of this.

Actions/Considerations

2.1.12 The draft Plan includes Policy DM3 which requires proposals for mineral development to maximise sustainable modes of transport including rail.

Outcomes for Pre-Submission Draft Plan

2.1.13 No change.

Plan style

2.1.14 **Representations** (*Chris Stait 727/0033*)

2.1.15 The maps showing mineral sites should be OS based to enable easier identification of quarries eg Bone Mill Quarry

Actions/Considerations

2.1.16 Agree

Outcomes for Pre-Submission Draft Plan

2.1.17 The resource and site map within each Chapter should be OS based.

2.1.18 **Representations** (*Chris Stait 727/0034*)

2.1.19 Plan documents should be landscape not portrait to make them easier to read.

Actions/Considerations

2.1.20 The MPA consider that portrait is the best way to portray the Plan especially given the shape of the Plan area which lends itself to A4.

Outcomes for Pre-Submission Draft Plan

2.1.21 No change.

2.1.22 **Representations** (*Catherine Hughes 750/0086, Carol Hutchinson 833/0185, Graham Buckley 1148/0681*)

2.1.23 Apply plain English standard to the document.

Actions/Considerations

2.1.24 The Minerals Local Plan is by nature a technical document however the MPA considers that the technical wording of the Plan is clearly explained so that it can be understood by members of the public.

Outcomes for Pre-Submission Draft Plan

2.1.25 No change.

General Drop Ins

Representations (*Eckington Against Fracking 1149/0687*)

- 2.1.9 A Drop-In session should have been held close to March Lane, Eckington and Dronfield.

Actions/Considerations

- 2.1.10 Due to limited resources Drop-In sessions were held at selected locations throughout the County. The MPA consider that the Drop In sessions at Chesterfield and Bolsover adequately served the north east Derbyshire area.

Outcomes for Pre-Submission Draft Plan

Not Applicable.

Plan Content

- 2.1.26 **Representations** (*Chesterfield BC 1154/0741*)

- 2.1.27 The Plan is presented in 2 parts on line - both should have a separate contents page

Actions/Considerations

- 2.1.28 Agree.

Outcomes for Pre-Submission Draft Plan

- 2.1.29 Include a separate contents page for Part 2 online.

- 2.1.26 **Representations** (*Chesterfield BC 1154/0742*)

- 2.1.27 There is no need to repeat National Policy in the Plan.

Actions/Considerations

- 2.1.28 Given that local plans have to be in accordance with national policy to be found sound the MPS consider that it important to include national policy within the Plan to provide context for the policy approach.

Outcomes for Pre-Submission Draft Plan

- 2.1.29 No Change.

Representations (*Chesterfield BC 1154/0743*)

- 2.1.27 Plans within the document should contain District boundaries especially the safeguarding maps.

Actions/Considerations

- 2.1.28 Agree.

Outcomes for Pre-Submission Draft Plan

2.1.29 District boundaries are included on the safeguarding maps.

2.1.26 **Representations** (*Chesterfield BC 1154/0744*)

2.1.27 The plan period should be included in the title of the Plan.

Actions/Considerations

2.1.28 Agree.

Outcomes for Pre-Submission Draft Plan

2.1.29 Plan period is included in title of Plan.

2.1.26 **Representations** (*Chesterfield BC 1154/0745*)

2.1.27 We would welcome the opportunity to support the viability appraisal of the Plan, which will need to take into account commitments in existing adopted Local Plans.

Actions/Considerations

2.1.28 The Mineral Local Plan has taken into account commitments in existing adopted Local Plans in its preparation .It includes Policy DM16 which enables planning obligations to be secured to deliver any relevant infrastructure requirements. Mineral Local Plans are not required to include a viability appraisal.

Outcomes for Pre-Submission Draft Plan

2.1.29 No change.

2.2 Chapter 1 - Introduction and Background

Table of Representations

Name		Name Ref No	Representation Ref No
South Yorkshire for a New Green Deal		1157	0775
PDNPA		1159	0849, 0850

Introduction Paragraph 1.1

Representations (*PDNPA 1159/0849*)

- 2.2.1 Suggest for clarification define the abbreviation for Peak District National Park as “(PDNP)” at end of paragraph 1.1 to inform later mention of “PDNP”

Actions/Considerations

- 2.2.2 Agree.

Outcomes for Pre-Submission Draft Plan

- 2.2.3 Paragraph 1.1 amended accordingly.

Introduction Paragraph 1.4

Representations (*PDNPA 1159/0850*)

- 2.2.4 Consider that it may be useful here as a point of clarification that the ‘duty to cooperate’ extends to, and the two authorities have interacted with, neighbouring Mineral Planning Authorities including the Peak District National Park Authority (PDNPA).

Actions/Considerations

- 2.2.5 Disagree - this paragraph is principally about the decision to prepare a joint minerals local plan. However, consider that additional information about the duty to co-operate would be useful in this Chapter.

Outcomes for Pre-Submission Draft Plan

- 2.2.6 Paragraph 1.15 amended to include additional information about the duty to cooperate requirements.

Introduction Paragraph 1.11

Representations (*South Yorkshire for a Green New Deal 1157/0775*)

2.2.7 We support and welcome the plan's commitment to sustainable development, defined as meeting the needs of present generations without compromising the needs of future generations.

Actions/Considerations

2.2.8 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.2.9 No change.

2.3 Chapter 2 – Spatial Overview

Table of Representations

Name		Name Ref No	Representation Ref No
PDNPA		1159	0851, 0852, 0853, 0854, 0855, 0856, 0857, 0858, 0859, 0860
Tarmac		940	0337, 0338, 0339,
Derbyshire Wildlife Trust		1145	0649
Bolsover District Council		1147	0674
Historic England		1158	0784

Distribution of Mineral Resources Para. 2.12

Representations (*PDNPA 1159/0851*)

- 2.3.1 Add the word commercial in front of ‘Production in the northern area (Durham) ceased in 1999’.

Actions/Considerations

- 2.3.2 Agree for clarification purposes.

Outcomes for Pre-Submission Draft Plan

- 2.3.3 Paragraph 2.12 amended to include the word ‘commercial’.

Representations (*PDNPA 1159/0852*)

- 2.3.4 Amend the text to reflect that barytes is no longer worked and that most vein mineral resources in the southern Pennines are depleted. Amend the text to clarify that the last sentence refers to the Plan area not the PDNP.

Actions/Considerations

- 2.3.5 Agree

Outcomes for Pre-Submission Draft Plan

- 2.3.6 Paragraph 2.12 amended accordingly.

Distribution of Mineral Resources Para. 2.14

Representations (*PDNPA 1159/0853*)

- 2.3.7 The statement “There are substantial coal resources” may send out the wrong message and be construed to indicate further exploitation. This may give rise to strong public reaction.

Actions/Considerations

- 2.3.8 The text is purely factual - there are substantial coal resources remaining in the Plan area.

Outcomes for Pre-Submission Draft Plan

- 2.3.9 No Change.

Distribution of Mineral Resources Para. 2.15

Representations (*PDNPA 1159/0854*)

- 2.2.10 It is stated that “There is some potential for exploiting conventional and unconventional gas deposits in Derbyshire...” this may give rise to strong public reaction, as indeed did the fracking proposals. Suggest cross referencing Climate Change and Oil and Gas policies.

Actions/Considerations

- 2.3.11 The text is purely factual but agree to minor wording changes for clarification purposes.

Outcomes for Pre-Submission Draft Plan

Paragraph 2.15 amended accordingly.

Figure 2.2 Mineral Resources and Permitted Mineral Sites

Representations (*Tarmac 940/0337*)

- 2.3.12 Middle Peak Quarry should be included on the Map.

Actions/Considerations

- 2.3.16 Middle Peak Quarry is identified as a Strategic Housing Allocation in the adopted Derbyshire Dales Local Plan (2017) and therefore its contribution to the future supply of minerals is uncertain. Nevertheless, as a matter of factual correction Figure 2.2. should be amended.

Outcomes for Pre-Submission Draft Plan

- 2.3.17 Figure 2.2 has been amended to include Middle Peak Quarry.

Mineral Production General

Representations (*PDNPA 1159/0856*)

- 2.3.18 The Plan should use the most up to date LAA figures.

Actions/Considerations

2.3.19 Agree - the base date of the Plan has been updated to 2021.

Outcomes for Pre-Submission Draft Plan

2.3.20 Figures updated to reflect new base date of the Plan 2021.

Mineral Production Paragraph 2.16

Representations (*Tarmac 940/0337*)

2.3.21 The last sentence of this paragraph states that the Plan area contains a large landbank of permitted crushed rock aggregate reserve estimated to be sufficient to last beyond the Plan period. It also refers to the amount of aggregate crushed rock used within and exported outside of the County. Whilst historic monitoring of aggregate movements reported within the Local Aggregate Assessment is a useful starting point, consideration needs to be given to likely future demands. Whilst numerically there may be 'sufficient' permitted reserves, noting also that a significant proportion of "aggregate" reserve will be used for industrial purposes and its extraction is ancillary to and required to facilitate industrial mineral supply, consideration needs to be given to the 'steady and adequate' supply as required by the NPPF to ensure there is sufficient productive capacity from active operations to meet anticipated demand. Greater emphasis/consideration is required to the contribution made by those sites that export by road and those by rail.

Actions/Considerations

2.3.22 This section of the Plan is meant to be factual rather than providing a consideration of the adequacy of permitted reserves which are dealt with in Chapters 6.3 and 7.2 of the Plan in relation to crushed rock and industrial limestone.

Outcomes for Pre-Submission Draft Plan

2.3.23 Last sentence of paragraph 2.16 deleted.

Mineral Production Paragraph 2.18

Representations (*Tarmac 940/0338*)

2.3.24 There is an assumption from the text at Paragraph 2.18 (in regards to sand and gravel supply), ('most is used within 10-15 miles') that the majority of sand and gravel serves indigenous market. The LAA 2020 is indicating a significant proportion of import which may indicate a stress but also that the County is underproviding to meet indigenous demand.

Actions/Considerations

- 2.3.25 This section of the Plan is meant to be factual rather than providing a consideration of the adequacy of permitted reserves which are dealt with in Chapters 6.2 of the Plan in relation to sand and gravel.

Outcomes for Pre-Submission Draft Plan

- 2.3.26 Last sentence of paragraph 2.18 deleted. The issue of imports is considered in Chapter 6.2.

Restoration and the Legacy of Mineral Working Paragraph 2.23

Representations (*PDNPA 1159/0857*)

- 2.3.27 Suggest add the words “or to new innovative landscapes” after “...the availability of fill material which dictates whether the site can be restored to its original levels...”

Actions/Considerations

- 2.3.28 Agree.

Outcomes for Pre-Submission Draft Plan

- 2.3.29 Paragraph 2.23 amended accordingly.

Restoration and the Legacy of Mineral Working Paragraph 2.24

Representations (*PDNPA 1159/0858*)

- 2.3.30 Suggest change the words “...or wildlife and natural history...” to read “...or wildlife, biodiversity and natural history ...”

Actions/Considerations

- 2.3.31 Agree.

Outcomes for Pre-Submission Draft Plan

- 2.3.32 Paragraph 2.24 amended accordingly.

Transport Paragraph 2.35

Representations (*PDNPA 1159/0858*)

- 2.3.33 Paragraph 2.35 identifies that in 2019 50% of limestone aggregate was transported by rail from only three quarries. It is not considered that the Plan properly reflects the significance of these operations in overall aggregate supply.

Actions/Considerations

- 2.3.34 The purpose of this section is factual but agree that that this paragraph could provide more detail on rail linked quarries. Chapter 6.3 addresses the issue of crushed rock supply.

Outcomes for Pre-Submission Draft Plan

- 2.3.35 Paragraph 2.35 amended to provide greater detail on rail linked quarries.

Transport Paragraph 2.35

Representations (*PDNPA 1159/0859*)

- 2.3.36 Suggest insert after “mineral” the words “(including cement products)”.

Actions/Considerations

- 2.3.37 Agree.

Outcomes for Pre-Submission Draft Plan

- 2.3.38 Paragraph 2.35 amended accordingly.

Natural, Built and Historic Environment Paragraph 2.38

Representations (*Derbyshire Wildlife Trust 1145/0648*)

- 2.3.39 The final sentence does not appear to have been completed. We are aware that there is also Grade 2 agricultural land found across parts of Bolsover District.

Actions/Considerations

- 2.3.40 Agree.

Outcomes for Pre-Submission Draft Plan

- 2.3.41 The final sentence of paragraph 2.38 has been amended to read, ‘Some grade 2 land is located to the south of Ashbourne and in the north east of the county to the east of Bolsover.

Natural, Built and Historic Environment Paragraph 2.41

Representations (*PDNPA 1159/0860*)

- 2.3.42 Suggest insert after “Plan area” the words “(and the National Park)”.

Actions/Considerations

- 2.3.43 Disagree - this paragraph is about the Plan area not the PDNP.

Outcomes for Pre-Submission Draft Plan

- 2.3.44 No Change.

Natural, Built and Historic Environment Figure 2.3 Environmental Assets

Representations (*Derbyshire Wildlife Trust 1145/0649*)

- 2.3.45 We recommend that the location of each Local Wildlife Site and Local Geological Site is represented on Figure 2.3. The spatial distribution and frequency of these sites would then be more clearly understood and visible.

Actions/Considerations

- 2.3.46 Disagree - the clarity of the map would be lost by adding further detail. Local plans prepared by the City/Borough /District and PDNPA tend to include these details and they all form part of the development plan for the County and City.

Outcomes for Pre-Submission Draft Plan

- 2.3.47 No Change.

Representations (*Derbyshire Wildlife Trust 1145/0649*)

We note there are limited heritage assets referenced and the map would benefit from including additional heritage assets, especially those located in the vicinity of the proposed site allocations. 'Principal historic parks and gardens' should read as 'Registered Park and Garden'.

Actions/Considerations

- 2.3.48 Disagree -. the clarity of the map would be lost by adding further detail. Local plans prepared by the City/Borough /District and PDNPA tend to include these details and they all form part of the development plan for the County and City .Agree that the word 'registered' should be included in the key.

Outcomes for Pre-Submission Draft Plan

- 2.3.49 The key has been changed to read Registered Historic Parks and Gardens. The Map has been amended to show Grade 1 sites only in the interests of clarity.

Representations (*Bolsover DC 1147/0674*)

- 2.3.50 It is welcomed that the Draft Plan recognises Creswell Crags Candidate World Heritage Site, Bolsover Castle, Hardwick Hall and Welbeck Abbey (part) Historic Parks and Gardens as Key Environmental Assets within Bolsover We note the key environmental characteristics listed on the map and we welcome reference to heritage assets.

Actions/Considerations

- 2.3.51 The support is noted - however in the interests of clarity the map has been changed to show Grade 1 registered historic parks and gardens only.

Outcomes for Pre-Submission Draft Plan

2.3.52 The Map has been amended to show Grade 1 sites only.

2.4 Chapter 3 – Vision and Objectives

Table of Representations

Name		Name Ref. No.	Representation Ref. No.
Steve	Martin	726	0027
Elaine	Nudd	738	0047
Mark	Watford	741L	1650,1961,2282
David	Haspel	761	0102
Anne	Thoday	764L	0984,0985,0986
Melanie	Flynn	766L	1651,1962,2283
Trevor	Back	767L	1652,1963,2284
Sheharyar	As'ad	768L	1653,1964,2285
Tony	Mott	769L	1654,1965,2286
Robert	Purcell	770L	1655,1966,2287
John	Millar	771L	1656,1967,2288
Simon	Hewood	772L	1657,1968,2289
Jennifer	Smith	773L	1658,1969,2290
Noam	Livne	774L	1659,1970,2291
Deborah	Hofman	775L	1660,1971,2292
Lisa	Mendum	776L	1661,1972,2293
Carol	Leak	777L	1662,1973,2294
Doug	Lennon	778L	1663,1974,2295
Valerie	Taylor	779L	1664,1975,2296
Elizabeth	Browes	780L	1665,1976,2297
Stefan	Majer	781L	1666,1977,2298
Christopher	Allen	782L	1667,1978,2299
Catherine	Petersen	783L	1668,1979,2300

Sarah	Foy	784L	1669,1980,2301
Joshua	Lane	785L	1670,1981,2302
Anne	Shimwell	786L	1671,1982,2303
Rachael	Hatchett	788L	1672,1983,2304
Lindsay	Price	789L	1673,1984,2305
Sue	Watmore	790L	1674,1985,2306
Sue	Bradford-Knox	791L	1675,1986,2307
Sue	Cowdrey	792L	1676,1987,2308
Wendy	Bullar	793L	1677,1988,2309
Jane	Finney	794L	1678,1989,2310
Glenda	Howcroft	795L	1679,1990,2311
Milly	Holdsworth	796L	1680,1991,2312
Susan	Bamforth	797L	1681,1992,2313
Lindy	Stone	799L	1682,1993,2314
Roger	Holden	800L	1683,1994,2315
Kenneth	Duvall	801L	1684,1995,2316
Lynne	Irving	802L	1685,1996,2317
Brian	Lever	803L	1686,1997,2318
Jason	Fraser	804L	1687,1998,2319
Marguerite	Broadley	805L	1688,1999,2320
Nadine	Peatfield	806L	1689,2000,2321
Angela	Hughes	807L	1690,2001,2322
Sue	Davies	808L	1691,2002,2323
John	Youatt	809L	1692,2003,2324
John	Cantellow	810L	1693,2004,2325
Joseph	Reynolds	811L	1694,2005,2326
Marlene	Shaw	812L	1695,2006,2327
Andrew	Taylor	815L	1696,2007,2328
Nicholas	Headley	816L	1697,2008,2329
Margaret	Roberts	817L	1698,2009,2330
John	Beardmore	818L	1699,2010,2331
Richard	Bull	819L	1700,2011,2332
Holly	Moloney	820L	1701,2012,2333
Martin	Stone	821L	1702,2013,2334
Dawn	Watson	822L	1703,2014,2335
Roger	Morton	823L	1704,2015,2336
Nigel	Presswood	824L	1705,2016,2337
Stephanie	Futcher	837L	1706,2017,2338
Anne	Jackman	838L	1707,2018,2339
Aubrey	Evans	839L	1708,2019,2340
Paul	King	840L	1709,2020,2341
Judith	Brunt	845L	1710,2021,2342
Ben	Lambert	846L	1711,2022,2343
Pauline	Fisher	847L	1712,2023,2344
James	Eaden	848L	1713,2024,2345
Helen	Steadman	849L	1714,2025,2346
Paul	Briggs	850L	1715,2026,2347
Keith	Fisher	851L	1716,2027,2348
Rebecca	Smith	852L	1717,2028,2349

Rachel	Bolton	853L	1718,2029,2350
Neil	Stuart	854L	1719,2030,2351
Heather	Bryant	855L	1720,2031,2352
Liz	Longden	856L	1721,2032,2353
Christine	Selden	857L	1722,2033,2354
Adam	Link	858L	1723,2034,2355
Janet	Ratcliffe	859L	1724,2035,2356
Alan	Baldwin	860L	1725,2036,2357
Valerie	Fenton	861L	1726,2037,2358
Neil	Tuner	862L	1727,2038,2359
Sheila	Maters	863L	1728,2039,2360
Amy	Hughes-Dennis	868L	1729,2040,2361
Jacky	Rounding	869L	1730,2041,2362
Nick	Clarke	870L	1731,2042,2363
David	Hassall	871L	1732,2043,2364
Rachel	Steele	872L	1733,2044,2365
Simon	Redding	873L	1734,2045,2366
Collette	Boden	874L	1735,2046,2367
Diana	Clarke	875L	1736,2047,2368
Rachael	Richardson	876L	1737,2048,2369
Vanessa	Fessey	877L	1738,2049,2370
Christine	Curwen	878L	1739,2050,2371
John	Curwen	879L	1740,2051,2372
Dawn	Walton	880L	1741,2052,2373
Lee	Housely	881L	1742,2053,2374
David	McGill	882L	1743,2054,2375
Lucy	Johnson	883L	1744,2055,2376
Alison	Storey	884L	1745,2056,2377
Susan	Groom	885L	1746,2057,2378
Mark	Knight	886L	1747,2058,2379
Susan	Brown	887L	1748,2059,2380
Julie	Davies	888L	1749,2060,2381
Mike	Wheeler	889L	1750,2061,2382
Linda	Walker	890L	1751,2062,2383
John	Hughes	891L	1752,2063,2384
Christopher	Mann	892L	1753,2064,2385
Nicola	Godridge	893L	1754,2065,2386
Anne	Burton	894L	1755,2066,2387
Sue	Wall	895L	1756,2067,2388
Giulia	Argyll Nicholson	896L	1757,2068,2389
Paula	Browne	897L	1758,2069,2390
Andrew	Mottershaw	898L	1759,2070,2391
V	Wilkinson	899L	1760,2071,2392
Michael	Hirst	900L	1761,2072,2393
Lesley	Cooper	901L	1762,2073,2394
Maralyn	Dommett	907L	1763,2074,2395
Chris	Heard	908L	1764,2075,2396
Ann	Fox	909L	1765,2076,2397
Anne	Wood	910L	1766,2077,2398

Glynis	Horvath	911L	1767,2078,2399
Jenny	Gibbins	912L	1768,2079,2400
Poppy	Simon	913L	1769,2080,2401
Germaine	Bryant	914L	1770,2081,2402
Vicki	Booth	915L	1771,2082,2403
Barbara	Mackenney	916L	1772,2083,2404
Susan	Fear	917L	1773,2084,2405
Angela	Ostler	918L	1774,2085,2406
Sue	Cuthbert	919L	1775,2086,2407
Victoria	Noble	920L	1776,2087,2408
Kim	Evans	921L	1777,2088,2409
Patsy	McGill	922L	1778,2089,2410
Dianne	Banks	923L	1779,2090,2411
William	Hobbs	924L	1780,2091,2412
Carolanne	Mason	925L	1781,2092,2413
Elizabeth	Turk	926L	1782,2093,2414
Jacqueline	Meyer	927L	1783,2094,2415
Joy	Bates	928L	1784,2095,2416
Penny	Took	929L	1785,2096,2417
Karl	Barrow	930L	1786,2097,2418
Barbara	Hughes	932L	1787,2098,2419
Vikki	Watford	933L	1788,2099,2420
Julie	Barwick	934L	1789,2100,2421
Natalie	Rocca	935L	1790,2101,2422
Ursula	Watts	936L	1791,2102,2423
Kay	Watson	937L	1792,2103,2424
Mineral Prod Ass.		938	0311,0312,0313,0314,0315
Tarmac		940	0340,
Janet	Baldwin	943L	3541,3544,3545
Teresa	Glossop	945L	1793,2104,2425
Rae	Jones	946L	1794,2105,2426
Callum	Armstrong	947L	1795,2106,2427
Michael	Samash	948L	1796,2107,2428
Jane	Webb	949L	1797,2108,2429
Andrea	Watwood	950L	1798,2109,2430
Bruce	Levitan	951L	1799,2110,2431
Amanda	Johnson	952L	1800,2111,2432
Anna	Swieczak	953L	1801,2112,2433
Sharon	Craig	954L	1802,2113,2434
Keith	Hutchinson	955L	1803,2114,2435
Anne	Wilding	956L	1804,2115,2436
Laura	Stevens	957L	1805,2116,2437
Kelly	Rickard	958L	1806,2117,2438
Holly	Salmon	959L	1807,2118,2439
Lynne	Bruce	960L	1808,2119,2440
Trevor	Kirkwood	961L	1809,2120,2441
Chris	Hutchinson	962L	1810,2121,2442
Terry	Joiner	963L	1811,2122,2443
Yvonne	Payne	964L	1812,2123,2444

Logan	Sheppard-Scally	965L	1813,2124,2445
Andy	Ashmore	969L	1814,2125,2446
Lesley	Burke	970L	1815,2126,2447
AMK	Wardroper	975L	1816,2127,2448
Adrian	Brown	976L	1817,2128,2449
Christine	Nudds	977L	1818,2129,2450
Toni	Burnley	978L	1819,2130,2451
Jane	Varley	979L	1820,2131,2452
Geraldine	Busuttil	980L	1821,2132,2453
Cetra	Coverdale	981L	1822,2133,2454
Susan	Wiltshire	982L	1823,2134,2455
Stephanie	Carter	983L	1824,2135,2456
Hanna	Wade	984L	1825,2136,2457
Elaine	Nudd	985L	1826,2137,2458
Andy	Jamieson	986L	1827,2138,2459
Jill	Holley	987L	1828,2139,2460
Nicholas	Granville	988L	1829,2140,2461
Gary	Roper	989L	1830,2141,2462
Walt	Shaw	990L	1831,2142,2463
Tracy	Arnold	991L	1832,2143,2464
Peter	Coward	992L	1833,2144,2465
Canal & Rivers Trust		993	0420, 0421,
Martin	Hofman	994L	1834,2145,2466
Catherine	Hallsworth	995L	1835,2146,2467
Pat	Thompson	996L	1836,2147,2468
Lynne	Atkin	997L	1837,2148,2469
Emma	Bungay	998L	1838,2149,2470
Andrew	Murdoch	999L	1839,2150,2471
Rita	Allan	1000L	1840,2151,2472
Ben	Mitchell	1002L	1841,2152,2473
Alison	Brown	1003L	1842,2153,2474
Roger	Clarke	1004L	1843,2154,2475
Beth	Ashman	1005L	1844,2155,2476
Michael	Dowsett	1006L	1845,2156,2477
Leonardo	Wilson	1007L	1846,2157,2478
Patrick	Anderson	1008L	1847,2158,2479
Glynis	Spencer	1009L	1848,2159,2480
Stuart	Handley	1010L	1849,2160,2481
Clare	Wood	1011L	1850,2161,2482
Diana	Kerswell	1012L	1851,2162,2483
Lisa	Hopkinson	1013L	1852,2163,2484
Rachel	Horton	1014L	1853,2164,2485
Gwyneth	Francis	1015L	1854,2165,2486
Frances	Gower	1016L	1855,2166,2487
Dave	Smith	1017L	1856,2167,2488
Sally	Whitham	1018L	1857,2168,2489
Holly	Exley	1019L	1858,2169,2490
Jessica	Stephens	1020L	1859,2170,2491

Karen	Smith	1021L	1860,2171,2492
C	Shelton	1022L	1861,2172,2493
James	Currie	1023L	1862,2173,2494
Alexandra	Williams	1024L	1863,2174,2495
Judith	Cornwall	1025L	1864,2175,2496
John	De Carteret	1026L	1865,2176,2497
Jane	Berry	1027L	1866,2177,2498
Steven	Noake	1028L	1867,2178,2499
Alison	Evans	1029L	1868,2179,2500
Delia	Wellard	1030L	1869,2180,2501
Kevin	Williams	1031L	1870,2181,2502
Joshua	Phillips	1032L	1871,2182,2503
Gillian	Von Fragstein	1033L	1872,2183,2504
Chrystal	Wallage	1034L	1873,2184,2505
Deborah	Purhouse	1035L	1874,2185,2506
Sue	Tomlinson	1036L	1875,2186,2507
Susan	Foxon	1037L	1876,2187,2508
Susan	Heard	1038L	1877,2188,2509
David	Leicester	1039L	1878,2189,2510
Alison	Storer	1040L	1879,2190,2511
Mark	Brailsford Mark	1041L	1880,2191,2512
Jane	Reynolds Jane	1042L	1881,2192,2513
John	Sherratt John	1043L	1882,2193,2514
Beatrice	Rajakaruna	1044L	1883,2194,2515
Alisob	Scothern	1045L	1884,2195,2516
Amanda	Chalk	1046L	1885,2196,2517
Jillian	Harrison	1047L	1886,2197,2518
Ian	Beever	1048L	1887,2198,2519
Stephen	Blakemore	1049L	1888,2199,2520
Maggie	Cook	1050L	1889,2200,2521
Paul	Senior	1051L	1890,2201,2522
Amina	Burslem	1052L	1891,2202,2523
Paul	Tooley	1053L	1892,2203,2524
John	LeGrove	1054L	1893,2204,2525
Lewis	Coupland	1055L	1894,2205,2526
Graham	Joiner	1056L	1895,2206,2527
Natalie	Smith	1057L	1896,2207,2528
Susan	Ashman	1058L	1897,2208,2529
Eric	Hart	1059L	1898,2209,2530
Andrew	Taylor	1060L	1899,2210,2532
Rhian	Harding	1061L	1890,2211,2533
James	Wyatt	1062L	1891,2212,2534
Fiona	Ibbotson	1063L	1892,2213,2535
Andy	Ward	1064L	1893,2214,2536
Karen	Undrell	1065L	1894,2215,2537
Natalie	Dawes	1066L	1895,2216,2538
Jonathan	Helliwell	1067L	1896,2217,2539
Joanna	Watson	1068L	1897,2218,2540
Stephen	Plant	1069L	1898,2219,2541

Daniel	Lloyd	1070L	1899,2220,2542
Isky	Gordon	1071	0506
Stephan	Ball	1072L	1901,2222,2544
Mark	Allcock	1073L	1902,2223,2545
Pauline	Bell	1074L	1903,2224,2546
Chris	Slater	1075L	1904,2225,2547
Sheila	Spinks	1076L	1905,2226,2548
Patricia	Tidmarsh	1077L	1906,2227,2549
Rachel	Young	1078L	1907,2228,2550
Christine	Nelson	1079L	1908,2229,2551
Jeremy	Wright	1080L	1909,2230,2552
Hazel	Thorpe	1081L	1910,2231,2553
Ruth	Foden	1082L	1911,2232,2554
Claire	Cooper	1083L	1912,2233,2555
Clare	Greenwood	1084L	1913,2234,2556
Gareth	Hughes	1085L	1914,2235,2557
Pauline	Inwood	1086L	1915,2236,2558
Caroline	Norbury	1087L	1916,2237,2559
Emily	Lynn	1088L	1917,2238,2560
Julia	Fell	1089L	1918,2239,2561
Margaret	Gallimore	1090L	1919,2240,2562
Becky	Turner	1091L	1920,2241,2563
Caroline	Phillips	1092L	1921,2242,2564
Matt	Drew	1093L	1922,2243,2565
Liz	Honeybell	1094L	1923,2244,2566
Keith	Gillespie	1095L	1924,2245,2567
Barry	Hodgson	1096L	1925,2246,2568
Carol	Wood	1097L	1926,2247,2569
Peter	Cashford	1098L	1927,2248,2570
I P	Smith	1099L	1928,2249,2571
Louise	Petherham	1100L	1929,2250,2572
Jean	Cashford	1101L	1930,2251,2573
Chris	James	1102L	1931,2252,2574
Ruth	Woods	1103L	1932,2253,2575
Deborah	Noone	1104L	1933,2254,2576
Norman	Rimmell	1105L	1934,2255,2577
Malcolm	Barrow	1106L	1935,2256,2578
Marian	Wall	1107L	1936,2257,2579
Steve	Cane	1108L	1937,2258,2580
Daniel	Wimberley	1109L	1938,2259,2581
Dolores	O'Reilly	1110L	1939,2260,2582
Imogen	Baines	1114L	1940,2261,2583
Theresa	Brooke	1115L	1941,2262,2584
Jenifer	Hyde	1116L	1942,2263,2585
Poppy	Marston	1117L	1943,2264,2586
Stephanie	Holmes	1118L	1944,2265,2587
Pamela	Bain	1119L	1945,2266,2588
Richard	Finnigan	1120L	1946,2267,2589
Chris	Brennan	1121L	1947,2268,2590

Diane	Kerry	1122L	1948,2269,2591
Neil	Lister	1123L	1949,2270,2592
Philip	Hutchinson	1124L	1950,2271,2593
Martin	Bennett	1125L	1951,2272,2594
Rod	Leach	1126L	1952,2273,2595
Steve	Taylor	1127L	1953,2274,2596
Denis	Robinson	1128L	1954,2275,2597
Jacqueline A	Box	1129L	1955,2276,2598
Liz	Elliot	1130L	1956,2277,2599
Mair	Bain	1131L	1957,2278,2600
Kevin	Elliot	1132L	1958,2279,2601
Nottinghamshire County Council		1135	0573,
Environment Agency		1137	0592,0593
Transition Chesterfield		1139	0618,0619,0620
Cllr Gez	Kinsella	1142L	1959,2280, 2602
Derbyshire Wildlife Trust		1145	0650
Bolsover DC		1147	0675
CPRE		1152	0713, 0714
Kathy	Mitchell	1156L	1960,2281,2603
S Yorks for a Green New Deal		1157	0776,0777, 0778,
Historic England		1158	0785
PDNPA		1159	0861,0862, 0863, 0864, 0865
National Trust		1160	0927, 0928, 0929, 0930, 0931,

**Vision
Paragraph
h 3.3
Re
presenta
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(Transitio
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Chesterfi**

eld 1164/0618)

- 2.4.1 The vision of the document and overall policies are still based on promoting the use of minerals and fossil fuels for economic growth. The plan is largely about minimising the impacts of these industries rather than preventing them where more sustainable alternatives exist.

Representations *(David Haspel 761/0102)*

- 2.4.2 The Plan should only allow the extraction of minerals where there is no viable alternative such as recycling.

Representations *(Individuals 741/1650, 764/0986 1071/0506, 766/1651 to 937/1792, 943/3541, 945/1793 to 1132/1958, 1142/1959, 1156/11960)*

- 2.4.3 All proposals for extraction of non-hydrocarbon minerals should have to meet the test that no viable alternatives exist with the onus on the applicant to prove that.'

Representations (*Transition Chesterfield 1139/0619*)

- 2.4.4 The vision is both weak on climate change and has a presumption that mineral and fossil fuel extraction should continue for economic growth reasons provided it can minimise the impacts of climate change. Instead, we think that the climate crisis should force a presumption that mineral extraction and fossil fuel extraction should only be permitted where no viable substitutes exist taking account of demand management measures such as insulation and provided that there is no net increase in greenhouse gas emissions from the operation and use of those minerals. We therefore suggest the following wording changes to the vision (additions in italics):

- 2.4.5 'Over the Plan period to 2038, the Plan will continue to deliver sustainable minerals development *where no viable substitutes exist taking account of demand management measures such as insulation*, ensuring that the supply of minerals from Derbyshire and Derby will continue to reflect the importance of the minerals industry in the Plan area and will continue to make a positive contribution to delivering sustainable economic growth, supporting the health, well-being, safety and amenity of local communities, protecting, conserving and enhancing the natural, built and historic environment and mitigating and adapting to the impacts of climate change by ensuring *there is no net increase in greenhouse gas emissions during operation and from subsequent use of those minerals with a reduction being a preferred target* as we move towards the national 'zero carbon emissions' target of 2050.'

Actions/Considerations

Viable Alternatives

- 2.4.6 The NPPF at paragraph 210 a) requires that planning policies should provide for the extraction of mineral resources of national and local importance in order to maintain sufficient supply, as required by paragraph 209. In seeking to ensure the sufficiency of supply, the Vision, as set out at paragraph 3.3, adopts the principle of resource protection by seeking to maximise the contribution that substitute, or recycled/secondary materials and mineral

waste will make to that supply in order to minimise the need for primary minerals and ensure their long-term conservation.

Greenhouse gas emissions

- 2.4.7 The phrase 'mitigating and adapting to the impacts of climate change' is considered to be sufficient for the high-level vision. Policy SP2 Climate Change has been strengthened to include the need to reduce emissions in line with national and local carbon targets.

Outcomes for Pre-Submission Draft Plan

- 2.4.8 No Change.

Vision

Vision Paragraph 3.3

Representations (*National Trust 1160/0927*)

- 2.4.9 National Trust is supportive of the commitment to sustainable economic growth that protects, conserves and enhances the natural, built and historic environment, while mitigating and adapting to the impacts of climate change.

Representations (*Bolsover DC 1147/0675*)

- 2.4.10 It is welcomed that the Draft Plan recognises the balance required between ensuring supply of minerals to support the economy and societal requirements, with protecting local communities, the environment and contributing to the zero-carbon agenda to respond to the impacts of climate change and flood risk.

Actions/Considerations

- 2.4.11 The support is noted.

Outcomes for Pre-Submission Draft Plan

- 2.4.12 No Change.

Vision Paragraph 3.5 Minerals Supply General

Representations (*Individuals 741,1961,764/0985,766/1962 to 937/2103, 943,3542, 945/2104 to 1132/2279, 1142/2280, 1156/2281*)

- 2.4.13 Forecasts of mineral requirements to 2038 especially for buildings and roads construction are likely to be greatly exaggerated. The construction industry is moving away from minerals to sustainable timber at all scales from modular housing to plyscrapers. Increases in home working/ local 15 min neighbourhoods, public transport use and active travel are likely to reduce

the need to travel and subsequent demand for road construction and maintenance etc

Actions/Considerations

- 2.4.14 The NPPF sets out different requirements for maintaining the supply of minerals depending on the type of mineral and their end use. For aggregate minerals used in building and construction, supply is maintained country-wide through the managed aggregates supply system and through the maintenance of landbanks of permitted reserves for crushed rock and sand and gravel. At the local level, MPAs are required to prepare annual Local Aggregates Assessments to assess the demand for and supply of aggregates to inform plan preparation. Demand and supply are monitored at the regional level, through the East Midlands Regional Aggregates Working Party, in Derbyshire's case, and a National Co-ordinating Group monitors the overall provision of aggregates in England. The MPA consider this to be a robust approach to assessing the forecast demand and supply of aggregates. Any future changes to demand and supply will be taken into account in future reviews of the Plan.

Outcomes for Pre-Submission Draft Plan

- 2.4.15 No Change.

Vision Paragraph 3.5 Minerals Supply PDNP

Representations (*Mineral Products Association 983/0312*)

- 2.4.16 We object to 'compensatory supply of minerals from the Plan area' to achieve a 'productive reduction of minerals supplied from sites within the Peak District National Park'. The NPPF seeks to 'where practicable' provide for landbanks of mineral reserves outside of National parks. There is no policy basis in national policy for the PDNP 'managed retreat' approach and is unsound and therefore the approach being taken in the draft Plan is unsound. How major development is dealt with, such as mineral extraction, is dealt with in NPPF.

Representations (*Tarmac 940/0340*)

- 2.4.17 Tarmac do not support a 'compensatory supply of minerals from the Plan area' to achieve a 'productive reduction of minerals supplied from sites within the Peak District National Park'. There needs to be a greater distinction

regarding the contribution these sites already make, whether there is compensatory resource available (of the same quality, meet the same markets and able to be produced at the same quantity), and the potential sustainability benefits in extending these operations as opposed to introducing new greenfield operations ‘where practicable’.

Representations (*National Trust 1160/0928*)

- 2.4.18 We support the commitment to assist in achieving a progressive reduction in mineral extraction within the Peak District National Park, helping to protect the special quality and characteristics of the National Park.

Representations (*PDNPA 1159/0861*)

- 2.4.19 A progressive reduction in minerals supplied from sites within the National Park” – assume “supplied” not “suppled”.

Actions/Considerations

- 2.4.20 The NPPF seeks to conserve and enhance the landscape and scenic beauty of National Parks. To help achieve this, it also seeks to maintain landbanks of non-energy minerals from outside designated areas, such as National Parks. The PDNPA has a policy in its adopted Core Strategy (2011) to not allow proposals for new quarries or extensions to existing quarries in the National Park (other than proposals for the small scale working of building and roofing stone) other than in exceptional circumstances, in order to help protect the special qualities of the landscape. Although having been adopted prior to NPPF, this policy is consistent with the NPPF in that it helps to achieve the aims of maintaining landbanks of minerals outside the National Park, thus helping to conserve and enhance the landscape and scenic beauty of the National Park.
- 2.4.21 The concept of the Derby and Derbyshire MLP assisting the PDNPA with its aim of reducing quarrying of aggregate has been included from the start of Plan preparation and has received public support at the various consultation stages. With the Plan area being adjacent to the PDNP and having plentiful supplies of limestone which is of similar geological type and composition as resources in the PDNP as well as having similar markets, it is considered to be a sound and sustainable approach which helps to achieve the aims of the NPPF in respect of conserving and enhancing the landscape and scenic beauty of National Parks.

Outcomes for Pre-Submission Draft Plan

2.4.22 No Change

Vision Paragraph 3.6 Resource Protection

Representations (*South Yorkshire for a Green new Deal 1157/0776*)

2.4.23 We also support the plan's aim of maximising the recycling of previously used minerals in preference to extracting new ones.

Representations (*National Trust 1160/0929*)

2.4.24 We support the commitment to maximise use of recycled and re-used minerals to minimise the need for primary minerals and ensure their long-term conservation.

Actions/Considerations

2.4.25 The support is noted.

Outcomes for Pre-Submission Draft Plan

No change.

Vision Paragraph 3.7 Environmental Protection

Representations (*Steve Martin 726/0027*)

2.4.26 All minerals' policies need to be much more rigorously scrutinized and rather than a presumption that minerals can be extracted provided they minimize the environmental impacts to 'acceptable levels' which leaves the door open for unconstrained extraction, they should only be permitted where no viable alternatives exist.

Representations (*Elaine Nudd 738/0047*)

2.4.27 The proposed presumption that minerals can be extracted provided they minimise the environmental impacts to acceptable levels is vague and leaves the door open for unconstrained extraction. Restrictions should be specific. A more acceptable definition is if there is no viable alternative to minimise impacts to less damaging levels.

Representations (*Individuals 741/2282, 764/0984, 966/2283 to 937/2424, 943/3543, 945/2425 to 1132/2601, 1142/2602, 1156,2603*)

2.4.28 The proposed presumption that minerals can be extracted provided they minimise the environmental impacts to 'acceptable levels' is vague and leaves the door open for unconstrained extraction. Extraction should only be permitted where no viable alternatives exist.

Representations (*CPRE 1152/0713*)

- 2.4.29 The text ‘...will be mitigated to an acceptable level through...’ is both unambitious and imprecise and is not consistent with the levels of protection and enhancement stated as strategic priorities earlier (see para. 3.3). Replace text with ‘will be minimised through good design...’

Actions/Considerations

- 2.4.30 The MPA consider that reference should be included in the Plan to what is meant in terms of ‘acceptability’ of proposals.

Outcomes for Pre-Submission Draft Plan

- 2.4.31 An additional paragraph has been added to Chapter 4 of the plan at 4.8:
‘Mineral development and mineral related development can often have the potential to cause adverse impacts. A key objective of the Plan is to ensure that those impacts are mitigated and controlled to ‘acceptable levels’. This term is not defined in the Plan because ‘acceptability’ will be assessed on a case-by-case basis taking into account the scale, nature and location of the proposal, the characteristics of the various environmental effects likely to arise from the development and the opportunities for mitigation measures that may be applied.’

Vision Paragraph 3.7 Environmental Protection

Representations (*PDNPA 1159/0862*)

- 2.4.32 Suggest after “...taking into account aviation safety...” add the words “and climate mitigation including flood control”.

Actions/Considerations

- 2.4.33 Agree that reference to climate change objectives should be included.

Outcomes for Pre-Submission Draft Plan

- 2.4.34 Paragraph 3.7 has been amended to read,
Mineral development will support the high-quality restoration and aftercare of sites, at the earliest opportunity, to the most appropriate after use taking into account aviation safety, providing maximum local and strategic benefits to the area and local communities including benefits that will contribute towards emissions reduction and climate change adaptation and resilience.

Vision Paragraph 3.7 Environmental Protection

Representations (*National Trust 1160/0930*)

- 2.4.35 We support the commitment to ensuring that the adverse impacts of mineral working will be mitigated to an acceptable level through good design and the

imposition of monitoring conditions, including in relation to the natural and historic environment. We also support the commitment to high quality restoration and aftercare.

Actions/Considerations

2.4.36 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.37 No change.

Vision Paragraph 3.8 Transport/ Climate Change

Representations (*South Yorkshire for a Green New Deal 1157/0778*)

2.4.38 Support minimizing carbon emissions by using rail or conveyor transport rather than road wherever possible.

Actions/Considerations

2.4.39 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.40 No Change.

Vision Paragraph 3.8 Transport /Climate Change

Representations (*National Trust 1160/0931*)

2.4.41 We support the commitment to maximising use of sustainable modes of transport, reducing flood risk and utilising renewable and low carbon energy sources. The word 'maximise' is used in relation to renewable energy and we think that it would be better replaced with the word 'enable' because use of renewable energy infrastructure can only be maximised to an extent that is acceptable within a given context, taking account of landscape, ecology, heritage, local communities and existing grid connections etc.

Actions/Considerations

2.4.42 The MPA consider that in principle development proposals should seek to maximise renewable energy but appreciate that all individual proposals will be subject to environmental acceptability.

Outcomes for Pre-Submission Draft Plan

2.4.43 No Change.

Objective 2 Ensure the prudent use of Primary Mineral and Other Natural Resources

Representations (*Mineral Products Association 938/0311*)

2.4.44 This objective while laudable is not in the MPAs gift and are a function of commercial decisions. However, the MPA can through this plan make positive planning policies to support the establishment of recycling sites to maximise the generation of recycled material. It is suggested that this objective is redrafted accordingly.

Actions/Considerations

2.4.45 The MPA disagree and consider that as an objective the prudent use of primary minerals and other natural resources is appropriate. The objective will be achieved through the implementation of both the Plan's strategic and non-strategic policies.

Outcomes for Pre-Submission Draft Plan

2.4.46 No Change.

Objective 3 Safeguarding Mineral Resources and Minerals Related Infrastructure

Representations (*Mineral Products Association 938/0313*)

2.4.47 The principle of this objective is supported; however, it does not go far enough and should also explicitly protect existing operations. Furthermore, it needs rewording to properly reflect the NPPF in that all 'known' mineral resources should be protected (para 210 c). Suggested redraft.

2.4.48 *To ensure that ~~important~~ **known** mineral resources, **existing quarry operations**, and the infrastructure that is used to process and transport extracted minerals are safeguarded from inappropriate development **on or in the proximity to such operations/resources** that would impair their availability and use for future generations*

Actions/Considerations

2.4.49 The MPA agree that Objective 3 should be extended and reworded for completeness although the word 'important' has been retained for clarification purposes.

Outcomes for Pre-Submission Draft Plan

2.4.50 Paragraph 3.11 has been amended accordingly.

Objective 4 Ensuring the Sustainable Transport of Minerals

Representations (*Canal and Rivers Trust 993/0420*)

2.4.51 Welcome this objective which encourages the movement of freight by water.

Actions/Considerations

2.4.52 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.53 No Change.

Objective 5 Protecting Local Communities

Representations (*PDNPA 1159/0863*)

2.4.54 Suggest (underlined) “...visual impacts, noise, dust, processing emissions, pollutants, blast vibration, traffic impact, light pollution, land instability and ground contamination....”

Actions/Considerations

2.4.55 The MPA agree that the objective should be reworded to take into account the impacts underlined.

Outcomes for Pre-Submission Draft Plan

2.4.56 Paragraph 3.13 has been reworded accordingly.

Objective 6 Protecting, Conserving and Enhancing the Natural, and Built and Historic Environment

Representations (*Canal and Rivers Trust 993/0421*)

2.4.57 The canals and associated infrastructure provide important heritage assets. Note that this mentions blue infrastructure but suggest for clarity that this objective should mention specifically canals and rivers.

Actions/Considerations

2.4.58 The MPA consider that canals and rivers are covered by the phrase ‘blue infrastructure’.

Outcomes for Pre-Submission Draft Plan

2.4.59 No Change.

Objective 6 Protecting, Conserving and Enhancing the Natural, and Built and Historic Environment

Representations (*Environment Agency 1137/0592*)

2.4.60 We support the wording for strategic objective 6, with a particular focus on the natural environment elements within our remit.

Actions/Considerations

2.4.61 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.62 No Change.

Objective 6 Protecting, Conserving and Enhancing the Natural, and Built and Historic Environment

Representations (*Historic England 1158/0785*)

2.4.63 We welcome objective 6 and the inclusion of an indicator for the historic environment. We would, however, request that there is a separate objective for the historic environment rather than a combined objective that seeks to address the natural and historic environment in one. It is possible that there will be benefits or consequences for one aspect rather than the other and therefore, it will be difficult for the assessment to provide appropriate mitigation strategies or to evaluate the success of the objective.

Actions/Considerations

2.4.64 The MPA consider that having a combined objective for the natural and historic environment represents a comprehensive but streamlined approach and is replicated in Policy SP1 Sustainable Minerals Development. The Plan contains Development Management Policy DM7 Historic Environment which provides detailed criterion relating to the impact of minerals development on the historic environment and which can be effectively monitored.

Outcomes for Pre-Submission Draft Plan

2.4.65 No Change.

Objective 7 Protecting the Peak District National Park

Representations (*Mineral Products Association 0938/0314*)

2.4.66 This objective is supporting an unsound and out of date policy in the PDNP Plan. This policy is in effect a 'managed retreat' for minerals within the PDNP which has absolutely no policy basis in the NPPF.

Actions/Considerations

2.4.67 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.68 No Change.

Objective 7 Protecting the Peak District National Park

Representations (*PDNPA 1159/0864*)

- 2.4.69 Assumed typographic error (underlined): “....to enable a progressive reduction of those minerals supplied from sites within the PDNP” – assume “supplied” not “suppled”.

Actions/Considerations

- 2.4.70 Noted.

Outcomes for Pre-Submission Draft Plan

- 2.4.71 Paragraph 3.15 changed accordingly.

Objective 8 Minimising the impacts on Climate Change and Flood Risk

Representations (*Environment Agency 1137/0593*)

- 2.4.72 We support this policy objective, in particular the requirements to protect and enhance water quality, optimise water efficiency and to reduce the risks of flooding on site and off site.

Actions/Considerations

- 2.4.73 The support is noted.

Outcomes for Pre-Submission Draft Plan

- 2.4.74 No Change.

Objective 8 Minimising the impacts on Climate Change and Flood Risk

Representations (*Transition Chesterfield 1139/0620*)

- 2.4.75 Include wording in italics. To reduce the effect of mineral development on the causes of climate change and facilitate adaptation to the effects of climate change, including flood risk, mineral development *will only be permitted where no viable alternatives exist* be located, designed and operated in ways which; maximise the use of sustainable modes of transport including rail, water, pipeline and conveyor; minimise the use of machinery and processing emissions, maintain or enhance water quality; optimise on-site water and energy use; maximise energy provision from renewable and low-carbon sources and reduce the risk of flooding both on site and in the wider area. *There should be no net increase in greenhouse gas emissions during operation and from the subsequent use of those minerals with a reduction being a preferred target.*

The impacts on climate change should be estimated at the outset and before any application is approved through a thorough carbon audit.

Actions/Considerations

- 2.4.76 The MPA consider that Objective 2 adequately reflects the need to ensure the prudent use of primary minerals and other natural resources by amongst other matters maximising levels of secondary and recycled aggregates and therefore no addition is needed to the climate change objective. In relation to the second suggested wording regarding the need for there to be no net increase in greenhouse gas emissions it is agreed that the objective should be reworded to include the need to reduce emissions in line with national and local carbon budgets as we move towards net zero.

Outcomes for Pre-Submission Draft Plan

- 2.4.77 Paragraph 3.16 has been amended accordingly.

Objective 8 Minimising the impacts on Climate Change and Flood Risk

Representations (*CPRE 1152/0714*)

- 2.4.78 Revise headline title to 'Minimising the impact on Climate Change and Flood Risk'; para. 3.16: add final sentence after 'wider area': 'All mineral development will need to clearly demonstrate progressive carbon (or other greenhouse gas emission) reductions consistent with meeting national and local carbon budgets.' It will be helpful to develop an evidence base of those budgets (or percentage, equitable reductions) such that required ambition is explicit.

Actions/Considerations

- 2.4.79 Agree that the Objective should be amended to make reference to the need to reduce emissions in line with meeting national and local carbon targets.

Outcomes for Pre-Submission Draft Plan

- 2.4.80 Not the specific wording change as suggested but Paragraph 3.16 has been amended to include the need to reduce emissions in line with meeting national and local carbon budgets.

Objective 8 Minimising the impacts on Climate Change and Flood Risk

Representations (*PDNPA 1159/0865*)

- 2.4.81 Suggest insert after "...minimise the use of machinery and processing emissions... the words "ensure the regular maintenance of machinery,".

Suggest insert after “....optimise on-site water...” the words “(including recirculation),”

Actions/Considerations

- 2.4.82 The inclusion of the suggested wording is too detailed for this objective but agree that Objective 8 is reworded to better reflect the need to minimise impacts on climate change and flood risk.

Outcomes for Pre-Submission Draft Plan

- 2.4.83 No specific wording change as suggested but Paragraph 3.16 has been amended to better reflect the need to minimise impact on climate change and flood risk.

Objective 8 Minimising the impacts on Climate Change and Flood Risk

Representations (*Derbyshire Wildlife Trust 1160/932*)

- 2.4.84 National Trust generally supports the plan objectives. In relation to objective 8 we would again suggest that the aim is to ‘enable’ renewable energy to be incorporated into a scheme, so far as is acceptable within the context.

Actions/Considerations

- 2.4.85 Agree that reference to maximise energy provision from renewable and low carbon sources should be included in Objective 8.

Outcomes for Pre-Submission Draft Plan

- 2.4.86 Paragraph 3.16 has been amended accordingly.

Objective 9 Ensuring the Sustainable Restoration of Mineral Sites

Representations (*Derbyshire Wildlife Trust 1145/650*)

- 2.34.87 We recommend amending the text to ‘including measures to address climate change and biodiversity loss’

Actions/Considerations

- 2.4.88 Agree that changes should be made to Objective 9 to include additional details on climate change.

Outcomes for Pre-Submission Draft Plan

- 2.4.89 Paragraph 3.17 has been amended accordingly.

Representations (*Nottinghamshire County Council 1135/0573*)

- 2.4.90 The County Council supports Objective 9 of the Plan which seeks to ensure that the sustainable restoration of mineral sites takes place. The Council

agrees that this can provide maximum local and strategic benefits to the wider area and local communities, noting the close relationship between communities in Derbyshire and Nottinghamshire and that these benefits are often shared between residents of each County.

Actions/Considerations

2.4.91 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.92 No Change.

Representations (*S Yorks for a Green New Deal 1157/0777*)

We also support the plan's commitment to limiting the carbon footprint of the mineral industries by protecting nature when restoring sites

Actions/Considerations

2.4.93 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.94 No Change.

Representations (*PDNPA 1159/0862*)

Suggest after "...taking into account aviation safety..." add the words "and climate mitigation including flood control".

Actions/Considerations

2.4.95 Agree that the objective could be strengthened to address climate change.

Outcomes for Pre-Submission Draft Plan

2.4.96 Objective 9 has been amended to read '...including benefits that will contribute to emissions reduction and climate change adaptation and resilience.'

Representations (*National Trust 1160/0930*)

We support the commitment to ensuring that the adverse impacts of mineral working will be mitigated to an acceptable level through good design and the imposition of monitoring conditions, including in relation to the natural and historic environment. We also support the commitment to high quality restoration and aftercare.

Actions/Considerations

2.4.97 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.4.98 No change.

2.5 Chapter 4 – Sustainable Minerals Development

Table of Representations

Name	Name Ref No	Representation Ref No
Mineral Products Association	938	0316
Tarmac	940	0336,0341
Canal and Rivers Trust	993	0422
Nottinghamshire County Council	1135	0574, 0575
Environment Agency	1137	0594
Transition Chesterfield	1139	0621
Bolsover District Council	1147	0676
CPRE	1152	0715, 0716, 0718,
Chesterfield Borough Council	1154	0746
Historic England	1158	0788
PDNPA	1159	0866, 0867, 0868, 0869, 0870, 0998, 0999, 1000
National Trust	1160	0933

Introduction Paragraph 4.3

Representations (PDNPA 1159/0998)

2.5.1 For the avoidance of doubt suggest clarify this by adding after “Plan” the words “, whilst each policy is capable of sustaining independently to achieve its outcomes.

. Actions/Considerations

2.5.2 Disagree - consider that the Plan is clear that it is the combined implementation of all the Plan’s policies that deliver sustainable minerals development.

Outcomes for Pre-Submission Draft Plan

2.5.3 No change.

Introduction Paragraph 4.7

Representations (PDNPA 1159/0999)

2.5.4 Suggest insert the words (underlined) in the following:

“The term ‘proposals for mineral development’ includes the exploration, winning and extraction of minerals both above and below ground (including the removal of tips), the storage, treatment, processing, loading and

transportation of minerals and the restoration (including landscaping) and aftercare of mineral sites".

Actions/Considerations

- 2.5.5 The MPA consider that the existing definition of mineral development is sufficient, and that this wider definition allows for an interpretation of its meaning where relevant.

Outcomes for Pre-Submission Draft Plan

- 2.5.6 No Change

Introduction Paragraph 4.7

Representations (*PDNPA 1159/1000*)

- 2.5.7 Suggest insert the words (underlined) in the following:

"The term 'minerals related development' refers to the mining ancillary infrastructure, roadways, hardstandings, buildings, mobile and static process plant, conveyor plant, fuel, water and chemical tanks, machinery, weighbridges, washing plant and vehicles used to administer, extract, store,treat, process, load and transport minerals and to restore and provide aftercare to mineral sites".

Actions/Considerations

- 2.5.8 The MPA consider that the existing definition of mineral related development is sufficient, and that this wider definition allows for an interpretation of its meaning where relevant.

Outcomes for Pre-Submission Draft Plan

- 2.5.9 No Change.

Introduction Paragraph 4.8

Representations (*Historic England 1158/0786*)

- 2.5.10 Support the wording of this paragraph - that all policies of the Plan and their criteria apply where relevant.

Actions/Considerations

- 2.5.11 The support is noted.

Outcomes for Pre-Submission Draft Plan

- 2.5.12 No Change.

SP1 Sustainable Minerals Development Criterion 1

Representations (*CPRE 1152/1002*)

2.5.13 Define sub national in the Glossary.

Actions/Considerations

2.5.14 Agree.

Outcomes for Pre-Submission Draft Plan

2.5.15 The Glossary has been amended.

SP1 Sustainable Minerals Development Criterion 1

Representations (*Mineral Products Association 938/0316, Tarmac 940/0336*)

2.5.16 Reference to the compensatory supply of aggregates to support a progressive reduction of supply from the PDNP should be removed. The NPPF does not infer that minerals development is unacceptable within the PDNP it sets out how major development is dealt with and requires that exception criteria are applied including economic and public benefits. This policy does not recognise these criteria and is considered unsound.

Representations (*PDNPA 1159/0867, CPRE 1152/0715*)

2.5.17 Support the compensatory supply of aggregate crushed rock from the Plan area to enable a progressive reduction of mineral from within the PDNP.

Actions/Considerations

2.5.18 The NPPF seeks to conserve and enhance the landscape and scenic beauty of National Parks. To help achieve this, it also seeks to maintain landbanks of non-energy minerals from outside designated areas, such as National Parks. The PDNPA has a policy in its adopted Core Strategy (2011) to not allow proposals for new quarries or extensions to existing quarries in the National Park (other than proposals for the small scale working of building and roofing stone) other than in exceptional circumstances, in order to help protect the special qualities of the landscape. Although having been adopted prior to NPPF, this policy is consistent with the NPPF in that it helps to achieve the aims of maintaining landbanks of minerals outside the National Park, thus helping to conserve and enhance the landscape and scenic beauty of the National Park.

2.5.19 The concept of DCC assisting the PDNPA with its aim of reducing quarrying of aggregate has been included from the start of Plan preparation and has received public support at the various consultation stages. With the Plan area being adjacent to the PDNP and having plentiful supplies of limestone which is of similar geological type and composition as resources in the PDNP as well as having similar markets, it is considered to be a sound and sustainable approach which helps to achieve the aims of the NPPF in respect of conserving and enhancing the landscape and scenic beauty of National Parks.

Outcomes for Pre-Submission Draft Plan

2.5.20 No Change

SP1 Sustainable Minerals Development Criterion 1

Representations (*Nottinghamshire County Council 1135/0574*)

2.5.21 The County Council supports policy SP1 which supports proposals for mineral development in Derbyshire. Nottinghamshire is a leading producer of sand and gravel for aggregates but has no availability of crushed rock to meet aggregate supplies.

Actions/Considerations

2.5.22 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.5.23 No Change

SP1 Sustainable Minerals Development Criterion 7

Representations (*CPRE 1152/1003*)

2.5.24 Insert 'if appropriate' to the beginning of the criterion.

Actions/Considerations

2.5.25 Disagree - the introductory paragraph includes the phrase 'where applicable' and policy SP17 Mineral Safeguarding Areas and Consultation Areas sets out the detailed application of this policy.

Outcomes for Pre-Submission Draft Plan

2.5.26 No Change

SP1 Sustainable Minerals Development Criterion 9 and 12

Representations (*Chesterfield Borough Council 1154/0746*)

2.5.27 The borough council supports the overall approach to minerals development set out in policy SP1, particularly the specific reference to the amenity, health, well-being and safety of local communities, and biodiversity and ecological networks.

Actions/Considerations

2.5.28 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.5.29 No change.

SP1 Sustainable Minerals Development Criterion 11

Representations (*Historic England 1158/0787*)

2.5.30 We welcome reference to the historic environment within this clause but do not support the wording in its current form. We would request that there is a separate clause for the historic environment that seeks to protect and enhance the significance of the historic environment, heritage assets and their setting alongside seeking appropriate avoidance, mitigation and restoration principles.

Actions/Considerations

2.5.31 Disagree - the MPA consider that this strategic high-level policy adequately protects the historic environment. Policy DM7 Historic Environment adds detail to this overarching policy.

Outcomes for Pre-Submission Draft Plan

2.5.32 No Change

SP1 Sustainable Minerals Development Criterion 13

Representations (*PDNPA 1159/0870*)

2.5.33 Policy SP1 criterion 13 is supported.

Actions/Considerations

2.5.34 The support is noted.

Outcomes for Pre-Submission Draft Plan

2.5.35 No Change

SP1 Sustainable Minerals Development Criterion 15

Representations (*Canal and Rivers Trust 993/0422*)

- 2.5.36 The waterways are important recreation and wildlife assets. It is important that potentially harmful effects of mineral extraction are mitigated and that opportunities to secure enhancements as part of restoration schemes are taken wherever possible.

Actions/Considerations

- 2.5.37 The MPA agree with the comment but do not consider that the wording of this high-level policy on restoration needs amending. The detailed development management policies address the protection of waterways from the adverse impacts of mineral development and the restoration of mineral sites to after uses including water uses.

Outcomes for Pre-Submission Draft Plan

- 2.5.38 No Change

SP1 Sustainable Minerals Development Criterion 16

Representations (*Historic England 1158/0788*)

- 2.5.39 We would like to see evidence of, and policy wording that relates to an appropriate restoration plan for the Trent Valley corridor, that includes the historic environment and the need to respond to its historic landscape context and the heritage assets present in this area.

Actions/Considerations

- 2.5.40 This criterion sets out the principle of requiring proposals to contribute towards a strategic approach to restoration in the Trent Valley. Chapter 10 provides further detail on this matter. It also sets out that detailed policy will be include in a Supplementary Planning Document (SPD) to be prepared once the Plan is adopted. The SPD would be best placed to include details on the historic environment.

Outcomes for Pre-Submission Draft Plan

- 2.5.41 No Change

SP1 Sustainable Minerals Development Criterion 16

Representations (*Tarmac 940/336*)

- 2.5.42 Reference is made to the 'strategic approach to restoration' within the Trent Valley. Whilst the wider objectives are supported in principle, the Mineral

Planning Authority and the Plan has to recognise that it is the minerals development that provides the opportunity for implementation of restoration enhancements. However, it is not often the case that the mineral operator owns the land and overly onerous/unproductive land use restoration requirements are unlikely to be supported by landowners. There needs to be flexibility built in to support the objectives where practicable.

Actions/Considerations

- 2.5.43 This criterion sets out the principle of requiring proposals to contribute towards a strategic approach to restoration in the Trent Valley. Chapter 10 provides further detail on this matter. It also sets out that detailed policy will be included in a Supplementary Planning Document (SPD) to be prepared once the Plan is adopted. The SPD would be best placed to consider detailed requirements regarding supporting strategic restoration objectives.

Outcomes for Pre-Submission Draft Plan

- 2.5.44 No Change

SP1 Sustainable Minerals Development Criterion 16

Representations (*Nottinghamshire County Council 1135/0575*)

- 2.5.45 The County Council also agrees with SP1 which supports a strategic approach to restoration within the Trent Valley area. We strongly agree that the Trent Valley area is an area where a strategic approach to restoration is important. In Nottinghamshire also, planned sand and gravel extraction coincides with planned housing growth. We welcome the commitment of Derbyshire CC to adopt a co-ordinated approach to the restoration of sand and gravel sites in the context of the changing landscape of this area and to consider the wider benefits that mineral restoration can contribute towards in terms of landscape character, biodiversity, recreation and public access.

Actions/Considerations

- 2.5.46 The support is noted.

Outcomes for Pre-Submission Draft Plan

- 2.5.47 No Change

SP1 Sustainable Minerals Development Criterion 17 and 18

Representations (*Environment Agency 1137/0594*)

- 2.5.48 We support the ambitions in criteria 17) and 18) and would also highlight that within this policy, the opportunity to provide multifunctional environmental

enhancements should also be considered within this section. Blue and Green infrastructure is highlighted throughout the draft Local Plan and future mineral developments should look at protecting, enhancing, and creating blue and green infrastructure that provides multifunctional environmental enhancements, from flood risk reductions, to water quality improvements.

Actions/Considerations

- 2.5.49 The MPA note the support for the ambitions of criterion 17 and 18. It considers that the inclusion of multifunctional environmental enhancements should be included in Criterion 11.

Outcomes for Pre-Submission Draft Plan

- 2.5.50 Criterion 11 has been amended to include reference to multifunctional environmental enhancements.

SP1 Sustainable Minerals Development Criterion 17

Representations (*Transition Chesterfield 1139/0621*)

- 2.5.51 4.9) Proposals for mineral development and mineral related development will be supported where they contribute towards achieving the economic, social and environmental objectives of sustainable development and where applicable, they:17) reduce impacts on the causes of climate change *by ensuring there is no net increase in greenhouse gas emissions during operation and from subsequent use of those minerals with a reduction being a preferred target including reducing carbon emissions*, and facilitate adaptation to increase resilience to climate change including the risk of flooding; and

Representations (*CPRE 1152/0718*)

- 2.5.52 we question the sense of the text 17), viz.:- 'reduce impacts on the causes of climate change...' as not being especially clear; suggest adding text after 'reducing carbon emissions (consistent with national carbon targets and local carbon budgets) and facilitate adaptation...'.

Representations (*PDNPA 1159/868*)

- 2.5.53 Suggest insert the words (underlined) in the following: "17) reduce impacts on the causes of climate change including reducing carbon and other greenhouse gas and harmful emissions, and facilitate adaptation to increase resilience to climate change including the risk of

flooding and the use of secondary (recycled) substitute low carbon or zero carbon waste derived fuels; and..."

Actions/Considerations

- 2.5.54 The MPA agree that some changes are required to Criterion 17 for clarification purposes. However, this is a high-level policy on sustainable mineral development with Policy SP2 Climate Change providing further detail on the implementation of this Policy.

Outcomes for Pre-Submission Draft Plan

- 2.5.55 Criterion 17 has been amended for clarification purposes.

SP1 Sustainable Minerals Development Criterion 18

Representations (*National Trust 1160/933*)

- 2.5.56 National Trust generally supports this policy. In line with our comments above we request a slight adjustment to part 18 as follows:
18) ~~maximise~~ ensure water and energy efficiency and enable the use of renewable and low-carbon energy sources as appropriate to the context.

Actions/Considerations

- 2.5.57 The MPA agree that a change is needed for clarification purposes.

Outcomes for Pre-Submission Draft Plan

- 2.5.58 Criterion 18 has been amended to better align with the detailed wording of policy SP2 Climate Change.

SP1 Sustainable Minerals Development Reasoned Justification Paragraph 4.13 and 4.24

Representations (*PDNPA 1147/0870*)

- 2.5.59 Support the approach of the Plan re the progressive reduction of aggregate crushed rock supply from the PDNP and the protection of the setting of the PDNP from the adverse impacts of mineral working.

Actions/Considerations

- 2.5.60 The support is noted.

Outcomes for Pre-Submission Draft Plan

- 2.5.61 No Change.

SP1 Sustainable Minerals Development Reasoned Justification Paragraph 4.17

Representations (*PDNPA 1147/0869*)

2.5.62 Suggest add “(dry or conditioned ‘PFA’)” after “...coal derived fly ash...”

Actions/Considerations

2.5.63 Agree.

Outcomes for Pre-Submission Draft Plan

2.5.64 Paragraph 4.17 has been amended accordingly.

SP1 Sustainable Minerals Development Reasoned Justification Paragraph 4.28

Representations (*CPRE 1152/0716*)

2.5.65 Amend second sentence to be as follows (again questioning the sense/likely understanding of the first part of the sentence): ‘The need to minimise impacts on the causes of climate change, reduce carbon emissions (consistent with national targets and local budgets), and facilitate adaptation...’. This then ensures that the final sentence (‘...will ensure that climate change and resource efficiency are fully taken into account when assessing proposals...’.

Actions/Considerations

2.5.66 The MPA has made changes to Criterion 17 to add further detail and agree that the reasoned justification should be amended to reflect those changes.

Outcomes for Pre-Submission Draft Plan

2.5.67 Paragraph 4.28 has been amended accordingly.

Extension to existing mineral sites paragraph 4.32

Representations (*Bolsover District Council 1147/0676*)

2.5.68 It is noted that the Draft Plan states that extensions to existing mineral sites will be judged on their individual merits and the District Council would state that it is important that the Draft Plan protects the existing amenity, health, well-being and safety of existing communities and that its decisions do not result in an unacceptable level of cumulative impacts on existing communities.

Actions/Considerations

2.5.69 Criterion 10 and 11 of Policy SP1 set out in principle the requirement to protect local communities from the impacts of mineral working including

cumulative impacts. The Development management policies of the Plan add detail to these requirements.

Outcomes for Pre-Submission Draft Plan

2.5.70 No Change

Figure 4.1 Key Diagram

Representations (*PDNPA 1147/0866*)

2.5.71 It is possible to further update the Aggregates Exports distribution percentages on this map by reference to the now available Local Aggregate Assessment (LAA) 2021 (2020 data),

Actions/Considerations

2.5.72 Agree to update Figure 4.1 Key Diagram to use the latest data available which is for 2019.

Outcomes for Pre-Submission Draft Plan

2.5.73 Figure 4.1 has been updated.

2.6 Chapter 5 – Climate Change

Table of Representations

Name		Name Ref. No.	Representation Ref. No.
Steve	Martin	726	0029
Elaine	Nudd	738	0048
Mark	Watford	741L	0051,1007,1325
Michael	Clarke	748	0082
Keith	Townsend	751	0087
Steve	Elliott	760	0100
David	Haspel	761	0103,0104
Anne	Thoday	764L	0112,0987,0988
Melanie	Flynn	766L	0114,1008,1326
Trevor	Back	767L	0115,1009,1327
Sheharyar	As'ad	768L	0116,1010,1328
Tony	Mott	769L	0117,1011,1329
Robert	Purcell	770L	0118,1012,1330
John	Millar	771L	0119,1013,1331
Simon	Hewood	772L	0120,1014,1332
Jennifer	Smith	773L	0121,1015,1333
Noam	Livne	774L	0122,1016,1334
Deborah	Hofman	775L	0123,1017,1335
Lisa	Mendum	776L	0124,1018,1336
Carol	Leak	777L	0125,1019,1337
Doug	Lennon	778L	0126,1020,1338
Valerie	Taylor	779L	0127,1021,1339
Elizabeth	Browes	780L	0128,1022,1340
Stefan	Majer	781L	0129,1023,1341
Christopher	Allen	782L	0130,1024,1342
Catherine	Petersen	783L	0131,1025,1343
Sarah	Foy	784L	0132,1026,1344
Joshua	Lane	785L	0133,1027,1345
Anne	Shimwell	786L	0134,1028,1346
Rachael	Hatchett	788L	0138,1029,1347
Lindsay	Price	789L	0139,1030,1348
Sue	Watmore	790L	0140,1031,1349
Sue	Bradford-Knox	791L	0141,1032,1350
Sue	Cowdrey	792L	0142,1033,1351
Wendy	Bullar	793L	0143,1034,1352
Jane	Finney	794L	0144,1035,1353
Glenda	Howcroft	795L	0145,1036,1354
Milly	Holdsworth	796L	0146,1037,1355

Susan	Bamforth	797L	0147,1038,1356
Judith	Cornwall	798	0148
Lindy	Stone	799L	0149,1039,1357
Roger	Holden	800L	0150,1040,1358
Kenneth	Duvall	801L	0151,1041,1359
Lynne	Irving	802L	0152,1042,1360
Brian	Lever	803L	0153,1043,1361
Jason	Fraser	804L	0154,1044,1362
Marguerite	Broadley	805L	0155,1045,1363
Nadine	Peatfield	806L	0156,1046,1364
Angela	Hughes	807L	0157,1047,1365
Sue	Davies	808L	0158,1048,1366
John	Youatt	809L	0159,1049,1367
John	Cantellow	810L	0160,1050,1368
Joseph	Reynolds	811L	0161,1051,1369
Marlene	Shaw	812L	0162,1052,1370
Andrew	Taylor	815L	0165,1053,1371
Nicholas	Headley	816L	0166,1054,1372
Margaret	Roberts	817L	0167,1055,1373
John	Beardmore	818L	0168,1056,1374
Richard	Bull	819L	0169,1057,1375
Holly	Moloney	820L	0170,1058,1376
Martin	Stone	821L	0171,1059,1377
Dawn	Watson	822L	0172,1060,1378
Roger	Morton	823L	0173,1069,1379
Nigel	Presswood	824L	0174,1062,1380
Stephanie	Futcher	837L	0200,1063,1381
Anne	Jackman	838L	0201,1064,1382
Aubrey	Evans	839L	0202,1065,1383
Paul	King	840L	0203,1066,1384
Judith	Brunt	845L	0208,1067,1385
Ben	Lambert	846L	0209,1068,1386
Pauline	Fisher	847L	0210,1069,1387
James	Eaden	848L	0211,1070,1388
Helen	Steadman	849L	0212,1071,1389
Paul	Briggs	850L	0213,1072,1390
Keith	Fisher	851L	0214,1073,1391
Rebecca	Smith	852L	0215,1074,1392
Rachel	Bolton	853L	0216,1075,1393
Neil	Stuart	854L	0217,1076,1394
Heather	Bryant	855L	0218,1077,1395
Liz	Longden	856L	0219,1078,1396
Christine	Selden	857L	0220,1079,1397
Adam	Link	858L	0221,1080,1398
Janet	Ratcliffe	859L	0222,1081,1399
Alan	Baldwin	860L	0223,1082,1400
Valerie	Fenton	861L	0224,1083,1401
Neil	Tuner	862L	0225,1084,1402
Sheila	Maters	863L	0226,1085,1403

Amy	Hughes-Dennis	868L	0232,1086,1404
Jacky	Rounding	869L	0233,1087,1405
Nick	Clarke	870L	0234,1088,1406
David	Hassall	871L	0235,1089,1407
Rachel	Steele	872L	0236,1090,1408
Simon	Redding	873L	0237,1091,1409
Collette	Boden	874L	0238,1092,1410
Diana	Clarke	875L	0239,1093,1411
Rachael	Richardson	876L	0240,1094,1412
Vanessa	Fessey	877L	0241,1095,1413
Christine	Curwen	878L	0242,0244,1096,1414
John	Curwen	879L	0245,1097,1415
Dawn	Walton	880L	0246,1098,1416
Lee	Housely	881L	0247,1099,1417
David	McGill	882L	0248,1100,1418
Lucy	Johnson	883L	0249,1101,1419
Alison	Storey	884L	0250,1102,1420
Susan	Groom	885L	0251,1103,1421
Mark	Knight	886L	0252,1104,1422
Susan	Brown	887L	0253,1105,1423
Julie	Davies	888L	0254,1106,1424
Mike	Wheeler	889L	0255,1107,1425
Linda	Walker	890L	0256,1108,1426
John	Hughes	891L	0257,1109,1427
Christopher	Mann	892L	0258,1110,1428
Nicola	Godridge	893L	0259,1111,1429
Anne	Burton	894L	0260,1112,1430
Sue	Wall	895L	0261,1113,1431
Giulia	Argyll Nicholson	896L	0262,1114,1432
Paula	Browne	897L	0263,1115,1433
Andrew	Mottershaw	898L	0264,1116,1434
V	Wilkinson	899L	0265,1117,1435
Michael	Hirst	900L	0266,1118,1436
Lesley	Cooper	901L	0267,1119,1437
Maralyn	Dommett	907L	0280,1120,1438
Chris	Heard	908L	0281,1121,1439
Ann	Fox	909L	0282,1122,1440
Anne	Wood	910L	0283,1123,1441
Glynis	Horvath	911L	0284,1124,1442
Jenny	Gibbins	912L	0285,1125,1443
Poppy	Simon	913L	0286,1126,1444
Germaine	Bryant	914L	0287,1127,1445
Vicki	Booth	915L	0288,1128,1446
Barbara	Mackenney	916L	0289,1129,1447
Susan	Fear	917L	0290,1130,1448
Angela	Ostler	918L	0291,1131,1449
Sue	Cuthbert	919L	0292,1132,1450
Victoria	Noble	920L	0293,1133,1451
Kim	Evans	921L	0294,1134,1452

Patsy	McGill	922L	0295,1135,1453
Dianne	Banks	923L	0296,1136,1454
William	Hobbs	924L	0297,1137,1455
Carolanne	Mason	925L	0298,1138,1456
Elizabeth	Turk	926L	0299,1139,1457
Jacqueline	Meyer	927L	0300,1140,1458
Joy	Bates	928L	0301,1141,1459
Penny	Took	929L	0302,1142,1460
Karl	Barrow	930L	0303,1143,1461
Barbara	Hughes	932L	0305,1144,1462
Vikki	Watford	933L	0306,1145,1463
Julie	Barwick	934L	0307,1146,1464
Natalie	Rocca	935L	0308,1147,1465
Ursula	Watts	936L	0309,1148,1466
Kay	Watson	937L	0310,1149,1467
Janet	Baldwin	943L	0362, 3544,3545
Teresa	Glossop	945L	0346,1150,1468
Rae	Jones	946L	0369,1151,1469
Callum	Armstrong	947L	0370,1152,1470
Michael	Samash	948L	0371,1153,1471
Jane	Webb	949L	0372,1645,1472
Andrea	Watwood	950L	0373,1154,1473
Bruce	Levitan	951L	0374,1155,1474
Amanda	Johnson	952L	0375,1156,1475
Anna	Swieczak	953L	0376,1157,1476
Sharon	Craig	954L	0377,1158,1477
Keith	Hutchinson	955L	0378,1159,1478
Anne	Wilding	956L	0379,1160,1479
Laura	Stevens	957L	0380,1161,1480
Kelly	Rickard	958L	0381,1162,1481
Holly	Salmon	959L	0382,1163,1482
Lynne	Bruce	960L	0383,1164,1483
Trevor	Kirkwood	961L	0384,1165,1484
Chris	Hutchinson	962L	0385,1166,1485
Terry	Joiner	963L	0386,1167,1486
Yvonne	Payne	964L	0387,1168,1487
Logan	Sheppard-Scally	965L	0388,1169,1488
Andy	Ashmore	969L	0392,1170,1489
Lesley	Burke	970L	0393,1171,1490
AMK	Wardroper	975L	0402,1172,1491
Adrian	Brown	976L	0403,1173,1492
Christine	Nudds	977L	0404,1174,1493
Toni	Burnley	978L	0405,1175,1494
Jane	Varley	979L	0406,1176,1495
Geraldine	Busuttil	980L	0407,1177,1496
Cetra	Coverdale	981L	0408,1178,1497
Susan	Wiltshire	982L	0409,1179,1498
Stephanie	Carter	983L	0410,1180,1499
Hanna	Wade	984L	0411,1181,1500

Elaine	Nudd	985L	0412,1182,1501
Andy	Jamieson	986L	0413,1183,1502
Jill	Holley	987L	0414,1184,1503
Nicholas	Granville	988L	0415,1185,1504
Gary	Roper	989L	0416,1186,1505
Walt	Shaw	990L	0417,1187,1506
Tracy	Arnold	991L	0418,1188,1507
Peter	Coward	992L	0419,1189,1508
Canal & Rivers Trust		993	0423
Martin	Hofman	994L	0426,1190,1509
Catherine	Hallsworth	995L	0427,1191,1510
Pat	Thompson	996L	0428,1192,1511
Lynne	Atkin	997L	0429,1193,1512
Emma	Bungay	998L	0430,1194,1513
Andrew	Murdoch	999L	0431,1195,1514
Rita	Allan	1000L	0432,1196,1515
Ben	Mitchell	1002L	0434,1197,1516
Alison	Brown	1003L	0435,1198,1517
Roger	Clarke	1004L	0436,1199,1518
Beth	Ashman	1005L	0437,1200,1519
Michael	Dowsett	1006L	0438,1201,1520
Leonardo	Wilson	1007L	0439,1202,1521
Patrick	Anderson	1008L	0440,1203,1522
Glynis	Spencer	1009L	0441,1204,1523
Stuart	Handley	1010L	0442,1205,1524
Clare	Wood	1011L	0443,1206,1525
Diana	Kerswell	1012L	0444,1207,1526
Lisa	Hopkinson	1013L	0445,1208,1527
Rachel	Horton	1014L	0446,1209,1528
Gwyneth	Francis	1015L	0447,1210,1529
Frances	Gower	1016L	0448,1211,1531
Dave	Smith	1017L	0449,1212,1532
Sally	Whitham	1018L	0450,1213,1533
Holly	Exley	1019L	0451,1214,1534
Jessica	Stephens	1020L	0452,1215,1535
Karen	Smith	1021L	0453,1216,1536
C	Shelton	1022L	0454,1217,1537
James	Currie	1023L	0455,1218,1538
Alexandra	Williams	1024L	0456,1219,1539
Judith	Cornwall	1025L	0457,1220,1540
John	De Carteret	1026L	0458,1221,1541
Jane	Berry	1027L	0459,1222,1542
Steven	Noake	1028L	0460,1223,1543
Alison	Evans	1029L	0461,1224,1544
Delia	Wellard	1030L	0462,1225,1545
Kevin	Williams	1031L	0463,1226,1546
Joshua	Phillips	1032L	0464,1227,1547
Gillian	Von Fragstein	1033L	0465,1228,1548

Chrystal	Wallage	1034L	0466,1229,1549
Deborah	Purhouse	1035L	0467,1230,1550
Sue	Tomlinson	1036L	0468,1231,1551
Susan	Foxon	1037L	0469,1232,1552
Susan	Heard	1038L	0470,1233,1553
David	Leicester	1039L	0471,1234,1554
Alison	Storer	1040L	0472,1235,1555
Mark	Brailsford Mark	1041L	0473,1236,1556
Jane	Reynolds Jane	1042L	0474,1237,1557
John	Sherratt John	1043L	0475,1238,1558
Beatrice	Rajakaruna	1044L	0476,1239,1559
Alisob	Scothern	1045L	0477,1240,1560
Amanda	Chalk	1046L	0478,1241,1561
Jillian	Harrison	1047L	0479,1242,1562
Ian	Beever	1048L	0480,1243,1563
Stephen	Blakemore	1049L	0481,1244,1564
Maggie	Cook	1050L	0482,1245,1565
Paul	Senior	1051L	0483,1246,1566
Amina	Burslem	1052L	0484,1247,1567
Paul	Tooley	1053L	0485,1248,1568
John	LeGrove	1054L	0486,1249,1569
Lewis	Coupland	1055L	0487,1250,1570
Graham	Joiner	1056L	0488,1251,1571
Natalie	Smith	1057L	0489,1252,1572
Susan	Ashman	1058L	0490,1253,1573
Eric	Hart	1059L	0491,1254,1574
Andrew	Taylor	1060L	0492,1255,1575
Rhian	Harding	1061L	0493,1256,1576
James	Wyatt	1062L	0494,1257,1577
Fiona	Ibbotson	1063L	0495,1258,1578
Andy	Ward	1064L	0496,1259,1579
Karen	Undrell	1065L	0497,1260,1580
Natalie	Dawes	1066L	0498,1261,1581
Jonathan	Helliwell	1067L	0499,1262,1582
Joanna	Watson	1068L	0500,1263,1583
Stephen	Plant	1069L	0501,1264,1584
Daniel	Lloyd	1070L	0502,1265,1585
Isky	Gordon	1071	0503
Stephan	Ball	1072L	0507,1267,1587
Mark	Allcock	1073L	0508,1268,1588
Pauline	Bell	1074L	0510,1269,1589
Chris	Slater	1075L	0511,1270,1590
Sheila	Spinks	1076L	0512,1271,1591
Patricia	Tidmarsh	1077L	0513,1272,1592
Rachel	Young	1078L	0514,1273,1593
Christine	Nelson	1079L	0515,1274,1594
Jeremy	Wright	1080L	0516,1275,1595
Hazel	Thorpe	1081L	0517,1276,1596
Ruth	Foden	1082L	0518,1277,1597

Claire	Cooper	1083L	0519,1278,1598
Clare	Greenwood	1084L	0520,1279,1599
Gareth	Hughes	1085L	0521,1280,1600
Pauline	Inwood	1086L	0522,1281,1601
Caroline	Norbury	1087L	0523,1282,1602
Emily	Lynn	1088L	0524,1283,1603
Julia	Fell	1089L	0525,1284,1604
Margaret	Gallimore	1090L	0526,1285,1605
Becky	Turner	1091L	0527,1286,1606
Caroline	Phillips	1092L	0528,1287,1607
Matt	Drew	1093L	0529,1288,1608
Liz	Honeybell	1094L	0530,1289,1609
Keith	Gillespie	1095L	0531,1290,1610
Barry	Hodgson	1096L	0532,1291,1611
Carol	Wood	1097L	0533,1292,1612
Peter	Cashford	1098L	0534,1293,1613
I P	Smith	1099L	0535,1294,1614
Louise	Petherham	1100L	0536,1295,1615
Jean	Cashford	1101L	0537,1296,1616
Chris	James	1102L	0538,1297,1617
Ruth	Woods	1103L	0539,1298,1618
Deborah	Noone	1104L	0540,1299,1619
Norman	Rimmell	1105L	0541,1300,1620
Malcolm	Barrow	1106L	0542,1301,1621
Marian	Wall	1107L	0543,1302,1622
Steve	Cane	1108L	0544,1303,1623
Daniel	Wimberley	1109L	0545,1304,1624
Dolores	O'Reilly	1110L	0546,1305,1625
Imogen	Baines	1114L	0550,1306,1626
Theresa	Brooke	1115L	0551,1307,1627
Jenifer	Hyde	1116L	0552,1308,1628
Poppy	Marston	1117L	0553,1309,1629
Stephanie	Holmes	1118L	0554,1310,1630
Pamela	Bain	1119L	0555,1311,1631
Richard	Finnigan	1120L	0556,1312,1632
Chris	Brennan	1121L	0557,1313,1633
Diane	Kerry	1122L	0558,1314,1634
Neil	Lister	1123L	0559,1315,1635
Philip	Hutchinson	1124L	0560,1316,1636
Martin	Bennett	1125L	0561,1317,1637
Rod	Leach	1126L	0562,1318,1638
Steve	Taylor	1127L	0563,1319,1639
Denis	Robinson	1128L	0564,1320,1640
Jacqueline A	Box	1129L	0565,1321,1641
Liz	Elliot	1130L	0566,1322,1642
Mair	Bain	1131L	0567,1323,1643
Kevin	Elliot	1132L	0568,1324,1644
Environment Agency		1137	0595

Transition Chesterfield		1139	0613,0615,0622
Dronfield TC		1141	0638
Cllr Gez	Kinsella	1142	0639,1646,1648
Derbyshire Wildlife Trust		1145	0653,0654
Eckington PC		1146	0665
Bolsover DC		1147	0677
Clay Cross Against Fracking		1151	0705,0706,0709,0710
CPRE		1152	0719, 0720, 0721, 0722, 0723
Sustainable Hayfield		1155	0764, 0768
Kathy	Mitchell	1156	0774,1647,1649
S Yorks for a Green New Deal		1157	0779,0780
Historic England		1158	0789
National Trust		1160	0934
Natural England		1161	0968
DCC Labour Group		1163	0982

General Comments - Climate Change Emergency

Representations (*Individuals 741/0051,764/0112,766/0114 to 797/0147, 799/0149 to 937/0310, 943/0362, 945/0346 to 992/0419, 994/0426 to 1070/0502, 1071/503, 1072/0507 to 1132/0568*)

- 2.6.1 The Plan should specifically acknowledge that a Climate Emergency exists, and its' polices should reflect and address this.

Representations (*Clay Cross Against Fracking 1151/706*)

- 2.6.2 The plan should recognise and acknowledge the human cost of climate crisis and that millions of people will, and already are, facing famine, starvation, devastating temperature increases, floods and enforced migration as direct a result of fossil fuel extraction and use across the globe.

Actions/Considerations

- 2.6.3 Agree that it is important that the Plan gives appropriate weight to the need to address Climate Change issues.

Outcomes for Pre-Submission Draft Plan

- 2.6.4 The Plan has been updated to reflect the latest information on Climate Change and its polices have been strengthened to ensure that climate change is given appropriate weight in considering proposals for mineral development.

General Comments - Climate Change Evidence

Representations*(Transition Chesterfield 1139/0613)*

2.6.9 The Plan should recognise key policy developments which point to the need for tighter policies on climate change:

- The Climate Change Committee's Net Zero Plan and Sixth Carbon Budget
- Declaration of climate emergencies by many Local Authorities in Derby and Derbyshire
- The IPCC Sixth Assessment Report which António Guterres, the UN secretary general, described as "an atlas of human suffering and a damning indictment of failed climate leadership"
- The IPCC Mitigation of Climate Change report which spells out the huge cost reductions over the last decade in solar and wind power, and that that existing and currently planned fossil fuel projects are already more than the climate can handle. In other words we cannot extract more fossil fuels. António Guterres has said "Increasing fossil fuel production will only make matters worse. It is time to stop burning our planet, and start investing in the abundant renewable energy all around us."
- (IEA) in 2021 have said that exploitation and development of new oil and gas fields must stop now if the world is to stay within safe limits of global heating and meet the goal of net zero emissions by 2050.
- The government's moratorium on fracking and more recently
- Energy minister Kwasi Kwarteng has said that the energy crisis shows the importance of the UK's plan "to build a strong, home-grown renewable energy sector to further reduce our reliance on fossil fuels".

Actions/Considerations

2.6.1 The MPA has taken into account up to date evidence on climate change, energy policy and planning policy in preparing the Plan. The Background Paper on Climate Change provides additional detailed information on the policy documents that have been taken into account in preparing the Plan.

Outcomes for the Pre-Submission Draft Plan

2.6.1 Updated evidence has been taken into account in preparing the Plan.

Representations*(Clay Cross Against Fracking 1151/0705)*

2.6.1 The Plan should incorporate the following policy developments :

- In 2019 MPs approved a motion to declare an environment and climate emergency following which the government committed the UK in law to reduce our greenhouse gas emissions to net zero by 2050 in order to try and avoid catastrophic effects from climate change.

- In 2021 Derbyshire County Council voted in favour of a motion to declare a Climate Crisis.
- In May 2021 Faith Birol, the International Energy Agency's executive director and one of the world's foremost energy economists said 'If governments are serious about the climate crisis, there can be no new investments in gas and coal from now – from this year.'
- In April 2022 the head of the IPCC Antonio Guterres releasing the last section of the 6th assessment report said 'Increasing fossil fuel production will only make matters worse. It is time to stop burning our planet and start investing in the abundant renewable energy all around us. Investing in new fossil fuels infrastructure is moral and economic madness.'
- In 2019 moratorium was put in place on fracking in England due to minor earthquakes at a test site in Lancashire. Fracking has been identified as one of the least popular forms of energy in country supported by just 14% of the population.
- The Government energy security strategy April 2022 says some 95% of countries electricity could come from low carbon sources by 2030 ahead of decarbonising the sector by 2035.
- The Climate Change Committee have backed limits on oil and gas production and a presumption against future oil and gas exploration in order to restrict global temperatures rises to below 1.5 degrees. – The Government should also consider the implications of fracking (being unpopular with the public) for public acceptance of the energy transition on the path to Net Zero, and the risk of lock-in to fossil fuel infrastructure.

Actions/Considerations

- 2.6.1 The MPA has taken into account up to date evidence on climate change, energy policy and planning policy in preparing the Plan. The Background Paper on Climate Change provides additional detailed information on the policy documents that have been taken into account in preparing the Plan.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 Updated evidence has been taken into account in preparing the Plan.

Representations*(Sustainable Hayfield 1153/0764)*

- 2.6.1 The Plan should make specific reference to the climate change emergency and to the most recent scientific evidence on climate change including (IPCC, (AR6), 2022). (International Energy Agency, 'Net Zero by 2050: A Roadmap for the Global Energy Sector', 2021).(Committee on Climate Change, letter to Secretary of State, BEIS, February 2022).

Actions/Considerations

- 2.6.1 The MPA has taken into account up to date evidence on climate change, energy policy and planning policy in preparing the Plan. The Background Paper on Climate Change provides additional detailed information on the policy documents that have been taken into account in preparing the Plan.

Outcomes for the Pre-Submission Draft Plan

Updated evidence has been taken into account in preparing the Plan.

General Comments - No mineral extraction/costs v benefits

Representations (*Michael Clarke 748/0082, Judith Cornwall 798/0148*)

- 2.6.5 There should be no more mineral extraction in view of climate crisis.

Representations (*Keith Townsend 751/0087*)

- 2.6.7 Mineral extraction is highly controversial and contrary to the climate change agenda. The Plan should include a robust cost v benefit analysis report of mineral extraction and make such report available to the public.

Actions/Considerations

- 2.6.3 The imposition of a blanket ban on mineral extraction would be contrary to the NPPF which requires the Plan to provide for a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs and to provide for the extraction of mineral resources of local and national importance.

- 2.6.1 The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. To deliver this the Plan has to deliver three overarching and interrelated economic, environmental and social objectives. These objectives are encompassed in the Plan's objectives which are delivered through the implementation of the Plan's policies. In this way the economic and environmental costs of mineral extraction are appropriately taken into account in the Plan.

Outcomes for Pre-Submission Draft Plan

No Change.

General Comments - No mineral extraction where viable alternatives exist

Representations (*Steve Martin 726/0029*)

- 2.6.6 In order to address climate change issues there should be no mineral extraction where viable alternatives exist.

Representations (*Clay Cross Against Fracking 1151/0711*)

- 2.6.1 The Climate Change policy needs to be strengthened. The proposed presumption that minerals can be extracted provided they minimise the environmental impacts to 'acceptable levels' is vague and leaves the door open for unconstrained extraction. Extraction should only be permitted where no viable alternatives exist, and the onus should be with the applicant to prove this is the case.

Actions/Considerations

- 2.6.3 The NPPF requires the Plan, so far as practicable, take account of the contribution that substitute, or secondary and recycled materials and mineral waste would make to the supply of materials before considering the supply of primary materials. Objective 3 of the Plan seeks to minimise waste and maximise the use of recycled and secondary aggregates and Policies SP1 and specifically SP3 seeks to support the production of recycled and secondary aggregates where they will promote the sustainable management of waste and facilitate a reduction in the need for primary aggregates. However, even with their maximum use there will still be a need for the extraction of primary minerals. Additionally industrial minerals which are often valued for their physical and/or chemical properties means that opportunities for their substitution and recycling are limited. Furthermore, the intrinsic properties of industrial minerals are often changed irreversibly in the manufacturing process making them difficult to be reused or recycled. Similarly fossil fuels when burned cannot be re-used although waste material such as pulverised fuel ash is used to make construction products.

Outcomes for Pre-Submission Draft Plan

No Change.

General Comment Moving to a low carbon economy

Representations (*Eckington Parish Council 1146/0665*)

- 2.6.1 The draft plan does not fully support the NPPF requirement in 2.8c, which requires that development includes supporting "moving to a low carbon economy". The plan waters this down, by only referring to adapting to and mitigating the effects of climate change. There are several places in the plan that do not support the full NPPF objective, in particular policies SP1 and

SP2 do not reflect the full NPPF requirement re moving to a low carbon economy.

Actions/Considerations

The Plan is committed to addressing climate change and implementing the NPPF requirement of 'moving towards a low carbon economy'. This commitment is set out in the Plan's Vision and Objectives but agree that the Climate Change Policy SP2 in particular needs to be strengthened to effectively require a reduction in carbon emissions.

Outcomes for the Pre-Submission Draft Plan

Policy SP2 has been amended to require proposals to demonstrate a reduction in greenhouse gas emissions over the lifetime of the development in line with national and local greenhouse gas targets. Proposals for coal extraction will need to demonstrate net zero emissions from the outset.

Additionally, SP2 requires proposals to be accompanied by a climate change impact assessment setting out how measures to reduce emissions and adapt to climate change have been considered, incorporated and will be monitored and reported.

The Assessment is also required to include an assessment of whether there is a causal connection between the proposal and any impact on the environment associated with any indirect emissions and, whether this constitutes a significant indirect effect of the proposed development. Where this is the case, the indirect emissions will need to be taken into account under Policy SP2.

General Comments - Use of cement and concrete

Representations*(Christine Curwen 878/0242)*

- 2.6.8 Derbyshire is in the top 10 polluting local authorities because of mineral production and particularly cement production. If cement production were a country, it would be the third largest carbon emitter in the world. Concrete uses contribute to surface run off and flooding, soil erosion, damage to soil fertility and water and air pollution. It is destroying our natural infrastructure without replacing the ecological functions that humanity depends on and is

greatly contributing to the biodiversity crisis. We have to rapidly reduce our reliance on it and look to the alternatives which are rapidly coming on board.

Actions/Considerations

- 2.6.1 The use of cement and concrete in the construction market is principally an economic matter and therefore outside of the scope of the Plan. However, the minerals industry is very aware of the need to address climate change issues and is actively pursuing the production of low carbon cement and concrete.
- 2.6.2 In terms of the Plan, it is required by the NPPF to make provision for a sufficient supply of minerals, including construction minerals, to provide the infrastructure, buildings, energy and goods that the country needs. Local plans are also required by law⁶ to include policies designed to secure that the development and use of land in a local planning authority's area, contributes to the mitigation of, and adaptation to, climate change. The NPPF requires that local plans adopt a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications of flood risk, water supply, biodiversity and landscapes and the risk of overheating from rising temperatures, in line with the objectives and provisions of the Climate Change Act 2008 ⁷. The MPA have strengthened the climate change policy, SP2, in the Plan and consider that the amended policy is sufficiently robust to ensure that the impacts of mineral extraction on climate change are appropriately addressed.

Outcomes for the Pre-Submission Draft Plan

Policy SP2 Climate Change has been strengthened to ensure that climate change is given appropriate weight when considering proposals for mineral development and mineral related development.

General Comments - Renewable Energy

Representations(*Steve Elliott 760/0100*)

The Plan should include policies to promote Renewable Energy especially on shore wind.

Representations(*South Yorkshire for a Green New Deal 1157/0779*)

⁶ Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended by section 182 of the Planning Act 2008)

⁷ The Climate Change Act 2008, as amended by the (2050 Target Amendment) Order 2019

The Plan should also promote the feasibility of using former mine and quarry areas as suitable sites for renewable energy technologies, such as wind turbines, solar panels and pumped storage for hydroelectric power.

Actions/Considerations

The Plan through Policy SP2 Criterion 1 encourages the use of decentralised renewable, or low carbon energy sources to power the plant/facility associated with mineral development. It falls within the remit of District/Unitary prepared local plans to include policies to encourage renewable energy in principle including where they are located on former mine and quarry areas.

Outcomes for the Pre-Submission Draft Plan

No Change

General Comments - Methane production

Representations (*David Haspel 761/104*)

- 2.6.1 As a society we need to tackle methane generation by animals/cattle we produce for human consumption in order to combat climate change

Actions/Considerations

- 2.6.2 Agree that the issue of food production and its impacts on climate change is one that Government needs to address however this matter lies outside of the scope of the Plan.

Outcomes for the Pre-Submission Draft Plan

- 2.6.3 No Change

General Comments - Passivhaus standards - built development

Representations (*South Yorkshire for a Green New Deal 1157/0780*)

- 2.6.1 While not strictly within the remit of the plan, it should set the context for reducing dependence on fossil fuels by referencing measures such as retrofitting the insulation of existing housing and building new housing to “passivhaus” standards

Actions/Considerations

The Plan through Policy SP2 Criterion 1 encourages the use of energy efficient plant, buildings and operations and the Climate Change Impact Assessment required under SP2 will need to demonstrate how measures to mitigate and adapt to climate change have been considered, incorporated, and will be monitored and reported. The Climate Change Chapter at paragraph 5.13 sets out measures that can improve the energy efficiency of plant, buildings and operations.

Outcomes for the Pre-Submission Draft Plan

No Change

General Comment - Impacts of climate change on natural systems

Representations (*Derbyshire Wildlife Trust 1145/0653*)

- 2.6.1 Regarding chapter five on climate change (p57-64), we feel this section could be expanded to include further details both on the impacts on natural systems, but also localised to provide greater context.

Actions/Considerations

- 2.6.1 The MPA consider that in the interests of streamlining the Plan as it moves towards submission to the Planning Inspectorate the level of detail provided on the impacts of climate change on natural systems in Chapter 5, Climate Change, is sufficient.

Outcomes for the Pre-Submission Draft Plan

No Change

Introduction Paragraph 5.2

Representations (*CPRE 0719*)

Suggest that a reference to the Derbyshire Environment and Climate Change Framework (October 2019) is added to sentence 2 to illustrate the breakdown of the periodic carbon budgets for Derbyshire local authorities (see table on p.6 of the Framework) and that should then be enshrined as the local budgets against which mineral-related reductions are implemented and monitored.

Actions/Considerations

Agree that reference should be made to the Derbyshire County Council Climate Change Strategy. An updated Strategy covering the period 2021

- 2025 has been produced by the Council. Agree that reference should be made to both local and national carbon budgets.

Outcomes for the Pre-Submission Draft Plan

The Plan has been amended to refer to the most recent Climate Change Strategy produced by the County Council. Additional information about the Strategy has also been included in the Climate Change Background Paper. Policy SP2 has been amended to require proposals to demonstrate a progressive reduction of greenhouse gas emissions consistent with meeting local and national carbon targets and achieving net zero by 2050. For coal extraction the policy requires 'net zero' emissions from the outset.

Introduction Paragraph 5.7

Representations (CPRE 0720)

Amend a) to read: '...through the reductions of carbon emissions (including downstream or 'scope 3' emissions) and the carbon footprint....' so as to ensure a cradle-to-grave/whole life approach is taken to carbon emissions.

Actions/Considerations

Agree that the Plan should take account of Scope 3 emissions where appropriate.

Outcomes for the Pre-Submission Draft Plan

Whilst the specific amendment suggested has not been taken forward Policy SP2 has been amended to take into account Scope 3 emissions where appropriate.

Policy SP2 Climate Change Emissions reduction

Representations (*Individuals 741/1007, 764/0987, 766/1008 to 797/1038, 799/1039 to 937/1149, 943/3544, 945/1150 to 992/1189, 994/1190 to 1070/1265, 1072/1267 to 1132/1324*)

- 2.6.7 Policy SP2 is not strong enough in its requirements to address Climate Change. It states that proposals for minerals extraction will be supported if; ' *they incorporate measures to minimise and offset greenhouse gas emissions (mitigation) and effectively assist in the reduction of vulnerability from and increase resilience to, the future impacts of climate change (adaptation)*'.

This is insufficient. The principle of 'extended producer responsibility' should be incorporated into the policy so that that extraction companies are obliged to ensure that emissions from all extraction operations are not merely reduced from their own operations but that the embodied carbon in their products is completely negated by actual equivalent simultaneous emissions reductions elsewhere.

Representations (*Clay Cross Against Fracking 1151/710*)

The principle of 'extended producer responsibility' should be incorporated in the plan so that extraction companies are obliged to ensure that emissions from all extraction operations are not merely reduced from their own operations but the embodied carbon in product is completely negated by actual equivalent simultaneous emission reductions elsewhere.

Representations (*Transition Chesterfield 1139/0615*)

- 2.6.1 The Plan is still very weak on climate change. Although a new policy on climate change has been added (SP2, pp47) it permits the development of new extractive industries provided they incorporate measures to minimise and offset greenhouse gas emissions. It also only addresses the operational impacts of the industry and does not address the climate impacts from the use of that mineral/fossil fuel once it has been extracted.
- 2.6.1 Minimising emissions is not sufficient. There should be no net increase in greenhouse gas emissions (including methane and other greenhouse gases, not just carbon) and preferably a reduction. We consider the proposed wording from our 2018 submission is better aligned with the current policy on net zero. i.e *"Climate change impacts should, as far as possible, be avoided and schemes should demonstrate that there is no viable substitute for the mineral/energy and that there is no net increase in greenhouse gas emissions resulting from its extraction and use, taking into account the release of fugitive emissions, and preferably a reduction in emissions."*

Representations (*Steve Martin 726/0029*)

- 2.6.8 The Climate Change Policy should be strengthened to ensure that there should be no net increase in greenhouse gas emissions resulting from its extraction use and embedded carbon.

Representations (*Dronfield Town Council 1141/0638*)

- 2.6.1 The Town Council also feels that the draft Minerals Plan does not give due consideration to climate change. The draft Plan states in section SP2 page 62 that proposals for extraction will be supported if “they incorporate measures to minimise and offset greenhouse gas emissions (mitigation) and effectively assist in the reduction of vulnerability from and increase resilience to, the future impacts of climate change (adaptation).” The Town Council feel strongly that offsetting should not be allowed. The extraction companies should be responsible for not only reducing emissions from their own operations but also reducing or nullifying the carbon dioxide or greenhouse gas emissions associated with their products. Any application for the extraction of shale gas should demonstrate net zero impact on climate change.

Actions/Considerations

- 2.6.1 The MPA agree that in the light of more recent evidence on the need to urgently address climate change issues Policy SP2 Climate Change needs to be amended to strengthen the Plan’s commitment to address these issues. In amending the Policy, the MPA has been guided by recent climate change, energy and planning policy evidence. In relation to the need to require reductions in emissions this requirement is included in Policy SP2 in line with national and local carbon targets. Due to the carbon rich nature of coal and the national policy presumption against its extraction the MPA consider that a stricter approach is needed requiring ‘net zero’ emissions from the outset of the development.
- 2.6.2 In relation to the issue of ‘extended producer responsibility’ and indirect Scope 3 emissions the MPA has taken into account the recent planning decision made by the Secretary of State (SoS) for Levelling Up, Housing and Communities on 7 December 2022 in respect of Planning Application 4/17/9007 by West Cumbria Mining Ltd at former Marchon

Site, Whitehaven, Cumbria for a new underground coal mine etc although it is acknowledged that this decision is the subject of challenge in the High Court. The SoS set out in his Report that a key consideration was whether there is sufficient causal connection between the proposal and the impact on the environment associated with downstream GHG emissions as a consequence of the use of the coal in a blast furnace, and whether this constitutes a significant indirect effect of the proposed development. The MPA have sought to include this principle in Policy SP2.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 Policy SP2 has been amended to require proposals to demonstrate a reduction in greenhouse gas emissions over the lifetime of the development in line with national and local greenhouse gas targets. Proposals for coal extraction will need to demonstrate net zero emissions from the outset. Additionally, SP2 requires proposals to be accompanied by a climate change impact assessment setting out how measures to reduce emissions and adapt to climate change have been considered, incorporated and will be monitored and reported.

The Assessment is also required to include an assessment of whether there is a causal connection between the proposal and any impact on the environment associated with any indirect emissions and, whether this constitutes a significant indirect effect of the proposed development. Where this is the case, the indirect emissions will need to be taken into account under Policy SP2.

Policy SP2 Climate Change Offsetting of Emissions

Representations (*Individuals 741/1325,764/0988,766/1326 to 797/1356, 799/1357 to 937/1467, 943/3547, 945/1468 to 992/1508, 994/1509 to 1070/1585, 1072/1587 to 1132/1644*)

- 2.6.1 Climate Change - Policy SP2 should not allow offsetting. This is especially so where it relies on uncertain future measures such as tree planting which may or may not sequester an equivalent amount, and then only in the distant future.

Representations (*Sustainable Hayfield 1155/0768*)

- 2.6.1 We find your preparedness to consider offsetting as a compensatory measure for extractive proposals worrying. There is much uncertainty about the scale, and effectiveness, of offsetting measures required, especially around tree-planting, a favourite of many companies, given attrition rates and length of time taken to sequester the required amounts of carbon.

Representations (*DCC Labour Group 1163/0982*)

- 2.6.1 The Plan should not include policies which permit offsetting as a compensatory measure for extractive proposals.

Representations (*Elaine Nudd 738/0048*)

- 2.6.1 The inclusion of offsetting is not sustainable. You cannot offset the damage caused by fossil fuels.

Representations (*Steve Martin 726/0029*)

- 2.6.1 The use of offsetting should not be allowed.

Representations (*Clay Cross Against Fracking 1151/709*)

- 2.6.1 SP2 page 62 of the draft states that proposals for extraction will be supported if 'they incorporate measures to minimise and offset greenhouse gas emissions (mitigation) and effectively assist in the reduction of vulnerability from and increase resilience to, the future impacts of climate change (adaptation). Offsetting should not be included in the plan, especially where it relies on uncertain future measures such as tree planting which may or may not sequester an equivalent amount, and then only in the distant future.

Representations (*Transition Chesterfield 1139/0622*)

- 2.6.1 This policy is extremely weak and allows for mineral and fossil fuel extraction on climate grounds provided that measures are taken to 'minimise and offset greenhouse gas emissions.' Offsetting should not be allowed, due to the poor monitoring of offset schemes.

Representations (*Dronfield Town Council 1141/0638*)

- 2.6.1 The Town Council feel strongly that offsetting should not be allowed.

Actions/Considerations

The MPA agree in principle that the offsetting of emissions should not be encouraged and has sought to clarify the limited circumstances where it considers that the 'offsetting of emissions' would be acceptable.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 The Plan has been amended accordingly, *'The MPA will expect, in the first instance, that consideration is given to incorporating any measures to reduce and adapt to climate change, such as tree planting and increased biodiversity, on site rather than offset elsewhere. However, where this is not possible, measures for offsetting or capturing and storing emissions should be included in the Assessment. Where appropriate, the MPA will use planning conditions or enter into planning obligations to secure climate change mitigation and adaptation measures and to require data to be supplied to report and monitor the effectiveness of those measures.'*

Policy SP2 Climate Change Introductory Paragraph

Representations (CPRE 1152/0721)

- 2.6.1 Amend introductory text to read (line 3) '...they incorporate measures to minimize, reduce and offset greenhouse gas emissions in line with national and local carbon budgets...' otherwise it will not deliver the required reductions from the minerals sector so as to make it sustainable.

Actions/Considerations

- 2.6.1 Agree that the policy should be strengthened to require a reduction in emissions in line with national and local carbon targets.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 The Introductory text of Policy SP2 has been amended as follows,

'Policy SP2 Climate Change

Proposals for mineral development and mineral related development will be supported where, taking into account the lifetime of the development (including restoration and aftercare), they include measures that clearly demonstrate:

- a) a progressive reduction of carbon dioxide (and other greenhouse gas) emissions including fugitive emissions***

- consistent with meeting national and local carbon targets and achieving net zero emissions by 2050 unless the proposal involves the extraction of coal where emissions associated with the proposal should be 'net zero' from the outset; and*
- b) an improvement in resource efficiency; and*
 - c) they effectively assist in the reduction of vulnerability of the built and natural environment from, and increase resilience to, the future impacts of climate change.'*

Policy SP2 Climate Change Reasoned Justification Paragraph 5.20

Representations (CPRE 1152/0722)

- 2.6.1 Amend sentence 2 to read: 'This includes reducing greenhouse gas emissions...'

Actions/Considerations

- 2.6.1 Agree

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 Paragraph 5.20 (5.30 in the Pre-Submission Plan) has been amended accordingly.

Policy SP2 Climate Change Reasoned Justification Paragraph 5.21

Representations (CPRE 1152/0723)

- 2.6.1 Amend sentence 1 as follows: '...should demonstrate to the MPA how they will contribute towards reducing greenhouse gas emissions (consistent with national and local C budgets and targets) and provide...'

Actions/Considerations

- 2.6.1 Agree

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 Paragraph 5.21 (5.32 in the Pre-Submission Plan) has been amended accordingly.

SP2 Climate Change Criterion 1

Representations (*David Haspel 761/103*)

The Plan should only allow other mineral to be mined using electricity generated by renewables or green hydrogen.

Actions/Considerations

- 2.6.1 The MPA consider that this approach would be too restrictive but agree that the Climate Change Policy SP2 should be strengthened.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 Policy SP2 requires proposals to demonstrate a reduction in greenhouse gas emissions over the lifetime of the development in line with national and local carbon targets. The Policy sets out that proposals will need to consider the use of decentralised renewable or low carbon energy sources and set out in a Climate Change Impact Assessment how measures to mitigate and adapt to climate change have been considered, incorporated, and will be monitored and reported.

SP2 Climate Change Criterion 3

Representations (*Canal and Rivers Trust 993/0423*)

- 2.6.1 Welcome reference to sustainable transport modes. Policy should refer to the importance of early engagement with the relevant navigation authority where transport by water is being investigated.

Actions/Considerations

- 2.6.1 The support for the reference to sustainable transport modes is noted. The MPA consider that reference to the early engagement with the relevant navigation authority is not appropriate in Chapter 4 on Climate Change. However, this reference has been included at paragraph 11.2.43 in the reasoned justification to Policy DM3 Transport in Chapter 11 .

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 No Change

SP2 Climate Change Criterion 4

Representations (*Environment Agency 1137/0595*)

- 2.6.1 We welcome that a climate change strategic policy is included within the draft Local Plan.

We support the requirement for water efficiency measures to ensure no

unnecessary wastage of water is allowed as detailed in criteria 4). We note criteria 5) which highlights that sites located in areas of flood risk should ensure suitable mitigation and does not increase flood risk to others. We support the inclusion of point 5) to avoid locations vulnerable to flood risk and climate change. We would recommend this policy is strengthened to include opportunity for development and restoration to reduce flood risk, where feasible, taking into account existing flood risk infrastructure.

Actions/Considerations

- 2.6.1 The support for the climate change strategic policy is noted. The MPA consider that Criteria 6 which requires proposals to consider the following measures *‘Incorporating restoration schemes which will contribute towards emissions reduction and climate change adaptation and resilience, including the creation of multifunctional green and blue infrastructure including tree planting, biodiversity and habitat creation, carbon sinks and flood resilience.’* adequately deals with opportunities to create flood resilience by way of restoration schemes.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 No Change

SP2 Climate Change Criterion 6

Representations (*Historic England 1158/0789*)

- 2.6.1 We welcome a policy within the Minerals Plan on climate change and Historic England recognises the importance of responding effectively to the challenges of climate change. Within clause 6 we would welcome a reference to the need for the restoration principles to also reflect the importance of responding to the context of the historic environment including heritage assets and heritage landscapes.

Actions/Considerations

- 2.6.1 The MPA consider that reference in detail to the historic environment including heritage assets and heritage landscapes is not appropriate in Criterion 6. All policies of the Plan apply where relevant and in particular the Development Management policies at Chapter 11 ensure that the historic environment is appropriately taken into account.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 No Change.

SP2 Climate Change Criterion 6

Representations (*Natural England 1161/0968*)

- 2.6.1 Natural England encourages the consideration of Nature based solutions (NbS). NbS's contribute to meeting net zero. The natural environment can play a vital role in tackling the climate crisis as healthy ecosystems take up and store a significant amount of carbon in soils, sediments and vegetation. Tree planting and peatland restoration are the biggest opportunities however, many habitats and ecosystems can contribute to carbon storage and sequestration. New woodland takes up carbon from the atmosphere via photosynthesis and peatland restoration stops GHG emissions from the oxidation of degraded peat. Tree planting is particularly important as one of the few proven ways to remove carbon dioxide from the atmosphere at large scale.

Actions/Considerations

- 2.6.1 The MPA notes the comments of Natural England and considers that Criterion 6 adequately recognises the benefits to climate change that restoring sites to nature-based solutions can bring.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 No Change.

SP2 Climate Change Criterion 6

Representations (*Derbyshire Wildlife Trust 1145/0654*)

- 2.6.8 In recognition of the significant impacts that burning fossil fuels have on the climate, the wording for SP2 Climate Change itself should include a target to reduce the extraction of hydrocarbons in the County in order to meet greenhouse gas reduction targets. Furthermore, we suggest changing the wording in paragraph 5.19 (6) to incorporating restoration schemes which will contribute towards carbon reduction, climate change adaptation, and the expansion of green infrastructure through habitat creation and enhancement, biodiversity restoration, carbon sinks and flood resilience.

Actions/Considerations

- 2.6.1 Agree that Policy SP2 should include a requirement to reduce greenhouse gas emission in line with national and local carbon budgets. Agree that Criterion 6 should be amended to include carbon reduction.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 Policy SP2 has been strengthened to include a requirement for proposals to demonstrate a reduction in greenhouse gas emissions in line with national and local carbon budgets. Criterion 6 has been amended as follows, *‘Incorporating restoration schemes which will contribute towards emissions reduction and climate change adaptation and resilience, including the creation of multifunctional green and blue infrastructure including tree planting, biodiversity and habitat creation, carbon sinks and flood resilience.’*

SP2 Climate Change

Representations *(National Trust 1160/0934)*

- 2.6.1 National Trust strongly supports the inclusion of a policy to ensure that proposals mitigate and adapt to climate change.

Representations *(Bolsover District Council 1147/0677)*

- 2.6.1 It is welcome to see that the Draft Plan has a chapter dedicated to climate change and reducing carbon emissions. This is both important for the operation of individual mineral developments but also for the contribution of the minerals and energy sector to delivering the Government’s net zero commitments.

Actions/Considerations

- 2.6.1 The support is noted.

Outcomes for the Pre-Submission Draft Plan

- 2.6.1 No Change.

2.7 Chapter 6 – Supply of Aggregates

6.1 Secondary and Recycled Aggregates

Table of Representations

Name	Name Ref. Number	Representation Ref. Number
Mineral Products Association	938	0317
Nottinghamshire County Council	1135	0576
Derbyshire Wildlife Trust	1145	0651
PDNPA	1159	0871,0872,0873,0874

Representations (*Derbyshire Wildlife Trust 1145/0651*)

- 2.7.1 It is important to ensure that the biodiversity value of previously developed land is fully considered in the determination of applications.

Actions/Considerations

- 2.7.2 It is agreed that biodiversity should be referred to in the chapter. Policy DM5 ensures that biodiversity is taken fully into account in the determination of planning applications for minerals development and minerals related development.

Outcomes for Pre-Submission Draft Plan

- 2.7.3 A sentence will be added to recognise the importance of taking account of biodiversity.

Representations (*PDNPA 1159/0871,0872,0873,0874*)

- 2.7.4 Suggest adding the words at para 6.1.3: “power station ash (pfa) - used as a cementitious addition with cement manufacture and ready mixed concrete. Suggest adding the words at para 6.1.6: “...nowadays mineral operations are so sustainably managed that very little quantities of waste material not required for the restoration of the quarries are generated”,
- 2.7.5 At para 6.1.18 add, “It is important therefore that in such circumstances recycled/secondary aggregate production is limited to a temporary period where appropriate concomitant with the timescale of the primary site operations”..

- 2.7.6 At Policy SP3 add “Proposals for facilities/operations for the production of recycled and secondary aggregates will be supported where they are sited at/on the following locations and do not to an unacceptable degree add to the environmental effects of the principal operations being undertaken at those locations.”

Actions/Considerations

- 2.7.8 Agree to amend the text to include these suggested changes.

Outcomes for Pre-Submission Draft Plan

- 2.7.9 Amend text as suggested.

Representations (*Mineral Products Association 938/0317, Nottinghamshire County Council 1135/0576*)

- 2.7.10 Support the approach as set out.

Actions/Considerations

- 2.7.11 Noted.

2.8 Chapter 6.2 Sand & Gravel

Table of Representations

Name		Name Ref. No.	Representation Ref. No.
William	Hudson	701	0001
Richard	Chambers	704	0004
Philip	Stephenson	706	0006
Cemex		717	0017, 0018
Nigel	Lee	718	0019
Wendy	Sevier	719	0020
Paul	Leedham	720	0021
Trevor	Ball	722	0023
Bob	Stewart	723	0024
Frances	Flaherty	724	0025
Ben	Shepperd	729	0037
Sheralyn		730	0038
Elly		731	0039
Tom	Ford	732	0040
Rowan	Morgan	734	0042
Huw	Morgan	735	0043
Claire	Hattersley	736	0044
Lisa	Davis	737	0045
Jane	Ratcliffe	739	0049
Stacy	Yorke	743	0077
Graham	Edge	744	0078
Angela	Cobb	745	0079
Richard	Crutchley	746	0080
Heather	Moore	747	0081
Sue	Creeth	752	0088
AR	Creeth	753	0089
Audrey	Stubbs	757	0093
David	Lovie	765	0113
Nestle UK		787	0135, 0136, 0137
Kim	Irons	825	0175
Brian	Knibb	826	0178
Steve	Clarke	827	0179
Catherine	Heap	828	0180

Alison	Kelly	829	0181
Tim	Webber	834	0191, 0192
Louise	Oates	835	0193
South Derbyshire DC		836	0194, 0195, 0196, 0197, 0198
Marchington Parish Council		841	0204
Sheran	Fernie	842	0205
Matt	Green	843	0206
Sudbury Gasworks Restoration Trust		844	0207
Gillian	Prew	865	0229
Jane	Wynn	866	0230
Foston and Scropton Parish Council		867	0231
Christine	Curwen	878	0243
Egginton Parish Council		902	0268
Hanson		903	0269, 0270, 0271, 0272, 0273, 0274, 0275, 0276
Helen	Curtis	904	0277
Sudbury Parish Council		905	0278
Brice	Bozier	906	0279
Susan	Venables	931	0304
Mineral Products Association		938	0318, 0319
National Grid		939	0334, 0335
Tarmac		940	0342, 0343, 0344
National Highways		966	0389
Draycott in the Clay PC		967	0390
Tony	Beresford	968	0391
Victoria	Blackshaw	974	0401
Staffordshire County Council		1133	0569, 0570
Environment Agency		1137	0606, 0607, 0608, 0609, 0610
Erewash Borough Council		1143	0640
Lorraine Webber		1144	0645, 0646
Derbyshire Wildlife Trust		1145	0652
CPRE		1152	0724

Historic England		1158	0790
National Trust		1160	0935,0936,0937
Natural England		1161	0966
Kate	Kniveton	1167	0997

Sand and Gravel Provision

Representations (*Mineral Products Association 938/0318, Tarmac 940/0342 & 0343*)

- 2.8.1 Consider that the LAA 2020 is deficient in its forecast of demand and consequently the demand figures presented in the draft Plan are also at fault. We would consider that the County Council needs to give more consideration to reducing the levels of imports that originate far beyond the normal distance for inter-boundary transport of sand and gravel on the basis that NPPF requires mineral planning authorities to plan for the supply of minerals indigenously. Considering our concerns about the inadequate demand forecast the figures identified in SP4 should be considered minimum requirements to ensure a positive approach to planning. Policy should be reworded.
- 2.8.2 Welcome the flexibility of Policy SP6 to allow sites outside allocated areas to come forward.

Actions/Considerations

- 2.8.3 The role of a LAA is not to prepare a forecast of future demand in the same manner that we do for waste, but to use locally available information to determine if future demand might vary from historical sales averages. However, we have considered the most recent data and other information in reviewing the LAA and have concluded that the 10-year average figure should be used. This figure is a realistic and achievable one that will continue to be reviewed on an annual basis to ensure that it remains so.
- 2.8.4 It is not the role of the planning authority to dictate where the mineral is used and therefore how much mineral is imported into, and exported from, the Plan area. That is a matter for the markets. There are no indications that the demand for sand and gravel from the Plan area is under any significant pressure. We have considered cross border demands for sand and gravel in

the LAA and our assessments indicate that we are making sufficient sand and gravel available to maintain a steady and adequate supply to meet identified needs. This will be kept under review and if any significant changes arise in this position these will be addressed.

- 2.8.5 Agree that the requirements in Policy SP4 should be referred to as minimum.

Outcomes for the Pre-Submission Draft Plan

- 2.8.6 To continue to use the 10-year average for calculating the figures for future provision and continuing the annual review to ensure that they remain accurate.
- 2.8.7 Policy SP4 to refer to the provision figures as minimum requirements.

Sand and Gravel Provision

Representation (*Nestle 787/0137*)

- 2.8.8 The assessment carried out by South Derbyshire Council shows that there is no demonstrable need for all the sites proposed to be allocated. The exclusion of one of sites from the proposed allocations would not undermine the ability to supply sufficient sand and gravel in Derbyshire.

Actions/Considerations

- 2.8.9 SDDC is not the Mineral Planning Authority. Our detailed analysis of all the relevant data and issues has shown that these sites will all be required to maintain a steady and continuous supply of sand and gravel over the whole course of the Plan period. Our forecast modelling has shown that if the proposed sites do not come forward, there will be a shortfall in annual supply towards the end of the Plan period. It is important to note in this respect that Swarkestone North, one of the larger sites, will only start to come on stream later in the Plan period, which means the majority of the reserves from this site will not count towards provision in this Plan period.

Outcomes for the Pre-Submission Draft Plan

- 2.8.10 No changes required.

Sand and Gravel Provision

Representation (*SDDC 836/0194*)

- 2.8.11 The use of out-of-date average annual sales data to calculate the requirement for sand and gravel and as a consequence significantly overstating the extent of need for these resources over the remainder of the plan period and therefore the allocation of more sites than are needed to meet the need for sand and gravel over the plan period based upon a forecast using the most recent annual average sales data in accordance with the National Planning Policy Framework (NPPF).

Actions/Considerations

- 2.8.12 The information will be updated in the Pre-Submission Draft Plan to include the data from 2021 collected as part of the 2022 Aggregates Survey. It is important to note that one of the larger sites, Swarkestone North, will only begin to provide sand and gravel towards the end of the Plan period so most of its reserves (around 3.5mt) will not count towards the total figure in this Plan period. We also have to make provision to ensure that the annual requirement is met. This is not an exact science as a result of factors such as the unpredictability of the market for sand and gravel and other factors such as flooding. It is estimated that some years production may be higher than the annual provision figure which means that overall provision for the whole Plan period is likely to be higher than is shown by the total provision figure in the policy. This is however proposed as a minimum figure to take account of such factors.

Outcomes for the Pre-Submission Draft Plan

- 2.8.13 Include the most recent information from the 2022 Aggregates Survey to inform the Plan.

Sand and Gravel Provision

Representations (*Staffordshire County Council 1133/0569*)

- 2.8.14 The level of provision for sand and gravel under Policy SP4 is consistent with national policy although it is recommended that the requirement to maintain a landbank of at least seven years is copied from the reasoned justification into the policy.

Actions/Considerations

- 2.8.15 Agree. Include the reference to the minimum 7-year landbank in the policy.

Outcomes for the Pre-Submission Draft Plan

- 2.8.16 Include the reference to the minimum 7-year landbank in the policy.

Sand and Gravel Allocations - Foston

Representation (*Paul Leedham 720/0021, Trevor Ball 722/0023, Bob Stewart 723/0024, Audrey Stubbs 757/0093, Brian Knibb 826/0178*)

- 2.8.17 Concerned about the impact of increased HGV and other quarry traffic on the area, particularly Leathersley Lane, which is not considered to be of a sufficient standard to accommodate such traffic. It would need to be upgraded.

Actions/Considerations

- 2.8.18 The Highways Authority does not envisage any significant issues arising regarding the impact of the working of the site on the local highway network. There will be a requirement set out in the Plan for the operator to provide a Transport Assessment to consider these issues in detail should a planning application be submitted for the site and the relevant experts will be involved in the consideration of this assessment. If planning permission is granted, appropriate conditions would be attached to ensure that any adverse impacts which are identified are minimised.

Outcomes for the Pre-Submission Draft Plan

- 2.8.19 No change.

Representation (*Nestle 787/0135*)

- 2.8.20 There is no evidence of rigorous flood risk modelling or of an assessment of the potential for damaging impacts on the dam. In advance of more detailed work (including an appraisal undertaken by a Reservoir Panel Engineer) the allocation of this site is not appropriate.

Actions/Considerations

- 2.8.21 The boundary of the site was amended to take account of concerns raised previously regarding the potential impact on the flood defence scheme. The Environment Agency has confirmed that it now has no objection to the allocation as defined by the updated red line boundary plan, subject to the submission of an appropriate assessment at the planning application stage (which has been reviewed by a Reservoir panel engineer) which considers

both the impact on the operation of the reservoir, and separately on fluvial flood risk, resulting from any proposed extraction area.

Outcomes for the Pre-Submission Draft Plan

2.8.22 No change.

Representation . (*Nigel Lee 718/0019*)

The potential for the use of more sustainable modes of transport of mineral does not seem to have been considered.

Actions/Considerations

2.8.23 The potential for more sustainable modes of transport has been considered for each site as set out in the site assessments. Currently, however, there are no economically realistic alternatives available at the sand and gravel sites.

Outcomes for the Pre-Submission Draft Plan

2.8.24 No change.

Sand and Gravel Allocations - Sudbury

Representations (*Environment Agency 1137/0607, SDDC 836/0195*)

2.8.25 The land, like that at Foston, lies in Flood Zone 3 where there is the highest probability of flooding. A detailed flood risk assessment (FRA) will need to be produced to ensure the development does not increase flood risk to others by impacting on the Lower Dove Flood Storage Scheme and suggest wording to include in the PPRs.

Actions/Considerations

2.8.26 Sand and gravel extraction is a compatible development for a functional flood plain and it meets the tests of the National Planning Policy Framework.

2.8.27 The operations are unlikely to increase flood risk elsewhere because voids will be created to increase floodwater storage capacity. Overburden and stockpiled mineral will be stored outside the areas which are at highest risk of flooding.

2.8.28 The existing Sudbury and Foston flood defences including the flood defence embankment within the site would be unaffected. The operator would not propose to disturb them, nor extract mineral from beneath them. Whilst the EA flood defence engineering works may be included in the wider site

allocation boundary, it is not the intention to include them within the extraction areas. The extraction boundaries would be defined in consultation with key stakeholders prior to and during the planning process.

2.8.29 Mineral extraction will be a minimum of 25m – or other distance agreed with the Environment Agency - from the flood defence embankment and other flood defence infrastructure and the River Dove. This is greater than the minimum standoff of 16m specified in the EA's flood risk activities permit guidance.

2.8.30 A site-specific flood risk assessment, a hydrological and hydrogeological assessment, and, if required, an assessment undertaken by a Reservoir Panel Engineer would be undertaken in accordance with current guidance at such time as a planning application is submitted for the site. This requirement will be set out in the Principal Planning Requirements at Appendix A.

Outcomes for the Pre-Submission Draft Plan

2.8.31 Revise the Principal Planning Requirements to include the suggested additions regarding flood risk assessments.

Representation (*Hanson 903/0273*)

2.8.32 Hanson has been required to undertake a preliminary flood risk assessment for the Foston site and formally confirm to the satisfaction of the EA that any working would not impact on the Scropton flood defences which lie outside the proposed allocated area. The Sudbury site appears to have been proposed as a draft allocation area although it actually includes the Sudbury flood defence embankment without any such comment or assessment of the risks to the flood defences. As such we query why the different approach and concern for this same issue for the two sites.

Actions/Considerations

2.8.33 The Environment Agency considered the revised proposals for the Foston site and advised that it would remove its objection '*subject to the submission of an appropriate assessment at the planning application stage (which has been reviewed by a Reservoir panel engineer) which considers both the impact on the operation of the reservoir, and separately on fluvial flood risk, resulting from any proposed extraction area*'. The EA has also expressed concern about the flood defences on the Sudbury site and has taken a

similar stance as it has taken to the Foston site, requesting that detailed assessments of flood risk are undertaken at planning application stage and that suggested amendments and additions are made to the Principal Planning Requirements in the Plan.

Outcomes for the Pre-Submission Draft Plan

- 2.8.34 Revise the Principal Planning Requirements to include the suggested additions regarding flood risk assessments.

Representations (*Jane Ratcliffe 739/0049, Richard Crutchley 746/0080, Tim Webber 834/0191, Marchington Parish Council 841/0204, Sudbury Gasworks Restoration Trust 844/0207, Gillian Prew 865/0229, Foston and Scropton Parish Council 867/0231, Helen Curtis 904/0277, Brice Bozier 906/0279, Draycott in the Clay PC 967/0390, Lorraine Webber 1144/645, Kate Kniveton 1167/0997, Derbyshire Wildlife Trust 1145/0652*)

- 2.8.35 Object to the allocation of this site on the grounds of an increase in traffic along unsuitable local roads, the need for improvements to Leathersley Lane, concern about the routing of lorries through villages of Scropton and Sudbury, impact on congestion at Sudbury roundabout, impact on the historic Aston Bridge, impact on cyclists and other users of Leathersley Lane. A traffic management plan would be essential to control quarry traffic. Also concern about whether the extraction would exacerbate flooding in the area, the impact of noise and dust on residential amenity, health, quality of life, impact on wildlife, loss of productive agricultural land, visual impact, impact on property values and businesses, impact on the historic village of Sudbury, what the restored site would look like. The location of the processing plant should be as far from residential properties as possible. The local wildlife site should be retained and used as a core feature of subsequent restoration of the site.

Actions/Considerations

- 2.8.36 Detailed assessments of the issues raised would be undertaken as part of the Environmental Impact Assessment should a planning application be submitted for the site.
- 2.8.37 The Highways Authority and Highways England have not raised concerns regarding the impact of traffic as a result of the proposal at this stage subject to a detailed transport assessment being undertaken at the planning

application stage. A traffic management plan would be required should a planning application be approved for the proposal.

- 2.8.38 The mineral operator has indicated that the majority of the site would be returned to agricultural land. Existing topsoil would be stored and re used in the restoration of the site. Once the site is restored after 7-8 years, the site will be very similar to how it appears today.
- 2.8.39 The relatively short-term working of the site may have a short-term impact on the historic village of Sudbury, but it is considered to be a sufficient distance from most of the properties in the village for any impact to be minimal. Initial assessments have been undertaken of the heritage features in the area which have not flagged up any issues that could not be mitigated. More detailed assessments would be undertaken should a planning application be considered for the site.
- 2.8.40 Flooding issues are covered in the response to the previous representation above.
- 2.8.41 The proposed location of the processing plant has been chosen because of its proximity to the main road network, but this has not been finalised and is still a matter for discussion.
- Loss of property value and compensation is not a matter which can be addressed through the planning process.

Outcomes for the Pre-Submission Draft Plan

- 2.8.42 No changes required.

Sand and Gravel Allocations – Sudbury and Foston

Representation (*National Trust 1160/0937*)

- 2.8.43 These two sites are effectively one large site and as such it would be more effective to plan for their development in an integrated way in terms of infrastructure, working and restoration of the sites. Opportunities to utilise a single site vehicular access point while also combining any required plant/machinery should be explored, as well as any potential for a rail head linking with the railway to the south, to minimise traffic and environmental impacts associated with haulage. The location of plant and infrastructure should also take account of the need to minimise landscape, visual, heritage and other impacts.

Actions/Considerations

- 2.8.44 The two sites have been suggested and promoted by separate operators and it is beyond the Council's control to affect this. Through the Trent Valley Restoration Strategy however, operators are encouraged to consider the restoration of the sites taking account of the wider context of the valley.

Outcomes for the Pre-Submission Draft Plan

- 2.8.45 No change required.

Representations (*William Hudson 701/0001, East Staffordshire BC 706/0006, Frances Flaherty 724/0025, Sue Creeth 752/0088, AR Creeth 753/0089, Kim Irons 825/0175, Sheran Fernie 842/0205, Christine Curwen 878/0243, Egginton Parish Council 902/0268, Tony Beresford 968/0391, Victoria Blackshaw 974/0401, Staffordshire County Council 1133/0570, CPRE 1152/0724*)

- 2.8.46 Concern is expressed about the overall scale of impact of the sites, impact on residential amenity, the unsuitability of local roads to cope with increased HGV traffic, junction capacity particularly the A50 roundabout and the access on to the A515. It is suggested that quarry traffic should use the A50 and then A38 rather than the A515, given that there are weight restricted traffic regulation orders on the A515. Further issues raised are the safety of cycle users on Leathersley Lane, noise, dust, lighting, visual impact, loss of productive agricultural land, impact on a tranquil landscape, local heritage and archaeology, impact on wildlife and biodiversity, restoration of the sites and impact on property values. An increase in flood risk as a result of the development of the sites is a significant concern and given the EA has objected, it is surprising that the sites are still proposed as allocations.

Actions/Considerations

- 2.8.47 Our assessments have considered the issues raised and have shown that the sites named as Foston and Sudbury could, on balance, provide some sand and gravel. There are always likely to be some negative impacts as a result of quarrying, but a full and comprehensive assessment of all issues raised would be undertaken as part of an Environmental Impact Assessment should a planning application be submitted for the sites and planning conditions would be put in place to ensure that schemes are designed which help to mitigate any adverse impacts. Quarries are also monitored regularly

by our enforcement officers to ensure these conditions are being complied with and if any issues are arising, action will be taken to deal with these.

- 2.8.48 The Environment Agency has stated that it would remove its objection to the sites provided a full flood risk assessment is undertaken at the planning application stage. Flood Risk Assessments are undertaken as a matter of course for such developments as part of an EIA when a planning application is submitted.

Outcomes for the Pre-Submission Draft Plan

- 2.8.49 Continue to propose the sites as allocations in the Plan.

Sand and Gravel Allocations - Elvaston

Representations (*Richard Chambers 704/0004, Ben Shepperd 729/0037, Sheralyn 730/0038, Elly 731/0039, Tom Ford 732/0040, Rowan Morgan 734/0042, Huw Morgan 735/0043, Claire Hattersley 736/0044, Lisa Davis 737/0045, Stacy Yorke 743/0077, Graham Edge 744/0078, Angela Cobb 745/0079, Heather Moore 747/0081, Matt Green 843/0206, Jane Wynn 866/0230, Susan Venables 931/0304, Environment Agency 1137/0610*)

- 2.8.50 Object to the allocation of this site for the following reasons:

- 1) Noise, air pollution and dust from the workings and lorries.
- 2) Visual impact.
- 3) The effect of removing the natural sponge from the flood plain in an area that is historically prone to severe flooding.
- 4) Impact on wildlife
- 5) Increased congestion on roads in the area, unsuited to increased HGV traffic.
- 6) Greatly increased danger for the very many cyclists and walkers who use the roads and paths in the area, many of whom start their trip at Elvaston Castle, a leisure facility.
- 7) Detrimental impact on an attractive area which is used by many for cycling as well as for rambling, dog-walking, fishing, bird-watching and other natural benefits that residents and visitors currently enjoy.
- 8) A loss of historic landscape features, in an area adjoining Elvaston Castle, that is composed, at least partly, of an attractive field pattern that has been largely unimproved since enclosure.

- 9) The impact on Elvaston Castle which is due to be restored by the County Council and visitors' impression of it.
- 10) An adverse effect on local businesses and property prices.
- 11) Cumulative impact of quarrying in the area.

Actions/Considerations

- 2.8.51 The Councils appreciate these concerns regarding the site. This site was assessed along with all others that were put forward, using the agreed site assessment methodology. It was found, on balance, to have potential to be worked for mineral extraction. There will always be some negative impacts of mineral extraction, but it is considered that any adverse impacts of the extraction at this site could be mitigated to a satisfactory level. The Principal Planning Requirements set out for this site stipulate that stand-off areas, where mineral working will not be permitted, will be required to help ensure the protection of the setting of Elvaston Castle. The issues raised would also be considered as part of an Environmental Impact Assessment should a planning application be submitted for the site and this may raise issues which may require mitigation.

Outcomes for the Pre-Submission Draft Plan

- 2.8.52 Continue to propose this site as an allocation in the Plan. Amend Principal Planning Requirements to ensure greater recognition of historic assets and issues regarding flooding.

Representation (*Environment Agency 1137/0610*)

- 2.8.53 Request that the following wording is also included within the principal planning requirements for the site:

A detailed flood risk assessment (FRA) to be provided showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

Actions/Considerations

- 2.8.54 This wording will be included in the re-drafted Principal Planning Requirements for the site.

Outcomes for the Pre-Submission Draft Plan

2.8.55 Amend PPRs to include this wording.

Sand and Gravel Allocations – Swarkestone South

Representations (*National Grid 939/0335*)

2.8.56 Without appropriate acknowledgement of the National Grid assets present within the site, these policies should not be considered effective as they cannot be delivered as proposed; unencumbered by the constraints posed by the presence of National Grid infrastructure.

Actions/Considerations

2.8.57 The Principal Planning Requirements for this site will include reference to the National Grid infrastructure and the need for the applicant to discuss this with them.

Outcome for the Pre-Submission Draft Plan

2.8.58 Include a new paragraph in the PPRs to refer to National Grid assets on this proposed site.

Representation (*Environment Agency 1137/0609*)

2.8.59 Request that the following wording is also included within the principal planning requirements for the site:

A detailed flood risk assessment (FRA) to be provided showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

Actions/Considerations

2.8.60 This wording will be included in the re-drafted Principal Planning Requirements for the site.

Outcomes for the Pre-Submission Plan

2.8.61 Amend PPRs to include this wording.

Sand and Gravel Allocations – Swarkestone North

Representations (*David Lovie 765/0113, Catherine Heap 828/0180*)

2.8.62 The proposal has the extraction line a matter of yards away from our homes. This is unacceptable. Had been assured that a stand-off would be provided

to protect the amenity of properties and the ancient monument. The noise and dust would be totally unacceptable. Would homeowners be compensated for loss of value? This piece of land floods regularly and the situation is unlikely to improve with the new proposal. We accept there is going to be some level of gravel extraction in this area, but to attempt to sneak changes through without a full and proper consultation and discussion on compensation is totally unacceptable.

Actions/Considerations

- 2.8.63 The boundary of this site is the same as was negotiated with the mineral operator in 2011 as a result of concerns expressed by local people at that time. It is likely that the operator would provide a stand-off between the working area and residential properties to protect residential amenity further and soil bunds would be put in place to help reduce noise and visual impact. Operators of sand and gravel workings are used to working in areas that flood because sand and gravel exists naturally most often in flood plains. They take advice from the Environment Agency in this respect and conditions would be attached to a planning consent to help ensure that the issue of flooding is managed properly and that the impacts of flooding are at least not increased by the extraction of sand and gravel. Impact of development on property values is not a planning consideration.

Outcome for the Pre-Submission Draft Plan

- 2.8.64 Continue to propose the site for allocation in the MLP.

Representations (*Steve Clarke 827/0179, Alison Kelly 829/0181*)

- 2.8.65 The development of a sand and gravel quarry may increase the risk of flooding. Are there plans for a full flood risk assessment? Are there plans for reconstruction and reinforcing of the water courses to move the water quickly and efficiently from the onto the agricultural flood plain. With the apparent lack of infill material, are we to live surrounded by water following the cessation of workings? Impact of HGVs on properties and the amenity in general. Many of the HGVs travel in a westerly direction towards Willington. The noise and dust would also be unacceptable. The loss of countryside and wildlife would be unacceptable. Assume that the excavation of gravel will reduce the values of all properties in the area significantly.

Actions/Considerations

- 2.8.66 These issues have been considered in our assessment of the site. No issues have been identified which would rule the site out of being considered as a potential allocation for sand and gravel extraction. All issues raised would again be considered in detail as part of an Environmental Impact Assessment, which would be prepared in the event of a planning application being submitted for the site. Should any issues be identified that may cause an unacceptable adverse impact, mitigation measures, enforced through planning conditions, would be proposed to minimise these impacts. The impact of development on property values is not a planning consideration.

Outcomes for the Pre-Submission Plan

- 2.8.67 Continue to propose the site for allocation in the MLP.

Representation (*National Grid 939/0334*)

- 2.8.68 Without appropriate acknowledgement of the National Grid assets present within the site, these policies should not be considered effective as they cannot be delivered as proposed; unencumbered by the constraints posed by the presence of National Grid infrastructure.

Actions/Considerations

- 2.8.69 The Principal Planning Requirements for this site will include reference to the National Grid infrastructure and the need for the applicant to discuss this with them.

Outcome for the Pre-Submission Draft Plan

- 2.8.70 Include a new paragraph in the PPRs to refer to National Grid assets on this proposed site.

Representation (*Environment Agency 1137/0608*)

- 2.8.71 Request that the following wording is also included within the principal planning requirements for the site:

A detailed flood risk assessment (FRA) to be provided showing how, through all development phases (Construction, Operation and Restoration), that there will be no increase in flood risk to the site and to others. Opportunities to provide betterment in flood risk, and other environmental enhancements at the restoration stage, should be explored.

Actions/Considerations

2.8.72 This wording will be included in the re-drafted Principal Planning Requirements for the site.

Outcomes for the Pre-Submission Plan

2.8.73 Amend PPRs to include this wording.

Sand and Gravel Allocations – Twyford

Representation (*Cemex 717/0017*)

2.8.74 Whilst Cemex is disappointed that the Twyford site is not included within the emerging Minerals Local Plan for future working, we would welcome further discussions with the Council should other sites not materialise as anticipated and/or there is evidence to suggest that there is an expected shortfall in the supply of sand and gravel over the Plan period.

Actions/Considerations

2.8.75 Noted. The Council's assessment of the site concluded that there are a number of negative environmental and social factors which meant that the site did not score as highly as other sites. These other sites were, therefore, found to have greater potential for working at the current time. Policy SP6 provides some flexibility should allocated sites not come forward as expected or for whatever other reason, a shortfall arises in the supply of sand and gravel over the Plan period.

Outcome for the Pre-Submission Plan

2.8.76 No changes required.

Sand and Gravel Site Assessments

Representation (*Lorraine Webber 1144/0646*)

2.8.77 The document suggests that the proposed site of extraction and processing plant are on a site screened by trees. This is factually incorrect as, on the Northern and Western borders (Leathersley Lane and the A515), there are only low hedges separating the site from the surrounding area. This means that the visual impact of the extraction site and, in particular, the processing plant will be considerable for both visitors to Sudbury Hall and the residents in the village of Sudbury, with those living at Dovebank the worst affected.

Actions/Considerations

2.8.78 Agree. The assessment has been amended to reflect this comment.

Outcomes for the Pre-Submission Plan

2.8.79 Amend the site assessment for Sudbury.

Sand and Gravel Site Assessment Methodology

Representation (*Hanson 903/0270*)

2.8.80 Our misgivings on aspects of the site assessment methodology remain e.g., we reiterate our previous comments that working in the flood plain is incorrectly considered prejudicial, assumptions are made about what development schemes may include and the effects therefrom, and the value of restored habitats is underplayed.

Actions/Considerations

2.8.81 The methodology has been agreed through a number of consultations and the criteria used are consistent for all sites.

Outcome for the Pre-Submission Draft Plan

2.8.82 No change.

2.9 Chapter 6.3 Aggregate Crushed Rock

Table of Representations

Name	Name Ref. No.	Representation Ref. No.
Central Bedfordshire Council	707	0007
Cemex	864	0227, 0228
Mineral Products Association	938	0320, 0321
Tarmac	940	0345, 0346, 0347
Historic England	1158	0791
Peak District National Park Authority	1159	0875, 0876

The Supply of Aggregate Crushed Rock

Representations (*Cemex 864/0227, 0228*)

- 2.9.1 Cemex has acquired land to the east of Dove Holes Quarry and will be investigating the possibility of this being integrated into the quarry in the next 5 years for 30mt of aggregate crushed rock. To this end, we request that reference to sustainability is included in the accompanying policy to the supporting text reference SP7. Support the wording contained in paragraph 6.3.14 but would also request an expansion of the wording to include reference to sustainability.

Actions/Considerations

- 2.9.2 Agree to include reference to sustainability in these parts of the Plan.

Outcomes for the Pre-Submission Plan

- 2.9.3 Amend text to include reference to sustainability in the policy and supporting text.

Representations (*Mineral Products Association 938/0320*)

- 2.9.4 Consider that the approach referred to in paragraph 6.3.12 to support an unsound approach from the PDNP is itself unsound. With the PDNP Plan being considerably out of date, little if any weight should be given to it. In default of that the NPPF has no such policy of 'managed retreat' of aggregate

production with areas of designation. There are policies with NPPF to deal with major development within such areas.

Actions/Considerations

- 2.9.5 This issue is considered in detail in Section 6.4 below.

Outcomes for the Pre-Submission Draft Plan

- 2.9.6 No changes required to the crushed rock chapter but Chapter 6.4 on reducing quarrying in the PDNP will be altered to reflect the position explained above.

Representations (*Tarmac 940/ 0345*)

- 2.9.7 The supply section should identify the quantity of permitted reserves which are contained within the 13 active operations and how that reflects the operational/available landbank. Reference is made (para 6.3.11) to the LAA, 'setting an annual provision figure'. This isn't the role of the LAA.

Actions/Considerations

- 2.9.8 Paragraph 6.3.11 will be altered to address this comment. Amend to "proposing an annual provision figure".

Outcomes for the Pre-Submission Draft Plan

- 2.9.9 Alter text to address the comment.

Representation (*Tarmac 940/0346*)

- 2.9.10 The Plan should make reference to now dated legislation restricting the end date of permissions to 2042 and the need for an update to provide assurances to operators that existing permitted reserves are secured beyond that date.

Actions/Considerations

- 2.9.11 The Introduction to the Plan will address this issue.

Outcomes for the Pre-Submission Draft Plan

- 2.9.12 Include new text in the Introduction.

Representation (*Tarmac 940/0347*)

- 2.9.13 Policy SP7 should be amended to increase flexibility as per the approach to sand and gravel reserves. The tonnages expressed should be minimum figures and there should be flexibility built in to allow applications to sustain or increase available reserves or those production figures to maintain supply.

Actions/Considerations

- 2.9.14 Given the scale of the landbank for aggregate crushed rock, the issues are quite different to those for sand and gravel. The policy already includes flexibility by setting out that new proposals would be supported where certain criteria are met. Agree that the figures can be referred to as minimum tonnages.

Outcomes for the Pre-Submission Draft Plan

- 2.9.15 Alter Policy SP7 to refer to minimum tonnages.

Representation (*Historic England 1158/0791*)

- 2.9.16 What benefits is the Policy SP7 text referring to in clause 2? How will a planning application be judged against this criteria?

Actions/Considerations

- 2.9.17 The benefits are explained in the reasoned justification at Paragraph 6.3.15. The applicant will have to set out what benefits would arise from a proposal, and they will be considered along with all other issues should a planning application be submitted to the Council.

Outcomes for the Pre-Submission Draft Plan

- 2.9.18 No changes required.

Representations (*Peak District National Park Authority 1159/0875, 0876*)

- 2.9.19 The figures should be updated to be in accordance with those in the most recent LAA.

Actions/Considerations

- 2.9.20 The figures will be updated with the most recent 2021 data, as included in the 2022 LAA.

Outcomes for the Pre-Submission Draft Plan

- 2.9.21 Update figures with 2021 data.

2.10 Chapter 6.4 Helping to Reduce the Supply of Aggregates from the Peak District National Park

Table of Representations

Name	Name Reference Number	Representation Reference Number
Mineral Products Association	938	0332,0323
Tarmac	940	0348
Peak District National Park Authority	1159	0878,0879
National Trust	1160	0938

Representations (*Mineral Products Association 938/0322,0323; Tarmac 940/0348*)

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

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

Actions/Considerations

- 2.10.2 The mineral planning authority recognises that the NPPF does not advocate a managed retreat of mineral production from designated areas such as National Parks. We are supporting an approach by the PDNP to help protect the important qualities of the National Park, by which it will only permit new

proposals for mineral extraction in exceptional circumstances. The Councils agree that the approach needs to be explained more clearly in the supporting text than it is currently and framed more in the context of the protection of the important landscape of the National Park and the maintenance of landbanks outside National Parks as set out in the NPPF.

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

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

Outcomes for Pre-Submission Draft Plan

- 2.10.3 Alter the text to clarify the issue as set out above.

Representations

- 2.10.4 Support this approach. (*Peak District National Park Authority 1159/0878, National Trust 1160/0938*)

Actions/Considerations

2.10.5 Noted.

Representation (*Peak District National Park Authority 1159/0879*)

2.10.6 Remove reference to Fluorspar.

Actions/Considerations

2.10.7 Agree to remove.

Outcomes for the Pre-Submission Draft Plan

2.10.8 Remove reference to Fluorspar.

2.11 Chapter 7 – Supply of Non-Aggregates

7.1 Supply of Building Stone

Table of Representations

Name	Name Reference Number	Representation Reference Number
Darley Hillside Residents Association	721	0022
Mineral Products Association	938	0324
North East Derbyshire DC	972	0395
CPRE	1152	0725,0726
Historic England	1158	0792,0793,0794,0795
Peak District National Park	1159	0880
National Trust	1160	0939

The Supply of Building Stone

Representations (*Darley Hillside Residents Association 721/0022*)

- 2.11.1 Criterion 3 needs to be strengthened to protect the landscape and the national park. Mitigation in this criterion needs to be defined. Criteria 2 should include the additional wording of “and there is a quantifiable economic benefit to the residents of Derbyshire”. A criterion should be added that building stone should only be for building developments in Derbyshire or for the repair and restoration of historic buildings elsewhere in the UK. It is highly recommended that a criterion is added that any proposals meet all the current UK health standards. The criteria need to include that the local infrastructure can support any proposals. There is nothing at all in the Building Stone chapter or in the Building Stone Background paper about the control of building stone processing.

Actions/Considerations

- 2.11.2 Most of the suggestions are addressed by the development management (DM) policies. All policies in the Plan which are relevant to a particular proposal will be used in the determination of a planning application for the proposal. The NPPF requires Local Plans to be succinct and to avoid unnecessary duplication of information. Criteria from the DM policies should therefore not be duplicated in the specific mineral provision policies. A new criterion 2 has been added to Policy SP9, which reflects the suggested wording about where the stone should be used.

Outcomes for Pre-Submission Draft Plan

- 2.11.3 Amend Policy SP9 to address the suggestions as appropriate, with the remainder being addressed by Development Management policies.

Representations (*Mineral Products Association 938/0324*)

- 2.11.4 Parts 2 and 3 of this policy are unnecessary and too restrictive and should be deleted.

Actions/Considerations

- 2.11.5 Agree. These two criteria have been replaced with more appropriate less restrictive criteria, which more closely reflect NPPF policy.

Outcomes for Pre-Submission Draft Plan

2.11.6 Reword/replace Criteria 2 and 3.

Representations (*CPRE 1152/0725*)

2.11.7 Suggest further amendment to this policy and its justification as follows: '1) extraction will be restricted to building stone, rather than for aggregate (unless strongly justified); and '3) The scale of the proposal is such that any adverse social and environmental impacts will be minimised.'

Actions/Considerations

2.11.8 Consider that the suggested wording for criteria 1 is unduly restrictive and would not reflect the overall approach of NPPF. The suggested rewording of Criteria 3 would be inappropriate as it would duplicate criteria in development management policies.

Outcomes for the Pre-Submission Draft Plan

2.11.9 No changes in respect of the suggestions.

Representations (*CPRE 1152/0726*)

2.11.10 Amend sentence 1 of para 7.10 as follows: 'there will be a certain amount of by-product stone which is not suitable for this purpose and which, if justified, may be sold for aggregate or is deemed...'.

Actions/Considerations

2.11.11 Agree that this wording would be more suitable and more concise.

Outcomes for the Pre-Submission Draft Plan

2.11.12 Alter wording of what is now paragraph 7.1.8 in accordance with the suggested change.

Representation (*Historic England 1158/0793*)

2.11.13 We are unclear as to the context of paragraph 7.1.5 and how this relates to the provision of building stone within the Plan period.

Actions/Considerations

2.11.14 Agree that the context of this paragraph could be made clearer. The text has been amended so that it relates to the provision of building stone.

Outcomes for the Pre-Submission Draft Plan

2.11.15 Amend what is now paragraph 7.1.7 to address comment.

Representation (*Peak District National Park Authority 1159/0880*)

2.11.16 Strongly recommend some additional criteria along the lines of:

“4) The building stone would predominantly and demonstrably meet a local need to preserve the special vernacular characteristics, cultural heritage and distinctness of the built environment and/or to preserve nationally important buildings and structures”.

Actions/Considerations

2.11.17 Agree that a criteria similar to this should be included. A new criteria 2 has therefore been added to Policy SP9 which reflects the suggested criteria.

Outcome for the Pre-Submission Draft Plan

2.11.18 Include a new criteria 2 for Policy SP9.

Supporting Comments

Representations (*North East Derbyshire DC 972/0395, Historic England 1158/793,0794, 0795, National Trust 1160/0939*)

2.11.19 Support Policy SP9 which will help to support the sourcing of appropriate stone for repairs to historic buildings

Actions/Considerations

2.11.20 Noted.

2.12 Chapter 7.2 Industrial Limestone and Cement

Table of Representations

Name		Name Ref No	Representation Ref No
L'Anson Bros Ltd		705	0005
Lloyds Animal Feeds		708	0008
F H Nash Ltd		709	0009
Trouw Nutrition GB		710	0010
Fridays Ltd		711	0011
The Millboard Company Ltd		712	0012
Mars Horsecare UK Ltd		713	0013
2 Sisters Food Group		714	0014
Mineral Products Association		938	0325
Tarmac		940	0349, 0350, 0351, 0352
Longcliffe Quarries Ltd		973	0399, 0400
Guardian Industries UK		1111	0547
Staffordshire County Council		1133	0571
Nottinghamshire County Council		1135	0577
Environment Agency		1137	0596
Steetley Dolomite Ltd (Llwyd)		1138	0612
Transition Chesterfield		1139	0623
CPRE		1152	0727, 0728, 0729
Sustainable Hayfield		1155	0773
Historic England		1158	0796, 0797, 0798
PDNPA		1159	0881, 0882, 0883, 0884, 0885, 0886

Industrial Limestone Reserves

Representations (*Tarmac 940/0349*)

- 2.12.1 Whilst it is accepted there are commercial confidentiality issues with identifying a site-by-site split, consideration of industrial limestone supply and the potential need to calculate and maintain separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market should be given consideration (NPPF para 213 including footnotes). This also applies to distinction between Carboniferous and Permian limestone reserves. Derbyshire is recognised as being one of only a few areas containing reserves that contributes to national supply (paragraph 7.2.4). Total permitted reserves of 174 million tonnes of industrial limestone (from both operational and non-operational sites), numerically is significant but that doesn't reflect those active sites that contribute on larger scale to industrial markets. Nor is emphasis placed on the significance of the quantity of industrial grade limestone situated in the PDNP (4.1mt of the total 6.7mt of permitted industrial limestone reserves).

Actions/Considerations

- 2.7.22 Paragraph 7.2.6 provides an indication of the total permitted reserves of industrial limestone in the Plan area and paragraph 7.2.13 gives an indication of the theoretical landbank. Confidentiality issues prevent separate reserve figures from being provided for the Carboniferous and Permian Limestone which contains only one site. The theoretical landbank is provided for information purposes only. The Plan recognises the importance of Derbyshire in supplying a national need for industrial limestone and this is reflected in Policy SP10 which enables the supply of industrial limestone to be maintained to meet its use in industrial and manufacturing processes subject to meeting the detailed criterion which are specific to the mineral proposed for extraction.

Outcomes for Pre-Submission Draft Plan

- 2.7.23 No change.

Industrial Limestone Reserves - Whitwell Quarry

Representations (*Steetley Dolomite Ltd (Lhoist) 1138/0612*)

- 2.7.21 It would be helpful if the Plan indicated that permitted industrial reserves at Whitwell Quarry will not be sufficient to last until the end of the Plan period and that Steetley Dolomite Ltd (Lhoist) is actively seeking additional reserves to maintain the supply of material to Whitwell Works. Whitwell Quarry was established in the 1950s and has received a number of planning permissions for extensions over the years. The most recent permission, granted in 2018, is expected to be the last extension. Although the permission allows operations (including restoration) to continue until 2043, reserves of kiln grade mineral are limited. Steetley Dolomite estimates that, assuming current levels of demand continue, existing kiln grade reserves are sufficient for only a further 6.8 years. On this basis the supplies to the kiln would run out in late 2028.

Actions/Considerations

- 2.7.22 Agree

Outcomes for Pre-Submission Draft Plan

- 2.7.23 Paragraph 7.2.1.4 has been amended accordingly.

Future Requirements

Representations (*Tarmac 940/0350*)

- 2.7.24 There is an assumption at paragraph 7.2.12 of the Draft Plan that national trends are indicating that production is not expected to increase. Whilst there are reserves available to go beyond the end of the Plan period, Tunstead, Hillhead and Hindlow like the majority of crushed rock sites within Derbyshire are time limited and effectively sterilized by their 2042 permission end date. Appendix B (mineral sites in the Plan area) should provide some commentary to indicate that it is likely that the principle of working these permitted reserves will continue to be acceptable beyond these permission end dates. Paragraph 7.2.12 of the Draft Plan identifies that in some circumstances it is important to consider individual sites and how they will continue to contribute to supply. An extension is allocated at Aldwark/Brassington Moor to maintain supply over the Plan period. It is considered that reference to the principle of working for other sites with

significant reserves beyond the end of the Plan period would provide some clarity and assurance to operators to ensure sites come forward to maintain supply.

2.7.25 Actions/Considerations

Agree that the Plan should include reference to the 2042 end date for mineral permissions.

Outcomes for Pre-Submission Draft Plan

Chapter 11 at paragraphs 11.2.6 and 11.2.7 includes a section on transitioning to 2042 and beyond. The chapter explains that the 2042 end date presents a number of challenges for the MPA and mineral operators, in terms of certainty of continuity of supply as well as managing long-term working and restoration requirements through the ROMP process. At the current time no guidance has been produced by government about how to approach the 2042 deadline or regarding any potential legislative changes. It is therefore proposed that this issue will be annually reviewed post-adoption of the Plan with the potential for further guidance to be produced at that time. In the meantime, operators are encouraged to enter into discussions with the MPA regarding the long-term plans for their sites at the earliest opportunity.

Policy SP10 Supply of Industrial Limestone

Representations (*PDNPA 1159/0881*)

This policy appears to be openly worded in terms of and with no reference to locational acceptability and constraints in relation to where proposals for industrial limestone will be supported. This Authority would be concerned at any proposals that directly adversely impacts the setting of the National Park. Anything that mitigates against the visual integrity of a National Park or its setting should be avoided or mitigated. Also, in terms of being openly worded, it is plausible that the policy as written will be used to justify new or extended sites to meet the operational and economic interests of individual site operators, irrespective of any existing availability and maintenance of an appropriate regional landbank of industrial stone (per the NPPF) to ensure adequate provision to support its likely use in industrial and manufacturing

processes, resulting in unnecessary land-take and surplus supplies to the detriment of the natural environment and amenity.

Representations (*PDNPA 1159/0882*)

Should the policy be adopted I would suggest delete the words “Where appropriate” in relation to Section 106 Agreements which must surely in every case be appropriate and essential to control the use of industrial limestone for industrial purposes.

Actions/Considerations

Paragraph 4.8 of the Plan sets out that ALL POLICES OF THE PLAN AND THEIR CRITERIA WILL APPLY WHERE RELEVANT and therefore the Plan should be read as a whole, taking into account the scale, nature location and type of development proposed. Policy SP10 is purely about the supply of industrial limestone, other polices of the Plan but particularly Policy SP1 Sustainable Minerals Development and the Development Management Polices at Chapter 11 will ensure the protection of the PDNP and its setting.

The NPPF requires the supply of aggregate minerals not industrial minerals to be maintained through the provision of landbanks because on the whole aggregate minerals supply similar markets which is not the case with industrial minerals. The NPPF requires their provision to be maintained having regard to the particular properties of the mineral and the stocks of permitted reserves required to support investment in new or existing plant as required by Policy SP10. Additionally, Policy SP1 which applies to all minerals requires that they are justified in that location taking into account the need for the specific mineral. Co-operation with adjoining authorities, as required by the NPPF, to enable the supply of industrial minerals is particularly important where there are cross border issues relating to their supply, for example, the possibility of a new quarry to supply Whitwell Works in Derbyshire being located in Nottinghamshire.

The need to use planning obligations to require the use of industrial mineral for industrial purposes is not required in principle because in general industrial minerals are of greater economic value than aggregate minerals and will be used for that purpose accordingly. There are particular circumstances where the MPA consider it is important to control the use of

the mineral for example in the case of Whitwell Quarry where the industrial mineral is legally bound for use in the adjoining Whitwell Works. The MPA will consider the need for planning obligations to be used to control the use of the industrial mineral on a case-by-case basis.

Outcomes for Pre-Submission Draft Plan

No Change

Policy SP10 Industrial Limestone

Representations (CPRE 1152/0727)

We have concerns here that the policy could result in oversupply of stone and that individual sites could cause unnecessary amenity and environmental effects when supply could be more sustainably met from elsewhere. To combat this, we propose the following amendments: '2) the stock of overall permitted reserves ('landbank') can be shown to have fallen below...'. This protects against individual sites demonstrating scarcity/exhaustion of particular grade/purity stone as a sole justification for further working, when alternative supply exists locally, albeit from a different operator.

Also amend the final sentence to 'Normally the MPA will seek to enter into Section 106...'; if a site is justified for extraction on the grounds of being a 'very important 'industrial' mineral' (para. 7.2.3) then its use for ubiquitous ends should be curtailed, especially given the huge landbank of (limestone) aggregate across the County.

Actions/Considerations

The NPPF requires the supply of aggregate minerals not industrial minerals to be maintained through the provision of landbanks because on the whole aggregate minerals supply similar markets. This is not the case with industrial minerals where their differences in geology, physical and chemical properties result in the requirement for different specifications of mineral for particular markets. The NPPF requires their provision to be maintained having regard to the particular properties of the mineral and the stocks of permitted reserves required to support investment in new or existing plant as set out in Policy SP10. Additionally, Policy SP1 which applies to all minerals requires that they are justified in that location taking into account the need for the specific mineral.

The need to use planning obligations to require the use of industrial mineral for industrial purposes is not required in principle because in general industrial minerals are of greater economic value than aggregate minerals and will be used for that purpose accordingly. There are particular circumstances where the MPA consider it is important to control the use of the mineral for example in the case of Whitwell Quarry where the industrial mineral is legally bound for use in the adjoining Whitwell Works. The MPA will consider the need for planning obligations to be used to control the use of the industrial mineral on a case-by-case basis.

Outcomes for Pre-Submission Draft Plan

No change

Policy SP10 Industrial Limestone

Representations (*Mineral Products Association 938/325*)

The last part of this policy that proposes to restrict the use of limestone is considered unsound as it is not effective, not positive planning, and has no basis in national policy and should be deleted.

Representations (*Tarmac 940/0351*)

The sub text to Policy SP10 identifies that in a number of circumstances to release industrial grade limestone, general purpose construction grade aggregate is a by-product. The complexities of working industrial limestone both operationally and the chemical compositions and subtle differences in deposits meaning some areas may be of a lower quality not suitable for industrial purpose which means that controlling industrial limestone extraction solely for industrial purposes would be difficult and is not justified/effective. The use of S106 Agreement to control the use of industrial limestone for industrial purpose is not supported.

Representations (*Longcliffe Quarries Ltd 973/0399*)

Generally support the policy , however, express reservations over the use of S106 Agreements to control the end use of industrial limestone products. Whilst we recognise the need to ensure that this valuable resource is used appropriately for industrial purposes, the circumstances in which section 106 agreements would be used are clearly set out in government guidance.

Planning obligations in the form of Section 106 agreements should only be used where it is not possible to address unacceptable impacts through a planning condition. We believe that policy SP10 does not conform with this guidance.

Actions/Considerations

Policy SP10 does not require the use planning obligations to secure the use of industrial mineral for industrial purposes in principle. It is caveated by the words 'where appropriate'. The MPA consider that there might be circumstances where the use of the industrial mineral should be controlled for example in the case of Whitwell Quarry where the industrial mineral is legally bound for use in the adjoining Whitwell Works. The MPA will consider the need for planning obligations to be used to control the use of the industrial mineral on a case-by-case basis.

Outcomes for Pre-Submission Draft Plan

No change

Policy SP10 Supply of Industrial Limestone

Representations (*Nottinghamshire CC 1135/0577*)

Nottinghamshire CC is content with the policy approach of SP10 which is consistent with its own policy for quarrying of this resource.

Actions/Considerations

The support is noted.

Outcomes for Pre-Submission Draft Plan

No change.

Policy SP11 Aldwark South

Representations (*Historic England 1158/0797*)

Any planning requirements that are needed in order to make an allocation sound should be incorporated within the Plan. We would anticipate that the Councils would incorporate a site-specific policy for the proposed allocation detailing what principal planning requirements the developer/ applicant would need to conform to. The principal planning requirements set out for the historic environment in paragraph A35, clause 3, page 294 are welcomed but are not detailed enough to overcome the potential harm to the

historic environment and should be informed by appropriate heritage impact assessment. An understanding of what heritage assets exist within a locality is not sufficient at this stage.

Actions/Considerations

Agree that the principal planning requirements should be incorporated into the Policy.

Outcomes for Pre-Submission Draft Plan

The need to address the principal planning requirements is included in Policy SP11.

Policy SP11 Aldwark South

Representations (*Historic England 1158/0796*)

We would request proportionate heritage impact assessment to be undertaken on this site to understand what impacts and harm there may be for the historic environment. There appears to be a limekiln associated with an earlier quarry as earthworks on the site and potential for above and below ground archaeology relating to early lead mining activities/ the legacy of lead mining. We would request some additional assessment before we can make a judgement about the proposed allocation, as well as an understanding of the cumulative impacts of extending development within this landscape and appropriate restoration principles.

Actions/Considerations

Agree that the allocation should be informed by a heritage impact assessment.

Outcomes for Pre-Submission Draft Plan

A heritage impact assessment has been undertaken to inform plan preparation and its findings taken into account in preparing the pre-submission plan.

Policy SP11 Aldwark South

Representations (*PDNPA 1159/0883*)

This policy appears to be openly worded in terms of and with no reference to locational acceptability and constraints in relation to where proposals for industrial limestone will be supported. I would strongly advise building on

some of the text (as a pre-condition) from paragraph 7.2.21 for incorporation into the policy itself, for example: *“Planning proposals to undertake quarry and related activities within the allocated site will need to provide sufficient evidence and environmental mitigation to satisfy all relevant policies of the development plan, including those related to the protection of the designated interests of the Peak District National Park.”*

Actions/Considerations

Paragraph 4.8 of the Plan sets out that ALL POLICES OF THE PLAN AND THEIR CRITERIA WILL APPLY WHERE RELEVANT and therefore the Plan should be read as a whole, taking into account the scale, nature location and type of development proposed. Policy SP10 is purely about the supply of industrial limestone, other policies of the Plan but particularly Policy SP1 Sustainable Minerals Development and the Development Management Policies at Chapter 11 will ensure the protection of the PDNP and its setting. Policy SP11 has been amended to incorporate the requirement to satisfactorily address the principal planning requirements set out at Appendix A. The impact of the proposed allocation on the PDNP and its setting has been extensively considered by the Councils in liaison with the PDNPA and the operator as reflected in the detailed principal planning requirements. Notwithstanding the impact of the proposed allocation on the PDNPA and its setting will be considered in further detail as part of any planning application to work the site.

Outcomes for Pre-Submission Draft Plan

No specific change although the need to satisfactorily address the Principal Planning Requirements has been incorporated within Policy SP11 Aldwark South.

Policy SP11 Aldwark South

Representations (CPRE 1152/0728)

Object to this allocation on the grounds of need as we suggest that the purity sought ('low cadmium, iron and lead') can be sourced from other local sites that already have permitted reserves. It is also the case that the site and proposed extension is sensitive in landscape terms, being adjacent to, and in the setting of, the Peak District National Park and close to popular rights of way.

Actions/Considerations

Paragraph 4.8 of the Plan sets out that ALL POLICES OF THE PLAN AND THEIR CRITERIA WILL APPLY WHERE RELEVANT and therefore the Plan should be read as a whole, taking into account the scale, nature location and type of development proposed. Policy SP10 is purely about the supply of industrial limestone, other policies of the Plan but particularly Policy SP1 Sustainable Minerals Development and the Development Management Policies at Chapter 11 will ensure the protection of the PDNP and its setting. Policy SP11 has been amended to incorporate the requirement to satisfactorily address the principal planning requirements set out at Appendix A. The impact of the proposed allocation on the PDNP and its setting has been extensively considered by the Councils in liaison with the PDNPA and the operator as reflected in the detailed principal planning requirements. Notwithstanding the impact of the proposed allocation on the PDNPA and its setting will be considered in further detail as part of any planning application to work the site.

Outcomes for Pre-Submission Draft Plan

No change

Policy SP11 Aldwark South

Representations (*Environment Agency 1137/0596*)

The site is located on a principal aquifer, and within Source Protection Zone 1 for a public water supply. It is an extremely sensitive location from a groundwater protection point of view. Further investigations and assessments will need to demonstrate that the proposal does not pose an unacceptable risk to the environment.

Actions/Considerations

Agree that this issue needs to be included in the Principal Planning Requirements at Appendix A. Any planning application to work the site will need to address this issue comprehensively.

Outcomes for Pre-Submission Draft Plan

The Principal Planning Requirements have been amended accordingly and the need to satisfy those requirements has been incorporated into Policy SP11.

Policy SP11 Aldwark South

Representations (*L'anson Bros Ltd 705/0005, Lloyds Animal Feeds 708/0008, F H Nash Ltd 709/0009, Trouw Nutrition GB 710/0010, Fridays Ltd 711/0011, The Millboard Company Ltd 712/0012, Mars Horsecare UK Ltd 713/0013, 2 Sisters Food Group 714/0014, Guardian Industries Ltd 1111/0547*)

Support the allocation of Aldwark South. The supply of low cadmium/low iron/ low lead limestone is essential for our businesses.

Representations (*Longcliffe Quarries Ltd 973/400*)

Support the allocation of Aldwark South.

Actions/Considerations

The support is noted.

Outcomes for Pre-Submission Draft Plan

Not Applicable.

Cement Supply - General Comment

Representations (*Sustainable Hayfield 1155/0773*)

In relation to cement works, we would hope that relevant planning and enforcement authorities will, in the light of the 'climate emergency', step up discussions with the operators on continuing to drive down the energy-intensity of their operations, given their enormous carbon budgets.

Actions/Considerations

The MPA has strengthened the Climate Change Policy SP2 in the Plan to address climate change issues more rigorously including the need to improve energy efficiency and reduce carbon emissions in line national and local carbon targets.

Outcomes for Pre-Submission Draft Plan

No Change to Chapter 7.2 but substantial changes have been made to Policy SP2 Climate Change.

Cement Supply - Tunstead Paragraph 7.2.27

Representations (*Staffordshire County Council 1133/0571*)

The Plan sets out that Tunstead Cement Works in Derbyshire is dependent on imports of Shale from Kingsley Quarry, and Marl from Keele Quarry, both in Staffordshire, and it is anticipated that the pattern of supply will continue.

Staffordshire CC has no objection, in principle, to this supply, but notes that a second kiln K2 is not anticipated to be commissioned until beyond 2038, the end of the Plan period. The new kiln is anticipated to increase cement production from 1 million to 2.15 million tonnes per year, with a proportionate (115%) rise in demand for raw materials. This is a substantial increase in demand for an increasingly scarce resource, and we do not have sufficient data to comment on whether it can be met. We note that planning permissions at Keele and Kingsley quarries are currently due to expire in 2043 and 2042 respectively, and that provision of clay from Keele Quarry should be used for clay product manufacture should the appropriate quality of clay be eventually extracted.

Actions/Considerations

The MPA note the concerns about the anticipated increase in the supply of materials from Keele and Kingsley quarries to support cement manufacture at Tunstead. In view of the uncertainty about the commissioning date for the additional cement kiln, K2, which may be beyond the Plan period the MPA consider that the supply issues for K2 should be considered as part of future reviews of the Plan.

Outcomes for Pre-Submission Draft Plan

No Change but continue to liaise with Staffordshire CC under the Duty to Cooperate regime to monitor the availability of mineral from Keele and Kingsley Quarries.

Cement Supply - Tunstead Paragraph 7.2.27

Representation (*CPRE 1152/0729*)

Unsure as to the purpose of the inclusion of text in respect of a (permitted?) second kiln at Tunstead, expected to be commissioned beyond the period of the draft Plan.

Actions/Considerations

The MPA has included reference to the permitted second cement kiln at Tunstead for information and completeness.

Outcomes for Pre-Submission Draft Plan

No Change.

The Supply of Cement Making Materials - Tunstead Quarry

Representations (*Tarmac 940/0352*)

The Draft Plan should recognise that there are reserves that will last beyond the 2042 permission end date. Tarmac requires assurance/confidence in support for a landbank of permitted reserves in excess of the minimum 15/25 years to secure the level of investment required to improve existing plant, particularly considering potential carbon reduction agendas and to facilitate commission of K2. The Plan should provide a positive policy framework to support retention of permitted reserve beyond 2042 and secure confidence to support future investment requirements.

Actions/Considerations

Agree that the Plan should include reference to the 2042 end date for mineral permissions. However, the Plan cannot positively provide for the retention of permitted reserves beyond their expiry date. Changes have been made to Chapter 11 in recognition of the issue of transitioning to 2042 and beyond.

Outcomes for Pre-Submission Draft Plan

Chapter 11 explains that the 2042 end date presents a number of challenges for the MPA and mineral operators, in terms of certainty of continuity of supply as well as managing long-term working and restoration requirements through the ROMP process. At the current time no guidance has been produced by government about how to approach the 2042 deadline or regarding any potential legislative changes. It is therefore proposed that this issue will be annually reviewed post-adoption of the Plan with the potential for further guidance to be produced at that time. In the meantime, operators are encouraged to enter into discussions with the MPA regarding the long-term plans for their sites at the earliest opportunity.

The Supply of Cement Making Materials Hope**Representations** (*PDNPA 1159/0884*)

Additional wording 'This criterion is reflected in the PDNPA Policy MIN1' should be added after... 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.

Actions/Considerations

- 2.7.25 Given that the adopted PDNP plan is currently being reviewed the MPA consider that it would be inappropriate to include the additional wording related to the adopted PDNP Local Plan.

Outcomes for Pre-Submission Draft Plan

- 2.7.26 No change.

The Supply of Cement Making Materials

Representations (PDNPA 1159/0885)

The Plan proposes to supply any unforeseen needs through a policy which allows for the working of additional reserves...” Is this feasible? Are there any opportunities for additional reserves from direct extensions from the current consented area which do not lie within the Old Moor area of the National Park and which would be constrained by PDNPA Policy MIN1 which states that, *‘Proposals for new mineral extraction or extensions to existing mineral operations (other than fluorspar proposals and local small-scale building and roofing stone which are covered by MIN2 and MIN3 respectively) will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy in MPS1.’*

Actions/Considerations

- 2.7.25 The Policy does not simply apply to Tunstead Quarry where existing permitted reserves are anticipated to be sufficient for the duration of the Plan period. The policy equally applies to any proposals for a new cement works and quarry should unforeseen demands occur during the Plan period. The acceptability of individual proposals will be determined on a case by case basis.

Outcomes for Pre-Submission Draft Plan

- 2.7.26 No change.

Policy SP12 Supply of Cement Making Materials

Representations (Historic England 1158/0798)

Any new sites should also be considered against the potential for harm to the significance of the historic environment, heritage assets, including their setting. Setting a clause that considers the primary importance to be the location of the quarry works to the location the material will be used, could

potentially have implications for the other environmental issues such as the historic environment.

Actions/Considerations

Paragraph 4.8 of the Plan sets out that ALL POLICES OF THE PLAN AND THEIR CRITERIA WILL APPLY WHERE RELEVANT and therefore the Plan should be read as a whole, taking into account the scale, nature location and type of development proposed. Policy SP11 is purely about the supply of cement making materials, other policies of the Plan but particularly Policy SP1 Sustainable Minerals Development and the Development Management Policies at Chapter 11 will ensure the protection of the historic environment. Although criterion 2) requires that in principle new quarries should be located as near as possible to the cement works where the material will be used the environmental requirements set out in the Plan's policies also apply.

Outcomes for Pre-Submission Draft Plan

No Change.

Policy SP12 Supply of Cement Making Materials

Representations (*Transition Chesterfield 1139/0623*)

This policy is based on assumptions that demand for cement will continue at the same rate for the next 25 years. UK concrete and cement currently account for around 1.5% of UK carbon dioxide emissions, and an even higher proportion of Derbyshire's emissions. The increasing use of more sustainable building materials and modular construction will reduce the demand for cement, as will innovative techniques and recycling. Large property developers are already exploring ways to cut carbon which would also significantly cut cement/concrete use. The plan should include evidence that shows there is a prospect of falling demand and whether it is necessary to have such large reserves.

Actions/Considerations

- 2.7.25 The policy approach is based on the NPPF which requires the Plan to make provision for the supply of industrial minerals such as cement making materials. Whilst increases in alternative building materials may occur in the future mineral companies are also investing in carbon capture technologies

which may lead to net zero carbon cement but would not reduce the need for raw materials.

Outcomes for Pre-Submission Draft Plan

2.7.26 No change.

Policy SP12 Supply of Cement Making Materials

Representations (*PDNPA 1159/0886*)

In relation to the Policy SP12 it is important to ensure that the quality of stone used in cement making is appropriate for that purpose and that higher grade stone is used for high grade industrial uses and not used to make cement. Suggest amending SP12 to include this requirement.

Actions/Considerations

2.7.25 Due to the nature of limestone working which inevitably involves the working of minerals for aggregate and industrial purposes any proposals to extract mineral for cement making will have to satisfy all relevant policies of the Plan including SP10 which includes a requirement relating to the use of Planning Obligations to control the end use of the mineral. In general market forces will lead to industrial minerals being used for their greatest economic value. However, there are particular circumstances where the MPA consider it is important to control the use of the mineral and the MPA will consider the use of planning obligations for such purposes on a case-by-case basis.

Outcomes for Pre-Submission Draft Plan

2.7.26 No change.

2.13 Chapter 7.3 Brick Clay and Fireclay

Table of Representations

Name		Name Ref. No.	Representation Ref. No.
Greater Manchester Combined Authorities		971	0394
Leicestershire County Council		1150	0704
Historic England		1158	0799, 0800,
PDNPA		1159	0887

Introduction and Background

Representations (*PDNPA 1159/0887*)

2.7.27 Proposals for the extraction of coal (including the supply of fireclay as a by-product) should not be encouraged due to climate change implications.

Actions/Considerations

2.7.28 This issue of supporting the extraction of coal (including the supply of fireclay as a by-product) is considered under section 8.1 Coal and Colliery Spoil.

Outcomes for Pre-Submission Draft Plan

2.7.29 No change.

Existing Quarries

Representations (*Greater Manchester Combined Authority 971/0394*)

2.7.30 Support the recognition and continued extraction of brick clay in Derbyshire to supply Denton Brickworks in Greater Manchester.

Representations (*Leicestershire County Council 1150/0704*)

2.7.31 Support the acknowledgement of the supply of brick clay to Desford brick works in Leicestershire from Waingroves Quarry.

Actions/Considerations

2.7.32 The support is noted.

Outcomes for the Pre-Submission Draft Plan

2.7.33 No change.

Policy SP13:Supply of Brick Clay

Representations (*Historic England 1158/0799*)

2.7.34 Any new sites should also be considered against the potential for harm to the significance of the historic environment, heritage assets, including their setting. Setting a clause that considers the primary importance to be the location of the quarry works to the location the material will be used, could potentially have implications for the other environmental issues such as the historic environment.

Actions/Considerations

2.7.35 In assessing planning applications all policies of the plan apply, where relevant, including those that address environmental considerations such as impacts on the Historic Environment. In seeking, in principle, to locate new sites as near as possible to the site where the clay is to be used the environmental considerations set out in the Plan's policies will also apply and particularly Policy DM7 in the case of protecting the Historic Environment.

Outcomes for Pre-Submission Draft Plan

2.7.36 No change

SP14:Stockpiling Brick Clay

Representations (*Historic England 1158/0800*)

2.7.37 Additional detail regarding restoration principles would be welcomed, in order to ensure, that after extraction, sites are restored to an appropriate context and have a beneficial impact on the landscape and environment within which they are located.

Actions/Considerations

2.7.38 In assessing planning applications all policies of the plan apply, where relevant. Policy DM15 Restoration, Aftercare and After-use requires proposals to seek to provide benefits to the local and wider community including amongst other benefits enhanced landscape character.

Outcomes for Pre-Submission Draft Plan

2.7.39 No

change

2.14 Chapter 7.4 Vein Minerals

Table of Representations

Name		Name Ref No	Representation Ref No
Historic England		1158	0801
PDNPA		1159	0888,0889,0890

Vein Minerals

Vein Minerals Introduction Paragraph 7.4.5

Representations (*PDNPA 1159/0888*)

- 2.14.1 The reference to 1,800,000 tonnes for Slinter Quarry would appear to be erroneous. It should be 100,000 of permitted reserves. There is no differentiation of emphasis in proportion to the quoted figure between limestone and associated vein minerals resource. As written the sentence may be read to imply substantial reserves of both limestone and vein mineral. Historically the vein mineral reserves from this quarry have been minimal compared relative to the limestone reserves. Also, the reference to 2021 would appear to be incorrect. Suggest that this should be clarified e.g. “A planning application submitted in 2017 proposes to extend the working of limestone and associated vein minerals to 2031”.

Actions/Considerations

- 2.8.2 Agree that the paragraph should be updated and amended for clarification purposes.

Outcomes for the Pre-Submission Draft Plan

- 2.8.3 Paragraph 7.4.5 has been amended for clarification and updating purposes.

Vein Minerals Introduction Paragraph 7.4.5

Representations (*PDNPA 1159/0889*)

- 2.8.4 The second sentence referring to Ball Eye Quarry makes the emphasis on limestone v vein mineral proportionality which is missing from the reference to Slinter Top Quarry. Nevertheless, it is a relatively uninformative reference, and I would suggest that it be expanded a little to put Ball Eye Quarry in its

context in terms of its previous limestone working with some vein mineral extraction, its date or year of mothballing, the remaining life of extant permission, and the likelihood of operations resuming. Also, it should read Ball Eye.

Actions/Considerations

- 2.8.2 Agree that further information should be included with regard to Ball Eye quarry.

Outcomes for the Pre-Submission Draft Plan

- 2.8.3 Paragraph 7.4.5 (now 7.4.7) has been amended accordingly.

Vein Minerals Supply Paragraph 7.4.11

Representations (*PDNPA 1159/0890*)

- 2.8.1 Add the sentence as follows: However, for new proposals it is possible to identify the presence of ore bearing structures within the ground to enable a reasonable estimation of potential reserves within a particular site using geophysical techniques.

Actions/Considerations

- 2.8.2 Agree

Outcomes for the Pre-Submission Draft Plan

- 2.8.3 Paragraph 7.4.11 (now 7.4.14) has been amended accordingly.

Policy SP15 The supply of Vein Minerals Criterion 2

Representations (*Historic England 1158/0801*)

- 2.8.1 Additional detail is required in clause 2 in a reasoned justification attached to this policy to understand what the potential impacts will be and how they will be overcome; having consideration to the impact to the historic environment, for example.

Actions/Considerations

- 2.8.2 The MPA has updated the Plan to remove this criterion reflecting that the impacts of processing vein mineral are likely to take place outside of the Plan area. Any other impacts of vein mineral working on the historic environment will be covered by the Plan's other strategic and development management policies.

Outcomes for the Pre-Submission Draft Plan

- 2.8.3 No Change.

2.15 Chapter 8 Energy Minerals

Table of Representations

Name		Name Ref. No.	Representation Ref. No.
Steve	Martin	726	0028
John	Levis	728	0035,
Elaine	Nudd	738	0046,
Michael	Conway	740	0050,
Mark	Watford	741L	2605,2929
Sarah	Marsh	742	0070,
Mary	Reape	749	0083,
Catherine	Hughes	750	0085,
Hayfield Parish Council		754	0090,
Jagdeep	Dosaniyh- Badwal	755	0091,
Kate	Gard Cooke	756	0092,
Parminder	Singh Bola	758	0094,
Steve	Elliot	760	0096,
David	Haspel	761	0101,
Anne	Thoday	764L	0989,0990
Melanie	Flynn	766L	2606,2930
Trevor	Back	767L	2607,2931
Sheharyar	As'ad	768L	2608,2932

Tony	Mott	769L	2609,2933
Robert	Purcell	770L	2610,2934
John	Millar	771L	2611,2935
Simon	Hewood	772L	2612,2936
Jennifer	Smith	773L	2613,2937
Noam	Livne	774L	2614,2938
Deborah	Hofman	775L	2615,2939
Lisa	Mendum	776L	2616,2940
Carol	Leak	777L	2617,2941
Doug	Lennon	778L	2618,2942
Valerie	Taylor	779L	2619,2943
Elizabeth	Browes	780L	2620,2944
Stefan	Majer	781L	2621,2945
Christopher	Allen	782L	2622,2946
Catherine	Petersen	783L	2623,2947
Sarah	Foy	784L	2624,2948
Joshua	Lane	785L	2625,2949
Anne	Shimwell	786L	2626,2950
Rachael	Hatchett	788L	2627,2951
Lindsay	Price	789L	2628,2952
Sue	Watmore	790L	2629,2953
Sue	Bradford-	791L	2630,2954
Sue	Cowdrey	792L	2631,2955
Wendy	Bullar	793L	2632,2956
Jane	Finney	794L	2633,2957
Glenda	Howcroft	795L	2634,2958
Milly	Holdsworth	796L	2635,2959
Susan	Bamforth	797L	2636,2960
Lindy	Stone	799L	2637,2961
Roger	Holden	800L	2638,2962
Kenneth	Duvall	801L	2639,2963
Lynne	Irving	802L	2640,2964
Brian	Lever	803L	2641,2965
Jason	Fraser	804L	2642,2966
Marguerite	Broadley	805L	2643,2967
Nadine	Peatfield	806L	2644,2968
Angela	Hughes	807L	2645,2969
Sue	Davies	808L	2646,2970
John	Youatt	809L	2647,2971
John	Cantellow	810L	2648,2972
Joseph	Reynolds	811L	2649,2973
Marlene	Shaw	812L	2650,2974
Ingrid	Abercrombie	813	0163
Graham	McCulloch	814	0164
Andrew	Taylor	815L	2653,2977
Nicholas	Headley	816L	2654,2978
Margaret	Roberts	817L	2655,2979
John	Beardmore	818L	2656,2980
Richard	Bull	819L	2657,2981

Holly	Moloney	820L	2658,2982
Martin	Stone	821L	2659,2983
Dawn	Watson	822L	2660,2984
Roger	Morton	823L	2661,2985
Nigel	Presswood	824L	2662,2986
Stephanie	Futcher	837L	2663,2987
Anne	Jackman	838L	2664,2988
Aubrey	Evans	839L	2665,2989
Paul	King	840L	2666,2990
Judith	Brunt	845L	2667,2991
Ben	Lambert	846L	2668,2992
Pauline	Fisher	847L	2669,2993
James	Eaden	848L	2670,2994
Helen	Steadman	849L	2671,2995
Paul	Briggs	850L	2672,2996
Keith	Fisher	851L	2673,2997
Rebecca	Smith	852L	2674,2998
Rachel	Bolton	853L	2675,2999
Neil	Stuart	854L	2676,3000
Heather	Bryant	855L	2677,3001
Liz	Longden	856L	2678,3002
Christine	Selden	857L	2679,3003
Adam	Link	858L	2680,3004
Janet	Ratcliffe	859L	2681,3005
Alan	Baldwin	860L	2682,3006
Valerie	Fenton	861L	2683,3007
Neil	Tuner	862L	2684,3008
Sheila	Maters	863L	2685,3009
Amy	Hughes-	868L	2686,3010
Jacky	Rounding	869L	2687,3011
Nick	Clarke	870L	2688,3012
David	Hassall	871L	2689,3013
Rachel	Steele	872L	2690,3014
Simon	Redding	873L	2691,3015
Collette	Boden	874L	2692,3016
Diana	Clarke	875L	2693,3017
Rachael	Richardson	876L	2694,3018
Vanessa	Fessey	877L	2695,3019
Christine	Curwen	878L	0242,0244,2696,3020
John	Curwen	879L	2697,3021
Dawn	Walton	880L	2698,3022
Lee	Housely	881L	2699,3023
David	McGill	882L	2700,3024
Lucy	Johnson	883L	2701,3025
Alison	Storey	884L	2702,3026
Susan	Groom	885L	2703,3027
Mark	Knight	886L	2704,3028
Susan	Brown	887L	2705,3029
Julie	Davies	888L	2706,3030

Mike	Wheeler	889L	2707,3031
Linda	Walker	890L	2708,3032
John	Hughes	891L	2709,3033
Christopher	Mann	892L	2710,3034
Nicola	Godridge	893L	2711,3035
Anne	Burton	894L	2712,3036
Sue	Wall	895L	2713,3037
Giulia	Argyll	896L	2714,3038
Paula	Browne	897L	2715,3039
Andrew	Mottershaw	898L	2716,3040
V	Wilkinson	899L	2717,3041
Michael	Hirst	900L	2718,3042
Lesley	Cooper	901L	2719,3043
Maralyn	Dommett	907L	2720,3044
Chris	Heard	908L	2721,3045
Ann	Fox	909L	2722,3046
Anne	Wood	910L	2723,3047
Glynis	Horvath	911L	2724,3048
Jenny	Gibbins	912L	2725,3049
Poppy	Simon	913L	2726,3050
Germaine	Bryant	914L	2727,3051
Vicki	Booth	915L	2728,3052
Barbara	Mackenney	916L	2729,3053
Susan	Fear	917L	2730,3054
Angela	Ostler	918L	2731,3055
Sue	Cuthbert	919L	2732,3056
Victoria	Noble	920L	2733,3057
Kim	Evans	921L	2734,3058
Patsy	McGill	922L	2735,3059
Dianne	Banks	923L	2736,3060
William	Hobbs	924L	2737,3061
Carolanne	Mason	925L	2738,3062
Elizabeth	Turk	926L	2739,3063
Jacqueline	Meyer	927L	2740,3064
Joy	Bates	928L	2741,3065
Penny	Took	929L	2742,3066
Karl	Barrow	930L	2743,3067
Barbara	Hughes	932L	2744,3068
Vikki	Watford	933L	2745,3069
Julie	Barwick	934L	2746,3070
Natalie	Rocca	935L	2747,3071
Ursula	Watts	936L	2748,3072
Kay	Watson	937L	2749,3073
Janet	Baldwin	943L	3546,3547
Teresa	Glossop	945L	2750,3074
Rae	Jones	946L	2751,3075
Callum	Armstrong	947L	2752,3076
Michael	Samash	948L	2753,3077
Jane	Webb	949L	2754,3078

Andrea	Watwood	950L	2755,3079
Bruce	Levitan	951L	2756,3080
Amanda	Johnson	952L	2757,3081
Anna	Swieczak	953L	2758,3082
Sharon	Craig	954L	2759,3083
Keith	Hutchinson	955L	2760,3084
Anne	Wilding	956L	2761,3085
Laura	Stevens	957L	2762,3086
Kelly	Rickard	958L	2763,3087
Holly	Salmon	959L	2764,3088
Lynne	Bruce	960L	2765,3089
Trevor	Kirkwood	961L	2766,3090
Chris	Hutchinson	962L	2767,3091
Terry	Joiner	963L	2768,3092
Yvonne	Payne	964L	2769,3093
Logan	Sheppard-	965L	2770,3094
Andy	Ashmore	969L	2771,3095
Lesley	Burke	970L	2772,3096
AMK	Wardroper	975L	2773,3097
Adrian	Brown	976L	2774,3098
Christine	Nudds	977L	2775,3099
Toni	Burnley	978L	2776,3100
Jane	Varley	979L	2777,3101
Geraldine	Busuttil	980L	2778,3102
Cetra	Coverdale	981L	2779,3103
Susan	Wiltshire	982L	2780,3104
Stephanie	Carter	983L	2781,3105
Hanna	Wade	984L	2782,3106
Elaine	Nudd	985L	2783,3107
Andy	Jamieson	986L	2784,3108
Jill	Holley	987L	2785,3109
Nicholas	Granville	988L	2786,3110
Gary	Roper	989L	2787,3111
Walt	Shaw	990L	2788,3112
Tracy	Arnold	991L	2789,3113
Peter	Coward	992L	2790,3114
Martin	Hofman	994L	2791,3115
Catherine	Hallsworth	995L	2792,3116
Pat	Thompson	996L	2793,3117
Lynne	Atkin	997L	2794,3118
Emma	Bungay	998L	2795,3119
Andrew	Murdoch	999L	2796,3120
Rita	Allan	1000L	2797,3121
Ben	Mitchell	1002L	2798,3122
Alison	Brown	1003L	2799,3123
Roger	Clarke	1004L	2800,3124
Beth	Ashman	1005L	2801,3125
Michael	Dowsett	1006L	2802,3126
Leonardo	Wilson	1007L	2803,3127

Patrick	Anderson	1008L	2804,3128
Glynis	Spencer	1009L	2805,3129
Stuart	Handley	1010L	2806,3130
Clare	Wood	1011L	2807,3131
Diana	Kerswell	1012L	2808,3132
Lisa	Hopkinson	1013L	2809,3133
Rachel	Horton	1014L	2810,3134
Gwyneth	Francis	1015L	2811,3135
Frances	Gower	1016L	2812,3136
Dave	Smith	1017L	2813,3137
Sally	Whitham	1018L	2814,3138
Holly	Exley	1019L	2815,3139
Jessica	Stephens	1020L	2816,3140
Karen	Smith	1021L	2817,3141
C	Shelton	1022L	2818,3142
James	Currie	1023L	2819,3143
Alexandra	Williams	1024L	2820,3144
Judith	Cornwall	1025L	2821,3145
John	De Carteret	1026L	2822,3146
Jane	Berry	1027L	2823,3147
Steven	Noake	1028L	2824,3148
Alison	Evans	1029L	2825,3149
Delia	Wellard	1030L	2826,3150
Kevin	Williams	1031L	2827,3151
Joshua	Phillips	1032L	2828,3152
Gillian	Von	1033L	2829,3153
Chrystal	Wallage	1034L	2830,3154
Deborah	Purhouse	1035L	2831,3155
Sue	Tomlinson	1036L	2832,3156
Susan	Foxon	1037L	2833,3157
Susan	Heard	1038L	2834,3158
David	Leicester	1039L	2835,3159
Alison	Storer	1040L	2836,3160
Mark	Brailsford	1041L	2837,3161
Jane	Reynolds	1042L	2838,3162
John	Sherratt John	1043L	2839,3163
Beatrice	Rajakaruna	1044L	2840,3164
Alisob	Scothern	1045L	2841,3165
Amanda	Chalk	1046L	2842,3166
Jillian	Harrison	1047L	2843,3167
Ian	Beever	1048L	2844,3168
Stephen	Blakemore	1049L	2845,3169
Maggie	Cook	1050L	2846,3170
Paul	Senior	1051L	2847,3171
Amina	Burslem	1052L	2848,3172
Paul	Tooley	1053L	2849,3173
John	LeGrove	1054L	2850,3174
Lewis	Coupland	1055L	2851,3175
Graham	Joiner	1056L	2852,3176

Natalie	Smith	1057L	2853,3177
Susan	Ashman	1058L	2854,3178
Eric	Hart	1059L	2855,3179
Andrew	Taylor	1060L	2856,3180
Rhian	Harding	1061L	2857,3181
James	Wyatt	1062L	2858,3182
Fiona	Ibbotson	1063L	2859,3183
Andy	Ward	1064L	2860,3184
Karen	Undrell	1065L	2861,3185
Natalie	Dawes	1066L	2862,3186
Jonathan	Helliwell	1067L	2863,3187
Joanna	Watson	1068L	2864,3188
Stephen	Plant	1069L	2865,3189
Daniel	Lloyd	1070L	2866,3190
Isky	Gordon	1071	0504
Stephan	Ball	1072L	2868,3192
Mark	Allcock	1073L	2869,3193
Pauline	Bell	1074L	2870,3194
Chris	Slater	1075L	2871,3195
Sheila	Spinks	1076L	2872,3196
Patricia	Tidmarsh	1077L	2873,3197
Rachel	Young	1078L	2875,3198
Christine	Nelson	1079L	2876,3199
Jeremy	Wright	1080L	2877,3200
Hazel	Thorpe	1081L	2878,3201
Ruth	Foden	1082L	2879,3202
Claire	Cooper	1083L	2880,3203
Clare	Greenwood	1084L	2881,3204
Gareth	Hughes	1085L	2882,3205
Pauline	Inwood	1086L	2883,3206
Caroline	Norbury	1087L	2884,3207
Emily	Lynn	1088L	2885,3208
Julia	Fell	1089L	2886,3209
Margaret	Gallimore	1090L	2887,3210
Becky	Turner	1091L	2888,3211
Caroline	Phillips	1092L	2889,3212
Matt	Drew	1093L	2890,3213
Liz	Honeybell	1094L	2891,3214
Keith	Gillespie	1095L	2892,3215
Barry	Hodgson	1096L	2893,3216
Carol	Wood	1097L	2894,3217
Peter	Cashford	1098L	2895,3218
I P	Smith	1099L	2896,3219
Louise	Petherham	1100L	2897,3220
Jean	Cashford	1101L	2898,3221
Chris	James	1102L	2899,3222
Ruth	Woods	1103L	2900,3223
Deborah	Noone	1104L	2901,3224
Norman	Rimmell	1105L	2902,3225

Malcolm	Barrow	1106L	2903,3226
Marian	Wall	1107L	2904,3227
Steve	Cane	1108L	2905,3228
Daniel	Wimberley	1109L	2906,3229
Dolores	O'Reilly	1110L	2907,3230
Imogen	Baines	1114L	2908,3231
Theresa	Brooke	1115L	2909,3232
Jenifer	Hyde	1116L	2910,3233
Poppy	Marston	1117L	2911,3234
Stephanie	Holmes	1118L	2912,3235
Pamela	Bain	1119L	2913,3236
Richard	Finnigan	1120L	2914,3237
Chris	Brennan	1121L	2915,3238
Diane	Kerry	1122L	2916,3239
Neil	Lister	1123L	2917,3240
Philip	Hutchinson	1124L	2918,3241
Martin	Bennett	1125L	2919,3242
Rod	Leach	1126L	2920,3243
Steve	Taylor	1127L	2921,3244
Denis	Robinson	1128L	2922,3245
Jacqueline A	Box	1129L	2923,3246
Liz	Elliot	1130L	2924,3247
Mair	Bain	1131L	2925,3248
Kevin	Elliot	1132L	2926,3249
Cllr Anne	Clarke	1134	0572
Cllr Gez	Kinsella	1142L	2927,3250
Eckington Against Fracking		1149	0690
Clay Cross Against Fracking		1151	0707
CPRE		1152	0730
Kathy	Mitchell	1156L	2928,3251
Phil	Ormerod	1164	0993
Ros	Griffith	1165	0994

Fossil Fuel Extraction
Representations
(Individuals 741/2605, 764/098, 9,766/2606 to 797/2636, 799/2637 to

812/2650, 815/2653 to 1070/2866, 1072/2868 to 1132/2926, 1142/2927, 1156/2928)

2.15.1 The Plan should not include policies which allow the extraction of fossil fuels for the following reasons:

- a) - the Plan should reflect the statement of the International Energy Agency Executive Director Faith Birol in May 2021 who said “If governments are serious about the climate crisis, there can be no new investments in oil, gas

and coal, from now – from this year.”

b) - the Plan should reflect the statement of Antonio Guterres head of the Intercontinental Panel on Climate Change who said on releasing the latest Sixth Assessment Report in February 2022 stated “Increasing fossil fuel production will only make matters worse. It is time to stop burning our planet and start investing in the abundant renewable energy all around us.

Investing in new fossil fuels infrastructure is moral and economic madness. Such investments will soon be stranded assets — a blot on the landscape and blight on investment portfolios’.

c) There is no cost-effective mature technology currently available that can effectively capture carbon dioxide from coal burning and other fossil fuel combustion.

d) The threat from fugitive emissions (escape) of methane in natural gas and hydraulic fracturing operations is recognised as a serious threat to climate stability because of its high warming potential. Scaling down coal and reducing methane emissions were key priorities at Global Climate Summit Conference of the Parties Glasgow 26 Nov 2021.

Representations (*Steve Martin 726/0028*)

- 2.15.1 The Plan should make it clear that there should be no new fossil fuel extraction in Derbyshire. The recent Intergovernmental Panel on Climate Change report makes clear that existing and current planned fossil fuel projects are already more than the climate can handle. We are facing NOW a climate change emergency. Invest in renewable energy not fossil fuels.

Representations (*John Levis 728/0035*)

- 2.15.1 In the light of the recent IPPC Sixth Assessment Report and quote from Antonio Guterres, the UN Secretary general which states that “Increasing fossil fuel production will only make matters worse. It is time to stop burning our planet and start investing in the abundant renewable energy all around us.” the Plan should not include policies which allow fossil fuel extraction.

Representations (*Elaine Nudd 738/0046 (Michael Conway 740/0050) (Sarah Marsh 742/0070 (Hayfield Parish Council 754/0090) (Jagdeep Dosanjh-Badwal 755/0091) (Kate Gard Cooke 756/0092) (Parminder Singh Bola 758/0094) (Steve Elliott 760/0096) (David Haspel 761/0101) (Ingrid*

Abercrombie 813/0163) (Graham McCulloch 814/0164) (Gordon Isky 1071/0504) Eckington Against Fracking 1149/690)) Phil Ormerod 1164/0993) (Ros Griffith 1165/0994)

- 2.15.1 The Plan should not include policies that allow for fossil fuel extraction. It is contrary to the climate change agenda.

Representations *(Mary Reape 749/0083)*

- 2.15.1 The Plan should not include policies which allow for the extraction of fossil fuels. It is contrary to climate change agenda .The Plan should reflect the statement of the International Energy Agency Executive Director Faith Birol in May 2021 who said, *"If governments are serious about the climate crisis, there can be no new investments in oil, gas and coal, from now – from this year."* Our own Committee for Climate Change states *"We would support a tighter limit on production, with stringent test and a presumption against exploration"*. Entertaining new fossil fuel extraction is in direct contravention of 'a tighter limit on production'. Fossil Fuel extraction is not sustainable in line with NPPF because it will compromise the ability of future generations to survive.

Representations *(Catherine Hughes 750/0085)*

- 2.15.1 The Plan should not allow fossil fuel extraction. The latest IPCC Sixth Report states we have sufficient reserves to last 8 years more than enough time to develop renewable alternatives. The Plan should reflect the statement of Antonio Guterres head of the Intercontinental Panel on Climate Change who said on releasing the latest Sixth Assessment Report in February 2022 stated *"Increasing fossil fuel production will only make matters worse. It is time to stop burning our planet and start investing in the abundant renewable energy all around us. Keep fossil fuels in the ground in line with evidence of over 1000 climate scientists that we will pass climate tipping points in the next 2-3 years if we fail to do so."*

Representations *(Cllr Anne Clarke 1134/0572)*

- 2.15.1 Although the County Council has not declared a Climate Change Emergency it is aware that there is a climate crisis and the policies of the Plan need to

reflect this. In particular the policies of the Plan should not allow for fossil fuel extraction including coal, oil and gas extraction (and especially no hydraulic fracturing).

Representations (CPRE 1152/730)

- 2.15.1 We believe the whole section of the draft Plan addressing coal, conventional and unconventional hydrocarbons and gas from coal should be removed due to inconsistency with Derby and Derbyshire's declared climate emergencies and associated policies and strategies. The following text is proposed,' *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.*'

Representations (Clay Cross Against Fracking 1151/0707)

- 2.15.1 The plan should acknowledge that there can be no new fossil fuel exploration and development in Derbyshire in order to keep in line with national and internationally agreed attempts to keep global heating to within 1.5 degrees increase above preindustrial temperatures.

Actions/Considerations

- 2.15.1 The MPA recognises the importance of addressing climate change. However, the imposition of a blanket ban on fossil fuel extraction would be contrary to the NPPF which requires the Plan 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) and oil and gas (conventional and unconventional) in its definition of such resources.
- 2.15.1 In relation to climate change the MPA agree that, in the light of more recent evidence on the need to urgently address climate change issues, Policy SP2 Climate Change needs to be amended to strengthen the Plan's commitment to address these issues. The MPA also agree that the policies for the

extraction of coal SP15 and hydrocarbons SP16 need to be strengthened in relation to climate change and other environmental safeguards.

Outcomes for the Pre-Submission Draft Plan

- 2.15.1 No Change in relation to a blanket ban on fossil fuels but changes have been made to SP2 Climate Change, SP15 Coal Extraction and Colliery Spoil Disposal and SP16 Hydrocarbons to address climate change and other environmental issues.

Fossil Fuel Resources

Representations (*Individuals 741/2929,764/0990,766/2930 to 797/2960, 799/2961 to 812/2974, 815/2977 to 1070/3190, 1072/3192 to 1132/3249, 1142/3250, 1156/3251*)

- 2.15.1 The Plan should not include reference to recoverable fossil fuel resources in the Plan area which could be economically recovered between now and 2038.

Actions/Considerations

- 2.15.1 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) and oil and gas (conventional and unconventional) in its definition of such resources. It is appropriate therefore that where such resources are present in the Plan area they are identified.

Outcomes for the Pre-Submission Draft Plan

- 2.15.1 No Change

2.16 Chapter 8.1 Coal and Colliery Spoil Disposal

Table of Representations

Name	Name Reference Number	Representation Reference Number
North East Derbyshire District Council	972	3561
Transition Chesterfield	1139	0624
Erewash Borough Council	1143	0641
Derbyshire Wildlife Trust	1145	0655
Bolsover District Council	1147	3560
CPRE	1152	0731
Chesterfield Borough Council	1154	0747
Sustainable Hayfield	1155	0765
Historic England	1158	0802
Peak District National Park Authority	1159	0891

Issue – General approach to the supply of coal

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

2.16.1 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 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)

2.16.2 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)

2.16.3 The Peak District National Park Authority 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

2.16.3 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) and oil and gas (conventional and unconventional) 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

- 2.16.4 Retain policy SP16 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 not contribute to climate change or prejudice the achievement of UK climate change objectives and national and local carbon reduction targets and budgets.

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*)

- 2.16.5 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.
- 2.16.6 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 Policy SP16 offered clarity around situations in which extraction may be justified.

2.16.7 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 notes the draft criteria based Strategic Policy SP16 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.

2.16.8 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

2.16.9 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.

- 2.16.10 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

- 2.16.11 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 – Policy SP16: Coal Extraction and Colliery Spoil Disposal

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

- 2.16.12 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.
- 2.16.13 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.

2.16.14 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’.*

2.16.15 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

2.16.16 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

2.16.17 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 not contribute to climate change or prejudice the achievement of UK climate change objectives (net zero) and national and local carbon reduction targets and budgets.

Issue: Missing policy text

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

- 2.16.18 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

- 2.16.19 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. The missing text is as follows:

‘2. Where development proposals are unable to demonstrate the requirements of 1) above, planning permission will only be granted where proposals can be demonstrated to provide national, local or community benefits of a scale which clearly outweigh the likely impacts (taking all relevant matters into account, including any residual environmental impacts).

In the assessment of benefits of coal mining development against adverse impacts the mineral planning authority will have regard to the requirements of sub-paragraphs 2 and 3 of Policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals; and...

Outcomes for the Pre-submission Draft Plan

- 2.16.20 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*)

- 2.16.21 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'

2.16.22 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 SP15 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

2.16.23 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.

2.16.24 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

2.16.25 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.

2.17 Chapter 8.2 Hydrocarbons

Table of Representations

Name		Name Ref. No.	Representation Ref. No.
Jonathon	Williams	702	0002
Janice	Beech	715	0015
Liz	Hawkins	716	0016
Pamela	Lewis	725	0026
Chris	Stait	727	0032
John	Levis	728	0036
Sue K	Connelly	733	0041
Elaine	Nudd	738	0047
Mark	Watford	741L	3252 Additional Comments 0052,0053,0054,0055
Sarah	Marsh	742	0056,0057,0058,0059,0060,0061, 0062,0063,0064,0065,0066,0067, 0068,0069,0071,0072,0073,0074, 0075
Mary	Reape	749	0084
Judy	Heap	759	0095
Steve	Elliott	760	0097,0098,0099
Anne	Thoday	764L	0991
Melanie	Flynn	766L	3253
Trevor	Back	767L	3254
Sheharyar	As'ad	768L	3255
Tony	Mott	769L	3256
Robert	Purcell	770L	3257
John	Millar	771L	3258
Simon	Hewood	772L	3259
Jennifer	Smith	773L	3260
Noam	Livne	774L	3261
Deborah	Hofman	775L	3262
Lisa	Mendum	776L	3263
Carol	Leak	777L	3264
Doug	Lennon	778L	3265
Valerie	Taylor	779L	3266
Elizabeth	Browes	780L	3267
Stefan	Majer	781L	3268
Christopher	Allen	782L	3269
Catherine	Petersen	783L	3270
Sarah	Foy	784L	3271
Joshua	Lane	785L	3272

Anne	Shimwell	786L	3273
Rachael	Hatchett	788L	3274
Lindsay	Price	789L	3275
Sue	Watmore	790L	3276
Sue	Bradford-Knox	791L	3277
Sue	Cowdrey	792L	3278
Wendy	Bullar	793L	3279
Jane	Finney	794L	3280
Glenda	Howcroft	795L	3281
Milly	Holdsworth	796L	3282
Susan	Bamforth	797L	3283
Lindy	Stone	799L	3284
Roger	Holden	800L	3285
Kenneth	Duvall	801L	3286
Lynne	Irving	802L	3287
Brian	Lever	803L	3288
Jason	Fraser	804L	3289
Marguerite	Broadley	805L	3290
Nadine	Peatfield	806L	3291
Angela	Hughes	807L	3292
Sue	Davies	808L	3293
John	Youatt	809L	3294
John	Cantellow	810L	3295
Joseph	Reynolds	811L	3296
Marlene	Shaw	812L	3297
Andrew	Taylor	815L	3298
Nicholas	Headley	816L	3299
Margaret	Roberts	817L	3300
John	Beardmore	818L	3301
Richard	Bull	819L	3302
Holly	Moloney	820L	3303
Martin	Stone	821L	3304
Dawn	Watson	822L	3305
Roger	Morton	823L	3275
Nigel	Presswood	824L	3276
Susan	Killeen	830	0182
Derbyshire MLP Communities Action Group		831	0183
Dennis	Hutchinson	832	0184
Carol	Hutchinson	833	0186,0187,0188,0189,0190
Stephanie	Futcher	837L	3277
Anne	Jackman	838L	3278
Aubrey	Evans	839L	3279
Paul	King	840L	3280
Judith	Brunt	845L	3281
Ben	Lambert	846L	3282
Pauline	Fisher	847L	3283
James	Eaden	848L	3284

Helen	Steadman	849L	3285
Paul	Briggs	850L	3286
Keith	Fisher	851L	3287
Rebecca	Smith	852L	3288
Rachel	Bolton	853L	3289
Neil	Stuart	854L	3290
Heather	Bryant	855L	3291
Liz	Longden	856L	3292
Christine	Selden	857L	3293
Adam	Link	858L	3294
Janet	Ratcliffe	859L	3295
Alan	Baldwin	860L	3296
Valerie	Fenton	861L	3297
Neil	Tuner	862L	3298
Sheila	Maters	863L	3299
Amy	Hughes-Dennis	868L	3300
Jacky	Rounding	869L	3301
Nick	Clarke	870L	3302
David	Hassall	871L	3303
Rachel	Steele	872L	3304
Simon	Redding	873L	3305
Collette	Boden	874L	3306
Diana	Clarke	875L	3307
Rachael	Richardson	876L	3308
Vanessa	Fessey	877L	3309
Christine	Curwen	878L	3310
John	Curwen	879L	3311
Dawn	Walton	880L	3312
Lee	Housely	881L	3313
David	McGill	882L	3314
Lucy	Johnson	883L	3315
Alison	Storey	884L	3316
Susan	Groom	885L	3317
Mark	Knight	886L	3318
Susan	Brown	887L	3319
Julie	Davies	888L	3320
Mike	Wheeler	889L	3321
Linda	Walker	890L	3322
John	Hughes	891L	3323
Christopher	Mann	892L	3324
Nicola	Godridge	893L	3325
Anne	Burton	894L	3326
Sue	Wall	895L	3327
Giulia	Argyll Nicholson	896L	3328
Paula	Browne	897L	3329
Andrew	Mottershaw	898L	3330
V	Wilkinson	899L	3331
Michael	Hirst	900L	3332
Lesley	Cooper	901L	3333

Maralyn	Dommett	907L	3334
Chris	Heard	908L	3335
Ann	Fox	909L	3336
Anne	Wood	910L	3337
Glynis	Horvath	911L	3338
Jenny	Gibbins	912L	3339
Poppy	Simon	913L	3340
Germaine	Bryant	914L	3341
Vicki	Booth	915L	3342
Barbara	Mackenney	916L	3343
Susan	Fear	917L	3344
Angela	Ostler	918L	3345
Sue	Cuthbert	919L	3346
Victoria	Noble	920L	3347
Kim	Evans	921L	3348
Patsy	McGill	922L	3349
Dianne	Banks	923L	3350
William	Hobbs	924L	3351
Carolanne	Mason	925L	3352
Elizabeth	Turk	926L	3353
Jacqueline	Meyer	927L	3354
Joy	Bates	928L	3355
Penny	Took	929L	3356
Karl	Barrow	930L	3357
Barbara	Hughes	932L	3358
Vikki	Watford	933L	3359
Julie	Barwick	934L	3360
Natalie	Rocca	935L	3361
Ursula	Watts	936L	3362
Kay	Watson	937L	3363
Andrew	Watson	941	0359
Sue	Cook	942	0360,0361
Janet	Baldwin	943	3548
Janice	Felderman	944	0363,0364,0365,0366,0367
Teresa	Glossop	945L	3364
Rae	Jones	946L	3365
Callum	Armstrong	947L	3366
Michael	Samash	948L	3367
Jane	Webb	949L	3368
Andrea	Watwood	950L	3369
Bruce	Levitan	951L	3370
Amanda	Johnson	952L	3371
Anna	Swieczak	953L	3372
Sharon	Craig	954L	3373
Keith	Hutchinson	955L	3374
Anne	Wilding	956L	3375
Laura	Stevens	957L	3376
Kelly	Rickard	958L	3377
Holly	Salmon	959L	3378

Lynne	Bruce	960L	3379
Trevor	Kirkwood	961L	3380
Chris	Hutchinson	962L	3381
Terry	Joiner	963L	3382
Yvonne	Payne	964L	3383
Logan	Sheppard-Scally	965L	3384
Andy	Ashmore	969L	3385
Lesley	Burke	970L	3386
North East Derbyshire DC		972	0396
AMK	Wardroper	975L	3387
Adrian	Brown	976L	3388
Christine	Nudds	977L	3389
Toni	Burnley	978L	3390
Jane	Varley	979L	3391
Geraldine	Busuttil	980L	3392
Cetra	Coverdale	981L	3393
Susan	Wiltshire	982L	3394
Stephanie	Carter	983L	3395
Hanna	Wade	984L	3396
Elaine	Nudd	985L	3397
Andy	Jamieson	986L	3398
Jill	Holley	987L	3399
Nicholas	Granville	988L	3400
Gary	Roper	989L	3401
Walt	Shaw	990L	3402
Tracy	Arnold	991L	3403
Peter	Coward	992L	3404
Martin	Hofman	994L	3405
Catherine	Hallsworth	995L	3406
Pat	Thompson	996L	3407
Lynne	Atkin	997L	3408
Emma	Bungay	998L	3409
Andrew	Murdoch	999L	3410
Rita	Allan	1000L	3411
Trevor	Bates	1001	0433
Ben	Mitchell	1002L	3412
Alison	Brown	1003L	3413
Roger	Clarke	1004L	3414
Beth	Ashman	1005L	3415
Michael	Dowsett	1006L	3416
Leonardo	Wilson	1007L	3417
Patrick	Anderson	1008L	3418
Glynis	Spencer	1009L	3419
Stuart	Handley	1010L	3420
Clare	Wood	1011L	3421
Diana	Kerswell	1012L	3422
Lisa	Hopkinson	1013L	3423
Rachel	Horton	1014L	3424

Gwyneth	Francis	1015L	3425
Frances	Gower	1016L	3426
Dave	Smith	1017L	3427
Sally	Whitham	1018L	3428
Holly	Exley	1019L	3429
Jessica	Stephens	1020L	3430
Karen	Smith	1021L	3431
C	Shelton	1022L	3432
James	Currie	1023L	3433
Alexandra	Williams	1024L	3434
Judith	Cornwall	1025L	3435
John	De Carteret	1026L	3436
Jane	Berry	1027L	3437
Steven	Noake	1028L	3438
Alison	Evans	1029L	3439
Delia	Wellard	1030L	3440
Kevin	Williams	1031L	3441
Joshua	Phillips	1032L	3442
Gillian	Von Fragstein	1033L	3443
Chrystal	Wallage	1034L	3444
Deborah	Purhouse	1035L	3445
Sue	Tomlinson	1036L	3446
Susan	Foxon	1037L	3447
Susan	Heard	1038L	3448
David	Leicester	1039L	3449
Alison	Storer	1040L	3450
Mark	Brailsford Mark	1041L	3451
Jane	Reynolds Jane	1042L	3452
John	Sherratt John	1043L	3453
Beatrice	Rajakaruna	1044L	3454
Alisob	Scothern	1045L	3455
Amanda	Chalk	1046L	3456
Jillian	Harrison	1047L	3457
Ian	Beever	1048L	3458
Stephen	Blakemore	1049L	3459
Maggie	Cook	1050L	3460
Paul	Senior	1051L	3461
Amina	Burslem	1052L	3462
Paul	Tooley	1053L	3463
John	LeGrove	1054L	3464
Lewis	Coupland	1055L	3465
Graham	Joiner	1056L	3466
Natalie	Smith	1057L	3467
Susan	Ashman	1058L	3468
Eric	Hart	1059L	3469
Andrew	Taylor	1060L	3470
Rhian	Harding	1061L	3471
James	Wyatt	1062L	3472
Fiona	Ibbotson	1063L	3473

Andy	Ward	1064L	3474
Karen	Undrell	1065L	3475
Natalie	Dawes	1066L	3476
Jonathan	Helliwell	1067L	3477
Joanna	Watson	1068L	3478
Stephen	Plant	1069L	3479
Daniel	Lloyd	1070L	3480
Isky	Gordon	1071	0505
Stephan	Ball	1072L	3481
Mark	Allcock	1073L	3482,0509 additional to letter
Pauline	Bell	1074L	3483
Chris	Slater	1075L	3484
Sheila	Spinks	1076L	3485
Patricia	Tidmarsh	1077L	3486
Rachel	Young	1078L	3487
Christine	Nelson	1079L	3488
Jeremy	Wright	1080L	3489
Hazel	Thorpe	1081L	3490
Ruth	Foden	1082L	3491
Claire	Cooper	1083L	3492
Clare	Greenwood	1084L	3493
Gareth	Hughes	1085L	3494
Pauline	Inwood	1086L	3495
Caroline	Norbury	1087L	3496
Emily	Lynn	1088L	3497
Julia	Fell	1089L	3498
Margaret	Gallimore	1090L	3499
Becky	Turner	1091L	3500
Caroline	Phillips	1092L	3501
Matt	Drew	1093L	3502
Liz	Honeybell	1094L	3503
Keith	Gillespie	1095L	3504
Barry	Hodgson	1096L	3505
Carol	Wood	1097L	3506
Peter	Cashford	1098L	3507
I P	Smith	1099L	3508
Louise	Petherham	1100L	3509
Jean	Cashford	1101L	3510
Chris	James	1102L	3511
Ruth	Woods	1103L	3512
Deborah	Noone	1104L	3513
Norman	Rimmell	1105L	3514
Malcolm	Barrow	1106L	3515
Marian	Wall	1107L	3516
Steve	Cane	1108L	3517
Daniel	Wimberley	1109L	3518
Dolores	O'Reilly	1110L	3519
Barlborough PC		1112	0548
Imogen	Baines	1114L	3520

Theresa	Brooke	1115L	3521
Jenifer	Hyde	1116L	3522
Poppy	Marston	1117L	3523
Stephanie	Holmes	1118L	3524
Pamela	Bain	1119L	3525
Richard	Finnigan	1120L	3526
Chris	Brennan	1121L	3527
Diane	Kerry	1122L	3528
Neil	Lister	1123L	3529
Philip	Hutchinson	1124L	3530
Martin	Bennett	1125L	3531
Rod	Leach	1126L	3532
Steve	Taylor	1127L	3533
Denis	Robinson	1128L	3534
Jacqueline A	Box	1129L	3535
Liz	Elliot	1130L	3536
Mair	Bain	1131L	3537
Kevin	Elliot	1132L	3538
MP Lee	Rowley	1135	0580,0581,0582,0583,0584,0585
Environment Agency		1136	0597
Transition Chesterfield		1139	0614,0617,0625,0626,0627
UKOOG		1140	0628,0629,0630,0631,0632,0633,0635
Dronfield Town Council		1141	0636,0637
Cllr Gez	Kinsella	1142L	3539
Derbyshire Wildlife Trust		1145	0656
Eckington Parish Council		1146	0666,0667,0668,0669,0670,0671,0672,0673
Bolsover District Council		1147	0678
Graham	Buckley	1148	0682,0683,0684,0685,0686
Eckington Against Fracking		1149	0688,0689,0691,0692,0693,0694,0695,0696,0697,0698,0699,0700,0701
Clay Cross Against Fracking		1151	0708,0712
CPRE		1152	0732, 0733,0734
Elmton with Creswell Parish Council		1153	0740
Sustainable Hayfield		1155	0766,0767,0769

Kathy	Mitchell	1156L	3540
S Yorks for a Green New Deal		1157	0781,0782, 0783,
Historic England		1158	0803,0804,0805,0806,0807,0808 0809,0810
PDNPA		1159	0892
Creswell Against Fracking		1162	0971,0972,0973,0974,0975,0976 0977,0978,0979,0980
DCC Labour Group		1163	0981
Ros	Griffith	1165	0995
MP Mark	Fletcher	1166	0996

General Comments

Premature Consultation - British Geological Survey Report

Representations (*Sarah Marsh 742/0058*)

2.17.1 Consultation on the Plan is premature. The Councils should have waited until after the findings of the British Geological Survey report on whether there has been new scientific evidence to warrant lifting the moratorium on issuing Hydraulic Fracturing Consents.

Actions/Considerations

2.17.1 The MPA cannot base the timetable of local plan preparation on the publication of government documents, it would be impractical.

Outcomes for the Pre-Submission Draft Plan

2.17.1 Not Applicable.

British Geological Survey Report

Representations (*UKOOG 1140/635*)

2.17.1 The plan should take account of the announcement from BEIS that the science which led to the moratorium is being reviewed by the BGS.

Actions/Considerations

2.17.1 The MPA has taken into account the publication of the BEIS BGS Report on Hydraulic Fracturing. It was published after the draft plan consultation but before the pre-submission consultation stage.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change.

Issues and Options Report 2011 Unconventional Hydrocarbons

Representations (*Sarah Marsh 742/0060*)

2.17.1 The issues and Options stage in 2011 did not include reference to Unconventional Oil and Gas.

Actions/Considerations

2.17.1 The Issues and Options Report included as Issue 11 'Managing how we can make provision for New Coal Exploitation Technologies'. It did not include reference to Shale Gas which emerged as a potential oil and gas resource post 2011.

Outcomes for the Pre-Submission Draft Plan

2.17.1 Not Applicable.

General Comment - use of mine gas

Representations (*South Yorkshire for a Green New Deal 1157/0783*)

2.17.1 The plan should, however, promote the feasibility of using heat from mine water, as is being done in other authorities such as Barnsley and the north east of England.

Actions/Considerations

2.17.1 The use of energy from mine water is a matter for the District/Borough/Unitary Authorities to include in the local plans that they prepare.

Outcomes for the Pre-Submission Draft Plan

2.17.1 Not Applicable.

The Regulatory System Environment Agency

Representations (*Environment Agency 11370597*)

2.17.1 We would highlight that a mining waste permit will be required for onshore oil and gas activities. The Environment Agency will not approve an application to drill for oil and gas through an area designated as Source Protection Zone (SPZ) 1.

Actions/Considerations

2.17.1 The comment is noted.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change.

General comment - environmental safeguards

Representations (*Eckington Against Fracking 1149/689*)

2.17.1 The focus of the 'Minerals Plan' seems to be based on a presumption of allowed development with conditions and mitigation factored into applications, that are designed to allay fears, but ultimately are unmanageable and provide no proven safeguard on environmental impacts once a scheme is underway.

Actions/Considerations

2.17.1 An important approach of the Plan as set out at paragraph 4.8 is that, **All policies of the Plan and their criterion apply where relevant.** The MPA considers that the proposed changes to the Plan will ensure that appropriate environmental safeguards are in place to protect people and the environment from impacts from all mineral development not only hydrocarbon development. The MPA will use monitoring and enforcement procedures to ensure compliance with that any planning conditions.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change

Need

Hydrocarbons Need Paragraph 8.2.32

Representations (CPRE 1152/0732)

- 2.17.1 Amend last sentence to ‘...and the Plan therefore needs to include policies to control such development’ as the text is currently too permissive.

Actions/Considerations

- 2.17.1 This sentence has been amended and encompasses the concerns raised.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Paragraph 8.2.43 reads.....*‘The scale of all resources available in the Plan area and the commercial viability of those resources are very uncertain and appear to be limited in some cases. However, it is possible that the oil and gas industry will seek to examine and extract these resources, if commercial viability is proven, and the Plan therefore needs to include policies to consider such development proposals should they come forward. In view of the lack of knowledge about the location and scale of economically viable oil and gas resources the Plan adopts a plan wide policy approach which allows for their exploitation subject to meeting a detailed set of criteria. ‘*

Need for Oil and Gas and Hydraulic Fracturing

Representations (Sue Cook 942/361)

- 2.17.1 The time taken to bring shale gas into production would not be a quick fix to solve the energy crisis and the amount of gas produced is insignificant compared to the demand.

Representations (Transition Chesterfield 1139/614)

- 2.17.1 The Plan should recognise the advice of experts who have warned against policies to start fracking or to maximise extraction of UK oil and gas:

- The former head of the United Nations, Ban Ki-Moon has urged the UK not to lift its fracking ban in an effort to bolster energy resilience in the wake of Russia’s invasion of Ukraine, saying it would not be in the “long-term interest of humanity”.
- Adam Vaughan in the New Scientist suggested the only real long-term fix is to cut the UK’s reliance on gas by backing renewables and

low-carbon alternatives to gas boilers, such as heat pumps.

- The CCC have argued that best way to ease consumers' pain from high energy prices is to stop using fossil fuels rather than drill for more of them and any UK-produced gas would be sold internationally and barely reduce the consumer price. They said wind and solar power, as well as home insulation, is a better route.
- A number of scientific experts also note that fracking is not a good solution to the current energy crisis or for energy security.
- Independent analysis by Carbon Brief shows that if the 649 wind and solar projects already cleared for development in the UK were actually built they would, collectively, more than offset the gas that is currently imported from Russia.

Representations (*Transition Chesterfield 1139/0617*)

- 2.17.1 The document's rationale for continued extraction of natural gas and fracking that "continued good access to natural gas from both domestic and international markets is seen as critical." Is factually wrong, misguided and not aligned with net zero targets nor more recent pronouncements to reduce reliance on oil and gas.

Representations (*Transition Chesterfield 1139/0625*)

- 2.17.1 The Plan adopts the approach that there is an assumed need for oil and gas, including shale gas. While the NPPF states that "It is important therefore that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs." However, it does not follow that having sufficient supply of energy means the continued supply of fossil fuels since the deployment of renewable energy offers cost-effective alternatives to oil and gas. The Plan should use the updated evidence from the CCC's Sixth Carbon Budget which predict a 76% reduction in gas consumption in the period 2020-2050, i.e. under our net zero target we will be consuming 24% of the gas we consumed in 2020 (consumption of gas will reduce from 920 TWh in 2020 to 217 Twh in 2050). The Plan should adopt a presumption against more gas extraction.

Representations (*UKOOG 1139/0630*)

- 2.17.1 UKOOG welcome the fact that the Plan recognises the need for oil and gas out to 2050. It would also draw attention to the comments made by the Inspector on Egdon Resources' appeal for the Wressle development regarding national energy policy: 'National energy policy, most succinctly set out in NPS EN-1 and the Framework, is aimed at reducing demand by end users, and in that way reducing both demand and consumption. It is no part of national policy to attempt to reduce emissions by restricting the production of hydrocarbons in the UK, as was implied or stated by some objectors. Nor was such an approach suggested by the Committee on Climate Change when dealing with the net zero 2050 position – and there is no policy which provides that a net zero carbon economy in 2050 would be hydrocarbon-free.'

Representations (*Chris Stait 727/0032, Trevor Bates 1001/433*)

- 2.17.1 Support the extraction of oil and gas including hydraulic fracturing in order to enable security of supply and reduce energy costs.

Actions/Considerations

- 2.17.1 The NPPF requires the Plan 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 oil and gas (conventional and unconventional) in its definition of such resources. Therefore, the imposition of a blanket ban on hydrocarbon extraction would be contrary to the NPPF.
- 2.15.1 The Plan has been updated to incorporate national policy guidance on planning, energy provision and climate change. In relation to the extraction of oil and gas by underground coal gasification the Plan adopts a restrictive approach in the light of national policy. In relation to hydraulic fracturing the Plan adopts a precautionary approach in the light of the continued moratorium on issuing hydraulic fracturing consents.

2.15.1 In terms of energy provision the Government published its Energy Security Strategy in April 2022⁸, setting out targets for renewables, nuclear and low carbon energy sources whilst stressing the importance of ‘home grown’ sources of energy to reduce our reliance on imports. Oil and gas is recognised as essential transition fuel to reaching ‘Net Zero’ and an increase in domestic production is supported. The Plan therefore is required to include policies to enable the exploration, appraisal and production of oil and gas proposals should they come forward.

2.15.1 In relation to climate change the MPA agree that, in the light of more recent evidence⁹ on the need to urgently address climate change issues, the Plan needs to be strengthened to ensure that these issues are robustly addressed when determining proposals for mineral extraction.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change in principle in relation to the need for oil and gas but changes have been made to SP2 Climate Change and SP16 Hydrocarbons to address climate change and other environmental issues particularly those relating to hydraulic fracturing.

Policy Development General

Unconventional and Conventional Separate Policies

Representations (*Sarah Marsh 742/0059*)

2.17.1 The Plan should contain separate policies for the extraction of conventional and unconventional hydrocarbons

Actions/Considerations

2.17.1 The MPA consider that in general the characteristics of extracting conventional and unconventional hydrocarbons are similar and can be dealt with under one policy. Where particular differences occur, for instance the

⁸ DBEIS and PM Office Policy Paper British Energy Security Strategy 7 April 2022

⁹ United Nation’s Intergovernmental Panel on Climate Change (IPCC) 6th Assessment Report ,9 August 2021 and Impacts, Adaptation and Vulnerability Report, March 2022 and United Nations Environment Programme Emissions Gap Report – Closing the Window, October 2022.

use of hydraulic fracturing, then separate sections have been included within the policy.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change.

Unconventional and Conventional Resources

Representations *(UKOOG 1140/0629)*

2.17.1 For clarity, the term 'unconventional' and 'conventional' refers to the formation, not the process used.

Actions/Considerations

2.17.1 Agree

Outcomes for the Pre-Submission Draft Plan

2.17.1 The Plan at paragraph 8.2.2 has been amended accordingly.

Unconventional and Conventional and Hydraulic Fracturing Definitions

Representations *(Mark Watford 741/0055, Dennis Hutchinson 832/0184, Carol Hutchinson 833/0187, Janice Feldermann 944/364, Graham Buckley 1148/683)*

2.17.1 The Plan should include clear definitions for unconventional and conventional hydrocarbons and hydraulic fracturing.

Representations *(UKOOG 1140/0628)*

2.17.1 The Plan uses the PPG definition of Hydraulic Fracturing. It should use the Infrastructure Act 2015 definition Section 4A: supplementary provision 1 (1) "Associated hydraulic fracturing" means hydraulic fracturing of shale or strata encased in shale which— (a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and (b) involves, or is expected to involve, the injection of— (i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or (ii) more than 10,000 cubic metres of fluid in total.

Representations *(Eckington Against Fracking 1149/0693)*

- 2.17.1 Provide a more robust definition for fracking and/or any other unconventional onshore gas/oil extraction method that uses stimulation techniques to liberate the gas/oil from the rock matrix

Representations (*Creswell Against Fracking 1162/0974*)

- 2.1.1 The lack of a clear and unambiguous statement giving a “realistic definition of Unconventional Gas Extraction that is clear and differentiated from Conventional gas extraction adopted into the Plan” in what will ultimately become a legal document is an inexcusable omission.

Actions/Considerations

- 2.17.1 Agree that it would be helpful if the Plan included clearer definitions of conventional, unconventional resources and hydraulic fracturing. In relation to the latter for the purposes of the Plan the MPA has adopted the PPG definition ‘*Hydraulic fracturing is the process of opening and/or extending existing narrow fractures or creating new ones in gas or oil-bearing rock, which allows gas or oil to flow into wellbores to be captured¹⁰.*’ which does not differentiate between the volume or pressure of hydraulic fracturing fluid. In adopting the wider PPG definition, rather than the 2015 Infrastructure Act definition (linked to volume) which applies specifically to the PEDL and hydraulic fracturing consent regimes the MPA appreciates that hydraulic fracturing using lesser volumes and pressures of fracturing fluid may result in a more limited scale of impacts and therefore it proposes to consider the overall scale of those impacts on a site-by-site basis.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 The Plan has been amended at paragraphs 8.2.2 and 8.2.3 and 8.2.67 accordingly.

Hydraulic Fracturing

¹⁰ PPG Paragraph: 129 Reference ID: 27-129-20140306 Revision date: 06 03 2014

Hydraulic Fracturing Opposition in Principle

Representations (*Janice Beech 715/0015, Liz Hawkins 716/0016, Pamela Lewis 725/0026, John Levis 728/0036, Barlborough Parish Council 1112/0548, Elmtown with Creswell Parish Council 1153/740, Ros Griffith 1165/0995, Mark Fletcher MP 1166/0996*)

The Plan generated many objections to the inclusion of policies that allow hydraulic fracturing. The reasoning for those objections has been summarised in the list below.

- 1) In view of the current moratorium on hydraulic fracturing, as set out in the Government's Written Ministerial Statement November 2019, the Plan should not include policies which allow hydraulic fracturing to take place;
- 2) Renewables can provide for our energy needs so gas is not required;
- 3) Hydraulic Fracturing extends the use of fossil fuels which is not compatible with climate change objectives;
- 4) The time taken to bring shale gas into production would not be a quick fix to solve the energy crisis and the amount of gas produced is insignificant compared to the demand.
- 5) The strength of public opposition against hydraulic fracturing in Derbyshire and elsewhere in the Country.

Hydraulic Fracturing causes adverse impacts on the environment and human health from:

- 6) HGVs especially on local unsuitable roads;
- 7) Impacts of pipelines used to transport the gas;
- 8) Impacts re volume of water required and treatment of wastewater and ground water contamination from fracturing fluid;
- 9) Vibrations and noise from drilling (24 hours a day) compressors, pumps etc;
- 10) Light Pollution from night-time working affecting people and wildlife;

- 11) Air pollution from ozone, dust and escaped/venting/flaring methane adding to poor air quality and climate change impacts;
- 12) impacts on nature conservation and trees including impacts on water courses/drainage affecting on people and wildlife;
- 13) impacts on landscape character from rural/farming to industrial;
- 14) contrary to openness required by green belt policy;
- 15) impacts of hydraulic fracturing taking place underneath or below properties;
- 16) associated risks of induced seismicity in relation to brick-built buildings and historic environment;
- 17) impacts on previously worked coal mining areas with respect to land stability and release of Radon gas;
- 18) Cumulative impacts of multiple well sites plus additional cumulative impacts in North East Derbyshire which has experienced coal mining in the past and where coal seams are present.
- 19) Inability of regulators to protect local residents.

2.17.1 Where objectors have submitted detailed comments in objection to hydraulic fracturing, they are set out below:

Representations (*Jonathon Williams 702/0002*)

2.17.1 Object to the inclusion of policies in the Plan to enable the extraction of conventional and unconventional oil and gas including by hydraulic fracturing for the following reasons:

- 1) In view of the current moratorium on hydraulic fracturing, as set out in the Government's Written Ministerial Statement November 2019, the Plan should not include policies which allow hydraulic fracturing to take place;
- 2) Renewables can provide for our energy needs so gas is not required;
- 3) Fracking extends the use of fossil fuels and is not compatible with climate change objectives;
- 4) Adverse impact on the environment;

- 5) Adverse impact on human health;
- 6) Contribution to climate change;
- 7) Additional adverse impacts in North East Derbyshire which has experienced coal mining in the past and where coal seams remain;
- 8) Additional adverse impacts of fracking taking place underneath or near properties.

Representations (*Sue K Connelly 733/0041*)

2.17.1 With reference to my local area of Coal Aston and Dronfield and the permitted proposal to explore for shale gas at Bramley Moor (now lapsed). I object to hydraulic fracturing for shale gas taking place in Derbyshire for the following reasons:

- 1) induced seismicity with reference to the Preston New Road site which had a 2.9 magnitude quake causing the present moratorium on fracking
- 2) HGVs associated with shale gas extraction/fracking would cause impacts on unsuitable narrow/small countryside roads,
- 3) Impacts on landscape changing predominantly farming land into industrialised land
- 4) Impacts from vibrations and noise from drilling (24 hours a day) compressors, pumps and additional HGVs
- 5) Light Pollution from night-time working affecting people and wildlife
- 6) Air pollution from ozone, dust and escaped/venting/flaring methane adding to poor air quality
- 7) contrary to green belt policy
- 8) impacts on conservation areas
- 9) impacts on previously worked coal mining areas with respect to land stability and release of Radon
- 10 impacts on nature conservation and trees including impacts on water courses/drainage and effects on people and wildlife
- 11) there should be a focus on renewable energy not continuing to extract fossil fuels.

Representations (*Judy Heap 759/0095*)

2.17.1 Object to the plan allowing hydraulic fracturing to take place for the following reasons:

- 1) induced seismicity

2) volume of water required and impacts re climate change and reduced rainfall levels

3) impacts of HGVs in the area

4) impacts on old coal workings. Renewable energy generation more appropriate.

Representations (*Sue Cook 733/0041*)

- 2.17.1 There should be no hydraulic fracturing in Derbyshire because the area is littered with unmarked mine shafts and has a history of subsidence making it unsuitable and dangerous for fracking.

Representations (*Dronfield Town Council 1141/0636*)

- 2.17.1 The Council object to hydraulic fracturing for the following reasons:
- 1) damage to people's health and the environment;
 - 2) fracking is not appropriate in densely populated areas such as Dronfield and would damage the landscape and have a detrimental effect on the green belt;
 - 3) the risk of groundwater contamination from hazardous substances used in the fracking fluid;
 - 4) Fracking involves transfer of gas over long distance underground, without homeowner's approval;
 - 5) The process requires large volumes of water which will need to be transported to the site, and then away from the site for recycling if there are no facilities on site;
 - 6) We believe that regulation in the UK is not rigorous enough to guarantee safety for our residents.

Representations (*Derbyshire Wildlife Trust 1145/0656*)

- 2.17.1 DWT opposes fracking in Derbyshire until further evidence proves the safety case. To improve the existing wording, amendments that follow those made to the adopted North Yorkshire Minerals & Waste Local Plan (NYMWP) should be adopted.

Representations (*Transition Chesterfield 1139/0627*)

- 2.17.1 While there is some political pressure for fracking, mainly from the fracking industry and its supporters, this should be strongly resisted on the basis that

there is no need for the gas , the impacts on climate change and the strength of public opposition against fracking in Derbyshire and elsewhere.

Representations (*Eckington Against Fracking 1149/688*)

- 2.17.1 The Plan should not be promoting the extraction of unconventional hydrocarbons (particularly shale gas and coal gas) because their extraction is contrary to climate change net zero targets.

Representations (*Creswell Against Fracking 1162/0797*)

- 2.17.1 The moratorium on fracking should be at the forefront of the policy approach.

Representations (*Creswell Against Fracking 1162/0973*)

- 2.17.1 Any planning permission that allows fracking to go ahead in Derbyshire contravenes the Paris Agreement adopted at the COP 21 conference on December 2015 (and came in to force in November 2016) to keep global temperature increases below 1.5C, reduce emissions by 45% by 2030 and reach net zero by 2050. The process of fracking emits the methane gas trapped in shale rock into the atmosphere. There is irrefutable scientific evidence that methane is a major contributor to global warming and speeds up the warming process 80 times faster than carbon dioxide. Accordingly, the impacts of fracking run contrary to the Paris Agreement.

Representations (*Creswell Against Fracking 1162/0975*)

- 2.17.1 We also find it inexplicable that the known serious human health and climate implications associated with fracking have not been sufficiently (if at all) addressed in the document.

Representations (*Creswell Against Fracking 1162/0980*)

- 2.17.1 Concerned that Bolsover will be a hot spot for fracking.

Representations (*Sustainable Hayfield 1155/0766*)

- 2.17.1 At para 8.2.46 (Policy SP17), the Plan appears to promote or support, subject to conditions, proposals for exploitation and/or appraisal of onshore conventional and unconventional oil and gas, such as by hydraulic fracturing

('fracking'). This too is wholly unacceptable to us and is:

- inconsistent with the stark messages being conveyed to us all by the IEA and IPCC , and;
- appears contrary to your own assertions, at para 5.2, that local authority-based carbon budgets set by the UK government are 'very challenging and will require immediate and rapid programmes of decarbonisation across all sectors if they are to be met'.

Similarly, at para 8.2.46 (Policy SP17), the Plan appears to promote or support, subject to conditions, proposals for exploitation and/or appraisal of onshore conventional and unconventional oil and gas, such as by hydraulic fracturing ('fracking'). This too is wholly unacceptable to us and is:

- inconsistent with the stark messages being conveyed to us all by the IEA and IPCC , and;
- appears contrary to your own assertions, at para 5.2, that local authority-based carbon budgets set by the UK government are 'very challenging and will require immediate and rapid programmes of decarbonisation across all sectors if they are to be met'.

Representations (*South Yorkshire for a Green New Deal 1157/0781*)

- 2.17.1 No Fracking - The plan notes the problems associated with "fracking" for shale oil and gas and its potential to exacerbate subsidence and land instability. Fracking in the northern part of the plan's area could extend these effects to parts of South Yorkshire. In the light of this, we believe the plan should take a stronger line and categorically rule out fracking.

Actions/Considerations

- 2.17.1 In terms of the principle of including policies in the Plan which allow hydraulic fracturing to take place the MPA is guided by the need to be consistent with the policies of the NPPF. The NPPF identifies oil and gas (both conventional and unconventional) as important minerals and requires the MPA to plan for their steady supply which the Plan will do through the inclusion of a policy

supporting proposals to exploit oil and gas subject to them meeting detailed criteria to ensure that any adverse impacts of the development are effectively controlled and mitigated.

- 2.17.1 The policy will need to allow for the possibility of proposals coming forward for the exploitation of oil and gas through a variety of techniques, including hydraulic fracturing, because the NPPF does not preclude any techniques from being used to access oil and gas resources. (although see paragraph relating to underground coal gasification).
- 2.17.1 For hydraulic fracturing it has only issued a moratorium which could be lifted in the future should compelling new scientific evidence present itself which would allow hydraulic fracturing to take place with appropriate environmental safeguards. Whilst this appears to be unlikely, especially having regard to the British Geological Survey report¹¹, it is important that the Plan includes policies to assess proposals for the exploitation of oil and gas by hydraulic fracturing should they come forward. Given that the Written Ministerial Statement¹² advises shale gas developers to take the moratorium into account when considering new developments, it seems unlikely that such proposals will come forward because they could not be implemented without a hydraulic fracturing consent.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change to the principle of including policies in the Plan which allow for hydraulic fracturing to take place but Policy SP17 (now SP16) has been amended to adopt a precautionary approach to proposals which include hydraulic fracturing.

Hydraulic Fracturing Methane Emissions

Representations(*Sarah Marsh 742/0068*)

¹¹ BGS Recent Scientific advances in the understanding of induced seismicity from hydraulic fracturing of shales OR/22/050 ,2022

¹² BEIS WMS HCWS346 Shale Gas Exploration 27 October 2022

- 2.17.1 Hydraulic Fracturing releases methane which is contrary to Government targets on Climate Change. (<https://www.nationalgeographic.com> Methane facts and information – National Geographic 23 Jan 2019). Methane speeds up global warming 80 times faster than carbon dioxide . A study in US estimated Barnett Shale region leaked 544,000 tonnes of methane into the atmosphere annually (<https://uh.edu> Barnett Shale Research Raises new concerns about Methane Emissions by Jeannie Kever 713-743-0778 July 7, 2015)

Representations (*Sarah Marsh 742/0068*)

- 2.17.1 Written into Derbyshire and Derby's Mineral Plan Local is a local responsibility to not adversely affect climate change; in that if any mineral extraction in the county causes climate change, the council's policies have to offset it. As written in my original objection, fracking causes methane trapped in the shale rock to be expelled into the atmosphere, which has been shown to severely effect on climate change .

There is nothing in the plan, to say how you would offset this. Presumably, the council would also have to monitor, independently the amount of methane and carbon dioxide expelled from the fracking process. It's not in my remit to offer solutions to this; but the plan lacks the necessary detail, would this be done solely by flaring (turning methane into carbon dioxide – which is still shown to cause climate change, or would it be investing in biofuels). Biofuels is the process by which manure is turned into green energy . All the above would have to be considered to offset the damage fracking causes to the climate and would come at a cost to yourselves.

Representations (*Eckington Against Fracking 1149/692*)

- 2.17.1 The Plan should not allow shale gas extraction re concerns about fugitive methane emissions and impacts on climate change

Representations (*Sustainable Hayfield 1155/0769*)

- 2.17.1 The Plan rightly identifies methane as a significant and powerful greenhouse gas. It also recognises methane's place in a variety of extractive processes, and its potential as a fuel source. But the Plan appears, without qualification, to accept continuing reliance on venting or 'flaring' of methane as part of

such processes. No account appears to have been taken of the UK Government's sign-up, at COP26, to the Global Methane Pledge, requiring signatories to cut methane emissions by 30%, from 2020 levels, by 2030. We know, from the IEA Methane Tracker report of 2021, that global methane emissions from the oil and gas industries were 70 million tonnes in 2020, roughly equivalent to all the EU's annual CO2 emissions. This fact alone justifies a greater focus, in the Plan, on the 'methane dimension' of any extractive processes covered by the Plan. Reference to such a national commitment, and consideration of what that might mean for the operation of extractive companies operating under the provisions of this Plan, is warranted and would be most welcome.

Actions/Considerations

- 2.17.1 The MPA recognise the importance of the need to urgently address the issue of all greenhouse gas emissions including methane emissions from mineral working. It is proposing to amend Policy SP2 Climate Change which applies to all proposals for mineral development to strengthen the Plan's commitment to address climate change issues and particularly the issue of the need to reduce emissions.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Policy SP2 Climate Change has been amended to require proposals to demonstrate a reduction in greenhouse gas emissions, including fugitive emissions over the lifetime of the development in line with national and local greenhouse gas targets.
- 2.17.1 Additionally, SP2 requires proposals to be accompanied by a climate change impact assessment setting out how measures to reduce emissions and adapt to climate change have been considered, incorporated and will be monitored and reported.
- 2.17.1 The Assessment is also required to include an assessment of whether there is a causal connection between the proposal and any impact on the environment associated with any indirect emissions and, whether this constitutes a significant indirect effect of the proposed development. Where

this is the case, the indirect emissions will need to be taken into account under Policy SP2.

Hydraulic Fracturing Policy Development

Hydraulic Fracturing Buffer Zone

Representations (*Mark Watford 741/0052, Sarah Marsh 742/0071, Dennis Hutchinson 832/0184, Carol Hutchinson 833/0188, Andrew Watson 941/0359, Janice Feldermann 944/365, Mark Allcock 1073/0509, Lee Rowley MP 1136/0585, Dronfield Town Council 1141/0637, Eckington Parish Council 1146/667, Graham Buckley 1148/684*)

- 2.17.1 There should be at least a 500-metre buffer zone between sensitive receptors and hydrocarbon sites. A precedent for this has been set in the adopted North Yorkshire Minerals and Waste Local Plan.

Representations (*Sarah Marsh 742/0056*)

- 2.17.1 The notion of a buffer zone for fracking exists in the US. In California set back distances have been recommended at 975 metres. North Yorkshire have included 500 metres in their local plan. No evidence particularly to support 500 metres - it just is a nice round number that feels safe should there be an explosion, fire, gas leak or other major incident.

Representations (*Mary Reape 749/0084*)

- 2.17.1 The policy should include reference to distances from household dwellings, noise pollution, transport etc.

Representations (*Eckington Against Fracking 1149/0696*)

- 2.17.1 Well pads and drilling rigs set back a minimum distance of 750m from homes, residential areas, schools and other public amenities

Representations (*Creswell Against Fracking 1162/0976*)

- 2.17.1 The Plan should include a 500 m distance between homes and well pads the precedent for this has been set in the adopted North Yorkshire Minerals and Waste Local Plan in order to mitigate unacceptable environmental and social impacts of unconventional extraction.

Actions/Considerations

- 2.17.1 Since the last consultation on the Minerals Local Plan there has been updated evidence in relation to the issue of buffer zones and hydraulic fracturing. The issue of a '500 metre separation zone' between sensitive receptors, such as residences, and well sites was comprehensively debated at the North Yorkshire Minerals and Waste Local Plan Examination in Public. The Inspectors Report published in February 2022 supported the principle of a '500 metre separation zone'. The Plan which was subject to modifications was adopted in April 2022 and includes under Policy M17 reference to a 500-metre separation zone.
- 2.17.1 Since the last consultation on the Minerals Local Plan there have been two Written Ministerial Statements, one lifting the moratorium on hydraulic fracturing consents and the latter reinstating it. The most recent WMS in October 2022, stated that, The Government is reverting to a precautionary approach to hydraulic fracturing and will only support shale gas exploration if it can be done in a way that is sustainable and protects local communities. It will be led by the evidence on whether this form of exploration can be done in a way which acceptably manages the risk to local communities. The WMS made reference to the British Geological Survey report on 'the scientific advances in hydraulic fracturing since 2019' which concludes that forecasting the occurrence of large earthquakes and their expected magnitude owing to shale gas extraction remains a challenge with significant uncertainty.
- 2.17.1 In the light of this new evidence the MPA has adopted a precautionary approach in the Plan towards the exploitation of hydrocarbons using hydraulic fracturing and introduced the principle of a 500-metre separation distance between sensitive receptors and well sites.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Policy SP17 (now SP16) has been amended to explicitly requires proposals involving hydraulic fracturing to include separation distances.
- 'Where the distance proposed from a well site and associated infrastructure to sensitive receptors is 500 metres or less, proposals will not be supported*

unless, following a robust assessment of the adequacy of the proposed separation distances and taking account of any proposed mitigation measures, it can be demonstrated that there would be no unacceptable impacts on the local amenity, health, well-being and safety of the sensitive receptors.'

Hydraulic Fracturing Buffer Zone to protect PDNP

Representations (*Mark Watford 741/0053, Dennis Hutchinson 832/0184, Carol Hutchinson 833/190, Janice Feldermann 944/0367, Graham Buckley 1148/686, Creswell Against Fracking 1162/0977*)

- 2.17.1 There should be a 3.5 km zone to protect the PDNP from hydrocarbon extraction as set out in the adopted North Yorkshire Minerals and Waste Local Plan.

Representations (*Eckington Against Fracking 1149/0697*)

- 2.17.1 Buffer zones of at least 4.5km from the edge of National Parks, SSSI and Areas of Natural Beauty.

Representations (*PDNPA 1159/0892*)

- 2.17.1 Whilst surface development for hydraulic fracturing is prohibited within the National Park we remain concerned that any progression of underground fracking from adjoining administrative areas to beneath the Park, albeit no shallower than 1,200 metres, may have the potential to adversely affect through ground fracturing or contamination deep aquifers, phreatic zones and subterranean conduit flows that may eventually surface within the Park to affect water dependent ecology in rivers and streams including within the designated SACs and SSSIs.

Actions/Considerations

- 2.17.1 The MPA consider that it is inappropriate to have specific policies in the Plan relating to hydrocarbon development and the protection of the PDNP. The PDNP and other environmental assets are protected from all inappropriate mineral development by the relevant strategic and detailed development management policies of the Plan. In Derbyshire the PDNP lies outside of the Plan area unlike North Yorkshire where the North Yorkshire Moors National Park lies within the Plan area. In drawing up the PDNP boundary areas with

planning permission for mineral extraction were excluded but this has resulted in many large limestone quarries lying close or adjacent to the National Park. Many of the quarries extract industrial limestone which involves substantial plant and infrastructure to process the mineral that are as equally intrusive as structures to exploit hydrocarbons. The MPA consider therefore that the general policies of the Plan which apply to all mineral development are appropriate to protect the PDNP and other environmental assets. Additionally, the PDNPA is producing a local plan for its area which will include policies to control the exploitation of minerals.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change.

Hydraulic Fracturing Well Pad Density

Representations (*Mark Watford 741/0054*)

2.17.1 There should be a limit on well pad density.

Representations (*Sarah Marsh 742/0073*)

2.17.1 The Plan should clearly set out how many well pads/sites would be allowed in an area. Rural areas could become heavily industrialised.

Representations (*Dennis Hutchinson 832/0184, Carol Hutchinson 833/0189, Janice Feldermann 944/0366, Eckington Parish Council 1146/670, Graham Buckley 1148/685*)

2.17.1 That Cumulative Impacts are set out separately for unconventional extraction along with mitigating standards. This should include set limits on the density of well pads.

Representations (*Lee Rowley MP 1136/584*)

2.17.1 That there should be a clearer framework within the draft policy of what would (and wouldn't) be considered justifiable in terms of numbers of wells in any future production phase.

Representations (*Eckington Against Fracking 1149/0694*)

2.17.1 Unconventional gas fields require multiple well pads and well heads, oil and gas prospectors should give an honest appraisal of the expected growth from a single well application and be clear about how the amount of oil/gas potentially available correlates with number of well pads and bore holes actually needed to obtain it.

Representations (*Creswell Against Fracking 1162/0978*)

- 2.17.1 The Plan should include limits on the density of well pads to counter unacceptable environmental and social impacts of unconventional hydrocarbon extraction. There is a precedent in the adopted North Yorkshire Minerals and Waste Local Plan.

Actions/Considerations

- 2.17.1 The MPA agree that it is important to control any increasing impacts of hydrocarbon exploitation especially at the production stage of development. It is important that consideration is given to how any proposal fits into a framework for the development of the wider oil and gas reservoir within a PEDL area to ensure that it is developed in an environmentally acceptable way. The framework should include justification for the number, location and time frame for the well sites. Associated processing, dispatch and transport facilities should be sited, designed and operated to minimise environmental and local amenity impacts.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No specific change in relation to limits on the density of well pads but Policy SP17 (now SP16) requires that,
- Criterion 8) *‘Results from any earlier exploration/appraisal of the target oil and gas reservoir within the PEDL area are provided including an indication of how the proposal is intended to fit within an overall framework for the development of the reservoir;’*
- Criterion 9) *‘The number of well sites and associated infrastructure required for hydrocarbon production sit within the development framework, are justified in terms of their number and extent and are progressively installed, wherever possible;’*

Hydraulic Fracturing Policy Development - Detailed

Representations (*Sarah Marsh 742/0067*)

- 2.17.1 The Plan needs to clearly state that hydraulic fracturing can be used at the exploration stage not just for appraisal and production

Actions/Considerations

- 2.17.1 Agree

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 The amended policy SP17 (now SP16) states that, *'Where proposals for the exploration, appraisal or production of oil and gas resources involve hydraulic fracturing they will need to include...'*

Hydraulic Fracturing Policy Development - Detailed

Representations (Sarah Marsh 742/0073)

- 2.17.1 The Plan should include a policy which does not permit a listening well before planning permission has already been granted for other wells which it relates to.

Actions/Considerations

- 2.17.1 The MPA is required to consider each proposal on its merits however it recognises that it is important that consideration is given to how any proposal fits into a framework for the development of the wider oil and gas reservoir within a PEDL area to ensure that it is developed in an environmentally acceptable way.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Policy SP17 (now SP16) requires that,
Criterion 8) *'Results from any earlier exploration/appraisal of the target oil and gas reservoir within the PEDL area are provided including an indication of how the proposal is intended to fit within an overall framework for the development of the reservoir;'*
Criterion 9) *'The number of well sites and associated infrastructure required for hydrocarbon production sit within the development framework, are justified in terms of their number and extent and are progressively installed, wherever possible;'*

Hydraulic Fracturing Policy Development - Detailed

Representations (Sarah Marsh 742/0075)

- 2.17.1 If the Plan allows hydraulic fracturing the following issues need to be covered impact of HGVs on existing road network.

Actions/Considerations

- 2.17.1 An important approach of the Plan as set out at paragraph 4.8 is that, **All policies of the Plan and their criterion apply where relevant.** The Plan includes detailed Development Management Policy DM3 relating to transport associated with mineral development which would apply to proposals involving hydraulic fracturing. Additionally, Policy SP17 (now SP16) includes criterion 10 which requires, ‘ *The development includes the use of non-road modes of transport such as pipelines or rail for the transport of the oil or gas unless it can be demonstrated that this is not practicable or environmentally preferable;*’

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No Change.

Hydraulic Fracturing Policy Development - Detailed

Representations (*Eckington Against Fracking 1149/0695*)

- 2.17.1 Safeguard public water supplies especially during drought periods

Actions/Considerations

- 2.17.1 An important approach of the Plan as set out at paragraph 4.8 is that ‘**All policies of the Plan and their criterion apply where relevant.**’ The Plan includes detailed Development Management Policy DM8 relating to water management and flood risk. Proposals will need to demonstrate that they would not result in unacceptable impacts on surface water quality, quantity and flows.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No Change.

Hydraulic Fracturing Policy Development - Detailed

Representations (*Eckington Parish Council 1146/672*)

- 2.17.1 That the effect of fracking on buildings in highly populated areas is considered and well understood. This is particularly important because UK housing and other buildings are built on the assumption that we have a very low earthquake risk, so unlike say in the USA, they do not have the protective measures and more flexible construction often used in the USA, which renders direct risk comparisons to the USA meaningless. This is particularly important for our historic buildings, as well as the large number of brick-built buildings in the UK.

Actions/Considerations

- 2.17.1 The MPA appreciate the need to protect people and property from the impacts of hydraulic fracturing. The recent WMS in October 2022, stated that, The Government is reverting to a precautionary approach to hydraulic fracturing and will only support shale gas exploration if it can be done in a way that is sustainable and protects local communities. It will be led by the evidence on whether this form of exploration can be done in a way which acceptably manages the risk to local communities. The WMS made reference to the British Geological Survey report on ‘the scientific advances in hydraulic fracturing since 2019’ which concludes that forecasting the occurrence of large earthquakes and their expected magnitude owing to shale gas extraction remains a challenge with significant uncertainty. In the light of this evidence the MPA is proposing to adopt a precautionary approach in the Plan towards the exploitation of hydrocarbons using hydraulic fracturing by introducing the principle of a 500-metre separation distance between sensitive receptors and well sites.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Policy SP17 (now SP16) has been amended to explicitly requires proposals involving hydraulic fracturing to include separation distances.

‘Where the distance proposed from a well site and associated infrastructure to sensitive receptors is 500 metres or less, proposals will not be supported unless, following a robust assessment of the adequacy of the proposed separation distances and taking account of any proposed mitigation

measures, it can be demonstrated that there would be no unacceptable impacts on the local amenity, health, well-being and safety of the sensitive receptors.'

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Kirklees Metropolitan Council Net Zero Approach

Representations (*Sarah Marsh 742/0069, Steve Elliott 760/0098, Carol Hutchinson 883/0186, Janice Feldermann 944/363, Gordon Isky 1071/0505, Transition Chesterfield 1139/0626, Eckington Parish Council 1146/0666, Graham Buckley 1148/0682, Clay Cross Against Fracking 1151/0708, Creswell Against Fracking 1162/0971*

(Individuals 741/3252, 764/0991, 766/3253 to 786/3273, 788/3274 to 797/3283, 799/3284 to 812/3297, 815/3298 to 824/3276, 837/3277 to 937/3363, 945/3364 to 970/3386, 975/3387 to 1000/3411, 1002/3412 to 1070/3480, 1072/3481 to 1110/3519, 1114/3520 to 1132/3538, 1142/3539, 1156/3540)

- 2.17.1 The Plan should adopt the commitment contained within the Kirklees Local Plan adopted February 2019 which states at Policy LP42 that, '*Proposals for the production of hydrocarbons will be considered against the following criteria: h) Where a proposal demonstrates that it will have a net zero impact on climate change.*'

Representations (*Derbyshire County Council Labour Group 1163/0981*)

- 2.17.1 The Plan should include a presumption against conventional and unconventional gas and oil extraction unless a proposal can demonstrate it has net zero impact on carbon emissions.

Representations (*Sustainable Hayfield 1155/0767*)

- 2.17.1 We consider that the most effective way of addressing such matters re prospective exploitation of hydrocarbon resources in the area of Derbyshire and Derby City is by way of an explicit and unambiguous presumption within

the Plan against such schemes 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. This does not divert the MPA from delivering on its statutory responsibility, under the NPPF, to delineate Mineral Safeguarding Areas. It merely largely requires that such hydrocarbons ‘stay in the ground’.

- 2.17.1 Such an approach would require extraction companies to ensure emissions from their extractive operations are not merely reduced but that embedded carbon in products made are balanced by equivalent simultaneous emission reductions elsewhere. There would need to be rigorous monitoring of this, lest extraction companies use the opportunity to interpret this loosely, and undermine the commitment made.

Actions/Considerations

- 2.17.1 The MPA recognise the importance of the need to urgently address the issue of climate change and particularly the need to reduce greenhouse gas emissions from mineral development. The MPA considers that mineral development should reduce emissions in line with national and local carbon targets with the goal of achieving net zero emissions by 2050. The MPA consider that it is important that emissions from all mineral development not just hydrocarbon development is effectively addressed. It is proposing a strengthening of Policy SP2 Climate Change to achieve these outcomes. The MPA also consider that it is important to address indirect (Scope 3) emissions from mineral development where appropriate and is proposing to amend Policy SP2 Climate Change to take such emissions into account.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change to SP17 (now SP16) Hydrocarbon Policy but Policy SP2 Climate Change has been amended to require proposals to demonstrate a reduction in greenhouse gas emissions, including fugitive emissions over the lifetime of the development in line with national and local greenhouse gas targets.
- 2.17.1 Additionally, SP2 requires proposals to be accompanied by a climate change impact assessment setting out how measures to reduce emissions and

adapt to climate change have been considered, incorporated and will be monitored and reported.

- 2.17.1 The Assessment is also required to include an assessment of whether there is a causal connection between the proposal and any impact on the environment associated with any indirect emissions and, whether this constitutes a significant indirect effect of the proposed development. Where this is the case, the indirect emissions will need to be taken into account under Policy SP2.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Detailed Comments

Representations (*Susan Killeen 0830/182*)

- 2.17.1 Object to this policy for the following reasons

- 1) lack of measurable safeguards especially in relation to hydraulic fracturing
- 2) include 500 metre buffer zone between homes and well pads
- 3) include 3.5km zone around edge of National Park and AONB
- 4) Impose limits on density of well pads
- 5) Realistic definition of fracking as it relates to conventional and unconventional hydrocarbons.

Precedents have been set in terms of MLP policies re Kirklees net zero impact on climate change re hydrocarbon production and North Yorkshire re buffer zone.

Representations (*Derbyshire MLP Communities Action Group 0831/183*)

- 2.17.1 Object to this policy for the following reasons

- 1) lack of measurable safeguards especially in relation to hydraulic fracturing
- 2) include 500 metre buffer zone between homes and well pads
- 3) include 3.5km zone around edge of National Park and AONB
- 4) Impose limits on density of well pads
- 5) Realistic definition of fracking as it relates to conventional and unconventional hydrocarbons.

Precedents have been set in terms of MLP policies re Kirklees net zero impact on climate change re hydrocarbon production and North Yorkshire re buffer zone.

The statement under Strategic Policy para 3.7 where 'adverse impacts will be mitigated to an acceptable level' leaves the door open for fracking companies to set their own rules, setting dangerous precedents. We would point out that other Mineral Planning Authorities (MPA) have gone further and been clear that adverse impacts would be 'minimised' and have followed through setting measurable safeguards.

The Group represents local communities in NE Derbyshire where the is concern that only rigorous local plan policies will prevent companies from seeking to frack for gas in this area.

Representations (*Creswell Against Fracking 1162/0972*)

- 2.17.1 The statement under Strategic Policy para 3.7 where 'adverse impacts will be mitigated to an acceptable level' leaves the door open for fracking companies to set their own rules, setting dangerous precedents. Other Mineral Planning Authorities (MPAs) have gone further and set measurable safeguards in their Plans in order to 'minimise' these adverse impacts.

Actions/Considerations

- 2.17.1 The points raised under 2) to 5) have been considered and dealt with earlier in this schedule - please see above. In relation to point 1) the MPA considers that the proposed changes to the Plan will ensure that appropriate environmental safeguards are in place to protect both people and the environment from all mineral development not only hydrocarbon development. Changes are proposed to Chapter 4 Sustainable Minerals Development to explain the use of the term 'acceptable levels. Whilst mineral development and mineral related development can often have the potential to cause adverse impacts, a key objective of the Plan is to ensure that those impacts are mitigated and controlled to 'acceptable levels'. This term is not defined in the Plan because 'acceptability' will be assessed on a case-by-case basis taking into account the scale, nature and location of the

proposal, the characteristics of the various environmental effects likely to arise from the development and the opportunities for mitigation measures that may be applied.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Changes have been made throughout the Plan to strengthen the effectiveness of policies in safeguarding the environment and people. A significant change to SP17 (now 16) Supply of Conventional and Unconventional oil and gas is the precautionary approach adopted towards proposals involving hydraulic fracturing.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Hydraulic Fracturing

Representations (*Sarah Marsh 742/0059, 0060, 0061,0062,0063,0064,0065,0066*)

- 2.17.1 If the Plan allows hydraulic fracturing the policy should cover the following matters:

- 1) Earth tremors
- 2) Disposal of radioactive waste
- 3) Silica in the environment and associated health risks
- 4) Accidental contamination of the water table
- 5) Subsidence and its effects on nearby properties
- 6) Former coal mining shafts/tunnels

Actions/Considerations

- 2.17.1 The MPA consider that the issues raised will be adequately covered in the proposed changes to Policy SP17 (now SP16) and in the detailed Development Management policies of the Plan.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Policy SP17 (now SP16) has been amended to include a specific clause on hydraulic fracturing.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Noise Limits

Representations (*Sarah Marsh 742/0072*)

- 2.17.1 There should be a similar policy to North Yorkshire Local Plan which restricts drilling between 23:00 and 7:00 due to noise impacts.

Actions/Considerations

- 2.17.1 The MPA consider it inappropriate to include policies to control noise impacts specifically relating to hydrocarbon development. Many of the limestone quarries particularly those processing industrial minerals have 24-hour operations. The MPA consider that the Development Management Policy DM1 adequately deals with noise impacts from all mineral development.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No Change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Viable Alternatives

Representations (*Steve Elliott 760/0097*)

- 2.17.1 The policy should be amended to include the requirement that there is no viable alternative.

Actions/Considerations

- 2.17.1 The NPPF requires the Plan, so far as practicable, take account of the contribution that substitute, or secondary and recycled materials and mineral waste would make to the supply of materials before considering the supply of primary materials. Objective 3 of the Plan seeks to minimise waste and maximise the use of recycled and secondary aggregates and Policies SP1 and specifically SP3 seeks to support the production of recycled and secondary aggregates where they will promote the sustainable management of waste and facilitate a reduction in the need for primary aggregates.

However, even with their maximum use there will still be a need for the extraction of primary minerals. Additionally industrial minerals which are often valued for their physical and/or chemical properties means that opportunities for their substitution and recycling are limited. Furthermore, the intrinsic properties of industrial minerals are often changed irreversibly in the manufacturing process making them difficult to be reused or recycled. Similarly fossil fuels when burned cannot be re-used although waste material such as pulverised fuel ash is used to make construction products.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Carbon Offsetting

Representations (*Steve Elliott 760/0099*)

2.17.1 The policy should be amended to include the requirement that there is no offsetting of carbon emissions allowed

Actions/Considerations

2.17.1 The MPA agree in principle that the offsetting of emissions should not be encouraged and has sought to clarify the limited circumstances where it considers that the 'offsetting of emissions' would be acceptable.

Outcomes for the Pre-Submission Draft Plan

2.6.1 The issue of offsetting is dealt with in Chapter 5 on Climate Change. The Plan has been amended accordingly, *'The MPA will expect, in the first instance, that consideration is given to incorporating any measures to reduce and adapt to climate change, such as tree planting and increased biodiversity, on site rather than offset elsewhere. However, where this is not possible, measures for offsetting or capturing and storing emissions should be included in the Assessment. Where appropriate, the MPA will use planning conditions or enter into planning obligations to secure climate change mitigation and adaptation measures and to require data to be supplied to report and monitor the effectiveness of those measures.'*

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change in respect of Policy SP17 (now SP16).

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Least Sensitive Location

Representations (*Lee Rowley MP 1136/0581*)

2.17.1 Support the inclusion of the following points in the Policy:

1)The requirement for the well sites to be located in the 'least sensitive location' should also apply to proposals for production.

Actions/Considerations

2.17.1 Proposals for the production of hydrocarbons have to satisfy criterion 2 - 6 of Policy SP17 (now SP16) which includes the criterion relating to the 'least sensitive proposal'.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - General Support

Representations (*Lee Rowley MP 1136/0580*)

2.17.1 Support the inclusion of the following points in the Policy:

1)The requirement that exploration sites and associated infrastructure are sites in the 'least sensitive location';

2) That applicants must demonstrate no adverse impact on the underlying geological structure;

3)That any activity must be temporary;

4)That all sites must be restored, and

5)That any applications for production must be "justified" in terms of volume.

Actions/Considerations

2.17.1 The support is noted.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change requested but Policy SP17 (now SP16) relating to hydraulic fracturing safeguards has been strengthened.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Non-Core Activities

Representations (*Lee Rowley MP 1136/0582*)

2.17.1 That non-core activities (such as processing) should be assumed to not automatically need to be done on site, particularly if that site would not normally be used for industrial activity of any other kind.

Actions/Considerations

2.17.1 The MPA consider that in principle the processing of minerals should take place at the extraction site in so far that impacts are likely to be concentrated at one site and this avoids the additional transport of minerals which is often a major impact of mineral working. Nevertheless, there may be circumstances such as a green belt location where visually intrusive infrastructure would not be encouraged. The detailed development management policies at Chapter 11 will ensure that any impacts from mineral related development are effectively minimised, managed and controlled.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Introductory text and criterion 3)

Representations (*CPRE 1152/0733*)

2.17.1 Amend introductory text to 'Proposals for the exploration... oil and gas will only be permitted where they:...'; amend criterion 3) replacing 'avoid' with 'prevent'.

Actions/Considerations

2.17.1 The MPA consider that the policy should be positively worded.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 2

Representations (*UKOOG 1139/0631*)

2.17.1 Point 2 The term 'least sensitive' is not defined and is a subjective term. UKOOG suggest the following amendment 'ensure that well sites and associated infrastructure are sited in the most appropriate location from which the target reservoir can be accessed and extracted economically'

Representations (*Historic England 1158/805*)

2.17.1 What is meant by the least sensitive location?

Actions/Considerations

2.17.1 The MPA consider that the 'least sensitive' location does not need to be defined because environmental sensitivity will be assessed on a case-by-case basis taking into account the scale, nature and location of the proposal, the characteristics of the various environmental effects likely to arise from the development and the opportunities for mitigation measures that may be applied.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 3

Representations (*UKOOG 1139/0632*)

2.17.1 Point 3 Firstly, the deep underlying geological structure is not a material planning consideration. The language used in the plan should reflect that. UKOOG agree that disturbance to shafts and seams associated with former coal mining should be considered as part of the plan, however. The inclusion of the matter of seismicity suggests that the MPA does not believe that the

OGA can adequately address the matter. UKOOG believe the latter part of this point (and that measures are included to avoid induced seismicity) should be removed. The inspector's decision in the Wressle appeal also stated, *'In line with the NPPG on Minerals I am entitled to assume that other regulatory regimes will operate effectively and that it is not necessary for me to carry out my own assessment because I can rely on the assessment of the other regulatory bodies. There is no evidence that other regimes are incapable of operating effectively and adequately regulating the development.'*

Actions/Considerations

- 2.17.1 The planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of the land in the public interest and, this includes ensuring that new development is appropriate for the location taking account of the effects, including cumulative effects, of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.¹³ The focus is on whether the development is an acceptable use of the land, and the impacts of those uses, rather than the control of the processes involved and health and safety. The MPA consider that the impacts of induced seismicity and its potential impacts on land stability is a land use planning matter.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 Policy SP17 (now SP16) has been amended to include reference to land instability.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 3

Representations (*Historic England 1158/806*)

- 2.17.1 What level is an unacceptable adverse impact?

¹³ NPPF July 2021 Paragraph 185

Actions/Considerations

2.17.1 Changes are proposed to Chapter 4 Sustainable Minerals Development to explain the use of the term 'acceptable levels'. Whilst mineral development and mineral related development can often have the potential to cause adverse impacts, a key objective of the Plan is to ensure that those impacts are mitigated and controlled to 'acceptable levels'. This term is not defined in the Plan because 'acceptability' will be assessed on a case-by-case basis taking into account the scale, nature and location of the proposal, the characteristics of the various environmental effects likely to arise from the development and the opportunities for mitigation measures that may be applied.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change to Policy SP17 (now SP16) but changes have been made to Chapter 4 to explain the use of the term 'acceptable levels'.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 5

Representations (*Historic England 1158/807*)

2.17.1 What are the restoration principles and how will they ensure that the historic environment is protected and enhanced?

Actions/Considerations

2.17.1 Detailed restoration principles are set out in Policy DM15 Restoration, Aftercare and After-use. It is not necessary to include this detail in Policy SP17 (now SP16).

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change

Hydrocarbons SP17 The Supply of Conventional and Unconventional Oil and Gas Criteria 6

Representations (*CPRE 1152/0734*)

2.17.1 Amend the introductory text to read proposals...oil and gas will only be permitted where and include criteria 6) *it can be demonstrated that emissions from the development 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; and...’ and re-number criterion 6-10 thereafter as 7-11.

Actions/Considerations

- 2.17.1 The MPA recognise the importance of the need to urgently address the issue of all greenhouse gas emissions from mineral working. The MPA consider that all climate change issues should be dealt by a single climate change policy that will apply to all proposals for mineral development. It is proposing to amend Policy SP2 Climate Change which applies to all proposals for mineral development to strengthen the Plan’s commitment to address climate change issues and particularly the issue of the need to reduce emissions in line with national and local carbon budgets.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change to Policy SP17 (now SP16) but Policy SP2 Climate Change has been amended to require proposals to demonstrate a reduction in greenhouse gas emissions, including fugitive emissions over the lifetime of the development in line with national and local greenhouse gas targets.
- 2.17.1 Additionally, SP2 requires proposals to be accompanied by a climate change impact assessment setting out how measures to reduce emissions and adapt to climate change have been considered, incorporated and will be monitored and reported.
- 2.17.1 The Assessment is also required to include an assessment of whether there is a causal connection between the proposal and any impact on the environment associated with any indirect emissions and, whether this constitutes a significant indirect effect of the proposed development. Where this is the case, the indirect emissions will need to be taken into account under Policy SP2.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 10 Transport

Representations (*UKOOG 1139/0633*)

- 2.17.1 The Plan states 'The development includes the use of non-road modes of transport such as pipelines or rail for the transport of the oil or gas unless it can be demonstrated that this is not practicable or environmentally preferable.'

UKOOG suggest a modification in the language so it now states:

The development includes the use of non-road modes of transport such as pipelines or rail for the transport of the oil or gas unless it can be demonstrated that this is not practicable, economically, or environmentally preferable.

Actions/Considerations

- 2.17.1 The MPA consider that the term practicable includes being able to be carried out within available means which would include economic feasibility.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 10 Transport

Representations (*Eckington Parish Council 1146/0668*)

- 2.17.1 Proper consideration of the impact of large numbers of HGV on the road network. For example, the Marsh Lane application impacted on Snowdon Lane, Marsh Lane, which was the preferred route, was incorrectly assessed - the width of road required for oncoming traffic to pass each other was assessed based on a straight road, but in practice Snowdon Lane is twisty, and long vehicles require considerably more width. The upshot is that oncoming traffic, on a 50mp road, would regularly meet large, long HGV pushed into the middle of the road around bends, and that would be dangerous.

Actions/Considerations

2.17.1 Policy SP17 (now SP16) seeks to encourage the use of non-road transport in that it sets out that proposals for the production of oil and gas will be supported where, ‘10) *The development includes the use of non-road modes of transport such as pipelines or rail for the transport of the oil or gas unless it can be demonstrated that this is not practicable or environmentally preferable;*’ Additionally Development Management Policy DM3 which applies to all mineral development proposals contains detailed criteria which seek to ensure the sustainable transport of minerals.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 10 Transport - Pipelines

Representations (*Eckington Parish Council 1146/0669*)

2.17.1 That any necessary pipelines that would be required to remove extracted gas are considered BEFORE work starts on a fracking site. The impact of a pipeline could easily be more substantial than the actual drill pad and should be considered at the beginning of the process.

Actions/Considerations

2.17.1 Any proposals to produce oil and gas would need to include from the outset how gas would be transported from the site.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No change.

Paragraph 8.2.53 Policy SP17 (now SP16) Reasoned Justification

Representations (*Lee Rowley 942/853*)

2.17.1 That the point identified in paragraph 8.2.53 regarding the potential impact of vehicle movements (and which requires locations to be where there is good access to suitable road networks) should be upgraded to a formal requirement within the draft policy itself.

Actions/Considerations

- 2.17.1 An important approach of the Plan as set out at paragraph 4.8 is that, **All policies of the Plan and their criterion apply where relevant.** The Plan includes detailed Development Management Policy DM3 relating to transport associated with mineral development which would apply to proposals involving hydrocarbon development. Policy DM3 includes detailed requirements regarding satisfactory access arrangements.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 11

Representations (*Historic England 1158/808*)

- 2.17.1 As well as a beneficial state for future re-use; the restoration principles should be appropriate to the environmental context they are sited within and protect and where possible, enhance the historic environment, where relevant.

Actions/Considerations

- 2.17.1 Detailed restoration principles are set out in Policy DM15 Restoration, Aftercare and After-use. The MPA consider it unnecessary to include this detail in Policy SP17 (now SP16).

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Criterion 11

Representations (*Eckington Parish Council 1146/673*)

- 2.17.1 That sufficient indemnity insurance is taken out by any company engaging in fracking, so that when those companies are long gone, any long-term adverse effects would at least have a realistic chance of being mitigated.

Actions/Considerations

- 2.17.1 Policy SP17 (now SP16) through Criteria 11 can require the provision of a restoration bond, where a novel technique such as hydraulic fracturing, is used to ensure that the site is restored and left in a conditions suitable for a beneficial after use.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - General Support

Representations *(North East Derbyshire District Council 972/0396)*

- 2.17.1 North East Derbyshire District Council (NEDDC) passed a resolution opposing hydraulic fracturing within the district, in 2016. NEDDC acknowledges the draft Plan's approach to include hydraulic fracturing within the criteria-based policy for all hydrocarbon developments at draft Policy SP17 and agrees that the inclusion of a policy is appropriate to cover a potential situation of the Government's moratorium being lifted.

Actions/Considerations

- 2.17.1 The support is noted.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change requested but the environmental safeguards in Policy SP17 (SP16 in the Pre-Submission Draft Plan) relating to hydraulic fracturing have been strengthened.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - General Support

Representations (*Bolsover District Council 1147/0678*)

- 2.17.1 In relation to Conventional and Unconventional Hydrocarbons and Gas from Coal, it is noted that parts of Bolsover District are within areas prospective for shale gas in the Lower Bowland unit. The District Council has concerns about the potential impacts of the exploration and exploitation of conventional and unconventional hydrocarbons in Bolsover District and welcome the inclusion on the criteria-based policy SP17: Supply of Conventional and Unconventional Oil and Gas. It is also our firm view that this policy requirement should include consideration of the end use of the hydrocarbons as well as their transportation alongside the operational aspects of the development itself.
- 2.17.1 However, the District Council would seek stronger policies in the next iteration of the Minerals Plan in relation to the supply of energy minerals and would welcome the insertion of requirements to contributing to the zero-carbon agenda in a similar manner to that in the Kirklees Local Plan adopted in 2019.

Actions/Considerations

- 2.17.1 The support for a criteria-based policy is noted. The MPA recognise the importance of the need to urgently address the issue of climate change and particularly the need to reduce greenhouse gas emissions from mineral development. The MPA considers that mineral development should reduce emissions in line with national and local carbon targets with the goal of achieving net zero emissions by 2050. The MPA consider that it is important that emissions from all mineral development not just hydrocarbon development is effectively addressed. It is proposing a strengthening of Policy SP2 Climate Change to achieve these outcomes. The MPA also consider that it is important to address indirect (Scope 3) emissions from mineral development where appropriate and is proposing to amend Policy SP2 Climate Change to take such emissions into account.
- 2.17.1 In relation to transportation seeks to encourage the use of non-road transport in that it sets out that proposals for the production of oil and gas will

be supported where, ‘10) *The development includes the use of non-road modes of transport such as pipelines or rail for the transport of the oil or gas unless it can be demonstrated that this is not practicable or environmentally preferable;*’ Additionally Development Management Policy DM3 which applies to all mineral development proposals contains detailed criteria which seek to ensure the sustainable transport of minerals.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No change to SP17 (now SP16) Hydrocarbon Policy but Policy SP2 Climate Change has been amended to require proposals to demonstrate a reduction in greenhouse gas emissions, including fugitive emissions over the lifetime of the development in line with national and local greenhouse gas targets.
- 2.17.1 Additionally, SP2 requires proposals to be accompanied by a climate change impact assessment setting out how measures to reduce emissions and adapt to climate change have been considered, incorporated and will be monitored and reported.
- 2.17.1 The Assessment is also required to include an assessment of whether there is a causal connection between the proposal and any impact on the environment associated with any indirect emissions and, whether this constitutes a significant indirect effect of the proposed development. Where this is the case, the indirect emissions will need to be taken into account under Policy SP2.

Hydrocarbons Environmental and Social Impacts Paragraph 8.2.40 now Reasoned Justification Paragraph 8.2.52

Representations (*Historic England 1158/0803*)

- 2.17.1 We welcome the reference to the historic environment within this paragraph, though we do remain concerned about the overall approach to this mineral development. As referenced throughout the earlier chapter there is a great deal of uncertainty over the mining of hydrocarbons and the particular impacts are not yet known. Whilst we consider that referring to the wider Development Management policies is a sensible approach, we consider that

it is possible that there will be unknown and/or further reaching impacts as a result of this mineral development and as such the Minerals Plan should look to ensure that the appropriate protection is in place, if a planning application were to be received within the Plan period.

Actions/Considerations

- 2.17.1 An important approach of the Plan as set out at paragraph 4.8 is that, **All policies of the Plan and their criterion apply where relevant.** The MPA considers that the proposed changes to the Plan will ensure that appropriate environmental safeguards are in place to protect the historic environment from impacts from all mineral development not only hydrocarbon development.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No Change

Hydrocarbons Protected Areas Paragraph 8.2.43

Representations (*Historic England 1158/0804*)

- 2.17.1 We support this paragraph.

Actions/Considerations

- 2.17.1 The support is noted.

Outcomes for the Pre-Submission Draft Plan

- 2.17.1 No Change

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Reasoned Justification Paragraph 8.2.51

Representations (*Historic England 1158/0809*)

2.17.1 It would be beneficial to include what an appropriate level of detail may be and what type of information may be required; to provide clarity to the developer/ applicant.

Actions/Considerations

2.17.1 The Plan at Chapter 11.3 sets out information that is required to support a planning application.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Reasoned Justification Paragraph 8.2.53

Representations (*Historic England 1158/0810*)

2.17.1 With respect to this paragraph it is also important to recognise that these issues such as heavy vehicular movements can have an impact on the significance of heritage assets including their setting and that there are wider issues than the specific development of the site, that will need to be considered when impacts are assessed, and mitigation strategies applied.

Actions/Considerations

2.17.1 The Plan deals with the impact of all proposals on heritage assets through the Development Management policies and particularly at Policy DM7 Historic Environment.

Outcomes for the Pre-Submission Draft Plan

2.17.1 No Change.

Policy SP17 (now SP16) Supply of Conventional and Unconventional Oil and Gas - Underground Coal Gasification

Representations (*South Yorkshire for a Green New Deal 1157/0782*)

2.17.1 The plan considers various possibilities of extracting energy from disused coal workings, such as methane extraction and underground coal

gasification, and concludes that they are not viable. We therefore believe that the plan should categorically rule these methods out .

Actions/Considerations

2.17.1 Agree.

Outcomes for the Pre-Submission Draft Plan

2.17.1 Policy SP17 (Now SP16) has been amended to read,

Proposals for the exploration, appraisal or production of unconventional oil and gas resources involving underground coal gasification will not be supported.

2.18 Chapter 9 - Safeguarding

9.1 Safeguarding Mineral Resources

Table of Representations

Name	Name Reference Number	Representation Reference Number
Mineral Products Association	938	0326,0327
North East Derbyshire DC	972	0397,0398
UKOOG	1140	0634
Erewash Borough Council	1143	0642
Bolsover District Council	1147	0679
Chesterfield Borough Council	1154	0748,0749,0750,0751
Historic England	1158	0811,0812
Peak District National Park Authority	1159	0893,0894,0895,0896,0897,0898,0899
Tarmac	940	0992

Representations (*Mineral Products Association 938/0326 & 0327, Tarmac 940/0992*)

- 2.18.1 Additional wording is required in this policy and supporting text to make it properly reflect national policy and make it effective and therefore sound. NPPF requires 'known locations' of mineral resources to be safeguarded and this needs reflecting in the policy. The PPG references the BGS document Mineral Safeguarding in England: good practice advice when guiding local authorities on what steps to take in respect of safeguarding mineral resources. It is identified as best practice to include buffers within MSAs to guard against proximal development potentially affecting the mineral resource. The term qualified person also needs inserting as previously identified. Should also refer to the agent of change principle.

Actions/Considerations

- 2.18.2 Agree. The suggestions have been incorporated into a revised policy.

Outcomes for the Pre-Submission Draft Plan

- 2.18.3 Revise Policy SP18 accordingly.

Representations (*North East Derbyshire DC. 972/0397*)

- 2.18.4 The Council requests the inclusion of further clarification of the fifth exemption "Development which is in accordance with the District/Borough

Local Plan which took account of mineral sterilisation and determined that prior extraction would not be practicable". It is currently unclear what this includes, in particular for development in built up areas which are not covered by the other exemptions, and in a situation where a District/Borough Local Plan has not taken account of mineral sterilisation yet.

Actions/Considerations

- 2.18.5 It is agreed that the sentence as written is not as clear as it should be and is open to interpretation. It will be reworded as follows to ensure greater clarity. "Development which is in accordance with adopted Local Plan allocations"

Outcomes for the Pre-Submission Draft Plan

- 2.18.6 Alter sentence in the list of exemptions as proposed above to address the comment.

Representations (*North East Derbyshire DC 972/0398*)

- 2.18.7 The Council questions whether the identification of the Surface Coal Mineral Safeguarding Area and Consultation Area is necessary overall, due to the significant reduction of demand for coal as a result of government policies to address climate change and reduce greenhouse gas emissions and that in this context it is unlikely that coal will be extensively worked again over the plan period. Even with the exempt developments, the requirement for Mineral Resource Assessments and consultation of the Mineral Planning Authority will place a further burden upon applicants, the District Planning Authority and the Mineral Planning Authority.

Actions/Considerations

- 2.18.8 The designation of MSAs does not convey any presumption that mineral extraction will be acceptable in these areas. There is a general presumption against coal extraction in the NPPF and this is reflected in the MLP, but for whatever reason, although it is acknowledged that it seems unlikely, this may change in the future, so it is important that the resource is still acknowledged in respect of safeguarding. There has been no guidance issued which would suggest that surface coal should not be safeguarded. Given the exemptions listed in the Plan, it is considered that there will only be very few developments which will require assessment in this respect.

Outcomes for the Pre-Submission Draft Plan

2.18.9 No changes required.

Representation (*Bolsover District Council 1147/0679*)

2.18.10 In particular for Permian Limestone, we do not wish to see policies relating to these safeguarding areas which will neutralise land values unnecessarily or unduly burden potential applicants who would need to supply a mineral resources assessment in situations where there is no realistic possibility of quarrying being feasible or acceptable by virtue of DM policies elsewhere in the Local Plan.

Actions/Considerations

2.18.11 The NPPF requires that all mineral planning authorities define Mineral Safeguarding Areas (MSA) so that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development, such as housing, retail or industry. This will help to ensure that the minerals remain available for possible use by future generations. Permian Limestone is identified as a mineral of local and national importance and is therefore required to be safeguarded. When the District Council consults the Mineral Planning Authority on a proposal in a MSA, we will consider the proposal and inform them if we consider that quarrying of the mineral will not be feasible. The applicant will not then have to provide an assessment of the mineral resources. The majority of proposals on the Permian Limestone will be exempt from these consultation procedures, as set out in the Plan.

Outcomes for the Pre-Submission Draft Plan

2.18.12 No changes required.

Representation (*Chesterfield Borough Council 1154/0748,0749*)

2.18.13 Request that the Coal Safeguarding Plan at Figure 9.1.3 be amended to exclude existing urban areas and site allocations (with the exception of allocation SS5) in the absence of any evidence that their inclusion is necessary. The Safeguarding Plans should also be made available at a larger scale to assist with identifying whether they affect specific sites.

Actions/Considerations

2.18.14 PPG requires mineral resources to be safeguarded in designated areas and urban areas where necessary to do so. The British Geological Survey (BGS) document “Minerals Safeguarding in England: Good Practice Advice” advises that in most cases MSAs should cover the full extent of mineral resources considered to be of economic importance and that they should also cover urban areas under which mineral resources lie, in order to highlight the potential for extracting significant quantities of mineral which can exist beneath large urban regeneration projects and brownfield sites, and which may otherwise be overlooked. The list of developments exempt from the mineral consultation procedure includes development which is in accordance with adopted Local Plan allocations. Explanation of this will be provided in the revised chapter. The Councils will endeavour to produce larger scale plans of the safeguarding areas as requested.

Outcomes for the Pre-Submission Draft Plan

2.18.15 Include explanation of reason for MSAs covering urban areas. Provide more detailed larger scale maps of the safeguarding areas.

Representations (*Chesterfield Borough Council 1154/0750 & 0751*)

2.18.16 Policy SP18 should be amended to make specific reference to the exemptions to the requirement to submit a Mineral Resource Assessment, either by including the wording of the exemptions in the body of the policy or by including specific reference to a paragraph or table number, so that there is no ambiguity. We suggest that the list of exemptions should be amended as follows: 1) Applications that do not constitute major development as described in The Town and Country Planning (Development Management Procedure) (England) Order 2010. 2) Applications for alterations and extensions to existing buildings and for change of use of existing development. [it is not clear why intensifying an existing use would further sterilise mineral resources, or how prior extraction would be practical in the circumstances] 3) Applications for reserved matters, [the second part of the criteria is superfluous as all reserved matters applications will be after an outline consent has been granted] 4) Development which is in accordance with an adopted Local Plan.

Also, Policy SP18 should refer to the Minerals Safeguarding areas 'as shown on the policies map' (if one is to be produced) or by specific reference to named map extracts or plans.

Actions/Considerations

- 2.18.17 Agree. The suggested amendments have been incorporated into the revised text.

Outcomes for the Pre-Submission Draft Plan

- 2.18.18 Alter the text as suggested.

Representations(*Peak District National Park Authority*
1159/0893,0894,0895,0896,0897,0898,0899)

- 2.18.19 A number of wording changes and requests for clarification have been suggested, as follows:

Paragraph 9.1.6. Suggest "Fluorspar" reads "Fluorspar and associated vein minerals".

- 2.18.20 Suggest the following text requires some clarification. "Coal derived fly ash has been used in the past to restore glaciofluvial sand and gravel workings and will be safeguarded by virtue of the glaciofluvial sand and gravel resource being safeguarded." If there is no sand and gravel left to safeguard how can the pfa be safeguarded?

- 2.18.21 Include at the end; consult the MPA for that purpose." Suggest include in the list "Applications for variation of conditions".

- 2.18.22 Include in the list: "Any results of mineral survey or exploration undertaken".

- 2.18.23 Suggested wording: "and post-development fire and gas hazards associated with the spontaneous combustion of shallow coal".

SP18. Proposals for non-mineral development in mineral safeguarding areas will be required to demonstrate, through a mineral resource assessment, that the mineral resource would not be sterilised as a result of the development, or that there are other sustainable overriding reasons why the mineral resource should not be extracted prior to that development taking place". Also suggest in the policy include the words (underlined): "Applications for non-mineral development in Mineral Consultation Areas must include an assessment of the effect of the proposed development on the mineral resource; and where the non-mineral development is proposed

in close proximity to an existing mineral operation, practicable measures to mitigate adverse impact on that operation.”

Actions/Considerations

2.18.24 Agree to suggested changes. Clarification has also been provided where requested.

Outcomes for the Pre-Submission Draft Plan

2.18.25 Amend the text as suggested.

2.19 Chapter 9.2 Safeguarding Minerals Related Infrastructure

Table of Representations

Name	Name Reference Number	Representation Reference Number
Mineral Products Association	938	0328
Tarmac	940	0353,0354
Chesterfield Borough Council	1154	0752,0753,0754
Historic England	1158	0813
Peak District National Park Authority	1159	0900,0901,0902

Representations (*Mineral Products Association 938/0328*)

2.19.1 As the mineral and waste lead Authority, the County Council has a responsibility in providing clear guidance to District and Borough Councils on the importance of safeguarding when allocating land and determining planning applications. As such the proposed policy is unsound, as it fails to do this. In addition, the ‘agent of change’ principle should also be applied. Policy should be amended.

Actions/Considerations

2.19.2 The policy has been reworded to address the comments

Outcomes for the Pre-Submission Draft Plan

2.19.3 Amend Policy SP19.

Representations (*Tarmac 940/0353,0354*)

2.19.4 Whilst active mineral operations tend to be in areas at further distance from sensitive receptors, rail heads, concrete/asphalt plant operations and some

aggregate recycling operations may fall within more built areas where sensitive uses in proximity to operations may cause conflict. Paragraph 9.2.18 states that 'facilities within the control of the County Council will be safeguarded and it isn't necessary to add another layer of safeguarding as facilities are protected by being located within an active mineral working'. This is disputed and is contrary to the NPPF. Although some applications for mineral related infrastructure may be determined by a district authority, the Development Plan is taken as a whole and in two tier Authority areas, this includes the County/Minerals and Waste Plans and the District/Borough Plan. As the mineral and waste lead Authority, the County Council has a responsibility in providing clear guidance to District and Borough Councils on the importance of safeguarding when allocating land and determining planning applications. The NPPF does not advocate that only mineral related infrastructure situated, within quarries are safeguarded.

Actions/Considerations

- 2.19.5 Agree. The policy and justification have been amended to address these comments.

Outcomes for the Pre-Submission Plan

- 2.19.6 Amend Policy SP19.

Representations (*Chesterfield Borough Council 1154/0752,0753,0754*)

- 2.19.7 Policy SP19 should include specific reference to sites safeguarded on a policies plan or map extract. Clear criteria should be included for how it may be demonstrated that a safeguarded facility is no longer required, and how development in the vicinity of the facility should be identified and any policy considerations that should apply to such developments. Also, reference in Appendix B to 'Brimington Road' should be altered to read 'Brimington Road North'.

Actions/Considerations

- 2.19.8 The reasoned justification has been amended to help address the issues raised. Appendix B has been amended as requested.

Outcome for the Pre-Submission Draft Plan

- 2.19.9 Amend text to help address the comments. Amend Appendix B.

Representation (*Historic England 1158/0813*)

- 2.19.10 Require clarification as to what the table at Appendix 9.2B is setting out. Unclear as to what the information is specifically relating to.

Actions/Considerations

- 2.19.11 The table sets out the minerals related infrastructure facilities within the districts, which will be safeguarded by the relevant District/Borough Authorities. Reference is made to this table in the reasoned justification.

Outcome for the Pre-Submission Draft Plan

- 2.19.12 Provide clearer cross reference to this table at the relevant paragraph.

Representations (*Peak District National Park Authority 1159/0900,0901,0902*)

- 2.19.13 In Policy SP19, include the words (underlined): “sites for concrete batching and processing and distribution of recycled and secondary aggregate within quarries and on former mineral waste tips are safeguarded...” or similar clarification.

Actions/Considerations

- 2.19.14 Agree that the suggested addition to the policy could be included.

Outcomes for the Pre-Submission Draft Plan

- 2.19.15 Amend Policy SP19 as suggested.

Representations (*Peak District National Park Authority 1159/0901,0902*)

- 2.19.16 Should the reference in the table at Appendix 9.2A to the railhead at Hindlow Quarry be stated as operational as caveated by the comment in the last column. Albeit it is “Active for imports from Tunstead Quarry only” that is still active and operational as a railhead. At Appendix 9.2B, for Chestnut House, it is assumed that DCC are satisfied that the answer “No” to “Part of Existing Mineral Site” is correct having regard to the processes undertaken at the site of the quarry. Possibly a comment in relation to the quarry may be useful for clarification

Actions/Considerations

- 2.19.17 Agree that the suggested amendments to the appendices should be made for greater clarification.

Outcomes for the Pre-Submission Draft Plan

- 2.19.18 Amend Appendices as suggested

2.20 Chapter 10 – Restoration of Sites in the River Valleys

Table of Representations

Name	Name	Name Ref. Number	Representation Ref. Number
Derby and Derbyshire Local Access Forum		763	0106
Kim	Irons	825	0176,0177
South Derbyshire District Council		836	0199
Tarmac		940	0355
Nottinghamshire County Council		1135	0578
Environment Agency		1137	0598
Erewash Borough Council		1143	0643
Derbyshire Wildlife Trust		1145	0657
Leicestershire County Council		1150	0703
Historic England		1158	0814,0815
National Trust		1160	0940
Natural England		1161	0969

Representations (*Derby and Derbyshire Local Access Forum 763/0106*)

2.20.1 Supportive of the strategic/co-ordinated approach being proposed for the high quality, sustainable restoration of sand and gravel sites within the Trent Valley area. However, proposals for mineral development must be stringently assessed to ensure they will contribute positively to the wider area. The planning conditions/ safeguards which are put in place must also be capable of being enforced should mineral extraction or the proposed restoration, aftercare and after-use of a site fall below the high-quality standards which are necessary to deliver this new and attractive landscape and its associated benefits for local residents, visitors, the economy and the area's heritage and wildlife.

Actions/Considerations

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

Outcomes for the Pre-Submission Draft Plan

- 10.3 No changes required to the Plan.

Representation (*Kim Irons 825,0176,0177*)

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

Actions/Considerations

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

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

Outcomes for the Pre-Submission Draft Plan

- 10.6 No changes required.

Representations (*South Derbyshire District Council 836/0199*)

- 10.7 The plan of the Trent Valley Restoration Study Area included in the Draft MLP (page 181) excludes the proposed Foston and Sudbury allocations and should be amended. to fully accord with the comment on the principal planning requirement referred to above.

Actions/Considerations

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

Outcomes for the Pre-Submission Draft Plan

- 10.9 Amend plan as suggested.

Representation (*Tarmac 940/0355*)

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

Actions/Considerations

- 10.11 It is important that a more robust and strategic approach is taken to the restoration of mineral workings to ensure that they reflect and complement more closely the surrounding landscape and that the restored workings are seen more positively by local communities as places that they can visit and feel pride in. It is important therefore to maintain the approach in this policy, but it is considered that the phrase 'where practicable' could be inserted without adversely affecting this approach.

Outcomes for the Pre-Submission Draft Plan

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

Representation (*Environment Agency 1137/0598*)

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

Actions/Considerations

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

Outcomes for the Pre-Submission Draft Plan

- 10.15 No changes considered necessary.

Representation (*Historic England 1158/0814*)

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

Actions/Considerations

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

Outcomes for the Pre-Submission Draft Plan

10.18 Add 'historic environment' to the paragraph.

Representation (*Historic England 1158/0815,0816*)

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

Actions/Considerations

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

Outcomes for the Pre-Submission Plan

10.21 Amend reasoned justification to help address this comment.

Representation (*National Trust 1160/0940*)

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

Actions/Considerations

10.23 Noted.

Outcomes for Pre-Submission Draft Plan

10.24 No change.

Representation (*Natural England 1161/0969*)

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

Actions/Considerations

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

Outcome for the Pre-Submission Draft Plan

10.27 Add a new paragraph.

Representations (*Nottinghamshire County Council 1135/0578, Erewash Borough Council 1143/0643, Derbyshire Wildlife Trust 1145/0657*)

10.28 Support and endorse this policy.

Actions/Considerations

10.29 Noted.

2.21 Chapter 11 – Development Management Policies

Table of Representations

Name	Name Reference Number	Representation Reference Number
Canals & River Trust	993	0424
Chesterfield Borough Council	1154	0756
Chesterfield Borough Council	1154	0757
Chesterfield Borough Council	1154	0758
Chesterfield Borough Council	1154	0759
Chesterfield Borough Council	1154	0760
Chesterfield Borough Council	1154	0761
CPRE	1152	0735
CPRE	1152	0736
CPRE	1152	0737
CPRE	1152	0738
Derby and Derbyshire Local Access Forum	763	0107
Derby and Derbyshire Local Access Forum	763	0108
Derby and Derbyshire Local Access Forum	763	0109
Derby and Derbyshire Local Access Forum	763	0110
Derby and Derbyshire Local Access Forum	763	0111
Derbyshire County Council Labour Group	1163	0983
Derbyshire Wildlife Trust	1145	0658
Derbyshire Wildlife Trust	1145	0658
Derbyshire Wildlife Trust	1145	0658

Derbyshire Wildlife Trust	1145	0658
Eckington Against Fracking	1149	0702
Environment Agency	1137	0599
Environment Agency	1137	0600
Environment Agency	1137	0601
Environment Agency	1137	0602
Environment Agency	1137	0603
Environment Agency	1137	0605
Environment Agency	1137	0605
Environment Agency	1137	1004
Environment Agency	1137	1005
Environment Agency	1137	1006
Environment Agency	1137	3541
Environment Agency	1137	3542
Environment Agency	1137	3543
Environment Agency	1137	3544
Environment Agency	1137	3545
Environment Agency	1137	3546
Environment Agency	1137	3547
Environment Agency	1137	3548
Historic England	1158	0817
Historic England	1158	0818
Historic England	1158	0819
Historic England	1158	0820
Historic England	1158	0821
Historic England	1158	0822
Historic England	1158	0823
Historic England	1158	0824
Historic England	1158	0825
Historic England	1158	0826
Historic England	1158	0827
Historic England	1158	0828

Historic England	1158	0829
Historic England	1158	0830
Historic England	1158	0831
Historic England	1158	0832
Member of Parliament	1136	0587
Member of Parliament	1136	0588
Member of Parliament	1136	0590
Member of Parliament	1136	0591
Mineral Products Association	938	0330
Mineral Products Association	938	0331
Mineral Products Association	938	0332
National Forest Company	1113	0549
National Trust	1160	0941
National Trust	1160	0943
National Trust	1160	0944
National Trust	1160	0945
National Trust	1160	0946
National Trust	1160	0947
National Trust	1160	0948
National Trust	1160	0949
National Trust	1160	0950
National Trust	1160	0951
National Trust	1160	0952
National Trust	1160	0953
National Trust	1160	0954
Natural England	1161	0970
PDNPA	1159	0903
PDNPA	1159	0904
PDNPA	1159	0906
PDNPA	1159	0908
PDNPA	1159	0910
PDNPA	1159	0912

PDNPA	1159	0913
PDNPA	1159	0914
PDNPA	1159	0915
PDNPA	1159	0916
PDNPA	1159	0919
PDNPA	1159	0920
PDNPA	1159	0922
PDNPA	1159	0924
Sustainable Hayfield	1155	0770
Tarmac	940	0356
Tarmac	940	0357
Tarmac	940	0358
Sarah Marsh	742	0076
Claire Marple	762	0105

Policy DM1: Protecting Local Amenity, Health and Wellbeing and Safety

Issue: Amendments to scope of policy criteria: Water quality

Representations (*Environment Agency 1137/0599; PDNPA 1159/0903*)

2.21.1 One consultee welcomed the inclusion of ground contamination within the criteria but also commented that the plan should ensure that there is no negative impact to water quality and requested the inclusion of a further criterion relating to water contamination.

2.21.2 Another consultee also suggested the inclusion of an additional criterion relating to 'Water Contamination and Quality' due to its importance both in terms of water supply and the purity of water in local springs, brooks and rivers. It would also be consistent with the reference to water contamination in paragraph 11.19.

Actions/Considerations

2.21.3 The MPA notes the comments of consultees in respect of the need to make further reference to water quality/contamination in the policy and supporting text.

Outcomes for pre-submission Draft Plan

2.21.4 Policy text amended to include additional criteria covering water contamination and reduction water levels and flows.

Issue: Amendments to scope of policy criteria: Dust impacts to heritage assets and historic collections

Representation (*National Trust 1160/0941*)

2.21.5 One consultee suggested that the requirement for dust monitoring should be applied to heritage assets and historic collections in addition to residential communities and other neighbouring sensitive receptors.

Actions/Considerations

2.21.6 The MPA acknowledges that this issue is not clear from the text of the plan and that there is the potential for dust emissions from minerals development and minerals related development to impact on the conservation of heritage assets and historic collections, particularly where they are sited in close proximity to those assets.

Outcomes for pre-submission Draft Plan

2.21.7 Supporting text at renumbered paragraph 11.2.16 amended to make it clear that the nature and type of dust sensitive properties need to be identified on a case-by-case basis. Footnote also include to expand on this to refer to museums or heritage assets with historic collections

Issue: Amendments to scope of policy criteria: Vibration

Representation (*National Trust 1160/0941*)

2.21.8 One consultee expressed its general support for policy DM1 but wished to ensure that the criteria are as broad as possible so that all relevant impacts are included in the assessments. With regard to vibration, it was suggested that the wording of the policy and accompanying support text be amended to read '*Vibration, including blast vibration, and air over pressure*' to take into account vibration impacts associated with HGV/heavy plant movements.

Actions/Considerations

2.21.9 Renumbered paragraphs 11.2.7 and 11.2.8 of the supporting text cover this issue. The MPA acknowledges, however, that the wording of the policy did not and that the criterion could be expanded to be less specific rather than focusing on just 'blast vibration etc'.

Outcomes for pre-submission Draft Plan

2.21.10 Relevant criterion of DM1 has been amended to now make reference to 'Vibration, blast vibration and air over pressure'.

Issue: Amendments to scope of policy criteria: Air quality

Representation (*National Trust 1160/0941*)

2.21.11 One consultee requested that the criterion relating to 'emissions to air' be broadened to refer to '*Emissions and air quality*'.

Actions/Considerations

2.21.12 The MPA acknowledges that there can be a difference between emissions to air and air quality, although one is affected by the other and accepts that 'air quality' may not be sufficient to encapsulate impacts arising from minerals operations including dust emissions or carbon emissions associated with the use of heavy plant and machinery.

Outcomes for pre-submission Draft Plan

2.21.13 The text of policy DM1 has been amended to refer to 'Emissions to air and air quality'.

Issue: Amendments to scope of policy criteria: Visual impacts

Representation (*National Trust 1160/0941*)

2.21.14 One consultee requested that the criterion relating to '*visual intrusion to adjoining land uses and users*' be amended to say '*Visual impacts and intrusion*' without limiting this to 'adjoining' land and users'.

Actions/Considerations

2.21.15 The MPA accepts that visual impacts can affect a far wider range of receptors than adjoining land and agrees that the wording of DM1 should be amended.

Outcomes for pre-submission Draft Plan

2.21.16 The text of policy DM1 has been amended to refer to '*Visual impacts and intrusion*'.

Issue: Amendments to scope of policy criteria: Induced seismicity

Representation (*CPRE 1152/0735*)

2.21.17 One consultee requested that the policy criteria relating to land instability be amended to 'Land instability, including induced seismicity'; alternatively, the same text could be included in the third bullet which also relates to pressure waves/ seismicity.

Actions/Considerations

2.21.18 The responsibilities of the MPA and other regulators in assessing the impacts of hydrocarbon development are clearly set out in Chapter 8.2, from paragraph 8.2.18 onwards. Seismicity and induced seismicity are the responsibility of the North Sea Transition Authority. Supporting paragraphs 11.2.20 and 11.2.21 set out those circumstances where induced seismicity can be a concern, particularly in former coal mining areas. Policy SP16 also covers this issue at sub-paragraph (3) in respect of all proposed for conventional and unconventional oil and gas extraction as well as specifically in respect of proposals for the extraction of shale gas.

Outcomes for Pre-Submission Draft Plan

2.21.19 No amendment to the wording of the policy.

Issue: Amendments to scope of policy criteria: Flooding

Representation (*Environment Agency 1137/0599*)

2.21.20 One consultee requested that flooding and flood risk be added to the list of criteria in policy DM1.

Actions/Considerations

2.21.21 The MPA acknowledges that flooding was excluded from the list of criterion in policy DM1. The reason for the exclusion was the content of policy DM8: Water Management and Flood Risk, which has specific requirements for each development in respect of preventing and, increasing resilience towards, flood risk on the site and elsewhere. However, the MPA notes that, whilst very specific, policy DM8 does not cover the issue of impacts to local amenity and safety in respect of flood risk and agrees that it should also be included in policy DM1.

Outcomes for Pre-Submission Draft Plan

2.21.22 An additional criterion has been added to the text of policy DM1. An accompanying paragraph 11.2.23 has also been inserted into the Reasoned Justification.

Issue: Amendments to Reasoned Justification

Representation (*Environment Agency 1137/0599*)

2.21.23 One consultee noted the reference at paragraph 11.18 that in certain situations an Environmental Permit may be required. We would recommend that where an environmental permit is required, the developer should engage with the Environment Agency at the earliest opportunity. Twin tracking of the permit and planning application is encouraged to ensure all regulatory regimes are being assessed at the same time. Pre application advice for permitting is also available and developers should look into this for further advice.

Actions/Considerations

2.21.24 The MPA notes this comment and acknowledges firstly, the interrelationship between the planning and environmental permitting processes, and secondly, that twin tracking of planning applications and Environmental Permits can be beneficial, avoiding duplication or delays to the commencement of the development.

Outcomes for Pre-Submission Draft Plan

2.21.25 Additional text added to renumbered paragraph 11.2.19 (formerly paragraph 11.18) regarding twin tracking environmental permit applications.

Policy DM2: Criteria for Assessing the Benefits of Minerals Development Proposals

Issue: Inclusion of public access as a benefit of mineral development

Representation (*Derby and Derbyshire Local Access Forum 763/0107*)

2.21.26 One respondent welcomed the inclusion of enhanced public access as a benefit within Policy DM2 (d), but highlighted that, in addition, appropriate restoration of mineral sites could deliver a broader range of benefits including landscape character, biodiversity, tourism and outdoor recreational opportunities which should be maximised wherever possible.

Actions/Considerations

2.21.27 Support for the inclusion of a criterion relating to enhanced public access is welcomed. The MPA acknowledges the broader benefits that appropriate, well-designed restoration schemes can deliver. This theme is picked up in a number of the other policies of the Pre-submission Draft Plan.

Outcomes for Pre-submission Draft Plan

2.21.28 No amendments to policy text.

Issue: Inclusion of remediation of contaminated land as a benefit of minerals development

Representation (*Environment Agency 1137/0600*)

2.21.29 One respondent expressed their support of the wording in 2 f) to highlight the requirements and opportunities to clean up contaminated land where development is proposed.

Actions/Considerations

2.21.30 Support for the inclusion of a criterion relating to the reclamation of derelict/contaminated land is welcomed. Parts of the Plan Area are still subject to the after-effects of former mineral working or heavy industry. Where possible, the MPA will seek to maximise opportunities to deliver the reclamation of derelict land as part of proposals for minerals development.

Outcomes for Pre-submission Draft Plan

2.21.31 No changes to text of policy DM2.

Issue: Amendments to criteria listed in policy - Relinquishment of reserves in sensitive areas

Representations (*Mineral Products Association 938/0330; Tarmac 940/0356*)

2.21.32 Two respondents consider that sub-paragraph 2(b) of policy DM should be deleted as the NPPF does not seek to remove all mineral operations from within 'sensitive areas' but recognises that minerals can only be worked where they are found and that existing operations may justify further working.

Actions/Considerations

2.21.33 The MPA acknowledges that the NPPF does not seek to remove all mineral operations from sensitive areas and concurs that minerals can only be worked where they are found. However, circumstances can exist where historic mineral planning permissions are located on land which has subsequently either been designated for the quality of its heritage assets or nature conservation status or is of equivalent quality. The MPA considers

that it is appropriate, where operators come forward with new proposals for minerals development, to seek to secure a commitment from operators to relinquish these planning permissions, particularly where they have not been worked since the early 1980s and are considered 'dormant'.

Outcomes for pre-submission Draft Plan

2.21.34 No change to policy wording. Reasoned justification will be amended to better articulate the justification for this part of policy DM2.

Issue: Amendments to criteria listed in policy – Biodiversity Net Gain

Representations (*Environment Agency 1137/0600; Chesterfield Borough Council 1154/0756*)

2.21.35 Two respondents supported the inclusion of a criterion requiring environmental enhancements, including biodiversity net gain, through site restoration. However, one respondent also considered that the use of the phrase 'consideration will be given' in sub-paragraph 2 should be stronger when applied to matters such as biodiversity net gain, wider multifunctional enhancements as well as the opportunities to tie into the wider strategies along the river corridors as part of the restoration process of mineral development.

Actions/Considerations

2.21.36 Support for the inclusion of a criterion relating to environmental enhancements including biodiversity net gain (BNG) as part of site restoration is welcomed. The MPA acknowledges the importance of this and that BNG in particular will shortly become mandatory for all development proposals. The suggested strengthening of the phrase 'consideration will be given' is noted but not considered to be necessary as the policy is intended to act as a high-level assessment of the planning balance. The Proposed pre-submission Draft also includes other development management policies dealing with issues such as BNG where the wording is much stronger.

Outcomes for pre-submission Draft Plan

2.21.37 No amendment to the wording of policy DM2.

Issue: Remediation/reclamation of sites as benefit of mineral development

Representation (*Chesterfield Borough Council 1154/0756*)

2.21.38 One respondent noted that, in some cases, prior extraction of minerals as part of the remediation and reclamation of sites (covered by DM2 2(f)) may be resolved by the district or borough LPA, where it is purely ancillary to another planning application and stated that the importance of consultation and close working with the MPA in such cases.

Actions/Considerations

2.21.39 The MPA acknowledges that there may be circumstances where prior extraction of minerals for remediation/reclamation purposes may be resolved by the LPA. The recognition of the need for close working and consultation with the MPA in these cases is noted and welcomed.

Outcomes for pre-submission Draft Plan

2.21.40 No amendment to the wording of Policy DM2.

Issue: Amendments to criteria listed in policy - Flood Risk

Representation (*Environment Agency 1137/0600*)

2.21.41 One respondent supported the inclusion, at 2(h) of the opportunities to reduce flood risk or assist with flood alleviation measures as a benefit of mineral development but requested stronger wording to ensure restoration proposals require improvements in the flood risk situation, where it is suitable and does not impact upon any existing flood risk infrastructure.

Actions/Considerations

2.21.42 Support for the policy approach is welcomed. The MPA acknowledges that opportunities to secure improvements to existing flood alleviation measures and to reduce the impacts of flood risk should be applied to all stages of the development, including restoration. However, this policy is intended to act as a high-level assessment of the planning balance. The Proposed pre-submission Draft also includes other development management policies dealing with flood risk and restoration where the requirements for assessing, mitigating and adapting to flood risk is much stronger.

Outcomes for pre-submission Draft Plan

2.21.43 No amendments to the wording of the policy.

Issue: Amendments to criteria listed in policy - Climate change/carbon emissions

Representation (*CPRE 1152/0736*)

2.21.44 One respondent suggested amending the wording of sub-paragraph 2(g) from *‘the extent to which the proposal assists in reducing greenhouse gas emissions through the use of...’* to *‘The extent to which the proposal is consistent with meeting carbon reduction targets specified in national and local carbon budgets and targets through the use of...’*

Actions/Considerations

2.21.45 The MPA welcomes the suggested amendment and agrees that the proposed alternative wording would represent a more accurate and measurable approach to ensuring that the Net Zero target is met in the Plan Area.

Outcomes for pre-submission Draft Plan

2.21.46 Text of paragraph 2(g) of policy DM2 amended.

Issue: Amendments to criteria listed in policy – Historic Environment

Representation (*Historic England 1158/0817*)

2.21.47 One respondent suggested that an additional criterion relating to the historic environment should be added to Policy DM2.

Actions/Considerations

2.21.48 The MPA welcomes the suggested amendment, acknowledges that this is an omission and agrees that the suggested insertion of measures in respect of the historic environment would be appropriate.

Outcomes for pre-submission Draft Plan

2.21.49 Text of sub-paragraph 2(d) amended to make reference to historic environment/heritage assets

Issue: Exceptions to attributing great weight to minerals development

Representation (*Sustainable Hayfield 1155/0770; Derbyshire County Council Labour Group 1163/0983*)

2.21.50 Two respondents requested that oil and gas proposals should be included with coal as a form of mineral extraction that should not be given great weight

in the planning balance due to the serious impact of these extractive sectors and activities on our march towards irreversible climate change.

Actions/Considerations

2.21.51 The wording of policy DM2 replicates that of the NPPF (at paragraphs 211 and 217 and also footnote 71) in respect of the weight to be given to minerals extraction. The MPA acknowledges the reasoning behind the request to include oil and gas but considers that amended Policies SP2: Climate Change and SP16 (formerly policy SP17 in the Proposed Draft Plan) would be sufficient to deal with those concerns.

Outcomes for pre-submission Draft Plan

2.21.52 No change to the wording of policy DM2.

Issue: Carbon offsetting as a benefit

Representation (*Derbyshire Labour Group 1163/0984*)

2.21.53 One respondent requested that carbon offsetting should not be included as a benefit when considering minerals development proposals.

Actions/Considerations

2.21.54 Carbon off-setting is included in sub-paragraph 2(g) as one of a suite of possible measures to assist development to meet the carbon reduction targets specified in national and local carbon budgets. The MPA does not prioritise any approach over another but would expect all proposals to include sufficient assessment of likely impacts to climate change arising from emissions as well as appropriate reduction, mitigation and adaptation measures in line with the requirements of SP2: Climate Change.

Outcomes for pre-submission Draft Plan

2.21.55 No change to the text of policy DM2(g).

Policy DM4: Landscape

Issue: General comments

Representation (*Derby and Derbyshire Local Access Forum 763/0109; National Trust 1160/0944*)

2.21.74 Two respondents expressed general support for policy DM4. One considered that it will help create attractive places to visit and have a positive impact on people's enjoyment of the outdoors, as well as their mental health, sense of well-being and connection with nature.

Actions/Considerations

2.21.75 The support is noted and welcomed.

Outcome for Plan

2.21.76 No changes to the policy.

Issue: Impacts to Heritage and Landscape Designations

Representation (*Lee Rowley 1136/0590*)

2.21.77 One respondent suggested that the requirement to sensitively design and locate any proposals close to the PDNP be extended to also cover sites close to conservation areas, the Green belt, international and national statutory nature conservation designations and Areas of Natural Beauty (AONB).

Actions/Considerations

2.21.78 The wording used in respect of development close to the PDNP reflects the requirements of paragraph 176 of the NPPF. The MPA acknowledges that development proposals should be sited sensitively to avoid adverse impacts to built heritage and nature conservation sites but considers that Policies DM5: Biodiversity and Geodiversity, DM7: Historic Environment and Archaeology and DM11: Green Belt give sufficient protection for each respective issue. There are no AONB located close to or within the Plan area.

Outcome for Plan

2.21.79 No amendments to policy.

Issue: Visual Sensitivity Zone

Representation (*Lee Rowley 1136/0591*)

2.21.80 The Plan should include a 3.5km visual sensitivity zone around National Parks or Areas of Outstanding National Beauty, as included within policy M16 of the North Yorkshire Minerals Plan.

Actions/Considerations

2.21.81 In line with national planning policy, policies SP1 and DM4 require development located close to/within the setting of the PDNP to be sensitively designed and located. The MPA also notes that many existing hard rock quarries (many of which also incorporate large structures such as cement kilns etc) are located immediately adjacent or cross into the PDNP. A 3.5km visual sensitivity zone would therefore not be considered practicable. There are no AONBs within the Plan area.

Outcome for Plan

2.21.82 No amendments to policy

Issue: Policy not positively worded

Representation (*Historic England 1158/0819*)

2.21.83 The policy should be positively worded, seeking to 'protect and enhance' landscapes, instead of the current wording that states 'not result in significant harm'.

Actions/Considerations

2.21.84 The MPA agrees that the suggested wording would be more positively worded and in line with the NPPF.

Outcome for Plan

2.21.85 Policy text amended to require development to seek *to 'protect and enhance landscapes'*.

Issue: Historic Landscapes

Representation (*Historic England 1158/0820*)

2.21.86 The Plan should make reference to historic landscapes and how they have been shaped by human development and interaction throughout history. Reference to the appropriate evidence base such as historic landscape character assessment, National Park Management Plan, any other relevant studies that the Councils may have and information held on the Historic Environment Record (HER) should also be made.

Actions/Considerations

2.21.87 The MPA agrees that the policy should also require an assessment of historic landscape and make use of the relevant evidence base.

Outcome for Plan

2.21.88 Policy text amended to refer to historic landscape character, historic landscape characterisation and the Historic Environment Record (HER).

Issue: Landscape and Visual Impact Assessment

Representations (*Historic England 1158/0821; PDNPA 1159/0906*)

2.21.89 Two respondents considered that the Plan should specify the need for a Landscape and Visual Impact Assessment (LVIA), with one also requesting additional information about what information may be suitable how this needs to be submitted as a part of a planning application and the need for appropriate professionals.

Actions/Considerations

2.21.90 The MPA agrees that the policy should specify the need for a LVIA.

Outcomes for pre-submission Draft Plan

2.21.91 Policy DM4 has been amended to make direct reference to the need for LVIA.

Issue: Landscape impacts to River valleys

Representation (*Historic England 1158/0822*)

2.21.92 Historic England supported the need to have a coordinated approach to the restoration of sand and gravel sites but expressed the view that restoration principles are appropriate, taking into account historic landscape characterisation as well as any potential cumulative impacts arising from multiple sites in the same locality.

Actions/Considerations

2.21.93 The MPA agrees that the need to identify and assess cumulative impacts is an important one. Continued sand and gravel working in the river valleys,

including the Trent Valley have resulted in change at the landscape scale, including impacts to historic landscapes. The need to coordinate an appropriate landscape response to continued mineral working is set out in Policy SP19: restoration of Sites in the River Valleys (formerly SP20). Proposals will be assessed on a case-by-case basis against all relevant policies of the Plan including, where relevant cumulative impacts associated with development proposals. Policy DM14: Cumulative Impacts deals specifically with the need to assess cumulative impacts associated with proposals for minerals development, including those instances where multiple sites are located in close proximity.

Outcomes for pre-submission Draft Plan

2.21.94 No amendments to policy DM4.

Issue: Amendments to Policy wording – landscape strategies etc

Representation (*Historic England 1158/0823*)

2.21.95 The policy wording should be amended to ensure that the documents referred to in the supporting text were appropriately utilised and planning applications sufficiently detailed to aid the decision-making process.

Actions/Considerations

2.21.96 Policy DM4 requires development proposals to have regard to *‘the content of the relevant local landscape character assessment, historic landscape characterisation (where available) and supporting technical documents’*, it also refers to relevant landscape strategies in respect of the proposals located close to the PDNP. The MPA considers that is sufficient to highlight the relevant documents and studies that would need to be utilised when putting together and LVIA. The MPA does not consider it appropriate to specifically refer to the documents by name as these may be replaced or become outdated.

Outcomes for pre-submission Draft Plan

2.21.97 No change to policy

Issue: Use of Landscape strategies in assessing site allocations

Representation (*Historic England 1158/0824*)

2.21.98 Historic England asked for more information as to how local landscape character assessments/historic landscape characterisation and other strategies had been utilised to assess to the acceptability, or otherwise of the proposed site allocations set out under policies SP5 and SP? Of the Plan.

Actions/Considerations

2.21.99 All sites that were put forward for inclusion in the plan, including those that have not been brought forward for allocation, have been assessed against the Site Assessment Methodology and were also considered against the Areas of Multiple Sensitivity (AMES) and Tranquility technical documents. Responses received in respect of previous consultation exercises, including the Sand and Gravel Sites Consultation (2018) have also been taken into account. This work is now incorporated into the Site Allocation Principal Planning Requirements set out at Appendix A of the Plan. Further assessment work has also been undertaken in 2022, through the completion of a heritage Impact Assessment for each of the proposed allocations.

Outcomes for pre-submission Draft Plan

2.21.100 No change.

Issue: Landscape impacts to PDNP

Representation (*PDNPA 1159/0906*)

2.21.101 The PDNPA requested that amendments be made to Policy DM4 and its supporting text to make clear the need to avoid or minimise adverse impacts to the special landscape qualities of the PDNP or any other feature or attribute which makes up its special qualities and sense of place.

Actions/Considerations

2.21.102 The MPA notes the comments and agrees that decision makers should have regard to those features or attributes that make up the special qualities of the PDNP. The MPA considers, however, that the wording of Policy DM4 is sufficient to take account of the potential impacts to the PDNP.

Outcomes for pre-submission Draft Plan

2.21.103 No amendments to Policy DM4 or its supporting text.

Policy DM5: Biodiversity and Geodiversity

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum 763/0109; Environment Agency 1137/0601; National Trust 1160/0945; Chesterfield Borough Council 1154/0757*)

2.21.104 Four respondents expressed their support for Policy DM5: Biodiversity and Geodiversity.

Actions/Considerations

2.21.105 The MPA notes and welcomes the support for Policy DM5.

Outcomes for the Plan

2.21.106 No changes required.

Issue: Non-compliance with NPPF/policy lacks clarity

Representations (*Mineral Products Association 938/0331; Tarmac 940/0357; National Trust 1160/0945*)

2.21.107 Two respondents considered the policy to be unsound as it was not compliant with national policy, not effective and not positive planning and requested that it be redrafted. With regard to designated sites, the policy was considered to lack clarity and was contrary to the requirement within the NPPF where there is a clear hierarchy to significance of asset and the consideration of impact. There does not appear to be any consideration of the ability to 'avoid, mitigate and compensate' any impacts as advised by NPPF paragraph 180a. The policy needs to be redrafted.

2.21.108 One respondent also suggested changes to the text to avoid any confusion regarding the protection of international and national sites.

Actions/Considerations

2.21.109 The MPA accepts that the policy lacked clarity and was not in accordance with the requirements of the NPPF.

Outcomes for the Plan

2.21.110 Policy DM5 has been comprehensively revised.

Issue: Assessing the planning balance

Representation (*Derbyshire Wildlife Trust 1145/0658*)

2.21.111 Another respondent noted the inherent difficulties that can arise in relation to the weight given to the benefits of development as opposed to the importance of a site and any losses to that site. They further commented that there was a lack of clarity regarding proposed approach towards statutory and non-statutory designated sites and that the Council need to be able to make this judgement based on an objective framework that quantifies and weighs the values on both sides as there is a danger that some biodiversity sites are undervalued and too easily seen as replaceable. Judgements have to be fair and balanced, based on up to date and accurate data, accord with national guidance and best practice and be fully transparent.

Actions/Considerations

2.21.112 Policy DM5 has been comprehensively rewritten and the MPA considers that it now has greater clarity regarding the protection afforded to designated and non-designated sites and how this is to be assessed when weighing the planning balance.

Outcomes for the Plan

2.11.113 No changes to the Plan

Issue: Biodiversity Net gain (BNG)

Representation: (*Environment Agency 1137/0601, Chesterfield Borough Council 1154/0757*)

2.21.114 One respondent noted the reference to BNG and suggested that the policy should highlight that BNG of a minimum of 10% will be required for all proposals. The response also recognises the council's support for proposals that deliver significant and measurable BNG and suggests the following amendments to the wording of the policy: '*Proposals will be supported where*

*they deliver significant net gains **above the minimum requirement of 10%,** for biodiversity, based on the....’.*

2.21.115 One respondent suggested that the policy may wish to consider setting out whether the MPA expects BNG to be achieved during the life of development or upon restoration, and the circumstances in which financial contributions to off-site BNG provision will be considered and the mechanisms by which this will be secured and calculated.

Actions/Considerations

2.21.116 The MPA notes the comment regarding the minimum for 10% BNG for all development proposals and the need to set out what is meant by ‘significant and measurable’ BNG in the policy and agrees that further clarification is required.

2.21.117 The MPA agrees that this would be a useful inclusion in the plan. However, the mandatory implementation of BNG will not take place until November 2023 and, at the time of writing, the MPA is awaiting the publication of national guidance setting out how BNG is to be applied to phased development and mineral development. It is therefore not possible at this time to state clearly the point of the development when the MPA expects BNG to be secured. It is proposed that BNG supplementary guidance note will be prepared by the MPA and it is anticipated that this issue will be covered in that document.

Outcomes for the Plan

2.21.118 No changes to the wording of the policy. The wording of paragraph 11.2.67 has been amended to make clear that, for the purposes of the plan, ‘significant and measurable BNG’ means more than the mandatory 10%.

Issue: Multifunctional opportunities of biodiversity enhancements

Representation: (*Environment Agency 1137/0601*)

2.11.119 The policy could be used to highlight the multifunctional opportunities that biodiversity enhancements can produce e.g. water quality and flood risk improvements or natural flood management.

Actions/Considerations

2.21.120 The MPA acknowledges the wider multifunctional opportunities that biodiversity enhancements can deliver. However, Policy DM5 is intended to operate as a high-level policy requiring applicants to undertake appropriate, and site-specific, ecological / geological surveys and assessment work in order to protect and enhance biodiversity and geodiversity in the Plan area. Proposals for development will be assessed against all relevant policies of the Plan. In this context and following the Winter 2021/2022 consultation, the text of policies DM8: Water Management and Flood Risk, DM12: Green and Blue Infrastructure and DM15: Restoration, Aftercare and Afteruse have all been revised to take account of potential multifunctional enhancements.

Outcomes for the Plan

2.21.121 No changes to the plan.

Issue: Impact of Allocated Sites on nearby Local Wildlife Sites (LWS)

Representation (*Environment Agency 1137/0601*)

2.21.122. Where applicable an assessment on the potential of the proposal allocated sites to impact a designated/ non designated site needs to be completed and the relevant party consulted accordingly to ensure that any impact is mitigated appropriately.

Actions/Considerations

2.21.123 The MPA notes the comment regarding proximity of LWS to the proposed site allocations and the need for assessments to take account of any likely impact on these resulting from development proposals. The MPA will expect ecological assessment to identify fully assess the likely impacts of a development proposal on all statutory and non-statutory designated sites as part of the planning application process. Following the Winter 2021/2022 consultation, the content of Policy DM5 has been comprehensively revised.

Outcomes for the Plan

2.21.124 Policy DM5 revised.

Issue: Ecological Impact Assessment

Representation (*Derbyshire Wildlife Trust 1145/0658; PDNPA 1159/0908*)

2.21.125 The policy should explicitly require the submission of an ecological impact assessment.

Actions/Considerations

2.21.126 The MPA agrees that the policy should be revised to explicitly refer to the need for an Ecological Impact Assessment.

Outcomes for the Plan

2.21.127 Policy revised and amended.

Issue: Development near River corridors

Representation: (*Environment Agency 1137/1004*)

2.21.128 The Environment Agency requested the inclusion of additional wording relating to development proposals near river corridors.

Actions/Considerations

2.21.129 The MPA acknowledges the importance of ensuring that proposals located in river corridors should indicate how these habitats should be protected and enhanced and, as a result of the consultation, has revised the text of policies DM4: Landscape, DM8: Water Management and Flood Risk and DM15: restoration, Aftercare and Afteruse to take account of these issues. The MPA considers that, amongst other things, Policy DM5 is intended to operate as a high-level policy requiring applicants to undertake appropriate, and site-specific, ecological surveys and assessment work. It is not considered appropriate to highlight specific habitat types in the policy to the exclusion of others.

Outcome for Pre-submission Draft Plan

2.21.130 No changes to plan

Issue: Non-statutory designated wildlife sites

Representation (*Derbyshire Wildlife Trust 1145/0658*)

2.21.131 Derbyshire Wildlife Trust requested that the following additional text be inserted into the reasoned justification: *‘There are over 1400 non-statutory sites including 1196 Local Wildlife Sites (LWS), 52 Local Nature Reserves (LNR) and 198 Regionally Important Geological Sites (RIGS) in Derbyshire. These sites support and protect habitats, populations of species or geological formations of at least local/County importance or greater. They play a key role in maintaining the ecological networks and corridors found across the County’.*

Actions/Considerations

2.21.132 The MPA agrees that the supporting text could be expanded in respect of non-statutory sites in line with the consultation response.

Outcomes for pre-submission Draft Plan

2.21.133 A new paragraph (11.2.63) has been inserted into the supported text.

Issue: Amendments to Reasoned Justification

Representation: (*Derbyshire Wildlife Trust 1145/0658*)

2.21.134 Derbyshire Wildlife Trust request that paragraph 11.64 of the reasoned Justification to Policy DM5 be amended to the following:

*‘not lead to any net loss of habitat, provide the same **or better** type of ecological features as those which will be affected with equivalent **or enhanced** levels of ecological ‘functionality’.*

Actions/Considerations

2.21.135 Agree with the suggested amendments.

Outcomes for pre-submission Draft Plan

2.21.136 Text of paragraph 11.64 (now renumbered as 11.2.66) amended as requested.

Issue: Description of European Sites

Representation (*PDNPA 1159/0908*)

2.21.137 one respondent requested that the text of paragraph 11.58 (now renumbered as 11.2.60) to make it clear that the European designated sites are located in the PDNP as well as in the wider Plan Area.

Actions/Considerations

2.21.139 The purpose of paragraph 11.2.60 is intended to clearly set out those European designated sites that are located in the Plan Area, as well as other that are located close by. The Spatial Portrait provided in Chapter 2 of the Plan sets out further information regarding the interrelationships between the Plan Area and the PDNP.

Outcomes for pre-submission Draft Plan

2.21.140 No amendments to the plan.

Policy DM6: Trees, Woodland and Hedgerows

Issue: General Comments

Representations (*National Trust 1160/0946; Derby and Derbyshire Local Access Forum 763/0109*)

2.21.141 Two responses expressed support for the policy.

Actions/Considerations

2.21.142 The MPA notes and welcomes the support for Policy DM6.

Outcomes for pre-submission Draft Plan

2.21.143 No changes required.

Issue: Policy provides insufficient protection for ancient woodland

Representation (*Derbyshire Wildlife Trust 1145/0661*)

2.21.144 Derbyshire Wildlife Trust stated that it was unacceptable to allow any development that would impact on ancient woodland when so few fragments remain and urged the County Council to strengthen the policy in this regard.

Actions/Considerations

2.21.145 The MPA considers that the policy is clear that proposals that would result in the loss or deterioration of ancient woodland will not be supported except in wholly exceptional circumstances. This approach is considered sufficiently robust to ensure the protection of ancient woodland in the Plan area.

Outcomes for pre-submission Draft Plan

2.21.146 No amendments to the plan

Issue: Hedgerow protection

Representation (*Derbyshire Wildlife Trust 1145/0661*)

2.21.147 One response highlighted that only 20% of hedgerows are likely to be covered by the Hedgerow Regulations 1997 and that in many cases, hedgerows which are of considerable value for wildlife fall just short of the relevant criteria threshold. Of these, a high proportion do qualify as Habitats of Principal Importance where the definition and ecological characteristics are less exacting. The response also noted that hedgerows are probably the habitat most frequently impacted by minerals development. the response stated that every effort must be made to retain hedgerows in situ and where this cannot be achieved, hedgerow replacement should aim to not only replace the trees and shrubs, but also establish associated woodland flora as part of the hedgerow habitat.

Actions/Considerations

2.21.148 The MPA acknowledges that the supporting text was not precise enough in respect of protection for hedgerows

Outcomes for pre-submission Draft Plan

2.21.149 Supporting text amended at paragraph 11.27 (now renumbered as 11.2.73) to reflect this issue.

Policy DM7: Historic Environment

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum; National Trust 1160/0947; Historic England 1158/0825; Historic England 1158/0826*)

2.21.150 Three respondents expressed their support for Policy DM7, with one welcoming the positive approach and the need to protect and enhance the

significance of designated and non-designated heritage assets and their settings.

Actions/Considerations

2.21.151 The MPA notes and welcomes the support for Policy DM7.

Outcomes for pre-submission Draft Plan

2.21.152 No changes to the plan.

Issue: Use of Planning Obligations

Representations: (*Mineral Products Association 938/0332; Tarmac 940/0358*)

2.21.153 The use of planning obligations to secure appropriate programs for archaeological investigation works is unjustified and should be removed and replaced with planning condition. The use of planning obligations should be a last resort.

Actions/Considerations

2.21.154 The MPA agrees that this part of the policy needs amending.

Outcomes for pre-submission Draft Plan

2.21.155 Policy DM7 has been comprehensively revised and rewritten including a revised section setting out how appropriate archaeological investigation and recording will be secured.

Issue: Policy lacks clarity/non NPPF compliant and does not distinguish between substantial and less than substantial harm.

Representations (*Historic England 1158/0827; National Trust 1160/0947*)

2.21.156 A number of respondents expressed concern that the policy did not distinguish between substantial harm and less than substantial harm in the same way as the NPPF, or the public benefit test that must be met in respect of each. It was suggested that the policy be revised to ensure NPPF compliance.

Actions/Considerations

2.21.157 The MPA agrees that the policy needs revising to improve clarity and ensure compliance with the NPPF.

Outcomes for pre-submission Draft Plan

2.21.158 The text of policy DM7 has been comprehensively revised.

Issue: Opportunities for Enhancement of Historic Environment

Representation (*Historic England 1158/0830*)

2.21.159 Historic England suggested that there may be opportunities for enhancement of the historic environment/ heritage assets as a result of mitigation measures or as part of site restoration, stating that it is important to include how restoration principles for a site had been guided by an understanding of the significance of heritage assets. The inclusion of a specific section addressing restoration principles for the historic environment within the policy specifically dealing with restoration principles was requested.

Actions/Considerations

2.21.160 The MPA notes the comments and agrees that opportunities to enhance the historic environment should be sought as part of site restoration etc

Outcomes for the Pre-submission Draft Plan.

2.21.161 Policy DM7 has been amended to include a clause requiring development proposals to demonstrate that they would:

‘...provide for the enhancement of specific features of the historic environment, including individual heritage assets or historic landscapes, as part of their approved restoration scheme or as part of a wider package of mitigation measures associated with the proposal’.

Issue: Archaeology

Representation (*Historic England 1158/0829; PDNPA 1159/0910*)

2.21.162 Historic England commented that archaeology, including the potential for non-designated archaeology of national importance, unknown and undesignated archaeology, should be specifically addressed in Policy DM7. Historic England also referred to ‘Historic England Advice Note 13: Minerals Development and Archaeology’ and recommended additional wording

regarding assessments for archaeology and minerals development. It was also suggested that the policy be amended to ensure that appropriate archaeological investigation is undertaken at the appropriate time. Historic England also stated that it supported the recording of information, where the loss of heritage is unavoidable, and consider that this should be updated on the Historic Environment Record (HER) as the minimum requirement.

2.21.163 Another respondent suggested that the policy should be amended to include reference to a Written Scheme of Investigation.

Actions/Considerations

2.21.164 The MPA acknowledges that the policy didn't give sufficient consideration to archaeology, particularly non designated archaeology of national significance.

Outcomes for pre-submission Draft Plan

2.21.165 Policy DM7 has been comprehensively revised to better reflect national policy requirements and also give appropriate consideration to archaeology.

Issue: Creswell Crags

Representation (*PDNP 1159/0910*)

2.21.166 One response highlighted the other built heritage designations at Creswell Crags.

Actions/Considerations

2.21.167 The existing status of Creswell Crags is noted, however, reference to Creswell Crags in this instance was in the context of it being on the UK Government's tentative list for inscription as a World Heritage Site.

Outcomes for pre-submission Draft Plan

2.21.168 No change to Plan.

Issue: Heritage Impact Assessment

Representation (*PDNPA 1159/0910; Historic England 1158/0828*)

2.21.169 Two respondents commented that the policy should be amended to explicitly require a heritage impact assessment setting out how the significance of heritage assets, including their setting, may be impacted as a result of the proposed development.

Actions/Considerations

2.21.170 Agree.

Outcomes for pre-submission Draft Plan

2.21.171 Policy DM7 has been revised to expressly require a heritage impact assessment.

Issue: Environmental impacts of mineral development of historic environment Representation (*National Trust 1160/0947*)

2.21.172 An additional sentence should be incorporated to ensure that heritage impact assessments consider matters such as noise/vibration (e.g. impacts on perception and experience of an asset), dust and air quality (e.g. impacts on historic building fabric and collections). Assessments of these types of impacts are often inadequate as they focus on human health and neglect to consider the quality or experience of the historic environment.

Actions/Considerations

2.21.173 The MPA acknowledges that noise, vibration, dust and air quality can all result in impacts to the historic environment and/or historic collections. However, Policy DM7 is intended to act as a high-level policy relating to the historic environment. Policy DM1: Local Amenity, Health, well-being and Safety covers environmental impacts such as noise and dust. The reasoned justification has been amended to make it clear that, where relevant, such assessments will need to take into account heritage assets and/historic collections.

Outcomes for pre-submission Draft Plan

2.21.174 No changes to Policy DM7. References to environmental impacts to historic environment/historic collections added into the supporting text of Policy DM1.

Policy DM8: Water management and Flood Risk

Issue: General Comments

Representations (*National Trust 1160/0948; Environment Agency 1137/0602*)

2.21.175 Two respondents expressed their support for policy DM8.

Actions/Considerations

2.21.176 The MPA notes and welcomes the support for policy DM8.

Outcome for the Pre-submission Draft Plan

2.21.177 No changes to policy.

Issue: Flood Risk (Easements)

Representation (*Environment Agency 1137/3541*)

2.21.178 The policy should be amended to include an additional bullet point requiring appropriate easements from excavation works safeguarding the physical integrity of watercourses such as ***‘the physical integrity of watercourses through suitable easements between a river bank and the proposed excavation area’***.

Actions/ Considerations

2.21.179 The MPA agrees that an additional criterion designed to safeguard the physical integrity of watercourses would strengthen the policy.

Outcome

2.21.180 Policy DM8 amended as requested.

Issue: Flood Risk (Geomorphology assessment)

Representation (*Environment Agency 1137/3542*)

2.21.181 We would recommend the inclusion of the following paragraph within the policy – ***‘As part of any application, a site specific geomorphology assessment must be undertaken to determine the minimum stand-off required from any watercourse.’***

Actions considerations

2.21.182 The MPA agrees that an additional criterion requiring a geomorphological assessment to determine the minimum stand-off required from any watercourse would strengthen the policy.

Outcome

2.21.183 Policy DM8 amended as requested

Issue: Flood Risk (General)

Representation (*Environment Agency 1137/3543*)

2.21.184 We would suggest the following amendment is included within the policy wording ‘All proposals will be expected to incorporate flood risk protection, flood resilience measures appropriate to the character and biodiversity of the area and the specific requirements of the site ***and ensure development does not increase flood risk to the site, or to others***’.

2.21.185 The Environment Agency requested that paragraph 11.96 be revised in respect of the effects of mineral extraction in floodplains and the effects that it can have on flood storage capacity, impede flows and therefore increase the risk of flooding elsewhere. They also raised concerns regarding the description of river and surface water flooding and how sustainable drainage systems can only be used to mitigate the effects of surface water flooding and suggested a separate paragraph for surface water flooding.

Actions considerations

2.21.186 The MPA agrees that the insertion of the additional wording would ensure that the Plan was NPPF compliant. With regard to the content of paragraph

11.96, the MPA considers that this is a misreading of the paragraph which was intended to convey that mineral extraction operations within the floodplain have the potential to reduce storage capacity and increase the risk of flooding elsewhere. Notwithstanding this, the MPA has amended to the wording of the paragraph to provide greater clarity and created a new paragraph (11.2.96) relating to surface water flooding.

Outcome for pre-submission Draft Plan

2.21.187 Policy DM8 amended as requested and paragraph 11.96 (now renumbered as 11.2.95) has been amended accordingly.

Issue: Water Quality (Water Framework Directive)

Representation (Environment Agency 1137/3544)

2.21.188 Proposed mineral developments must ensure compliance with the Water Framework Directive (WFD), which includes maintaining water quality, maintaining the natural geomorphology and ecological value of the water environment and supporting the progress to 'good' or higher of the relevant watercourse or waterbody. We would ask that the following is included within the policy:

'Water quality, both surface and groundwater, should be managed to ensure no deterioration, and where possible enhancement at the time of restoration, to help support and meet the wider requirements of the Water Framework Directive'

Actions/Considerations

2.21.189 Agree. The MPA will amend the policy accordingly.

Outcome

2.21.190 Policy DM8 amended as requested

Issue: Water supply and disposal of sewage

Representation (*Environment Agency 1137/3545*)

2.21.191 Water supply and the disposal of sewage and foul water from any site should be discussed with the relevant water company and the Environment Agency to ensure no deterioration of surface water or groundwater quality.

Actions/Considerations

2.21.192 Noted. The MPA considered this to be a detailed issue for consideration during the determination of a planning application.

Outcome for Pre-submission Draft Plan

2.21.193 No changes to the plan.

Issue: Water Resources

Representation (*Environment Agency 1137/3546*)

2.21.194 The Environment Agency also provided comments relating to water resources which should not be impacted by development proposals. The response highlighted that some areas of Derbyshire have tight restrictions, or no water is available for consumptive abstraction. Where water abstraction is required as part of the proposed working scheme, applicants are advised to consult the Environment Agency and refer to the Environment Agency's Abstraction Licencing Strategy for that particular area. The response also covered the issue of dewatering activities at quarry sites. Existing dewatering activities are being licensed through the current new authorisations project, which will see all previously exempt abstractions licensed by 31st December 2022. All new quarry dewatering abstractions will need to apply for a full abstraction or transfer licence. In all instances applicants were recommended to contact the Environment Agency to discuss the abstraction requirements for the proposed development to understand what would and wouldn't be acceptable from an abstraction licencing perspective.

Actions/Considerations

2.21.195 Noted. The MPA agrees that matters relating to dewatering are important but considers this to be a detailed issue for consideration during the determination of a planning application.

Outcome for Pre-submission Draft Plan

2.21.196 No changes to the plan.

Issue: Groundwater

Representation (*Environment Agency 1137/3547*)

2.21.197 The Environment Agency requested that the wording of DM8 relating to groundwater be amended as follows to include the requirement for groundwater resources (quantity) and impacts upon groundwater flows to be assessed: - 'groundwater quality, **quantity, levels and flows**'

Actions/Considerations

2.21.198 The MPA agrees that the policy should be amended.

Outcomes for pre-submission Draft Plan

2.21.199 Policy DM8 revised accordingly.

Issue: Amendment to Policy to refer to Flood Risk Assessment and Hydrological and Hydrogeological Assessments

Representation (*PDNPA 1159/0912*)

2.21.200 The PDNP commented to say that the policy should make specific reference to the need for flood risk assessment, hydrological and hydrogeological assessments.

Actions/Considerations

2.21.201 The MPA agrees that the policy should be amended.

Outcomes for pre-submission Draft Plan

2.21.202 Policy DM8 amended as requested.

Issue: Restoration of Mineral Sites

Representation (*National Trust 1160/0948; Environment Agency 1137/3548*)

2.21.203 Two respondents suggested additional text in the policy requiring the design of restoration schemes to consider opportunities for flood storage/alleviation schemes once mineral workings have ceased.

Actions/Considerations

2.21.204 The MPA agrees that the policy should be amended to take account of opportunities for flood storage/alleviation schemes once mineral workings have ceased

Outcomes for pre-submission Draft Plan

2.21.205 Policy DM8 amended to include the following text:

‘Where practicable, provide for the incorporation of flood risk reduction measures e.g. flood plain storage and reconnection, flood defence structures, and land management practices to benefit local communities, as part of their approved restoration scheme or as part of a wider package of mitigation measures associated with the proposal’.

Policy DM9: Soil Quality and Agricultural Land

Issue: General comments

Representation (*National Trust 1160/0949*)

2.21.206 One respondent expressed their support for the policy.

Actions/Considerations

2.21.207 The support for the policy is noted and welcomed.

Outcome for Pre-Submission Draft Plan

2.21.208 No changes required.

Issue: Suggested amendments to policy wording

Representation (*PDNPA 1159/0949*)

2.21.209 One respondent suggested the following additional text for inclusion within the policy:

*‘Proposals should prioritise the **managed recovery**, retention, **storage**, **conservation and treatment** of soil including soil making resources for **beneficial and where appropriate selective reuse within the site.**’*

Actions/Considerations

2.21.210 The MPA acknowledges that the suggested additional text is more precise than set out in the Proposed Draft Plan.

Outcomes for pre-submission Draft Plan

2.21.211 The policy has been amended.

Policy DM10: Aviation safety

Representations

2.21.212 No comments were received.

Actions/Considerations

2.21.213 N/A

Outcomes for pre-submission Draft Plan

2.21.214 N/A

Policy DM11: Green belt

Issue: General Comments

Representations (*National Trust 1160/0950*)

2.21.215 One respondent expressed their support for Policy DM11.

Actions/Considerations

2.21.216 The support for the policy is noted and welcomed.

Outcomes for pre-submission Draft Plan

2.21.217 No changes required.

Policy DM12: Green Infrastructure

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum; Chesterfield Borough Council 1154/0758; National Trust 1160/0951*)

2.21.218 Three respondents expressed support for the policy.

Actions/Considerations

2.21.219 The MPA notes and welcomes the support for Policy DM12.

Outcomes for pre-submission Draft Plan

2.21.220 No changes required.

Issue: Inclusion of blue infrastructure

Representation (*Environment Agency 1137/0604*)

2.21.221 One respondent requested that the policy be amended to include blue infrastructure and seek to enhance the water environment.

Actions/Considerations

2.21.222 The supporting statement to policy DM12 does provide a definition of Green infrastructure which includes waterbodies. However, the MPA accepts

that this may not be explicit in the policy text. The MPA agrees that the restoration of minerals sites should explore opportunities to look at multifunctional environmental enhancements including water quality improvements and/or opportunities to incorporate natural flood management (NFM).

Outcomes for pre-submission Draft Plan

2.21.223 The policy has been amended to refer to blue and green infrastructure and make reference to opportunities to maximise the delivery of multi-functionality and ecosystem services, incorporate water quality improvements and opportunities to improve the water environment.

Issue: Setting of the PDNP

Representation (*PDNPA 1159/0914*)

2.21.224 The Plan should provide for a Green Infrastructure Network Strategy to address the locations within the setting of the PDNP that are affected by historic and current mineral operations.

Actions/Considerations

2.21.225 The MPA notes the suggestion regarding a future Green Infrastructure Network strategy and agrees that it would be a useful tool. The MPA is aware that work is currently ongoing to produce Natural Capital and Local Nature Recovery strategies both of which would potentially overlap with/align with the principles of a Green Infrastructure Strategy. It is considered that further work will be required in this area.

Outcomes for pre-submission Draft Plan

2.21.226 No changes to plan.

Issue: Green Infrastructure Framework

Representation (*Natural England 1161/0970*)

2.21.227 Natural England highlighted the recent launch of a set of national Green Infrastructure standards for local planning authorities to utilise alongside the accompanying GI mapping resource.

Actions/Considerations

2.21.228 the MPA notes the launch of the Green Infrastructure strategy and considers that it will be a useful tool for applicants and decision makers.

Outcomes for pre-submission Draft Plan

2.21.229 Amend supporting statement to make reference to the Green Infrastructure Principles and Standards as a useful resource for applicants.

Policy DM13: Public Access

Issue: General Comments

Representations (*Derby and Derbyshire Local Access Forum 763/0109; National Trust 1160/0952*)

2.21.230 Two respondents expressed support for the policy, particularly its aim to improve and enhance the rights of way network wherever possible.

Actions/Considerations

2.21.231 The MPA notes and welcomes the support for Policy DM13.

Outcomes for pre-submission Draft Plan

2.21.232 No changes required.

Issue: Sustainable Travel

Representation (*Derby and Derbyshire Local Access Forum 763/0109*)

2.21.233 One respondent commented that opportunities to upgrade/create new routes associated with PROW affected by minerals development should be considered at the outset rather than at restoration stage. It was also advised that the requirements of Derbyshire County Council's Cycling Plan and Greenway Strategies/Cycle Networks be taken into account as well as the Rights of Way Improvement Plans (ROWIP) as these all support the increased provision of traffic free multi-user routes catering for pedestrians, cyclists, horse riders and those with mobility problems.

Actions/Considerations

2.21.234 The MPA acknowledges the importance of engaging with the ROWIP as well as any relevant Greenway and Cycleway strategies in the Plan area at the earliest opportunity, in order to secure any likely improvements and enhancements to the rights of way network.

Outcomes for pre-submission Draft Plan

2.21.235 No changes to the Plan.

Issue: Recreational Access

Representation (*CPRE 1152/0738*)

2.21.236 One respondent requested that the policy wording be revised to the following: ‘...and, where possible, recreational access to restored mineral workings...’ to allow for multi-purpose use e.g. walking, cycling and climbing.

Actions/Considerations

2.21.237 The MPA agrees that the suggested revised wording would have the potential to result in broader improvements in terms of recreational access, rather than just the rights of way network.

Outcomes for pre-submission Draft Plan

2.21.238 Policy DM13 has been amended to reflect the suggested alternative wording.

Issue: Rights of Way in PDNP

Representation (PDNPA 1159/0915)

2.21.239 One respondent requested that the Plan make clearer the important inter-relationship / linkages between the recreational routes (e.g. trails, footpaths, bridleways, cycleways, trails, greenways) and open access land within the Plan Area and those within the National Park; and opportunities that may be presented by minerals and minerals related development to enhance, further connect and extend those inter-connected routes, including along the corridor settings to the Park.

Actions/Considerations

2.21.240 The MPA notes the comments made regarding the interlinkages between recreational routes and open access land in the Plan area and the PDNP and agrees that proposals for minerals development may present opportunities to enhance and extend those linkages. As stated in paragraph 2.11.xx above, the wording of the policy has been amended to refer to recreational access rather than ‘rights of way network’ in the second paragraph which should cover this issue. The Plan also includes a further policy, Policy DM12: Green and Blue Infrastructure which seeks to improve and enhance green and blue infrastructure provision in the Plan area beyond the rights of way/multiuser routes which would also be of relevance.

Outcomes for pre-submission Draft Plan

2.21.240 No amendments to plan

Policy DM14: Cumulative Impacts

Issue: Impacts to PDNP

Representation (*PDNPA 1159/0916*)

2.21.241 One respondent commented that the policy and its supporting statement should have regard to potential cumulative impacts on the setting and special qualities of the PDNP. “

Actions/Considerations

2.21.242 The MPA notes the request for the policy to have regard to the setting and special qualities of the PDNP. However, development proposals will be assessed against all relevant policies of the Plan. Policy DM4: Landscape covers the issue of impacts to the PDNP where they are located within its setting. The MPA considers that this, in combination with the requirements of Policy DM14: Cumulative Impacts as currently written, would be sufficient to cover the issue.

Outcomes for pre-submission Draft Plan

2.21.243 No amendments to the Plan.

Issue: EIA and Cumulative Impacts

Representations (*Sarah Marsh 742/0076; Lee Rowley 1136/0587*)

2.21.244 Two comments were made relating specifically to the potential cumulative impacts of hydraulic fracturing. One respondent stated that the Plan only asks for an Environmental Impact Assessment, if the site exceeds 25 hectares. Both respondents highlighted the potential for multiple well sites/increased well pad density to be consented without a full assessment of likely cumulative impacts having taken place. One respondent also stated that they would support clear statements within the plan regarding the need for ‘appropriate balance’ and assessing well pad density against ‘unacceptable cumulative impacts’ as per the North Yorkshire Minerals Plan.

Actions/Considerations

2.21.245 Paragraphs 11.2.8 – 11.2.9 of the Plan provide an explanation of the EIA process but do not set out those circumstances when EIA is required. All proposals are required to be screened for EIA and each proposal will be

assessed on a case-by-case basis. Where a proposal for minerals development has a site area in excess of 25 hectares, then Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 state that this would automatically be EIA development. Where development falls under this threshold, then Schedule 2 of the EIA regulations require proposals to be screened against the criteria set out in Schedule 3. Irrespective of the need for EIA, proposals for mineral development and minerals related development will be assessed against all relevant policies of the plan, including, where necessary, policy DM14: Cumulative Impacts. Policy SP16: Supply of Conventional and Unconventional Oil and Gas deals specifically with proposals relating to hydraulic fracturing. Sub-paragraphs 8) and 9) of Policy SP16 require information to be provided in respect of the overall framework of sites likely to be associated with the oil and gas reservoir specifically to enable the assessment of any likely cumulative impacts.

Outcomes for Pre-submission Draft Plan

2.21.246 No changes to the policy required.

Issue: Cumulative Impacts Associated with Site Allocations

Representation (*Historic England 1158/0838*)

2.21.247 One response welcomed the policy and considered that it could be applied to the proposed site allocations set out in Chapter 6 of the Plan and to any planning applications where a number are located in a similar geographical area. The response also stated that it would be useful to understand what the threshold would be for determining that cumulative impacts were such to warrant refusal.

Actions/Considerations

2.21.249 The MPA notes and welcomes the support for the policy. Each proposal is assessed on a case-by-case basis and the threshold for likely cumulative impacts, whether associated with a single project or in respect of several simultaneous developments in the same area, is likely to be different in every instance.

Outcomes for pre-submission Draft Plan

2.21.250 No changes to the plan.

Issue: Cumulative Impacts of new mineral development in former mining areas

Representations (*Claire Marple 762/0105; Eckington Against Fracking 1149/0702*)

2.21.251 Two respondents expressed concern regarding the potential cumulative impacts of new mineral development (including hydraulic fracturing) in areas that had previously been subject to extensive mining activity. One respondent referred to the settlement of Marsh Lane and its surrounding areas. One respondent referred to potential contamination issues associated with former coal mines.

Actions/Considerations

2.21.252 The MPA notes the concerns regarding cumulative impacts associated with new mineral development in areas historically subject to large amounts of mineral activity and acknowledges. Such impacts could relate to the socio-economic impacts associated with long term mining activity in a particular area. They could also result in environmental impacts such as land instability (where new development exacerbates existing stability issues) or ground pollution. Policy DM14 is intended to ensure that, where relevant, such impacts are taken into account.

Outcome for the Pre-submission Draft Plan

2.21.253 No changes to plan.

Policy DM15: Restoration, Aftercare, and Afteruse

Issue: Restoration scheme to include flood alleviation/natural flood storage

Representations (*National Trust 1160/0953; Environment Agency 1137/0605*)

2.21.254 Two respondents expressed concern that opportunities to consider or alleviate flood risk through restoration schemes had not been included in policy or supporting text. One respondent suggested that the policy could be further improved through the addition of a further criterion requiring the inclusion of natural flood storage and alleviation in proposals for restoration schemes. It was also suggested that restoration schemes should provide every opportunity to reduce flood risk and incorporate possible flood alleviation measures in accordance with the local environment and taking into account flood defence assets and their effective operation.

Actions/Considerations

2.21.255 The MPA acknowledges that flood alleviation schemes and natural flood storage is an appropriate consideration for restoration schemes and will amend the policy

Outcomes for the Plan

2.21.256 Policy text has been amended to include additional criteria

Issue: Restoration of sites near rivers

Representation (*Environment Agency 1137/0605*)

2.21.257 One respondent highlighted the potential issues of restoration schemes for mineral sites located in close proximity to river corridors where there was no interaction between the river, its floodplain and the new waterbodies. In some instances, this can lead to problems and may result in the physical modification of the river. This can result in damage to riverine habitats as well as ongoing natural processes. It was suggested that the Plan should require restoration schemes to enable natural processes and river-flood plain interaction to recover following the cessation of operations. It was also suggested that the applicant should investigate and model the benefits of connecting the former works ponds with the neighbouring water body in order to show that there is no impact on any existing flood defences, operation of schemes, or high erosion banks, impacts of flood risk is in line with the requirements of the NPPF, as well as highlighting multifunctional benefits including environmental net gain and opportunities to provide reductions in flood risk. The justification for this investigation and flood modelling is that returning lateral connectivity between rivers and their natural floodplain is vital to ensure operators and developers maximise the multiple benefits from their operations (Net Gain).

Actions/Considerations

2.21.258 the MPA notes the comments and agrees that the Plan should be amended to take account of natural processes and river-floodplain interaction following site restoration. Policies DM8: Water Management and Flood Risk and DM12: Green and Blue Infrastructure have also been amended to cover this issue

Outcomes for the Plan

2.21.259 Policy DM15 has been amended through the insertion of a new clause (8) and the supporting text has been amended (paragraph 11.2.149) in order to justify the new requirement.

Issue: Restoration of sites Located in National Forest Representation (*National Forest Company 1113/0549*)

2.21.260 One response requested that insertion of a further criterion specifying that native deciduous woodland will be sought within the National Forest.

Actions/Considerations

2.21.261 The MPA acknowledges that reference to the National Forest should be made in the policy.

Outcomes for the Pre-submission Draft Plan

2.21.262 Policy text amended to include additional criterion for National Forest

Issue: Restoration scheme to include Historic Environment

Representation (*Historic England 1158/0840*)

2.21.263 An additional clause should be inserted into the policy relating to restoration principles relevant to the historic environment.

Actions/Considerations

2.21.264 The MPA agrees that, where relevant, restoration schemes should take account of the historic environment. Policy DM15 requires at sub-paragraph (1) that proposals demonstrate how they have had regard to the character and distinctiveness of, amongst other things, the historic environment. Enhancing the historic environment as part of restoration schemes is also a requirement of Policy DM7: Historic Environment.

Outcomes for Pre-submission Draft Plan

2.21.265 Supporting text amended to include a new paragraph (11.2.148) to cover the historic environment.

Issue: PDNPA

Representation (*PDNPA 1159/0918*)

2.21.266 The PDNP expressed support for the policy but requested the insertion of additional text in the supporting text to make reference to the PDNPA Landscape Strategy and Action Plan where the site is in the setting of the PDNP.

Actions/Considerations

2.21.267 The MPA notes the comments of the PDNPA. This issue is catered for in the wording of Policies SP1: Sustainable Minerals development and DM4: Landscape. The MPA does not consider it necessary to repeat in the context of Policy DM15. Notwithstanding the above, the policy does regard all proposals to demonstrate that they have regard to the character and distinctiveness of the surrounding landscape.

Outcome for Pre-submission draft plan

2.21.268 No alteration to plan.

Issue: Aftercare: BNG and requirement of long-term aftercare periods

Representation (*Derbyshire Wildlife Trust 1145/0663*); *Environment Agency 1137/0605*)

2.21.269 It will be important to ensure that management and aftercare of restored and created habitats are secured for sufficient lengths of time such that they are meaningful and effective. A period of five years may be suitable for small-scale restoration such as tree planting, but to secure biodiversity gains longer term management is usually required. In cases where net gain is applied as per the Environment Act 2021 the adoption of 30-year plans will become the norm. We recommend that the policy takes into account the need and benefits of longer periods of management that are often required to ensure restoration for biodiversity is successful. We suggest adding the following wording to *where the creation of new priority habitats is being used as part of the case for the acceptability of the scheme, it is essential that an extended aftercare and management period of at least 30 years must be secured, otherwise the justification for the scheme cannot be accepted.*

2.21.270 One respondent welcomed that significant biodiversity net gain will be expected to be provided as part of any restoration plan but suggested highlighting that 'significant' will be above the minimum requirement of 10% to

ensure developers and mineral operators are aware of the higher requirements.

Actions/Considerations

2.21.271 The additional policy wording relating to an extended aftercare and management period of 30 years where the creation of new priority habitats is proposed is noted. Whilst it is possible to do this (Schedule 5 (7) of the Town and Country Planning Act 1990 allows for an aftercare period of five years or other maximum period) at present, and in the absence of any national guidance in respect of BNG the MPA does not feel it appropriate to include such provision in policy DM15. However, the MPA proposes to produce a BNG supplementary guidance note which will set out its requirements for the delivery of BNG including appropriate aftercare and management.

2.21.272 The MPA agrees that the Plan should clarify what it means by the term 'significant BNG'.

Outcome for Pre-submission draft plan

2.21.273 No changes to the policy in respect of aftercare period. Supporting text amended at paragraph to clarify what the MPA means by 'significant' BNG.

Issue: After uses of mineral sites

Representations (*Derby and Derbyshire Local Access Forum 763/0111;*
Chesterfield Borough Council 1154/0759)

2.21.274 One respondent expressed the view that the needs of local communities, tourism, leisure, housing, industry and agriculture should not be overlooked when considering appropriate after-uses for mineral sites. Whilst restoration to outdoor recreation would be preferable, the response also noted that mixed-use sites which include areas for recreation are more likely to generate landowner support unless the recreational use in itself can provide a reliable source of income. The respondent also considered that the final restoration of mineral sites can be very long term and what is intended at the outset is not always achieved as part of the end result and suggested that it may therefore be necessary to have funding in reserve to ensure the restoration plan can be fully implemented, including the satisfactory construction of any new paths/ multi-user trails.

2.21.274 Another respondent considered that the policy should include a recognition that after uses of sites could include built development and that, the need to identify the most appropriate end use that informs the proposals for restoration and after care. An example would be the extraction of material at Hartington in Chesterfield Borough. In that case, the restoration plan included the creation of development platforms for subsequent employment development.

Actions/Considerations

2.21.275 The MPA notes the comments regarding the restoration of mineral sites to alternative/mixed land uses but considers that there are inherent difficulties in doing so. Many of the land uses referred to do not fall within the remit of the MPA and would be for the relevant LPA to determine. Schedule 5 of the Town and Country Planning Act 1990, as amended allows MPAs to impose aftercare conditions on mineral planning permissions to bring land to the required standard for agriculture, forestry or amenity but does not grant planning permission for those uses. Whilst the MPA agrees that in some circumstances it might be desirable to allow a site to be restored to an appropriate development platform for future redevelopment, the risk of doing so without a committed future development could result in the site not being restored appropriately. Where proposals for minerals development seeks to incorporate a restoration for a development platform suitable for future redevelopment of a site for commercial/residential use, the MPA will expect a corresponding application to be submitted to the relevant Local Planning Authority at the same time.

2.21.276 The MPA also notes the comments regarding the issues surrounding the long-term delivery of approved restoration schemes and subsequent changes to the scheme. Changes to schemes can be for a number of reasons including onsite conditions, a response to the failure of elements of the scheme (e.g. drainage or tree planting) or a lack of infill materials. Often the restoration of mineral sites also relies on the cooperation of other stakeholders (often outside the control of the MPA) to ensure full delivery.

The request for financial bonds is noted, however Paragraph 211(e) of the NPPF states that these should only be sought in exceptional circumstances. Their use is unlikely to be appropriate in most instances.

Outcome for pre-submission draft plan

2.21.277 No change to the policy wording. Supporting text amended to explain the point around alternative afteruses.

Issue: Restoration using waste materials / Environmental permitting

Representation (Environment Agency 1137/0605)

2.21.278 One respondent commented on the use of waste material as part of the restoration of mineral sites and highlighted that whilst mineral extraction may be considered appropriate in a particular location, the use of waste material as a restoration/infill material may not be e.g. a site in the Green belt or the proximity of local communities. The response also highlighted that national policy seeks to ensure that recyclable materials are put to beneficial use (waste recovery) rather than being disposed (waste disposal) and that operators should keep the use of waste material to a minimum when designing their restoration schemes. This would ensure the restoration is the optimum solution for the site and that no more material than necessary would be used to achieve the required landform. It was also stated that where an operator proposes to import waste material for infilling purposes, an Environmental Permit from the Environment Agency will be required. Further information was provided about Recovery Permits and Exemptions and the CL:AIRE Code of Practice which allows the reuse of excavated materials on-site or their transfer between sites, without being classified as waste and which can be used as an alternative to the Use of Environmental Permit or exemptions.

Actions/Considerations

2.21.279 The MPA notes and welcomes the information in respect of Environmental Permitting and CL:AIRE. The need for an Environmental Permit and or the issues surrounding the use of waste as a restoration

medium are set out on paragraph 11.2.155. With regard to sustainable use of waste materials, the Plan includes a policy SP3: The Supply of Recycled and Secondary Aggregates which seeks to prioritise these over the need to extract virgin mineral.

Outcomes for pre-submission Draft Plan

2.21.280 No changes to the Plan.

Policy DM16: Planning Obligations

Issue: General Comments

Representations (*PDNPA 1159/0919; National Trust 1160/0954*)

2.21.281 Two respondents expressed their support for policy DM16 and its supporting text.

Actions/Considerations

2.21.282 Support for the policy is noted and welcomed.

Issue: Policy Lacks Clarity

Representation (*Chesterfield Borough Council, 1154/0760*)

2.21.283 The policy is unclear as it is not specific about what planning obligations will be used to secure. An alternative approach would be to make clear reference to the purpose and use of obligations in relevant policies and delete Policy DM16.

Actions/Considerations

2.21.284 The MPA notes the comment regarding lack of clarity and accepts that the policy should be amended. It should be noted that, where relevant the strategic policies and other development policies of the Plan do also indicate those circumstances where Planning Obligations may be required.

Outcomes for Pre-submission Draft Plan

2.21.285 The policy has been amended to state that obligations will only be used where it is not possible to address impacts via planning condition and to ensure that otherwise unacceptable development can be made acceptable.

Policy DM17 Borrow Pits (now renumbered as Policy OM1)

Representations

2.21.286 No comments were received.

Actions/Considerations

2.21.287 N/A

Outcomes for pre-submission Draft Plan

2.21.288 N/A

Policy DM18: Reworking of Former Colliery and Other Spoil Tips (now renumbered/renamed as Policy OM2: Reworking of Former Spoil Tips)

Issue: Natural Regeneration of Former Spoil Tips

Representation (*Derbyshire Wildlife Trust 1145/0664*)

2.21.289 One respondent highlighted that former colliery and spoil tips which have naturally revegetated over time can become important biodiversity and landscape assets and requested the following amendments to the policy:
*'They would not adversely affect any previous **benefits from either** restoration that has been carried out on the site **or natural regeneration**, or, if so, they would result in further, significant improvements to the previous restoration scheme'.*

Actions/Considerations

2.21.290 The MPA acknowledges that disused former tips can be important for biodiversity, although notes that such natural regeneration can often be unsightly and not characteristic of the surrounding area. All proposals will be assessed on a case-by-case basis against all policies of the Plan including policies SP1: Sustainable Mineral Development and DM5: Biodiversity and Geodiversity both of which seek to protect the nature conservation interest.

Outcomes for pre-submission Draft Plan

2.21.291 No amendments made to the policy in respect of natural regeneration.

Issue: Quarry Tips located in setting of PDNP

Representation (*PDNPA 1159/0920*)

2.21.292 One respondent highlighted the need to give careful consideration to the reworking of tips located in the setting of the PDNP and its special qualities.

Actions/Considerations

2.21.293 The MPA notes that former quarry tips located close to the PDNP need to be given specific consideration. Proposals for the reworking of former tips will be assessed on a case-by-case basis against all policies of the Plan

including policies SP1: Sustainable Mineral Development and DM4: Landscape, both of which seek to protect the special qualities of the PDNP.

Outcomes for pre-submission Draft Plan

2.21.294 No amendments to the policy

Issue: Removal of former tips in flood plains

Representation: (*Environment Agency 1137/0603*)

2.21.295 One respondent welcomed opportunities to create new areas of reconnected floodplain through the reworking of spoil material previously added to the floodplain but also requested that consideration should be given (through hydraulic modelling) as to whether lowered ground levels and altered flood flows would then affect properties and third-party land which had previously benefited from a degree of protection from the raised ground.

Actions/Considerations

2.21.296 The MPA acknowledges that the removal of spoil material from floodplains, whilst beneficial in reconnecting the floodplain, could potentially also result in unforeseen impacts to third parties. All proposals are assessed on a case-by-case basis against all relevant policies of the Plan. In this instance, it is considered that policies SP1: Sustainable Mineral Development, DM1: Local Amenity, health, Well-being and safety and DM8: Water Management and Flood Risk would cover the issue raised.

Outcomes for pre-submission Draft Plan

2.21.297 No amendments to the policy

Policy 19: The Incidental and prior Working of Clay (now renumbered as Policy OM3)

Issue: General Comments

Representation (*PDNPA 1159/0920*)

2.21.298 One respondent expressed their support for the policy and its supporting text.

Actions/Considerations

2.21.299 The support for the policy is noted and welcomed.

Outcomes for pre-submission Draft Plan

2.21.300 No changes to policy.

Policy DM20: Mineral Related Development (now renumbered as Policy OM4)

Issue: Transport Assessment and Travel Plans

Representation (*Chesterfield Borough Council 1154/0761*)

2.21.301 The policy does not consider how employees on a development will access it or how this can be done in a way that encourages active travel.

Actions/Considerations

2.21.302 The MPA acknowledges that in some circumstances mineral related development can result in significant increases in vehicle movements to and from a site and that proposals should be required to provide a transport assessment and travel plan.

Outcomes for pre-submission Draft Plan

2.21.303 Policy OM4 amended to include requirement for a transport statement/assessment and a travel plan to demonstrate how impacts will be mitigated.

Issue: Impacts on PDNP

Representation (*PDNPA 1159/0922*)

2.21.304 One respondent requested that the following additional wording be added to the policy and its supporting text:

‘Where such development is located within the setting of the Peak District National Park it will need to satisfy Objective 7 by being sensitively located and designed to avoid adverse impacts on the designated landscape of the adjoining National Park...’

Actions/Considerations

2.21.305 The MPA notes the request and agrees that proposals for mineral related development should be sensitively sited and located. It is considered that Policies SP1: Sustainable Minerals Development and DM4: Landscape provide sufficient protection for the PDNP.

Outcomes for pre-submission Draft Plan

2.21.306 No amendments to policy or supporting text.

Issue: Significant Environmental Adverse Impact

Representation (*Historic England 1158/0841*)

2.21.307 The supporting text should be expanded to clarify what may constitute a significant adverse environmental impact.

Actions/Considerations

2.21.308 The MPA notes the comment but does not consider it appropriate to define what this may mean. As set out in paragraph 4.8 of the Plan, whether or not a proposal results in a significant adverse environmental impact will be assessed on a case-by-case basis taking into account the scale, nature and location of a particular proposal, the characteristics of various environment effects likely to arise from the development and the opportunities for mitigation that may be applied.

Outcomes for pre-submission Draft Plan

2.21.309 No changes to the policy

Issue: Flood Risk

Representation (*Environment Agency 1137/3549*)

2.21.310 One respondent highlighted the need for proposals for mineral related development to be sited in the area of lowest flood risk on a site, or a nearby off-site location at lower flood risk, ideally out of the floodplain

Actions/Considerations

2.21.311 The MPA notes the request and agrees that proposals for mineral related development should be located and designed to minimise impacts associated with flood risk. It is considered that Policy DM8: Water Management and Flood Risk provided sufficient protection in this respect.

Outcomes for pre-submission Draft Plan

2.21.312 No amendments to the policy.

Policy DM21: Mineral exploration (now renumbered as Policy OM5)

Issue: General Comments

Representation (*PDNPA 1159/0924*)

2.21.313 One respondent expressed support for the policy and supporting text.

Actions/Considerations

2.21.314 The support for the policy is noted and welcomed.

Outcomes for pre-submission Draft Plan

2.21.315 No amendments required.

Issue: Significant environmental impact

Representation (*Historic England 1158/0842*)

2.21.316 The supporting text should be expanded to clarify what may constitute a significant adverse environmental impact.

Actions/Considerations

2.21.317 The MPA notes the comment but does not consider it appropriate to define what this may mean. Whether or not a proposal results in a significant adverse environmental impact will be assessed on a case-by-case basis taking into account the scale, nature and location of a particular proposal, the characteristics of various environment effects likely to arise from the development and the opportunities for mitigation that may be applied.

Outcomes for pre-submission Draft Plan

2.21.318 No changes to the policy

2.15 Chapter 15 Monitoring and Implementation

Table of Representations

Name		Name Ref No	Representation Ref No
CPRE		1152	0739
Historic England		1158	0843

Monitoring Indicator 2 SP2 Climate Change

Representations (*CPRE 1152/0739*)

- 2.15.1 As indicated above, measures and indicators in relation to compliance with local carbon budgets and targets will need to be calculated and these would be substituted for the current indicator and target shown for SP2 Climate Change. Similarly, the indicators for SP16/SP17 will need to be re-worked based on the presumption/target of no fossil fuel exploration, appraisal or extraction with a target of 'No approvals'.

Actions/Considerations

- 8.2.2 The MPA consider that the monitoring indicators in place are sufficient to monitor the impact of the Plan's policies. The Plan cannot include a presumption against fossil fuel extraction.

Outcomes for the Pre-Submission Draft Plan

- 2.2.3 No Change

Monitoring Indicator 2 SP2 Climate Change

Representations (*CPRE 1152/0739*)

- 8.2.1 As the objective for the historic environment, is also the same objective for the natural environment; it is not clear from the monitoring framework which element of the objective is being met by the policies. As mentioned previously we would recommend that there is a separate objective for the historic environment and then this can be re-worked into the monitoring framework to assess how the policies meet this specific objective and what indicators can be used to assess its effectiveness.

Actions/Considerations

8.2.2 The MPA consider that having a combined objective for the natural and historic environment represents a comprehensive but streamlined approach and is replicated in Policy SP1 Sustainable Minerals Development. The Plan contains Development Management Policy DM7 Historic Environment which provides detailed criterion relating to the impact of minerals development on the historic environment and which can be effectively monitored through Monitoring Indicator 37.

Outcomes for the Pre-Submission Draft Plan

2.2.3 No Change.

2.20 Policies Map

Table of Representations

Name		Name Ref No	Representation Ref No
Chesterfield Borough Council		1154	0762
Chesterfield Borough Council		1154	0763

Policies Map Safeguarded Areas

Representations (*Chesterfield Borough Council 1154/0762*)

- 2.20.1 The policies Map provided is too small a scale to be useful in respect of the safeguarded areas. As referred to above, these should be made available at a larger scale to make it possible to identify whether it affects individual sites.

Actions/Considerations

- 2.20.1 Agree

Outcomes for the Pre-Submission Draft Plan

- 2.20.1 The Policies Map has been amended. It should be noted that the Policies Map has been produced as a separate document to the Plan for the purposes of this consultation.

Policies Map Safeguarded Infrastructure

Representations (*Chesterfield Borough Council 1154/0763*)

- 2.20.1 The safeguarded minerals infrastructure should be shown on the Policies Map.

Actions/Considerations

- 2.20.1 The MPA consider that the most appropriate place to show the safeguarded minerals infrastructure is in the Minerals Local Plan Annual Monitoring Report. In this way there will be an up to date map and list of facilities annually reviewed.

Outcomes for the Pre-Submission Draft Plan

- 2.20.1 No change to the Plan but the safeguarded infrastructure will be listed and mapped in the Minerals Local Plan Annual Monitoring Report. It should be noted that the Policies Map has been produced as a separate document to the Plan for the purposes of this consultation.

Appendices

Appendix A: Site Allocations Principal Planning Requirements

Appendix A - Principal Planning Requirements

All Sand and Gravel Allocations

Representation (*South Derbyshire District Council 836/0197*)

2.8.82 The wording of the principal planning requirement in respect of each of the proposed new sand and gravel sites stating (at point 8 in each case) that restoration should take account of the Restoration Strategy for the Trent Valley should be strengthened as follows:

“The Mineral Planning Authority will establish formal arrangements to work with communities and mineral operators and other stakeholders well in advance of the submission of any planning applications to help ensure that proposals for mineral working in the Trent, Derwent and Lower Dove Valleys show how the mitigation, restoration and aftercare of sand and gravel sites will fit in with this long-term restoration strategy for sand and gravel sites in the river valleys.”

Actions/Considerations

2.6.83 Agree that this PPR could be strengthened to some extent but the first part of the suggested sentence is considered to be too onerous at this stage. The SPD will cover this issue in more detail and stakeholders will play an important role in its development.

Outcomes for the Pre-Submission Draft Plan

2.6.80 Amend the PPR.

All Sand and Gravel Allocations

Representation (*Historic England 1158/0844,0845,0846,0847,0848*)

2.6.81 Historic England has concerns about the proposed sand and gravel sites. Note the principal planning requirements in Paragraph A6, clause 3 on page 278, and we welcome the inclusion of what heritage assets are likely to be within or near to the site. However, prior to the allocation of a site for mineral development we would need to see

additional heritage impact assessment work that considers what the impact is to the significance of those heritage assets that have been noted in this paragraph; what the potential avoidance or mitigation strategies may be, what level of harm is there likely to be and what alternative site options there are for this type of mineral development, which may have a lesser impact for the historic environment.

Actions/Considerations

2.6.82 Additional heritage impact assessments have been undertaken for all the suggested sites. These have suggested mitigation strategies for the sites to help reduce the impact on heritage assets. These have been incorporated into the revised principal planning requirements for the proposed allocations, which will now form part of Plan policy.

Outcomes for the Pre-Submission Draft Plan

2.6.83 Add a PPR to address this comment.

All Allocations

Representation (*National Trust 1160/0955*)

2.6.84 National Trust welcomes the inclusion of additional information to guide applications at site allocations, including those for Sand and Gravel Extraction of which two are located close to Sudbury Hall and village. However, we consider that these requirements should preferably be part of the related policies SP5 and SP11, or at least directly referenced within them, to ensure that applicants adhere to them.

Actions/Considerations

2.6.85 Agree. The requirements will be referenced within the relevant policies so that they form part of the policy.

Outcomes for the Pre-Submission Draft Plan

2.6.86 Amend policies SP5 and SP11 to include cross reference to the principal planning requirements.

Foston and Sudbury

Representation (*National Trust 1160/0956,0957*)

2.6.87 In relation to the two sites at Foston and Sudbury – as these are contiguous and effectively represent one very large site, we are concerned to ensure that any planning for the infrastructure, workings

and restoration of these sites is integrated as far as possible. Is there an opportunity for these sites to share a single vehicular access point, combined plant/machinery and potentially a rail head in order to minimise environmental impacts?

Actions/Considerations

- 2.6.88 The locations for the processing plant and access have not been agreed yet. They may change once planning applications are submitted. The two sites have been suggested and promoted by separate operators and it is beyond the Council's control to affect whether they are worked either individually or together. Through the Trent Valley Restoration Strategy however, operators are expected to consider the restoration of the sites taking account of the wider context of the valley.

Outcomes for the Pre-Submission Draft Plan

- 2.6.89 No changes proposed.

Foston and Sudbury

Representation (*National Trust 1160/0959*)

- 2.6.90 Part (3) of the Foston PPRs requires an assessment of effects on the historic environment which we support. We request that further guidance is included to ensure that this includes an assessment of visual impact (including light pollution), noise and vibration, dust and air quality. These factors may impact on the experience, perception and fabric (buildings and collections) of Sudbury Hall, Park, Conservation Area and their settings. We also request that the applicant is required to assess the need for dust monitoring at Sudbury Hall during operation.

Actions/Considerations

- 2.6.91 Agree to add this request to the list of requirements.

Outcomes for the Pre-Submission Draft Plan

- 2.6.92 Amend the PPRs for Foston.

Representation (*National Trust 1160/0960*)

2.6.93 Part (6) requires a Transport Assessment and refers to restrictions to vehicle movements on Leathersley Lane. We request that the requirements also clearly state that restrictions will need to be put in place to ensure that site traffic does not use Main Road through Sudbury village and Conservation Area.

Actions/Considerations

2.6.94 Agree

Outcomes for the Pre-Submission Draft Plan

2.6.95 A sentence has been added to the PPR to set out that quarry traffic should not use the road through Sudbury village.

Aldwark South

Representations (*Environment Agency 1137/0611*)

We ask that the planning requirements also include some reference to ensure that restoration of the site provide multifunctional environmental enhancements, including, but not limited to, reducing the impacts of flood risk to others, providing significant biodiversity net gain, providing water quality improvements etc.

We would also recommend that similar wording to the following is also included to ensure where an abstraction licence is required, this is sorted out before the planning application stage, 'Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency'.

The site is located on a principal aquifer, and within Source Protection Zone 1 for a public water supply. It is an extremely sensitive location from a groundwater protection point of view. Further investigations and assessments will need to demonstrate that the proposal does not pose an unacceptable risk to the environment. We would ask that the following wording is added in to the planning requirements 'Suitable investigations and assessments will be required to ensure the protection of controlled waters'.

Actions/Considerations

A1 - agree reference to the need to explore opportunities to provide multifunctional environmental enhancements should be included at point 7) which covers restoration.

A2 - agree include reference to the need to discuss water abstraction license issues prior to submitting a planning application.

A3 - agree reference should be made to the need for suitable investigations and assessments to be submitted to ensure the protection of 'controlled' waters.

Outcomes for Pre-Submission Draft Plan

A1 - Paragraph A35 point 7) has been amended accordingly.

A2 - Paragraph A35 point 4) has been amended accordingly.

A3 - Paragraph A35 point 4) has been amended accordingly.