

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

**Towards a Minerals Local Plan:
Winter 2021/2022 Consultation –
Proposed Draft Plan**

**Developing the Proposed Draft Plan
Building Stone**

December 2021

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1 Introduction

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

2. Stakeholder Workshops 2009

2.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key issues and themes that people thought the new Minerals Local Plan (MLP) should address and sought the input of stakeholders in developing the vision and objectives for the Plan. The outcomes of the workshop were published on the Council's website and in a newsletter that was circulated to stakeholders.

2.2 These comments were taken into account in the preparation of the Issues and Options Report.

3. Issues and Options Consultation 2010

3.1 At the Issues and Options stage in 2010, people were asked whether specific quarries should be identified, or to devise a general policy against which to assess all proposals.

3.2 There was more support expressed for a criterion based, rather than a site specific, policy, but this was not unanimous. However, there was also support for a combination of the two options. The sustainability appraisal (SA) (see below) also provided no clear direction regarding this issue.

3.3 As a result of the responses to the Issues and Options Paper giving no clear steer regarding this issue, and taking account also of the conclusions of the SA, it was

suggested at that time (as reported in the Analysis of Responses to the Issues and Options Paper, 2011) that specific quarries could be allocated to ensure that specific conservation projects have sufficient stone to meet future needs and that a general criteria based policy would enable other proposals to be assessed as they came forward.

- 3.4 However, since that time, more detailed discussions have taken place with experts at English Heritage and the National Stone Centre regarding the issue of building stone, in particular regarding the Strategic Stone Study referred to above, a joint project led by English Heritage with the British Geological Survey and Derbyshire County Council. This establishes the significant building stones that are used in historical buildings in each county and the potential quarries which could supply the stone.
- 3.5 It became clear through these discussions that the identification of specific sites for the working of building stone would, in reality, be highly problematic. This is because future proposals for building stone 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. Also, given the specific characteristics of building stone and the significant variation between localities, it is not considered practical or appropriate to identify sites. It is worth noting also in this respect that operators had not at this time put any sites forward for building stone through the MLP.
- 3.6 In view of these factors, it was not considered a realistic option to make provision for the future working of building stone through the identification of specific sites. The issue with building/dimension stone is not so much *where* it is extracted but more to do with the *quality* of the mineral and the likely end market. For this reason, the Councils do not propose to restrict new building stone quarries geographically but to judge proposals on strict criteria on the quality of the stone, size of site/output and intended markets. As building stone workings are likely to be relatively small scale and limited in number, a criteria policy is considered to be the most appropriate and realistic approach to enable provision to be made for the working of this resource over the Plan period.

Sustainability Appraisal

- 3.7 The SA process is a way of promoting sustainable development through the better integration of sustainability considerations throughout the preparation of the Plan. The process involves testing the impact of the Plan against a series of sustainability objectives. Where the process recommends improvements to the Plan, these will be incorporated.
- 3.8 An SA was carried out as to how provision should be made for the supply of aggregate crushed rock. It appraised two alternative options set out in the Issues and Options paper for assessing future supply of building stone. The first was to identify specific sites and the second a general criteria policy.
- 3.9 The appraisal reported that Option 1 would provide certainty to meet specific needs to support the character of buildings and settlements reliant on the types of building stone found in Derbyshire. Effects of this option could therefore secure benefits in terms of local distinctiveness for the County. Some of the building stone resources are located close to the Peak District National Park (PDNP) and therefore there is potential for extensions to existing sites and proposals coming forward under Option 2 to have negative effects upon its setting. However, promoting extensions to existing sites could also assist with securing restoration of existing sites. The significance of the effects of both options on heritage and landscape will depend on the specific locations of the specific sites and their extensions identified under Option 1 and the criteria proposed under Option 2.
- 3.10 Option 1 may not maximise its support to the building stone industry and therefore have negative effects on the achievement of economic objectives. This would meet a particular market need but may not provide flexibility for the industry to bring forward proposals to respond to market demand over the plan period or from other operators which do not have existing building stone quarries.

The full appraisal is set out in the following document:

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

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

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

4.2 Seven comments were received to the 2015/2016 rolling consultation in respect of the general approach that we should be taking. The main issues raised are:

- That the policy should not restrict levels of production to only small scale proposals and should also not restrict the amount of aggregate that is sold as a by-product.
- Disagree that it is not possible to predict the need for building stone
- That specific sites should be identified because this increases certainty.
- Comment has also been submitted which suggest a number of criteria that should be included in the policy and supporting text.

4.3 These have been considered and included, where appropriate, in Policy MS7 below.

Assessment of Comments and Outcomes for the Plan

4.4 Building stone quarries have always been relatively small scale and by their very nature often intermittent in their production. National policy also refers to the need for small scale building stone extraction. However, it is agreed that the policy could be more appropriately worded to be less restrictive. 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. The Councils are well aware that there will always be an element of sub-standard stone extracted from these quarries which will be used as aggregate.

4.5 There is little to be gained from attempting to predict the need for building stone. This is because future proposals for building stone 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. It is considered, 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.

4.6 Amendments made to policy as appropriate.

5. Towards a Minerals Local Plan – Rolling Consultation 2016-2017: Hard Rock Sites Consultation

5.1 An additional 12 week consultation was undertaken from December 2016 to February 2017 to consult on sites that had been suggested for hard rock extraction. This included a site that was put forward for building stone extraction at Bent Lane, Darley Dale (New Parish Quarry). An initial assessment of the site was undertaken using the Hard Rock Site Assessment Methodology and published for consultation at this time. A drop-in session was also held at the Whitworth Centre in Darley Dale to allow local people to discuss this proposal with Council officers. 325 individuals and organisations commented on this proposal and 83 people attended the community drop-in session. A summary of the comments made and a response to them can be found in the following document:

*Towards a Minerals Local Plan: Winter 2017/2018 Consultation
Report of Representations and Responses, December 2017.*

5.2 At the same time, a revised version of the draft strategy was again put out for consultation to take account of the fact that a site has been proposed for allocation.

5.3 People were given two options; the first asking if they thought this site should be allocated alongside a criteria policy to assess other sites that come forward or the second option, which asked if no sites should be allocated and to instead rely solely on a criteria policy for determining all sites that come forward. Although there were a

significant number of responses to the proposed site at Bent Lane, as set out above, there were only four responses to this overall strategy; three supporting Option 2 and one supporting Option 1.

Assessment of Comments and Outcomes for the Plan

A. The Identification of Sites for Building Stone

5.4 The evidence base indicates that a variety of building stone resources are to be found in the Plan area and there is a local, and to some extent national, demand for some of those particular minerals. The Councils recognise that the Mineral Products Association, in particular identifies more of a national need for the product.¹ However, the NPPF recognises the need for only small scale building stone extraction. All considerations have been weighed and, on balance, the Councils consider that specific sites should not be allocated in this Plan, for the following reasons:

- i) There is no agreed national framework for assessing the future need for building stone. The Councils note the views of the Mineral Products Association in terms of there being a need to meet a national, as well as a local, need for building stone, but in the absence of any specific identified need and the fact that the NPPF refers to small scale need for building stone, the Councils consider that there is insufficient certainty to justify the allocation of specific sites in this Plan.
- ii) The Strategic Stone Study advises that the market for building stone fluctuates greatly, making future demand difficult to predict. Also, given the specific characteristics of building stone and the significant variation between localities, it is not considered practical or appropriate to identify specific sites unless a significant amount of work has been undertaken which proves that there is a need for a particular type of stone from a specific location.
- iii) The majority of responses to the Plan throughout its preparation have supported the inclusion of a criteria policy for building stone provision rather than the allocation of specific sites.

5.5 In conclusion, therefore, as a result of these considerations, the Councils consider that, on balance, the most appropriate and pragmatic approach for this Plan will be to assess

¹ Dimension Stone, An Essential UK Industry, 2015

any sites that come forward during the course of the Plan period using a criteria policy, as set out below. If further evidence comes forward during the course of the Plan period to suggest that a different course of action is required, we can examine this as part of the ongoing monitoring and review of the Plan.

B. New Parish Quarry

5.6 This site at Bent Lane, Darley Dale has been suggested as an allocation. There were a significant number of objections to this proposal from local people. However, the Councils maintain that, for the reasons set out above, it will not be appropriate to allocate sites for building stone in this Plan. As a result of this proposed approach, the Councils have not applied the site assessment methodology to this site.

5.7 For the reasons set out above, it is not considered to be practical to make a specific provision for future building stone extraction. Instead it is intended to maintain the approach of the existing adopted MLP to set out a criteria based policy to determine any proposals for building stone extraction that do come forward over the course of the Plan period.

Duty to Cooperate

5.8 Duty to Co-operate is a way of planning strategically for significant cross border issues and a legal requirement of Plan preparation. In preparing the MLP, the Councils identified the following strategic cross-boundary issues in planning for the provision of building stone.

- To ensure a steady and adequate supply of building stone is maintained throughout the Plan period.

5.9 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure a supply of building stone is maintained. Outcomes from the co-operation have fed into the Proposed Approach, Spring 2018 consultation.

5.10 All Duty to Co-operate Issues together with the stakeholders involved have been set out in the following Background Paper which has been updated to add additional

matters that have arisen since the Plan has progressed. Further information can be found in the following Reports.

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

Duty to Cooperate Report - Background and Progress, December 2017

Sustainability Appraisal

5.11 The 2nd interim SA reiterated the assessment of the two alternative options for the supply of building stone as set out above. It also reported on New Parish Quarry as follows:

The site would have minor positive effects with regards to the use of minerals and efficiency of extraction. As a new site, there is no existing infrastructure or established access routes, but the creation of a new workings would lead to positive effects in terms of job creation. As a new site in the countryside, there could be significant effects on landscape and amenity would likely be affected in terms of visual intrusion, traffic and noise. There is also potential for significant negative effects on the historic landscape.

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

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

6. Towards a Minerals Local Plan - Spring 2018 Consultation

6.1 98 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 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.

Outcome for the Proposed Draft Plan

The proposed 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 at paragraph 205 continues to refer to the small scale nature and impact of building stone quarries. No change required.

- 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.

Outcome for the Proposed Draft Plan

Disagree. An important aspect in the consideration of a planning application for a new quarry will be for the applicant to demonstrate whether there is a need for the mineral. It is unlikely that a quarry can operate economically if there is not a need shown for the particular mineral. No change required.

- 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.

Outcome for the Proposed Draft Plan

Agree. Amend policy as suggested.

- 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.

Outcome for the Proposed Draft Plan

The Strategy for Building Stone was published for consultation as part of the Sites Consultation in late 2016. The options for ensuring the supply of building stone i.e. allocations and a criteria policy or just a criteria policy were clearly included in the consultation documents on our consultation system, alongside all other documents and communicated by the then 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; the majority of residents tend to focus purely on the sites that are being promoted for allocation, as was the case at Darley Dale.

- 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.

Outcome for the Proposed Draft Plan

The text at paragraph 7.1.39 of the Building Stone chapter accurately reflects the level of opposition to the promoted site at New Parish Quarry. The Report of Representations, signposted in the main consultation document, sets out the objections in detail, provides a considered response to the objections and includes the outcome for the Proposed Approach.

- 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.

Outcome for the Proposed Draft Plan

The Plan is not the place to include this sort of detail. The Report of Representations sets out in detail the number of objections and who made the objections.

- 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.

Outcome for the Proposed Draft Plan

Policies within the MLP cannot prevent any mineral operator from making a planning application for mineral development on any land within the Plan area. The Plan has to be consistent with the NPPF which requires mineral local plans to include strategic policies to deliver the provision of minerals and to plan positively for the development required in the area. All relevant policies would be taken into account in the determination of a planning application for this site.

- Policy MS7 contains three criteria which are so vague and general that they are meaningless.

Outcome for the Proposed Draft Plan

In assessing any planning applications for mineral development, all policies of the MLP apply, where relevant, and it is important, therefore, that people 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. It also explains why the building stone policy only has three criteria which are specifically about the supply of the stone. At this stage, the wording of the policies is not final and the Councils are seeking suggestions on the proposed detailed wording.

- 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.

Outcome for the Proposed Draft Plan

As a result of the decision having been taken to not allocate any sites for building stone, the site at Bent Lane was not reassessed using the revised assessment methodology. This methodology would not be used to help determine any future planning application for the site. However, the policies in the Plan, which would be used, cover all the issues that are covered in the methodology.

- The document is considered to be too long and complicated for most people to read and understand.

Outcome for the Proposed Draft Plan

Derbyshire has a wide range of mineral resources, including building stone, and all have to be covered by the Local Plan. The preparation of a local plan is both a lengthy and technical process involving several stages of preparation with particular requirements which have to be met to comply with national legislation and policy. The production of a local plan involves the preparation of an evidence base in order to support the development of the plan's strategies and policies. Other processes including a sustainability appraisal and Duty to Co-operate are also involved. Whilst the request for summary documents to be produced is appreciated, it is considered these would not give the required level of detail to enable the public to comment effectively on the whole Plan. Whilst the documents do not contain page numbers they do contain individual chapter and paragraph numbers, and so can be referenced easily.

- Communication with the public regarding the proposal at Bent Lane has been poor and inconsistent.

Outcome for the Proposed Draft Plan

Emails were sent and letters posted to all people who had previously commented on earlier stages of the MLP and to all people held on the consultation database who have expressed a wish to be informed of the stages of Minerals Local Plan preparation. These were all dispatched over a period of three days 20th – 22nd March. They all contained a copy of the Privacy Notice. They also set out details of the proposed drop-in date at Darley Dale.

The following week additional emails were sent out to people who had previously made comments, providing them with an individual representation number. The purpose of this was to enable them to discover how their comments had been taken into account in the Report of Representations, including the outcome for the spring 2018 consultation.

In addition to the emails and letters sent to individual consultees, a copy of a flyer publicising the spring 2018 consultation and the drop-in sessions was sent to the Parish Council and to all Libraries. Parish Councils were asked to display the flyer locally. A press notice was also sent to local newspapers advertising the consultation and the drop-in sessions.

- 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.

Outcome for the Proposed Draft Plan

The new General Data Protection Regulations came into effect on 25th May 2018. The Councils were advised by legal services at that time that a Privacy Notice needed to be sent to all those receiving notification of the consultation and therefore it was issued in accordance with that legal advice. Following the consultation and comments made the Councils are working with Legal Services to see if it is possible to develop a more generic Privacy Notice that would be applicable to all land use planning matters. The current Privacy Notice was issued to enable the spring 2018 consultation to proceed with the reassurance to consultees that any personal information held including their comments would only be used for the purposes of preparing the MLP. Both consultees held on the database and respondents to earlier stages of Plan preparation were included for completeness.

- 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. (GW Minerals)

Outcome for the Proposed Draft Plan

For the reasons set out in the Plan, it is not proposed to allocate any sites for building stone. Over the Plan period, sites can still be proposed and determined through the planning application process.

Duty to Cooperate

- 6.2 National Planning Guidance sets out that in planning for minerals extraction, mineral planning authorities are expected to co-operate with other authorities on strategic matters.
- 6.3 The provision of building stone is considered to be a strategic matter by virtue of the fact that the market for the material involves significant cross boundary movements. The Councils have liaised with and will continue to liaise with MPAs where surveys show that Derbyshire's building stone is sold and with other relevant stakeholders to help ensure that provision of building stone will be maintained at the necessary level to allow these movements to continue. The Councils also corresponded with organisations and individuals with relevant knowledge and experience of building stone to develop our evidence base and for developing the emerging approach.
- 6.4 Strategic policy making authorities should collaborate to establish cross border matters which they need to address in their plans and in accordance with the new NPPF produce one or more statements of common ground (SoCG). These should document the cross-boundary matters being addressed and progress in cooperating to address these matters.
- 6.5 In preparing the Proposed Draft Plan, the Councils have revisited and updated the strategic cross-boundary issues relating to planning for the provision of building stone. The following issues remain identified:
- To ensure that sufficient provision is made for the supply of building stone throughout the Plan period.
- 6.6 The Councils have engaged in meetings and discussions with relevant authorities, mineral operators and other stakeholders. Co-operation has focussed on the need to ensure that a sufficient supply of building stone is maintained throughout the Plan period and has fed into the Proposed Draft Plan, Winter 2021/2022 consultation.
- 6.7 The Councils have produced a Duty to Co-operate Report setting out the background and overview to duty to co-operate issues. In line with the new provisions of the NPPF they have produced a SoCG which sets out the progress made to date on co-operating

to address the strategic cross-border duty to co-operate issues. Further information can be found in the following documents:

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

Sustainability Appraisal of the Proposed Approach Spring 2018 Consultation

6.8 The 3rd interim SA reiterated its assessment of New Parish Quarry as set out above and also considered Policy MP7 as follows:

Policy MS7 does not allocate site for the supply of building stone but does include a criteria policy against which to assess sites that do come forward and thus is flexible and will allow sites to come forward, subsequently having a positive effect on the supply of minerals (SA topic 3). Some of the existing building stone quarries are located close to the PDNP and extensions to these sites or additional sites within its vicinity may have a negative effect upon its setting. Similarly, new sites in Derbyshire may also have a negative effect on landscapes and the historic environment. However, it would not be appropriate to restrict all working of building stone, and so these effects are not attributable to Policy MS7 as such. Any effects would also be site specific and thus are uncertain at this stage too.

The positive contribution the supply of locally distinctive building stone will make towards maintaining the character of buildings, settlements and heritage assets in Derby and Derbyshire equates to a positive effect overall for SA4. The policy is predicted to have a neutral effect on communities and health as it requires any adverse impacts to be satisfactorily addressed. Although it is possible that some minor negative effects may still occur, these are not attributable to the policy, rather the act of minerals workings per se. The small scale of operations supported by the policy is likely to be insufficient to support improvements to the local transport network to accommodate the additional traffic. However, any effects would only be small scale and temporary in that they would only last the duration of any extraction on site. Therefore, neutral effects are predicted.

The full report can be found at:

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

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

6.9 The 4th Interim SA of the Proposed Draft Plan (January 2022) has considered the proposed approach taken to building stone as below. No amendments are required to be made as a result of this. New Parish Quarry had been withdrawn from consideration in the Plan in 2019.

Policy SP9 does not allocate sites for the supply of building stone but does include a criteria policy against which to assess sites that do come forward and thus is flexible and will allow sites to come forward, subsequently having a positive effect on the supply of minerals.

6.10 The full appraisal is available in the following document.

Towards a Minerals Local Plan: Winter 2017/2018 Consultation Interim Sustainability Appraisal (SA) Report, 2017