

Public Document Pack



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PUBLIC

To: Members of Improvement and Scrutiny Committee - Places

Tuesday, 19 July 2022

Dear Councillor,

Please attend a meeting of the **Improvement and Scrutiny Committee - Places** to be held at **2.00 pm** on **Wednesday, 27 July 2022** in the Council Chamber, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

AGENDA

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To confirm the minutes of the meeting held on 18 May 2022 (Pages 1 - 4)
4. Public Questions (30 minute maximum in total) (Pages 5 - 6)

(Questions may be submitted to be answered by the Scrutiny Committee,

or Council officers who are attending the meeting as witnesses, on any item that is within the scope of the Committee. Please see the procedure for the submission of questions at the end of this agenda)

5. Minerals Local Plan Purpose and Key Themes Emerging from the Proposed Draft Derbyshire and Derby Minerals Local Plan Consultation (Pages 7 - 78)
6. Future Highways Model Scrutiny Working Group Update - (verbal report)
7. Committee Work Programme (Pages 79 - 84)

PUBLIC

MINUTES of a meeting of the **IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES** held on Wednesday, 18 May 2022 in the Council Chamber, County Hall, Matlock.

PRESENT

Councillor S Bull (in the Chair)

Councillors J Siddle, D Collins, N Gourlay, J Nelson, P Niblock, R Redfern and C Dale.

Also in attendance was Councillor C Renwick .

Apologies for absence were submitted for Councillor D Greenhalgh.

7/22 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest.

8/22 PUBLIC QUESTIONS (30 MINUTE MAXIMUM IN TOTAL)

There were no public questions.

9/22 TO CONFIRM THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2022

RESOLVED:

That the minutes of the meeting held on 23 February 2022 be confirmed as a correct record.

10/22 THRIVING COMMUNITIES UPDATE

Sarah Eaton, Assistant Director – Strategy and Policy, and Becky Lomas, Principal Policy Officer attended the meeting to present an update on the progress on the development and roll out of the Thriving Communities approach.

The Committee had previously received reports on the work that had taken place in the five existing local communities – Cotmanhay, Danesmoor, Shirebrook, Gamesley and Newhall.

To roll out the approach across a wider number of areas the Council had established a new Thriving Communities Board in early 2021 which had been successful in driving forward activity. New local communities had

been identified at Ashbourne, Langley Mill and Staveley. Work had recently recommenced across all seven areas following the removal of Covid restrictions.

The Committee received a presentation which provided an update on progress, outlined the planned activity and explored opportunities for further involvement from elected members.

On behalf of the Committee, the Chairman thanked Sarah Eaton and Becky Lomas for their presentation.

RESOLVED:

- (i) that the Committee notes the latest position in respect of the Thriving Communities approach and proposal to take forward activity over the forthcoming period; and
- (ii) that the officers return to provide an update to the Committee later in the year.

11/19 UPDATE ON THE BROADBAND PROGRAMME IN DERBYSHIRE

Councillor Carolyn Renwick, the Cabinet Member for Infrastructure and Environment and Nathalie Silkstone, Broadband Project Officer, attended the meeting to update the Committee on the progress made under the Digital Derbyshire Superfast Programme and plans for the roll-out of Gigabit-capable broadband across the County.

The Digital Derbyshire Superfast Programme had commenced in 2013 and had finally concluded in November 2021. During this time, broadband access had improved for over 120,000 residential and business premises across Derbyshire.

The Committee was presented with details of the current level of broadband coverage across Derbyshire. A total of 97% of all premises now had access to Superfast broadband and 41.84% had access to an Ultrafast service. However, around 4,000 premises did not have access to broadband speeds above 10Mbps; the majority of these were in rural, hard to reach locations in the Derbyshire Dales and High Peak.

There were significant challenges in delivering full fibre to more remote premises and as a result, a number of schemes had been developed recently to help these more remote locations access reliable and speedy connections. These schemes were as follows, and a detailed summary was provided:

- Project Gigabit – Derbyshire had been allocated Government funding from this project to help close the gap;
- Gigabit Voucher and Derbyshire ‘Top Up’. In March 2021, DCC had

agreed to contribute a 'Top Up' fund of £500,000 to match Building Digital UK's original voucher contribution;

- GigaHubs Programme; and
- Supplier Commercial Plans.

On behalf of the Committee, the Chairman thanked Councillor Carolyn Renwick and Nathalie Silkstone for their presentation.

RESOLVED:

That the Committee notes:

- (i) The strong progress that has been secured through the early Digital Derbyshire contracts in providing 97% of all premises with access to Superfast broadband (>24Mbps) and 41.84% with access to an Ultrafast service (>100Mbps);
- (ii) The challenges that remained in delivering full fibre connection to hard to reach premises in the County;
- (iii) The £500,000 funding commitment made to Rural Gigabit and the top up voucher scheme in bridging the gap on rural connectivity;
- (iv) Plans to develop and deliver a coherent communications campaign targeted at hard to reach communities and ramp up communication strategy;
- (v) The work that was being actively pursued to ensure full connectivity, including the recent investment by the County Council in Top Up provision, the drive to secure additional external funding to support programme delivery and lobbying of Government; and
- (vi) That the officers return later in the year to provide an update on progress along with more specific information.

12/19 WORK PROGRAMME 2022-23

The Chairman asked the members of the Committee if they had any particular areas they would like to see in the work programme for 2022-23 and also confirmed items that had previously been brought to Committee and required further updates:

- Key cycle networks (the Chairman would be having a discussion with the Executive Director – Place in due course)
- Future Highways Model
- Enhanced Bus Strategy
- Library Service
- Flood Risk Management
- Countryside Service
- Minerals Plan
- Community Safety
- and updates for the items covered at this meeting

The meeting finished at 3.35pm

Procedure for Public Questions at Improvement and Scrutiny Committee meetings

Members of the public who are on the Derbyshire County Council register of electors, or are Derbyshire County Council tax payers or non-domestic tax payers, may ask questions of the Improvement and Scrutiny Committees, or witnesses who are attending the meeting of the Committee. The maximum period of time for questions by the public at a Committee meeting shall be 30 minutes in total.

Order of Questions

Questions will be asked in the order they were received in accordance with the Notice of Questions requirements, except that the Chairman may group together similar questions.

Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by email to the Director of Legal Services no later than 12noon three working days before the Committee meeting (i.e. 12 noon on a Wednesday when the Committee meets on the following Monday). The notice must give the name and address of the questioner and the name of the person to whom the question is to be put.

Questions may be emailed to democratic.services@derbyshire.gov.uk

Number of Questions

At any one meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation about a single topic.

Scope of Questions

The Director of Legal Services may reject a question if it:

- Exceeds 200 words in length;
- is not about a matter for which the Committee has a responsibility, or does not affect Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- requires the disclosure of confidential or exempt information.

Submitting Questions at the Meeting

Questions received by the deadline (see **Notice of Question** section above) will be shared with the respondent with the request for a written response to be provided by 5pm on the last working day before the meeting (i.e. 5pm on Friday before the meeting on Monday). A schedule of questions and responses will be produced and made available 30 minutes prior to the meeting (from Democratic Services Officers in the meeting room).

It will not be necessary for the questions and responses to be read out at the meeting, however, the Chairman will refer to the questions and responses and invite each questioner to put forward a supplementary question.

Supplementary Question

Anyone who has put a question to the meeting may also put one supplementary question without notice to the person who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds detailed in the **Scope of Questions** section above.

Written Answers

The time allocated for questions by the public at each meeting will be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the person to whom it was to be put, will be dealt with by a written answer.



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES

WEDNESDAY, 27 JULY 2022

Report of the Executive Director - Place

Minerals Local Plan Purpose and Key Themes Emerging from the Proposed Draft Derbyshire and Derby Minerals Local Plan Consultation

1. Purpose

- 1.1 To inform the Committee of the purpose of the Minerals Local Plan and provide an update on the latest position in relation to representations received on the recent public consultation on the Proposed Draft Minerals Local Plan.

2. Information and Analysis

- 2.1 Derbyshire County Council and Derby City Council are working together to prepare a new joint Minerals Local Plan which will cover the period to 2038. It will be called the Derbyshire and Derby Minerals Local Plan and the plan area will cover the geographical County of Derbyshire, excluding that part which falls within the Peak District National Park.
- 2.2 Derbyshire is one of the country's leading producers of minerals with Limestone being the most important mineral. The working of Derbyshire's mineral resources brings significant benefits to both the local and national economy. Consequently, planning decisions about opening new sites or expanding existing sites are more apparent for Derbyshire's communities more elsewhere in the country.

- 2.3 Derbyshire County Council and Derby City Council, as the Mineral Planning Authorities, are required by law to prepare mineral local plans. Planning law requires that, in principle, planning applications for development that accords with an up-to-date local plan should be approved. The principal document that will be used to assess proposals for mineral development and mineral related development will be the Minerals Local Plan.
- 2.4 The purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve sustainable mineral and mineral related development, the Minerals Local Plan is required to deliver three overarching and interrelated economic social and environmental objectives:
- The economic objective is to provide sufficient land for the right type of development, in the right place, at the right time to support growth, innovation and improved productivity.
 - The social objective is to support strong, vibrant and healthy communities by providing well designed and safe places with accessible services and open spaces which meet the needs of the community.
 - The environmental objective is to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising pollution and mitigating and adapting to climate change including moving to a low carbon economy.
- 2.5 The Minerals Local Plan will set out priorities for delivering sustainable minerals development through its vision and strategic objectives. It will include a framework of strategic policies aimed at addressing those priorities, together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies will set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate, they will identify specific sites for working.
- 2.6 The preparation of a local plan is a lengthy process and typically involves several stages of public engagement and consultation, both informal and formal (prescribed by the Town and Country Planning (Local Planning) Regulations 2012) and culminating in the submission of the plan to the Department for Levelling Up, Housing and Communities (DLUHC) for Examination in Public

- 2.7 The two councils are currently at the informal 'preparation' stage of plan making and several rounds of extensive public consultation and engagement under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 have already been undertaken in developing the Plan to its current stage.
- 2.8 Public engagement/consultations include:
- Stakeholder Workshop July 2009
 - Key Issues and Options Consultation 2010
 - Sand and Gravel Sites Consultation 2012
 - Emerging Approach 2015-2016
 - Hard Rock Sites Consultation 2016-2017
 - Proposed Approach 2018
 - Sand and Gravel Sites Consultation 2020
 - Proposed Draft Plan 2022
- 2.9 All the comments received in response to the previous consultations have been taken into account and used to inform the Plan's preparation and the development of the most recent Draft Proposed Minerals Local Plan consultation document.
- 2.10 This was an important consultation in the development of the Minerals Local Plan, as all the work and results from previous consultations were drawn together and presented in a single document as a draft version of the proposed Minerals Local Plan in its entirety. It provided an opportunity for interested parties, including Town and Parish Councils, District and Borough Councils, mineral operators, landowners, community and interest groups and the people of Derbyshire and Derby, to influence the content of the Plan before a final Draft Plan is prepared and published for Examination in Public.
- 2.11 The Derbyshire and Derby Development Plans Joint Advisory Committee (JAC), consisting of members from both councils, provides a key co-ordinating role in steering the preparation of the Plan and the public consultations. The Committee has been involved in advising on all the previous public consultations and has been instrumental in shaping and developing the Draft Proposed Minerals Local Plan for public consultation
- 2.12 At its meeting on 16 December 2021, the JAC resolved that the Proposed Draft Plan should be put forward to the Cabinet Members of the County and City councils for approval to carry out public consultation. Subsequently, Cabinet Members of both Councils approved the public consultation on the Proposed Draft Minerals Local

Plan which ran for just over 8 weeks from 2 March 2022 to 29 April 2022. The Proposed Draft Minerals Local Plan consultation document can be viewed on the Council's website by following [Derbyshire and Derby Minerals Local Plan - Winter 2021 to 2022 - Derbyshire County Council](#)

- 2.13 All the representations received have now been logged, acknowledged and recorded. Some 463 individuals and organisations responded to the consultation, making 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/town councils and individual members of the public. Approximately 70% of representors submitted the same letter of objection mainly relating to climate change and fossil fuel issues accounting for 2,978 of the total representations.
- 2.14 A report highlighting all the representors main objections and supporting comments is being prepared. This report has not yet been finalised and is currently in draft form. However, the draft Report of Publicity and Consultation is appended for information at Appendix 2 as it gives a clear indication of the key issues raised in the representations.
- 2.15 The representations have been recorded and assigned to the relevant chapters of the Proposed Draft Minerals Local Plan to which they refer. Totals of the comments made for each chapter can be seen set out in table 2 in the summary report of the consultation responses
- 2.16 It shows that the key themes emerging from the Proposed Draft Plan consultation relate to concerns and objections to the policies and text of the Vision and Objectives, Climate Change, Fossil Fuels and Hydrocarbons. More detail on the nature of the representations is set out under the chapter headings.
- 2.17 All the comments will be carefully considered in detail, and the implications for the final policy development assessed, in particular those relating to the key issues raised in the representations. This will include Duty to Cooperate meetings with other authorities/prescribed bodies where relevant, updating the evidence base and carrying out further research on key matters/issues raised. This will feed then into the drafting and development of the pre-submission draft Minerals Local Plan (including any amendments or alterations to policies or the text) which will be steered by the JAC.
- 2.18 Until all the representations have been considered and further work and research on policy development done, it is not yet known if the next

iteration of the Plan will require another informal consultation under Regulation 18 or be the version of the Plan intended to be submitted for Examination in Public and consulted upon under Regulation 19. The decision to carry out a Regulation 19 consultation falls to Cabinet.

- 2.19 A summary of all representations, a detailed assessment and consideration of the points they make and the outcomes for the next iteration of the Plan will be prepared to accompany the next consultation so those making comments can see how they have been considered

3. Consultation

- 3.1 Public consultations on the Minerals Local Plan are carried out in accordance with the adopted Statements of Community Involvement of both Councils for a minimum period of six weeks. This includes consulting district, borough, parish and town councils within and adjacent to the Plan area, statutory consultees, local community and interest groups, the industry. The consultations include use of the 'Have Your Say' section of Derbyshire County Council's website and other social media platforms. Drop-in sessions are also usually held throughout the County.

4. Alternative Options Considered

- 4.1 Two alternative options have been considered.
- 4.2 'Do nothing' – This would mean not continuing with the preparation of a Minerals Local Plan and, as a consequence, the Councils would not have an up-to-date statutory Minerals Local Plan against which applications for minerals development could be assessed. The Councils would also run the risk of intervention by central Government to take control the preparation of a Minerals Local Plan for Derbyshire and Derby.
- 4.3 Do not carry out any further public consultation - This would leave the Councils open to challenge that by not going out to further public consultation and not taking into account representations received in the next iteration of the Draft Proposed Minerals Local Plan, the Plan would not have been prepared in accordance with the Town and Country Planning Local Plan Regulations 2012.
- 4.4 Both of these options have been dismissed.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 The Derbyshire and Derby Proposed Draft Minerals Local Plan.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Proposed Draft Minerals Local Plan – Report of Publicity and Consultation

8. Recommendation(s)

That Committee:

- a) Notes the purpose of the Minerals Local Plan.
- b) Notes the update on the latest position in relation to representations received on the recent public consultation on the Derbyshire and Derby Proposed Draft Minerals Local Plan.

9. Reasons for Recommendation(s)

9.1 To ensure Members are aware of the purpose of the Minerals Local Plan and the current position in relation to the representations received to the most recent public consultation on the Derbyshire and Derby Proposed Draft Minerals Local Plan.

Report Author: Michelle Spence

Contact details: Michelle.Spence@derbyshire.gov.uk

Implications

Financial

- 1.1 There is a cost to carrying out public consultations on the Proposed Draft Derbyshire and Derby Minerals Local Plan including the printing of documents as required, hiring venues for drop-in sessions and producing material for publicising the consultation. An allocation of approximately £5,000 has been set aside in the Planning Service's budget to cover the cost of consultation.

Legal

- 2.1 Consultations on the Derbyshire and Derby Proposed Draft Minerals Local Plan are undertaken having full regard to the County Council's responsibilities and services under the provisions of the Localism Act 2011, Planning and Compulsory Purchase Act 2004, Town and Country Planning Act 1990. Town and Country Planning (Local Planning) Regulations 2012 and the National Planning Policy Framework 2021.

Human Resources

- 3.1 The preparation of the Minerals Local Plan is reaching an important phase as progress is made towards its adoption in 2023. Input will be required from a variety of services across the two councils as we move forward. It is important that the required staff resources are available to deliver the work in a timely manner; the County Council's Development Plans Team (within Planning Services) is leading this work – including work on behalf of Derby City. Staffing costs are being apportioned accordingly between the two authorities.

Information Technology

- 4.1 A variety of technologies will be used to deliver the next consultations of the Minerals Local Plan, manage the Examination in Public and the subsequent adoption process, including a web-based platform for hosting all the documents, online consultation and production of videos for public viewing.

Equalities Impact

- 5.1 Equalities impact assessment is an on-going activity and runs in parallel with development of the Plan. A final version of the Derbyshire and Derby

Minerals Local Plan to be submitted for Examination in Public will be accompanied by a full Equalities Impact Assessment.

Corporate objectives and priorities for change

6.1 The statutory Derbyshire and Derby Minerals Local Plan is a strategic document which seeks to deliver sustainable mineral development for communities in Derbyshire and thus is aligned with the Council's Vision Derbyshire strategic approach to improve outcomes for local people and businesses.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

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

Report of Publicity and Consultation

July 2022



Contents

1. Introduction
2. Consultation Methods
3. Consultation Responses
4. Note of Drop-In Sessions

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1 Introduction

1.1 Derby City and Derbyshire County Council have jointly carried out a number of consultations in preparing the Minerals Local Plan. This Report is about the latest consultation stage which was held in March/April 2022 and involved the Proposed Draft Plan.

2 Consultation Methods

2.1 Councils are required to undertake consultation in accordance with their Statements of Community Involvement (SCI). The following methods were used during this Consultation.

- 1) Direct emails/letters to county councillors/statutory consultees and individuals/ organisations who had a declared interest in minerals planning;
- 2) Direct emails and a copy of a Flyer (see Appendix A) sent to parish councils and asking them to publicise the consultation on their websites/newsletters and in their locality;
- 3) 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;
- 4) Copies of the Plan were offered in Paper and alternative formats;
- 5) Paper copies of the Plan were made available to view at all of the County Councils Libraires and at the County/City/District Council Planning Offices;
- 6) Media Releases were issued throughout the consultation period (see Appendix B);
- 7) Local Newspapers i.e. Derby Evening Telegraph; Derbyshire Times included articles about the Consultation (see Appendix C);
- 8) Drop-In Sessions attended by Council officers were held at 6 locations throughout the County targeted to areas which had the most mineral working and where future sites were identified for working in the Plan (see Appendix D);

Buxton Library Monday 28th March 14:30 - 18:30

Bolsover Library Friday 1st April 14:30 - 18:30

Wirksworth Library Tuesday 5th April 14:30 - 18:30

Foston and Scropton Village Hall Wednesday 6th April 14:30 –
18:30

Shardlow Village Hall Tuesday 12th April 14:30 - 18:30

Chesterfield Library Wednesday 20th April 14:30 - 18:30

- 9) Consultees were given an 8-week period to comment from 2nd March 2022 to 29th April 2022.

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3 Consultation Responses

- 3.1 463 individuals and organisations responded to the 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 as set out in Table 1. Approximately 70% of representors submitted the same letter of objection (see Appendix E) mainly relating to climate change and fossil fuel issues accounting for 2,978 of the total representations.
- 3.2 This section provides highlights of the main objections and supporting comments that were received. Representations are recorded and assigned to the relevant Chapters of the Plan to which they refer. Totals of the comments made for each Chapter are set out in Table 2. Comments relating to minor wording changes have not been included in this Report.
- 3.3 A summary of all representations, a detailed assessment and consideration of the points they make and the outcomes for the next iteration of the Plan will be published as part of the next consultation stage anticipated to take place later this year.
- 3.4 Table 1 Representations made by type of representor.

Type of Respondent	Percentage of response
Individual Members of the Public	87%
Councillors, Local Authorities and Parish Councils	5%
Local and National Interest Groups	4%
Businesses including Mineral Operators	3%
National Government Body, Agency or Statutory Consultee	1%

3.5 Table 2 Comments by Chapter

	Title	Comments	Objections	Supports
Chapter	General	15	13	2
1	Introduction and Background	2	2	0
2	Spatial Overview	17	16	1
3	Vision and Objectives	1,003	990	13
4	Sustainable Minerals Development	22	17	5
5	Climate Change	1,023	1,021	2
6.1	Recycled and Secondary Aggregates	7	5	2
6.2	Sand and Gravel	83	78	4
6.3	Aggregate Crushed Rock	10	9	1
6.4	Reducing quarrying in PDNP	7	5	2
7.1	Building Stone	11	7	4
7.2	Industrial Limestone	28	17	11
7.3	Clay	5	3	2
7.4	Vein Minerals	4	4	0
8	Fossil Fuels	664	664	0
8.1	Coal and Colliery Spoil	8	8	0
8.2	Hydrocarbons	471	466	5
9.1	Safeguarding Mineral Resources	21	18	3
9.2	Safeguarding Minerals Infrastructure	10	10	0
10	Restoration of Sites in the River Valleys	15	9	6
11	Development Management			
Policy				
DM1	Protecting Local Amenity, Health, Well Being and Safety	4	3	1
DM2	Criteria for Assessing the Benefits of Mineral Development Proposals	9	7	2
DM3	Transport of Minerals	7	6	1
DM4	Landscape	11	9	2
DM5	Biodiversity and Geodiversity	8	7	1
DM6	Trees, Woodlands and Hedgerows	3	1	2
DM7	Historic Environment	11	8	3
DM8	Water Management and Flood Risk	3	3	0
DM9	Soil Quality and Agricultural Land	2	1	1
DM10	Aviation Safety	0	0	0
DM11	Green Belt	2	0	2
DM12	Green Infrastructure	6	4	2
DM13	Public Access	4	3	1
DM14	Cumulative Impacts	6	6	0
DM15	Restoration, Aftercare and After-Use	7	7	0
DM16	Planning Obligations	3	1	2
DM17	Borrow Pits	0	0	0
DM18	Reworking of former colliery and other spoil	1	1	0
DM19	Incidental and prior working of clay	1	0	1
DM20	Mineral Related Development	3	3	0

DM21	Mineral Exploration	2	1	1
12	Monitoring and Implementation	3	3	0
	Policies Map			
	Appendices			
A	Principal Planning Requirements	24	24	0
B	Mineral Sites	0		
C	Saved Policies	0		
D	Consultation Documents	0		

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3.4 **General Comments**

3.4.1 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

3.4.2 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.

3.5 **Chapter 1.0 Introduction and Background**

3.5.1 **2 comments (both objections)**

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

3.6 **Chapter 2.0 Spatial Overview**

3.6.1 **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

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3.7 Chapter 3.0 Strategic Priorities - Vision and Objectives

3.7.1 1,003 comments (990 Objections 13 supports)

3.7.2 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.

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3.8 Chapter 4.0 Sustainable Minerals Development

3.8.1 22 Comments (17 Objections 5 Supports)

3.8.2 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

3.8.3 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.

3.9 Chapter 5.0 Climate Change

3.9.1 1,023 comments (1,021 objections, 2 supports)

3.9.2 General Comments

- The Plan should specifically acknowledge that a Climate Emergency exists, and its' polices 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.

3.9.3 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

3.10 Chapter 6.1 Recycled and Secondary Aggregates

3.10.1 7 comments. (5 objections, 2 supports)

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

3.11 Chapter 6.2 Sand and Gravel

3.11.1 83 comments (78 objections, 5 support).

3.11.2 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.

3.12 **Chapter 6.3 Aggregate Crushed Rock**

3.12.1 **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 reduction of quarrying in the PDNP to 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.

3.13 Chapter 6.4 Helping to Reduce Quarrying in the PDNP

3.13.1 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

3.14 Chapter 7.1 Building Stone

3.14.1 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.
- 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 and 3 are too restrictive and should be deleted.
- Request additional criteria setting out that extraction should be restricted to building stone and not for aggregate and that any impacts will be minimised.

3.15 Chapter 7.2 Industrial Limestone and Cement Making Materials

3.15.1 28 Comments (17 Objections and 11 Supporting Comments)

3.15.2 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.

3.15.3 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.

3.15.4 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.

3.15.5 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.

3.16 Chapter 7.3 Brick Clay and Fireclay

3.16.1 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.

3.17 **Chapter 7.4 Vein Minerals**

3.17.1 **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.

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3.18 Chapter 8.0 The Supply of Energy Minerals

3.18.1 664 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.

3.19 Chapter 8.1 Coal and Colliery Spoil

3.19.1 8 comments, (8 objecting)

3.19.2 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

3.20 Chapter 8.2 Conventional and Unconventional Hydrocarbons and Gas from Coal

3.20.1 471 Comments (466 Objections , 5 supporting comments)

3.20.2 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.

3.20.3 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.'

3.20.4 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.

3.20.5 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.

3.20.6 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.

3.20.7 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.

3.20.8 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.

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Chapter 9 Safeguarding

3.21 Chapter 9.1 Safeguarding Mineral Resources

3.21.1 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 need 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.

3.22 Chapter 9.2 Mineral Related Infrastructure

3.22.1 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.

3.23 Chapter 10.0 Restoration of Sites in the River Valleys

3.23.1 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'

3.24 Chapter 11.0 Development Management Policies

DM1: Protecting Local Amenity

3.24.1 4 comments (3 objecting, 1 supporting)

3.24.2 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

3.24.3 9 comments, (7 objecting, 2 supports)

3.24.4 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

3.24.5 7 comments (6 objecting, 1 supporting)

3.24.6 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

3.24.7 11 comments (9 objecting, 2 supports)

3.24.8 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

3.24.9 8 comments (7 objecting, 1 support)

3.24.10 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

3.24.11 3 comments (1 objecting, 2 supporting)

3.24.12 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

3.24.13 11 comments (8 objecting, 3 supporting)

3.24.14 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

3.24.15 3 comments, all objecting

3.24.16 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

3.24.17 (2 comments, 1 objection, 1 support)

3.24.18 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

3.24.19 No comments received

DM11: Green Belt

3.24.20 2 comments (2 supporting)

3.24.21 Comments received in respect of policy DM11 covered the following:

- Inclusion of policy supported

DM12: Green Infrastructure

3.24.22 6 comments (4 objecting, 2 supporting)

3.24.23 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

3.24.24 4 comments (3 objecting, 1 supporting)

3.24.25 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

3.24.26 6 comments, all objecting

3.24.27 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

3.24.28 7 comments, all objecting

3.24.29 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

3.24.30 3 comments received (1 objecting, 2 supporting)

3.24.31 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

3.24.32 No comments received

DM18: Re-Working of Spoil Tips

3.24.33 1 comment, objecting

3.24.34 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

3.24.35 one comment, expressing support but providing no further comment.

DM20: Mineral Related Development

3.24.36 3 comments, all objecting

3.24.37 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

3.24.38 2 comments (1 objecting, 1 supporting)

3.24.39 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'

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3.25 Chapter 12.0 Monitoring and Implementation

3.25.1 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.

3.26 Policies Map

3.26.1 2 Objections

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

3.27 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 remainder are general comments.

4 Note of Drop In Sessions

4.1 Buxton

Note of a Drop-In Session held on Monday 28th February 2022, between 14.30-18.30, at Buxton Library

Visitors:

2 people visited the session.

Hognaston Parish Councillor (Mr C Stait)

Whaley Bridge Derbyshire County Councillor (Cllr R George)

Issues raised:

Cllr Stait raised the following points

- 1) The Plan needs to highlight the need for a Bypass for Ashbourne in order to enable the sustainable transport of minerals;
- 2) There is an existing railhead at Wirksworth which has been used for minerals. Explore the use of this.
- 3) Support the need for oil and gas extraction including hydraulic fracturing. We need to support on shore oil and gas industry to enable security of supply;
- 4) The maps showing mineral sites should be OS based to enable easier identification of quarries e.g. Bone Mill Quarry;
- 5) If Plan documents were landscape rather than portrait they would be easier to read on line.

Cllr George raised the following points

- 1) Acknowledged the importance of the minerals industry to the local economy and to providing local skilled jobs;
- 2) Raised the issue of the sustainable transport of minerals and how the Plan could enable this;
- 3) Raised the issue of climate change and how the Plan could influence the reduction of carbon emissions.

4.2 Bolsover

Note of a Drop-In Session held on Friday 1 April, 2022 between 14.30-18.30, at Bolsover Library

Visitors

4 people visited the session.

All were members of the public, with links to community anti fracking groups, who visited the library specifically to view the session.

Issues raised:

Issues raised were focussed on the policy relating to conventional and unconventional oil and gas development.

One visitor asked whether the effects of meteorological conditions/wind direction on the flare part of vented gases/methane leakage from wells had been taken into account when drafting policy SP17: Supply of Conventional and Unconventional Oil and Gas.

He was also interested in whether the impacts to local communities associated with emissions to air, noise and dust had been taken into account in the policy and questioned the suitability of local highway networks for increased HGV traffic associated with unconventional oil and gas development.

He also expressed concern regarding the lack of a 500m stand off zone from hydraulic fracturing sites in the plan.

Another visitor asked whether the proposed draft plan took cumulative impacts into account, both generally and specifically regarding the potential cumulative impacts associated with multiple oil and gas well sites in close proximity to one another.

A further issue raised was whether the comments of Bolsover Against Fracking, made as a result of the 2018 Spring consultation, had been taken into account in the Proposed Draft Plan.

4.3 Wirksworth

Note of a Drop-In Session held on Tuesday 5th March 2022, between 14.30-18.30, at Wirksworth Library

Visitors:

3 people visited the session.

2 members of the public and South Derbyshire CPRE member

Issues raised:

1 member of the public asked about how the Plan ensured the restoration of sites when extraction had finished and particularly what would happen to the footpath through Dene Quarry

1 member of the public asked about

a) whether the area was at risk from shale gas extraction and particularly hydraulic fracturing

b) whether Tarmac could still extract stone from Middle Peak quarry in view of its allocation as a housing site in the Derbyshire Dales Local Plan.

CPRE member asked about

- 1) The different way in which the Plan makes provision to maintain the supply of aggregate minerals and industrial minerals.
- 2) The reasons for the proposed extension to Aldwark South Industrial Limestone site.
- 3) He suggested that the Adwark South site would be visible from a number of long-distance footpaths and asked how such views could be mitigated.
- 4) He also noted the proximity of Aldwark South to the PDNP and suggested that any impacts would need to be fully taken into account .
- 5) He discussed the general issue of mineral extraction/transport and climate change and how the Plan could address that issue.
- 6) He discussed the difficulty in engaging with members of the public on local plan policy matters noting that people only became engaged if a site was close to them or if a planning application had been submitted which was late in the process in relation to local plan allocations.

4.4 Foston and Scropton

Note of a Drop-in Session held on 6th April 2022 between 14.30-18.30 at Foston and Scropton Village Hall

Visitors:

64 people attended the event.

County Cllrs Julie Patten and Martyn Ford attended.

Issues Raised:

People in general were very concerned about the impact of the two proposed new quarries on the area, which has so far experienced no significant mineral extraction.

Traffic

Concern was expressed about the impact of quarry traffic on the local roads; on Leathersley Lane because of its narrow width and capacity to take such large vehicles and the fact it is part of the National Cycleway; and on the junction of the A515 with the A50. People raised the fact that the Sudbury roundabout is due to be upgraded by 2030 and how, while the work is being undertaken, this would impact on the quarry traffic. They asked whether this had been taken into account. People also raised the issue of the potential for quarry traffic to ignore the specified access route and travel through Sudbury and Scropton villages, particularly at times when the A50 is closed as a result of accidents. Many thought that road improvements would be essential to reduce the impact of the quarry, particularly by either widening Leathersley Lane or providing passing points and also improving the junctions with the A515 and A50.

Flooding

The issue of how a new quarry would affect flooding in an area already highly susceptible to flooding was a concern expressed by some people. The site proposed for extraction closest to Scropton is part of a floodwater holding area. It was considered by residents that the proposal for sand and gravel extraction would create a large area of open water, which would only further increase the risk of flooding in the area.

Noise and Dust

The impact of noise and dust from the quarries was raised as a concern.

Restoration

There was a lot of interest in what the restored sites would look like and the benefits that the restored sites would offer the community. People also

expressed concern about the additional lorry movements that would be required to fill the Sudbury site. They also asked what it would be filled with.

Visual Impact

People that lived close to the site were particularly concerned about the visual impact of quarrying on their views.

Community Benefits

People asked whether the operators would be required to provide benefits to the local communities in terms of road improvements (particularly Leathersley Lane), village facilities etc.

Cumulative Impact

The cumulative impact of another industry operating in a rural area which is already the focus of major employers, such as Avara and Cranberry Foods 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 increased traffic passing through the village was raised in this respect.

Impact on House Prices

A number of people asked whether compensation would be provided to offset the likely reduction in market value of properties close to the quarries.

Other issues

- Some people were surprised that the two quarries would be operated separately even though they adjoin each other. They thought it would make more sense and be less disruptive if it was worked as one area with one processing plant and access.
- Related to this, it was requested that the plans of Foston and Sudbury be adjacent to each other in the next version so that people could more easily see that the sites are adjacent.
- Disappointment was expressed that Hanson and Cemex were not present to discuss their proposals.
- People expressed concern about the hours that the quarry would be open.
- People were concerned about the level of information that was available at the local plan stage and were seeking more information about the sites more akin to the level of detail required for a planning application.

4.5 Shardlow

Note of a Drop-in Session held on 12th April 2022 between 14.30-18.30 at Shardlow Village Hall

Visitors:

About 20 people attended the Drop In session

Issues Raised:

The majority of people were from the Shardlow and Elvaston area and one was from Borrowash.

The main concern expressed was the impact of an additional extension to the Elvaston Quarry on the surrounding area in terms of visual impact, dust, noise and flooding. Also, the impact on the redeveloped Elvaston Castle.

People were concerned that further extraction of sand and gravel would reduce the ability of flood water to soak away naturally, and with further new development at Bouton Moor and Pride Park, this would increase the risk of flooding in the area and increase the pressure on the flood embankments.

People asked why there was a need for an additional extension to Elvaston Quarry given that the existing area hadn't been worked for around 15 years. People remarked that the processing plant is rusting and a lot of it has been taken by thieves.

A resident of Sudbury asked a number of questions about the proposed site at Sudbury and although concerned about the proposal understood the need for the material and was generally happy with the proposed restoration scheme.

4.6 Chesterfield

Note of a Drop-In Session held on Wednesday April 20th, 2022 between 14.30-18.30, at Chesterfield Library

Visitors:

2 people visited the session.

Both were members of the public using the library.

Issues raised:

The first visitor asked about the purpose of the Plan and why it was being prepared.

He was also interested in what minerals were likely to be worked in the local area and Derbyshire. He recognised that most of the quarries were on the Carboniferous Limestone around Buxton/Matlock/Wirksworth with only one quarry in the northeast of the County on the Permian Limestone at Whitwell.

The second visitor asked about why we were preparing the Plan and what it was used for. He asked about the difference between the County Council and Borough Council local plans.

He asked about which minerals were likely to be worked in the local area and in Derbyshire. He recognised the importance of the minerals industry to the local economy in providing skilled and well-paid jobs and was supportive of mineral extraction in principle recognising that we needed minerals.

He recognised the importance of limestone extraction in Derbyshire and asked about the uses of aggregate and industrial limestone. He noted the main location of quarries around the Buxton/Matlock/Wirksworth area and that only one quarry was located in the northeast of the County at Whitwell.

He noted the different approach taken in the Plan to supplying minerals between aggregates and other minerals. He was informed that for aggregates the Plan was required to make provision for level of supply over the Plan period and that for crushed rock there were sufficient permitted reserves to last throughout the Plan period but for sand and gravel the Plan needed to make additional provision which was done through identifying specific sites for working. He asked about the location of the sites. He recognised that the Plan uses 'criteria based policies' to ensure the supply of other minerals.

He looked at the photographs in the Plan of typical limestone quarries and sand and gravel quarries and asked about how they would be restored.

In relation to minerals in the local area he talked about the demise of the coal industry and asked if there was still a demand for coal.

He was aware of the Climate Change agenda and supported the need to move away from using fossil fuels to generate energy to using renewables such as wind and solar.

One area of concern that he raised was 'hydraulic fracturing'. He was aware of the earth tremors that has been caused by 'fracking' at the Preston New Road site near Blackpool and was informed about the Government's current moratorium on issuing Hydraulic Fracturing Consents and about the British Geological Survey's current remit to investigate whether there has been new scientific evidence to warrant lifting the moratorium on 'Hydraulic Fracturing Consents'.

He asked about the closing date for commenting on the Plan.

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Appendix A

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

TOWARDS A MINERALS LOCAL PLAN – WINTER 2021/2022 CONSULTATION: PROPOSED DRAFT PLAN

Derbyshire County and Derby City Councils are now consulting on the latest stage in the preparation of the Minerals Local Plan.

The Plan, when finalised, will provide the main policy guidance for assessing planning applications for mineral development in Derbyshire and Derby.

The Plan covers Derbyshire and Derby, excluding that part which lies within the Peak District National Park. The Plan period is to 2038. The Plan sets out strategic priorities for mineral development through its vision and objectives. It includes policies to ensure the supply of important minerals and identifies specific sites for mineral working. It also includes policies to control the adverse impacts of mineral working.

You can access the consultation documents on the County Councils Have Your Say Webpage at the following link <http://derbyshire.gov.uk/mineralslocalplan>.

We are now inviting comments on the documents for a period of eight weeks. All comments should be received by Friday 29 April 2022.

Please email your comments to planning.wastemin@derbyshire.gov.uk

Paper copies of the Plan are available to view at all County Council Libraries and at the County, City and District Council Planning Offices. You can also request documents by telephoning 01629 533190 and submit your written comments by post to:

**Development Plans, Planning Services, Place,
Derbyshire County Council,
County Hall, Matlock, DE4 3AG**

During the consultation period, we will be holding a series of Drop-in sessions. These will provide the opportunity for people to discuss the Plan with officers from the Councils. Details of the Drop-ins are as follows:

VENUE

Buxton Library
Bolsover Library
Wirksworth Library
Foston and Scropton Village Hall
Shardlow Village Hall
Chesterfield Library

DATE AND TIME

Monday 28th March 14:30 - 18:30
Friday 1st April 14:30 - 18:30
Tuesday 5th April 14:30 - 18:30
Wednesday 6th April 14:30 - 18:30
Tuesday 12th April 14:30 - 18:30
Wednesday 20th April 14:30 - 18:30

For all general enquiries regarding the Plan, please phone 01629 533190.



Appendix B



Latest news in this edition:

- Free holiday activities and a meal
- Safety first as A57 Snake Pass reopens
- Minerals plan for Derby and Derbyshire
- Free Covid testing ends for most of us

Views sought on the Minerals Local Plan

You're invited to have your say on a new Minerals Local Plan for Derby and Derbyshire.

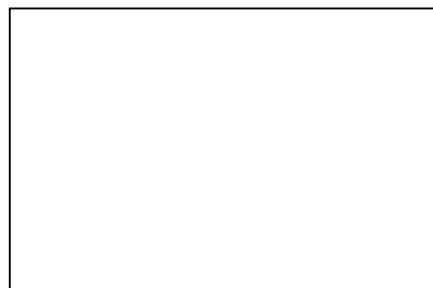
The draft plan will help us and Derby City Council make decisions about planning applications for new quarries or extracting minerals until 2038 in Derby and Derbyshire outside of the Peak District National Park.

The plan also sets out measures to avoid and minimise potential environmental impacts of mineral extraction or quarrying which can raise concerns for local communities.

Minerals plan for Derby and Derbyshire

We're holding some drop-in sessions where you can find out more about our proposed Minerals Local Plan for Derby and Derbyshire and discuss the plans with us.

The plan will help us make decisions on applications to carry out mineral extraction in the county and the city up to 2038.



It covers all of Derby and Derbyshire, outside the Peak District National Park.

The [consultation](#) closes on 29 April.

[Find out more](#)

NEWS

Local Democracy

Eddie Bisknell
Local Democracy Reporter
@EddieBisk

Coal mining and 'fracking' not ruled out in Derbyshire

Coal mining and 'fracking' for gas in Derbyshire has not been ruled out in a plan for the county's natural resource demands over the next couple of decades.

A blueprint for future quarrying and mining operations up until 2038 – the joint Derbyshire and Derby Minerals Local Plan – discusses the county's use of natural resources.

While it does list a significant number of substantial roadblocks to potential coal mining and gas fracking, Derbyshire County Council and Derby City Council do not rule the proposals out.

The plan also details in depth where coal mining and fracking – the use of water and sand to crack rocks to gather underground gas – could most likely occur.

It says future coal mining schemes would have to be environmentally acceptable or provide benefits outweighing the environmental impacts.

Campaign group Transition Chesterfield has said the authorities need to 'wake up' to the 'devastating consequences' of climate change which are already occurring in the county.

On coal, the plan says: "In recognition of the extent of the remaining commercially workable surface and underground coal resource in Derbyshire, combined with the current lack of a mining industry in the county, rather than identifying specific areas where coal extraction may be acceptable, the plan adopts a plan wide approach to the entire surface and underground coal resource areas."

"This is considered a more flexible approach where all the remaining coal resources would be subject to appropriate detailed consideration in accordance with the policies in the plan and no areas were automatically excluded 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."

"The responsibility for developing individual pro-

posals would be placed in the hands of the mining industry."

A map included as part of the plan shows a 'coal bearing strata at surface' running down almost the entire eastern side of Derbyshire from Sheffield to past Ilkeston, with a further large area covering Swadlincote and the surrounding area.

It also shows a 'concealed coal bearing strata' in the very southern tip of Derbyshire, around Rosliston, and another area covering Burton and the eastern tip of the county.

The plan says: "Proposals for the extraction of coal by surface mining methods and deep mined coal and the disposal of colliery spoil will only be supported where it can be demonstrated that the development satisfies the following requirements:

"That it is environmentally acceptable, or can be made so by planning agreements and obligations.

"Or, if it is not environmentally acceptable, that it would 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."

The plan details that oil and gas had been worked at Hardstoft, Calow and Ironville and that exploratory wells have been 'sunk' at Ridgeway, Bramley Moor, Remishaw, Whitwell, Shirebrook, Heath, Golden Valley (near Ripley) and Sawley.

It says the prospects of extracting gas from coal mines in Derbyshire's northern and southern coalfields are 'poor'. The report says there is 'little potential' for underground coal gasification in Derbyshire and there has been 'no known commercial interest at present'.

As for obtaining gas from shale deposits, the report says shale covers a large part of the county and one site exploration was granted permission in Bramley Moor Lane near the village of Marsh Lane, near Eckington.

This application, from



Anti-fracking campaigners from Eckington and Marsh Lane after INEOS outlined plans to drill in the area.



An anti-fracking sign in Marsh Lane.

petrochemicals firm Ineos, was approved by Government planning inspector Elizabeth Hill in August 2018 following a heated public inquiry.

The draft minerals plan said the permission expired in August 2021.

It includes a map showing the location of potential hydrocarbon resources from shale gas.

This appears to show an area of land covering Bolsover, Slaveley and Eckington in the northern part of Derbyshire and parts of Erewash, including Borrowash and Shadlow, stretching from Derby to Loughborough.

The report quotes oil and gas development as being encouraged in coal mines in active and abandoned coalfield areas. It details that

there is currently an effective moratorium on any further hydraulic fracturing (fracking) consents following seismic activity generated from Cuadrilla's Preston New Road site in Lancashire in 2018. The report also references the Government's aim to reach net zero emissions by 2050, which would still be 70 per cent of the current gas usage.

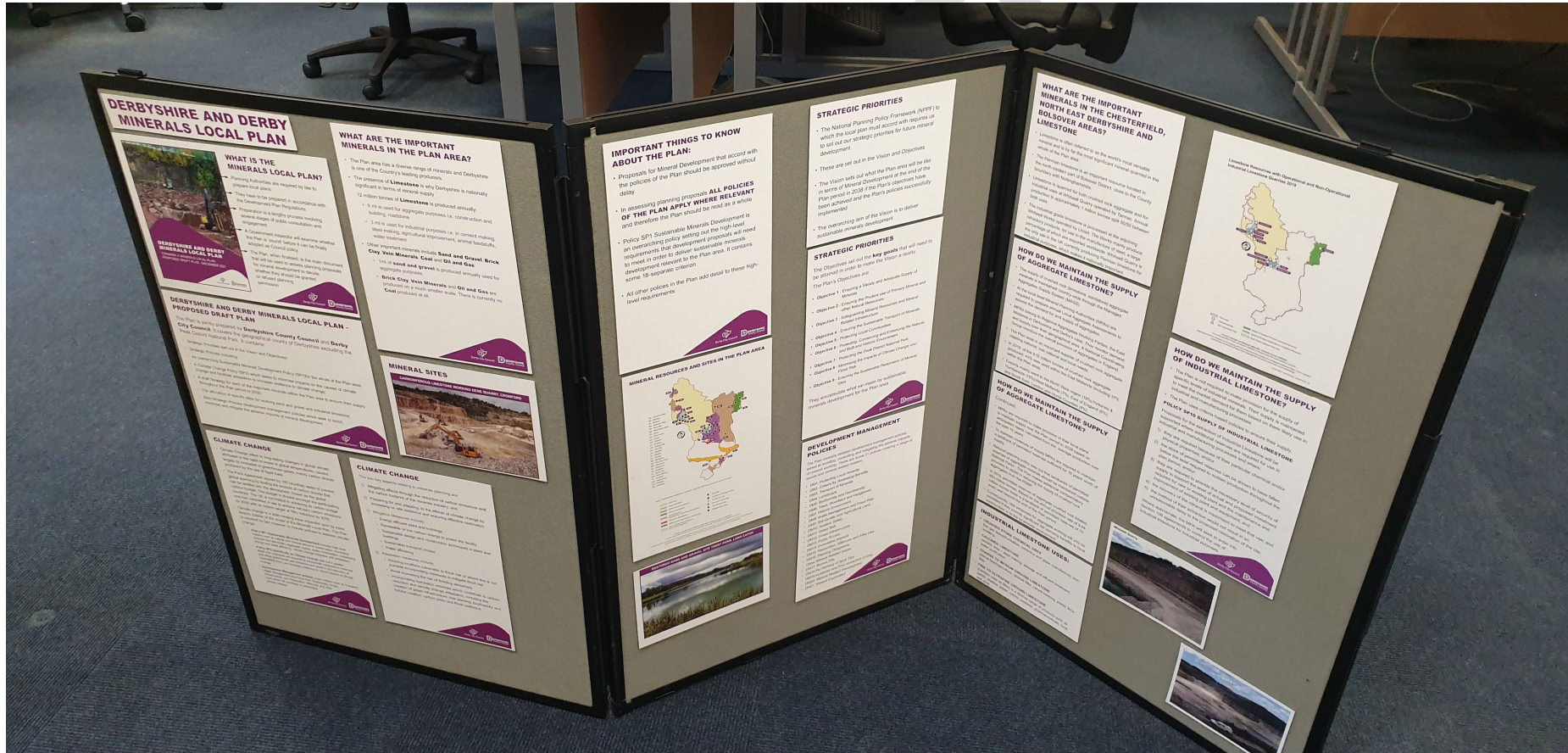
It says the exploration of extracting gas from shale should only be supported if it can be done in a safe and sustainable way, led by science, causes only minimal disturbance and prevents the risk of damage.

In response, campaign group Transition Chesterfield said: "If Derbyshire County Council spent more time and effort in reducing energy demand – e.g. promoting insulation of homes and buildings or reduction of traffic – and developing renewable energy sources then there would be no need to exploit and extract more climate wrecking fossil fuel energy."

"The council needs to wake up and recognise the devastating consequences of climate change which we are already seeing in Derbyshire."

"We should be taking urgent steps to reduce emissions of carbon, not facilitating the extraction of more unnecessary and damaging fossil fuels."

Appendix D Example of Drop In exhibition material



Appendix E

Dear Planning Department,

I am responding to the Derbyshire Draft Minerals Plan consultation and ask that the following points are considered when drafting Derbyshire's policy on minerals extraction;

We are now living through a climate emergency. 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 to try and avoid catastrophic climate change. This will require a very rapid transition away from fossil fuels of ALL types.

In May 2021, Fatih 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 oil, gas and coal, from now – from this year."

Whilst earlier this month 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. Such investments will soon be stranded assets — a blot on the landscape and blight on investment portfolios'.

Yet there is nothing in the draft minerals plan or its Climate Change Background paper that explicitly acknowledges that this is indeed a climate emergency or the scale and pace of the changes that will be necessary to address it.

Point 1.

The plan should specifically acknowledge that a climate emergency exists and the the plan should reflect and address this.

Neither does the draft plan reflect the clear statements from the IEA and IPCC mentioned earlier that there can be no NEW fossil fuel exploration and development, anywhere, if global heating is to be limited to 1.5 C. So it is surprising and frustrating that the supporting documents to the consultation identify potentially recoverable fossil fuel reserves in Derbyshire that could be economically exploited between now and 2038.

These include near surface coal recoverable by open cast mining and natural gas recoverable by hydraulic fracturing (fracking).

It is generally accepted that, as yet, there are no cost effective mature technologies currently available that can effectively and efficiently capture carbon dioxide from coal burning and other fossil fuel combustion. With regard to gas, the threat from 'fugitive emissions' (escape) of the methane in natural gas in fracking operations is now recognised as a serious threat to climate stability because of its high global warming potential. Phasing down coal and radically reducing methane emissions became key priorities at COP 26 last November.

Point 2

The plan should make clear that there should be no new extraction of fossil fuels in Derbyshire

The draft Minerals Plan on climate change is weak. 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)'.

This is insufficient. The principle of 'extended producer responsibility' should be incorporated in 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. Offsetting should not be allowed. 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.

There is a precedent for this in the Kirklees Local Minerals Plan, which states that: "All Proposals for production of Hydro-Carbons should demonstrate net zero impact on climate change."

Point 3

The plan should adopt the Kirklees Local Minerals Plan commitment on hydro –carbons.

In respect of all other minerals, policies also need to be much stronger. 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.

Current forecasts of minerals requirements up to 2038, especially for building and roads construction are likely to be greatly exaggerated. Increasingly the construction industry is moving away from the use of minerals towards use of sustainable timber at all scales of building construction from modular housing to the 'plyscrapers'. These have added advantage of locking up carbon. Whilst increasing home working, increasing interest in local '15'minute' neighbourhoods and increased use of public transport and active travel are likely to significantly reduce the need for travel and the road infrastructure that enables it.

Point 4

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.'

References

International Energy Agency report May 2021 <https://www.iea.org/news/pathway-to-critical-and-formidable-goal-of-net-zero-emissions-by-2050-is-narrow-but-brings-huge-benefits>

IPCC 6th Assessment Report press launch speech by Anthony Guterres 4th April 2022 <https://www.un.org/press/en/2022/sgsm21228.doc.htm>

ShareAction May 2021 <https://shareaction.org/news/1-5c-means-no-new-fossil-fuels-says-the-iea>

The Guardian 18th May 2021; <https://www.theguardian.com/environment/2021/may/18/no-new-investment-in-fossil-fuels-demands-top-energy-economist>

Plyscrapers, <https://www.bbc.com/future/article/20171026-the-rise-of-skyscrapers-made-of-wood>



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES

WEDNESDAY, 27 JULY 2022

Report of the Director - Legal and Democratic Services

Work Programme 2022/23

1. Purpose

- 1.1 To review the Committee's work programme and invite committee members to suggest possible agenda items for the remainder of the municipal year 2022-23.

2. Information and Analysis

- 2.1 It is considered good practice that each Scrutiny Committee develops and agrees an annual work programme. The identification of relevant topics and their allocation to a specific meeting date, focuses the work of the Committee and promotes transparency.
- 2.2 Scrutiny work programmes are best viewed as flexible documents. The timescales are indicative of when each issue will be considered by the Committee. Throughout the year timings may change and new issues may emerge. For example, new items may be identified from the Council's Forward Plan.
- 2.3 The work programme for 2022/23 is given at Appendix two and Members are invited to propose additional items to be considered for inclusion.
- 2.4 When identifying issues for the work programme Members are advised to consider:

- Whether the issue falls within the remit of the Committee
- How the issue aligns with the Council Plan priorities
- Whether the issue is in the public interest
- If there has been a change to National Policy and how this will affect people in Derbyshire
- If there are any performance, financial or safety concerns about a particular service or function
- How consideration by the Scrutiny Committee will add value.

3. Consultation

- 3.1 Scrutiny work programmes are developed in consultation with Committee members. They are also informed by discussions with Executive Directors, who offer guidance about the timing of the Committee's involvement, to ensure that scrutiny work coincides with the availability of performance data, specific milestones, and appropriate stages of policy development.

4. Alternative Options Considered

- 4.1 The option of not having a work programme was rejected as it is considered important that topics are allocated to specific meeting dates in order to focus the work of the Committee and promote transparency.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 None

7. Appendices

- 7.1 Appendix 1 – Implications
- 7.2 Appendix 2 –Work Programme 2022/23

8. Recommendation(s)

That the Committee:

a) Notes the 2022/23 work programme and considers any proposed revisions.

9. Reasons for Recommendation(s)

9.1 To focus the work of the Committee and promote transparency.

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Implications

Financial

1.1 None Identified for this report

Legal

2.1 None Identified for this report

Human Resources

3.1 None Identified for this report

Information Technology

4.1 None Identified for this report

Equalities Impact

5.1 None Identified for this report

Corporate objectives and priorities for change

6.1 Resilient, healthy and safe communities.

6.2 High performing, value for money and resident focused services.

6.3 Effective early help for individuals and communities.

6.4 A prosperous and Green Derbyshire

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None Identified for this report

Places I & S Committee
2022/23 Work Programme

Wednesday 21 September 2022			
Topic	Lead Officers	Purpose/ Key Lines of Enquiry	Portfolio Holder
Countryside Service Review	Rupert Cassey	What is the future direction for this service? What are the priorities of the service and how will they be delivered?	Cllr Renwick
Bus Improvement Strategy	Deborah Oddy	How will the Bus Improvement Strategy be implemented and what are the key components?	Cllr Renwick
Derbyshire Highways	Neill Bennett	Update on the proposed approaches to communication and engagement	Cllr Athwal
Thriving Communities	Carol Cammiss Sarah Eaton Becky Lomas	What is the future direction of travel for this programme? How are the lessons learned being integrated into the design and delivery of services on a broader scale?	Cllr Hart
Wednesday 16 November 2022			
Topic	Lead Officers	Purpose/ Key Lines of Enquiry	Portfolio Holder
Minerals Local Plan	David Arnold Michelle Spence Carol Barnett	Pre-decision scrutiny of the draft Minerals Local Plan. This will take place after the draft plan has been considered by the Joint Advisory Committee (JAC) (Note Members of the Climate Change Scrutiny Committee will be invited to attend for this item)	Cllr Renwick
Derbyshire Library Service	Joe Battye Michelle Parker	To consider progress made against the Public Library Strategy including: <ul style="list-style-type: none"> • Library Service offer • Mobile Library Service offer 	Cllr Barry Lewis

		<ul style="list-style-type: none"> The number of libraries transferred to community management Customer satisfaction (as measured by the customer satisfaction indicator implemented across all libraries with effect from April 2022). 	
Wednesday 1 March 2023			
Topic	Lead Officers	Purpose/ Key Lines of Enquiry	Portfolio Holder
Flood Risk Management	Richard Ward	How well is the Council facilitating community flood resilience? What lessons have been learned from flooding events and the Councils response to them over the past 12 months? What gaps (if any) are there in service provision?	Cllr Kewal Athwal
World Heritage Site	Adam Lathbury	What are the current issues and opportunities facing the Derwent Valley World Heritage Site? .	Cllr Barry Lewis
Wednesday 17 May 2023			
Topic	Lead Officers	Purpose/ Key Lines of Enquiry	Portfolio Holder
Integrated Rail Plan	Chris Hegarty	What is the Council's role in the delivery of the IRP? What are the implications of the IRP on Derbyshire – on passengers and the wider socioeconomic impacts on Derbyshire residents and businesses?	Cllr Renwick
Community Safety	Christine Flinton	As part of their Crime and Disorder role the Committee wish to scrutinise the delivery and performance outcomes of crime and disorder strategies across the county. What is the Councils role and approach in addressing community safety?	Cllr Hart

Note: The Committee is interested in the new Council wide arrangements for voluntary & community sector grants and would like to be kept informed of the timing of significant developments for possible inclusion in the work programme.