

Public Document Pack



Simon Hobbs
Director of Legal and
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County Hall
Matlock
Derbyshire
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Ask for Anne Barrett

PUBLIC

To: Members of Cabinet Member meeting - Highways, Transport and Infrastructure

Tuesday, 21 July 2020

Dear Councillor,

Please attend a meeting of the **Cabinet Member meeting - Highways, Transport and Infrastructure** to be held at **10.00 am** on **Thursday, 30 July 2020**

This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a light blue horizontal line.

Simon Hobbs
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Declarations of Interest

 To receive declarations of interest (if any)
2. To receive Petitions (Pages 1 - 2)

3. Minutes (Pages 3 - 6)

To confirm the non-exempt minutes of the meeting of the Cabinet Member – Highways, Transport and Infrastructure held on 9 July 2020

To consider the non-exempt reports of the Executive Director for Economy, Transport and Environment on:

4 (a) Petition - Hady Lane, Chesterfield

4 (b) Pedestrian Crossing Facilities - Elder Way, Chesterfield (Pages 7 - 12)

4 (c) National Property Resilience Framework (Pages 13 - 38)

4 (d) Derbyshire and Derby Minerals Local Plan - Sand and Gravel Consultation (Pages 39 - 142)

4 (e) Planning Services - Statement of Community Involvement (Pages 143 - 186)

5. To consider the non-exempt Joint Report of the Executive Director - Economy, Transport and Environment and Director of Finance and ICT on Revenue Outturn 2019-20 (Pages 187 - 194)

6. Exclusion of the Public

To move "That under Regulation 21 (1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph(s)... of Part 1 of Schedule 12A to the Local Government Act 1972"

PART II - EXEMPT ITEMS

7. Declarations of Interest

To receive declarations of interest (if any)

8. Minutes (Pages 195 - 198)

To confirm the exempt minutes of the meeting of the Cabinet Member – Highways, Transport and Infrastructure held on 9 July 2020

9. To consider the exempt Report of the Executive Director - Economy, Transport

and Environment on Further Extension of Contract for Emergency Event
Management Resource to Enable the Continues Opening of Household
Waste
Recycling Centres
(Pages 199 - 202)

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PUBLIC**DERBYSHIRE COUNTY COUNCIL****CABINET MEMBER MEETING – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE****30 JULY 2020****Report of the Director of Legal and Democratic Services****REPORT ON PETITIONS TO BE RECEIVED**

1. Purpose of the Report Receiving petitions forwarded to the County Council relating to matters contained within the portfolio of the Cabinet Member for Highways, Transport and Infrastructure, and recommend a response to the petition listed .

2. Information and Analysis In compliance with the Council's Petition Scheme, the following petition is to be presented for receipt, and to enable investigation and/or formal response :-

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBER</u>
Glapwell, Park Avenue – Request for Village Green status	455	Councillor C Moesby

3. Considerations (to be specified individually where appropriate)

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, social values, property and transport considerations.

4. Key Decision No

5. Call-in Is it required that call-in be waived in respect of the decisions proposed in the report? No

6. Background Papers

Petition held on file 124.0 in Democratic Services.

7. OFFICER'S RECOMMENDATION

(1) that the petition listed above be received and noted; and

(2) that the organiser of the Glapwell petition listed in this report be informed by letter that:- no action can be taken by the Council to meet the request in the petition, because (i) it has no power to create a new village green, and (ii) it is not allowed to add any land to the Register of Village Greens (which it keeps as the Commons Registration Authority for Derbyshire) unless that is required by any determination from an application for registration which has been submitted to it in accordance with the Commons Registration Act 1965.

Simon Hobbs
Director of Legal and Democratic Services

MINUTES of a meeting of the **CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held at County Hall, Matlock on 9 July 2020**PRESENT**

Cabinet Member - Councillor S Spencer

Also in attendance – Councillors G Hickton and M Wall

29/20 PETITIONS RESOLVED (1) to receive the under-mentioned petition:-

Location/Subject	Signatures	Local Member
Request for New Parking Area at Hady Primary School, Hady Lane, Chesterfield	211	Councillor S Blank
Request to keep b_line cards and travel discounts for Young People in Derbyshire	355	All County Councillors
Breaston, Festival Avenue – Request for Maintenance to the Public Highway and Footpath	30	Councillor R Parkinson
Matlock, Smedley Street – Request for Traffic Calming	50	Councillor S Burfoot
Froggatt New Bridge - Request for Traffic Lights and Associated Traffic Management Measures	297	Councillor J Atkin

(2) to note that the Hady Lane, Chesterfield petition has also been received by the Cabinet Member – Young People; and

(3) that the Executive Director – Economy, Transport and Environment investigates and considers the matters raised in the petitions.

30/20 **MINUTES** **RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 9 April 2020 be confirmed as a correct record and signed by the Cabinet Member.

31/20 **SECTION 278 AGREEMENT – ELDER WAY, CHESTERFIELD**

Chesterfield Borough Council has secured funding to undertake public realm improvements at Elder Way, Chesterfield, under Section 278 Agreement of the Highways Act 1980. The works included new paving and surfacing along with new traffic signal equipment and street furniture.

There was a bond requirement of £1,317,236.45, however as the developer was a local authority, the County Council was able to waive the requirement for a Guarantee Bond as the risks of default or financial insolvency were considered negligible.

RESOLVED that the requirement for a Guarantee Bond with regard to proposed works at Elder Way, Chesterfield, undertaken by Chesterfield Borough Council under a Section 278 Agreement of the Highways Act 1980 be waived.

32/20 **PROPOSED DEMOLITION OF THE GLOSSOP WASTE TRANSFER STATION**

Following the commencement of a new waste disposal contract in 2019, condition surveys have been undertaken at most of the Council's Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs).

The survey at Glossop WTS identified significant levels of repairs/defects and an internal structural surveyor's report was recommended and commissioned. The report recommended that the building be demolished as it was no longer safe.

The WTS, which was a strategic facility in the High Peak area providing disposal facilities, was closed on 26 March 2020 and contingency arrangements were immediately put in place and High Peak Borough Council was directed to deliver its waste to the County Council's WTS at Waterswallows near Buxton. The Council's contractor, Renewi UK Services Ltd, was currently making provision for a secondary disposal point, the details of which are not yet confirmed. Adjacent to the WTS was the Council's HWRC and arrangements have been put in place to ensure that the Council's contractor could continue to operate this facility for the benefit of the public in a safe manner.

A six-month timetable to demolish the structure has been proposed by the Council's Property Services Division with anticipated costs of £110,000. Subject to approval, these activities were proposed to commence from 16 July 2020 and would be expected to be completed in January 2021. The demolition might require the temporary closure of the existing HWRC to enable utility services to be disconnected and reconnected, taking 5-10 days.

A review of the longer term options for the Glossop WTS and HWRC has commenced. This work would require a feasibility and design study that could assess

ground conditions and develop potential options for the site's long-term use. The engagement of suitable professionals would cost up to £25,000.

RESOLVED that (1) the funding of up to £110,000 for the demolition of the Glossop Transfer Station be approved; and

(2) the funding of up to £25,000 for a feasibility and design study for future site options be approved.

33/20 EXCLUSION OF THE PUBLIC RESOLVED that the public, including the press, be excluded from the meeting during consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING

1. To consider the exempt Report of the Executive Director – Economy, Transport and Environment on Continuation of Temporary Payment Arrangements to Bus, Coach and Taxi Operators for Contracted Transport Services and Concessionary Fares Reimbursement. (contains information relating to the Financial or Business Affairs of a Particular Person (including the Authority Holding that Information))
2. To consider the exempt Report of the Executive Director – Economy, Transport and Environment on Award of Contract for Emergency Event Management Resource to Enable the Re-opening of Household Waste Recycling Centres. (contains information relating to the Financial or Business Affairs of a Particular Person (including the Authority Holding that Information))

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Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF THE CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

PETITION – HADY LANE, CHESTERFIELD

Report of the Executive Director – Economy, Transport and Environment

(1) **Purpose of Report** To inform the Cabinet Member and make Officer recommendations following the receipt of a petition reporting excessive vehicular speed and obstructive parking taking place on Hady Lane, Chesterfield. A request was also made for the creation of a car parking area adjacent to Hady Primary and Nursery school.

(2) **Information and Analysis**

Background

At the meeting on 9 July 2020, the Cabinet Member acknowledged receipt of a petition, containing 211 signatures, requesting the provision of a car parking area adjacent to Hady Primary and Nursery school with a surfaced footpath leading from Hady Lane to this car parking area (Minute No. 29/20 refers). Reports of excessive vehicular speed and obstructive parking on Hady Lane were also reported as safety concerns by the petitioners. A plan detailing the site is attached as an appendix.

Officer Comment

Hady Lane is a road that connects the A632 Hady Hill with Calow Lane and is subject to a 30mph speed limit. It is of a predominately residential nature with a bus service operating along it. A system of vertical traffic calming features is in place either side of the school entrance in the form of two bus friendly style road humps. One of the raised areas also forms an uncontrolled crossing point for the school patrol to operate at. Unfortunately, the school crossing patrol post is currently vacant. The post is being advertised in an effort to recruit a replacement crossing patrol operative although, at the time of writing this report, the crossing patrol service had been stood down due to the Coronavirus (COVID-19) pandemic.

Either side of the school patrol crossing site are school safety zone warning signs with flashing amber warning lights which illuminate at school drop off/pick up times and give the advisory message 'Max speed 20 when lights flash'.

Due to its proximity to Chesterfield Royal Hospital, Hady Lane suffers from a parking problem caused by staff and visitors to the hospital which adds to parental parking for Hady School and can, on occasion, pose an obstruction issue for the bus service and emergency service vehicles. This is a contravention of the parking rules found within the Highway Code: Rule 242 which states that – ‘You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road. Laws Road Traffic Act 1988, Section 22 and Road Vehicles (Construction and Use) Regulation 103’.

Rule 243 states:

DO NOT stop or park

- near a school entrance
- anywhere you would prevent access for Emergency Services

Obstructions of the highway of this nature are enforced by the Police who should be contacted when this situation occurs.

The Council receives many requests for speed reduction and safety measures from across the County. The sheer number of requests far outweigh the resources available. Given this demand, a system of prioritisation must be employed using information, including the number and severity of collisions. This helps ensure that the resources available are firstly used in those locations where there is the greatest need and where most benefits can be achieved.

The limited funds that are available must therefore predominantly be directed to those locations where there is a history of reported injury collisions and where a highway improvement scheme can effectively reduce the number of collisions. The use of identifiable known hard facts and figures provides a robust basis and justification for the expenditure of the funds that are available. The Council's collision database shows that Hady Lane has a good collision record when compared to many other similar roads in the County, with only one reported injury collision having occurred in the last three year period up to 31 December 2019. Three years being the standard test period used when comparing the reported injury collision record of a road or junction. Updates to the collision database are received on a periodic basis from Derbyshire Constabulary and for this reason, the Council's records are usually a few months behind. The collision took place at the junction of Hady Lane with High View Close where a vehicle failed to indicate correctly.

During June 2019, a 7 day, 24 hours a day speed survey was undertaken on Hady Lane with the recording unit positioned mid-point between Upper Lum Close and High View Close, which gave an 85% speed of 26mph (85% speed is that speed that 85% of vehicles travel at). This speed is very pleasing and shows a good compliance with the 30mph speed limit.

In recent years the Council has developed a speed management plan that sets the collision levels that must be met before various forms of speed reduction measures are considered for installation on the highway. Link to this document:

<https://www.derbyshire.gov.uk/site-elements/documents/pdf/council/meetings-decisions/meetings/cabinet/2017-11-16-speed-management-plan.pdf>

Whilst every collision on the highway is extremely regrettable, thankfully the collision record and the recorded vehicular speed on Hady Lane does not meet the criteria required in the Speed Management Plan to justify the installation of further traffic calming features or any other speed reducing measures at this time.

With reference to the request for an off-road parking area near Hady Primary and Nursery school, it is not standard practice to provide car parking and drop-off facilities for parents, but to work alongside schools to adopt active School Travel Plans encouraging more sustainable options, such as walking and cycling, with the car travel being considered as a last resort. This approach also reflects the national guidance from the Department for Education and such facilities are not listed as a statutory requirement.

Bearing the above in mind, the request for a car parking area and link footpath must be declined, along with the requests for additional engineering measures.

Local Member Comment

Councillor Sharon Blank has been informed but has not made any comments.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** Section 122 of the Road Traffic Regulation Act 1984 states that it shall be the duty of every Local Authority exercising the functions in that Act (so far as practicable having regard to the matters listed below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The matters referred to above are:

- 1) the desirability of securing and maintaining reasonable access to premises;
- 2) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial

- vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
 - 3) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - 4) any other matters appearing to the Local Authority to be relevant.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

- (4) **Key Decision** No.
- (5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.
- (6) **Background Papers** Held on file within the Economy, Transport and Environment Department.
- (7) **OFFICER'S RECOMMENDATIONS** That:
 - 7.1 The request for the provision of a car parking area, a footpath link and additional engineering or safety measures on Hady Lane, Chesterfield be refused.
 - 7.2 The Local Member and petitioner be notified accordingly.

Mike Ashworth
Executive Director – Economy, Transport and Environment



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MIKE ASHWORTH
Executive Director
Economy, Transport and Environment



FM641223 / FM641224

PROJECT TITLE
HADY LANE, HADY, CHESTERFIELD
LOCATION PLAN

DRAWING TITLE
APPENDIX

DRAWN
J.HARRISON
Date
23/06/2020

CHECKED
S.DUNGWORTH
Date
23/06/2020

APPROVED
B.GOULD
Date
24/06/2020

Project / Confirm Reference No. PCE20-0001-02-01-01/8249401
Drawing Number HMT/SMD/344/20
ORIGINAL DRAWING SIZE 297 x 210 (A4)

SCALE
N.T.S

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Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

30 July 2020

Report of the Executive Director – Economy, Transport and Environment

PEDESTRIAN CROSSING FACILITIES – ELDER WAY, CHESTERFIELD

(1) **Purpose of Report** To seek the Cabinet Member's approval to include an additional traffic signal design scheme in the approved 2020-21 Capital Programme. The design is with regard to proposed works at Elder Way, Chesterfield, undertaken by Chesterfield Borough Council under Section 278 Agreement of the Highways Act 1980.

(2) **Information and Analysis** Chesterfield Borough Council has secured funding to undertake public realm improvements at Elder Way, Chesterfield. This was approved at the Cabinet Member Meeting on 9 July 2020, 'Section 278 Agreement – Elder Way, Chesterfield' (Minute No. xxx/20 refers). The works include new paving and surfacing along with new traffic signal equipment and street furniture. The County Council's Signals Team has been contacted by Chesterfield Borough Council requesting a price for services associated with the supply of detailed design drawings associated with the replacement of three existing pedestrians light controlled crossing facilities at this location. As a result of this, a costing of £3,149.75 has been submitted, which is in line with the County Council's 2020-21 fees and charges.

The Borough Council is aware that it needs the County Council's formal permission, as Highway Authority, for works to be undertaken in the public highway using an Agreement under Section 278 of the Highways Act 1980.

(3) **Financial Considerations** The design fee for supply of detailed signal drawings will be recharged to Chesterfield Borough Council at a cost of £3,149.75

Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity,

human resources, environmental, health, property, social value and transport considerations.

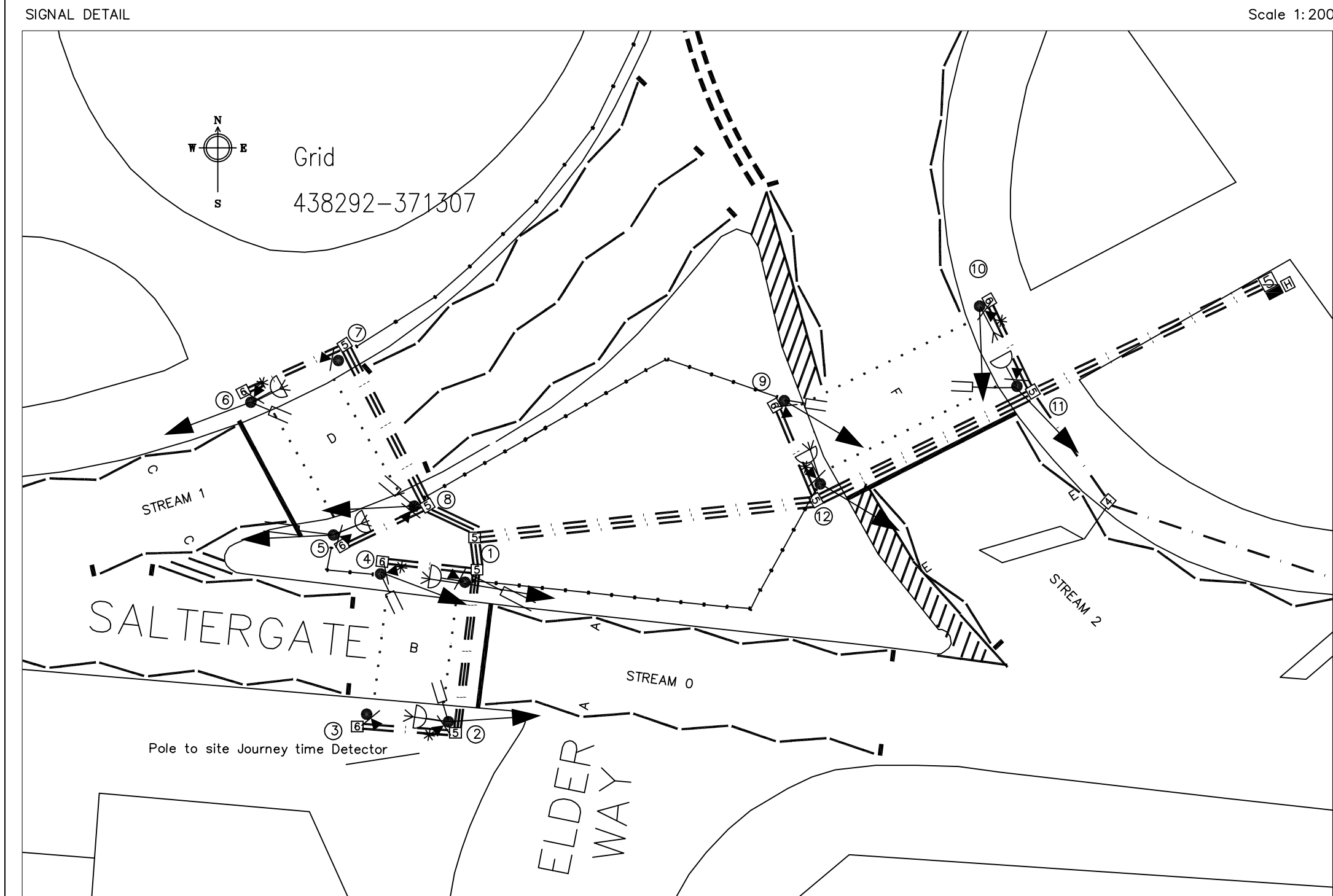
(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member approves the addition of a traffic signal design scheme in the 2020-21 Capital Programme with regard to proposed works at Elder Way, Chesterfield, undertaken by Chesterfield Borough Council under a Section 278 Agreement of the Highways Act 1980.

Mike Ashworth
Executive Director - Economy, Transport and Environment



DETECTOR SCHEDULE

DETECTOR NUMBER	DETECTOR LABEL	DISTANCE FROM STOP LINE (M)	POLE NO.	PHASE(S) DEMANDED	PHASE(S) EXTENDED	DETECTOR TYPE
1	MVD1A	—	1	A	A	MVD
2	MVD1B	—	2	B	AR	MVD
3	MVD2B	—	4	B	AR	MVD
4	PBU	—	1,2,3,4	B	—	PBU
5	VIDEO1B	—	1	B	—	VIDEO
6	VIDEO2B	—	2	B	—	VIDEO
7	MVD1C	—	5	C	C	MVD
8	MVD1D	—	6	D	AR	MVD
9	MVD2D	—	8	D	AR	MVD
10	PBU	—	5,6,7,8	D	—	PBU
11	VIDEO1D	—	5	D	—	VIDEO
12	VIDEO2D	—	6	D	—	VIDEO
13	EX	30M	—	E	E	LOOP
14	EYZ	7&18M	—	E	E	LOOP
15	MVD1F	—	9	F	AR	MVD
16	MVD2F	—	11	F	AR	MVD
17	PBU	—	9,10,11,12	F	—	PBU
18	VIDEO1F	—	10	F	—	VIDEO
19	VIDEO2F	—	12	F	—	VIDEO

KEY

- 2x100mm dia ducts (ORANGE).
- 3x100mm dia ducts (ORANGE).
- Controller.
- Haldo Pillar.
- Access box type 4 (450 x 300mm).
- Access box type 5 (450 x 450mm).
- Access box type 6 (300 x 300mm).

HEAD SCHEDULE

STREAM 0

Pole No. 1, 2, 3 & 4
Phases A & B

3 no. Type 1P

2 no. Type PA87

4 no. Type PW87

Poles 2 & 4 with tactile device

HEAD SCHEDULE

STREAM 0

POLE NO	PHASE	HEAD OF P-B TYPE
1	A	1P
1	B	PW87&PA87
1	B	VIDEO1
2	A	1P
2	B	PW87&PA87
2	B	MVD1
2	B	VIDEO2
3	B	PW87
4	A	1P
4	B	PW87
4	B	MVD2

HEAD SCHEDULE

STREAM 1

Pole No. 5, 6, 7 & 8
Phases C & D

3 no. Type 1P

2 no. Type PA87

4 no. Type PW87

Poles 6 & 8 with tactile device

HEAD SCHEDULE

STREAM 1

POLE NO	PHASE	HEAD OF P-B TYPE
5	C	1P
5	C	MVD1
5	D	PW87&PA87
5	D	VIDEO1
6	C	1P
6	D	MVD2
6	D	PW87&PA87
6	D	VIDEO2
7	D	PW87
8	C	1P
8	D	MVD2
8	D	PW87
8	D	VIDEO2

HEAD SCHEDULE

STREAM 2

Pole No. 9, 10, 11 & 12
Phases E & F

4 no. Type 1P

2 no. Type PA87

4 no. Type PW87

Poles 10 & 12 with tactile device

HEAD SCHEDULE

STREAM 2

POLE NO	PHASE	HEAD OF P-B TYPE
9	E	1P
9	F	MVD1
9	F	PW87
10	E	1P
10	F	PW87
10	F	VIDEO1
11	E	1P
11	F	MVD2
11	F	PW87&PA87
12	E	1P
12	F	PW87&PA87
12	F	VIDEO2

NOTES:-

- Contractors must allow for the use of armoured cable on all cable runs.
- Contractors must allow for a spare 25% core capacity in all multicore cable runs.
- Low voltage and extra low voltage must be in separate multicore cables.
- All push button units are to be extra low voltage. Rotating tactile devices to be fitted to pole numbers:- 2, 4, 6, 8, 10, 12.
- All signal heads to be supplied with primary hoods.
- Detectors to be mounted on a Rachelfield type bracket.
- Stub Poles at 3 & 7.
- Detector 1 Pole 1 is an overhead detector set at the minimum range of 20m.

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AMENDMENT DETAILS			
Drawn by	Checked by	Approved by	Scale
WH	GSW	GSW	As Shown
Date 02.03.04	Date 02.03.04	Date 02.03.04	



David Harvey c.Eng., M.I.C.E., M.I.H.T.
Director of Environmental Services

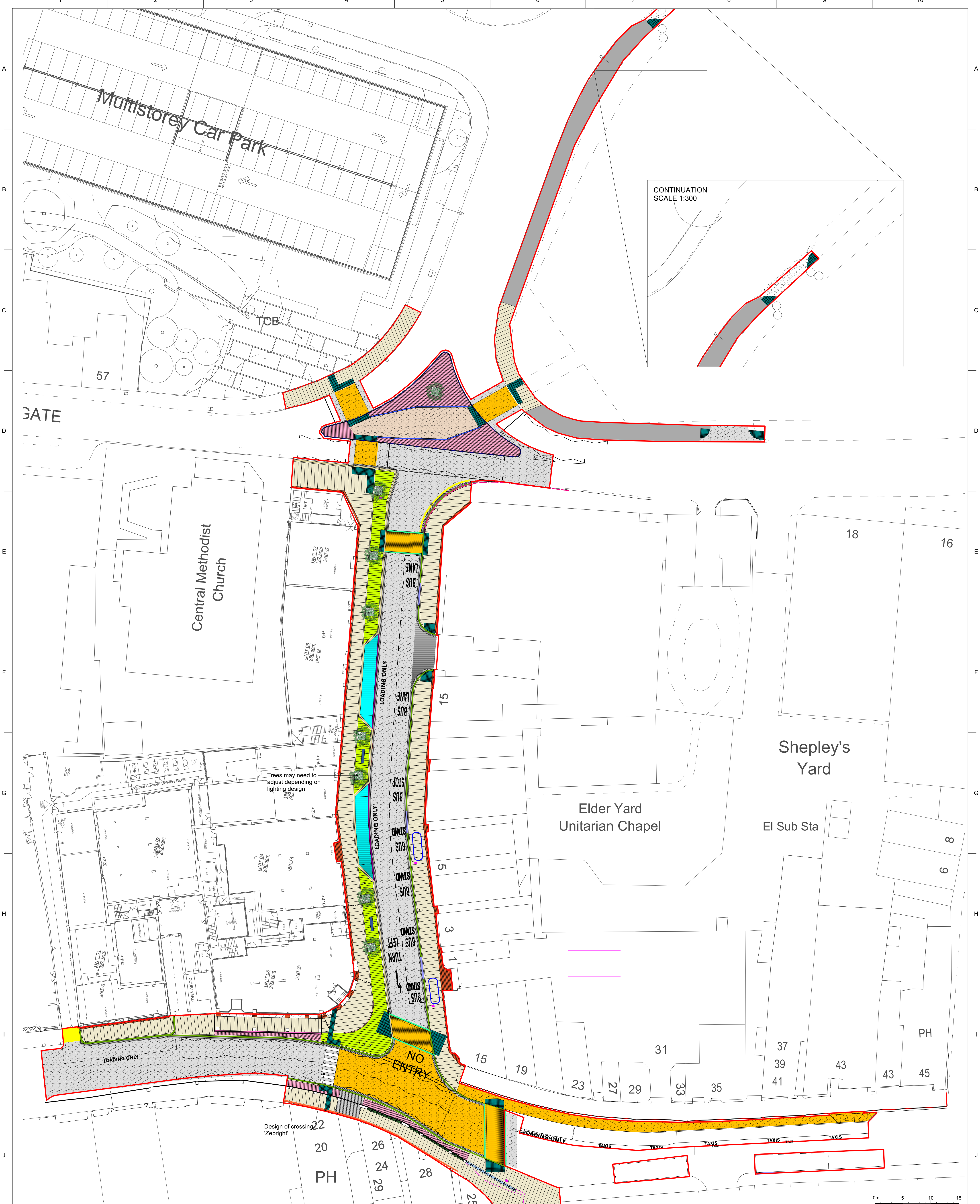
PROJECT TITLE

Puffing Crossings
Saltergate/Elderway
CHESTERFIELD

DRAWING TITLE

SIGNALS DRAWING

DCE DRAWING No.	PRINT No	DWG STATUS
		As Built
CLIENT DRAWING No.		
TA308/2/CB113/3		




PHASE 1 WORKS

25	28.11.19	Minor amends	HT	AT
24	27.11.19	Coordination with MJM	HT	AT
23	16.09.19	Bus stand amendments	HT	GB
22	27.08.19	Knifesmithgate bus kerb added/tactile amends	HT	GB
21	16.08.19	Elderway bus kerp extended to 4m	HT	GB
20	01.08.19	Minor amends	HT	GB
19	24.07.19	Updated Stage 4	HT	AT
18	18.07.19	Updated Stage 4	HT	GB
17	15.07.19	Updated Stage 4	HT	GB
16	10.06.19	Updated Stage 4	AT	GB
15	07.03.19	STAGE 4 ISSUE TO D.C.C. HIGHWAYS	HT	GB

14	19.11.18	STAGE 4 ISSUE	AT	GB
13	07.11.18	STAGE 4 ISSUE	AT	GB
12	26.09.18	Taxi rank added	AT	GB
11	12.09.18	Stage 4 updates following DCC comments	AT	GB
10	07.08.18	Stage 4: Trees moved to avoid services	AT	GB
09	03.08.18	STAGE 4 - PRICING	AT	GB
08	27.07.18	STAGE 4 - PRICING	AT	GB
07	12.10.17	STAGE 3	AT	GB
06	29.07.17	FOR PRICING	AT	GB
05	19.07.17	FOR PRICING	AT	GB
04	14.07.17	FOR PRICING	AT	GB
03	11.07.17	FOR PRICING	AT	GB
02	09.06.17	INFORMATION	AT	GB
01	24.05.17	INFORMATION	AT	GB
00	07.04.17	INFORMATION	AT	GB
Issue	Date	Status	Drawn	Apprvd.

Client	Chesterfield Council		
Project	Northern Gateway, Chesterfield		
Org Title	Phase 1 Elder Way General arrangement		
Created on	07.04.2017	Created by	AT
		Approved by	GB
Scale	1:300	Size	A1
		Status	STAGE 4
Org No.	PL1684-VW-200		

**Planit Intelligent Environments LLP**
E: info@planit-ie.com W: planit-ie.com

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WA14 1DY
T: 0161 928 9281

LONDON
Unit 6 Waterside
44-48 Wharf Road
London
N1 7UX
T: 0207 253 5678

NOTE:

- Do not scale from this drawing. Always work to noted dimensions.
- All dimensions are in millimetres unless otherwise stated.
- All setting out, levels and dimensions to be agreed on site.
- The dimensions of all materials must be checked on site before being laid out.
- This drawing must be read with the relevant specification clauses and detail drawings.
- Order of construction and setting out to be agreed on site.

Agenda Item No. 4(c)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

30 July 2020

Report of the Executive Director – Economy, Transport and Environment

NATIONAL PROPERTY RESILIENCE FRAMEWORK

(1) **Purpose of Report** To seek approval to utilise the Environment Agency's National Property Flood Resilience Framework in order to procure a Contractor to deliver survey work for the Property Flood Resilience Recovery Support Scheme.

(2) **Information and Analysis** The Department for Environment, Food and Rural Affairs (DEFRA) has made funding available, through the Property Flood Resilience Recovery Support Scheme, to install flood resilience and mitigation measures to properties and businesses affected by the floods in November 2019 and February 2020. It is estimated that there are just over 300 properties in the County affected by the November 2019 event and 160 properties by the February 2020 event who would qualify for this funding.

District/Borough Councils with 25 or more properties severely affected by the flooding are eligible for the scheme. The County Council, as Lead Local Flood Authority, is best placed to manage the scheme, given its previous experience in managing other grant schemes, along with its expertise in flood mitigation. District and Borough Councils have already confirmed the numbers of properties eligible for the scheme, which has already been reported back to DEFRA.

The District/Borough Councils eligible to access the funding are as follows:

- **November 2019** - South Derbyshire District Council, Derbyshire Dales District Council, Chesterfield Borough Council and Amber Valley Borough Council
- **February 2020** – Derbyshire Dales District Council, Erewash Borough Council and South Derbyshire District Council.

The scheme will enable properties and businesses, who were internally flooded on either of these flood events, to apply for funding to install flood

mitigation measures, to reduce the risk of flooding, for any future events which may occur.

Through the scheme, up to £5,000 per property or business is available. This includes £500 to undertake a survey of the building to determine the measures required. The survey is an obligatory requirement and essential to ensure that the right flood mitigation measures are recommended and installed. The Council's Flood Risk Management Team is managing the scheme, which involves the processing of applications, liaising with applicants, conducting surveys and arranging payment for successful applications.

It is proposed that the Council utilises the Environment Agency's National Property Flood Resilience Framework, to procure a Contractor to deliver the survey work for the Property Flood Resilience Recovery Support Scheme.

Utilising one of the Contractors off the National Property Flood Resilience Framework means that all of the due diligence work has already been undertaken, which will not only ensure that the Contractor is fit for purpose, but also reduce the timescales for procurement and award of contract which are very tight, given that the Property Flood Resilience Recovery Support Scheme claims must be completed by February 2021.

The impact of not taking this approach to the survey work would mean that the individual applicants would be responsible for employing a suitably qualified surveyor, and there is a high risk that the surveys being submitted, as part of the overall application, would be sub-standard and would not meet the criteria set by DEFRA.

It is envisaged that the scheme (for the November 2019 event) will be open for applications by the beginning of August 2020 and end on 31 October 2020. Timescales for the February 2020 scheme are yet to be confirmed.

In accordance with the County Council's Financial Regulations a business case for the use of the Environment Agency's National Property Resilience Framework has been approved by the Director of Finance & ICT and the Director of Legal Services. The award of contract from the Framework is delegated to the Strategic Director Environmental, Economy and Transport in accordance with Financial Regulations.

(3) Financial Considerations Existing resources within the Flood Risk Management Team will be utilised to both procure and manage the survey contractor. Administrative support is also required to assist the Flood Team, whilst the scheme is open (three months), which will cost £5,000 (Grade 6

post). This funding has been identified from a vacant post in the Business Support Team.

All costs (up to the value of £500) associated with the survey work for the individual properties and businesses will be claimed back through the Property Flood Resilience Recovery Support Scheme (DEFRA). Based upon the number of properties eligible for the funding for each flood event, the total cost for the November 2019 event will be £150,000, and £80,000 for the February 2020 event.

DEFRA has already made an upfront pre-payment of £66,652 to the Council, and this will be utilised to fund some of the initial survey work.

(4) **Legal Considerations** The County Council has a duty under the Flood and Water Management Act 2010 to manage local flood risk, and under the Local Flood Risk Management Strategy, there is an objective to aim to reduce the level of flood risk to the people of Derbyshire. Managing this scheme will enable properties and businesses to apply for funding to install flood mitigation measures, to reduce the risk of flooding, for any future events which may occur.

The Director of Legal Services will advise on call-off of the contract under the Framework Agreement, which will be way of mini-competition.

(5) **Equality and Diversity Considerations** An Equality Impact Assessment (EIA) was undertaken in support of the Local Flood Risk Management Strategy (LFRMS). The LFRMS has an objective embedded within it, to aim to reduce the level of flood risk to the people of Derbyshire. The main concerns in the EIA related to Public Health and the impacts of recurrent flooding on mental health and the effects of flooding on the elderly, infirm, pregnant and disabled, who may not be so able to adapt to/or be capable of making themselves resilient to the effects of flooding or deal with flooding should it enter or confine them to their property. The LFRMS takes on board these issues and seeks to address them through strong emphasis on preparation and development of personal resilience. Managing this scheme will enable properties and businesses to apply for funding to install flood mitigation measures, to reduce the risk of flooding, for any future events which may occur.

(6) **Environmental Considerations** Utilising the National Property Flood Resilience Framework and, therefore, using one Contractor to undertake all of the surveys in Derbyshire, will generate local efficiencies of scale, reduced travel time, and a level consistency in the flood risk recommendations made for each property, which will reduce the overall carbon footprint for the entire scheme.

(7) **Social Value Considerations** Ensuring each scheme applicant has the most beneficial flood mitigation products for their property, based upon the expert surveys undertaken by the Contractor, will produce an intangible social value to health and well-being, simply by reducing fear of flooding, of loss of property and of the long term misery caused by the invasion of the home or business.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, human resources, health, property and transport considerations.

(8) **Key Decision** No.

(9) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(10) **Background Papers** Procurement Business Case for the “National Property Resilience Framework”.

(7) **OFFICER’S RECOMMENDATION** That the Cabinet Member approves the use of the Environment Agency’s National Property Flood Resilience Framework to procure a Contractor to deliver survey work for the Property Flood Resilience Recovery Support Scheme, as detailed in the report.

Mike Ashworth
Executive Director – Economy, Transport and Environment



Procurement Business Case Protocols 2a, 8, 9 and 10 (Over £50,000)

National Property Resilience Framework

**Please send forms requiring
Procurement / Legal / Finance approval to:**

BusinessCase.Review@Derbyshire.gov.uk

Version Control

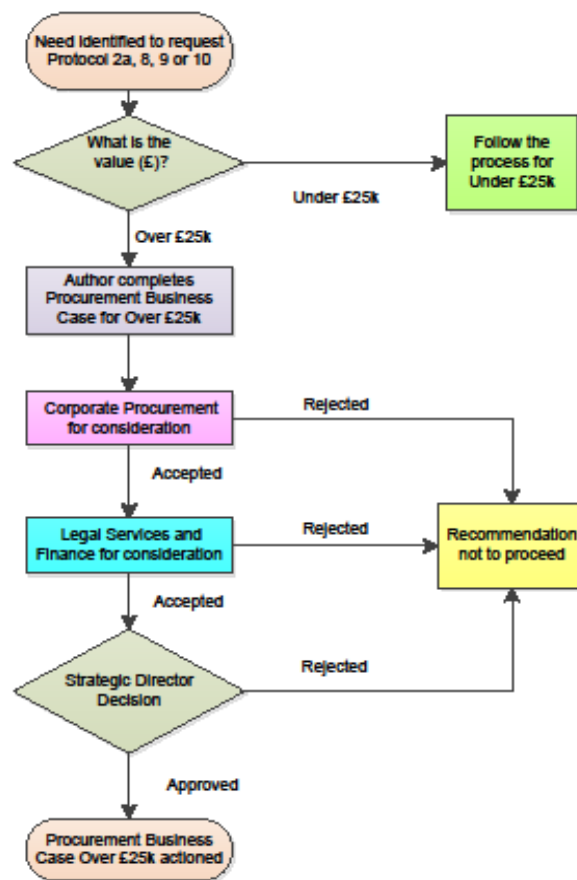
Version	Name	Date	Comments
1	R Ward	18/03/20	Draft

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Approval Process

- 1.1. Author completes section 1 to 9 and emails the document to Corporate Procurement (e.g. contract manager).
- 1.2. Corporate Procurement complete section 10 if supporting the recommendation(s) and email the document to the Director of Legal Services and Director of Finance & ICT (or their representatives under the Scheme of Delegation) for approval.
- 1.3. Legal Services complete section 11 if they support the recommendation(s) and email the document back to Corporate Procurement and the author.
- 1.4. Corporate Finance complete section 12 if they support the recommendation(s) and email the document back to Corporate Procurement and the author.
- 1.5. If approved by Legal Services and Corporate Finance, the author liaises with their Strategic Director for approval.
- 1.6. The Strategic Director (or their representative under the Scheme of Delegation) completes section 13 if they support the recommendation(s).
- 1.7. The author emails the fully approved copy to Corporate Procurement and appends it to the relevant Cabinet or Cabinet Member report if the value of the award exceeds £100,000.
- 1.8. If the document is not approved at any stage in this process, it will be returned with an explanation and proposals for resolution.



1 Background & Business Need

We are seeking to use Protocol 2a to utilise the Environment Agencies National Property Flood Resilience Framework (**'Framework'**).

Government (DEFRA) has made funding available to install flood resilience and mitigation measures to the properties and businesses affected by the floods in November 2019.

Up to £5000 is available per property or business, including £500 to undertake a survey of the building to determine the measures required.

The Council has decided that in order to ensure that the surveys undertaken for each property are robust and fit for purpose, we shall utilise one of the 2 Contractors off this Framework to undertake these surveys which will be up to the value of £500 per property.

It is estimated that there are just over 300 properties in the County who would be eligible for this funding, which would total around £150,000 worth of surveys.

The impact of not taking this approach to the survey work, would mean that the individual applicants would be responsible for employing a suitably qualified surveyor, and there is a high risk that the surveys being submitted as part of the overall application, would be sub-standard would not meet the criteria set by DEFRA.

The Council would be using Lot 1 of the Framework, which is for Property Flood Surveys.

The Contractors in Lot 1 are set out as follows:

- JBA Consulting; and
- RAB Consultants Ltd

The Framework user agreement (including Terms and Conditions) is appended to this document, which the Council would need to agree and sign up to, in order to call off this particular Framework.

2 Objectives

The Framework will deliver Property Flood Surveys to over 300 properties and businesses between April 2020 and January 2021.

3 Scope

The Framework will only cover the following Districts, namely Chesterfield, South Derbyshire, Amber Valley and Derbyshire Dales. It will include both pre and post installation surveys and include a detailed report for each survey undertaken.

4 Benefits

The benefits from utilising the Framework will be as follows:

- The Council will be utilising Contractors who are experienced in undertaking this type of work;
- Both Contractors will have already been through the due diligence process in order to get onto the Framework; and
- Utilising an experienced Contractor to undertake all surveys will ensure a satisfactory level of consistency and quality.

5 Options Appraisal

There are 2 options available in order to meet our requirements:

Option A – Procure a Contractor through open tender. Although this would meet our requirements, the Contractor would have to go through detailed evaluation and due diligence, all of which would take additional time and resource to undertake. It is imperative to award the survey work to a Contractor as soon as possible, as there is an expectation from both residents and members to deliver this work in a timely fashion, so they are protected from future flood events; or

Option B (Preferred) - Utilise a Contractor off the Framework. This can be done relatively quickly, though a mini completion, and there is the assurance that any Contractor will have met all of the pre-qualifying and due diligence requirements under the Framework.

6 Timescales

Maximum length of Contract will be from April 2020 to January 2021.

7 Costs

Estimated Contract value is £150,000.

8 Risks & Issues

Whitehouse Construction Ltd, who are situated in Ashbourne, Derbyshire and could undertake this type of work, are already on the Framework for Lot 2, which is for both Surveys and Installation. The Council does not wish to utilise Lot 2 for this purpose.

9 Recommendation

I confirm that following reasonable enquiries, the facts stated in this business case are true to the best of my knowledge.

On the basis of this business case, it is recommended that the Director of Legal Services and the Director of Finance & ICT approve: Signing and Using the National Property Resilience Framework.

As the costs associated with this requirement exceed £150,000, a report will be submitted for consideration to the Cabinet Member meeting on 30/07/2020

Name:	Richard Ward		
Job Title:	Senior Project Engineer		
Department:	ETE	Date:	18/03/2020

10 Corporate Procurement

To be completed by a nominated representative of Corporate Procurement.

Corporate Procurement comments:			
Just as a note, Is there an option to make a direct award from the framework and are there any costs associated with the use of the framework			
Name:	Tim Dence		
Job Title:	Principal Procurement Officer	Date:	19/03/2020

11 Director of Legal Services Approval

To be completed by the Director of Legal Services, or their nominated representative under the Scheme of Delegation.

Legal Services comments:			
Approved with minor comments.			
Name:	S B Macdonald-Preston		
Job Title:	Principal Solicitor	Date:	10/07/2020


12 Director of Finance & ICT Approval

To be completed by the Director of Finance & ICT, or their nominated representative under the Scheme of Delegation.

Corporate Finance comments:			
Name:	Pam Taylor (Deputising for Karen Howes)		
Job Title:	Senior Financial Accountant	Date:	13/07/2020

13 Executive Director Approval

To be completed by the departmental Executive Director, or their nominated representative under the Scheme of Delegation.

Name:	 Mike Ashworth		
Department:	ETE	Date:	16/07/2020

DATED

09/07/2020

**NATIONAL PROPERTY FLOOD RESILIENCE FRAMEWORK USER
AGREEMENT**

between

ENVIRONMENT AGENCY

and

DERBYSHIRE COUNTY COUNCIL

IN RELATION TO THE USE OF THE ENVIRONMENT AGENCY'S

NATIONAL PROPERTY FLOOD RESILIENCE FRAMEWORK 2018-2022

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(i)

THIS AGREEMENT is dated 09/07/2020

PARTIES

ENVIRONMENT AGENCY whose principal office is at Horizon House, Deanery Road, Bristol, BS1 5AH (**the Agency**).

Derbyshire County Council whose principal office is at County Hall, Matlock, Derbyshire, DE4 3AG (**the Authority**).

Individually a "Party" and together "the Parties"

BACKGROUND

- 1 The Agency has created the National Property Flood Resilience Framework (as defined below) in accordance with the Public Contract Regulations 2015 (as amended). The Agency has entered into Framework Agreements (as defined below) with all Suppliers for the duration of Framework;
- 2 The Agency are in possession of the Suppliers' Confidential Information (which includes the Pricing Schedule as defined below);
- 3 The Authority is a public sector organisation, who are able to utilise the Framework and wish to use the Framework for their own procurement needs;
- 4 The Agency may have made available and may wish to make available to the Authority certain Confidential Information. The Agency wishes to protect such information in the manner set out in this Agreement; and
- 5 In addition to the Confidential Information, the Agency requires the Authority to comply with certain provisions of the Framework Agreements and provide certain information which the Authority agrees to comply with and provide under this Agreement.

In consideration of the benefits to the Parties of disclosing and receiving the Confidential Information, the Parties have agreed to comply with the following terms in connection with the use and disclosure of Confidential Information.

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

- (a) The following definitions and rules of interpretation in this clause apply in this Agreement:

Agency IT System: A-Site (or any replacement notified to the Authority by the Agency), which is the Agency's hosting collaboration website tool used for storage and holding of Agency documentation.

Agreement: this National Property Flood Resilience User Agreement

Authorised Representatives: the employee of the Authority stated in clause 14 of this Agreement (or an Agency approved replacement for the person named).

Authority Personnel: means all directors, officers, employees, agents, consultants and contractors of the Authority and/or of any sub-contractor engaged in the performance of its obligations under this Agreement.

Business Day: a day (other than a Saturday, Sunday or public holiday) when the banks in London are open for business.

Call-Off Contract: a contract under the Call-Off Terms between one of the Supplier's and the Authority following a mini-competition process using Schedule 4

Confidential Information: all confidential information (however recorded or preserved) disclosed or made available, directly or indirectly, by the Agency or its employees, officers, representatives or advisers to the Authority and its Representatives after the date of this agreement that relates to the Framework Price Workbook, business, affairs, developments, trade secrets, know-how, personnel and suppliers of, including Intellectual Property Rights, of the Suppliers together with all information derived from the above, and any other information clearly designated as being confidential (whether or not it is marked as "confidential") or which ought reasonably to be considered to be confidential,

but not including any information that:

- (i) is or becomes generally available to the public (other than as a result of its disclosure by the Authority or its representatives in breach of this agreement), (except that any compilation of otherwise public information in a form not publicly known shall nevertheless be treated as Confidential Information); or
- (ii) was lawfully in the possession of the Authority without restriction before the information was disclosed to it by the Agency as evidenced by written records; or
- (iii) the Parties agree in writing is not confidential or may be disclosed; and
- (iv) is received by the Authority from a third party who lawfully acquired it and who is under no obligation restricting its disclosure.

Data Protection Legislation: means (i) the General Data Protection Regulation (Regulation (EU) 2016/679) or GDPR, the Law Enforcement Directive (Directive (EU) 2016/680) ("LED") and any applicable national implementing Laws as amended from time to time (ii) the Data Protection Act 1998 ("DPA 1998") and/or the Data Protection Act 2018 ("DPA 2018") to the extent that it relates to processing of personal data and privacy; (iii) all applicable Law about the processing of personal data and privacy.

Data Protection Schedule: means the Schedule (Schedule 10) attached to this Agreement describing how the Parties will comply with the Data Protection Legislation.

Framework Agreements: an agreement between the Agency and all the Suppliers governing the Framework, which came into existence on 14th November 2018.

Pricing Schedule: Set of pricing information and rates provided by the Suppliers as part of their Framework tender response.

Support: the support and assistance, detailed in Schedule 2, provided by the Agency to the Authority for the Framework.

Framework: the Agency's National Property Flood Resilience Framework (which includes each of the lots identified in Schedule 3 and is the principal arrangement for provision of residential property flood resilience measures).

Law: means any law of England, subordinate legislation within the meaning of Section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of Section 2 of the European Communities Act 1972, regulation, order, regulatory policy, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements with which the Authority is bound to comply.

Suppliers: the suppliers identified in Schedule 1 who have been awarded a place on the Framework and entered into a Framework Agreement with the Agency which contains their Confidential Information.

Term: as defined in clause 9.1.

- (b) Clause, schedule and paragraph headings shall not affect the interpretation of this agreement.
- (c) A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- (d) The Schedule forms part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedule.
- (e) Unless the context otherwise requires, words in the singular shall include the plural and in the plural include the singular.
- (f) A reference to a statute or statutory provision is a reference to it as it is in force for the time being, taking account of any amendment, extension, or re-enactment, and includes any subordinate legislation for the time being in force made under it.
- (g) References to clauses and schedules are to the clauses and schedules of this Agreement.

2. OBLIGATIONS OF THE AUTHORITY AND THE PARTIES DATA PROTECTION

- (a) The Authority shall keep the Confidential Information confidential and, except with the prior written consent of the Agency:
 - (i) not use or exploit the Confidential Information in any way except for the Framework and any Call-Off Contract; or
 - (ii) not disclose or make available the Confidential Information in whole or in part to any third party, except as expressly permitted by this Agreement; or
 - (iii) not copy, reduce to writing or otherwise record the Confidential Information except as strictly necessary for the Framework and any Call-Off Contract (and any such copies, reductions to writing and records shall be the property of the Agency).

- (iv) not use, reproduce, transform, or store the Confidential Information in an externally accessible computer or electronic information retrieval system or transmit it in any form or by any means whatsoever outside of its usual place of business;
 - (v) keep separate the Confidential Information from all documents and other records of the Authority;
 - (vi) apply the same security measures and degree of care to the Confidential Information as the Authority applies to its own confidential information, which the Authority warrants as providing adequate protection from unauthorised disclosure, copying or use;
 - (vii) keep a written record of: any document or other Confidential Information received from the other in tangible form; any copy made of the Confidential Information; and
 - (viii) ensure that any document or other records containing Confidential Information shall be kept at its premises at main or head office and shall not remove or allow to be removed such document or records from its premises.
- (b) The Authority may disclose the Confidential Information to its Authorised Representative who need to know this Confidential Information for the Framework, provided that:
- (i) it informs its Authorised Representatives of the confidential nature of the Confidential Information before disclosure; and
 - (ii) it procures that its Authorised Representatives shall, in relation to any Confidential Information disclosed to them, comply with this Agreement as if they were the Authority,
- and it shall at all times be liable for the failure of any Authorised Representative to comply with the terms of this Agreement.
- (c) The Authority shall only use the Framework for the scope of services identified within Schedule 3 of this Agreement.
- (d) The Authority acknowledges and agrees to use the Call-Off Terms when using the Framework and shall not be permitted to amend or add additional clauses to the Call-Off Terms, save where the amendment or additional clause is required by law applicable to England. The Authority shall for the purpose of the Call-Off Terms be referred to as “the *Client*” and the Agency shall provide the Call-Off Terms in an electronic format as detailed in clause 4.2
- (e) The Authority shall comply with Schedule 5 of this Agreement when using the Framework.
- (f) The Authority acknowledges and agrees to follow and comply with Schedule 6 of this Agreement when using the Framework and shall only be permitted to award direct Call-Off Contracts to the Suppliers under the terms outlined in Schedule 6.
- (g) The Authority shall comply with Schedule 7 of this Agreement when using the Framework.

- (h) The Authority shall comply with Schedule 8 of this Agreement when using the Framework.
- (i) The Authority shall comply with Schedule 9 of this Agreement when using the Framework.
- (j) The Authority shall comply with Schedule 10 of this Agreement when using the Framework.
- (k) The Authorised Representative shall on each and every yearly anniversary of the date of this Agreement provide to the Agency, in a prescribed electronic format by the Agency, the amount of money and details of the work/services spent under the Authority use of the Framework and for each Call-Off Contract within that year.

3. RETURN OF INFORMATION AND ANNOUNCEMENTS

- (a) At the request of the Agency, or upon termination of this Agreement, the Authority shall promptly:
 - (i) destroy or return to the Agency all documents and materials (and any copies) containing, reflecting, incorporating, or based on the Confidential Information;
 - (ii) erase all the Confidential Information from its computer systems ; and
 - (iii) certify in writing to the Agency that it has complied with the requirements of this clause, provided that the Authority may retain documents and materials containing, reflecting, incorporating, or based on the Confidential Information to the extent required by law or any applicable governmental or regulatory authority, and to the extent reasonable to permit the Authority to keep evidence that it has performed its obligations under this Agreement. The provisions of this Agreement shall continue to apply to any documents and materials retained by the Authority.
- (b) If the Authority develops or uses a product or a process which, in the reasonable opinion of the Agency, might have involved the use of any of the Confidential Information, the Authority shall, at the written request of the Agency, supply to the Agency information reasonably necessary to establish that the Confidential Information has not been used or disclosed in order to develop or use that product or process.
- (c) No party shall make, or permit any person to make, any public announcement concerning this Agreement without the prior written consent of the other party (such consent not to be unreasonably withheld or delayed) except as required by law or any governmental or regulatory authority (including, without limitation, any relevant securities exchange), or by any court or other authority of competent jurisdiction.

4. OBLIGATIONS OF THE AGENCY

- (a) The Agency shall provide the Confidential Information to the Authority by allowing the Authorised Representative access on the Agency IT System.

- (b) The Agency shall create a sub-folder within the Agency IT System which shall contain the Confidential Information and any other useful documentation that Agency may wish to share with the Authority.
- (c) The Agency shall, at its own discretion, provide two hours of free Support to the Authority in order to assist the Authority in the use of the Framework. If the Authority requires further Support or assistance not covered within Support (hereinafter defined as “Additional Support”), the Agency and Authority shall enter into negotiations and a further agreement covering the Additional Support.
- (d) Where an obligation on the Agency arises under this Agreement and conflicts with the Agency’s statutory duty the Parties agree that the Agency’s statutory duty will take priority.

5. RESERVATION OF RIGHTS AND ACKNOWLEDGEMENT

- (a) The Agency reserves all rights in the Confidential Information. No rights in respect of the Confidential Information are granted to the Authority and no obligations are imposed on the Agency other than those expressly stated in this Agreement. In particular, nothing in this Agreement shall be construed or implied as obliging the Agency to disclose any specific type of information under this Agreement, whether Confidential Information or not.
- (b) Except as expressly stated in this agreement, the Agency does not make any express or implied warranty or representation concerning Confidential Information, or the accuracy or completeness of the Confidential Information.
- (c) The disclosure of Confidential Information by the Agency shall not form any offer by, or representation or warranty on the part of, the Agency to enter into any further agreement.
- (d) The Authority acknowledges that damages alone would not be an adequate remedy for the breach of any of the provisions of this Agreement. Accordingly, without prejudice to any other rights and remedies it may have, the Agency shall be entitled to the granting of equitable relief (including without limitation injunctive relief) concerning any threatened or actual breach of any of the provisions of this agreement.

6. FREEDOM OF INFORMATION

- (a) The Parties acknowledge that either Party may be bound by the Freedom of Information Act 2000, the Environmental Information Regulations 2004, (both as amended and any other applicable legislation governing access to information) and may be obliged to provide information that relates to this Agreement, on request, to third parties. In the event that the Authority receives a request for information relating to this Agreement falling within the scope of such legislation, the Authority shall be entitled to disclose such information as reasonably necessary in order to ensure its compliance with the legislation provided that:

6.1.1 in the case of the disclosure of Confidential Information, the Authority shall first consult with the Agency as to whether such information should be disclosed under the legislation;

6.1.2 no Party shall be liable for any loss, damage, harm or other detriment suffered by the other Party arising from the disclosure of any information falling within the scope of Freedom of Information Act 2000, the Environmental Information Regulations 2004, or any other applicable legislation governing access to information.

7. INDEMNITY

The Authority shall indemnify and keep fully indemnified the Agency at all times against all liabilities, costs (including legal costs on an indemnity basis), expenses, damages and losses including any direct, indirect or consequential losses, loss of profit, loss of reputation and all interest, penalties and other reasonable costs and expenses suffered or incurred by the Agency arising from any breach of this agreement by the Authority and from the actions or omissions of any Authorised Representative.

8. LIABILITY

- (a) To the extent permitted by law, the Agency shall not be liable to the Authority for the use of the Framework and the Authority acknowledges that the Agency shall have no liability for any Call-Off Contract entered into by the Authority with Suppliers.

9. TERM AND TERMINATION

- (a) The Agreement shall terminate at the end of the Framework in accordance with the Framework Agreement or in accordance with clause 9.3 below.
- (b) If the Authority decides not to use the Framework prior to the release of any Confidential Information by the Agency it shall notify the Agency in writing immediately.
- (c) Without affecting any other right or remedy available to it, either Party may terminate this Agreement with immediate effect by giving written notice to the other party if:
 - (i) the other Party commits a material breach of any term of this agreement which breach is irremediable or (if such breach is remediable) fails to remedy that breach within a period of 7 Business Days after being notified to do so;
 - (ii) the other Party repeatedly breaches any of the terms of this agreement in such a manner as to reasonably justify the opinion that its conduct is inconsistent with it having the intention or ability to give effect to the terms of this Agreement;
- (d) For the purposes of clause 9.3(a), **material breach** means a breach (including an anticipatory breach) of any obligations set out in clause 2 or that is serious in the widest sense of having a serious effect on the benefit which the terminating Party would otherwise derive from:

- (i) a substantial portion of this Agreement;

In deciding whether any breach is material no regard shall be had to whether it occurs by some accident, mishap, mistake or misunderstanding.

- (e) Termination of this Agreement shall not affect any accrued rights or remedies to which the Agency is entitled.
- (f) The obligations of confidentiality under this Agreement shall survive any such termination and continue in force from the completion of the Framework and any Call-Off Contract indefinitely. The following clauses, 2, 3, 5, 6, 7, 8, 10, 11 and 17 shall survive termination.

10. INTELLECTUAL PROPERTY RIGHTS

- (a) The Parties will not use or reproduce one another's logos or trade or business marks for any purpose without the other Party's prior consent in writing. Such written consent shall be operative as a non-transferable, non-exclusive, royalty free, terminable licence to the other Party, for the limited purposes of the Framework and this Agreement only.
- (b) The names, images and logos identifying the Agency, Supplier's, third parties (including government departments) and their information, products and services are proprietary marks of the Agency, Supplier's and/or third parties (including the government departments). Copying or use of the Agency's Logo's, Supplier's Logo's, and/or any other third party logos (including government logos) accessed via the Framework or this Agreement is not permitted without prior approval from the relevant copyright owner.
- (c) The Authority acknowledges that all drawings, documents, models, designs, and the copyright or similar protection in them which has been created for the Framework and this Agreement will belong to either the Agency or a Supplier. The Agency grants a royalty-free licence to the Authority for it to use such material (excluding any Supplier or none Agency material) in connection with the Framework but such licences will not include commercial exploitation nor the right to sub-licence, and will not be transferable. The Agency will not be liable for the consequences of any use of such material by the Authority or a third party.
- (d) The Agency makes no representations as to the accuracy, completeness or freedom from defects of the Confidential Information or Call-Off Terms or with respect to any infringement of any third party intellectual property rights.

11. ENTIRE AGREEMENT AND VARIATION

- (a) This Agreement constitutes the entire agreement between the Parties and supersedes and extinguishes all previous drafts, agreements, arrangements and understandings between them, whether written or oral, relating to its subject matter.
- (b) Each Party agrees that it shall have no remedies in respect of any representation or warranty (whether made innocently or negligently) that is not set out in this Agreement. Each Party agrees that its only liability in respect of those representations and warranties

that are set out in this Agreement (whether made innocently or negligently) shall be for breach of contract.

- (c) No variation of this Agreement shall be effective unless it is in writing and signed by each of the Parties (or their authorised representatives).

12. NO WAIVER

- (a) Failure to exercise, or any delay in exercising, any right or remedy provided under this Agreement or by law shall not constitute a waiver of that or any other right or remedy, nor shall it preclude or restrict any further exercise of that or any other right or remedy.
- (b) No single or partial exercise of any right or remedy provided under this Agreement or by law shall preclude or restrict the further exercise of that or any other right or remedy.
- (c) A Party that waives a right or remedy provided under this Agreement or by law in relation to another party, or takes or fails to take any action against that party, does not affect its rights in relation to any other party.

13. ASSIGNMENT

Except as otherwise provided in this Agreement, no Party may assign, sub-contract or deal in any way with, any of its rights or obligations under this Agreement or any document referred to in it, save that either Party may assign its rights under this Agreement to any other body established by the Crown or under statute in order substantially to perform any of the functions that had previously been performed by that Party.

14. NOTICES

- (a) Any notice or other communication required to be given under this Agreement, shall be in writing and shall be delivered personally, or sent by pre-paid first class post or recorded delivery or by commercial courier, to each Party required to receive the notice [or communication] at its address as set out below:
 - (i) ENVIRONMENT AGENCY: Becca Simmins, Senior Executive Officer, Manley House, Kestrel Way, Exeter, EX2 7LQ (becca.simmins@environment-agency.gov.uk)
 - (ii) Derbyshire County Council: Richard Ward, Senior Project Engineer County Hall, Matlock, Derbyshire, DE4 3AG ("Authorised Representative")

or as otherwise specified by the relevant Party by notice in writing to each other Party.

- (b) Any notice or other communication shall be deemed to have been duly received:
 - (i) if delivered personally, when left at the address and for the contact referred to in this clause; or

- (ii) if sent by pre-paid first class post or recorded delivery, at 9.00 am on the second Business Day after posting; or
- (iii) if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.

15. NO PARTNERSHIP

Nothing in this Agreement is intended to, or shall be deemed to, establish any partnership or joint venture between any of the Parties, constitute any Party the agent of another party, nor authorise any Party to make or enter into any commitments for or on behalf of any other Party.

16. THIRD PARTY RIGHTS

- (a) Except as provided in this clause 16, this Agreement is made for the benefit of the Parties to it and their successors and permitted assigns and is not intended to benefit, or be enforceable by, anyone else.
- (b) The Parties may terminate, rescind or vary this Agreement without the consent of any person who is not a party to this Agreement.

17. GOVERNING LAW, JURISDICTION AND DATA PROTECTION

- (a) This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the Law.
- (b) The Parties irrevocably agree that the courts of England shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Agreement or its subject matter or formation (including non-contractual disputes or claims).
- (c) In the event that the Agreement requires data to be processed within the meaning of the Data Protection Legislation the Data Protection Schedule shall be completed by the Parties and provisions and definitions therein shall apply and bind the Parties as part of this Agreement.

This Agreement has been entered into on the date stated at the beginning of it.

Signed for and on behalf of

the Environment Agency

.....

Name:

Position:

Signed for and on behalf of

[Party's Full Name]



Name: Mike Ashworth

Position: 16th July 2020

Agenda Item No. 4(d)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

30 July 2020

Report of the Executive Director – Economy, Transport and Environment

MINERALS LOCAL PLAN – SAND AND GRAVEL CONSULTATION

(1) **Purpose of Report** To seek the Cabinet Member's approval for Derbyshire County Council to carry out a consultation on the latest stage in the preparation of the Minerals Local Plan which is about the provision of sand and gravel in Derbyshire, including proposed sand and gravel sites.

(2) **Information and Analysis** Derbyshire County Council and Derby City Council (the Councils) are working together to prepare a joint Minerals Local Plan, the Derbyshire and Derby Minerals Local Plan, which will cover the geographical area of Derbyshire and Derby, excluding the Peak District National Park. The Plan period is to 2036.

An important aspect of this Plan will be to ensure there is a steady and adequate supply of sand and gravel. This is essential material for the construction industry and is vital for maintaining economic prosperity. This supply will be maintained through existing planning permissions and the provision of new sites. This is constrained by the fact that minerals can only be quarried where they occur which, for Derbyshire and Derby means the sites located in the alluvial sand and gravel area of the Trent, Derwent and Lower Dove Valleys in the south of the Plan area.

A revision to national planning policy in 2019 stipulated that local plans should cover a 15 year period from the time of adoption. This has required the councils to extend the Plan period to 2036 (15 years from the date of expected adoption in 2021); prior to this, the councils were working to an end date of 2030 and means that a greater amount of sand and gravel would need to be supplied over this extended period. The situation regarding the supply of sand and gravel has had to be re-examined, therefore, to determine whether further resources will have to be identified in the Plan. As part of this re-examination, the sand and gravel operators within the County have been asked if they wished to promote additional sites for minerals working in line with the extended Plan period.

In response, three further sites for the extraction of sand and gravel have been suggested by mineral companies. These sites, along with the other five sites that were suggested previously, have been assessed against the same methodology to determine which sites have the greatest potential for working and which should therefore be included as allocations in the Minerals Local Plan.

As a result, before publication of the full Proposed Draft Minerals Local Plan later this year, this interim public consultation is proposed to enable the public to comment on the proposed strategy for sand and gravel provision, in particular, the sites that have been proposed for sand and gravel working in South Derbyshire to help to make provision for this extended Plan period. The main consultation document is at Appendix 1 and two supporting documents, i.e. the Site Assessment Methodology and Site Assessments, are at Appendices 2 and 3 respectively.

Consultation will run for 8 weeks and details will be determined following further guidance from Government and COVID-19 advice, relating to safe conduct of public drop-ins and meetings. The full programme of consultation will be carried out in accordance with the County Council's and the City Council's Statements of Community Involvement. Documents will be made widely available to interested parties and members of the public, including via the Councils' websites. Subject to Coronavirus (COVID-19) considerations, it is planned to hold drop-in sessions in those villages across South Derbyshire where sites are proposed. Officers from the Councils will be available at these sessions to discuss the proposals with members of the public.

(3) **Financial Considerations** There would be a charge for hiring the village halls for one day each which equates to approximately £100 per day, plus officer time for staffing the consultation events. The consultation period will run for a period of 8 weeks and will require 8 amount of days for village hall hire. All costs will be met from Planning Services budget and shared jointly between Derbyshire County Council and Derby City Council.

(4) **Legal Considerations** The recommendation in this report is made 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 and the National Planning Policy Framework 2019.

(5) **Social Value Considerations** The relevance of social value in terms of social, economic and environmental wellbeing is considered in the preparation of local plans. Meeting the current and future needs of communities and the management of scarce resources (i.e. sustainable development) is central to the role of local and county planning authorities in preparing and implementing their local plans.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Planning Service of the Economy, Transport and Environment Department.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member gives approval for Derbyshire County Council to carry out the consultation on sand and gravel provision in Derbyshire.

Mike Ashworth
Executive Director – Economy, Transport and Environment

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

SAND AND GRAVEL SITES CONSULTATION

JUNE 2020

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1. Introduction

- 1.1 Derbyshire County Council and Derby City Council are working together to prepare a joint minerals local plan. It will be called the Derbyshire and Derby Minerals Local Plan and will cover the geographical area of Derbyshire and Derby, excluding the Peak District National Park.
- 1.2 An important aspect of this Plan will be to ensure that there is a steady and adequate supply of sand and gravel throughout the plan period. This supply will be maintained through existing planning permissions and new areas of land for working if required. This strategy is constrained by the fact that minerals can only be quarried where they occur. This means that in Derbyshire and Derby, sand and gravel sites can only be located in the alluvial sand and gravel resource of the Trent, Derwent and Lower Dove Valleys in the southern part of the Plan area.
- 1.3 The National Planning Policy Framework (NPPF)¹ now stipulates that Local Plans should cover a 15 year period from adoption of the Plan. This has required the Councils to extend the Plan period to 2036 (15 years from the expected adoption of the Plan in 2021). This means that we have had to re-examine the situation regarding the supply of sand and gravel from the Plan area to determine the scale of additional provision that the Plan must make and the amount that will be required from new sites.
- 1.4 As part of this re-examination, we have asked sand and gravel operators within the County if they wished to promote additional sites for working during the Plan period to 2036. This has resulted in three further sites being put forward.
- 1.5 Using the same site assessment methodology, these sites will be considered alongside the other five sites that have been considered previously. Those emerging with the greatest overall potential for working and which best meet the need for making additional provision over the Plan period will be considered for allocation in the Plan.

¹ National Planning Policy Framework (February 2019) Paragraph 22

- 1.6 Before we progress to the next stage of the Plan later this year (the Proposed Draft Plan), we are asking for comments on these sites and the assessment process.

2. Progress on the Minerals Local Plan

- 2.1 Preparation of a Local Plan typically involves several stages of public engagement and consultation. Set out below are the stages of plan preparation undertaken so far.

Key Issues and Options Consultation - 2010

- 2.2 The Issues and Options Paper for the Minerals Local Plan was published for consultation in 2010. In terms of sand and gravel, this asked for comments on 12 sites that had been suggested for sand and gravel working. Support was expressed for the development of a strategic long term approach, which would be used to guide the future identification of sites for working and the restoration of sand and gravel workings in the Trent Valley. This approach is now embodied in the draft vision and objectives of the Minerals Local Plan.

Sand and Gravel Consultation - 2012

- 2.3 In Autumn 2012, a series of drop-in sessions were held in the communities where sand and gravel sites had been suggested. Twelve sites were under consideration at this stage. These were:

Trent Valley East

Shardlow (Hanson)

Elvaston (Tarmac)

Attenborough (Cemex)

Chapel Farm

Trent Valley - West

Willington (Cemex)

Foremark (Hanson)

Egginton (Hanson)

Swarkestone North (Tarmac)

Swarkestone South (Tarmac)

Lower Dove Valley

Foston (Hanson)

Sudbury East (Sudbury Estates)

Sudbury West (Sudbury Estates)

The drop-in sessions gave people the opportunity to provide comments on these specific sites, as well as the emerging site assessment methodology and the Environmental Sensitivity Mapping Project for the Trent Valley. All comments were then taken into account in further developing the site assessment methodology and the initial assessment of the sites.

Emerging Approach Consultation – 2015-2016

- 2.4 The revised site assessment methodology was then published for comment in the 2015 consultation. Five of the suggested sites had been withdrawn prior to this stage for various reasons. These were:

Shardlow (planning permission granted)

Attenborough (ownership constraints)

Chapel Farm (non-viable)

Sudbury A (undeliverable in this Plan period)

Sudbury B (undeliverable in this Plan period)

- 2.5 This left seven sites to be assessed. Hanson had suggested three of these sites; Foremark (the larger area), Foston and Egginton. Tarmac's promoted sites were Elvaston, Swarkestone South and Swarkestone North. Cemex had suggested the extension to Willington Quarry. The assessment work used the Environmental

Sensitivity Mapping work (developed and carried out by the County Council's Conservation, Heritage and Design Team), alongside the site assessment methodology to determine which sites had the greatest potential to be worked for sand and gravel extraction.

Proposed Approach Consultation - 2018

- 2.6 The preferred sites emerging from this assessment process were proposed as specific sites for working in the Spring 2018 "Towards a Minerals Local Plan" Consultation. These were Willington and Swarkestone South. Elvaston and Swarkestone North were identified as Preferred Areas. Although the information available at this time indicated they were unlikely to be required to meet the need for sand and gravel, and were therefore not proposed to be allocated specifically, these Preferred Areas are considered to be suitable for working, if required, and could come forward should other sites not come forward as anticipated or if monitoring determined that production was increasing, or was likely to increase, significantly over the Plan period. In essence, they provide a degree of flexibility.
- 2.7 The following comments were received in respect of these proposals:
- Object to the inclusion of the Elvaston site as a Preferred Area for a number of social and environmental reasons.

Officer Response. The issues raised have been addressed in the site assessment.
 - Note that the allocation at Swarkestone will impact on Anchor Church, a Grade II Listed Building which is located opposite the site, which would not only result in unjustified harm to its own significance but which also forms the setting to the Grade I listed Foremark Hall. Moreover, the rock-cut features comprising Anchor Church are of national archaeological importance, notwithstanding that they are not scheduled under the Ancient Monuments and Archaeological Areas Act 1979. As such, objects to the allocation of the site as shown, and recommends that the area of land shown in the current planning application for a panel of extraction and associated bunds and infrastructure on the land

opposite Anchor Church is deleted from the proposed allocation in the emerging Plan, as well as the current planning application.

Officer Response. The boundary of the site was redrawn as part of the consideration of the planning application for this site to address these concerns.

- With regard to the proposed allocation of land at Willington, Staffordshire County Council has concerns regarding the cross boundary implications of developing this site as follows. There is potential for adverse impacts on this watercourse and on palaeo-channels and features associated with the river, which could affect Staffordshire. The current Derbyshire landscape of small fields of unimproved grassland, hedgerows, important trees and copses appears to be of high ecological importance and complements the Staffordshire landscape in this location. Impacts on populations of species using this area are likely to have implications for both counties.

Officer Response. These concerns are noted. Sand and gravel sites will inevitably have an impact on the surrounding area. In considering planning applications for these sites, the issues are always balanced carefully in coming to a decision as to whether the site can be developed and, if it is considered it can, then how the site should be developed in the most sensitive manner with the least impact on the area.

Ongoing Engagement - 2018-2019

- 2.8 The timescale for the Plan had originally been to 2030, and the Councils had proposed two sand and gravel sites (Willington and Swarkestone South) to provide sufficient material to maintain supply over this period. However, in July 2018, the Government published a revised NPPF, which now states that local plans should cover a 15 year period from the adoption of the Plan. With the Minerals Local Plan (MLP) now expected to be adopted in 2021, the timescale for the MLP was, therefore, extended to 2036. This meant that a greater amount of sand and gravel would be required for this longer period (as set out below) and that further sites would be needed to provide this.

2.9 In view of the additional provision required, we decided to look at the best way of meeting that provision and maintaining supply over the extended Plan period. We contacted and liaised with all operators about their requirements over the extended Plan period. As a result, additional sites were put forward (see Section 4) and so there was a need to carry out an assessment of all potential and promoted sites. This led to this current consultation.

3. Existing Reserves and Remaining Requirements

- 3.1 Information regarding mineral production and reserves is collected annually by the County Council. As the table below shows, production of sand and gravel in Derbyshire between 2009 and 2018 has averaged 1.01 million tonnes (mt).

Annual Production of Sand and Gravel in Derbyshire 2009-2018

2009 mt	2010 mt	2011 mt	2012 mt	2013 mt	2014 mt	2015 mt	2016 mt	2017 mt	2018 mt	Average mt
0.91	1.04	1.1	0.81	0.82	0.95	1.13	1.29	0.94	1.05	1.01

- 3.2 Swarkestone, Shardlow, Willington and Mercaston are the operational sand and gravel quarries in the Plan area. There is also one site, Elvaston Quarry, which has permitted reserves but is currently non-operational. Together, these sites have reserves of 11.35mt of sand and gravel. (This is the figure at the end of 2018 but also including the additional 2.5mt of reserves that were permitted at Swarkestone Quarry in 2019).
- 3.3 This stock of permitted reserves is known as the landbank. The NPPF requires landbanks to be maintained for all aggregate minerals, with the recommended landbank period for sand and gravel being at least seven years. The current length of the landbank for sand and gravel in the Plan area is 10.4 years (total permitted reserves of 11.35mt divided by the current annual provision rate of 1.09mt).
- 3.4 As set out above, for the 10 year period from 2009 to 2018, sales of sand and gravel extracted from quarries in Derbyshire averaged 1.01 mt. The three year average is 1.09mt which, as explained in the Local Aggregate Assessment (LAA)², is the figure that is being used currently to calculate the annual provision of sand and gravel for the forthcoming years. The LAA indicates, therefore, that, based on an annual provision rate of 1.09mt, Derbyshire and Derby should provide 19.62mt of sand and gravel from 2019 to 2036 (18 years x 1.09mt).

² Derbyshire, Derby and Peak District Local Aggregate Assessment 2019

3.5 Table 2 below provides a calculation of the future requirements for sand and gravel within Derbyshire and Derby. The calculation is based on making provision for the period up to 2036. The calculations take account of the current level of permitted reserves (at October 2019). As a result, there is a shortfall on the requirement figure of some 8.27mt of sand and gravel reserves over the Plan period to 2036, as shown in the table below.

Sand and Gravel Provision – Reserves and Requirements

	Sand and Gravel	Million Tonnes
A	Annual Requirement	1.09
B	Total Production Requirement 2019-2036 (Ax18 yrs)	19.62
Reserves		
C	Permitted Reserves (Landbank)	11.35
Shortfall		
E	Shortfall 2019 – 2036 (B-C)	8.27

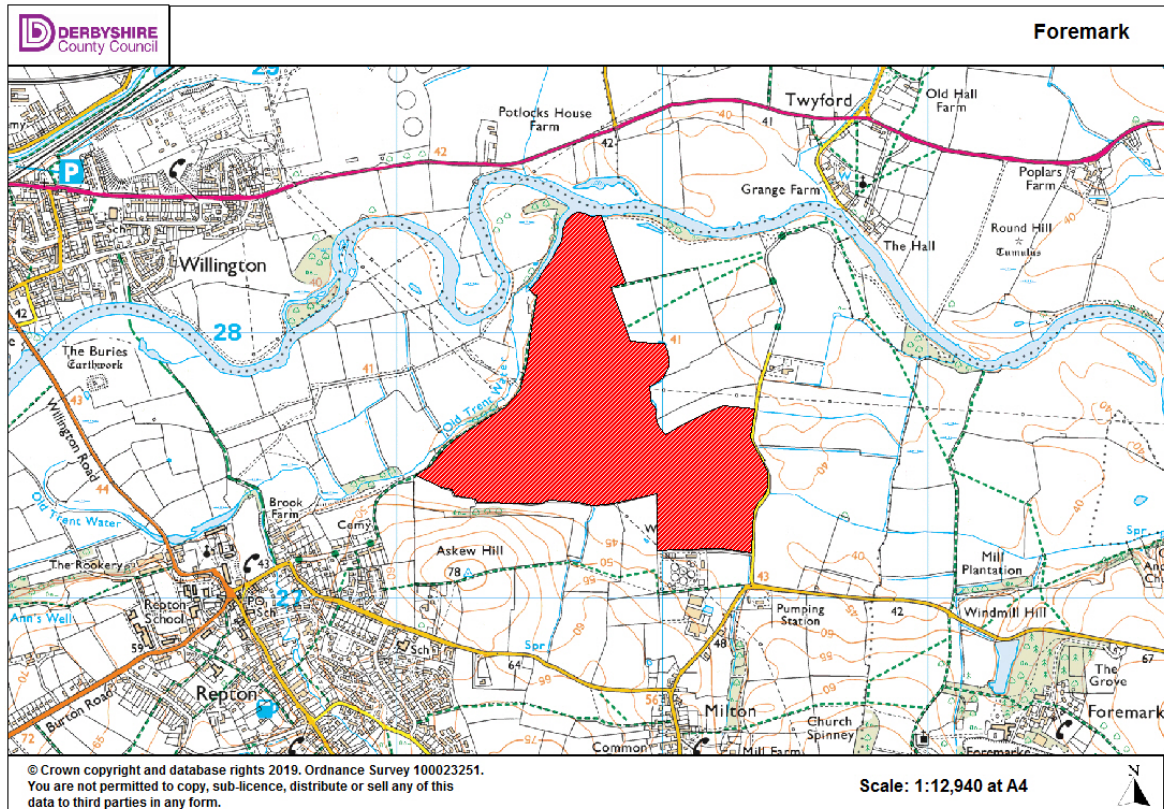
3.6 New areas of land will have to be identified in the Minerals Local Plan to provide these reserves to ensure that the requirement is met. Potential sites to meet this requirement are discussed in sections 4 and 5 below.

4. The Suggested Sites

- 4.1 Three additional sites have been suggested by mineral companies for inclusion in the MLP. These are a site to the north of Repton (referred to as the Foremark site), and one to the north of Twyford Road to the east of Twyford, both located in the Trent Valley in South Derbyshire. A site to the south of Foston, near Scropton in the Lower Dove Valley, has also been put forward. (These sites will be considered along with the other five sites which have been put forward previously. See section 5 below).

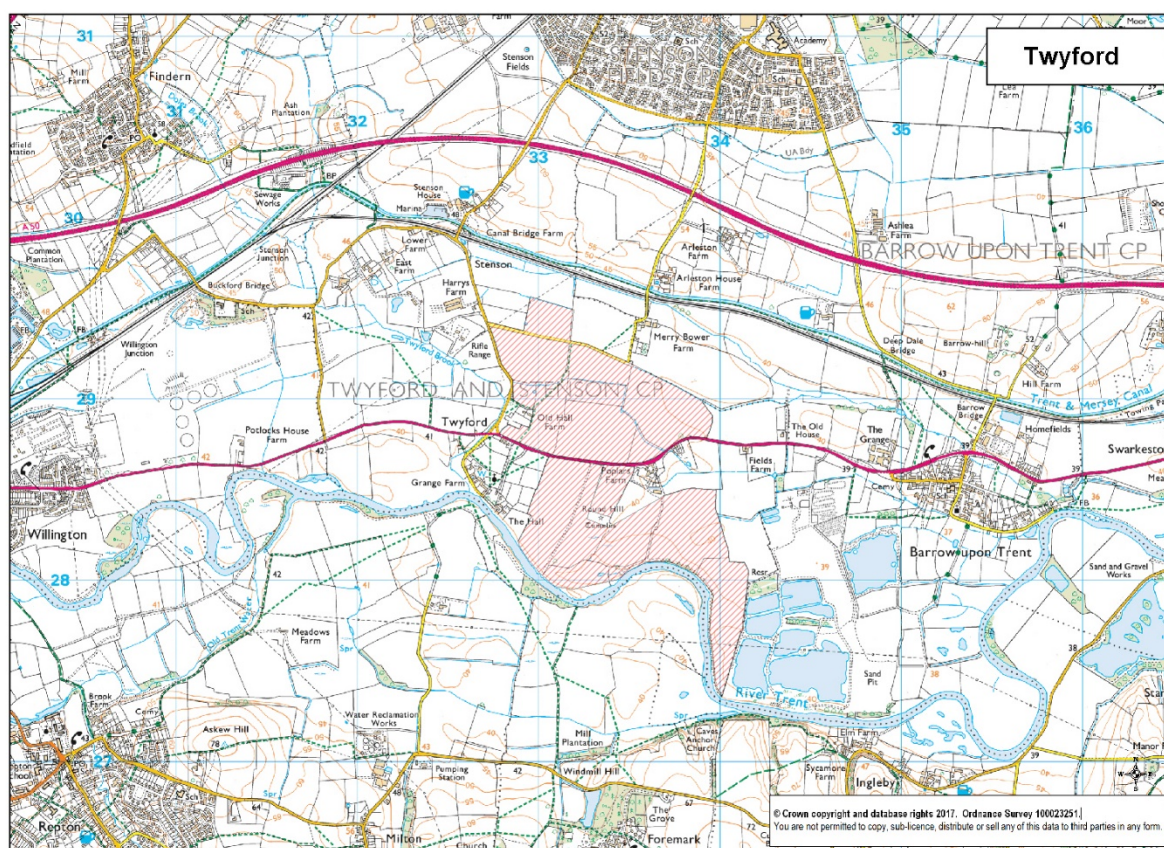
Foremark

- 4.2 This 72 hectare (ha) site is located on open arable fields between Twyford and Repton to the south of the River Trent, as shown on the plan below. It is proposed by Hanson as a replacement for its current operation in Derbyshire, Shardlow Quarry, which, it is estimated, will run out of reserves by 2027. It would be for the extraction of around 5mt of sand and gravel, and at a proposed annual extraction rate of 500,000 tonnes, would have an expected life of around 10 years. A wetland/water based biodiversity restoration scheme with an element of improved public access is proposed.
- 4.3 The site was considered and assessed previously by the Councils during the earlier stages of the preparation of this Local Plan, as part of a larger site that extended west towards Repton. The assessment of this larger site indicated that it had a low potential for allocation as a result of its sensitivity in social and environmental terms. Other less sensitive sites were available, as set out above and, therefore, this larger site was not proposed as a draft allocation in the emerging MLP. Hanson has confirmed that this larger area is no longer being pursued in this Plan.
- 4.4 The smaller site, as put forward now, will be assessed against the same assessment methodology as all the other sites.



Twyford

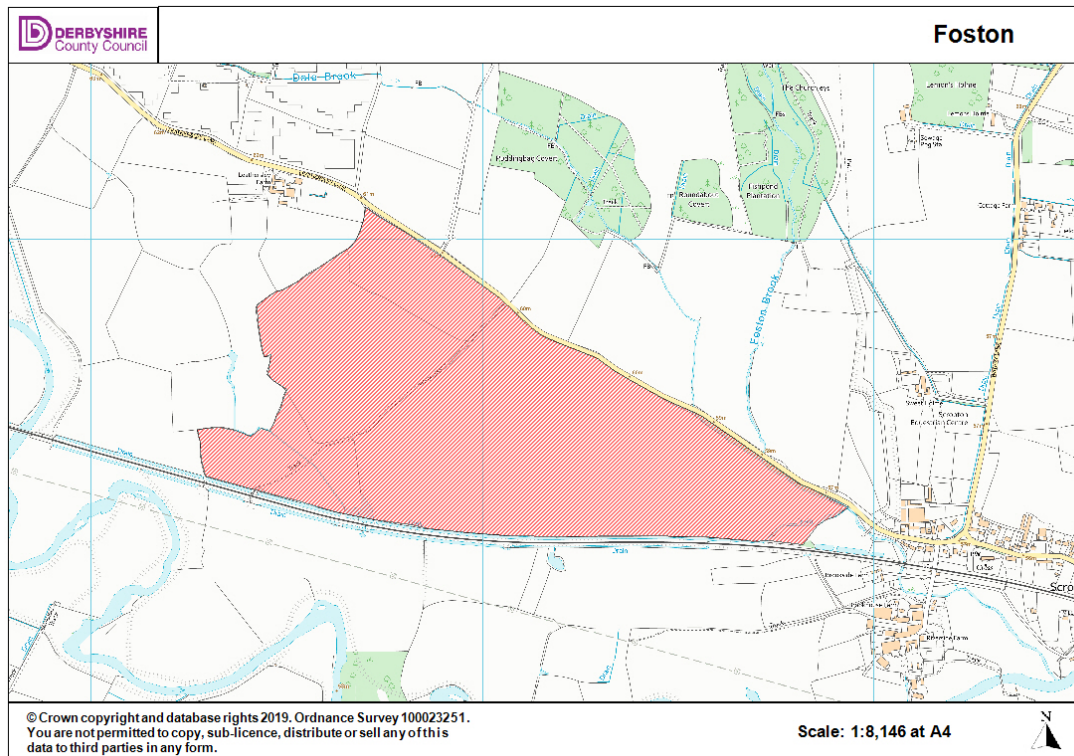
- 4.5 Cemex has proposed this site. This is a 159 ha site to the east and south-east of Twyford, as shown on the plan below. It includes the 89 ha Swarkestone North site, which the Councils proposed to include as a preferred allocation in the Spring 2018 Consultation for the extraction of around 4.25 mt of sand and gravel. This part of the site is still being promoted by Tarmac as a separate site. Cemex is also promoting two additional areas of land to be considered as part of its proposal. These include a 4 ha area to the north of the Round Barrow Scheduled Monument and a larger area of around 66 ha to the north of Twyford Road (A5132). These additional areas would yield around 2 mt of sand and gravel and the whole site would, therefore, yield a total of around 6.25 mt. The site would follow on from Cemex's current Willington operation, which is likely to have run out of reserves by 2025. If production was to be maintained at around the proposed 300,000–350,000 tonnes per year, the site would be in production for around 18-20 years.



Foston

- 4.6 Hanson has also suggested a site to the south of Foston, close to Scropton, in the Lower Dove Valley. This proposed site is considered by Hanson as the eventual replacement for Hanson's Barton Quarry in Staffordshire, which is likely to cease production in 2030, although it is worth noting that Barton Quarry currently meets demand for sand and gravel at times when Shardlow Quarry is not operating. As a result, it appears that Foston, in theory, could serve as a replacement for Shardlow Quarry. Foston is a 71 ha site, which has estimated sand and gravel reserves of around 3.1 mt. It would be worked at around 450,000 - 500,000 tonnes per annum over a six year period towards the end of the Plan period. A wetland/water based biodiversity restoration scheme with an element of improved public access is proposed. The precise location of the plant site and new access will be subject to more detailed consideration by the operator, but the operator has confirmed that all HGV traffic (other than local deliveries) would be routed to the west to join the A50 at the Sudbury roundabout.

This is part of a larger site (which also included an area to the north of Leathersley Lane) that was originally assessed in 2012, but was not proposed to be included as a preferred area in the emerging MLP. Hanson has confirmed that this larger site is no longer being pursued in this Plan.



5. Site Assessment Methodology

5.1 A methodology for assessing sites has been developed to ensure that a consistent and transparent approach was applied to the all sites. Statutory and other consultees have been involved in its development. The methodology has been amended slightly since the previous assessments were undertaken in 2015, having taken account of comments received at the most recent consultation (Spring 2028) and also to correct some inconsistencies which had become apparent. This latest methodology can be found as Appendix 1, “Sand and Gravel Site Assessment Methodology, June 2020”.

5.2 Using the revised site assessment methodology, we have undertaken an assessment of the three recently proposed sites set out above, together with a reassessment of the five sites that had been assessed previously in 2015. This ensures that a consistent approach is taken to all sites. The five sites that had been considered and assessed previously are:

Willington

Swarkestone North

Swarkestone South

Elvaston

Egginton

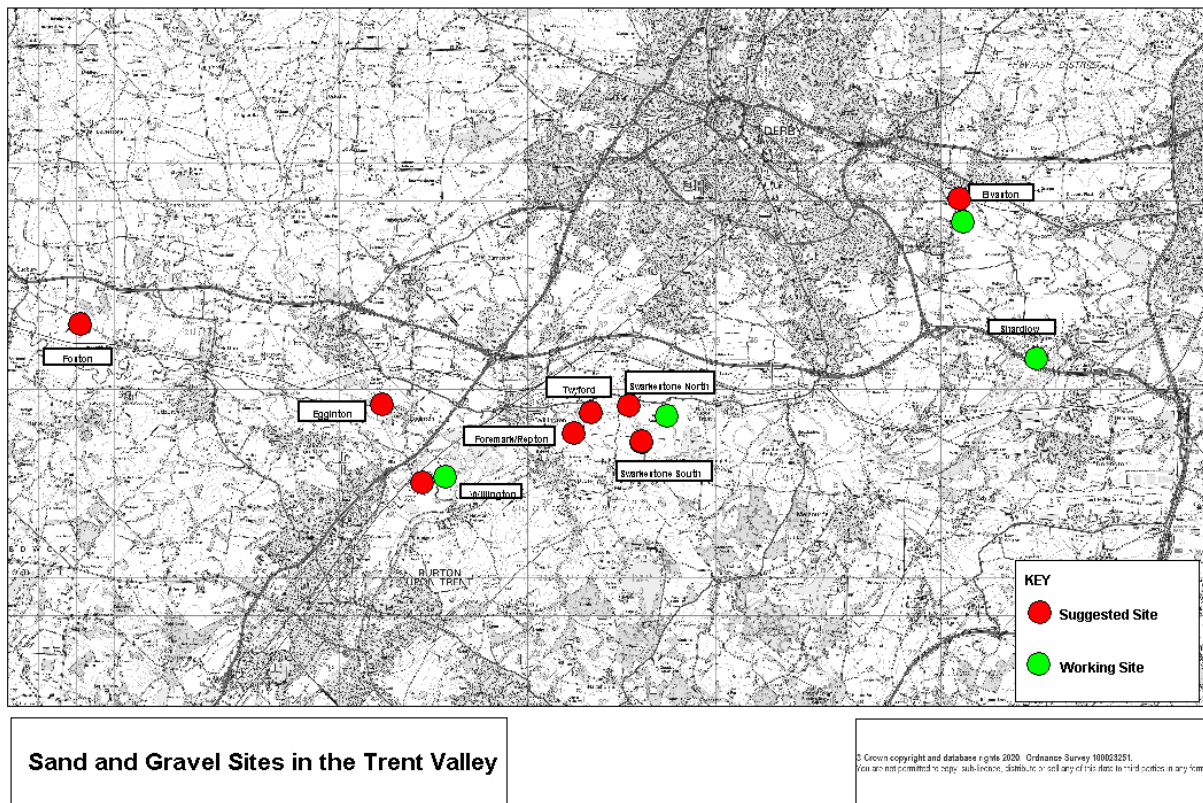
The map below shows the location of all eight sites within the Trent Valley area.

5.3 The environmental element of the assessments incorporated the Environmental Sensitivity Mapping work, which is a project that has been undertaken by the County Council's Conservation Heritage and Design Team and considers the overall environmental value (landscape, ecological and historic) of the valleys. (This is available as a background document, “A Methodology to Map Environmentally Sensitive Areas in the Trent Valley”).)

5.4 The site assessment and this sensitivity mapping work have been combined to give an overall environmental score for each site. According to this score, the sites have then been categorised in to those which have either high, medium or low potential for

working, i.e. those sites with the highest scores have been classified as having high potential for working etc.

5.5 The full assessments of all sites and the overall social, economic and environmental scores and rankings for each site are available in Appendix 2, “Sand and Gravel Site Assessments, June 2020”.



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6. Analysis of Results

- 6.1 Swarkestone North, Elvaston, Willington and Swarkestone South have been shown by the assessments to have high potential for mineral working. These sites would, in numerical terms, have sufficient sand and gravel to meet the overall requirement for the Plan period. However, there may be issues regarding the deliverability of some of these sites, particularly Swarkestone North. This is because Hanson may not be able to begin to work this site until the end of the Plan period because it is likely to be working Swarkestone South until 2034.
- 6.2 If the site is under the control of Cemex, the deliverability of the site depends to some extent on the additional area to the north of Twyford Road being allocated. The assessment has, however, showed this additional area to be of significant sensitivity, particularly in terms of its landscape character, its visual impact and its historic value. Given also that other less sensitive sites are available to meet the requirement, the MPA proposes to allocate only the area to the south of Twyford Road (known as Swarkestone North) but not the area to the north of Twyford Road (included in the Twyford proposal).
- 6.3 Our deliverability schedule (which provides an estimation of the amount of sand and gravel that is likely to be provided by each site over the Plan period) is set out in Appendix 2. It indicates that a further site will be required to ensure a steady and adequate supply of sand and gravel is maintained in the latter part of the Plan period. This is because, although the total provision is met by the above sites, it is likely that, as discussed in the preceding paragraph, some sites are not likely to be completed in full by the end of the Plan period; they will extend beyond the end of the Plan period and some years there may be higher provision rates. As a result, an additional site will be required to maintain the annual provision rate in the latter part of the Plan period. The Foston site has emerged from the assessment process as having the greatest potential for working of the sites in the medium category. As a result, this site is also proposed to be allocated.
- 6.4 The sites known as Foremark and Egginton have been assessed as having the least potential for sand and gravel working. Given also that the sites referred to above will

be able to meet the requirement for sand and gravel to 2036, Foremark and Egginton are, therefore, not proposed to be allocated for sand and gravel working in this Plan period.

- 6.5 In summary, therefore, the following sites are proposed to be allocated for sand and gravel working:

Proposed Allocations

Swarkestone North 4.25mt

Swarkestone South 2.5mt

Willington 0.8mt

Elvaston 1.5mt

Foston 3.1mt.

- 6.6 If these sites came forward at the anticipated rate, overall provision over the Plan period is likely to be around 2 mt over the required amount. There are, however, always likely to be uncertainties regarding the demand for and supply of mineral, for example, the economic climate affecting demand and flooding affecting supply, which means some sites may not come forward as expected. Likewise, there may be an increase in demand for the mineral over the Plan period. Providing a certain degree of flexibility in the figures allows for these factors to be taken into account to some extent.

7. Next Steps

- 7.1 Comments are now invited on all the suggested sites, the methodology used to assess the sites and the draft assessments of these sites. These comments will be taken into account before the next stage of Plan preparation. The final assessments will determine which of the sites should be included as allocations within the MLP to ensure that adequate provision is made for sand and gravel production for the Plan period to 2036.

How to make comments:

You can email comments to us at etewastemin@derbyshire.gov.uk

Or by post to:

Development Plans Team

Economy, Transport and Environment

Planning Services

County Hall

Matlock

Derbyshire

DE4 3AG

Appendix 2: Deliverability Schedule

Sand and Gravel Deliverability Schedule 2019 (with potential additional sites)

Site	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Shardlow (permission)	350	350	350	350	350	350	350	350	350	350	150							
Foston												450	450	450	450	450	450	400
Swarkestone (Permission)	320	320	320	320	320	320	320	300										
Swarkestone (SW extension)									320	320	320	320	320	320	320	300		
Swarkestone North								300	300	300	300	300	300	300	300	300	300	300
Willington (permission)	350	350	350	350														
Willington (extension)					350	350	100											
Elvaston (Permission)								300	300	300	300	300	300					
Elvaston (extension)														300	300	300	300	300
Mercaston	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70	70
Reserves likely to be worked in Plan period	1090	1090	1090	1090	1090	1090	840	1320	1340	1340	1140	1440	1440	1440	1440	1420	1120	1070

Total estimated production 2019-2036 = 21,940,000 tonnes

Appendix 3: Site Assessment Methodology

Sand & Gravel Site Assessment Methodology

Introduction and Background

- 1.1 This proposed methodology for assessing potential sites for sand and gravel extraction in Derbyshire and Derby takes account of information in the consultation paper, “Towards a Strategy for Providing an Adequate and Steady Supply of Sand and Gravel” and its supporting paper, both published in April 2015. Any comments made to this consultation, which are relevant to the methodology, were taken into account in the preparation of this paper. Further comments received during the 2016 Rolling Consultation were also taken into account. The methodology has also been revised to be in accordance with the Hard Rock Sites Methodology, which was published for consultation in 2017. This has mainly involved alterations to the layout and organisation of the criteria and has not altered the overall approach or the outcome of the assessments to any significant extent. It has also been updated to take account of the most recent Government policy in the National Planning Policy Framework (NPPF) (2019) and the National Planning Practice Guidance (NPPG) (2014).
- 1.2 The assessment methodology also takes account of information in the Local Aggregate Assessment 2019.
- 1.3 The NPPF sets out that mineral planning authorities (MPAs) should make provision for the continued extraction of mineral resources of local and national importance. Sand and gravel is an aggregate mineral of both local and national importance, of which there are proven resources in Derbyshire and Derby. In terms of aggregate, the NPPF states that MPAs must plan for a steady and adequate supply through the preparation of a Local Aggregate Assessment (LAA), which will identify the amount of aggregate that will be required to be provided over the Plan period. The Derbyshire, Derby and Peak District LAA (2019) has identified a need for a further 8.27 million tonnes (mt) of sand and gravel to be provided from Derbyshire and Derby over the Plan period to 2036. The Minerals Local Plan (MLP) will allocate sites to provide for this.
- 1.4 Table 1 below sets out the criteria that have been used in assessing each site, in order to help achieve the objectives of the Plan. These criteria cover a wide range of environmental, social and economic considerations and relate to aspects and impacts of mineral development that are covered in the NPPF, NPPG and other relevant guidance and information. We have also had regard to the sustainability appraisal scoping report in developing the criteria.

- 1.5 Initially, the MPA sought to identify those broad areas where extraction would be most suitable and sustainable by undertaking a 'strategic areas' evaluation. The evaluation exercise concluded that there should be no specific preference set out in the assessments for mineral working in the Trent, Derwent or Lower Dove Valleys. It concludes that an assessment of all the economic, social and environmental factors, using a comparative method of scored comparison, will ensure that all sites are considered on an equal footing in this respect, regardless of their general location within the river valleys.
- 1.6 The NPPF does not indicate a preference for whether allocated sites should be new greenfield sites or extensions to existing sites. The NPPG explains this further, setting out that all sites should be treated on their own merits, taking account of the need for the specific mineral; economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure), and positive and negative environmental impacts (including the feasibility of a strategic approach to restoration). At the Issues and Options stage, people expressed overall support for allocating extensions rather than new sites. This general preference has continued through subsequent consultation exercises.
- 1.7 Having taken this latest guidance into account, together with public opinion expressed on this issue, we have included in this site assessment methodology criteria that favour the sites which would best utilise existing infrastructure, retain jobs, avoid sterilisation of mineral resources, and take account of cumulative impact and potential for strategic restoration.

Stage 1 - Evidence Gathering

- 1.8 A desktop analysis has been carried out initially for each site, which collected a significant amount of the information in order to assess a number of the criteria, before all sites were visited to assess those criteria which require further more detailed attention and also to verify some desktop data.
- 1.9 We have also taken advice from appropriate statutory bodies such as the Environment Agency, Natural England, Historic England and East Midlands Airport, as well as consulting in-house specialists on issues including ecology, landscape and the historic environment.

Stage 2 – Identifying Major Constraints

- 1.10 Any sites that are found to have major infrastructural or environmental constraints, which mean they are unlikely to be able to be worked, will be ruled out of the assessment. This includes issues such as lack of economic mineral, whether the site could be accessed without causing undue harm or disruption to the area, incompatibility with policies and proposals in District/Borough Local Plans (Under the Duty to Co-operate, we liaise with District/Borough Councils and this will detect where this is an issue) and whether the site is able to be delivered during the Plan period.
- 1.11 Government guidance in the NPPF states that sites that are included for development in a Local Plan should be realistic, deliverable and achievable. It is important, therefore, to ensure that sites which are not considered to be deliverable are filtered out of the process at an early stage. This includes sites that have been put forward by the minerals industry which are unlikely to be worked until after the end of the Plan period (2036).

Stage 3 – Detailed Assessment

- 1.12 An assessment has been undertaken for each of the suggested sites using the criteria set out in Table 1 below.

Stage 4 - Analysis of Results

- 1.13 In order to consider which sites are most suitable to allocate in the MLP, the following method has been used:
- 1.14 For each of the criteria, we have set out the scale of impacts against which to measure the effects of working each site. We have categorised the impacts into those factors that would favour the selection of the site for working and those that would count against selecting the site for working. We have assigned scores to the factors to enable the evaluation process to be used as a mechanism to aid the understanding of the comparative merits of the sites; a score of 4 for major positive factors in favour of allocation down to a score of 1 for major negative factors against allocation. We took the decision to use positive scores even for the negative factors because it is easier to compare results which are all positive rather than results for some of the sites being negative and others positive.

- ++ Major positive factor in favour of allocation (4 points)
- + Positive factor in favour of allocation (3 points)

- Negative factor against favouring an allocation (2 points)
- Major negative factor against favouring an allocation (1 point)

- 1.15 When the sites have been assessed, the scores for the criteria for the social and economic categories have been added to produce a total for each of these categories. For the environmental criteria, the scoring from an environmental matrix has been used. This combines both the site assessment work and the strategic environmental sensitivity work.
- 1.16 For each category, the sites have been ranked, so the lowest scoring site (i.e. with the least potential for allocation) achieves a ranking of '1'. Where two sites have the same score, the difference has been split (so if two sites have an economic score of 9, and would have been ranked 2nd and 3rd, these have both been assigned a ranking of 2.5). Where three sites get the same score, all sites have been allocated the middle ranking, i.e. if the sites which are ranked 6, 7 and 8 scored the same, all three have been assigned a ranking of 7.
- 1.17 These economic, social and environmental rankings have then been added together to provide an overall score – theoretical maximum 24; minimum 3. This has determined the overall potential for working each site. Sites with high potential have been deemed as potential allocations in this MLP. Sites in the medium category may have the potential to be considered as allocations if there are insufficient sites with high potential to meet the remaining requirement for sand and gravel over the Plan period or, during the Plan period, monitoring indicates that the allocated sites are not being, or will not be, delivered as anticipated. Sites assessed as having low potential are unlikely to be considered for allocation in the Plan.

Explanatory Note

None/Few/Some/Many

- 1.18 For some indicators, the Assessment provides an indication of the number of properties affected by a criterion by using the general terms none, few, some and many. These

general terms have been assigned numbers to provide an indication of the number of properties involved.

None – 0, Few – 1-5, Some – 6-19, Many 20+

Sensitive Receptors

For some indicators the Assessment refers to impacts on sensitive receptors; examples of such receptors are set out below:

- Visual sensitive receptors: Residences, Retirement Homes, Hospitals, Community Facilities, Hotels, Footpath/Trail users etc.
- Noise Sensitive receptors: Residences, Retirement Homes, Hospitals, Schools, Places of Worship, Offices, Farms, Hotels etc.
- Dust Sensitive receptors: Residences, Retirement Homes, Hospitals, Schools, Farms, Hotels, some industries such as food processing, hi-tech etc.

Site Assessment Criteria

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
Economic Criteria						
Need for the mineral	01	To maximise the potential economic benefits of mineral operations to a sustainable economy in the Plan area and other parts of the Country	1.The provision for a steady and adequate supply of minerals will be delivered by the identification and maintenance of future supply requirements in line with national planning policy and locally agreed estimates. This will include the figures identified in the Local Aggregate Assessment and maintaining adequate landbanks for other minerals and the provision of an adequate number of sites to deliver the identified supply requirement. hh	NPPF requires that local plans should plan for an adequate and steady supply of industrial minerals. Additionally, for aggregates, NPPF sets out specific requirements for providing a stock of permitted reserves (land bank). Is there an identified need for additional reserves to maintain supply throughout the Plan period?	++ + --	Detailed evidence to support the need for additional reserves to maintain supply throughout the Plan period Some evidence to support the need for additional reserves to maintain supply throughout the Plan period Insufficient evidence to support the need for additional reserves to maintain supply throughout the Plan period
Existing Infrastructure	02	To achieve a more efficient use of natural resources and infrastructure, minimise the production of waste and increase reuse, recycling and recovery of waste in Derby and Derbyshire.	3.This includes developing locational policy which encourages new or extended minerals developments in locations as near as possible to where they will be used and which can be delivered using the most sustainable transport links. The locational policy will be developed with regard to the restrictions which are imposed by choices being limited to where mineral resources are present and to sites which are genuinely deliverable.	Mineral processing plant/infrastructure can be expensive to develop and therefore NPPG states that economic considerations such as the utilisation of existing plant and infrastructure should be taken into account in considering the suitability of new sites and extensions to existing sites. Is there existing infrastructure that would be utilised by the proposed operation to process the mineral?	+ --	Yes existing infrastructure exists on or adjacent to the site No new infrastructure would be required to process the mineral
Location of Site to Market Areas	03	To achieve a more efficient use of natural	3.This includes developing locational policy which encourages new or extended minerals developments in	Market areas vary greatly for minerals depending on their type from international, national or more local. Where relevant, an	+ --	The site is well located to serve its intended market The site is not well located to serve its intended market

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		resources and infrastructure, minimise the production of waste and increase reuse, recycling and recovery of waste in Derby and Derbyshire.	locations as near as possible to where they will be used and which can be delivered using the most sustainable transport links. The locational policy will be developed with regard to the restrictions which are imposed by choices being limited to where mineral resources are present and to sites which are genuinely deliverable.	assessment will be made on the appropriateness of the location of the site for its intended market. Is the site appropriately located in relation to the market it is intended to serve?		
Employment	04	To maximise the potential economic benefits of mineral operations to a sustainable economy in the Plan area and other parts of the Country	2.Delivering sustainable minerals development will be achieved by the combined implementation of all the policies and proposals of the new Plan. This will include policies to direct the location of new and extended mineral extraction sites to areas which can help deliver the economic, social and environmental principles of sustainable development and by ensuring the more efficient exploitation and use of primary mineral resources by minimising waste, maximising levels of secondary and recycled aggregates and the reuse of all other minerals.	The minerals industry can provide an important source of local employment. NPPG states that economic considerations such as the retention of jobs should be taken into account in considering the suitability of new sites and extensions to existing sites. Would the proposal create new jobs? Would the proposal lead to the retention of jobs at a currently operational site? Would the proposal create new jobs but lead to job losses elsewhere?	++ –	A new operation which would result in the creation of new jobs The continuation of an operation leading to the retention of existing jobs or a new operation which would result in the creation of new jobs but which would result in job losses elsewhere.

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Yield of mineral	05	To maximise the potential economic benefits of mineral operations to a sustainable economy in the Plan area and other parts of the Country	1.The provision for a steady and adequate supply of minerals will be delivered by the identification and maintenance of future supply requirements in line with national planning policy and locally agreed estimates. This will include the figures identified in the Local Aggregate Assessment and maintaining adequate landbanks for other minerals and the provision of an adequate number of sites to deliver the identified supply requirement.	NPPF requires that local plans should plan for an adequate and steady supply of industrial minerals. In order to assess whether a site will meet an identified need it is important to determine the scale and nature of the promoted mineral resource. Does the site contain a viable mineral resource which would contribute towards the overall requirement over the Plan period? What are the number of tonnes per hectare?	++ + - --	>75,000 tph 50,000 – 75,000 tph 25,000 – 50,000 tph < 25,000 tph
Social Criteria					18	
Duration of mineral extraction	06	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	5. The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further cumulative impacts. This will include developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development proposals are allowed and which incorporate appropriate mitigation measures.	NPPF requires the cumulative impact of proposals to be taken into account. The duration of the operation should be a consideration as it will affect the overall scale of impact on local communities. What is the intended timeframe for working the site in addition to any existing permitted reserves?	++ + - --	Short-term 0-10 years Medium-term 11-20 years Long-term 21-30 years Very long-term 31+ years

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
Visual impact	07	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	5. The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further cumulative impacts. This will include developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development proposals are allowed and which incorporate appropriate mitigation measures.	NPPF requires that mineral operations do not have unacceptable adverse visual impacts. Visual intrusion covers impact of the workings in relation to visually sensitive receptors e.g. nearby communities, PROW users. The Assessment makes a judgement on the visual impact of working on 'sensitive receptors'. The assessment takes into account as far as possible; proximity to sensitive receptors, topography of site and existing screening measures.	++ + - --	<p>The site has few or no visually sensitive receptors and/or only small parts of the site will be visible from them.</p> <p>The site has few visually sensitive receptors but large parts (or more than one part) of the site will be visible from them.</p> <p>The site has some visually sensitive receptors and/or some parts of the site will be visible from them.</p> <p>The site has many visually sensitive receptors and/or large parts (or more than one part) of the site will be visible from them.</p>

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
Noise	08	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	5. The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further cumulative impacts. This will include developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development proposals are allowed and which incorporate appropriate mitigation measures.	NPPF requires that mineral operations do not have unacceptable adverse noise impacts. At the planning application stage it is likely that a Noise Assessment study will need to be undertaken. At this stage however it is possible to indicate where noise might be an issue by assessing the number of noise sensitive receptors and their distance from the site. The IAQM study ³ has been used to classify receptors as having high/medium/low sensitivity to dust. In the absence of detailed information about the sources of noise the site boundary has been used from which to measure potential impacts. The assessment takes into account the number of 'noise sensitive receptors' within 200 and 500m of site.	++ + - --	The site has no noise sensitive receptors within 500m of the boundary of the site The site has no or few noise sensitive receptors within 200m of the boundary of the site and some within 500m The site has no or few noise sensitive receptors within 200m of the boundary of the site and many within 500m The site has many noise sensitive receptors within 200m of the boundary of the site
Dust	09	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	5. The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further cumulative impacts. This will include developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development	NPPF requires that mineral operations do not have unacceptable adverse dust impacts. NPPG sets out further guidance on this matter. At the planning application stage it is likely that a Dust Assessment Study will need to be undertaken. At this stage, however, it is possible to indicate where dust might be an issue by assessing the number of dust sensitive receptors and their distance from the site. In the absence of detailed information about the sources of dust the site boundary has been used from which to measure potential impacts. Dust arising from a quarry can reduce amenity in the local community due to visible dust plumes and dust soiling. The	++ + - --	The site has no high/medium dust sensitive receptors within 400m of the boundary of the site The site has no or few high/medium dust sensitive receptors within 100m of the boundary of the site and some within 400m The site has no or few high/medium dust sensitive receptors within 100m of the boundary of the site and many within 400m The site has many high/medium dust sensitive receptors within 100m of the boundary of the site

³ Guidance on the Assessment of Mineral Dust Impacts for Planning, IAQM, May 2016 (v1.1)

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			proposals are allowed and which incorporate appropriate mitigation measures.	<p>generally coarser dust that leads to these effects may, therefore, be referred to as 'dis-amenity dust'. The smaller dust particles can remain airborne longer, potentially increasing local ambient concentrations of suspended particulate matter (e.g. PM10 and to a lesser extent PM2.5), which is associated with a range of health effects. Mineral site impacts are more likely to result in PM10 particulates rather than PM2.5 matter.</p> <p>The IAQM study⁴ states that adverse dust impacts are uncommon beyond 400m of hard rock quarries. The greatest potential for high rates of dust deposition and elevated PM10 concentrations will be within 100m of a source and this can include both large (>30um) and small dust particles. Intermediate sized particles (10um to 30um) may travel up to 400m, with occasional elevated levels of dust deposition and PM10 possible. Particles of less than PM10 have the potential to persist beyond 400m but with minimal significance due to dispersion. These bands have been used to define indicators for assessment.</p>		
Dust - Air Quality/Health Impacts	10	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	5.The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further cumulative impacts. This will include	NPPG advises that additional measures to control PM10s might be necessary if the actual source of the emission is in close proximity to any residential property or sensitive use. PM10s make up a small proportion of dust emitted from most mineral workings but can travel up to 1km.	+ -- --	<p>Site does not lie within 1000m of an AQMA</p> <p>Site lies within 1000m of an AQMA</p> <p>Site lies within an AQMA</p>

⁴ IAQM -'Guidance on the Assessment of Mineral Dust Impacts for Planning (May 2016v1.1)

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			developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development proposals are allowed and which incorporate appropriate mitigation measures.	<p>NPPG sets out an assessment framework for analysing the impacts of PM10s. The initial step is to ascertain if sensitive receptors lie within 1km of the site activity and/or PM10 levels are likely to exceed Air Quality Objectives (AQO). These objectives relate to the protection of human health and include maximum levels of PM10s. A detailed analysis of dust sources and/or PM10 levels would need to be undertaken at the planning application stage.</p> <p>We do, however, know the location of Air Quality Management Areas which are designated because Air Quality Objectives) are not being met. Unacceptable levels of PM10s are one factor that may result in the establishment of an Air Quality Management Area to address the problem. The presence of an AQMA is an indicator that air quality is poor which might constrain the location of additional dust generating development. Given that PM10s can travel up to and over 1000m, this distance has been used as a cut-off point.</p>		
Transport – Export route (vehicular)	11	To minimise traffic levels, journey lengths the number of road traffic related accidents, and to encourage sustainable forms of transport in Derby and Derbyshire.	3.This includes developing locational policy which encourages new or extended minerals developments in locations as near as possible to where they will be used and which can be delivered using the most sustainable transport links. The locational policy will be developed with regard to the restrictions which are imposed by choices being limited to where mineral resources are present and to sites which are genuinely deliverable.	What is the main export route (vehicular) from the site?	<p>++</p> <p>+</p> <p>–</p> <p>--</p>	<p>Direct onto the strategic road network (I.e. and A class road or a road that is a designated freight route.</p> <p>Direct onto a B class road with short haul to strategic road network</p> <p>Direct onto a B class road but with long haul to strategic road network</p> <p>Direct on to minor roads unsuitable for HGVs</p>

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Transport - Capacity for sustainable transport options	12	To minimise traffic levels, journey lengths the number of road traffic related accidents, and to encourage sustainable forms of transport in Derby and Derbyshire.	8.The Plan will seek to minimise and mitigate the risk of flooding, both on site and elsewhere, as well as the impacts of climate change arising from minerals developments. This will include the development of locational policy to avoid inappropriate locations and encouraging well designed and operated developments that make provision for the management of water, minimise the use of machinery emissions and transport, the most appropriate location and use of processing plant and by securing appropriate forms of restoration which address how sites interact with their surroundings in the longer term.	NPPF promotes the use of alternatives to road transport provided that they are environmentally preferable. This helps to reduce carbon emissions thus reducing the impacts on the climate. Is an alternative mode of transport to road proposed?	++ + -	All material would be transported by rail or canal Some material would be transported by rail or canal All material would be transported by road
Transport - Safe and effective access to and from the site	13	To minimise traffic levels, journey lengths the number of road traffic related accidents, and to encourage sustainable forms of transport in Derby and Derbyshire.	3.This includes developing locational policy which encourages new or extended minerals developments in locations as near as possible to where they will be used and which can be delivered using the most sustainable transport links. The locational policy will be developed with regard to the restrictions which are imposed by choices being limited to where mineral resources are present and to sites which are genuinely deliverable.	What are the existing or proposed access arrangements for the site?	++ - --	Existing approved access to current highway standards Existing approved access not to current highway standard but no pattern of existing collisions or congestion at access location or no existing access , but subject to agreement with local highway authority new access likely to be accepted Existing approved access not to current highway standard and current pattern of existing collisions or congestion at access location or no existing access and subject to agreement with local highway authority new access unlikely to be acceptable.
Transport – Local Amenity	14	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	5.The Plan will minimise the potential adverse impacts of minerals development on local communities in the area by protecting their existing amenity, quality of life, social fabric and health. Particular emphasis will be given to the need to prevent further	NPPF requires that mineral operations do not have unacceptable adverse traffic impacts. The movements of minerals and importation of fill material for restoration can generate large volumes of traffic, mainly heavy goods vehicle (HGVs). Such traffic can impact on communities causing problems such as public safety, noise and	++ +	HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes) HGVs would have to pass few sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
			cumulative impacts. This will include developing locational policy to ensure the appropriate separation between minerals sites and the places where people live and work, policies which promote the highest standards of design and operation and setting out criteria to ensure that only acceptable development proposals are allowed and which incorporate appropriate mitigation measures.	vibration, air pollution and visual intrusion. These problems are most severe where HGVs use roads unsuited to their weight and size, where they pass through sensitive areas and at the access to the site from the public highway. Will associated mineral traffic pass through sensitive areas on the way to the strategic road network?	– – –	HGVs would have to pass some sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes) HGVs would have to pass many sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)
Cumulative Impact	15			Cumulative impact arises not only from successive mineral operations in the same area, but also coupled with other types of commercial activity, which may have an impact on an area over time.	+ –	There are no significant impacts of past or present mineral extraction or other significant commercial activity in the area There are not any current mineral workings in the area but there have been workings in the recent past and there is other commercial activity in the area.
Birdstrike – Airport Safeguarding	16			What is the potential risk of birdstrike? We have established in consultation with EMA the degree to which the suggested sites pose a potential risk to aircraft safety taking into account how the airport operates. We have also taken into account the potential impact on the smaller Derby Aerodrome near Egginton	+ – – –	Site lies within an area where there is a low potential risk of birdstrike Site lies within an area where there is a medium potential risk of birdstrike Site lies in an area where there is a high potential risk of birdstrike
Environmental Criteria						
Water Environment – Flood Risk	17	Limit vulnerability to flooding taking account of climate change	8.The Plan will seek to minimise and mitigate the risk of flooding, both on site and elsewhere, as well as the impacts of climate change arising from minerals developments. This will include the development of locational policy to avoid inappropriate locations and encouraging well designed and operated developments that make provision for the management of water, minimise the use of	NPPF requires that mineral operations do not have unacceptable adverse impacts on flood risk. The EA designates flood zones which are susceptible to different risks of flooding. Zone 1 has the lowest probability of flooding and Zone 3 the highest. NPPG advises that a risk-based sequential test should be applied to proposals with the aim of steering new development to areas at the lowest probability of flooding. It classifies land uses according to their vulnerability to flooding; sand and gravel	++ + – – –	Site lies within flood zone 1- lowest probability of flooding Site lies within flood zone 2- medium probability of flooding Site lies within flood zone 3a- high probability of flooding Site lies within flood zone 3b- functional flood plain

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			machinery emissions and transport, the most appropriate location and use of processing plant and by securing appropriate forms of restoration which address how sites interact with their surroundings in the longer term.	workings are classed as water compatible development which is appropriate development in zones 1, 2 and 3a. However, mineral working should not increase flood risk elsewhere and needs to be designed, worked and restored accordingly. It sets out that it may be possible to locate ancillary facilities such as processing plant and offices in areas at lowest flood risk. Sequential working and restoration can be designed to reduce flood risk by providing flood storage and attenuation.		
Water Environment – groundwater	18	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	8.The Plan will seek to minimise and mitigate the risk of flooding, both on site and elsewhere, as well as the impacts of climate change arising from minerals developments. This will include the development of locational policy to avoid inappropriate locations and encouraging well designed and operated developments that make provision for the management of water, minimise the use of machinery emissions and transport, the most appropriate location and use of processing plant and by securing appropriate forms of restoration which address how sites interact with their surroundings in the longer term.	NPPF requires that mineral operations do not have unacceptable adverse impacts on groundwater. The EA designates Groundwater Source Protection Zones for important groundwater abstraction sources such as wells, boreholes and springs used for drinking water supply, and defines them according to the groundwater travel time to an abstraction. It is important within these Zones not to interrupt the flow or to pollute the groundwater. In principle, source protection zones 1 are the most important to protect form harmful development.	++ + – – –	Site lies outside a groundwater protection zone Site lies within a groundwater protection zone 3 Site lies within a groundwater protection zone 2 Site lies within a groundwater protection zone 1
Water Environment - aquifer protection	19	To protect, maintain and improve the health and well-being of Derby and Derbyshire's people and communities.	8.The Plan will seek to minimise and mitigate the risk of flooding, both on site and elsewhere, as well as the impacts of climate change arising from minerals developments. This will include the development of locational policy to avoid inappropriate locations and	NPPF requires that mineral operations do not have unacceptable adverse impacts on groundwater. Permeable rock deposits that store groundwater are known as aquifers. The EA designates two types of aquifer, superficial drift and bedrock deposits. Aquifers are further classified as Principal or Secondary. Principal aquifers	+ – – –	Site lies on a Non Aquifer Site lies on a Secondary Aquifer Site lies on a Principal Aquifer

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			encouraging well designed and operated developments that make provision for the management of water, minimise the use of machinery emissions and transport, the most appropriate location and use of processing plant and by securing appropriate forms of restoration which address how sites interact with their surroundings in the longer term.	usually provide a high level of water storage and may support water supply and/or river base flow on a strategic scale. Consequently they require the greatest protection from development that might be harmful to them.		
Ecology – existing impacts from mineral extraction	20	To protect, maintain and enhance biodiversity and geodiversity in Derby and Derbyshire, ensuring no net loss of important sites, habitats or species.	6. The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on protected wildlife or geodiversity sites. Distinctions should be made between the hierarchy of international, national and locally designated sites. So that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. Is there a presence or absence of existing impacts from mineral extraction?	++ + – – –	Over a wide area habitats have been fragmented by mineral extraction or habitats of limited quality have been created through mineral extraction but have potential to make a major contribution to biodiversity targets Localised but moderate to high impacts Only localised, limited impacts associated with mineral extraction on habitats within or adjacent to the site None or insignificant impacts from mineral extraction on habitats within or adjacent to the site
Ecology – UK, regional and local BAP priority species and habitats	21	To protect, maintain and enhance biodiversity and geodiversity in Derby and Derbyshire, ensuring no net loss of important sites, habitats or species.	6. The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on protected wildlife or geodiversity sites. Distinctions should be made between the hierarchy of international, national and locally designated sites. So that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. Is there a presence or absence of existing priority habitats and species as identified by UK, regional and local BAPs?	++ + – – –	Extensive areas of degraded or biodiversity poor habitats that provide a context for possible allocation with an emphasis on habitat creation contributing to UK priority habitats Some areas of degraded or biodiversity poor habitats that provide a context for possible allocation with an emphasis on habitat restoration or creation contributing to UK and local priority habitats Some areas of positive ecological value including UK or local priority habitats or species which should be considered for protection/conservation Extensive areas of positive ecological value including UK priority habitats or species which should be considered for protection/conservation

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
Ecology – ecological coherence: Natural Areas/ Wildlife Corridors/linkages	22	To protect, maintain and enhance biodiversity and geodiversity in Derby and Derbyshire, ensuring no net loss of important sites, habitats or species.	6.The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on protected wildlife or geodiversity sites. Distinctions should be made between the hierarchy of international, national and locally designated sites. So that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. Does the site have strong ecological coherence?	++ + – – –	The proposed site no longer accords with the established habitats over a wider area. The proposed site has few characteristics that accord with the established habitats over a wider area and its internal ecological coherence is poor OR coherence of the wider area is poor The proposed site generally accords with the established habitats over a wider area (or in part) but the condition of habitats is poor OR few features within the site but encompassed by landscapes which have ecological coherence The proposed site accords with the established habitats over a wider area and habitat pattern is strong
Ecology – Habitat Creation	23	To protect, maintain and enhance biodiversity and geodiversity in Derby and Derbyshire, ensuring no net loss of important sites, habitats or species.	6.The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on protected wildlife or geodiversity sites. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. Does the site provide opportunities for habitat creation?	++ + – – –	The proposed site offers excellent opportunities to create or enhance UK priority habitats within the site and offers biodiversity benefit over a wider area e.g. by enhancing a habitat corridor. The site offers some opportunities to create or enhance UK or local priority habitats within its boundaries, making overall habitat gain, but may not make appropriate linkages to wider area. Existing habitats are intact and habitat creation would only provide limited biodiversity enhancement within the site or the wider area. Existing habitats are intact and make a strong contribution to priority biodiversity targets for conservation and there is strong ecological coherence within the site; habitat creation would not enhance the site or the wider area.

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
Landscape-existing impacts from mineral extraction	24	To protect, conserve and enhance the quality, local distinctiveness and enjoyment of Derby and Derbyshire's diverse landscapes, green infrastructure, townscape character, and cultural heritage	6. The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on the landscape character of an area. What are the existing impacts on the landscape from any nearby mineral extraction?	++ + - --	There are widespread, moderate to high impacts associated with past mineral extraction There are localised moderate to high impacts associated with past mineral extraction There are only localised, low impacts associated with past mineral extraction There are insignificant impacts associated with past mineral working
Landscape – Strength of Landscape Character	25	To protect, conserve and enhance the quality, local distinctiveness and enjoyment of Derby and Derbyshire's diverse landscapes, green infrastructure, townscape character, and cultural heritage	6. The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on the landscape character of an area. Is the character of the landscape strong and visually coherent?	++ + - --	The proposed site no longer accords with the established landscape character and the restoration of a 'new' landscape is required (Restore/create) The proposed site has few characteristics that accord with the established landscape character and the condition is poor (Enhance) The proposed site generally accords with the established landscape character (or in part) but the condition could be enhanced (Conserve and enhance) The proposed site accords with the established landscape character and is in good condition (Conserve)
Historic Environment – designated sites and settings	26	To protect, conserve and enhance the quality, local distinctiveness and enjoyment of Derby and Derbyshire's diverse landscapes,	6.The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on the historic environment. It requires that heritage assets are conserved in a manner appropriate to their significance, and places great weight on the conservation of designated heritage assets. Would working the site impact on a designated heritage asset/site and/or its setting?	+ - --	No perceivable impact on a designation and/or its setting Impact on Grade II Listed Building/Registered Historic Park and Garden, Conservation Area and/or its setting Impact on Grade I or II* Listed Building/Registered Historic Park and Garden, Scheduled Monument, World Heritage Site and/or its setting.

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
		green infrastructure, townscape character, and cultural heritage				
Historic Environment – Archaeology	27	To protect, conserve and enhance the quality, local distinctiveness and enjoyment of Derby and Derbyshire's diverse landscapes, green infrastructure, townscape character, and cultural heritage	6.The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on the historic environment including archaeological assets. What is the archaeological importance of the site?	++ + – – –	Little or known earthworks and/or known archaeology with low potential for buried archaeology Occasional or localised earthworks (may not be visually evident) and/or known archaeology with limited potential for buried remains Frequent, visible and interpretable earthworks and/or some known archaeology with significant potential for buried remains Extensive, visible and interpretable earthworks and/or known archaeology with high potential for buried remains.
Historic Environment – historic landscape	28	To protect, conserve and enhance the quality, local distinctiveness and enjoyment of Derby and Derbyshire's diverse landscapes, green infrastructure, townscape character and cultural heritage.	6.The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding, minimising and mitigating potential adverse impacts of minerals developments.	NPPF requires that mineral operations do not have unacceptable adverse impacts on the historic environment including historic landscape character. Is the historic character of the landscape strong?	++ + – – –	Historic field pattern largely gone Remnant field patterns with significant boundary loss Recognisable field patterns with some boundary loss Evidence of multi-period landscape and/or intact field pattern (as indicated by 1st edition OS or earlier)
Best and Most Versatile Agricultural Land	29	To protect, conserve and enhance air, water and soil quality, minimise	6.The Plan will conserve and enhance the areas' natural and built environment, including its distinctive landscapes, habitats, wildlife and other important features by avoiding,	NPPF requires that the long term potential of the best and most versatile agricultural should be safeguarded from the impacts of mineral working.	++ - --	The site lies within an area where there is a low likelihood of bmv land (less than 20% of the land is likely to be bmv). The site lies within an area where there is a moderate likelihood of bmv land (20-60% of the land is likely to be bmv).

Criteria	Criteria Ref.	Interim SEA/SA Objective	Draft Plan Objectives	Considerations	Scale of impact	Indicators
		light and noise pollution and land instability.	minimising and mitigating potential adverse impacts of minerals developments.	At this stage we do not have detailed working and restoration proposals to assess how much BMV land will be affected, neither do we have detailed information about the location of BMV land. We have decided to use DEFRA's predictive agricultural land classification map to indicate whether the site lies within an area where there is a high, moderate or low likelihood of BMV land being present. In principle areas of BMV land should be protected. What is the likelihood of the site containing best and most versatile (BMV) agricultural land?		The site lies within an area where there is a high likelihood of bmv land (more than 60% is likely to be bmv).

APPENDIX 4

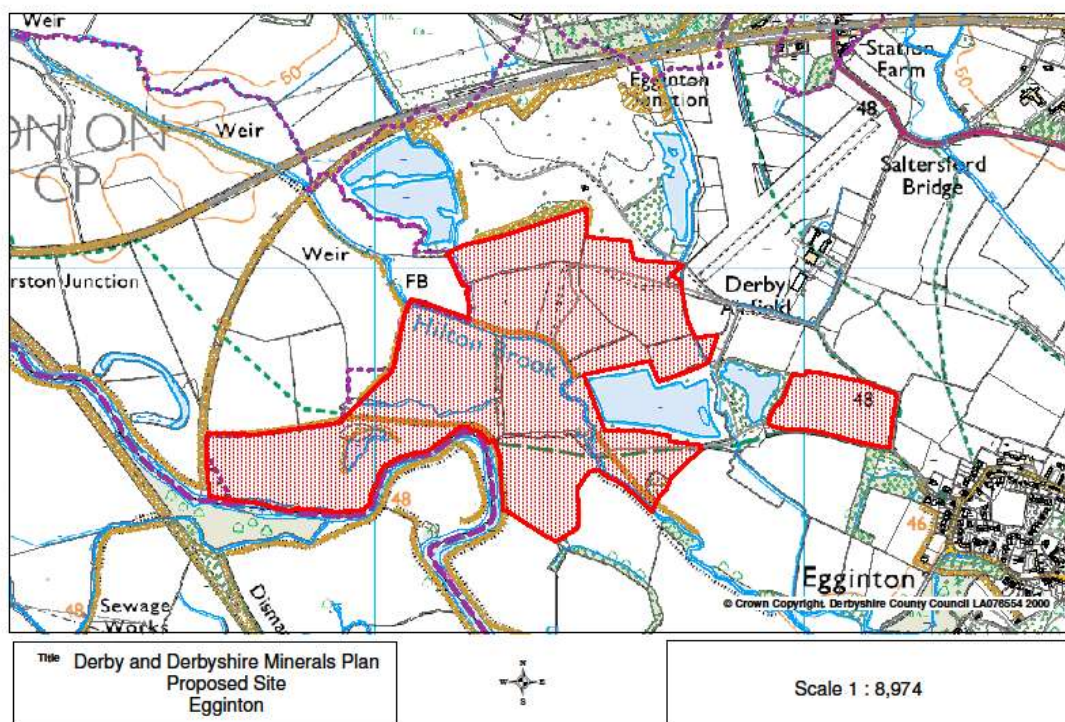
SITE ASSESSMENTS

DRAFT

Egginton

Location and General Description of Site

This is a proposed extension to a dormant site. Technically, therefore, the suggested site has been considered as a new site. It is an allocation in the current Minerals Local Plan. This 40 hectare site is located immediately to the west of Egginton and to the north-east of the River Dove. Derby Airport is located immediately to the north/north-east of the site. Restored former mineral workings are to the north/north-west of the site with the railway line beyond. The site is open in nature and of level terrain, being located partially within the floodplain of the River Dove and Hilton Brook. The majority of the site is currently in agricultural use as pasture land. Although close to the western edge of Egginton village, the site is not easily visible from this settlement because of a line of mature hedgerow trees and an area of dense woodland screening to the south-east of the site.



Resources (yield, annual output, depth of deposit)

It is estimated that the site could yield **1.8 million tonnes** of sand & gravel from an extraction area of **31 hectares**, with an estimated annual output of **280,000 tonnes**, and an estimated lifespan of **7-8 years** of working.

End Use of, and Market for, Mineral

The company intends that the product would be used as aggregate, concreting and building sand, and sold to outlets and builders merchants, generally within a 25 mile radius of the site.

Timing and Phasing

The company has indicated that this site would replace the Mercaston operation and is unlikely, therefore, to be brought forward during the Plan period.

Plant and Access Arrangements

A new processing plant would need to be constructed within the site. Permission for the intended plant on the adjacent site expired in 2007. Access for the previous working was gained onto the A5132 at Saltersford Bridge, from which lorries would then travel to the A38 and A50. This permission has now expired.

Site History

Planning permission was originally granted in 1960 for the extraction of sand & gravel on the area immediately to the north and east of this proposed extension. The area was extended under a planning permission in 1968. Gravel has been won from about half of the permitted site, but there has been no extraction for some considerable time and the site is now dormant in legal terms. The extracted mineral was processed off-site. The infilling of the voids with fuel ash has been progressing and the area has been restored gradually to agricultural use, together with some wooded areas for wildlife.

In 1992, permission was granted for an on-site processing plant and a concrete batching plant on an area of backfilled land immediately to the south of the railway line. This permission has expired without having been implemented.

SITE ASSESSMENT

Economic Considerations

- 1.1 **Need for the Mineral**
Some evidence to support the need for additional reserves to maintain supply throughout the Plan period
ASSESSMENT (+)
- 1.2 **Existing Infrastructure**
This proposal would require new quarry infrastructure.
ASSESSMENT (-) New quarry infrastructure
- 1.3 **Location of Site to Market Areas**
The site is well located to serve the market areas for the product.
ASSESSMENT (+)
- 1.4 **Employment**
A new operation but is unlikely to result in job losses elsewhere
ASSESSMENT (-) New operation but no related job losses
- 1.5 **Resources: Yield**
The company estimates that 1.8 million tonnes of material would be extracted from an area of around 31 hectares. This equates to around 56,000 tonnes per hectare.

ASSESSMENT (+) Yield of 50,000 – 75,000 tph

ECONOMIC TOTAL 13/18

Social Considerations

Duration of Mineral Extraction

- 1.6 Extraction is likely to be for 7-8 years.
ASSESSMENT (++) Short-term 0-10 years

Visual Intrusion (Properties and Rights of Way)

- 1.7 The site is in a very secluded location and has very few visual receptors. There are no residential properties from which the site can be seen. There are farm storage buildings alongside the other buildings associated with the airfield. These lie about 100m to the east of the site. It is well screened to the north by dense woodland and also from Egginton village to the east by areas of woodland. However, there is a public footpath/bridleway, which runs through the southern section of the site, from which several parts of the site are visible.
ASSESSMENT (+) The site has few visually sensitive receptors but large parts of the site will be visible from them

Noise

- 1.8 Around half of Egginton village lies within 500m of SA06 but none within 500m of SA05. The extensive wooded areas adjacent to the site may mitigate to some extent any adverse noise impact that the workings may have on the area.
ASSESSMENT (-) The site has some noise sensitive receptors within 500m of the boundary of the site

Nuisance Dust

- 1.9 There are some sensitive receptors within 500m of the site.
ASSESSMENT (-) The site has some high/medium dust sensitive receptors within 500m of the boundary of the site.

Dust - Air Quality/Human Health

- 1.10 The site does not lie within 1000m of an Air Quality Management Area.
ASSESSMENT (+) Site does not lie within 1000m of an AQMA

Transport – Export Route

- 1.11 Access to the proposed plant site would be direct onto the A5132 at Saltersford Bridge.
ASSESSMENT (+) The site has direct access to an A road

Transport – Sustainable Transport Options

- 1.12 The operator has confirmed that processed material would be transported from the site by road.
ASSESSMENT (-) Road Transport proposed

- 1.13 **Transport – Safe and Effective Access**

It is likely that an access could be provided to acceptable standards but no details have been provided.

ASSESSMENT (n/a)

Transport – Local Amenity

- 1.14 HGVs would not have to travel through any residential areas to reach the strategic highway network. Only a small number of individual properties would be affected along the route.

ASSESSMENT (++) HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)

Cumulative Impact

- 1.15 There are no significant impacts of present mineral extraction in the area but there has been extraction in the past

ASSESSMENT (-) There are not any current mineral workings in the area but there have been workings in the past

Airport Safeguarding Birdstrike Issue – Potential Risk to Aircraft Safety

- 1.16 This site lies outside the 13km zone for East Midlands Airport but inside the 3km zone for Derby Airport adjacent to the site. Only light aircraft use this airport but due to the proximity to the site this will still be an important consideration.

ASSESSMENT (-) Site lies in an area where there is a high potential risk of birdstrike

SOCIAL TOTAL 27/41

Environmental Considerations

Water Environment – Flooding

- 1.17 The site lies within the highest flood zone 3.

ASSESSMENT (--) Site lies within Flood Zone 3 highest risk of flooding

Water Environment – Groundwater

- 1.18 The site does not lie within a Groundwater Source Protection Zone.

ASSESSMENT (+)

Water Environment – Aquifer Protection

- 1.19 This site lies on a secondary aquifer.

ASSESSMENT (-)

Ecology - Existing impacts from mineral extraction

- 1.20 Previous sites reclaimed by nature – essentially no impact.

ASSESSMENT (--) Only localised, limited impacts associated with mineral extraction within or adjacent to the site

Ecology - UK, regional and local BAPs priority habitats and species

- 1.21 Complex of habitats very characteristic of the Dove valley i.e. oxbows with open water, wet woodland, potential veteran crack willows, alder, ditches, osier beds, Hilton Brook with in-stream and marginal habitats. All priority habitats which need assessment against WS criteria. Good for waders.
ASSESSMENT (--) Extensive areas of positive ecological value, including UK priority habitats or species which should be considered for protection/conservation
- Ecology - Ecological coherence/Natural Areas, Wildlife Corridors/Linkages**
- 1.22 High internal coherence and with surrounding areas, strong affinity with river, many characteristic habitats of the natural area.
ASSESSMENT (--) The proposed site accords with the established habitats over a wider area and habitat pattern is strong
- Ecology - Habitat Creation**
- 1.23 Existing habitats are intact and make a strong contribution to priority biodiversity targets for conservation. There is no requirement for biodiversity enhancement within the site.
ASSESSMENT (--) Existing habitats are intact and make a strong contribution to priority biodiversity targets for conservation and there is strong ecological coherence within the site; habitat creation would not enhance the site or the wider area
- Landscape - Existing Impact of mineral extraction**
- 1.24 The site is located to the east of Hilton and lies outside the Sherwood Sandstone area. There are only localised moderate impacts from mineral extraction in the immediate locality and these are not visually apparent when on site.
ASSESSMENT (-) There are only localised, low impacts associated with past mineral extraction
- Landscape - Strength of Landscape Character**
- 1.25 This site strongly accords with the established character of the *Riverside Meadows*. The landscape is intact and in good condition. Key characteristics include small fields of unimproved pasture, watercourse trees, pollarded willows, potential veteran trees, large dense mixed species hedgerows and an oxbow lake.
ASSESSMENT (--) The site accords with the established landscape character and is in good condition
- Historic Environment - Designated Sites & settings**
- 1.26 None known in the area.
ASSESSMENT (+) No perceivable impact on a designation
- Historic Environment – Archaeological Environment**
- 1.27 Contiguous blocks of ridge and furrow surviving. No known artefacts in usual sense but Egginton Common gravels known to contain Palaeolithic hand axes in some numbers and are an important source for finds of this period. Palaeochannels present in the western half of site including former oxbow with standing water.
ASSESSMENT (--) Extensive, visible and interpretable earthworks and known archaeology with high potential for buried remains

Historic Environment - Historic Landscape

- 1.28 Many of the current field boundaries are present on the 1849 tithe map but they may be much earlier enclosures of open fields.

ASSESSMENT (--) Evidence of multi period landscape and intact field pattern

Best and Most Versatile Agricultural Land

- 1.29 None of this site lies within an area where more than 60% of the land is likely to be best and most versatile agricultural land.

ASSESSMENT (++) Site lies within an area where there is a low likelihood of bmv land

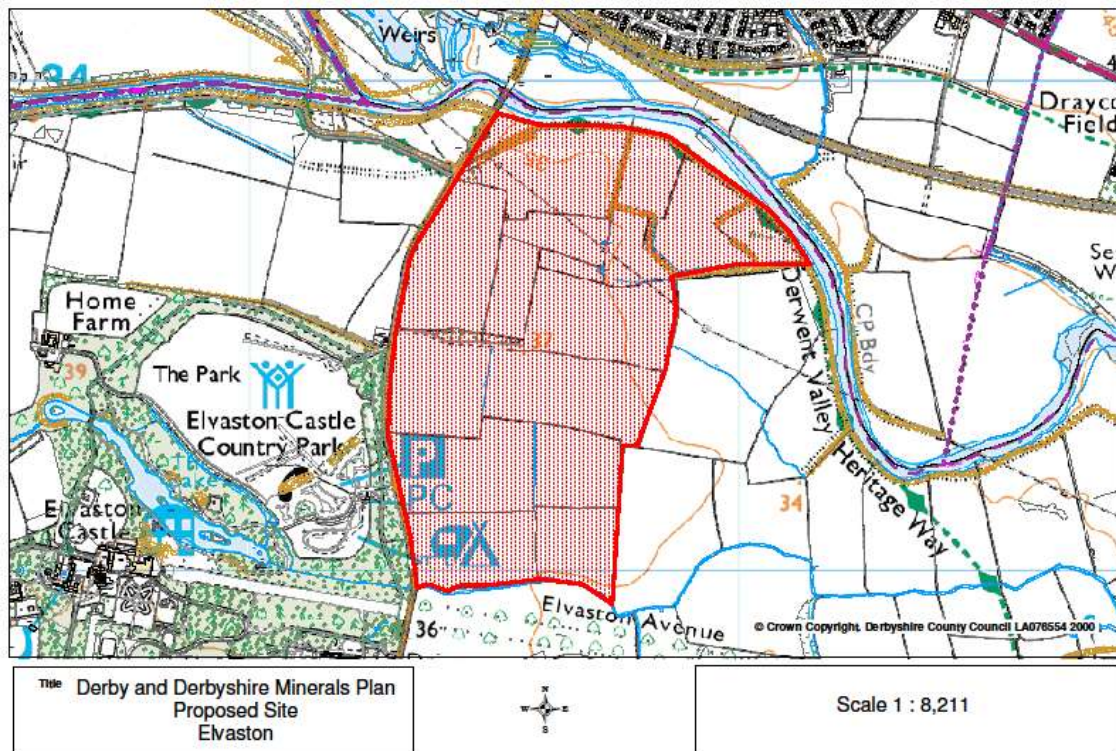
ENVIRONMENTAL TOTAL = 22/50 (L)

DRAFT

Elvaston

Location and General Description of Site

The 50 ha site is proposed by Tarmac as an extension to the existing quarry. It is located to the north-west of the site, which received planning permission in 2013, and would continue the westerly movement of Elvaston Quarry along the Derwent Valley. The site boundaries are well defined, its eastern boundary following the western boundary of the recently permitted area, its northern boundary follows the River Derwent, its western boundary follows the B5010 and its southern boundary follows an existing hedgerow.



The northern part of the site, south of the River Derwent and directly north-east of Elvaston Castle, comprises unimproved pasture and remnant hedgerows. The central area is predominantly arable fields with improved pasture to the south. There are occasional scattered trees of varying age and condition, a group of willows and evidence of lost hedgerows. Hedgerow condition is very variable.

Resources (yield, annual output, depth of deposit)

It is proposed to work some 1,500,000 tonnes of sand and gravel from a net excavation area measuring 40ha i.e. an estimated yield of tonnes per hectare 37,500 tph. The average depth of the deposit is 2.5 metres.

Timing and Phasing

The company estimates that the annual output of the plant would be around 300,000 tpa. The estimated yield figure of 1,500,000 tonnes gives a lifespan for the site of approximately 5 years. The proposed timings of the workings are currently unknown.

Plant and Access Arrangements

The site would be worked as the current site but with an extended conveyor system to serve this area. The site would be worked through the existing plant, which would need to be refurbished, and utilising existing access arrangements. Access to the plant site would be gained via a new conveyor tunnel to be constructed under Ambaston Lane and via an over ground conveyor through 'Elvaston Avenue' and across a culvert to be constructed over Ambaston Brook. All lorries would leave the plant site via the existing access road and would turn right, onto London Road, joining the main road network at Thulston Roundabout. No delivery vehicles would pass through Shardlow, or travel on Ambaston Lane or the B5010 to Borrowash.

Relevant History

Elvaston Quarry is the extension of a working established in the late 1960s when permission was granted for the extraction of minerals from land at Sawley Road, Draycott. Since that time workings have extended progressively westwards along the Derwent valley. The most recent workings have taken place at Bellington Hill to the south-west of Ambaston village; permission to work this site and to erect a new processing plant was granted in 1988. Extraction was completed in 1998, and most of the site is being restored to agriculture following infilling with quarry and imported wastes. The area to the north of these workings to the west of Ambaston was permitted in August 2013, and is yet to be started. It will yield around 1.8 million tonnes of sand and gravel.

SITE ASSESSMENT

Economic Considerations

Need for the Mineral

- 1.1 Detailed evidence provided to support the need for additional reserves to maintain supply throughout the Plan period

ASSESSMENT (++) Detailed evidence provided to justify the need for the material

Existing Infrastructure

- 1.2 This proposal would utilise the existing quarry infrastructure.

ASSESSMENT (+) Use of existing quarry infrastructure

- 1.3 **Location of Site to Market Areas**

The site is well located to serve its intended market

ASSESSMENT (+) Well located to serve market

- 1.4 **Employment**

The operation would use existing employees from the existing quarry

ASSESSMENT (+) Retention of employees

Resources/Yield

- 1.5 This site is likely to yield 1.5 million tonnes of sand and gravel from an extraction area of 40 hectares. This equates to 37,500 tph.
ASSESSMENT (-) Yield 25,000 – 50,000 tph

ECONOMIC TOTAL = 15/18

Social Considerations

1.6 Duration of Mineral Extraction

The site would be in production for around 5 years.

ASSESSMENT (++) Short term 0-10 years.

Visual Intrusion (Properties and Rights of Way)

- 1.7 Some properties on the southern edge of Borrowash, some 200m away, may have views across the northern part of the site from their upper floors. The northern section of the site would also be visible from the footpath between Borrowash Bridge and Ambaston village, which lies some 1000m from the south-eastern site boundary. Beechwood camp/caravan site which lies some 200m to the south of the site would be screened by trees/hedgerows on its northern boundary. There are open views from several residential properties and the main entrance to Elvaston Castle and Country Park which lie immediately across the road which forms the western boundary. Overall, the site has some visual receptors which have views of several parts of the site.

ASSESSMENT (-) The site has some visually sensitive receptors and/or some parts of the site will be visible

Noise

- 1.8 Noise would be generated by the operations to be carried out at the site, chiefly from soil and overburden movement, sand and gravel extraction and transportation from the site to the existing processing plant by conveyor.

- 1.9 The nearest noise sensitive properties are the residential dwellings and Elvaston Castle and Country Park immediately to the west and Beechwood Caravan Park which lies approximately 200m to the south. Properties on the southern edge of Borrowash lie some 200m to the north across a busy railway line. Properties in Elvaston village lie some 300 – 500m of the southern boundary.

ASSESSMENT (+)The site has a few noise sensitive receptors within 200m of the boundary of the site and some within 500m

Dust

- 1.10 Dust tends not to be a major problem associated with the extraction of river gravels due to the wet nature of the mineral, which acts as a natural dust suppressant. The nearest dust sensitive properties are those referred to in the noise section, which lie very close to the western and southern boundaries. Other sensitive properties include those on the southern edge of Borrowash, which lie some 200m to the north and properties in Elvaston village which lie some 300 – 500m from the southern boundary.
ASSESSMENT (+)The site has no or few high/medium dust sensitive receptors within 100m of the boundary of the site and some within 400m

Dust - Air Quality/Human Health Impacts

- 1.11 The site does not lie within or within 1000m of any designated Air Quality Management Areas in which air quality objectives are not being met, which so far in Derby and Derbyshire have been associated with road traffic pollution.

ASSESSMENT (+) The site does not lie within 1000m of an AQMA.

Transport – Export Route

- 1.12 The mineral would be delivered to markets by road. All lorries would leave the site via the existing access road and would turn right, onto London Road, joining the main road network at Thulston Roundabout. No delivery vehicles would pass through Shardlow or travel on Ambaston Lane or the B5010 to Borrowash.

ASSESSMENT (+) The site has direct access to an A road

Transport – Sustainable Transport Options

- 1.13 The company has confirmed that the processed material would be transported to and from this site by road.

ASSESSMENT (-) Road transport proposed

- 1.14 **Transport – Safe and Effective Access**

Use of the existing access and access road would be acceptable provided there would be no increase in number of lorry movements.

ASSESSMENT (++) Existing approved access to current highway standards

Transport – Local Amenity

- 1.15 All mineral would be transported from the site to market by road. All lorries would leave the site via the existing access road and would turn right, onto London Road, joining the main road network at Thulston Roundabout. No delivery vehicles would pass through Shardlow, or travel on Ambaston Lane or the B5010 to Borrowash.

ASSESSMENT (++) HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)

Cumulative Impact

- 1.16 There are existing mineral workings in the area and there have been for a significant number of years.

ASSESSMENT (--) Impacts from past and existing mineral workings

Airport safeguarding

- 1.17 Consultation with East Midlands Airport has established the degree to which the suggested site poses a potential risk to aircraft safety taking into account how the airport operates. This site is within the 13 km safeguarding zone around the airport lying some 7-8 kilometres to the north east of the airport and under a flight path. East Midlands Airport have indicated that this site lies within an area where there is a high potential risk of birdstrike.

ASSESSMENT (-) Site lies within an area where there is a high potential risk of birdstrike

SOCIAL TOTAL = 31/41

Environmental Considerations

Water Environment

- 1.18 The site is situated on a Minor Aquifer but is not within a Groundwater Source Protection Zone. Given that the site is located adjacent or near to a water course or other surrounding water features, i.e. the River Derwent, it would require dewatering. A detailed EIA would be required detailing the effects of this de-watering on the surrounding water environment and what mitigation measures, if any, are required to deal with any adverse impacts. Correct pollution prevention procedures would need to be followed to prevent contamination of groundwater and the surrounding water environment.
- 1.19 The site lies within the floodplain of the Derwent, in a Flood Zone 3 where there is a high risk of flooding and therefore a flood risk assessment would be required by the EA. The assessment would need to cover as a minimum:
- That the physical integrity of any watercourses will be safeguarded by allowing adequate margins between the banks of the watercourse and excavation unless circumstances allow for the 'stand-off strip' to be worked
 - That the effectiveness of local land drainage systems will be preserved
 - That the functioning of the natural floodplain will be preserved

Water Environment - Flooding

- 1.20 The site lies within the Trent floodplain within Flood Zone 3 where there is a high risk of flooding.
ASSESSMENT (--) The site lies within flood zone 3 where there is a high probability of flooding.

Water Environment – Groundwater

- 1.21 The site lies outside a groundwater protection zone.
ASSESSMENT (+) The site lies outside a groundwater protection zone.

Water Environment – Aquifer

- 1.22 Site lies on a secondary Aquifer.
ASSESSMENT (-) Site lies on a secondary Aquifer.

Ecology

- 1.23 **Presence or absence of existing impacts from mineral extraction**
None.
ASSESSMENT (--) None, or insignificant, impacts from mineral extraction on habitats within or adjacent to the site

Presence or absence of priority habitats and species

- 1.24 Semi-improved pasture and remnant hedgerows adjacent to River Derwent. Arable fields in centre, improved pasture to south. Occasional scattered trees of varying age and condition, a group of willows and evidence of and lost hedgerows. Hedgerow condition very variable. No records.
ASSESSMENT (-) Some areas of positive ecological value including UK priority habitats and species which should be considered for protection/conservation

Ecological coherence: Natural Areas, Wildlife Corridors, Linkages

- 1.25 Few characteristics that accord with the priority habitats of the Natural Area. Coherence with river though cut off by flood bank, and with similar landscapes to east.
ASSESSMENT (-) The proposed site generally accords with the established habitats over a wider area (or in part) but the condition of habitats is poor OR few features within the site but encompassed by landscapes which have ecological coherence

Habitat Creation

- 1.26 Site offers some opportunities to create or enhance habitats within its boundaries but does not make linkages to wider area. A very sensitive site for East Midlands Airport, providing a major constraint in designing acceptable restoration of landscape and biodiversity which is also sustainable.

ASSESSMENT (+) The site offers some opportunities to create or enhance UK or local priority habitats within its boundaries, making overall habitat gain, but may not make appropriate linkages to wider area.

Landscape and Visual Amenity

Existing Impacts from mineral extraction

Landscape – Existing Impacts from Minerals Extraction

- 1.27 The proposed site is located in the strategic area to the east of Hilton. The Landscape Character Area data records the immediate area as having insignificant or no impacts associated with mineral extraction.

ASSESSMENT (--) There are insignificant impacts associated with past mineral working.

Landscape - Strength of Landscape Character

- 1.28 The northern part of the site directly south of the River Derwent and north-east of Elvaston Castle comprises of unimproved pasture with remnant hedgerows. The central area is predominantly arable fields with improved pasture to the south. There are occasional scattered trees of varying age and condition, a group of willows and evidence of lost hedgerows. Hedgerow condition is very variable. The proposed site has a few characteristics that accord with the established character of the *Riverside Meadows* and the condition is generally poor.

ASSESSMENT (+) The proposed site has few characteristics that accord with the established landscape character and the condition is poor and the enhancement of the landscape would be beneficial

Historic Environment

Designated sites & settings

- 1.29 Elvaston Castle Country Park is situated across the road from the site's western boundary and forms a well-used and valuable local recreational amenity. The Castle and Gardens are Grade II* Listed Buildings. The Eastern Avenue, which adjoins the southern boundary is an integral component of the gardens. Working is likely to impact on the setting of the Castle, Park and Gardens.

ASSESSMENT (--) Impact on a Grade I or II* designation, SAM and/or its setting

Archaeological Environment

- 1.30 Some remnants of ridge and furrow adjacent to the river vestigial remains elsewhere of once very extensive open fields. Known palaeochannels adjacent to the river which may have considerable potential. No known sites or finds.

ASSESSMENT(+) Occasional or localised earthworks (may not be visually evident) and/or known archaeology with limited potential for buried remains

Historic Landscape Character

- 1.31 Pattern established by 1776 but altered thereafter and only remnant of original remains.

ASSESSMENT(+) Remnant field patterns with significant boundary loss.

Best and most versatile agricultural land

- 1.32 According to DEFRA's Predictive Agricultural Land Classification Map the site lies in an area where 20% to 60% of the land is likely to be classed as bmv.

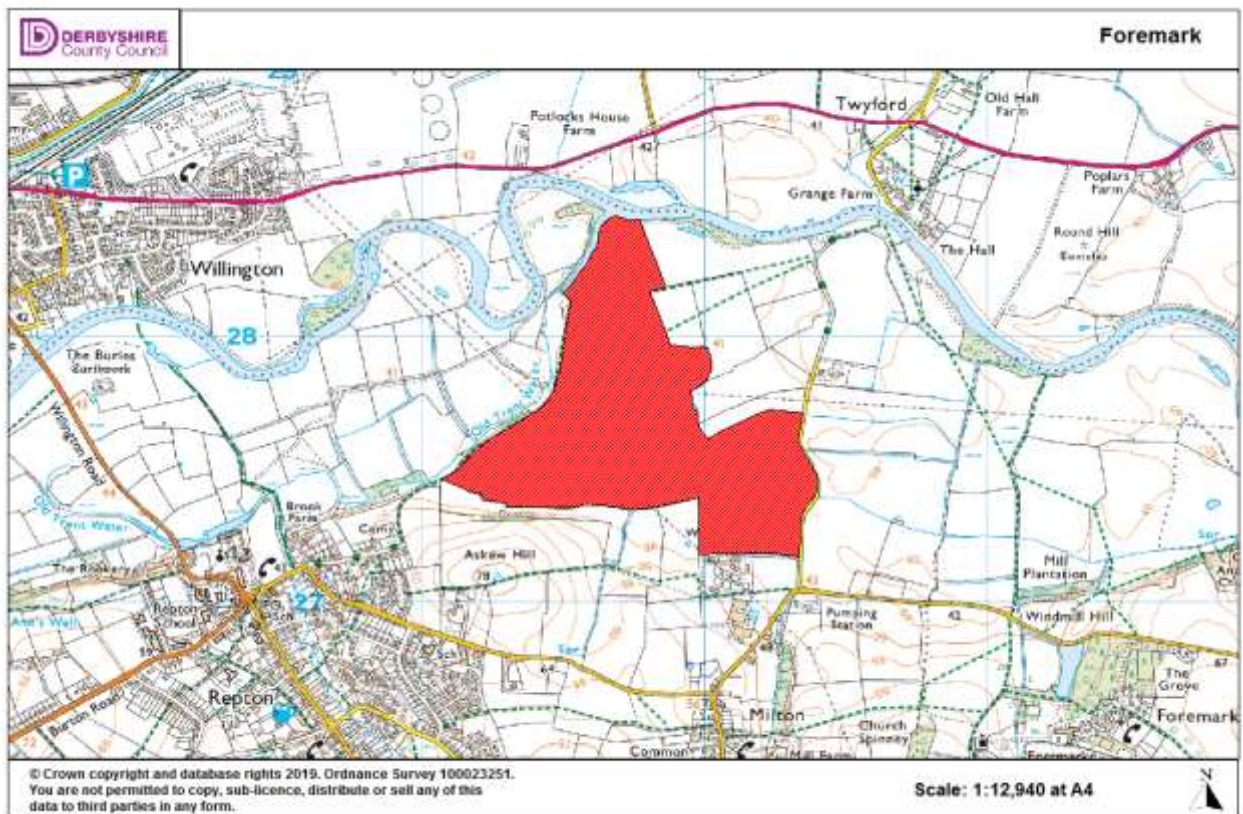
ASSESSMENT (+) The site lies in an area where there is a moderate likelihood of 'best and most versatile' agricultural land

ENVIRONMENTAL TOTAL = 28/50 (M)

Foremark

Location and General Description of Site

The site is located in the Trent Valley, to the south of the River Trent. Repton lies just to the south west of the site. It measures around 70 ha. It is in agricultural use, primarily for arable but with a very small area on the west of the site used for livestock grazing. Its boundaries are defined mainly by fencing and hedgerows. Meadow Lane, a track which serves two dwellings and the water treatment works forms the eastern boundary. Old Trent Water, an ancient route of the River Trent runs along the western boundary of the site. Internal boundaries are defined by hedgerows and some mature trees. Two areas of more dense vegetation are located within the site. Meadows Farm, in the south west of the site is no longer used for residential purposes, now only being used for agricultural storage.



Timing and Phasing

The company views this site as the long term replacement for Shardlow and therefore the working conditions and the resulting level of reserves at Shardlow impacts directly on the timing of the commencement of this operation. Working would commence after reserves have been exhausted at Shardlow. It is estimated currently that existing permitted reserves at Shardlow will be exhausted by 2029. The operator estimates

that the annual output of the plant would be around 500,000 tpa. The estimated yield figure of 5 million tonnes gives a lifespan for the site of approximately 10 years.

Plant & Access Arrangements

A temporary bridge is proposed across the River Trent in the north west of the site. This would enable the material to be hauled to a new plant site proposed off the A5132 just to the south of the former Willington Power Station. The A5132 provides good links to the A50/A38/M1. Quarry vehicles would be expected to travel east to join the A50 to avoid travelling through Willington.

Planning History

None.

SITE ASSESSMENT

Economic Considerations

Need for the Mineral

- 1.1 Some evidence has been provided to support the need for additional reserves to maintain supply throughout the Plan period.

ASSESSMENT (+) Some evidence provided.

Existing Infrastructure

- 1.2 This proposal would require new quarry infrastructure.

ASSESSMENT (-) New quarry infrastructure.

Location of Site to Market Areas

- 1.3 The site is well located in relation to the markets for the product.

ASSESSMENT (+) The site is well located to serve its intended market.

Employment

- 1.4 This would be a replacement operation which is likely to lead to the transfer of jobs as a result of the closure of another quarry.

ASSESSMENT (-) Replacement of an existing operation leading to the retention of existing jobs elsewhere.

Resources/Yield

- 1.5 This site would yield around 5 million tonnes of sand and gravel from an extraction area of 72 hectares. This equates to 70,000 tph.

ASSESSMENT (+) Yield 50,000-75,000 tph.

ECONOMIC TOTAL 13/18

Social Considerations

Duration of Mineral Extraction

- 1.6 It is proposed that the site will be in production for 10 years.

ASSESSMENT (++) Short term 0-10 years

Visual Impact (Properties and Rights of Way)

- 1.7 The site is relatively secluded in the wider landscape, but is visible from some surrounding locations. The north-eastern part of the site may be visible from some properties in Twyford village, which have open views across the river, particularly during winter and also potentially from the A5132. Individual properties close to the site include two residences which lie some 150–200m from the eastern boundary along Meadow Lane and a nursing home which lies 200m from the eastern boundary. The nursing home whilst close to the eastern boundary of the site is well screened by trees within its curtilage. A well-used public footpath/green lane passes through the site on its western and northern side adjacent to Old Trent Water, and workings would be prominent from this. There is a further footpath over Askew Hill to the south of the proposed allocation site that provides elevated views into the easternmost parts of the site adjacent to the Milton water treatment works. There would also be potential views of the southern part of the site from some locations on the road from Repton to Foremark.

ASSESSMENT (-) The site has some visually sensitive receptors and/or some parts of the site will be visible from them.

Noise

- 1.8 Noise is likely to be generated by the operations to be carried out at the site, chiefly from soil and overburden movement, sand and gravel extraction and transportation of raw mineral within the site by conveyor or dump trucks to a processing plant. Additional noise would be created by vehicles transporting the processed mineral from the site to the end users. The nearest noise sensitive properties are the nursing home and two dwellings, which lie close to the eastern boundary of the site. Brook Farm and surrounding residences on Monsom Lane lie within 300–500 m of the south-eastern boundary.

ASSESSMENT (+) The site has a few noise sensitive receptors within 200m and some within 500m of the boundary of the site

Dust

- 1.9 Dust tends not to be a major problem associated with the extraction of river gravels due to the wet nature of the mineral which acts as a natural dust suppressant. The nearest dust sensitive property is the nursing home which lies some 50 metres from the eastern boundary of the site. Brook Farm and surrounding residences along Monsom Lane lie within 300–500 m of the south-eastern boundary.

ASSESSMENT (+) The site has a few high/medium dust sensitive receptors within 100m of the boundary of the site and some within 400m

Dust - Air Quality/Human Health Impacts

- 1.10 The site does not lie within any designated Air Quality Management Areas or within 1000m of an AQMA in which air quality objectives are not being met, which so far in Derby and Derbyshire have been associated with road traffic pollution.

ASSESSMENT (+) The site does not lie within 1000m of an AQMA.

Transport – Export Route

- 1.11 Access to the site would be from the A5132 which provides good links to the A50/A38/M1.

ASSESSMENT (++) The site has direct access onto the strategic road network

Transport – Sustainable Transport Options

- 1.12 The company has confirmed that the processed material would be transported to and from this site by road.

ASSESSMENT (-) Road transport proposed

Transport - Safe and Effective Access

- 1.13 It is likely that a safe access could be achieved to the site from the A5132.

ASSESSMENT (-) No existing access, but subject to agreement with local highway authority, a new access is likely to be acceptable.

Transport – Local Amenity

- 1.14 Access would be direct on to the A5132.

ASSESSMENT (++) HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)

Cumulative Impact

- 1.15 There are existing mineral workings in the area and have been for a significant number of years.

ASSESSMENT (--) There is a concentration of mineral workings and other commercial activity in the area which currently have, or have had, impacts either concurrently or successively over a long period of time.

Airport Safeguarding – Birdstrike

- 1.16 We have established in consultation with East Midlands Airport the degree to which the suggested sites pose a potential risk to aircraft safety, taking into account how the airport operates. The site lies on the very edge of the 13km birdstrike safeguarding zone around East Midlands Airport, however, it lies almost directly in line with the approach track flown by easterly arriving aircraft. As arriving aircraft fly slowly and descend gradually, they would be at relatively low altitudes at this distance from the airport. In view of this, East Midlands Airport considers this site to be within an area where there is a high potential risk of birdstrike.

ASSESSMENT (--) Site lies within an area where there is a high potential risk of birdstrike

SOCIAL TOTAL 29/41

Environmental Considerations

Water Environment – Flood Risk

- 1.17 The site lies within the Trent floodplain within flood zone 3 where there is a high risk of flooding. A Flood Risk Assessment is required for this site.

ASSESSMENT (--) The site lies within flood zone 3 where there is a high probability of flooding.

Water Environment – Groundwater

- 1.18 Part of the south eastern corner falls into SPZ3.

ASSESSMENT (+) Part of the site lies within groundwater source protection zone 3.

Water Environment – Aquifer

- 1.19 Parts of the site lie on a principal aquifer

ASSESSMENT (--) Site lies on a principal aquifer.

Ecology - Presence or absence of existing impacts from mineral extraction

- 1.20 Neither the application site nor its immediate surroundings have been affected by minerals extraction, nor is minerals extraction evidenced in the wider area. Recent consents will bring working south of the river and to within around 1km of the site, whilst the nearest sites otherwise are the older part of Willington, and Swarkestone Quarry, each around 2km away.

ASSESSMENT (--) None, or insignificant, impacts from mineral extraction on habitats within or adjacent to the site

Ecology - Presence or absence of priority habitats and species

- 1.21 The site is dominated by arable farming, and historic mapping would suggest that agricultural intensification has resulted in the removal of some internal hedges previously present on site.

Whilst the majority of the habitats present within the likely extraction areas are not especially notable, the occurrence of a Local Wildlife Site within the site, and the potential presence of notable plant species and protected species (riparian mammals) within the site are significant.

However, it is the habitats associated with the Old Trent Water that may be of particular concern, as part of these habitats would be adversely affected by the proposed site access. The ecological value of these areas, their potential to support protected or notable species, and the likelihood of direct and indirect impacts would require further careful consideration.

The proposed access route would also impact on habitats on the north side of the Trent, again including a potential LWS (Willington Heronry) and areas of more mature vegetation. Again, the acceptability and desirability of the proposals in relation to these habitats would require careful consideration.

The remnant hedgerows on site do contain some hedgerow trees, and in some instances may be associated with ditches or watercourses, and would merit further attention, perhaps in relation to the potential presence of protected (e.g. otter and water vole) and notable (e.g. notable plant) species.

ASSESSMENT (-) Some areas of positive ecological value including UK or local priority habitats or species which should be considered for protection/conservation

Ecology - Ecological coherence: Natural Areas, Wildlife Corridors/Linkages

- 1.22 Although the habitats within the likely extraction area are mostly dominated by arable farming, the habitats associated with the Local Wildlife Site, Old Trent Water, and habitats north of the River Trent are much more in accordance with the positive ecological features we might hope to find in this area. The severance of ecological connectivity, perhaps through the construction of the access route across Old Trent Water, across the R. Trent, and then through habitats on the far side of the river, would be notable. The prevalence of records for otter along the river in the Willington/Repton/Twyford area, as well as up the Old Trent Water, shows the importance and value of connectivity in these areas currently.

ASSESSMENT (--/-) The proposed site accords with the established habitats over a wider area and habitat pattern is strong/ few features within the site but encompassed by landscapes which have ecological coherence

Ecology - Habitat Creation

- 1.23 Site working could afford the opportunity for appropriate habitat creation in this areas, perhaps especially through wetland and wet grassland creation within the vicinity of the river. More large scale wetland creation, particularly towards the southern extent of the site near Willington would be incongruous with existing habitats however. Future extensions, whether east or west of this site would likely necessitate the retention of the means of access, perpetuating impacts and habitat severance along the river valley and Old Trent Water, and would to some degree limit the ability to restore the northern end of the site (i.e. nearest the river) for some period into the future.

ASSESSMENT (+/-) The site offers some opportunities to create or enhance UK or local priority habitats within its boundaries, making overall habitat gain, but may not make appropriate linkages to wider area/existing habitats are intact and habitat creation would only provide limited biodiversity enhancement within the site or the wider area.

Landscape - Existing impacts from mineral extraction

- 1.24 The proposed site allocation is somewhat removed from existing quarry sites in the valley and as such there is no evidence of existing and past mineral working within the site or in local views of the site. The LCA data records the immediate area as having insignificant or no impacts associated with mineral extraction. The infrastructure for this site would need to be developed.

ASSESSMENT (--) There are insignificant impacts associated with past mineral working

Landscape - Strength of Landscape Character

- 1.25 This typically flat floodplain landscape is clearly evident but is now defined by large arable fields enclosed by hedgerows. Hedgerows are in variable condition and lack significant trees. There is a significant tree belt towards the east of the proposed allocation site, which appears to be in good condition. The overall condition of the site is poor and the character of the landscape is declining. However, the proposed site compound and access route is located on the other side of the River Trent in a landscape where the strength of character is high and has significant features such as trees, earthworks and boundaries that would be affected by the proposal.

ASSESSMENT (+/-) The proposed site has few characteristics that accord with the established landscape character and the condition is poor (Enhance)/The

proposed site generally accords with the established landscape character (or in part) but the condition could be enhanced (Conserve and enhance)

Historic Environment - Designated sites & settings

- 1.26 The proposed plant location south of the former Willington Power Station impacts directly on MDR4368, a cropmark site including the cursus ditch of the Neolithic Potlock cursus. This is nationally important, schedulable quality archaeology: the monument is scheduled further east (east of Frizams Lane) and has been considered nationally important and agreed to preserve in situ around Potlocks Farm. South and east of Old Trent Water (the bulk of the proposed extraction area) is less sensitive (almost entirely arable) but still falls within the setting of the designated monuments and extraction here will impact upon the experience of the nationally important assets at Repton within their floodplain setting.

ASSESSMENT (--) Impact on a Grade I or II* designation, SM and/or its setting.

Historic Environment - Archaeology

- 1.27 Within the proposed access road footprint are earthwork remains of boundary ditches, banks and platforms (MDR14500) of probably medieval/post-medieval date. Within the extraction site itself there is little or no surviving earthwork archaeology because of arable cultivation – numerous ridge and furrow sites are recorded on the HER but these appear to be largely ploughed out. There is substantial evidence for palaeo-channels (from aerial photographs and LiDAR) suggesting an exceptionally rich geo-archaeological and palaeo-environmental resource within the site. There is also potential for typical prehistoric/Roman-British archaeology (as per most gravel sites in the Trent Valley) and remains associated with the Viking encampment (though less likely here than west of Old Trent Water). The proposed plant location south of the former Willington Power Station impacts directly on MDR4368, a cropmark site including the cursus ditch of the Neolithic Potlock cursus. This is nationally important, schedulable quality archaeology: the monument is scheduled further east (east of Frizams Lane) and has been considered nationally important and agreed to preserve in situ around Potlocks Farm (recent decision to revoke extant minerals consent here) and south of the former power station (in the context of the existing DCO for development of a new power station and pipeline). This site should therefore be assessed as though scheduled.

ASSESSMENT (--) Extensive, visible and interpretable earthworks and/or known archaeology with high potential for buried remains.

Historic Environment – Historic Landscape

- 1.28 The landscape reflects post-medieval enclosure of the medieval open fields and floodplain; the floodplain is likely to have been enclosed later, hence more regular enclosures. Roughly half the proposed extraction area has experienced significant (31-75%) boundary loss to create large arable fields, and in general these have rebuilt hedgerows not preserving any early boundary features or planting. Fringe areas in the east and south of the site preserve more boundaries (less than 30% loss) with better boundary features.

ASSESSMENT (+/-) Remnant field patterns with significant boundary loss/Recognisable field patterns with some boundary loss

Best and most versatile agricultural land

- 1.29 According to DEFRA's Predictive Agricultural Land Classification Map the majority of the site lies in an area where less than 20% is likely to be bmv.
ASSESSMENT (++) Low areas where less than 20% of the land is likely to be bmv)

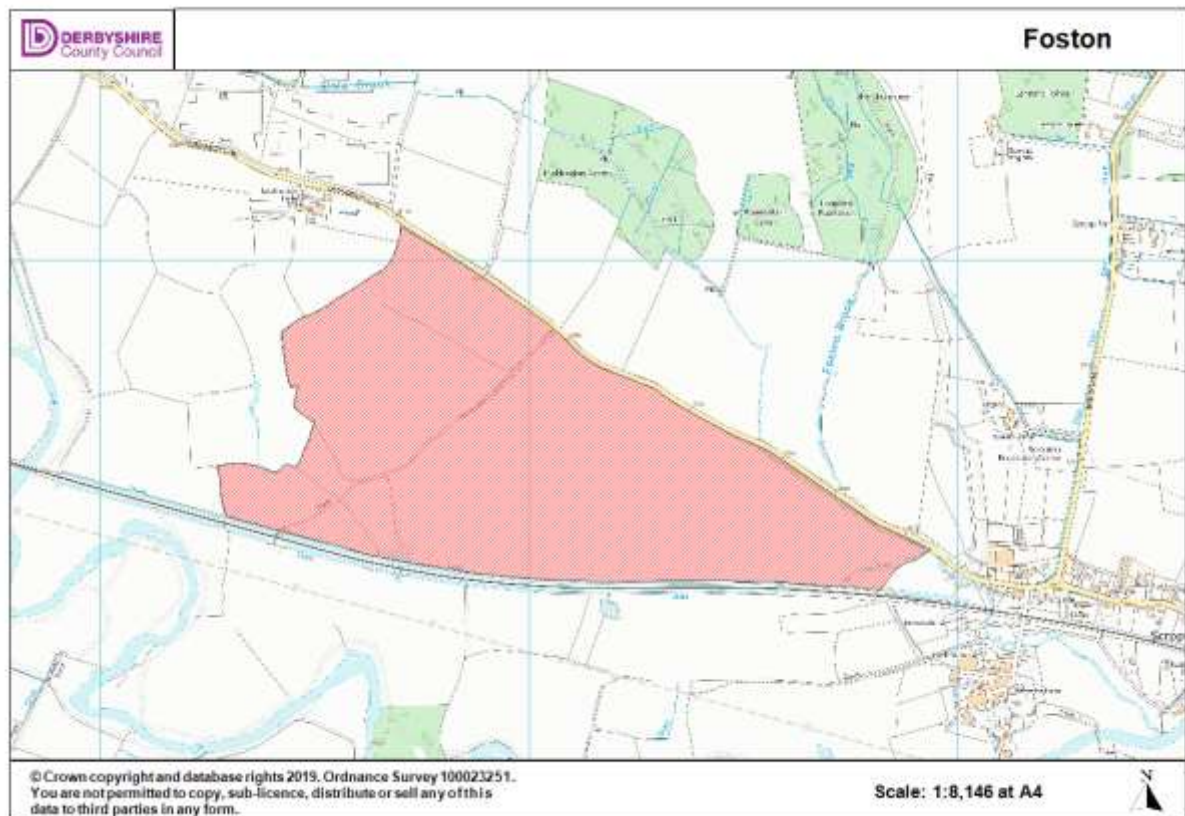
ENVIRONMENTAL TOTAL = 24/50 (L)

DRAFT

Foston

Location and General Description of Site

This is a greenfield site, representing a new operation for the extraction of sand & gravel. This generally level site is situated to the south of the A50, to the west of Scropton village and to the south of Foston. Leathersley Lane forms its northern boundary and the railway line forms its southern boundary. It is about 71 hectares in size and is currently in agricultural use, predominantly as arable land. There are boundary hedgerows with mature, mainly, oak trees. A public footpath runs parallel to Leathersley Lane through part of the site.



Resources (yield, annual output, depth of deposit)

The site is anticipated to yield about 3.1 million tonnes of sand and gravel from deposits that are 4m in depth with 1.1m of overburden. The extraction area would be about 70 hectares, yielding around 44,290 tonnes per hectare.

Timing and Phasing

Production would take place over an estimated 6 year period.

Plant and Access Arrangements

A new access would be created onto Leathersley Lane. The processing plant is proposed to be located off Leathersley Lane. It would have an estimated normal operating capacity of around 500,000 tonnes per annum.

Planning History

There is no relevant mineral planning history for this site. It is the first time that this site has been considered, lying in the western part of the river valleys, where significant large scale mineral extraction has not taken place.

SITE ASSESSMENT

Economic Considerations

Need for the Mineral

1.1 Some evidence has been provided which shows the need for additional reserves from this site to help to maintain supply throughout the Plan period.

ASSESSMENT (+) Some evidence has been provided which shows the need for additional reserves to maintain supply throughout the Plan period

Existing Infrastructure

1.2 This proposal would require new quarry infrastructure.

ASSESSMENT (-) New quarry infrastructure would have to be developed for the operation

Location of Site to Market Areas

1.3 The site is well located to serve the market areas for the product.

ASSESSMENT (+) The site is well located to serve its intended market.

Employment

1.4 This site is intended to replace an existing operation in Staffordshire which is likely to retain existing jobs.

ASSESSMENT (-) Replacement of an existing operation leading to the retention of existing jobs

Resources: Yield

1.5 The site would yield about 44,290 tonnes of sand and gravel per hectare.

ASSESSMENT (-) Yield of 25,000 – 50,000 tph

ECONOMIC TOTAL 12/18

Social Considerations

Duration of Mineral Extraction

1.6 It is proposed that the operation would last for around six years.

ASSESSMENT (++) Short term operation.

Visual Intrusion (Properties and Rights of Way)

1.7 Although Leathersley Farm is located approximately 185m to the NW and Scropton is approx. 190m to the east, the site is generally well contained by existing vegetation. Two residential properties on the western edge of Scropton lie about 200m from the eastern edge of the site and are the only properties that may have direct views onto a

proportion of the site (the eastern third of the site). Views of the site are predominantly from Leathersley Lane and Brooms Lane and the railway, which runs along the southern boundary of the site. A public footpath also runs parallel to Leathersley Lane through part of the site from where views of the site would be evident. Views from Foston and the A50 to the north are obscured by dense woodland. Tutbury Castle and grounds, which is a scheduled monument and lies on higher ground to the south, could, potentially, have distant views of the site. Overall, there are some/few visual receptors and potentially large parts of the site would be visible given the lack of internal hedegrows.

ASSESSMENT (+/-) The site has some/few visually sensitive receptors but large parts (or more than one part) of the site will be visible from them.

Noise

- 1.8 Leathersley farm and a few residential properties on the western side of Scropton are situated within 200m of the site. A larger number of residential properties on the western side of Scropton also lie within 500m of the site, although the woodland to the east of the site may reduce the effects of noise on these properties.

ASSESSMENT (+) The site has a few noise sensitive receptors within 200m of the boundary of the site and some within 500m

Dust

- 1.9 Leathersley Farm is situated close to the western boundary of the site but the prevailing wind is likely to take dust away from here. A number of properties in the village of Scropton are within 400m of the site. Scropton lies to the east of the site, downwind of the site. The topography is level but there is some tree cover on this eastern boundary which could suppress dust.

ASSESSMENT (+) The site has no or few high/medium dust sensitive receptors within 100m of the boundary of the site and some within 400m

Dust - Air Quality/Human Health Impact

- 1.10 There are no Air Quality Monitoring Areas near the site.

ASSESSMENT (+) Site does not lie within 1000m of an AQMA

Transport – Export Route

- 1.11 The site only has access to a minor road (Leathersley Lane), and it is proposed that the material would be taken in a westerly direction to the A50 at Sudbury roundabout.

ASSESSMENT (--) The site has direct access to a minor road

Transport – Sustainable Transport Options

- 1.12 The proposed operator expects that all material would be transported by road using HGVs.

ASSESSMENT (-) Road transport proposed

Transport - Safe and effective access to and from the site

- 1.13 The operator proposes a new access to the site off Leathersley Lane.
ASSESSMENT (-) No existing access by subject to agreement with local highway authority, a new access is likely to be acceptable.

Transport – Local Amenity

- 1.14 Any adverse effects on residential amenity would be limited. Quarry traffic would only pass Leathersley Farm en-route to the A50.
ASSESSMENT (+) HGVs would have to pass few sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)

Cumulative Impact

- 1.15 Apart from the small borrow pits developed during the construction of the A50 there are no significant impacts of past or present mineral extraction in the area but there are other commercial operations in the area which, together with the proposed mineral working, would impact on the area.
ASSESSMENT (-) There are not any current mineral workings in the area but there is other commercial activity in the area

Airport Safeguarding

- 1.16 This site lies outside the birdstrike safeguarding zones for East Midlands Airport and Derby Aerodrome in an area of low risk for birdstrike.
ASSESSMENT (++) The site lies within an area where there is a low potential risk of birdstrike

SOCIAL TOTAL 30/41

Environmental Considerations

Water Environment – Flood Risk

- 1.17 The site lies within a flood zone 3, which has the highest probability of flooding. EA has highlighted concerns regarding flood protection measures on the site which may be compromised as a result of the scheme.
ASSESSMENT (--) Site lies within flood zone 3 - high probability of flooding

Water Environment – Groundwater

- 1.18 None of this site lies within a Groundwater Protection Zone.
ASSESSMENT (+) Site lies outside a Groundwater Protection Zone

Water Environment – Aquifer Protection

- 1.19 This site lies on a secondary aquifer.
ASSESSMENT (-) Site lies on a secondary aquifer

Ecology - Existing impacts from mineral extraction.

- 1.20 Neither the application site nor its immediate surroundings have been affected by minerals extraction, nor is minerals extraction evidenced in the wider area.
ASSESSMENT (--) Only localised, limited impacts associated with mineral extraction within or adjacent to the site

Ecology - UK, regional and local BAPs priority habitats and species

- 1.21 The site is dominated by arable farming, and historic mapping would suggest that agricultural intensification has resulted in the removal of many internal hedges previously present on site.

The remnant hedgerows on site do contain some hedgerow trees which may be of some interest, although the hedgerows otherwise appear to be intensively managed. Small areas of semi-natural habitat may persist at the southern end of the site, although there are no notable habitats or designated sites recorded within or immediately adjacent to the site.

Protected and notable species records are very limited within and around the site, with only one old record for water vole seemingly relevant

ASSESSMENT (+) Some areas of degraded or biodiversity poor habitats that provide a context for possible allocation with an emphasis on habitat restoration or creation contributing to UK and local priority habitats.

Ecology - Ecological coherence/Natural Areas, Wildlife Corridors/Linkages

- 1.22 Being dominated by arable farming, the site is both consistent with other land uses widespread in the valley, and largely devoid of habitats which would be associated with and contribute positively to the ecological coherence of this area.

The ecological value of hedgerows within the site appears constrained by agricultural practices, and these hedgerows do not appear to form strong ecological corridors to habitats beyond the site boundary.

ASSESSMENT (+)The proposed site has few characteristics that accord with the established habitats over a wider area and its internal ecological coherence is poor.

Ecology - Habitat Creation

- 1.23 In the absence of previous minerals working, there is no context for large-scale wetland creation at this site, and any wetland habitats created here would lack connectivity to other wetland sites. On the other hand, the comparatively remote location of the site would likely limit the availability of fill material to achieve dry restoration.

ASSESSMENT (+)The site offers some opportunities to create or enhance UK or local priority habitats within its boundaries, making overall habitat gain, but may not make appropriate linkages to wider area.

Landscape - Existing Impact of Mineral Extraction

- 1.24 There is no evidence within the immediate or wider vicinity of the site of past or present mineral extraction.

ASSESSMENT (--) There are insignificant impacts associated with past mineral working

Landscape - Strength of Landscape Character

- 1.25 The proposed allocation is located within the Riverside Meadows LCT; a landscape typically farmed as permanent pasture. Evidence suggests that there has been significant boundary loss as a result of agricultural intensification and today this site is comprised of a small number of very large arable fields. Hedgerows are well managed but lack hedgerow trees.

ASSESSMENT (+) The proposed site has few characteristics that accord with the established landscape character and the condition is poor

Historic Environment - Designated Sites & Settings

- 1.26 Leathersley Farmhouse (Grade II Listed) is 210m from the western end of the site.

ASSESSMENT (-) Impact on Grade II Listed Building/Registered Historic Park and Garden, Conservation Area and/or its setting

Historic Environment – Archaeology

- 1.27 There are two records for cropmarks within the site, suggestive of Iron Age/Romano-British field systems and enclosures. A number of palaeo-channels are also mapped. Two records of ridge and furrow appear to be ploughed out. The Dove Valley is associated with deep alluvial deposits which can blanket archaeological and palaeo-environmental remains, so the surface-visible resource may underestimate the true extent and complexity of buried remains.

ASSESSMENT (-) Frequent, visible and interpretable earthworks and/or some known archaeology with significant potential for buried remains

Historic Environment - Historic Landscape

- 1.28 Very large arable fields with significant boundary loss.

ASSESSMENT (++) Historic field pattern largely gone.

Best and Most Versatile Agricultural Land

- 1.29 This site lies within an area where less than 20% of the land is likely to be best and most versatile agricultural land.

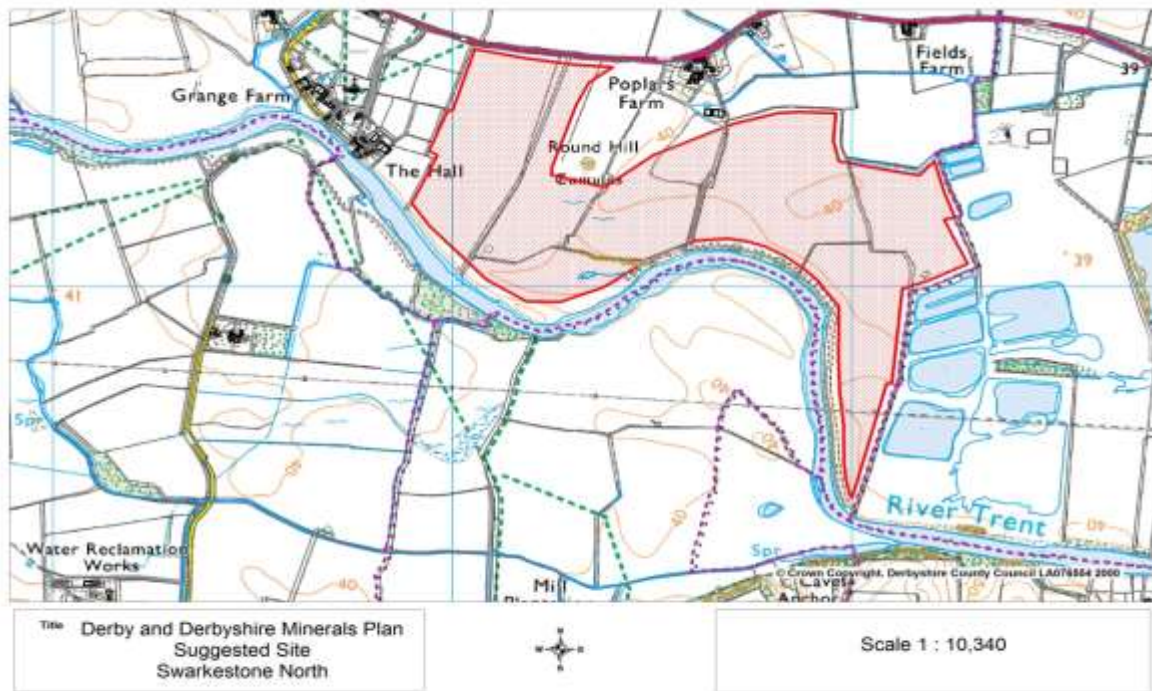
ASSESSMENT (++) The site lies within an area where there is a low likelihood of bmv land

ENVIRONMENTAL TOTAL = 34/50 (H)

Swarkestone North

Location and General Description of Site

This is a proposed extension to the active Swarkestone Quarry. The site is 100 hectares in size and is situated between the existing pit to the east and Twyford village to the west. The River Trent forms the southern boundary of the site and the A5132 the northern boundary. It is generally level, open terrain, being within the floodplain of the River Trent. It is currently in



agricultural use with a mix of arable and grazing uses.

Resources (yield, annual output, depth of deposit)

It is estimated that this site would yield **4.5 million tonnes** of sand and gravel from deposits with an average depth of **4 metres**. Deposits have been classified as being of medium to high quality. The operator estimates that the annual output would be **300,000 tonnes** over a **15 year** period.

End Use of, and Market for, Mineral

The processed material would be used in the manufacture of ready mixed concrete, pipes, roof tiles, slabs and other concrete products, to markets which are generally within a 25 mile radius of the site.

Timing and Phasing

The operations could begin on completion of the current quarry around 2020, with the site having an estimated lifespan of approximately 15 years.

Plant and Access Arrangements

It is proposed to utilise the existing processing plant and access road. The access joins the A5132 and lorries would generally then travel east onto the A514 before

joining the A50. The normal operating capacity of the processing plant would be 300,000 tonnes of material per annum.

Relevant History

A planning application is currently under consideration for the extraction of 250,000 tonnes of sand and gravel from the north eastern part of this site. The whole area was assessed by the MPA in 1993 for inclusion in the current adopted Minerals Local Plan but was not carried forward for further consideration because the permitted site contained sufficient reserves to sustain production at this operation for that Plan period, which was to 2006.

SITE ASSESSMENT

Economic Considerations

Need for the Mineral

- 1.1 Detailed evidence to support the need for additional reserves to maintain supply throughout the Plan period

ASSESSMENT (++) Detailed evidence provided to justify the need for the material

Existing Infrastructure

- 1.2 This proposal would utilise the existing quarry infrastructure.

ASSESSMENT (+) Use of existing quarry infrastructure

Location of Site to Market Areas

- 1.3 The site is well located to serve its intended market

ASSESSMENT (+) Site is well located to serve its market

Employment

- 1.4 The operation is likely to use existing employees from the existing quarry

ASSESSMENT (+) Retention of employees

Resources/Yield

- 1.5 It is estimated that this site would yield 4.5 million tonnes of sand and gravel from an extraction area of 70 hectares. This equates to over 64,000 tph.

ASSESSMENT (+) Yield of 50,000-75,000 tph

ECONOMIC TOTAL 16/18

Social Considerations

Duration of Mineral Extraction

- 1.6 The operation is expected to last for 15 years.

ASSESSMENT (+) Medium term 11-20 years.

Visual Intrusion (Properties and Rights of Way)

- 1.7 There are several properties from which the site is visible. There are properties in Twyford to the north-west and several individual residential properties to the north of the site including Poplars Farm, which stands adjacent to the northern site boundary. Part of the site is also visible from properties in Ingleby to the south.

ASSESSMENT (-) The site has some visually sensitive receptors and/or some parts of the site will be visible from them

Noise

- 1.8 A few properties to the north and west lie within the 200m noise contour and some within 500m of the site. Properties in Twyford may be affected by working, although this could be minimised by omitting the smaller grazing fields adjacent to Twyford from the allocation and creating a noise attenuation bund on this western boundary. The main source of noise would be the processing plant. However, this would remain in its current location, which would mean only those properties that are already affected would continue to be affected, albeit for a longer period.

ASSESSMENT (+)The site has no or few noise sensitive receptors within 200m of the boundary of the site and some within 500m

Dust

- 1.9 Some properties lie within 400m of the site. Sand and gravel is normally wet worked, with the result that dust is not a significant issue with this type of mineral extraction. The processing plant would remain in its current location and, therefore, it is likely that the working of this site would not exacerbate the current situation which conforms to environmental standards.

ASSESSMENT (-)The site has no or few high/medium dust sensitive receptors within 100m of the boundary of the site and some within 400m

Dust - Air Quality/Human Health

- 1.10 The site does not lie within 1000m of an AQMA.

ASSESSMENT (+) The site does not lie within 1000m of an AQMA

Transport – Export Route

- 1.11 The operator has confirmed that the proposed extension would utilise the access of the existing adjacent operation which is direct onto the A5132. The Highways Authority (Derbyshire County Council) has assessed this as being acceptable in principle, provided there is not a material increase in vehicle movements.

ASSESSMENT (+) The site will be accessed by an A road

Transport – Sustainable Transport Options

- 1.12 The company has confirmed that the processed material would be transported to and from this site by road.

ASSESSMENT (-) Road transport proposed

Transport - Safe and Effective Access to and from the Site

- 1.13 **ASSESSMENT (++) Existing approved access to current highway standards**

Transport – Local Amenity

- 1.14 HGVs would travel directly onto the A5132 on the northern edge of Barrow Upon Trent to reach the A50 from the site, and it appears that some also exit the A50/A38 and travel through Willington village to the existing site and vice versa.

ASSESSMENT (++) HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)

Cumulative Impact

- 1.15 There are existing mineral workings in the area and have been for a significant number of years .

ASSESSMENT (--) Impacts from past and existing mineral workings

Airport Safeguarding Birdstrike Issue – Potential Risk to Aircraft Safety

- 1.16 This site lies within the 13km birdstrike safeguarding zone for East Midlands Airport and, lying almost directly in line with the approach track flown by easterly arriving aircraft, is considered to be in a critical area for birdstrike.

ASSESSMENT (--) Site lies in an area where there is the highest potential risk of birdstrike

SOCIAL TOTAL 28/41

Environmental Considerations

Water Environment - Flooding

- 1.17 The site lies within the floodplain of the River Trent, within flood zone 3 where there is a high probability of flooding. A Flood Risk Assessment has been accepted for this area and works are on-going. The EA has stated that consideration should be given to extraction from the stand-off strip, allowing widening of the river and the creation of a braided channel.

ASSESSMENT (--) The site lies within flood zone 3 - high probability of flooding

Water Environment – Groundwater

- 1.18 This site lies outside a groundwater protection zone.

ASSESSMENT (+) The site lies outside a groundwater protection zone

Water Environment – Aquifer Protection

- 1.19 This site is on a secondary aquifer.

ASSESSMENT (-) Site lies on a secondary aquifer

Ecology - Existing Impacts from Mineral Extraction.

- 1.20 Eastern boundary currently very unnatural with open water and reed beds. Could be improved.

ASSESSMENT (+) Localised, but moderate to high, impacts on habitats

Ecology - UK, regional and local BAPs priority habitats and species

- 1.21 Majority of site is arable land with localised improved pasture adjacent to Twyford and possibly semi-improved in field by river with palaeochannels. Limited mature/veteran trees in centre of the site. No records = Priority habitats very limited.

ASSESSMENT (-) Some areas of positive ecological value, including UK or local priority habitats or species which should be considered for protection/conservation

- Ecology - Ecological coherence/Natural Areas, Wildlife Corridors/Linkages**
- 1.22 Very limited features characteristic of Natural Area and very limited coherence internally or with adjacent areas east or west.
ASSESSMENT (+) The site has few characteristics that accord with the established habitats over a wider area and its internal coherence is poor
- Ecology - Habitat creation**
- 1.23 Wetland nature reserve being developed to the immediate east. Priority habitats could be created providing valuable net biodiversity gains as long as existing riverside habitats of palaeochannels and semi-improved grassland retained.
ASSESSMENT (++) The site offers excellent opportunities to create or enhance UK priority habitats within the site and offers biodiversity benefit over a wider area
- Landscape - Existing Impacts from mineral extraction**
- 1.24 The proposed site is located east of Hilton and lies outside the Sherwood Sandstone area. There are localised high impacts associated with previous mineral extraction particularly to the east of this site.
ASSESSMENT (+) There are localised, moderate to high impacts associated with past mineral extraction
- Landscape - Strength of Landscape Character**
- 1.25 This site crosses two LCTs but is poorly representative of each. The majority of the land is down to arable with some localised pasture associated with smaller fields adjacent to Twyford and immediately adjacent to the River Trent. Hedgerows are generally poor, in some places missing and generally species poor (visual observation). There is a general lack of tree cover associated with field boundaries and the river. Trees are mostly associated with the semi-improved areas near the river. The overall condition of the site is average to poor. There is an isolated burial mound and some localised ridge and furrow (poor condition) within the site.
ASSESSMENT (+) The proposed site has few characteristics that accord with the established landscape character and the condition is poor
- Historic Environment - Designated Sites & settings**
- 1.26 An upstanding scheduled Round Barrow lies within the site area. Consideration will need to be given to the setting of this monument.
ASSESSMENT (--) Impact on a Grade I or II * designation, SM and/or its setting
- Historic Environment – Archaeological Environment**
- 1.27 Cropmarks are recorded north and south of the scheduled monument. Localised palaeochannels are present and evident along the southern fringe of the site, visible as existing stream line.
ASSESSMENT (+) Occasional or localised earthworks and/or known archaeology with limited potential for buried remains
- Historic Environment - Historic Landscape**
- 1.28 Earlier field pattern recognisable but considerable enlargement of fields in 20th century.
ASSESSMENT (+) Remnant field patterns with significant boundary loss

- 1.29 **Best and Most Versatile Agricultural Land**
A significant proportion of the site lies within an area where more than 60% of the land is likely to be best and most versatile agricultural land.

ASSESSMENT (-) Site lies within an area where there is a high likelihood of bmv land

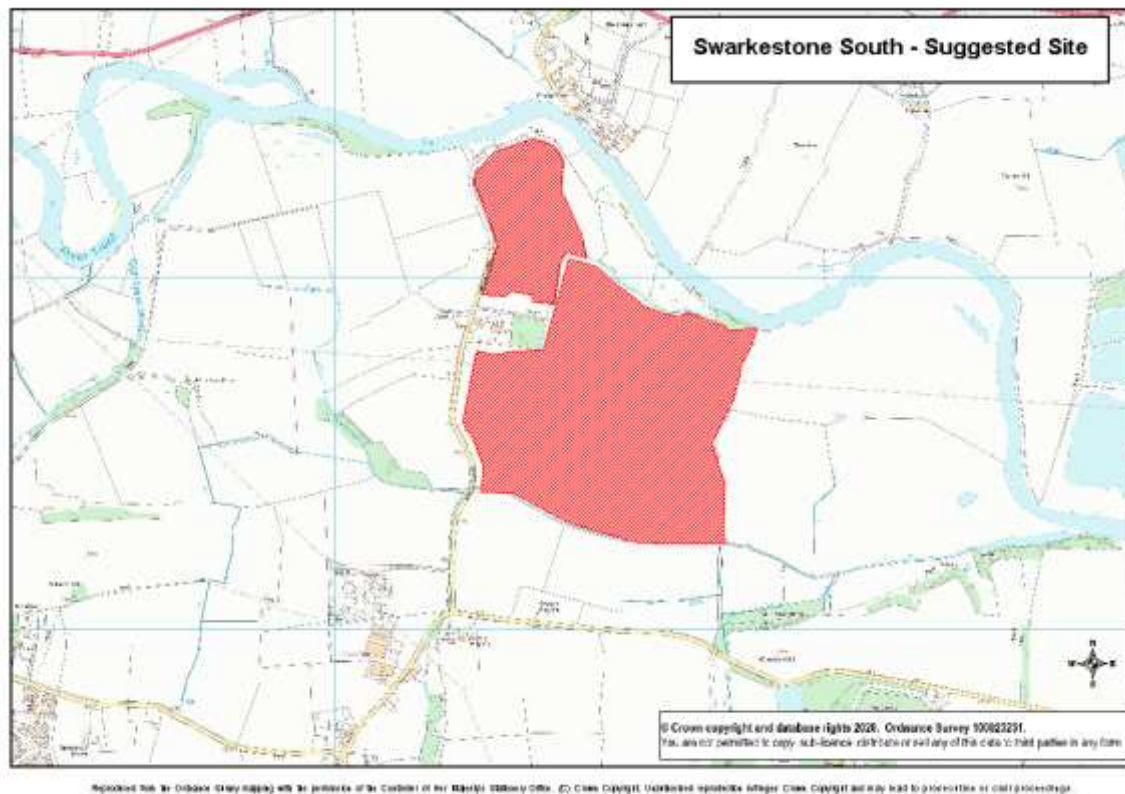
ENVIRONMENTAL TOTAL – 33/50 (H)

DRAFT

Swarkestone South

Location and General Description of Site

This is an extension to the existing active Swarkestone Quarry. The 79 hectare site is situated to the west of the existing Swarkestone Quarry, to the south of the River Trent. The western boundary is formed by a private access road and the southern boundary by a brook. Repton village is situated to the south-west and Ingleby and Foremark villages to the south-east. Being within the floodplain of the River Trent, the terrain is generally flat and open. It is in agricultural use, predominantly as pasture land, with a number of hedgerows and mature/semi-mature hedgerow trees.



Resources (yield, annual output, depth of deposit)

Taking account of proposed stand offs, the proposed extraction area would be around 70 hectares. It has been estimated that the site would yield saleable reserves of over 2.5 million tonnes of sand and gravel from deposits that average 3.5 metres in depth. Annual output is estimated at 300,000 tonnes. The lifespan of the site is estimated at around 8-9 years.

End Use of, and Market for, Mineral

The company has stated that the material would be used in the production of ready mixed concrete, pipes, roof tiles, kerbs, slabs and other concrete products. Markets for the end products would generally be within a 25 mile radius of the site.

Timing and Phasing

Operations are likely to commence once the current permitted area to the east of the site has been worked out. This is likely to be in around 10 years' time. Given the quantity of deposit and proposed annual extraction rates, it is estimated that operations at this site would then last 8-9 years.

Plant and Access Arrangements

The company proposes that the existing processing plant would be used and that the existing access road onto the A5132 would also be used. No details of the intended arrangements for transporting the mineral across the River Trent are known at this stage. The company estimates that there would be about 110 lorry movements per day from/to the site.

Site History

There is no relevant mineral planning history for this specific site but a planning application for the extraction of 2.5 million tonnes of sand and gravel from the site immediately to the east was approved in March 2019.

SITE ASSESSMENT

Economic Considerations

Need for the Mineral

- 1.1 Detailed evidence provided to support the need for additional reserves to maintain supply throughout the Plan period
ASSESSMENT (++) Detailed evidence provided to justify the need for the material

Existing Infrastructure

- 1.2 This proposal would utilise the existing quarry infrastructure.
ASSESSMENT (+) Use of existing quarry infrastructure

Location of Site to Market Areas

- 1.3 The site is well located to serve its intended market.
ASSESSMENT (+) Well located to serve market

Employment

- 1.4 The operation would use existing employees from the existing quarry
ASSESSMENT (+) Retention of employees

Resources/Yield

- 1.5 It is estimated that this site would yield c2.5 million tonnes of medium/high quality material from an extraction area of 70 hectares. This equates to around 36,000 tonnes per hectare.
ASSESSMENT (-) Yield of 25,000 – 50,000 tph

ECONOMIC TOTAL = 15/18

Social Considerations

1.6 Duration of Mineral Extraction

It is proposed that the site will be in production for 8-9 years.

ASSESSMENT (++) Short term 0-10 years

Visual Intrusion (Properties and rights of way)

- 1.7 Properties at Twyford have partial views across the river of part of the site. A residential nursing home adjoins the site to the west and has open views of the western part of the site. There are also views from Anchor Church (historic feature) to the south-east of the site boundary and from a few properties in Ingleby and Foremark, including Foremark Preparatory School. The undulating topography to the south screens the majority of site from Repton and Milton. Overall, the site has a number of properties from which the site is visible. In addition, a footpath runs along the eastern boundary of the site and this forks to the north-west through the site. The majority of the site is visible from these public rights of way.

ASSESSMENT (-) The site has some visually sensitive receptors and some parts of the site will be visible from them

Noise

- 1.8 All properties in Twyford, the nearby nursing home, and two properties adjacent to the south-west boundary lie within 500m of the site. It is recognised that the principal source of noise would be from the processing plant, which would remain in its existing location. Further work would be required to assess the potential impact of working the site on properties close to the site.

ASSESSMENT (+) The site has no or few noise sensitive receptors within 200m of the boundary of the site and some within 500m

Dust

- 1.9 All properties in Twyford, Foremark, the nursing home and two properties adjacent to the south-west boundary lie within 500m of the outer boundary of the site. There is the potential, therefore, for dust to be a problem. It is recognised that the material would be extracted in a wet condition, which would reduce significantly the potential for this to be a significant issue. However, the removal of the topsoil in the early stages of working has the potential to create some dust, but this will depend to a significant extent on the weather conditions leading up to, and during, this operation.

ASSESSMENT (+) The site has no or few high/medium dust sensitive receptors within 100m of the boundary of the site and some within 400m

Dust - Air Quality/Human Health Impacts

- 1.10 The site is not located within 1000m of an Air Quality Management Area.

ASSESSMENT (+) The site does not lie within 1000m of an AQMA

Transport - Export Route

- 1.11 The site would use the existing access onto the A5132 and from there lorries would use the A50 or A38.

ASSESSMENT (+) The site would be accessed from an A road

Transport – Capacity for Sustainable Transport Options

- 1.12 Processed material would be transported by road.
ASSESSMENT (-) Road transport proposed
- Transport – Safe and Effective Access**
- 1.13 Use of the existing access and access road would be acceptable provided there would be no increase in number of lorry movements.
ASSESSMENT (++) Existing approved access to current highway standards
- Transport – Local Amenity**
- 1.14 Lorries would go directly on to the A5132 from the quarry.
ASSESSMENT (++) HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)
- Cumulative Impact**
- 1.15 There are existing mineral workings in the immediate area and have been for a significant number of years.
ASSESSMENT (--) Impacts from past and existing mineral workings
- Airport Safeguarding Birdstrike Issue – Potential Risk to Aircraft Safety**
- 1.16 This site lies within the 13km birdstrike safeguarding zone for East Midlands Airport and, lying almost directly in line with the approach track flown by easterly arriving aircraft, is considered to be in a critical area for birdstrike.
ASSESSMENT (--) The site lies in an area where there is the highest potential risk of birdstrike

SOCIAL TOTAL = 30/41

Environmental Considerations

- Water Environment - Flooding**
- 1.17 The site lies within the Trent floodplain within flood zone 3 where there is a high probability of flooding. A Flood Risk Assessment has been accepted for this area and works are on-going in this respect. The EA has set out that consideration should be given to extraction from the stand-off strip, allowing widening of the river and the creation of a braided channel.
ASSESSMENT (--) Site lies within flood zone 3 high probability of flooding
- Water Environment - Groundwater**
- 1.18 Part of the south-western section of the site lies within a groundwater source protection zone. Given that the site is located adjacent to a water course and near other surrounding water features, it would require dewatering. A detailed EIA will be required detailing the effects of this de-watering on the surrounding water environment and what mitigation measures, if any, are required to deal with any adverse impacts. Correct pollution prevention procedures will need to be followed to prevent contamination of groundwater and the surrounding water environment.
ASSESSMENT (-) Site lies within a groundwater protection zone 2

Water Environment – Aquifer Protection

- 1.19 This site lies on a principal aquifer.
ASSESSMENT (--) Site lies on a principal aquifer
- 1.20 **Ecology - Existing impacts from mineral extraction.**
None internally. The river separates this site from existing workings to the NE.
ASSESSMENT (-) Only localised, limited impacts associated with mineral extraction within or adjacent to the site
- 1.21 **Ecology - UK, regional and local BAPs priority habitats and species**
Extensive arable, improved and semi-improved pasture. Hedgerows intact and close cut, but species poor, lacking notable hedgerow trees. Prominent trees and mixed species hedge (oak and some poor ash) associated with green lane in the centre of the site. Stream running west to east, lined with mature alder/willow. Some palaeochannels in improved pasture. Limited extent but valuable characteristic habitats of Natural Area.
ASSESSMENT (-) Some areas of positive ecological value, including UK or local priority habitats or species which should be considered for protection/conservation
- 1.22 **Ecology - Ecological coherence/Natural Areas, Wildlife Corridors/Linkages**
Overall coherence is limited due to the size of fields and limited features.
Site has very limited habitats characteristic of Natural Area
ASSESSMENT (+) The proposed site has few characteristics that accord with the established habitats over a wider area and its internal ecological coherence is poor.
- 1.23 **Ecology - Habitat creation**
Habitats would not be well linked to wider area.
ASSESSMENT (+) The site offers some opportunities to create or enhance UK or local priority habitats within its boundaries, making overall habitat gain, but may not make appropriate linkages to wider area.
- 1.24 **Landscape and Visual Amenity - Existing Impact**
The proposed site is located in the eastern part of the river valley and lies outside the Sherwood Sandstones area. Locally, there are insignificant impacts associated with previous mineral extraction, although there are existing and previous workings across the River Trent to the east.
ASSESSMENT (-) There are only localised, low impacts associated with past mineral extraction
- 1.25 **Landscape and Visual Amenity - Strength of Landscape Character**
The site, directly south of the River Trent and north of Foremark, is poorly representative of the established character of the Riverside Meadows LCT with large parts of the site now down to arable or improved pasture. Hedgerows are mostly intact and close cut, generally species poor and lacking in notable hedgerow trees. The most prominent trees (oak and some poor quality ash) are associated with the green lane that dissects the site and connects to the river. There is some localised ridge and furrow and palaeochannels within areas of improved pasture and a small section of mixed species hedgerow associated with the green lane. Overall, the landscape

character is weak although there are some attractive features, some of which are in good condition.

ASSESSMENT (+) The proposed site has few characteristics that accord with the established landscape character and the condition is poor

Historic Environment - Designated Sites & settings

- 1.26 Grade II Listed 'Anchor Church' is close to the site, with designed views over the extraction site associated with the cave's re-interpretation within the 18th century park at Foremark Hall.

ASSESSMENT (-) Impact on a Grade II designation, conservation area and/or its setting.

Historic Environment – Archaeological Environment

- 1.27 Possibly some remnant ridge and furrow and parish boundary. Extensive and visible palaeochannels within the site.

ASSESSMENT (-) Frequent, visible and interpretable earthworks and/or some known archaeology

Historic Environment - Historic Landscape Character

- 1.28 The early field pattern has largely gone but some boundaries remain.

ASSESSMENT (+) Remnant field patterns with significant boundary loss

Best and Most Versatile Agricultural Land

- 1.29 The site has similar proportions of land where there is either likely to be less than 20% bmv or between 20% and 60%. A small part in the south-western section of this site lies within an area where more than 60% of the land is likely to be best and most versatile agricultural land.

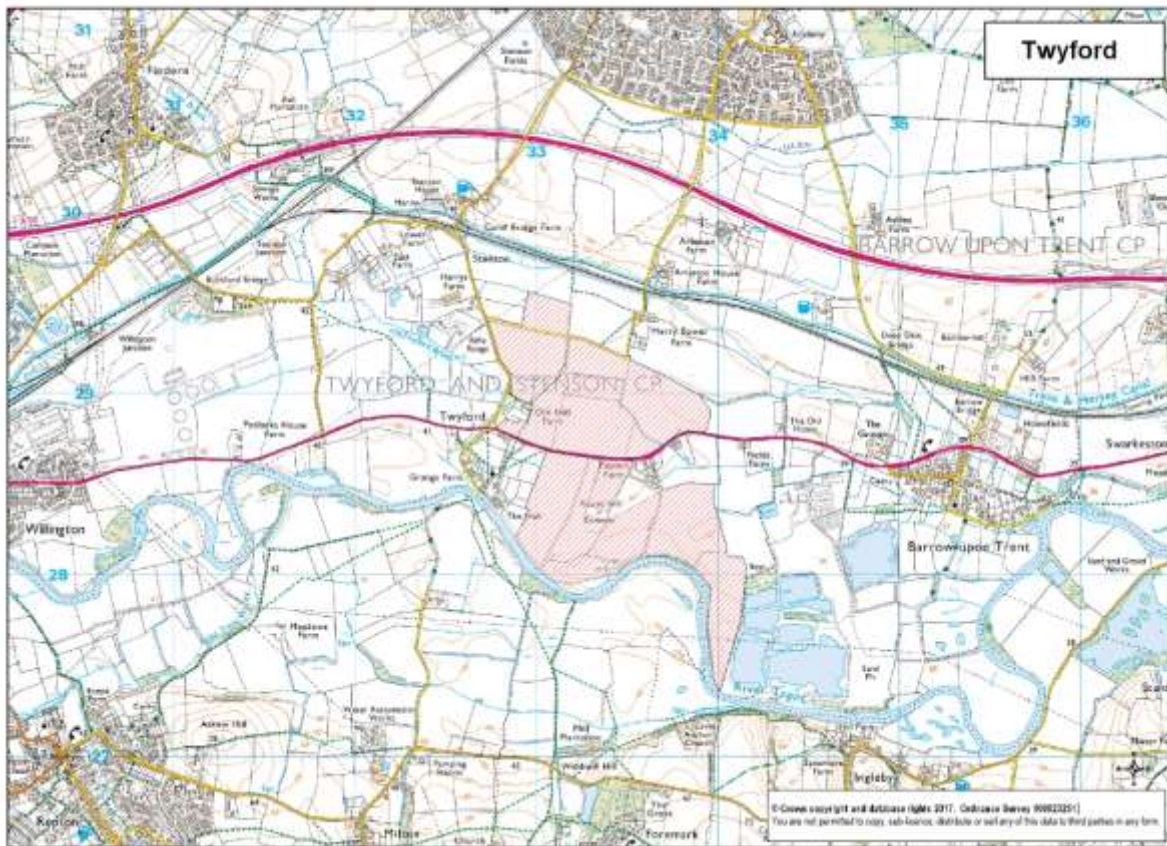
ASSESSMENT (+) The site lies in an area where there is a moderate likelihood of bmv land

ENVIRONMENTAL TOTAL 29/50 (M)

Twyford

General Description of Site

This would be a new site operated by Cemex as a replacement for their Willington site, which will have run out of reserves by 2025. The site is 159 hectares in size. It is situated to the north and east of Twyford, either side of the A5132. Tarmac's Swarkestone Quarry lies to the east of the site. The River Trent forms the southern boundary of the site. It is generally level, open terrain, being within the floodplain of the River Trent. It is currently in agricultural use with a mix of arable and grazing uses. Hedgerows and occasional fencing with a few mature trees form the internal field boundaries of the site.



Resources (yield, annual output, depth of deposit)

It is estimated that this site would yield around 6.25 million tonnes of sand and gravel from deposits with an average depth of 4 metres. Deposits have been classified as being of medium to high quality. The operator estimates that the annual output would be 300,000-350,000 tonnes over an 18-20 year period.

End Use and Market

The processed material would be used in the manufacture of ready mixed concrete, pipes, roof tiles, slabs and other concrete products, to markets which are generally within a 25 mile radius of the site.

Timing and Phasing

The operations could begin on completion of Willington Quarry around 2025, with the site having an estimated lifespan of approximately 20 years.

Plant and Access Arrangements

There are currently two options for the plant and access arrangements. Option 1 is to locate the plant on the eastern side of the site just to the north of the A5132, with access direct on to the A5132. Lorries would then be expected to travel east onto the A514 before joining the A50. Option 2 proposes the plant site in the north western corner of the site, with an internal access road running directly south through the site to join the A5132. The normal operating capacity of the processing plant would be 300,000-350,000 tonnes of material per annum, with an anticipated 109 HGV movements per day.

Planning History

The area to the south of the A5132 was assessed by the MPA in 1993 for inclusion in the current Minerals Local Plan but was not carried forward for further consideration because the permitted site at Swarkestone Quarry contained sufficient reserves to sustain production at that operation for that Plan period, which was to 2006. The area to the south of Twyford Road was again assessed in 2011 for inclusion in the current review and is proposed to be included as a preferred allocation in the draft Plan.

SITE ASSESSMENT

Economic Considerations

1.1 Need for the Mineral

There is a need for further sand and gravel to maintain a steady and adequate supply over the Plan period to 2036.

ASSESSMENT (+) Some evidence has been provided which shows the need for additional reserves to maintain supply throughout the Plan period.

Existing Infrastructure

1.2 This proposal would require new quarry infrastructure to be developed.

ASSESSMENT (-) New quarry infrastructure would have to be developed for the operation.

1.3 Location of Site to Market Areas

The site is well located to serve its intended market.

ASSESSMENT (+) Site is well located to serve its market

1.4 Employment

This is the replacement of an existing operation at Willington Quarry, which is likely to use employees from this quarry.

ASSESSMENT (+) Retention of employees from an existing operation

Resources/Yield

- 1.5 It is estimated that this site would yield 6.25 million tonnes of sand and gravel from a proposed extraction area of 159 hectares. This equates to 39,300 tph.
ASSESSMENT (-) Yield of 25,000-50,000tph

ECONOMIC TOTAL 13/18

Social Considerations

Duration of Mineral Extraction

- 1.6 The operation is expected to last for 18-20 years.
ASSESSMENT (+) Medium term 11-20 years.

Visual impact (Properties and Rights of Way)

- 1.7 There are several properties from which the site is visible. Black Dub and Old Hall Farm and Cottage are located on the boundary of the site and would have open views across the site from windows and the residential curtilage. There are also properties in Twyford and several individual residential properties along the A5132. The northern section of the site would also be visible from the hamlet of Arleston. The southern part of the site is also visible from properties in Ingleby to the south of the site. There is a footpath crossing the northern part of the site in a generally north south orientation and there are roads to the south, west and north of the site. The area to the south of the A5132 would be visible from the road and Poplars Farm adjacent to the site boundary although there is no public access to this area. On balance the site is judged to have some to many visual receptors able to view large parts of the site.
ASSESSMENT (-) The site has some visually sensitive receptors and some parts of the site will be visible from them.

Noise

- 1.8 A few properties along the A5132, as well as a few in Twyford and Arleston lie within the 200m noise contour and some lie within 500m of the site. The main source of ongoing noise would be the processing plant. This is likely to be located to the north of the A5132 but this has not yet been confirmed.
ASSESSMENT (+) The site has a few noise sensitive receptors within 200m of the boundary of the site and some within 500m

Dust

- 1.9 Sand and gravel is normally wet worked, with the result that dust is not normally a significant issue with this type of mineral extraction. However, given that there are potential implications, this issue is covered. A few (about 5) residential properties are situated within 100m of the site and some within 400m.
ASSESSMENT (-)The site has some high/medium dust sensitive receptors within 100m of the boundary of the site and some within 400m

Dust - Air Quality/Human Health

- 1.10 The site does not lie within 1000m of an AQMA.
ASSESSMENT (+) The site does not lie within 1000m of an AQMA

Transport – Export Route

- 1.11 The operator has proposed two options for the location of the access, both of which would be onto the A5132.

ASSESSMENT (+) The site will be accessed by an A road

Transport – Sustainable Transport Options

- 1.12 The company has confirmed that the processed material would be transported from this site by road.

ASSESSMENT (-) Road transport proposed

Transport - Safe and Effective Access to and from the Site

- 1.13 Two options have been proposed regarding the access to the site. Option 1 is for the site to be accessed from the A5132 at the north eastern part of the site. Option 2 proposes access from the A5132 on the western side of the site.

ASSESSMENT (-) No existing approved access but subject to agreement with local highway authority new access is likely to be acceptable

Transport – Local Amenity

- 1.14 Access would be direct on to the A5132.

ASSESSMENT (++) HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network (A Class Road or designated freight routes)

Cumulative Impact

- 1.15 There are existing mineral workings and other commercial activity in the area and have been for a significant number of years.

ASSESSMENT (--) There is a concentration of mineral workings and other commercial activity in the area, which currently have, or have had, impacts over a long period of time.

Airport Safeguarding

- 1.16 This site lies within the 13km birdstrike safeguarding zone for East Midlands Airport and, lying almost directly in line with the approach track flown by easterly arriving aircraft, is considered to be in a critical area for birdstrike.

ASSESSMENT (--) Site lies in an area where there is the highest potential risk of birdstrike

SOCIAL TOTAL 29/41

Environmental Considerations

Water Environment – Flood Risk

- 1.17 The site lies within the floodplain of the River Trent, within flood zone 3 where there is a high probability of flooding. A Flood Risk Assessment has been accepted for this area and works are on-going. The EA has stated that consideration should be given to extraction from the stand-off strip, allowing widening of the river and the creation of a braided channel.

ASSESSMENT (--) The site lies within flood zone 3 - high probability of flooding

Water Environment – Groundwater

1.18 This site lies outside a groundwater protection zone.

ASSESSMENT (+) The site lies outside a groundwater protection zone

Water Environment – Aquifer Protection

1.19 Part of this site is on a principal aquifer.

ASSESSMENT (--) Site lies on a principal aquifer

Ecology - Existing Impacts from Mineral Extraction.

1.20 The proposed allocation includes land both to the north and the south of the A5132 Twyford Road. To the north of this road, neither the potential allocation nor its immediate surroundings have been affected by minerals extraction. However, south of Twyford Road the potential allocation lies in close proximity to the existing Swarkestone Quarry and its recent small, short term extension area west of the processing plant. This part of the potential allocation site would also be located closer to – although separate to and on the opposite bank to - the most recently consented Swarkestone Quarry extension south of the river.

ASSESSMENT (+/-) Localised, but moderate to high, impacts on habitats/ Only localised, limited impacts associated with mineral extraction on habitats within or adjacent to the site

Ecology - UK, regional and local BAPs priority habitats and species

1.21 Both parts of the site are currently dominated by arable farming, and historic mapping would suggest that agricultural intensification has resulted in the removal of many internal hedges previously present on site. However, at least north of Twyford Road, the hedges that are present appear of reasonable condition and maturity and would merit further survey. These hedges are associated with frequent hedgerow (and occasional in-field) trees, often (and perhaps unusually for this area?) consisting of oaks. Hedgerows and internal field boundaries also appear associated with watercourses or ditches, which again would merit further consideration. These habitats could be of priority habitat value but this cannot be known without further survey work. Outside of the site, the Twyford Green Grassland complex is a Local Wildlife Site previously identified for its unimproved grassland interest, although it is not known whether these habitats retain their interest and condition. There also appear to be multiple records for notable species – particularly otter, but also notable plant species - in close proximity to the southern part of the site. These records do however mostly appear to relate to land outside of the potential allocation, on the other side of the river.

ASSESSMENT (+/-) Some areas of degraded or biodiversity poor habitats that provide a context for possible allocation with an emphasis on habitat restoration or creation contributing to UK and local priority habitats/Some areas of positive ecological value, including UK or local priority habitats or species which should be considered for protection/conservation

Ecology - Ecological coherence/Natural Areas, Wildlife Corridors/Linkages

1.22 Being dominated by arable farming, the site is both consistent with other land uses widespread in the valley, and largely devoid of habitats which would be associated with and contribute positively to the ecological coherence of this area. The obvious exception is hedgerows and ditches/watercourses, which are present through the site

especially north of Twyford Road, and link to comparable habitats beyond the site boundary.

The southern part of the potential allocation would however take minerals working in close proximity to the river and the associated riparian habitats – a strong ecological corridor - for some considerable distance, perhaps equating to c 1.9km of river/ river bank.

ASSESSMENT (+) The site has few characteristics that accord with the established habitats over a wider area and its internal coherence is poor

Ecology - Habitat creation

- 1.23 The northern part of the site, being somewhat distant from the river, would not seem like a natural candidate for a water-based restoration scheme. The value of a wet restoration would be somewhat restricted because of the absence of similar waterbodies immediately adjacent to the site, and such a restoration might also be incompatible with existing landscape character(?)

However, a restoration to original ground levels in this area may prove challenging, depending on the availability of fill. If a dry restoration can be achieved, there may be pressure to restore to current land uses and create agricultural land of limited ecological value

Habitat creation should seize opportunities to retain and enhance hedgerows and mature trees, to provide a framework for site restoration.

South of Twyford Lane, the site offers greater potential to support habitat creation, likely focussing on appropriate wetland creation, to strengthen the ecological value of the river corridor and add to the habitats provided (or to be delivered) within Swarkestone Quarry, both north and south of the river. That said, other constraints (airport safeguarding, depth of void left after working, restoration of setting to scheduled monument etc) may prevent site restoration from creating the most noteworthy habitat types (e.g. reedbeds, wetlands with extensive shallows and extensive areas of species rich grassland), as has proved to be the case within the existing sites.

ASSESSMENT (+) The site offers some opportunities to create or enhance UK or local priority habitats within its boundaries, making overall habitat gain, but may not make appropriate linkages to wider area.

Landscape - Existing Impacts of Mineral Extraction

- 1.24 The proposed allocation site is located to the north and south of the A5132, east of Twyford. Within the site and from surrounding lanes there is very little evidence of past or present mineral working although from the A5132 at the easternmost end of the site there is evidence of the screening bunds around the Swarkestone Quarry complex. Overall these impacts are judged to be low and localised within the context of the proposed allocation site. Developed as a new site would add cumulatively with existing impacts associated with the Swarkestone Quarry site.

ASSESSMENT (-) There are only localised, low impacts associated with past mineral extraction.

Landscape - Strength of Landscape Character

- 1.25 To the north of the proposed allocation site is located within the Lowland Village Farmlands LCT described as a mixed farming landscape with arable crops and improved pasture. Towards the river the Lowland Village Farmlands give way to the Riverside Meadows LCT typically a pastoral landscape associated with the river. The

site is generally consistent with the characteristics of each LCT with small to medium fields enclosed by hedgerows with scattered hedgerow trees, although boundary loss is more evident to the south of the A5132. Field boundaries and trees in the area to the north of Twyford Road are generally in good condition.

Wet restoration of land to the north of Twyford Road would be at odds with the character of the river terraces and would create features that do not naturally link to existing habitats.

ASSESSMENT (-/-)The proposed site generally accords with the established landscape character (or in part) but the condition could be enhanced/The proposed site accords with the established landscape character and is in good condition

Historic Environment - Designated Sites & settings

- 1.26 Indirect (setting) impacts: the (north) site is immediately adjacent to the Twyford Conservation Area at its SE corner, and also immediately adjacent to Grade II* and Grade II Listed Buildings (Old Hall Cottage and Old Hall Farmhouse respectively). Both sites border immediately on the scheduled 'Round Hill' henge and barrow, forming its setting in terms of landscape and below-ground archaeology. The Scheduled Monument at Round Hill will have implications on both the extractable area of this site and on any restoration scheme. A suitable buffer to extraction will be necessary to conserve the landscape setting of the monument and its archaeological setting in terms of associated remains below-ground. The restoration scheme would need to re-establish an appropriate dry/floodplain setting for the monument: although a naturalistic mosaic of wet/dry habitats would be acceptable, setting the monument among substantial water bodies would not. Similar considerations might apply to the Listed Buildings at Old Hall Farm.

ASSESSMENT (-) Impact on a Grade I or II * designation, SM and/or its setting.

Historic Environment – Archaeology

- 1.27 There are numerous records for cropmarks on Derbyshire HER, covering almost the entire northern site and large parts of the southern site. These include field systems, trackways/droeways, enclosures, a pit alignment, linear boundaries and some possible ring ditches, and are likely to represent a below-ground archaeological record dating between the Bronze Age and Romano-British period. Alluvium may conceal further archaeology particularly within the southern site. The northern site is largely under arable crop and retains no earthworks; the southern site within the floodplain has 6 records for earthworks – principally ridge and furrow – although some areas have subsequently been converted to arable with consequent loss of significance. The site also has some broad palaeochannel features mapped suggesting a significant palaeo-environmental resource.

ASSESSMENT (-) Extensive, visible and interpretable earthworks and/or known archaeology with high potential for buried remains.

Historic Environment - Historic Landscape

- 1.28 In general the site is characterised by post 1650 regular enclosure with significant boundary loss creating very large fields. An area of earlier enclosure may survive around Old Hall Farm, and the more irregular field pattern in the SE part of the site may be of earlier origin though again the fields are much enlarged.

ASSESSMENT (+) Remnant field patterns with significant boundary loss

- 1.29 **Best and Most Versatile Agricultural Land**
A significant proportion of the site lies within an area where more than 60% of the land is likely to be best and most versatile agricultural land.
ASSESSMENT (-) Site lies within an area where there is a high likelihood of bmv land.

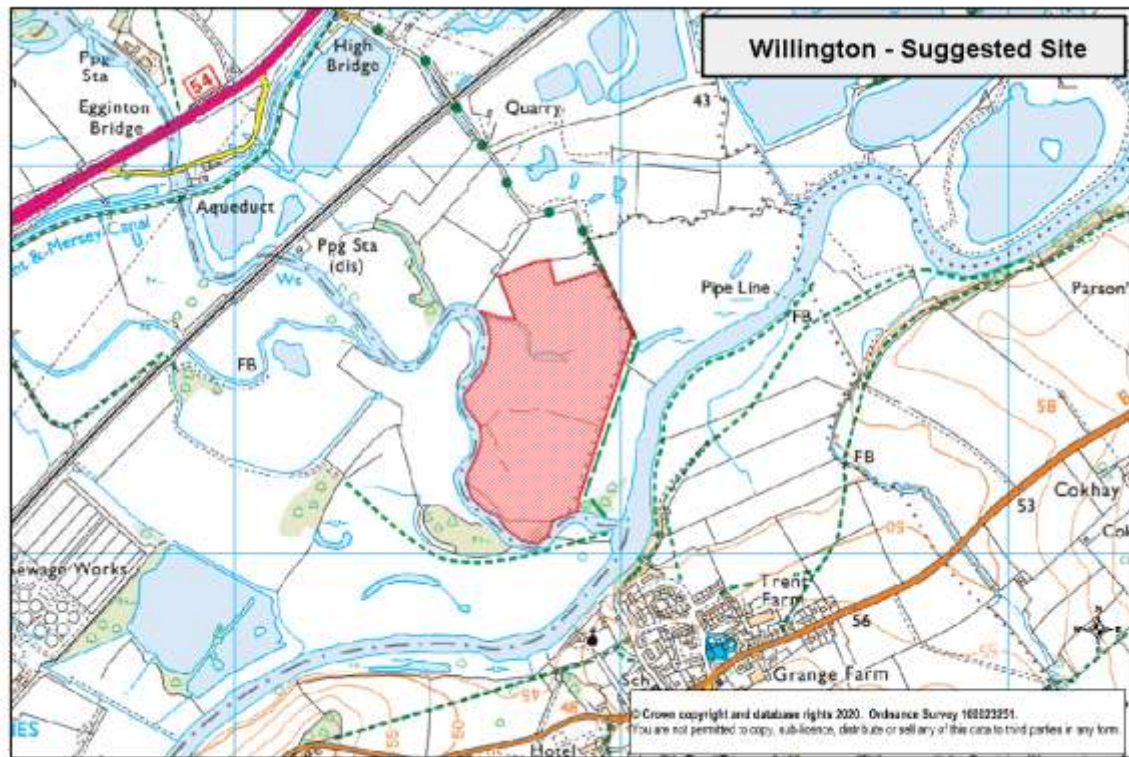
ENVIRONMENTAL TOTAL 26.5/50 (M)

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Willington

Location and General Description of Site

This is a proposed extension to the currently active Willington pit. This 18 hectare site is located in the Trent Valley on the Derbyshire/Staffordshire border, one mile to the south-west of the village of Willington. It is currently in agricultural use, predominantly for grazing livestock.



Resources (yield, annual output, depth of deposit)

This site is estimated to have a yield of approx. 0.8 million tonnes of sand & gravel from deposits between 3m and 6m in depth. Assuming an extraction area (taking account of stand-offs) of around 15 hectares, yield per hectare would be around 53,000 tonnes. There is an average overburden of 1.5m depth. It would have a lifespan of around 3-4 years. This equates to an annual output from the site of around 250,000-300,000 tonnes.

Timing and Phasing

The operator states that production could commence in 2023 and would enable the quarry to remain productive after the completion of operations within the existing quarry area. The proposed development, including restoration, would be completed in an estimated 3-4 years.

Plant and Access Arrangements

All operations for the existing quarry and the proposed extension would continue to be accessed using the existing long access road to the A5132. The existing processing plant on the adjacent operational site would also be used for the duration of the proposed extension period.

Site History

Mineral extraction in the vicinity of the site has been undertaken in a piecemeal manner by a number of operators since the 1960s, although it is only since the late 1980s that the site has developed into a permanent quarry with associated infrastructure. Permissions for the extraction of sand and gravel from land off High Bridge Lane and to the south-west of Castle Way were granted in 1966 and 1991 respectively and these areas have now been worked out. The former area is now the location of the quarry plant and silt lagoons. A Planning application for sand and gravel extraction on a 34 hectare site adjacent to this proposal was approved in September 2016.

SITE ASSESSMENT

Economic Considerations

Need for the Mineral

- 1.1 Detailed evidence to support the need for additional reserves to maintain supply throughout the Plan period.

ASSESSMENT (++) Detailed evidence provided to justify the need for the material

Existing Infrastructure

- 1.2 This proposal would utilise the existing quarry infrastructure.

ASSESSMENT (+) Use of existing quarry infrastructure

Location of Site to Market Areas

- 1.3 The site is well located to serve its intended market.

ASSESSMENT (+) Site is well located to serve its market

Employment

- 1.4 The operation would use existing employees from the existing quarry.

ASSESSMENT (+) Retention of employees

Resources/Yield

- 1.5 The company estimates that the site would yield around 0.8 million tonnes of sand and gravel from an extraction area of 15 hectares. This equates to around 53,000 tonnes per hectare.

ASSESSMENT (+) 50,000 – 75,000 tph

ECONOMIC TOTAL 16/18

Social Considerations

Duration of Mineral Extraction

- 1.6 The site is estimated to be worked over a period of 3-4 years.

ASSESSMENT (++) Short-term 0-10 years

Visual Intrusion (Properties and Rights of Way)

- 1.7 This site cannot be seen easily from any residential or other property, although some properties in Newton Solney may have views of the southernmost part of the site from across the river. The north-western part may be seen from the railway and the majority of the site is visible from High Bridge Lane (a green lane and public footpath) which follows the eastern boundary of the site. Overall, the site has few visual receptors, but large parts of the site are visible from public routes.

ASSESSMENT (+) The site has few visually sensitive receptors but large parts of the site will be visible from them

Noise

- 1.8 There are only a small number of individual residential properties to the north of the site along the A38 but it is not considered that they would be affected to any greater degree than they are by the current operation, which operates within the required noise guidelines.

ASSESSMENT (+) The site has few noise sensitive receptors within 500m of the boundary of the site

Dust

- 1.9 There are only a small number of individual residential properties within 500m of the site, but the moist nature of the material on extraction and methods of working would reduce the impact of dust in any case.

ASSESSMENT (+) The site has few medium/dust sensitive receptors within 500m of the boundary of the site

Air Quality/Human Health

- 1.10 There are no Air Quality Management Areas in the vicinity of this site.

ASSESSMENT (+) Site does not lie within 1000m of an AQMA

Transport- Export Route

- 1.11 There is an existing access/haul road from the site through previous working areas to the A5132. This will continue to be used.

ASSESSMENT (+) The site will be accessed by an A road

Transport – Capacity for Sustainable Transport Options

- 1.12 The operator has confirmed that the processed material would be transported by road.

ASSESSMENT (-) Road transport proposed

Transport - Safe and effective access to and from the site

- 1.13 **ASSESSMENT (++) Existing approved access to current highway standards**

Transport – Local Amenity

- 1.14 HGVs would pass directly on to an A road to reach the main market areas.

ASSESSMENT (++) HGVs would have to pass no sensitive receptors between the site and the start of the local strategic network

Cumulative Impact

- 1.15 There are existing mineral workings in the area and have been for a significant number of years

ASSESSMENT (--) Impacts from past and existing mineral workings

Airport Safeguarding Birdstrike Issue – Potential Risk to Aircraft Safety

- 1.16 This site lies outside the EMA 13km zone but partly inside the Derby Aerodrome 3km zone.

ASSESSMENT (+) The site lies within an area where there is a medium potential for birdstrike

SOCIAL TOTAL 32/41

Environmental Considerations

Water Environment – Flooding

- 1.17 The site lies within an area classified as Flood Zone 3. Such areas have the highest probability of flooding. A Flood Risk Assessment is being considered for this site by the EA.

ASSESSMENT (--) Site lies within flood zone 3 - high probability of flooding

Water Environment – Groundwater

- 1.18 This site does not lie within a Groundwater Protection Zone.

ASSESSMENT (+) Site lies outside a groundwater protection zone

Water Environment – Aquifer Protection

- 1.19 This site lies on a secondary aquifer.

ASSESSMENT (-) The site lies on a secondary aquifer.

Ecology – Existing Impacts from Mineral Extraction

- 1.20 Widespread impacts on north-east side, but major losses have been/will be arable land.

ASSESSMENT (+) Localised, but moderate to high, impacts on habitats

Ecology - UK, regional and local BAPs priority habitats and species

- 1.21 Significant area of unimproved pasture, dense watercourse trees, and pollarded willows, water filled channels. There are mature trees on High Bridge Lane, including a rare black poplar, a former stream course, willows and alders.

ASSESSMENT (--) Extensive areas of positive ecological value, including UK priority habitats or species which should be considered for protection/conservation

Ecology - Ecological Coherence/Natural Areas, Wildlife Corridors/Linkages

- 1.22 Area is cut off from similar habitat by railway and other workings but internally has strong coherence and strong coherence with the Rivers Trent and Dove. There is a good assemblage of characteristic features of the Natural Area in a quiet area.

ASSESSMENT (--) The site accords with the established habitats over a wider area and habitat pattern is strong

Ecology - Habitat Creation

- 1.23 Existing habitats are intact and there is a limited requirement for biodiversity enhancement within the site.

ASSESSMENT (-/--) Existing habitats are intact and make a strong contribution to priority biodiversity targets for conservation and there is strong ecological coherence within the site; habitat creation would not enhance the site or the wider area

Landscape - Existing Impacts of Mineral Extraction

- 1.24 The site is located east of Hilton and lies outside the Sherwood Sandstone area. There is a high, widespread impact from existing mineral extraction on the north-east section of the site, although it does not impact on the majority of the site.

ASSESSMENT (+) There are localised, moderate to high, impacts associated with past mineral extraction

Landscape - Strength of Landscape Character

- 1.25 South-west of Willington and south of the Trent and Mersey Canal and railway line, the site strongly accords the established landscape character. There has been some loss of hedgerows and arable land in the north-east section. However, there is still a significant section of intact unimproved pasture, dense watercourse trees, and pollarded willows. There is a green lane/ bridleway on the eastern boundary of the site. There is a visually distinct former stream course and parish boundary lined with willows and alders (potential veterans). There are linear water areas adjacent to the river, which are possibly cut off oxbow lakes. The site accords with the established *Riverside Meadows* landscape character and is generally in good condition.

ASSESSMENT (-) The site accords with the established landscape character and is in good condition

Historic Environment - Designated sites & settings

- 1.26 St Mary's Church, Newton Solney (Grade II* Listed), is 325m away on the southern side of the Trent. Monk's Bridge (Scheduled Monument) is 340m to the north. From this asset the extraction site would be experienced across an already-extracted area and the railway line.

Because of the nature of the intervening area I judge that the proposed extraction area would not impact upon Monk's Bridge or Monk's Flood Bridge. It is likely that the assets at the northern edge of Newton Solney (church and conservation area) will experience impacts from the proposed extraction site.

ASSESSMENT (-) (Impact on a Grade I or II* designation, SAM and/or its setting), because of potential impacts to St Mary's Church, Newton Solney (Grade II* Listed).

Historic Environment – Archaeological Environment

- 1.27 Fairly extensive areas of visible ridge and furrow. Several known palaeochannels with a major channel still containing areas of water. Major potential for well-preserved organic remains.

ASSESSMENT (-) Frequent, visible and interpretable earthworks and some known archaeology with significant potential for buried remains

Historic Environment - Historic Landscapes

- 1.28 Field pattern suggestive of enclosure of strip fields and relatively unchanged since mid-19th century. Field pattern could be much earlier.

ASSESSMENT (--) Evidence of multi period landscape and intact field pattern

Best and Most Versatile Agricultural Land

- 1.29 The majority of this site lies within an area where 20%-60% of the land is likely to be best and most versatile agricultural land (bmv).

ASSESSMENT (+) The site lies within an area where there is a moderate likelihood of bmv land

ENVIRONMENTAL TOTAL = 23.5/50 (L)

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Analysis of Assessment Scores

The scores for all the criteria for the social and economic categories have been added to produce a total for each category, as set out in the assessments above. For the environmental criteria, the scoring from the environmental matrix set out below has been used. This combines both the site assessment work (set out above) and the strategic environmental sensitivity mapping work (set out in a separate paper, "A Methodology to Map Environmentally Sensitive Areas in the Trent Valley).

For each category, the sites were then ranked, so the lowest scoring site achieves a ranking of '1' (i.e. low potential for mineral working). Where two sites scored the same, the difference was split (so for example if two sites had an economic score of 17, and would have been ranked 2nd and 3rd, they have been assigned a ranking of 2.5). Where three sites got the same score, all sites were allocated the middle ranking; for example, if three sites scored the same and are 4, 5 and 6 in the ranking order, they have all been assigned the middle ranking of 5.

The economic, social, and environmental rankings were then added together to provide an overall score – theoretical maximum 21, minimum 3. This has determined the overall potential for working each site. Sites with high potential are deemed as potential allocations in this Minerals Local Plan. Sites in the medium category may have the potential to be considered as allocations if there are insufficient sites in the "High" category to meet the remaining requirement, or if during the Plan period, monitoring indicates that the allocated sites are not being, or will not be, delivered as anticipated. Sites with low potential will not be considered for allocation in the plan, and are likely to be protected from mineral extraction over the Plan period.

Ref.	Site	Economic score	Economic ranking	Social score	Social ranking	Environment score	Environment ranking	Combined ranking total	Overall potential for working
SG02	Swarkestone North	16	7.5	28	2	12	8	17.5	High
SG04	Elvaston	16	7.5	31	7	4	4.5	19	High
SG01	Willington	15	5.5	32	8	2	2.5	16.5	High
SG05	Swarkestone South	15	5.5	30	5.5	4	4.5	15.5	High
SG03	Twyford (incl. Swarkestone N)	13	3	29	3.5	8	7	13.5	Medium
SG06	Foston	12	1	30	5.5	6	6	12.5	Medium
SG08	Foremark	13	3	29	3.5	2	2.5	9	Medium
SG07	Egginton	13	3	27	1	1.5	1	5	Low

Low potential for working= 3-8
Medium potential for working = 9-14

High potential for working = 15-21

Environmental Scoring System

This section sets out how the scores for the environmental element of the individual site assessments (potential for allocation with regards to environmental factors) have been combined with the scores from the strategic environmental sensitivity mapping work to produce an overall environmental score for each site, which is used in the table above.

The environmental scores from the site assessments above have been classified using the following grading.

0-25 Low

26-30 Medium

31+ High

In the matrix below sites in the Low category have been assigned a rating of 1; those in the Medium category, 2; and those in the High category, 3. This has then been cross referenced with the environmental sensitivity mapping assessment to produce an overall environmental score for each site. The higher the overall score, the greater potential the site is considered to have for sand and gravel working.

The background to the strategic environmental sensitivity work is set out in the paper "A Methodology to Map Environmentally Sensitive Areas in the Trent Valley".

Willington

Site Assessment	High (3)	12	10.5	9	7.5	6	4.5	3
	Medium (2)	8	7	6	5	4	3	2
	Low (1)	4	3.5	3	2.5	2	1.5	1
		Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3)	Zones 2 and 3 (2.5)	Zone 3 (dark red) (2)	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)
		Strategic Sensitivity Assessment						

Swarkestone North

Site Assessment	High (3)	12	10.5	9	7.5	6	4.5	3
	Medium (2)	8	7	6	5	4	3	2
	Low (1)	4	3.5	3	2.5	2	1.5	1
		Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3)	Zones 2 and 3 (2.5) Sensitivity	Zone 3 (dark red) (2)	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)
		Strategic			Assessment			

Twyford

Site Assessment	High (3)	12	10.5	9	7.5	6	4.5	3
	Medium (2)	8	7	6	5	4	3	2
	Low (1)	4	3.5	3	2.5	2	1.5	1
		Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3)	Zones 2 and 3 (2.5) Sensitivity	Zone 3 (dark red) (2)	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)
		Strategic			Assessment			

Swarkestone South

Site Assessment	High (3)	12	10.5	9	7.5	6	4.5	3
	Medium (2)	8	7	6	5	4	3	2
	Low (1)	4	3.5	3	2.5	2	1.5	1
		Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3)	Zones 2 and 3 (2.5)	Zone 3 (dark red) (2)	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)

Strategic Sensitivity Assessment

Elvaston

Site Assessment	High (3)	12	10.5	9	7.5	6	4.5	3
	Medium (2)	8	7	6	5	4	3	2
	Low (1)	4	3.5	3	2.5	2	1.5	1
		Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3)	Zones 2 and 3 (2.5)	Zone 3 (dark red) (2)	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)
Strategic Sensitivity Assessment								

Foremark

Site Assessment	High (3)	12	10.5	9	7.5	6	4.5	3
	Medium (2)	8	7	6	5	4	3	2
	Low (1)	4	3.5	3	2.5	2	1.5	1
		Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3)	Zones 2 and 3 (2.5)	Zone 3 (dark red) (2)	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)
Strategic Sensitivity Assessment								

Foston

Site Assessment	High (3)	12	10.5	9	7.5	6	4.5	3
	Medium (2)	8	7	6	5	4	3	2
	Low (1)	4	3.5	3	2.5	2	1.5	1
		Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3)	Zones 2 and 3 (2.5)	Zone 3 (dark red) (2)	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)
Strategic Sensitivity Assessment								

Egginton

Site Assessment

High (3)	12	10.5	9	7.5	6	4.5	3
Medium (2)	8	7	6	5	4	3	2
Low (1)	4	3.5	3	2.5	2	1.5	1
	Zone 1 (pink) (4)	Zones 1 and 2 (3.5)	Zone 2 (medium red) (3) Strategic	Zones 2 and 3 (2.5) Sensitivity	Zone 3 (dark red) (2) Assessment	Zones 3 and 4 (1.5)	Zone 4 (purple) (1)

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DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

30 July 2020

Report of the Executive Director - Economy, Transport and Environment

PLANNING SERVICES - STATEMENT OF COMMUNITY INVOLVEMENT

(1) **Purpose of Report** To seek the Cabinet Member's approval to carry out a consultation on a revised and updated Statement of Community Involvement in respect of the production and review of Minerals and Waste development plans, planning applications and the Council's strategic planning duties.

(2) **Information and Analysis** Section 18 of the Planning and Compulsory Purchase Act 2004 introduced a requirement for all local planning authorities (LPA) to prepare a Statement of Community Involvement (SCI) setting out how the LPA would involve the community in matters relating to spatial development and town and country planning in its area. In the context of Derbyshire County Council, these matters concern the production of Minerals and Waste Local Plans and any associated supplementary planning documents (SPD); the determination of applications for minerals and waste development and planning applications relating to schools/libraries/new highway schemes, etc, for which the Council is the appropriate determining authority; and the Council exercising its statutory function as a strategic consultee in respect of development plans and proposals of neighbouring upper tier/unitary authorities, lower tier authorities and neighbourhood forums.

The purpose of a SCI is to be the first means for stakeholders and the community to find out when and how they can become effectively involved in all aspects of the planning process from the earliest stage. The SCI forms part of a suite of documents, which also include local plans, supplementary planning documents, etc, which are collectively referred to as Local Development Documents. More meaningful community involvement is a key tenet of both the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011, the aim being to achieve greater consensus in, and understanding of, planning policies and decisions in order to minimise conflict, resolve issues at an early stage and therefore to reduce the need for a lengthy public examination process.

Derbyshire County Council adopted its first SCI in December 2006, following extensive consultation and independent examination by a Planning Inspector following its submission to the Secretary. Since its adoption in 2006, there have been a number of legislative changes which need to be reflected in the updating of the content to ensure that it is legally compliant and fit-for-purpose. The previous requirements to undertake formal consultation and submit an SCI for examination by an Independent Planning Inspector no longer exist.

Relevant legislation which affects the SCI and how the Council can communicate with the stakeholders and the community includes:

- Section 110 of the Localism Act 2011, which created a new section of the 2004 Act, section 33A, which requires for all LPAs and other prescribed bodies to cooperate with each other when addressing strategic planning issues. National policy in respect of this “duty to co-operate” is provided in paragraphs 178-181 of the National Planning Policy Framework (NPPF)
- Section 6 of the Neighbourhood Planning Act 2017, which introduced a requirement for SCIs to set out the LPA policies for giving advice or assistance in respect of proposals for making or modification of neighbourhood development plans.
- The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, which require a review of each Local Development Document, including the SCI, to be completed every five years starting from its date of adoption.
- The General Data Protection Regulation 2018, which has brought more rigorous requirements in respect of holding and processing of personal information by bodies including LPAs. This type of information, includes the details of those persons and community groups previously consulted as part of the consultation.

The draft revised SCI has been updated to take account of the above legislation, as well as to bring it in line with the Council’s current corporate approach to community engagement (attached at the end of this report). The revised document has also been restructured to cover the three main areas of the Council’s planning function, relating to development plans, development management and strategic planning, which also better reflects the legislative requirements.

Whilst there is no legal requirement for LPAs to consult when reviewing and updating their SCI, in the spirit of encouraging meaningful community engagement, as the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 were designed to encourage, it is considered appropriate to do so in this instance. It is intended that the consultation would involve the publication of the draft revised SCI on the Council’s website. Emails would also be sent to those organisations identified as consultation bodies under

The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Following the consultation exercise, it is proposed that the revised and updated SCI would be adopted before subsequent review after five years.

It is anticipated that following completion of the consultation exercise a further report would be made to the Cabinet Member to seek approval for adoption of a revised and updated SCI. The SCI as proposed for adoption (incorporating any significant amendments arising from the consultation draft that might be proposed) could be annexed to the report. Any fundamental objections received under the consultation could also be addressed by such a further report.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made having full regard to the County Council's responsibilities under the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act 2011, the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990, the National Planning Policy Framework 2019 and the Town and Country Planning (Development Management Procedure) (England) Order 2015, and services provided by the Council in accordance with these responsibilities.

(5) **Social Value Considerations** The relevance of social value in terms of social, economic and environmental wellbeing is considered in the preparation of all local development documents including the Statement of Common Ground. Meeting the current and future needs of communities and the management of scarce resources (i.e. sustainable development) is central to the role of local and county planning authorities in preparing and implementing their local plans. In seeking to encourage more meaningful community engagement, the SCI would provide a mechanism that would add social value right from the earliest stages of the planning process.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** None.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member gives approval for the Planning Service to carry out a consultation on a revised and updated Statement of Community Involvement.

Mike Ashworth
Executive Director for Economy, Transport and Environment

DERBYSHIRE COUNTY COUNCIL

STATEMENT OF COMMUNITY INVOLVEMENT

1st Review, Consultation Draft

June 2020



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VW 09.06.2020

1. Introduction & Background

1.1 This Statement of Community Involvement (SCI) sets out Derbyshire County Council's policy for community involvement in planning through involvement both in the preparation and review of the documents containing its planning policies on minerals development and waste development (known as the Minerals Local Plan and the Waste Local Plan) and in its decision making on individual planning applications. The SCI will be the first point of contact for stakeholders and the community to find out when and how they can become involved in these planning processes.

1.2 The first SCI by Derbyshire County Council was produced through extensive consultation with the public, statutory bodies and other interested parties and independent examination by a Planning Inspector which included a public inquiry following the submission of a draft version to the Secretary of State. Since its adoption in December 2006, there have been a number of legislative changes to the planning system, which are summarised in Section 2 below. This document has been prepared so that the SCI is revised in accordance with these changes to ensure that it is compliant with current legislation and is fit-for-purpose in the preparation of the new Minerals and Waste Local Plans and in the consideration of planning applications.

1.3 The previous requirement to undertake a formal consultation as the document is prepared and to submit the document for examination by an independent Planning Inspector no longer exists.

1.4 A key objective of the Local Plan formation process under the Planning and Compulsory Purchase Act 2004¹ is to encourage meaningful community involvement. The system is also designed to ensure that local people are continuously and actively involved in this local planning process from the earliest stage. This means that issues can be discussed and resolved at an early stage in the process, therefore saving time and money at the examination of the Local Plan. The Act also sets out that the Planning Authority should ensure that all information is easily accessible to all sections of the community.

¹ <http://www.legislation.gov.uk/ukpga/2004/5/contents>

1.5 A key thread running through the Localism Act 2011² allows communities to have a greater influence on how their area evolves either through engaging in the planning process or by embracing neighbourhood planning.

1.6 The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017³ set out that a review of all Local Development Documents including the SCI should be completed every five years from adoption.

What is the Statement of Community Involvement?

1.7 This updated and revised SCI sets out how the Council will involve the community in the planning process. It describes the means by which the County Council will actively and continuously engage local communities, individuals and stakeholders in the following areas of work;

- The preparation of documents to be included in the Derbyshire and Derby Minerals and Waste Local Plans
- The determination of planning applications for minerals and waste developments and also for those relating to its own development, such as schools and roads.
- Monitoring and enforcement of minerals and waste development; and
- Strategic planning

1.8 All county planning policy documents will be prepared, and planning applications considered, in accordance with the principles set out in this SCI.

1.9 The aim of more effective continuous community involvement in the preparation of development plans is to achieve greater consensus in, and understanding of, planning decisions in order to minimise conflict, resolve issues at an early stage and therefore to reduce the need for a lengthy public examination process. It is important, therefore, that the community is involved in the process from the outset.

² <http://www.legislation.gov.uk/ukpga/2011/20/contents>

³ The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017
<http://www.legislation.gov.uk/uksi/2017/1244/contents/made>

Reaching all Sections of the Community

1.10 Rather than being consulted purely on planning issues, as has traditionally been the case, the public are now encouraged to participate actively and become engaged in the formulation of planning policy. The County Council will seek to ensure the involvement of a wide spectrum of the community in the planning process from the outset, and, in this respect, it will strive to involve those groups that have traditionally been hard to reach, such as the young, the elderly, the less able bodied, black and minority ethnic groups and travellers, who may, in the past, have been under represented in the planning process. The Council will employ a wide variety of engagement techniques, many of which are tailored to the needs of these diverse groups.

1.11 With regard to this area of community engagement, the County Council will be guided by the standards described on the 'Have Your Say' section of the County Council website⁴ which will, amongst other things, utilise existing local groups (including local strategic partnerships, Derbyshire Citizens Panel, the Black and Minority Ethnic (BME) Forum, youth forums, parish councils, local community forums and local interest groups) which provide a key link to hard-to-reach groups.

Planning for Minerals and Waste

1.12 The authorities that are responsible for most types of planning (e.g. housing, employment, shopping and leisure developments) are unitary and district/borough councils. Derbyshire County Council is responsible for minerals and waste planning as well as its own development such as schools, libraries, roads and bridges. The Council also has strategic planning duties, being a statutory consultee for Local Authority development plans, as required by the Localism Act 2011. This is a distinct area of planning dealt with by county councils and unitary authorities.

1.13 Derbyshire is one of the largest producers of crushed and industrial limestone in the East Midlands and the United Kingdom, and also produces a significant amount of sand and gravel. These minerals provide essential raw materials for the construction and energy industries, and are vital to the national economy.

⁴ <https://www.derbyshire.gov.uk/council/have-your-say/have-your-say.aspx>

1.14 Large quantities of waste are produced in the county from households, industry and businesses. Much of this is managed locally through recycling, composting, energy recovery and disposal to landfill. It is a national and local priority that this waste is managed as sustainably as possible.

1.15 Both the minerals and waste industries have important implications for the social, economic and environmental well-being of the county.

1.16 The Minerals Local Plan (Adopted 2002) and the Waste Local Plan (Adopted 2005) set out the policies to show where minerals can be worked and how facilities for managing waste facilities should be accommodated. Work is currently in progress to replace both of these plans.

1.17 As a unitary authority, Derby City Council is responsible for minerals and waste development in its own area. In the past, the County and City Councils have worked together successfully to produce joint plans for minerals and waste development. The two Councils have undertaken to continue to do so. Although this SCI only applies to Derbyshire County Council, it does take account of the relevant sections of Derby City Council's SCI, i.e. where it relates to plans prepared jointly. In preparing its SCI, Derby City Council⁵ will similarly take account of the Derbyshire SCI. The Peak District National Park Authority is responsible for all planning matters in its area and is, therefore, preparing its own SCI.

Joint Working

1.18 Derbyshire County Council and Derby City Council will prepare minerals and waste development documents jointly, and the Development Plans Joint Advisory Committee of council members will continue to provide a coordinating role in the process. The two Authorities will ensure that consultation techniques are coordinated in the production of their joint Local Plans. Approval to engage and consult on key stages of the Plans' preparation, including final adoption, will be sought separately by the County and City Councils.

⁵ Derby City Council Statement of Community Involvement, October 2016
https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/reports/localdevelopmentframework/Revised_SCI_Adopted_July_%202017.pdf

2. The Principles of Community Involvement

Government Principles

2.1 The Town and Country Planning (Local Planning) (England) Regulations 2012⁶ ('the Regulations'), consolidated the then existing Town and Country Planning (Local development) (England) Regulations 2004 and amendments to those regulations and made provision for new legislative changes made by the Local Act 2011.

2.2 The Localism Act 2011 includes legislation which enables and encourages the local community to be more involved in the planning process. A key thread running through the Act allows communities to have a greater influence on how their area evolves, either through engaging in the planning process or by embracing neighbourhood planning.

Derbyshire County Council Strategies

2.3 Have Your Say

The Council has produced a Consultation Tool Kit (March 2017)⁷, which contains advice on how to plan, design and undertake consultation projects.

It sets out that consultation must never be a tick box exercise and must always be carried out in a genuine and honest way. It must also demonstrate to people who have taken part how their views have made a difference.

It concludes that effective planning is essential when conducting any type of consultation. The toolkit provides an easy to understand guide, covering the key points that should be considered when carrying out consultation on behalf of the County Council.

All consultations that the Council undertakes must comply with the General Data Protection Regulation 2018⁸.

⁶ The Town and Country Planning (Local Planning) (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/767/contents/made>

⁷ <https://www.derbyshire.gov.uk/council/have-your-say/consultation-toolkit/consultation-toolkit.aspx>

⁸ <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

- **Derbyshire Citizens' Panel**

The County Council administers the Derbyshire Citizens' Panel. The panel is a group of Derbyshire residents who represent a broad cross section of the community and who have agreed to be consulted on a range of topics including Council proposals and local services. They help to co-ordinate links between development plan preparation and community strategy issues⁹.

- **Facilitators**

The County Council will also use its own facilitator network¹⁰ to assist with workshops/public meetings. We can draw on seventy facilitators from different areas of expertise who are skilled at drawing out the relevant information from people involved in these sessions.

- **Local Strategic Partnerships**

Councils have the lead role in establishing Local Strategic Partnerships, which are multi-agency partnerships of organisations including public services, local businesses, community and voluntary groups and individuals.

- **Other Consultation Initiatives in Derbyshire**

Many other partnerships and groups exist within Derbyshire at county, district, town and parish level. The County Council will seek to work with these partnerships, wherever opportunities to do so exist, and will ensure that community participation exercises for the Development Plans are carried out in the most resource and time-effective manner.

Principles of community involvement

2.4 The following principles embrace the objectives set out above, which will underlie the consultations on each development plan document and on planning applications. They seek to promote the social, economic and environmental well-being of the county

⁹ <https://www.derbyshire.gov.uk/council/have-your-say/sign-up/join-the-derbyshire-citizens-panel.aspx>

¹⁰ <https://www.derbyshire.gov.uk/council/have-your-say/facilitators-network/derbyshire-facilitators-network.aspx>

whilst allowing communities early and continuous involvement in helping to shape future minerals and waste development in the county.

1. **Front loading** - providing the opportunity for community involvement in planning proposals from the earliest stage to enable issues to be resolved earlier in the process.
2. **Continuous involvement of all sections of the community** - ensuring communities are continually involved throughout the planning process, leading to a greater understanding, ownership of and consensus on planning decisions.
3. **Transparency and accessibility** – ensuring that the decisions and reasons why they have been made, including why certain options have been rejected, are clear and open to public scrutiny.
4. **Involvement that is relevant and practical** - ensuring that the correct involvement methods are used for the different types of planning document and stages in their preparation.
5. **Feedback** - listening to the community about their views and letting them know why decisions have been made and how their views have been taken into account.

3. Community Involvement in the Preparation of Minerals and Waste Development Plan Documents

3.1 This section sets out which documents will be the subject of community involvement, the stages at which community involvement is needed, who can get involved and the methods by which the Council will involve the community and other interested persons in producing the documents for the Minerals and Waste Development Plans.

Documents which will be the Subject of Community Involvement

- Local Plans - these contain planning policies and proposals and are tested through independent examination.
- Supplementary Planning Documents (SPDs) - these elaborate on policies and proposals in Local Plans, but are not tested through examination.

Local Plans

3.2 Consultation will be undertaken with the community and other stakeholders across the area covered by the particular document. It is considered, however, that resources should be focused on the communities that are likely to be most affected by minerals development and waste management proposals (which can include residents and groups outside Derbyshire who may be affected by proposals taking place within the County.) This will help to ensure that that these communities are informed about the issues and options available and, as a consequence, will be involved in the Plan making process from an early stage.

3.3 Although community involvement will be a continuous process throughout the preparation of the Plans, there are several formal stages of consultation, as set out in the Regulations, when documents will be issued for public consultation. In all cases, each consultation will last for a minimum of six weeks. The key stages in the preparation of the Plans are shown below and include opportunity for public involvement:

Pre-publication: Evidence Gathering and Preparation of the Plan (Regulation 18)

3.4 In the early stages in Plan preparation, the Council will undertake research and information gathering to begin to develop an evidence base to determine current issues that are relevant to the document that is being produced. This is to ensure that policies and proposals are based on a thorough understanding of the needs, opportunities and constraints in the county. At this early stage, consultation will be fairly informal, but the Council will ensure that it consults statutory and other appropriate consultees from the list in Appendix 1 who are affected by the subject matter of, or are relevant to, the particular document in preparation. In respect of the allocation of sites, the Council will also write to landowners and minerals and waste operators inviting them to suggest sites for minerals or waste developments. The Council will also hold informal meetings with landowners, operators and developers who suggest sites, to help all these parties understand and resolve any issues at an early stage.

3.5 Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, requires Local Planning Authorities (LPAs) to notify statutory and other appropriate consultees (see Appendix 1) of any plan they propose to prepare and invite comments about those proposed plans, but does not specify a particular method for undertaking such notification. However most LPAs follow a pattern which broadly includes the following stages: issues and options; emerging/preferred approach and a first draft of a plan. There may be a series of consultations at this stage.

Publication of Pre-Submission Draft (Regulations 19 - 20)

3.6 Under Regulation 19, LPAs are required to make available for comment a copy of the proposed Draft Plan (the 'pre-submission' plan) that will be submitted to the Secretary of State for examination. This formal stage is subject to a statutory six week period of consultation and public participation. Dependent on the document being produced, all, or a combination of some of, the community involvement techniques, listed below, will be used to consult or engage the statutory and general consultees, listed in Appendix 1. Specific techniques used for public engagement in the various plans will depend on feedback from the public during the preparation of the SCI. Although the Council is required to make a copy of the plan available for inspection at County Hall and on the Council website. Statutory and general consultees will be notified of the consultation exercise. Copies of representations received will be published on the Council's website.

Submission (Regulation 22)

3.7 This stage will see the submission of the proposed plan to the Secretary of State, along with a sustainability appraisal report (SA), and a Statement of Consultation, which sets out the findings from all previous stages of consultation leading up to this point. This illustrates how representations have shaped the development of the plan. This revised document will contain the Council's final preferred approach, which has emerged through the consultation process and tested against sustainability objectives. Once submitted to the Secretary of State, the plan will be the subject of a formal six week period of full public consultation, involving all specific and general consultees and other stakeholders who have previously expressed an interest in a particular

document (see Appendix 1). Relevant documents will be published online on the Council's website.

The Independent Examination (Regulation 24)

3.8 All comments received at the Submission stage will be considered by an independent Inspector from the Planning Inspectorate, who will also consider the soundness of the Plan, at an Examination in Public, alongside all other Submission documents (including the SA). At this stage, it is the Inspector who invites those consultees or interested parties who made representations at the previous stage to appear in person at the examination. However, the Council is required to notify any person who has made a representation during the pre-submission stage, and has not withdrawn that representation, of the examination arrangements and the name of the person appointed to carry out the examination. Details will also be published on the Council's website.

Post examination (publication of Inspectors Recommendations) (Regulation 25)

3.9 After the examination, the Inspector will write a report that will identify what changes ('the main modifications'), if any, need to be made to the Plan to make it sound or legally compliant. The Council is not obliged to implement proposed changes. However, the Council will need to respond to the report in a way that will not undermine the strength of the Plan. As soon as reasonably practicable after receipt of the Inspectors report, the Council will give notice to those who have requested notification; publish a copy of the Inspectors report and recommendations on the Council's website and make a copy available for inspection at County Hall.

Adoption (Regulation 26)

3.10 Ultimately, when all changes (if any) have been made in line with the Inspector's recommendations, the Council will formally adopt the Plan. As soon as reasonably practicable after adoption, the Council will send an adoption statement to those persons/organisations who asked to be notified; publish the adopted plan, and accompanying documents, on the Council website; and make available copies of the plan and adoption statement at County Hall for six weeks after the adoption date.

Who will be Involved?

3.11 In order to achieve its aim of wider community involvement, the Council intends to work with its existing partners in the community and to develop new contacts and partnerships, where possible.

3.12 In accordance with the minimum requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2012, Regulation 4, a number of bodies must, by law, be consulted on all elements of the Development Plan. A list of these specific consultation bodies is included at the beginning of Appendix 1.

3.13 The County Council is committed to going further than the minimum requirements and involving as many people and groups as possible in its Local Plan process. Other consultees will therefore be consulted on the preparation of planning documents. These include local interest groups, businesses and developers. A list of these groups is included at Appendix 1. This list is by no means exhaustive, and can be added to at any time. If you or your organisation wishes to be included in our consultee database so that they are kept informed automatically of the progress in the preparation of the Plan, please let us know by contacting the Minerals and Waste Development Plans Team at County Hall, Matlock, Derbyshire, DE4 3AG, or email ete.wastemin@derbyshire.gov.uk. All personal data will be held and used in accordance with the General Data Protection Regulations 2018.

3.14 There are particular sections of the community that the Council is endeavouring to ensure are more involved in the preparation of the Plans, having regard to their particular characteristics or needs and/or because they have been traditionally underrepresented in the process. The Council seeks to identify and contact as many of these groups as possible to ensure that they have the opportunity to be fully and actively involved in the process from the outset. Community Forums and Focus Groups provide an opportunity to target and access these groups.

Methods of Engagement

3.15 The Town and Country Planning (Local Development) (England) Regulations 2012 set out the minimum requirements for consultation on development plan documents. In summary, for Derbyshire this means that at the preparation and publication stages for Local Plans:

- each specific consultation body and general consultation body will be notified about the consultation if they have given their permission for the Council to do so.
- information and documents will be made available for inspection at the Council Offices, Matlock and other publicly accessible locations where necessary.
- documents will be placed on the Council's website, together with any supporting information which is needed to enable people to understand what they are being asked to comment on. The website must state where and when documents can be inspected;

3.16 The County Council will go beyond these minimum requirements for consultation and will encourage greater community involvement.

3.17 The type of consultation will depend on the target audience and it must be relevant and practical to the document being consulted upon. Consultation will focus on members of the community who are most likely to be affected by the document being prepared. Consultation and involvement methods used will also be dependent on the nature of the document and on feedback from the public on preferred methods.

Use of particular consultation methods may also be dependent on the Council being able to operate under normal conditions¹¹. Here is a list of the methods and techniques that the Council proposes to use for consultation and community involvement, as appropriate, for various stages of the preparation and appraisal of documents. :

- **Circular letters/email:** Letters and/or emails will be sent to all who have expressed an inclination to be involved in the preparation of the Plans who have given express consent for the Council to hold their details keep them informed of the preparation of the Plans. The Authority maintains a confidential database for this purpose. Groups, organisations and individuals can be added to or removed from this database at their own requests at any stage during the plan preparation process. The use of communication by email rather than by letter

¹¹ Normal conditions are considered to be those where there are no restrictions on day-to-day Council operations. Where restrictions on non-essential travel and social distancing are imposed by the Government, it may not always be possible or appropriate to allow access to council or other public buildings or arrange public meetings.

will be encouraged. However, the Council recognises that not all people will have access to a computer. At key milestones in the preparation of documents i.e. when they are published for consultation, the Council will ensure that consultees are kept informed by the preferred methods indicated in this survey. All data will be held in accordance with the Data Protection Act and General Data Protection Regulations.

- **Internet:** The Council's website address is www.derbyshire.gov.uk . The minerals and waste web pages include a link to the Council's consultation system. Relevant documentation will be available to download from this website and will be used to keep people informed about the progress in the preparation of documents. It will also be used to enable comment forms to be downloaded and returned as a hard copy or to be completed on-line. The website will be the central location for information about the Development Plans, including consultation arrangements, background documents, and links to other relevant websites and documents.
- **Media:** At key consultation stages, the County Council may issue press releases.
- **Social Media:** Facebook and Twitter and/or other platforms may be used where considered appropriate.
- **Newsletters:** To ensure that the whole community is informed at key stages of Plan preparation (referred to as Milestones in the MWDS), the Council will, where appropriate and practicable, distribute in paper form, leaflets and/or pamphlets that will set out the key information at the time. In order to meet the needs of the whole community, the information will also be available on request in large print or Braille or in alternative languages to English.
- **Posters:** These will be distributed and displayed at deposit venues where necessary.

- **Documents Available for Inspection and Comment:** Consultation documents and supporting documents will be available for inspection and comment at County Hall, Matlock and on the Council's website To ensure that access to hard copies of documents is maximised, they will also be available at all the eight district and borough council offices and Derby City Council's offices, which are open during weekday working hours. **Copies of the documents will be available, on request, in large print or Braille and in alternative languages to English if required.**
- **Liaison Groups:** These can include groups of operators, local councillors and council officers, which meet on a regular basis to discuss topics and issues/concerns at a particular mineral or waste site. Given that these sites may still be active, these groups may be used to ensure that operators and residents who have interest in a specific site will be involved at all stages of the Plan preparation and be actively engaged in its preparation including, where relevant, groups operating outside Derbyshire who are affected by operations within the county. Such groups provide a direct opportunity to remedy problems that may be encountered, at an early stage. The groups may also provide a forum in which the local community can be kept abreast of site operations - including restoration - by the site operator, and enable them to raise their issues and concerns with the operator. Given that members of these groups have first-hand experience of living with an operational site they are important contributors to Plan preparation. Also, because current sites are often extended, group members are important sources to contact.
- **Existing Community Forums:** These will be used to inform the public and community representatives. They allow for regular ongoing involvement at a fairly informal level.
- **Workshop events:** These will be used, where appropriate, in dealing with complex issues and where a large number of people are involved. The Council's facilitators will be utilised to assist with the preparation and running of these events. It has a team of around seventy facilitators who offer a wide range of expertise in running such events.

- **Meetings:** On request, and subject to time and resource constraints, officers will meet individuals or groups to discuss particular issues, or will address meetings of groups or organisations.
- **Drop-in Sessions:** These informal discussions will be held in communities to discuss specific topics, especially proposals for new sites within a particular area. Council staff will be available at these sessions to discuss issues with members of the public. Comments will be used to help develop the proposals within the Plans.
- **Exhibitions/displays:** These will be used selectively, particularly when the Council has identified specific sites. Exhibitions/displays may not be staffed continually.

Feedback on Community Involvement

3.18 A vital part of the new planning process is for people to be kept fully aware of how their contribution is informing the decision making process, and shaping the formulation of the relevant documents.

3.19 At each identified milestone in the preparation of planning policy documents, the County Council will analyse the representations and prepare a summary report outlining the steps that is being taken in response to them. The representations and responses will be available for inspection at County Hall, Matlock and will also be published on the Council's website.

Supplementary Planning Documents (SPDs)

3.20 Where considered necessary and appropriate, the Council may propose the preparation of SPDs to complement policies in the above documents. They relate specifically to the policies of an adopted DPD and provide further guidance to supplement and assist in implementing those policies. The process for preparing SPDs is similar to that for DPDs, but simplified. These documents will not be subject

to independent examination, but it will still be important for them to be subject to rigorous procedures of community involvement, similar to those for DPDs, and involving a selection of the methods referred to under 3.17 above.

The Stages of Community Involvement for SPDs

Evidence Gathering

3.21 As the first stage in the preparation of a draft SPD, the Council will gather information of relevance to the subject issue. In this respect, community involvement will be targeted towards specific groups and stakeholders, depending on the subject matter of the document in preparation.

Public Consultation and Participation on a Draft Supplementary Planning Document

3.22 The Council will publish a draft SPD and will invite representations on the document for a period of six weeks. All statutory consultees will be consulted, as well as any other groups and individuals who have expressed an interest in the subject matter of the SPD. SPDs must directly relate to a policy contained in an adopted local plan. The document will also be made available to the wider public for comment. Dependent on the nature of the SPD being produced, under normal circumstances a combination of the community involvement techniques listed above will be used to engage the community¹².

Adoption of SPD

3.23 On completion of this period of consultation, the Council will analyse all comments received, publish a report summarising the representations and show how they will be taken on board in revising the document. The document will then be formally adopted, in line with the requirements of Regulation 14 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

¹² Normal circumstances are considered to be those where there are no restrictions on day-to-day Council operations. Where restrictions on non-essential travel and social distancing are imposed by the Government, it may not always be possible or appropriate to allow access to council or other public buildings or arrange public meetings.

4. Development management and planning applications

4.1 Derbyshire County Council is responsible for determining applications for planning permission, and other types of application, relating to minerals development; waste development; and applications for permission which come under Regulation 3 of the Town and Country Planning General Regulations 1992¹³ (Regulation 3 applications). Regulation 3 applications concern proposals for development to be carried out by or on behalf of Derbyshire County Council for its own purpose (such as new school buildings, libraries and new roads), on land which it owns or has a significant interest in.

4.2 All Planning Authorities are expected to deal with applications as efficiently as possible. The basic statutory time limits from the submission of the applications are 16 weeks if an application is subject to an Environmental Impact Assessment, 13 weeks for applications for major development, and 8 weeks for all other types of development. It is possible for these periods to be extended if the Council and the applicant agree on the need for this. The County Council is committed to involving all interested parties in the decision making process, but must balance this with the need for efficient and timely decision-making and the demands on staff and other resources. Expected appropriate levels of public involvement, depending on the nature of the planning applications, are outlined below.

4.3 When determining a planning application, the County Council undertakes consultations/seeks community engagement using a number of methods which vary depending on the scale and nature of the proposal as well as its location.

Pre-application advice and engagement

4.4 Derbyshire County Council actively encourages all potential applicants to discuss their proposals with us and to engage with local communities prior to the submission of a planning application.

¹³ <http://www.legislation.gov.uk/uksi/1992/1492/contents/made>

4.5 Pre-application discussions can be a valuable exercise, both for the applicant and the planning authority, enabling problems to be identified and addressed prior to the submission of an application; potentially speeding up the determination process; and reducing the need for proposals to be amended at a later stage. Pre-application discussions also play an important role in helping development within Derbyshire to better reflect community aspirations, County Council priorities and national and local planning objectives.

4.6 Derbyshire County Council provides pre-application enquiry advice for potential applicants including guidance on whether planning permission would be required; what the relevant considerations are likely to be and the information requirements for each application. Such pre-application advice is given by Officers without prejudice to the subsequent consideration of an application by the Council as the Mineral/Waste/County Planning Authority.

4.7 Whilst there is no obligation to seek pre-application advice, the County Council would strongly recommend that proposals are discussed with its Planning Service at pre-application stage, particularly those that are large scale and likely to be of interest to the wider community. Full details of the pre-application enquiry service can be found on the County Council website at:

<https://www.derbyshire.gov.uk/environment/planning/planning-applications/making-a-planning-application/planappforms/pre-planning-planning-application-forms-index.aspx>

4.8 Where an applicant has undertaken pre-application engagement with the local community and other stakeholders, the County Council expects that this process will be reported on fully and fairly in a specific statement of community involvement which is submitted as part of a planning application.

Consultations and publicity during determination of planning applications

4.9 Up to date information about all planning applications under consideration by the County Council, including application documents, consultee responses, letters of

representation from local residents/interested persons and the decision notice are available to view on the County Council website at the link below:

<https://www.derbyshire.gov.uk/environment/planning/planning-applications/current-applications/current-planning-applications.aspx>

Reports to the Council's Regulatory Planning Committee are available to view on the County Council website at the link below. They are published at least five working days before the date of any committee meeting.

<https://democracy.derbyshire.gov.uk/ieListMeetings.aspx?CId=143&Year=0>

4.10 However, not all members of the community may have access to, or feel comfortable using, a computer. Copies of planning applications are also available to view at County Hall, Matlock, Derbyshire, DE4 3AG or at the offices of the relevant district/borough council. Press and site notices will always provide details of where and when these documents can be viewed.

Types of application

4.11 Planning applications received by the County Council fall into one of three different categories which are:

- **Environmental Impact Assessment development** – large scale proposals/ proposals in sensitive areas where the impacts have the potential to result in significant environmental effects. These applications are always accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017¹⁴ and is commonly referred to as EIA development.
- **Major applications** – As defined by Article 2 (1) of the Town and Country Planning (Development Management Procedure) Order 2015¹⁵ (DMPO). In the

¹⁴ <http://www.legislation.gov.uk/uksi/2017/571/contents/made>

¹⁵ <http://www.legislation.gov.uk/uksi/2015/595/contents/made>

context of the Council's role as Mineral, Waste and County Planning Authority, these applications could involve the following:

- (i) The winning and working of minerals or the use of land for mineral-working deposits;
 - (ii) Waste development;
 - (iii) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; and
 - (iv) Development carried out on a site having an area of one hectare or more.
- **Minor applications** – any small scale planning application that does not fall into the categories of EIA development or major application as set out above.

4.12 Planning legislation (see paragraph 4.13 below) sets out different requirements for consultation and publicity processes and timescales in respect of each type of application. Broadly speaking, however, consultations on major and minor applications run for 21 days. Consultations on applications for EIA development are required to run for 30 days, or slightly longer where the notice period coincides with bank or other public holidays to allow for those days.

Engagement and consultation methods for Planning Applications

4.13 The DMPO and the EIA Regulations both set out statutory requirements for public notification and making of representations. The extent and nature of the consultation/publicity undertaken in any particular case relates directly to the type and scale of the development proposed. However, the main methods used by the County Council for effective consultation and engagement are summarised below:

- **Consultations:** 'Schedule 4 to the DMPO (*Consultations before the Grant of Permission*) specifies the official consultees who must be consulted in respect of planning applications. We will directly notify these consultees (see Appendix 2 for a full list) as well as any other appropriate consultees, such as parish and town councils and other relevant organisations and bodies. There are no statutory requirements to publicise or consult for some types of applications, the details of which are set out at paragraph 4.22 below.

- **Press notice:** The minimum statutory requirements for publicity for planning applications are variously set out in Article 15 of the DMPO, in Regulation 19 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) for planning applications accompanied by environmental statements, in Regulation 5a of the Planning (Listed Buildings and Conservation Area) Regulations 1990 (as amended) for applications that affect the setting of a listed building, and in Section 67 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for applications affecting the setting of a listed building or the character and appearance of a conservation area. Press notices for those development proposals which are EIA/major development or where they would affect the setting of a listed building, the character and appearance of a conservation area or a public right way will be published in a newspaper circulating in the area of the proposed development.
- **Site notice:** Article 15 of the DMPO only requires site notices to be posted in the following circumstances: EIA development; development affecting a right of way; development that would not accord with the development plan; and technical consent details where that is not major development. Under normal circumstances¹⁶, the County Council aims to undertake publicity over and above the requirements of the DMPO by publicising all planning applications via Site notice, whether EIA, major or minor development, with a yellow site notice placed on or near the site.
- **Website:** The EIA Regulations require planning authorities to publicise Environmental Statements and further information submitted in support of EIA development on a website made available for that purpose. The County Council publishes details of all planning applications and applications for Mineral Review on its website as well as copies of consultation responses and representations received; committee reports and the decision notices.

¹⁶ Normal circumstances are considered to be those where there are no restrictions on day-to-day Council operations. Where restrictions on non-essential travel and social distancing are imposed by the Government, it may not always be possible or appropriate to post site notices at the application site.

Interested persons can also make comments regarding a planning application via the County Council website (see paragraph 4.16 below for further information).

- **Neighbour notification.** The County Council will undertake direct neighbour notification where appropriate. The number and distribution of such notifications will be decided at the discretion of the Case Officer on a case by case basis following consideration of the scale, nature and location of the proposed development.

4.14 In addition to the above, a number of the active mineral and waste sites in the County have active **Liaison Committees**. Such groups, which are normally made up of relevant stakeholders as well as nominated representatives from the local community, can be very effective, providing a direct opportunity to remedy operational problems at an early stage. The groups can also provide a forum in which the nominated members can be kept abreast of existing and proposed site operations as well as any planning applications.

4.15 When further information or amendments to planning application details are received some time after the application is first submitted, this may require a re-consultation. In general, minor amendments to a proposal which would not materially change the character of development would not normally result in re-consultation. Where there is additional supporting information on which the public and statutory consultees need the opportunity to comment, or the introduction of significant amendments to a development proposal could generate a further consultation period. The period of consultation may be shorter than 21 days to help ensure that the application can continue to be determined in a timely manner. Where the additional information is environmental information relating to an EIA application, the period of re-consultation will be for 30 days.

Commenting on a Planning Application

4.16 Anyone can comment on a current planning application, whether they are directly affected by it or not. We will accept comments in writing by post, email or via the County Council website or by hand delivery to County Hall except where they are

anonymous. Comments should be restricted to 'material planning considerations' such as landscape impact, impact to ecology and highways impacts. We will not acknowledge receipt of representations but will normally ensure that copies of representations are available to view on the County Council's planning application website pages as soon as practicable once the Council is sure that individual names and any other information that would reveal anyone's personal identity, telephone numbers, signatures, any other personal data have been deleted from the copy for the website (except when someone who is the subject of the data has specified that he/she wishes the data in the representation to be included in what is published and available to view online). This kind of deletion is known as redaction. All such representations received are, except for redaction as required for data protection as summarised above, treated as public documents and will therefore be available to view subject to this redaction by the applicant as well as other members of the public.

Delegation of Decision Making to Officers

4.17 Most planning applications received by the County Council are determined by the Head of Planning Services, following consultation with the Chair and Vice-Chair of the Committee. The basis of this delegation arrangement is that it covers proposals which accord with the policies of the development plan, raise no political issues for which no fundamental planning grounds have been raised. More information on delegated powers is set out in the 'Constitution of the Council' which is available to view on the County Council website at the link below.

<https://www.derbyshire.gov.uk/council/council-works/constitution/constitution.aspx>

Public Speaking At Committee

4.18 As mentioned in paragraph 4.17 above, the majority of the planning applications received by the Council can be expected to be decided via officer delegation. In practice this means that it is those more controversial or complicated development proposals, such as those that raise political issues, represent a departure from the local plan and/or for which the officer would wish to refuse that are decided on by the Council's Regulatory Planning Committee.

4.19 The meetings of the Council's Regulatory Planning Committee are open to the public. There is also an established procedure for its meetings, which the Council intends to continue to support, by which members of the public who have previously made representations to the Council on an application can speak before the Committee at the meeting at which the application is being decided, for up to three minutes each. When the application appears on an agenda for a meeting of the committee, the people who made representations on it are sent details of how they can speak to the committee under this procedure.

4.20 The procedure requires the people wishing to speak to give notice of this by noon on the Friday before the meeting by letter, telephone, voicemail, email, or in person at the County Hall.

4.21 Under exceptional circumstances, where non-essential travel and social distancing measures are imposed by the Government and where legislation allows, it may be necessary for the Council to run the meetings of the Regulatory Planning Committee as virtual/remote meetings. At the time of writing (April 2020) such arrangements are allowed for under Regulation 13 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020¹⁷.

Other types of submissions and applications

4.22 Derbyshire County Council also processes certain other types of submissions and applications. Whilst there are no statutory requirements to publicise on these, limited consultation may be carried out as for these as follows:

- **Submission of details to discharge a requirement of a condition to which a planning permission is subject.** Statutory consultees, the relevant district/borough and local members are consulted on these where they requested the particular condition during the determination of a planning application or are considered likely to have relevant comments for officers to

¹⁷ <http://www.legislation.gov.uk/uksi/2020/392/contents>

take into consideration. Decision sent to the relevant district/borough council. Public consultation not undertaken.

- **Non-material amendments:** These are applications that request minimal changes to a development proposal after planning permission has been granted but the construction is ongoing and where the proposed change will not raise any material considerations/changes to the overall development. Statutory consultees and other relevant bodies and organisations are consulted if the case officer considers it to be relevant. Decision notice sent to the relevant district council, parish/town council and local members if the case officer deems it to be appropriate. Public consultation not undertaken.
- **Applications for Hazardous substances consent:** These are applications that relate to the storage and use of hazardous substances. The County Council is the Hazardous substances authority where the predominant site use is for minerals or waste development. Consultations are undertaken with the relevant Control of Major Accident Hazards Authority (COMAH) which are jointly the Health and Safety Executive and the Environment Agency. Public consultation will be undertaken via press notice and site notice. Local members, district/borough councils and other relevant organisations will be consulted.
- **Screening opinions:** These are objective opinions issued in respect of Environment Impact Assessment (EIA). They usually dictate whether or not an EIA is required in respect of a particular development proposal. No public consultation is undertaken. Statutory consultees and other relevant bodies and organisations are consulted where the case officer finds that it is appropriate. Once adopted, the Screening Opinion will be sent to the relevant district council and the applicant.
- **Scoping Opinions:** These are objective opinions issued in respect of Environment Impact Assessment (EIA) development. Their purpose is to determine what information needs to be contained in the Environmental Statement. No public consultation is undertaken. Statutory consultees and other relevant bodies and organisations are consulted where the case officers

find that it is appropriate. Once adopted, the Scoping Opinion will be sent to the relevant district council and the applicant.

- **Certificate of Lawfulness of Existing Use or development:** These applications are to establish whether a use or development which is already being carried out is lawful. Statutory consultees and other bodies and organisations are consulted if the case officer decides it is relevant. Where appropriate direct notification of neighbouring properties/business will be undertaken. No public consultation is undertaken. A copy of the decision will be sent to the relevant district/borough council and the applicant.
- **Certificate of Lawfulness of Proposed Use of Development:** These applications are to establish formally whether a proposed use or development (which has not yet occurred) would require planning permission. Statutory consultees, Local Members and other bodies and organisations are consulted if the case officer decides it is relevant. No public consultation will be undertaken. A copy of the decision will be sent to the relevant district/borough council and the applicant.
- **Applications for the review of Mineral Permissions (RoMP):** These are applications for the update of conditions on existing mineral planning permissions. The purpose is to ensure that mineral operators are working to an up-to-date schedule of conditions. Consultations are undertaken with statutory consultees, non-statutory consultees, local members etc. Public consultation, via site notice and press notice, will also be undertaken.
- In addition to the above, some specific types of 'permitted development' must be notified formally to the Authority in advance (i.e. prior to commencing) via the prior notification procedure, and the Authority then has 28 days in which to call for a formal application. This '**prior notification**' procedure only applies to certain mineral development such as the removal of material from a mineral working deposit and certain forms of mineral exploration.

Notification of decision

4.23 A copy of the decision shall be made available for inspection on the Planning Register at the relevant District/Borough Council offices, and on the County Council's website.

4.24 Once a final decision has been made in respect of an application which is EIA development, the EIA Regulations (under Regulation 30) also place a duty on Local Planning Authorities to inform the Secretary of State and consultation bodies of the decision in writing and the public by local advertisement; and make available a statement containing the reasons for approval/refusal, the main considerations on which the decision was based and a summary of the consultations undertaken and how they have been incorporated/addressed.

Planning Appeals

4.25 Appeals can only be made by applicants to the Planning Inspectorate on behalf of the Secretary of State for Housing, Communities and Local Government. There are three types of appeals: written representations; informal hearings; and public inquiries. The Planning Inspectorate determines, after asking for the views of the Local Planning Authority and appellant, which type of appeal is appropriate for the case, and instructs the Council to notify all those who made representations at the application stage that an appeal has been lodged; the appeal process being followed; and how they can make representations on the appeal. We will also forward all previous consultation responses to the Planning Inspectorate. Beyond this stage, all further correspondence is via the Planning Inspectorate.

Monitoring and Enforcement

4.26 The Council's Monitoring and Enforcement officers regularly undertake visits to minerals and waste sites to check for compliance with planning conditions and subsequently identify action or measures that might need to be taken in order to ensure they are followed. On occasions where we receive reports of a suspected unauthorised development or a breach of condition, the Monitoring and Enforcement officers will investigate the complaint. After this, an officer will get in touch with the complainant to update them on the progression of the investigation. When conducting an investigation, Monitoring and Enforcement Officers are expected to follow up

complaints promptly in appropriate timescales whilst maintaining confidentiality of the complainant.

4.27 The County Council is currently in the process of producing a Local Enforcement Plan (LEP) which will set out our approach to monitoring and enforcement in more detail. It is anticipated that the LEP will be approved by the end of 2019. The decision to undertake enforcement action is taken on a case-by-case basis where the County Council considers it expedient to do so.

5. Strategic planning

5.1 Derbyshire County Council also has responsibility as a statutory consultee for strategic planning matters under the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004¹⁸.

5.2 We are a statutory consultee in respect of the production of District and Borough Local Plans and also Neighbourhood plans, responding to consultations from each of the relevant districts both within and adjoining the administrative boundaries of Derbyshire. We are also consulted on district and borough councils' proposals to introduce a Community Infrastructure Levy (CIL) (including draft charging schedules and regulation 123 lists as required by the Community Infrastructure Levy Regulations 2010¹⁹). Where we are consulted on these issues, our formal response will include comments from officers as well as the Local member/s. Consultations on Local Plans, draft CIL charging schedules and Regulation 123 lists are always reported to the County Council's Cabinet member meeting for Highways Transport and Infrastructure for agreement prior to the response being formally issued. We also attend local plan and CIL Examinations in Public to provide written and verbal evidence on behalf of the Council.

5.3 The County Council is consulted on, and provides comments to, district/borough planning applications on larger-scale housing, employment, retail and leisure developments which have wider strategic significance and impact on essential

¹⁸ <http://www.legislation.gov.uk/ukpga/2004/5/contents>

¹⁹ <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

infrastructure such as education provision. We will request developer contributions in respect of those development proposals where we consider that those proposals would result in additional pressure on our services. Where necessary we will attend public inquiries or hearings to support the Council's position in this respect.

5.4 The County Council is also a statutory consultee in respect of Nationally Significant Infrastructure projects (NSIP). Introduced by The Planning Act 2008²⁰, NSIPs are usually large scale developments (relating to energy, transport, water, or waste) which require a type of consent known as 'development consent'. A Development Consent Order (DCO) automatically removes the need to obtain several separate consents, including planning permission and is designed to be a much quicker process than applying for these separately. The DCO process starts when an application is formally accepted by the National Infrastructure Planning Unit and lasts approximately 12-15 months. The final decision on granting a DCO rests with the Secretary of State for that field, based on advice from planning inspectors – known as the 'examining authority'. Further information can be found at:

<http://infrastructure.planningportal.gov.uk/application-process/participating-in-the-process/>

5.5. The County Council is also a consultee on national planning policy considerations by Government, particularly the introduction of new or amended planning legislation, policy or guidance. We submit both member and officer technical comments in respect of these consultations, which are subsequently reported to and agreed at the Council's Cabinet member meeting for Highways, Transport and Infrastructure.

5.6. As part of the duty to co-operate requirements of the Localism Act 2011 and the NPPF, we work collaboratively with district and borough councils within Derbyshire and adjoining areas to address cross boundary strategic planning and infrastructure matters and, where necessary, is a signatory to Statements of Common Ground (along with district and borough councils) which set out how strategic cross boundary planning and infrastructure matters will be addressed. We also chair a number of Derbyshire-wide planning officer groups including the Derbyshire Planning Policy

²⁰ <http://www.legislation.gov.uk/ukpga/2008/29/contents>

Officer Group and the Derbyshire Planning Information Monitoring Officer Group which are made up of officers from all the district and borough councils in Derbyshire, the Peak District National Park Authority and Derby City Council to consider planning policy, infrastructure provision and monitoring matters across the County. Derbyshire County Council is also represented on various joint planning advisory groups including the Derby Housing Market Area Joint Advisory Board, Greater Nottingham Joint Planning Advisory Planning Board and the Northern Housing Market Area Local Plans Liaison Group.

5.7 Derbyshire County Council also co-ordinates the approach to Gypsy and Traveller issues throughout Derbyshire, acting as lead authority in commissioning reviews of the Derby, Derbyshire, Peak District National Park and East Staffordshire Gypsy and Traveller Accommodation Assessment. We also chair the Derbyshire Traveller Issues Working Group made up of representatives from the district and borough councils, the Peak District National Park Authority, Derbyshire Gypsy Liaison Group, Derbyshire Police and Fire and Rescue Services and the National Health Service.

5.8 Derbyshire County Council is responsible for producing the Derbyshire Infrastructure Investment Plan, which sets out priorities for key infrastructure provision across the County to support housing and economic growth in collaboration with all the district and borough councils in Derbyshire. The County Council also produces the Derbyshire Developer Contributions Protocol, which sets out the process by which the County Council will engage with private sector developers and district and borough councils in Derbyshire to secure developer contributions towards the provision of strategic infrastructure to support new development.

6. Review

6.1 To ensure the continued effectiveness of this SCI, the Council must monitor its value both in informing and shaping the Local Plans and in providing people in Derbyshire with the opportunity to be more effectively involved in the planning process. It is essential, therefore, that the content of the SCI is monitored and reviewed on an ongoing basis.

In accordance with s23 of the Town and Country Planning Act and Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017²¹, a review of all Local Development Documents, including the SCI, should be completed every five years from adoption.

In evaluating the consultation methods and initiatives, both the outcomes and process will be reviewed. Key considerations in this review will include:

- Was consultation carried out according to the procedures set out in the statement?
- Were people given the opportunity to comment where necessary?
- Were there groups who made no responses to the consultations, and if so, why?
- Were consultees and the wider public informed of the results of the consultations?
- Did community involvement directly shape the preparation of the Local Plans and inform decisions on planning applications?

²¹ <http://www.legislation.gov.uk/uksi/2017/1244/contents/made>

APPENDIX 1

Consultees for the Minerals and Waste Development Plan Documents

The Town and Country Planning (Local Planning) (England) Regulations 2012, require Derbyshire County Council, as the Mineral and waste Planning Authority, to consult:

- Such of the specific bodies as we consider may have an interest in the subject of the proposed Local Plan;
- Such of the general consultation bodies as we consider appropriate;
- Such residents or other persons carrying on business in Derbyshire from which we consider it appropriate to invite representations

Specific Consultation Bodies

- Coal Authority
 - Environment Agency
 - Highways England (formerly Highways Agency)
 - Historic England
 - Homes and Communities Agency
 - Natural England
 - Network Rail
 - Any person to whom the electronic communications code applies (under section 106(3)(a) of the Communications Act 2003)
 - Any person who owns or controls electronic communications apparatus situated in any part of Derbyshire
 - A relevant authority any part of whose area is in or adjoins Derbyshire, (e.g. namely parish /town, district/borough/city councils and neighbouring county/unitary authorities as well as the relevant police authorities)
-
- Any of the following exercising functions in Derbyshire:
 - i) A Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section (PCTs abolished in 2012 – now Clinical Commissioning Groups)

- ii) A person to whom a license has been granted under section 6(1)(b) or (c) of the Electricity Act 1989
- iii) A person to whom a license has been granted under section 7(2) of the Gas Act 1986
- iv) A sewerage undertaker
- v) A water undertaker

The following body, although also included in the list of 'Specific Bodies', is not relevant to Derbyshire:

- Marine Management Organisation

General Consultation Bodies

- Voluntary bodies some or all of whose activities benefit any part of Derbyshire,
- Bodies which represent the interests of different racial, ethnic or national groups in Derbyshire,
- Bodies which represent the interests of different religious groups in Derbyshire,
- Bodies which represent the interests of disabled persons in Derbyshire,
- Bodies which represent the interests of persons carrying on business in Derbyshire;

Duty to Co-operate prescribed Bodies

The Town and Country Planning (Local Planning) (England) Regulations 2012, under regulation 4, also require Derbyshire County Council, as the Mineral and Waste Planning Authority, to consult the following prescribed bodies under the Duty to co-operate set out under section 33(A) of the Planning and Compulsory Purchase Act 2004:

- Civil Aviation Authority
- Environment Agency (EA)
- Historic Buildings and Monuments Commission for England (known as Historic England)
- Homes and Communities Agency (HCA)

- Integrated transport authority
- Local Enterprise Partnership
- Local Nature Partnership
- Natural England
- The Office of Rail Regulation
- Each highway authority within the meaning of Section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- Each Primary Care Trust established under section 18 of the National Health Service Act 2006 or continued in existence by virtue of that section
- Designated Neighbourhood Forums

The following bodies, although also included in the list of prescribed bodies, are not relevant to Derbyshire:

- Marine Management Organisation
- The Mayor of London
- Transport for London

Other Consultees

The County Council is committed to going further than the minimum requirements and involving as many people and groups as possible in the planning process. It will be important, therefore, that other more general consultees are consulted on the preparation of planning documents, as listed below:

Age Concern

Airport Operators

Ancient Monuments Society

British Geological Survey

Canal & Rivers Trust

Chambers of Commerce

Civic Societies

Commission for Architecture and the Built Environment

Country Landowners Association

Derbyshire Fire and Rescue Service

Derbyshire Constabulary

Educational establishments

Environmental Services Association

Equal Opportunities Commission

Health & Safety Executive

Housing Corporations/Associations

National Playing Fields Association

National Farmers Union

Political parties

Rural Community Council

Sport England

Transport providers

Minerals industry and operators

Mineral Products Association

Waste industry and operators

Landowners and developers

Chatsworth Estate

Crown Estates (including Duchy of Lancaster)

Defence Estates

Forestry Commission

The National Trust

The Housebuilders Federation

Environmental interest groups/ Environmental action groups

Campaign to Protect Rural England (CPRE)

Farming and Wildlife Advisory Group

Friends of the Earth

Ramblers Association

Royal Society for the Protection of Birds (RSPB)

Wildlife Trusts

The National Forest Company

Community and residents groups/associations

Voluntary groups

Older persons' groups

Young persons' groups

Gypsy Liaison Group

Local businesses

Members of Derbyshire County Council

Members of Parliament

Local Strategic Partnerships

APPENDIX 2

Statutory Consultees for Planning Applications

Based on the Town and Country Planning (Development Management Procedure) (England) Order 2015 and other legislation, the statutory bodies that we have to consult in respect of relevant planning applications are:

- Canal and River Trust
- Coal Authority
- Civil Aviation Authority (CAA)
- Department for Transport
- Derwent Valley Mills World Heritage Site Partnership
- Environment Agency
- Historic England
- Gardens Trust
- Health and Safety Executive
- Highways England
- Lead Local Flood Authority
- District/Borough and adjacent County Planning Authorities and Local Highway Authorities/neighbourhood forums where a Neighbourhood Plan is in place and where they have requested that they are consulted.
- Natural England
- National Amenity Societies (including Ancient Monuments Society, Council for British Archaeology, Georgian Group, Society for the Protection of Ancient Buildings, Victorian Society, Garden History Society and Twentieth Century Society)
- NATS Holdings (National Air Traffic Services) and operators of Officially Safeguarded Civil Aerodromes, Ministry of Defence air traffic safeguarding
- Peak District National Park Authority
- Rail Network Operators
- Sport England
- Theatres Trust

- Water and sewerage undertakers

Non-statutory consultees for planning applications

Where relevant, we will also consult a number of other organisations in respect of planning applications. Whilst this list is not considered exhaustive, and varies dependent on the type and nature of the proposal, such organisations include the following:

- Parish/town councils
- Buxton Mineral Water
- Council for the Protection of Rural England (CPRE)
- Creswell Heritage Trust
- Department of Environment, Food and Rural Affairs (DEFRA)
- Derbyshire Constabulary (designing out crime officer and in respect of explosives stores at quarries)
- Derbyshire Wildlife Trust (DWT)
- Derbyshire Public Health
- Derbyshire Fire and Rescue Service
- Forestry Commission
- Ministry of Defence
- National Forest
- National Planning Casework Unit (for EIA development and development where the proposal may be a departure from the Development Plan)
- Oil and Gas Authority
- Public Health England (PHE)
- Ramblers Association
- Royal Society for the Protection of Birds (RSPB)
- Utilities Companies (telecoms, water, gas and electricity)

Agenda Item No.5

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

30 July 2020

Joint Report of the Executive Director – Economy, Transport and Environment
and the Director of Finance & ICT

REVENUE OUTTURN 2019-20

(1) **Purpose of Report** To inform the Cabinet Member of the outturn position for 2019-20.

(2) **Information and Analysis**

Summary

The net controllable budget for the Highways, Transport and Infrastructure Portfolio was £79.967m. Net controllable expenditure in 2019-20 was £78.148m, resulting in a controllable year-end underspend of £1.819m.

The Portfolio incurred additional costs of £0.547m due to the Toddbrook Reservoir Whaley Bridge incident and £0.824m for costs incurred as a result of the flooding in November and Storm Ciara and Dennis, which have been funded from General Reserve.

Costs incurred in 2019-20 for Coronavirus COVID-19 were £0.011m which have also been funded from General Reserve. These costs are expected to rise significantly in 2020-21.

The Portfolio has also been supported by the use of £2.000m of Budget Management Earmarked Reserve, as agreed in the Revenue Budget report 2019-20, which was reported to Council on 6 February 2019 (Minute No. 12/19 refers). Use of this reserve has enabled the Highway Maintenance budget to remain at the same level as the previous financial year.

The areas which make up this outturn position are shown in the table below:

	2019-20 Controllable Budget £m	2019-20 Actuals £m	2019-20 Over/(Under) Spend £m
Waste Management	44.081	40.831	(3.250)

Public and Community Transport	14.755	13.633	(1.122)
Highways Maintenance	14.542	14.198	(0.344)
Winter Maintenance	1.473	2.534	1.061
Highway Management and Land Reclamation	2.172	2.745	0.573
Road Safety	0.044	0.276	0.232
Resources and Improvement	2.380	1.865	(0.515)
Countryside Services	2.245	2.283	0.038
Council Fleet Services	(0.709)	(1.631)	(0.922)
Planning and Development	0.645	(0.021)	(0.666)
Flood Risk Management	0.453	0.288	(0.165)
Digital Derbyshire	0.181	0.144	(0.037)
Management Team	0.599	0.559	(0.040)
Pension Back Funding	0.329	0.306	(0.023)
Unallocated Savings	(3.234)	0.000	3.234
Unallocated Adjustments	0.011	0.138	0.127
Total After Use of Budget Management Earmarked Reserve	79.967	78.148	(1.819)

Key Variances

Waste Management underspend £3.250m

The underspend is due to lower waste tonnages than originally forecast, and additional short term savings under the new service continuity arrangements. A similar level of underspend is not expected to occur in 2020-21.

Public and Community Transport underspend £1.122m

The main area of underspend is within Gold Card and is due to reduced demand for the service. Additional budget of £0.500m was allocated to local bus in the year as part of the five year financial plan, following which further savings will be made in future years.

Winter Maintenance overspend £1.061m

The budget for winter maintenance is £1.473m and spend this year was £2.534m.

Much of the cost for an average winter is paid for in advance of any severe weather. Grit salt is a large part of this and the Council has to build up a stock that complies with Department of Transport recommendations, for the amount the Council is expected to hold prior to the onset of winter. Fleet is the other major cost with the gritting and associated vehicles being paid for at the beginning of the financial year. Even with the mild winter this year, the high overhead costs and gritting when conditions required it resulted in an overspend.

Highway Management and Land Reclamation overspend £0.572m

The overspend is mainly due to a collapsed culvert at Chapel which caused additional unbudgeted costs. Also, delays in recruiting operational employees has led to an under recovery on the recharge from capital budgets.

Resources and Improvement underspend £0.515m

The majority of this underspend is as a result of vacancies within various areas of the Resources and Improvement Division.

Council Fleet Services underspend £0.922m

This underspend has arisen as a result of vacancies in the year, income from vehicle sales and income from vehicle maintenance.

Planning and Development underspend £0.666m

An increase in Sections 38 and 278 (Highways Act 1980) agreements income is the main contributor to this underspend.

Unallocated Savings overspend £3.234m

This overspend is due to unallocated savings targets from previous years.

Proposals for the use of Underspend

The underspend is to be used for offsetting the potential additional cost of the Woodville Swadlincote By-Pass.

Budget Savings

Budget reductions totalling £2.593m were allocated for the year. Further reductions allocated in prior years, totalling £3.321m, had not been achieved and were brought forward to the current year. This has resulted in total reductions to be achieved of £5.914m at the start of the year.

The value of the savings initiatives, which were identified for implementation in the current year, were £0.680m. In addition, there were £0.494m of savings initiatives identified in the previous year which have not been achieved at the start of the year.

The shortfall between the total reductions expected to be achieved and the identified savings initiatives at the start of the year was £5.234m. This savings target has been reduced by £2.000m as a result of a contribution from the General Reserve for one year only to enable the Highway Maintenance budget to remain at the same level. Therefore, the unallocated savings in 2019-20 were £3.254m.

A total £0.680m of savings were achieved by the year-end. The table below shows performance against the target.

Identified Savings Initiatives	Budget Reduction Amount £m	Achieved by the end of 2019-20 £m	(Shortfall)/Additional Savings Achieved £m
Gold Card	0.250	0.250	0.000
Safe and Active Travel	0.240	0.240	0.000
Countryside	0.100	0.100	0.000
Parking Management	0.090	0.090	0.000
Total of Identified Savings Initiatives	0.680	0.680	0.000
Shortfall/(Surplus) of Identified Savings	3.234	0.000	3.234
Total Savings Target	3.914	0.680	3.234

Budget Reductions	£m
Prior Year Brought forward	3.321
Current Year	2.593
Contribution from General Reserve	(2.000)
Total Savings Target	3.914

Growth Items and One-Off Funding

The Portfolio received the following additional budget allocations in 2019-20:

Waste Treatment and Disposal - £1.500m ongoing

Reason for request: Increases in the cost of delivering the main waste treatment and disposal contracts across Derbyshire and the increased cost of recycling credits.

Outcome of 2019-20: The growth bid for 2019-20 was submitted part way through 2018-19 and was based on the original Resource Recovery Solutions (RRS) contract taking account of indexation on fixed and variable costs within that contract, and including an estimated increase in tonnage growth.

The actual costs for 2019-20 are a combination of the RRS contract costs for the period 1 April 2019 – 2 August 2019 and the new continuity services contract with Renewi for the period 3 August 2019 – 31 March 2020. A combination of a reduction in costs under the new continuity services arrangements, coupled with a reduction in the growth of waste tonnage, has meant that none of the £1.5m growth on the waste management budget was needed. Without the additional £1.5m growth item, Waste Management in total would still have delivered a £1.7m underspend.

Highways Maintenance - £1.000m one-off

Reason for request: To provide a co-ordinated, cyclical maintenance programme and maintenance improvements.

Outcome of 2019-20: The £1.000m growth was intended to be used for drainage, routine potholes, and other highway maintenance works. At the end of the year, Highway Maintenance underspent by £0.344m. Although there was a genuine need for this growth at the time of requesting, in the year resources were diverted away from where they were intended, as a result of the unforeseen events such as Whaley Bridge, Toddbrook Reservoir, the floods in November 2019, and Storm Dennis and Ciara. If this growth had not been given then Highways Maintenance would have overspent by £0.656m. It should be noted that work intended to be carried out in 2019-20 has been deferred for completion in 2020-21. This is in addition to the year's programmed work and will impact on next years' budget for which there has been no additional funding.

Public Transport - £0.500m ongoing

Reason for request: To enable reasonable levels of public transport accessibility to be maintained across Derbyshire.

Outcome of 2019-20: Of the £0.500m additional funding in 2019-20, approximately £0.050m was spent on kick starting the extension of Service 9 from Swadlincote, Woodville and Melbourne to East Midlands Airport, providing access to employment opportunities at the Airport and surrounding business. A further £0.060m was spent continuing the Derbyshire Connect Demand Responsive Transport pilot project for Ashbourne and the surrounding businesses. A further £0.100m went towards maintaining public transport accessibility through existing bus services. In particular, a significant increase in cost was incurred from October 2019 securing replacement contractors following the cessation of Yourbus, which operated a number of contracts on behalf of the Council. The remainder of the funding was unspent.

Water Body - £0.100m one-off

Reason for request: Changes to regulations have given rise to additional responsibilities, in respect of the Council's obligations to managing its water bodies.

Outcome of 2019-20: Only £0.016m of this was spent by the end of March 2020. This is due to a number of factors that have delayed implementation and were beyond the Council's control. Although delays have been incurred, some progress has been made, and given that the money was allocated to ensure that the Council complies with the new safety regulations, the balance of the money was transferred to a reserve at the year end, and will be spent in 2020-21 in line with the established programme.

HS2 Co-ordination Officer - £0.064m one-off

Reason for request: To provide support in representing the Council's interest as the HS2 route is developed.

Outcome of 2019-20: The HS2 Co-ordinator Officer post has not yet been recruited to due to the national review process (the Oakervee Review), which essentially paused progress of the HS2b line. Consultants have been used as an interim measure to provide additional Officer capacity at a cost of almost £0.039m. If this growth money had not been granted, then the cost for the Department would have been £0.039m higher, leading to a lower Departmental underspend. As Government has recently announced commitment in April 2020 to the full HS2 network, the need for additional Officer resources has re-emerged and this will be an area of strategic service growth for the Council and the Department specifically.

Street Lighting - £0.048m one-off

Reason for request: To meet the inflationary costs of street lighting energy.

Outcome of 2019-20: Every year inflation on energy increases much higher than other inflation and, therefore, additional monies are requested. Based on information available at the time of submitting the growth bid, it was anticipated that an additional £0.048m would be required. The year-end outturn for this energy cost was an underspend, so therefore, in retrospect, it was not needed. If the growth money had not been received then there would be a decrease of £0.048m in the underspend.

Earmarked Reserves

Earmarked reserves totalling £17.238m are currently held to support future expenditure. Details of these reserves are as follows:

Reserve Description	Amount £m
Grants	1.266
Committed Liabilities – Revenue	1.751
Committed Liabilities – Capital	1.120
Winter Maintenance	2.000
Money Held on Behalf of Other Councils and Partnerships	0.435
Renewal Funds regarding Laboratory and Fleet Equipment	0.056
Waste Recycling Initiatives	0.598
Derby and Derbyshire Road Safety Partnership	0.202
ETE Underspend Reserve (committed to specific projects)	2.185
ETE Underspend Reserve (to assist with managing the Department's savings programme)	7.625
Total Earmarked Reserves	17.238

Debt Position

The profile of the debt raised, relating to income receivable by services within the Economy, Transport and Environment Department is as follows:

0 – 30 Days £m	31 – 365 Days £m	1 – 2 Years £m	2 – 3 Years £m	3 – 4 Years £m	Over 4 Years £m	Total £m
1.465	2.330	0.967	0.252	0.015	0.014	5.043
29.05%	46.20%	19.18%	5.00%	0.29%	0.28%	100%

In the year, the value of debt that has been written off totals £0.012m.

(3) **Financial Considerations** As detailed in the report.

(4) **Other Considerations**

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATION** That the Cabinet Member notes the report.

Mike Ashworth
Executive Director – Economy,
Transport and Environment

Peter Handford
Director of Finance & ICT

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