



The countryside charity
Peak District and
South Yorkshire

37 Stafford Road
Sheffield S2 2SF

Tel: (0114) 312 2002

andy@cprepeakandsyorks.org.uk
committee@cprederbyshire.org.uk

BY EMAIL TO: planning.wastemin@derbyshire.gov.uk

29 April 2022

Minerals Local Plan Team/Place
Planning Services , Room N8
North Block, County Hall
Matlock DE4 3AG

Dear Michelle,

Re: Derbyshire and Derby Minerals Local Plan. Towards a Minerals Local Plan: Proposed Draft Plan – December 2021

We refer to the above proposed draft plan document, currently out for consultation. This is a joint response of CPRE Peak District & South Yorkshire (which covers High Peak BC, the six northern parishes of NE Derbyshire DC and the parts of Derbyshire in the Peak District National Park) and CPRE Derbyshire which covers the remaining area of the county, including Derby City Council. Our joint membership (in excess of 500) are drawn from local Derbyshire communities, adjacent towns and cities and visitors to Derbyshire – all of whom value the high quality countryside of the county and the amenities it provides.

We last commented on the '*Towards a Mineral Local Plan*' in the spring 2018 consultation. We note that some of our comments were taken into account, resulting in improved text in the current draft (notably regarding the landbank for industrial limestone; the setting of the PDNP and some building stone issues). This is helpful. **However, and in summary, we still find the approach to climate change, and especially hydrocarbon minerals to be unsatisfactory with a strong disjuncture between the clearly stated need for 'an immediate and rapid programme of decarbonisation across all sectors' (para 5.2, p.42) and the vision, objectives and policies to support this requirement.** See below for detailed comments and proposed alternative text (underlined) to make the Plan more sustainable and sound.

Detailed comments – Strategic priorities

p.26, para 3.7: the text '...will be mitigated to an acceptable level through...' is both unambitious and imprecise and is not consistent with the levels of protection and enhancement stated as strategic priorities earlier (see para. 3.3). Replace text with 'will be minimised through good design...'

p.28, Objective 8: revise headline title to 'Minimising the impact on Climate Change and Flood Risk'; para. 3.16: add final sentence after 'wider area': 'All mineral development will need to clearly demonstrate progressive carbon (or other greenhouse gas emission) reductions consistent with meeting national and

local carbon budgets. It will be helpful to develop an evidence base of those budgets (or percentage, equitable reductions) such that required ambition is explicit.

Sustainable minerals development

p.32/33, para. 4.2, Policy SP1: suggest define (in Glossary) 'sub-national'; part 7) add 'if appropriate' to beginning of sentence (noting at para.4.18 the 'in principle' status of prior extraction); we question the sense of the text 17), viz.- 'reduce impacts on the causes of climate change...' as not being especially clear; suggest adding text after 'reducing carbon emissions (consistent with national carbon targets and local carbon budgets), and facilitate adaptation...'

p.34, para. 4.13: we support the compensatory supply of crushed rock to enable the progressive reduction of mineral supplied from within the PDNP.

p.37, para. 4.23: suggest this is updated to recognize the passage of Environment Act; also suggest insertion of text to encourage delivery of biodiversity net gain and GI benefits through Local Nature Recovery Strategies (LNRS) and to add this throughout in related text and policy (e.g. paras 5.17, policies DM2d), DM4 para.2, DM5 final para., DM6, DM12, DM15 para.2).

p.38, para. 4.28: amend second sentence to be as follows (again questioning the sense/likely understanding of the first part of the sentence): 'The need to minimise impacts on the causes of climate change, reduce carbon emissions (consistent with national targets and local budgets), and facilitate adaptation...'. This then ensures that the final sentence ('...will ensure that climate change and resource efficiency are fully taken into account when assessing proposals...').

Climate change

p.42, para. 5.2: we suggest that a reference to the Derbyshire Environment and Climate Change Framework (October 2019) (further footnote) is added to sentence 2 to illustrate the breakdown of the periodic carbon (C) budgets for Derbyshire local authorities (see table on p.6 of the Framework) that should then be enshrined as the local budgets against which mineral-related reductions are implemented and monitored, as per the above proposed changes. However it is noted that heavy industry (cement) C emissions in High Peak are omitted from the Framework budgets, so this will need dealing with in some other way (see later comments on cement, below).

p.44, para. 5.7: amend a) to read: '...through the reductions of carbon emissions (including downstream or 'scope 3' emissions) and the carbon footprint....' so as to ensure a cradle-to-grave/whole life approach is taken to carbon emissions.

p.47, SP2, para. 5.19: amend introductory text to read (line 3) '...they incorporate measures to minimize, reduce and offset greenhouse gas emissions in line with national and local carbon budgets...' otherwise it will not deliver the required reductions from the minerals sector so as to make it sustainable.

p. 48, para. 5.20: amend sentence 2 to read: 'This includes reducing greenhouse gas emissions...'. This is consistent with text elsewhere given the cited need for 'immediate and rapid decarbonisation' (draft Plan, para. 5.2). It is also consistent, and helps fulfil the legal duty on the MPA to meet carbon budgets and targets in the Climate Change Act 2008 (as amended) and contribute to delivering radical reductions as per para.152 of the Framework (NPPF).

p.48, para. 5.21: amend sentence 1 as follows: '...should demonstrate to the MPA how they will contribute towards reducing greenhouse gas emissions (consistent with national and local C budgets and targets) and provide...'

Sand and gravel

p.61, para. 6.2.16: we note, with concern, and would strongly oppose, the inclusion of two greenfield site allocations (Foston and Sudbury, in effect, one large new site on greenfield land in open countryside) in this version of the draft Plan, also located in the Lower Dove Valley – an area with little mineral working to date. The area is a tranquil rural area adjacent to the River Dove, with far-reaching views across the Dove Valley to the hills beyond. The hamlet of Scropton is likely to be adversely affected by mineral extraction at these sites, as is the overall character of the area, including the wider Dove Valley. In addition, there is already a large-scale solar array development to the north of Leathersley Lane, adjacent to the proposed sites, and we would be concerned about any further encroachment of industrial activity into this landscape.

We would also seek clarification to the status and process of the Sudbury allocation. It was **not** included in the Sand and Gravel Site Assessments Background paper (at least the current version on the DCC website). It is further stated, in the October 2020 Sand and Gravel Sites consultation, that Sudbury A and B had been withdrawn prior to the 2015/2016 Emerging Approach Consultation (as ‘undeliverable in this Plan period’). However, in Figure 6.2.4 the phasing of Sudbury is shown as 2025-2032, prior to Foston (2030-2037), and well within the Plan period. These anomalies need to be resolved such that the status of, and reasoned justification for (by way of a full site assessment) this proposed allocation is clear, if it is to be pursued.

p.66/67, site allocation plans: in relation to both the Foston (Figure 6.2.5) and Sudbury sites (Figure 6.2.6), which are adjacent, we would note that Leathersley Lane forms part of the National Cycle Network (route no.549) which are intended to be quiet, lightly trafficked routes suitable for leisure cycling. The introduction of significant HGV movements over a period of 13 years would constitute a serious amenity detriment, and potential safety risk, that needs to be assessed fully, and mitigating measures, such as an off-road/protected cycle lane considered, were permission to be given.

Building stone

p.81, Policy SP9, para. 7.1.8: in our previous comments (May 2018) we expressed concern as to why aggregate production from building stone extraction should normally be minimized (in the interests of amenity and enhanced restoration outcomes). We therefore suggest further amendment to this policy and its justification as follows: ‘1) extraction will be restricted to building stone, rather than for aggregate (unless strongly justified);...’ and ‘3) The scale of the proposal is such that any adverse social and environmental impacts will be minimized.’.

p.81, para. 7.1.10: Amend sentence 1 as follows: ‘there will be a certain amount of by-product stone which is not suitable for this purpose and which, if justified, may be sold for aggregate or is deemed...’.

Industrial limestone

p.88, Policy SP10, 7.2.17: we have concerns here that the policy could result in oversupply of stone and that individual sites could cause unnecessary amenity and environmental effects when supply could be more sustainably met from elsewhere. This is illustrated by the justification for an extension at Aldwark/Brassington, which is justified without regard to the fact that that permitted/unworked reserves remain elsewhere that could meet the purity requirements (and see arguments below), thus defeating the intent of the managed aggregate supply system (MASS). To combat this, we propose the following amendments:

‘2) the stock of overall permitted reserves (‘landbank’) can be shown to have fallen below...’. This protects against individual sites demonstrating scarcity/exhaustion of particular grade/purity stone as a sole justification for further working, when alternative supply exists locally, albeit from a different

operator. Also amend the final sentence to 'Normally the MPA will seek to enter into Section 106...'; if a site is justified for extraction on the grounds of being a 'very important 'industrial' mineral' (para. 7.2.3) then its use for ubiquitous ends should be curtailed, especially given the huge landbank of (limestone) aggregate across the County.

p.89/90, Policy SP11: we object to this allocation on the grounds of need as we suggest that the purity sought ('low cadmium, iron and lead') can be sourced from other local sites that already have permitted reserves. It is also the case that the site and proposed extension is sensitive in landscape terms, being adjacent to, and in the setting of, the Peak District National Park and close to popular rights of way.

Cement

p.92, 7.2.26: we are unsure as to the purpose of the inclusion of text in respect of a (permitted?) second kiln at Tunstead, expected to be commissioned beyond the period of the draft Plan. We suggest it is likely that policy pressure on C emissions (including those that we propose, by way of amendments, in the draft Plan) mean that any such new kiln would need to be subject to meeting stringent CO₂ targets, which in the timescales describes, would need carbon capture and sequestration (CCS) technology. We understand from recent pre-consultation exercises that all the Derbyshire high carbon-emitting cement sites (Tunstead, Hope and Brierlow/Lhoist) are considering joining a CCS network, possibly to be operational by 2030. We suggest the draft Plan takes this information, if still valid at the next iteration of drafting, into account.

The supply of energy minerals

p.107 *et seq.*: we believe the whole section of the draft Plan addressing coal, conventional and unconventional hydrocarbons and gas from coal should be removed due to inconsistency with Derby and Derbyshire's declared climate emergencies and associated policies and strategies. The following text is proposed (see below), although we realise that many adjustments will be required across other parts of the draft Plan to reflect the new policy position. However we believe this is necessary to ensure compliance with national policy and legislation, including the Climate Change Act.

'8.1 Coal, conventional and unconventional hydrocarbons and gas from coal are present across Derbyshire but the Climate Emergency, combined with both Derby and Derbyshire's net zero carbon ambitions and the shift away from fossil fuels, means that the extraction of fossil fuels will not be permitted across the County.

Policy SP16: The exploration, appraisal and production of fossil fuels

The exploration, appraisal and production of fossil fuel resources will not be permitted.

This, or a similar policy that achieves the same presumption against, is CPRE's preferred approach; however, in the alternative, we suggest the currently proposed policies are amended as per the following proposals.

p.114, Policy SP16, para. 8.1.22: amend 1) to read '...that the development satisfies the following requirements:

- that emissions from the development (including indirect/downstream emissions) would not contribute to climate change or prejudice the achievement of UK climate change objectives and be consistent with national and local carbon budgets and targets; or

- that it is environmentally acceptable...'

p.131, para. 8.2.32: amend last sentence to '...and the Plan therefore needs to include policies to control such development' as the text is currently too permissive.

p.135, Policy SP17, para.8.2.46: amend introductory text to 'Proposals for the exploration... oil and gas will only be permitted where they:...'; amend 3) replacing 'avoid' with 'prevent'.

SP17, para. 8.2.47: again amend introductory text to become 'Proposals... oil and gas will only be permitted where: 6) it can be demonstrated that emissions from the development would not contribute to climate change or prejudice the achievement of UK climate change objectives and be consistent with national and local carbon budgets and targets; and...' and re-number 6-10 thereafter as 7-11.

Development management policies

p.171, Policy DM1, para. 11.12: amend sixth bullet to read 'Land instability, including induced seismicity'; alternatively, the same text could be included in the third bullet which also relates to pressure waves/seismicity.

p.176, Policy DM2, part g) change to 'The extent to which the proposal is consistent with meeting carbon reduction targets specified in national and local carbon budgets and targets through the use of...'

p.178, Policy DM3, para. 11.33: amend sixth paragraph to 'Where proposals.... reduce or offset carbon emissions generated by traffic movements associated with the proposal, consistent with national and local carbon budgets and targets'

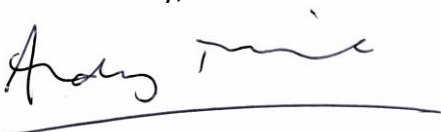
p.210, Policy DM13, para 11.135: amend para. 2 to '...and, where possible, recreational access to restored mineral workings...'. This would allow for multi-purpose use: walking, cycling and climbing (on a case by case basis).

Monitoring and implementation

p.231 ff. As indicated above, measures and indicators in relation to compliance with local carbon budgets and targets will be need to be calculated and these would be substituted for the current indicator and target shown for SP2 Climate Change in the table on p.234. Similarly the indicators for SP16/SP17 will need to be re-worked based on the presumption/target of no fossil fuel exploration, appraisal or extraction with a target of 'No approvals'.

We trust these comments and proposed amendments are of use. Please contact us if you need any further information or clarification.

Yours sincerely,



Andy Tickle
Head of Campaigns
CPRE Peak District & South Yorkshire

&pp.

Isabella Stone
Vice-Chair
CPRE Derbyshire