

Agenda Item No.4(j)

**DERBYSHIRE COUNTY COUNCIL**

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

**11 January 2018**

Report of the Strategic Director – Economy, Transport and Environment

**2017-18 CONSULTATION DERBYSHIRE AND DERBY MINERALS LOCAL  
PLAN**

(1) **Purpose of Report** To seek approval to a round of consultation on the Joint Derbyshire and Derby Minerals Local Plan.

(2) **Information and Analysis**

**Background**

Derbyshire County Council and Derby City Council are jointly preparing for a new Minerals Local Plan to replace the current adopted Derby and Derbyshire Minerals Local Plan, April 2000. It will cover the City of Derby, and the administrative county of Derbyshire excluding the area within the Peak District National Park. The proposed Derbyshire and Derby Joint Minerals Local Plan will cover the period up to 2030.

Planning authorities are required to prepare Development Plans, setting out policies for the development and use of land in their area. Given their upper tier status, both Derbyshire County Council and Derby City Council are minerals and waste planning authorities. (NB: the two authorities are also preparing a Waste Local Plan which will be the subject of a separate consultation exercise at a later date).

**Preparation**

Work began in 2009 on preparing a replacement for the adopted Derby and Derbyshire Minerals Local Plan, 2000 (and the subsequent 2002 amendment). At the time, it was intended to produce a replacement in the form of:

- (1) A Core Strategy, setting out the vision and objectives, strategies and identifying strategic sites where appropriate.
- (2) An Implementation Document containing development management policies and other site allocations.

An Issues and Options consultation for the Core Strategy was undertaken in 2010. Following changes to the planning system and Government policy and advice, the Councils switched from a two document approach to preparation for a single Derbyshire and Derby Minerals Local Plan (MLP), in accordance with the National Planning Policy Framework in 2012 and the Town and Country Planning (Local Planning) (England) Regulations 2012. The representations received from the Issues and Options consultation have been carried forward and fed into the preparation work for the new MLP.

Work on updating the evidence base, in accordance with the duty to cooperate with other bodies, including liaison with those promoting sites, local communities and various other stakeholders, has been ongoing and further public consultations have been carried out since this time. In 2012, a series of drop-in sessions and meetings were held in the areas where further potential extraction sites for sand and gravel had been put forward. Views expressed on these sites and the overall provision that should be made for sand and gravel were incorporated into a consultation exercise which took place in 2015-16.

This exercise was an extensive, rolling consultation which sought to develop the vision and objectives, together with the strategies and policies of the new MLP by establishing a preferred, broad approach to these matters. It consisted of a series of Support Papers setting out the background to each mineral type, each theme and issue, and a range of potential options, and the policies that would be included to assess and determine future development proposals.

Views expressed in response to the 2015-16 rolling consultation, together with relevant information gathered from previous work at earlier stages, have been carried forward into the development of papers for this round of consultation on the emerging MLP.

Previous consultation stages have looked at all the important aspects of a new MLP but with a focus on individual issues and minerals. This round of consultation seeks to draw these together in a comprehensive way so that vision, objectives, strategies and recommended policies can be set down to progress towards a draft version of the MLP in its entirety. Particular attention will then be given to how the respective parts inter-relate, particularly regarding sustainability principles.

### **Derby and Derbyshire Development Plan Joint Advisory Committee**

The Joint Advisory Committee (JAC) consists of members of both authorities and its remit is to provide a steer on the major stages in the preparation of the two development plans being prepared jointly by both authorities; that is the new MLP and the Waste Local Plan. A presentation was made to the JAC at the meeting on 20 November 2017 setting out a proposed content for an

emerging MLP. It also identified the previous stages of Plan preparation and the results of the previous consultation exercises. The JAC resolved that they be circulated with all the consultation papers and that the Councils be advised to carry out this round of consultation on the emerging MLP, subject to the incorporation of any comments of JAC members. The JAC has been consulted on all the relevant papers relating to this phase of MLP consultation and, to date, no comments from its members have been received.

### **Next Steps**

Preparation of development plans is now governed by the Town and Country Planning (Local Planning) (England) Regulations 2012. These regulations make provision relating to the form and content of local plans together with the procedure for their preparation, examination and adoption. They include a regulation requiring a local plan to contain a reasoned justification of the policies contained in it.

The consultation provides a new opportunity for interested parties, including town and parish councils, district and borough councils, operators, developers, landowners, community and interest groups and the people of Derbyshire to influence the subject matter and content of the MLP before a Draft MLP is prepared and a final version is subsequently published for Examination in Public. The consultation responses received at this stage, along with the Sustainability Appraisal and further consideration of the evidence base and other relevant policy, will inform the preparation of the Draft MLP.

It is intended that this consultation will invite representation from all the relevant types of organisations and businesses, as well as residents, and commence in January 2018 following approval of the Cabinet Member and will then be open for observations for a period of eight weeks. All consultation materials will be available on the Derbyshire County Council's and Derby City Council's joint dedicated online consultation system where residents and businesses, minerals operators and community and environmental groups will be able to read the proposals and provide comment. Emails/letters will be sent to interested individuals and groups/businesses. The councils will issue a press release to formally launch the consultation and advise where the documents can be found and how responses can be made.

The format for the emerging MLP which is proposed for this consultation is as follows:

Chapter 1 – Introduction and Background to the Plan

Chapter 2 – Spatial Context

Chapter 3 – Vision and Objectives

Chapter 4 – Strategic Sustainability Principles

Chapter 5 – Spatial Strategy for Mineral Extraction

Chapter 6 – Supply of Aggregates:

- Secondary and Recycled Aggregates
- Sand & Gravel
- Crushed Rock
- Helping to reduce the supply of aggregates from the Peak Park

Chapter 7 – Supply of Non-Aggregates:

- Building & Roofing Stone
- Industrial Limestone and Cement
- Brick Clay and Fireclay
- Vein Minerals

Chapter 8 – Supply of Energy Minerals:

- Coal and Colliery Spoil
- Hydrocarbons: Conventional (oil and Gas), Unconventional (Shale Gas) and Gas from Coal

Chapter 9 – Supply of Other Minerals:

- Borrow Pits
- Reworking of Former Spoil Tips
- Incidental Working of Clay
- Mineral Related Development

Chapter 10 – Minerals Safeguarding:

- Minerals Resources
- Minerals Related Infrastructure

Chapter 11 – Cumulative Impacts

Chapter 12 – Restoration:

- Restoration Strategy
- Trent Valley Strategy
- Hard Rock Strategy

Chapter 13 – Development Management Policies

Chapter 14 – Site Allocations

- Industrial Limestone
- Brick and Clay

Chapter 15 – Monitoring and Implementation

The JAC has been provided with, and has considered, the content of an emerging MLP consultation draft. Its advice to each respective council is that consultation on the emerging Joint MLP be carried out.

**(3) Financial Considerations** There are no financial considerations directly associated with this report, although the local plan process is likely to incur costs at a future stage. This will be subject to a further Cabinet Member report.

(4) **Legal Considerations** The recommendation in this report is made in the context of the County Council's responsibilities and services under the provisions of the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004.

(5) **Social Value Considerations** The relevance of social value in terms of social, economic and environmental wellbeing has been considered in the preparation of this report in the emerging content of the draft MLP. 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 Economy, Transport and Environment Department. Officer contact details – Michelle Spence, extension 39813.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member approves the implementation of a round of consultation on the emerging Derbyshire and Derby Minerals Local Plan, as outlined in this report.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**