

The Derbyshire and Derby Minerals Local Plan

Background and Context

A key Government message is that local areas should have up to date local plans, which are a positive about development, comply with the National Planning Policy Framework (NPPF) but reflect local priorities. Government has repeatedly emphasised that areas that have up to date adopted plans will not have their decisions overturned, providing they are made in accordance with their local plan.

Derbyshire is one of the most important sources for minerals in the UK. While this has obvious benefits for the national and local economy, there can be community impacts if development is not managed effectively.

To achieve up to date plan coverage Derbyshire County Council and Derby City Council are working together to prepare a Joint Waste Local Plan and a Joint Minerals Local Plan covering the period to 2030. The County Council is leading this process. These plans will replace the existing Waste Joint Local Plan 2005 and the Minerals Joint Local Plan 2002.

The Joint Minerals Local Plan will set out the detailed planning strategy and policies to enable the delivery of sustainable minerals development in the Plan area to 2030. This means that the Plan will need to ensure that sufficient opportunities for mineral development are provided in order to maintain an adequate and steady supply of minerals to support growth, regeneration and economic development, whilst protecting the environment and local communities from any significant adverse impacts of extraction. In making provision for mineral development the Minerals Local Plan will also take into account the long term environmental and community benefits that mineral working can provide.

When adopted, the Minerals and Waste Local Plans will provide the main policy guidance for assessing planning applications for minerals and waste developments.

The Councils are in the formal “Preparation” stage of the plan-making process for both Joint Local Plans prior to the “Publication and Consultation” on the Draft Local Plan. This stage is **key** to ensuring sound and legally compliant adoptable Local Plans are produced and a number of procedural and process matters are necessary to ensure this is achieved. These include taking account of international, European, national, and local legislation, policies and

strategies relevant to waste and minerals and practising the Duty to Cooperate, The Joint Local Plans must also be based on a robust and credible, but proportionate evidence base which is as up to date as practicable.

Critically, this stage of the plan-making process requires engagement with communities and other stakeholders to be **on-going**. There are opportunities for as many of the wider community as possible to contribute ideas and influence the content of the Plans so that, as far as possible, a collective vision and agreed set of strategies and policies for sustainable minerals and waste development is achieved. This is entirely in accordance with the clear steer from the Derby and Derbyshire Joint Advisory Committee (JAC) in response to the localism agenda, as to how on-going involvement of the wider community in Derbyshire and Derby should be involved in the plan-making process.

The current wide ranging ongoing engagement exercise commenced in April 2015 is focused on engaging the wider community of Derbyshire and Derby in developing the vision, objectives, strategies and policies of the Minerals Plans. A similar consultation for the Waste Plan will start in autumn 2015. The purpose of both is to seek ideas and invite comments and suggestions on elements of the Minerals Local Plan and Waste Local Plan through a series of prepared consultation and supporting papers, which will be revised and added to on a rolling basis over the engagement periods. The next batch of papers will be available on line to the public shortly. These will include ones relating to hydrocarbons and will cover hydraulic fracturing.

All the papers have been developed having regard to the relevant legislation, and build on responses to previous engagements, dialogues and discussions with communities and stakeholders and the duty to cooperate.

All comments received will feed into the preparation of the Draft Minerals Local Plan later in 2015. This will articulate the proposed strategies and policies to be applied in the determination of planning applications for minerals development in Derbyshire and Derby, and is the precursor to the publication and consultation of the Draft Plan (estimated spring/early summer 2016 for the Minerals Plan). The submission of the both Plans to PINS will follow closely afterwards. The following stages are then dependent upon the Inspectorate timetable.

Towards a Minerals Local Plan

The Towards a Minerals Local Plan papers for the engagement include the following elements of the Local Plan

- Characteristics of Derby and Derbyshire,
- Developing the draft Vision and Strategic Objectives,
- Developing Overarching Sustainability Principles and Policies,
- Developing Minerals Provision Strategies and Policies and
- Developing the Development Management Policies that will guide the future development of minerals in the City and County.
- Developing the Implementation and Monitoring

The list below sets out in more detail the content of the “Towards a Minerals Local Plan” papers (including the supporting papers).

Some elements of the Plan are at the stage of policy development whilst others are looking for views on options and reasonable alternatives for the strategies and policies. This reflects the dialogue with stakeholders, *duty to co-operate* working and responses to previous engagements and takes into account of all the recently published national policy and guidance.

“Towards a Minerals Local Plan” - Consultation Papers.

Portrait of Derbyshire and Derby- provides an overview of the spatial characteristics of the Plan area and sets out the mineral resources of Derbyshire and Derby, their distribution and reserves.

Vision and Objectives - the Vision sets out what the MLP will seek to achieve by 2030 and the Objectives are the goals which will help to deliver the Vision.

Strategic Principles - sets out the strategic principles, both national and more locally specific, to which proposals for minerals development in Derbyshire and Derby will be expected to adhere. National policy identifies a number of strategic principles which mineral development should meet. Responses from consultations on the MLP have also identified a number of principles, which are of particular relevance and importance to Derbyshire and Derby. By ensuring that mineral development meets these principles, the vision and objectives of the Plan will be delivered. The paper concludes by setting out the spatial principles for the provision of each mineral.

The Strategies for Mineral Provision

- a) **The Strategy for Sand and Gravel** - the MLP has to make provision for a steady and adequate supply of minerals. In this context, the Local Aggregate Assessment sets

out the amount of sand and gravel that should be worked in Derbyshire and Derby. The main messages from previous consultation exercises are reviewed and the emerging strategy put forward sets out the issues and principles that will be taken into account in considering where this should be worked over the Plan period.

- b) The Strategy for Aggregate Crushed Rock** – explains that aggregate crushed rock from the limestone resource of Derbyshire is a resource of national importance. The Local Aggregate Assessment concludes that there are sufficient permitted reserves of this resource to last well beyond the end of the Plan period. In overall numerical terms therefore there will no requirement for the Plan to identify further reserves. There may, however, be exceptional circumstances where permission may be granted for further reserves. The paper considers options for dealing with this and asks for comments.
- c) The Strategy for Helping to Achieve a Progressive Reduction in Quarrying in The Peak District National Park** - the Peak District National Park Authority (PDNPA) has a policy in its adopted Core Strategy not to allow further new quarries or extensions to existing quarries in the National Park in order to help protect the unique qualities of the landscape. Responses to previous consultations on the MLP indicate support for the development of an approach which would help to reduce quarrying in the Peak District National Park. This emerging strategy sets out how the Councils will continue to cooperate with the PDNPA to help achieve this aim by agreeing to compensate for the reduction in quarrying in the National Park by increasing its apportionment figure for crushed rock.
- d) The Strategy for Secondary and Recycled Aggregates** - this emerging strategy sets out how the MLP will encourage the supply of secondary and/or recycled materials to replace the use of primary aggregates, which will reduce the need for mineral extraction.
- e) The Strategies for Surface and Deep Coal** – these paper reviews the main messages from previous consultation exercises and presents a number of options for the strategies/policies. The options concern how detailed the MLP should be in the identification of where new coal mining could take place or not, the criteria to be used to assess the acceptability of new mining proposals, especially how we assess cumulative impacts and how the benefits of a proposal should be weighed and considered in the overall assessment of proposals.
- f) The Strategy for Hydrocarbons** - identifies the geological conditions which make Derbyshire an important location for hydrocarbon resources and considers the implications of potential future extraction including those raised by new technologies such as Hydraulic Fracturing. It reviews the relevance of national planning policy and the implications of the evolving national energy policy in developing the policies in the MLP. The emerging options concern the level of detail that should be included in the MLP concerning the identification of known reserves and the criteria to be used to assess new development proposals. It asks specific questions about the approach to be taken towards hydraulic fracturing.

- g) **The Strategy for Industrial Limestone** – looks at developing a policy approach for working industrial limestone to ensure the supply of this mineral throughout the Plan period. Theoretically there are sufficient permitted reserves to last throughout the Plan period. However, due to the diversity of industrial limestone markets and the complex specifications of this mineral, options for a policy approach is suggested to meet justifiable needs that arise.
- h) **The Strategy for Brick Clay and Fireclay** - there are no active brickworks within the Plan area and brick clay is worked at three sites and exported brickworks in adjoining areas. Options for a policy approach is suggested that allows for the supply of this mineral throughout the Plan period. Fireclay extraction is not commercially viable on its own and all production is as a co- or by- product of opencast coal working. The approach suggested is that the benefit of extracting fireclay should be taken into account in determining the overall acceptability of planning applications for new opencast coal working.
- i) **The Strategy for Building Stone** - in Derbyshire and Derby, the main source of building and roofing stone is the sandstone/gritstone of Carboniferous origin. The market for building stone is small but profitable and is concerned mainly with the repair and restoration of historic buildings or with the repair/extension of existing properties or new build properties and structures in areas of high environmental value. This strategy sets out the issues and principles regarding the provision of building stone in the MLP and suggests an emerging approach.
- j) **The Strategy for Vein Minerals** - identifies the main issues associated with vein mineral extraction. A review of known information about the extent and location of the remaining commercial reserves is important in developing both an approach to extraction and to the inter-relationship of the MLP with the Peak District National Park policies. The main messages from previous consultation exercises are summarised and an emerging approach and suggested draft policy wording suggested.

A Strategy for Safeguarding Mineral Resources - this paper sets out the emerging strategy for safeguarding minerals of national and local importance to ensure they are taken into account during the determination of planning applications for non-mineral development and not sterilised unnecessarily, so that they are available for use by future generations. A draft approach is put forward.

A Strategy for the Safeguarding of Minerals Infrastructure – this looks at how the MLP might safeguard the minerals supply and transport infrastructure in Derbyshire and Derby. It is important to safeguard minerals related infrastructure to ensure that the minerals which are produced are supplied to the market in the form required (e.g. concrete, coated road stone), and the potential to transport them in sustainable ways if possible, including by rail

is maintained. Issues are identified and a number of questions/options put forward on which views and comments are sought.

Restoration - looks at the development of policy approaches for the restoration and after-use of mineral sites taking forward the messages from previous consultations. This will include the next stages in the development of the Trent Valley Strategy and a possible Strategy for the A515 corridor/hard rock quarries.

Development Management Policies – this paper will develop a range of more detailed policies which deliver the MLP’s strategic objectives and principles and which reflect the government guidance of being positively worded and succinct. The emerging policies will look at the more specific site level issues/criteria against which future applications for minerals development will be assessed. Views are sought on the issues/matters to be covered and the best way of doing this, together with some suggested draft examples of wording for policies from which the suite of development management policies can be developed.

Implementation and Monitoring – looks at how, when and where the Vision, Objectives and Strategy will be delivered and how the effectiveness of the MLP will be monitored. Suggestions are made for mechanisms to deliver the MLP, collecting data and setting up and maintaining a framework for monitoring how well the MLP is working.

Supporting Papers

Legislative Background

Climate Change

Transport

Sand and Gravel

Crushed Rock

Secondary and Recycled Aggregates

Building Stone

Brick Clay and Fireclay

Industrial Limestone

Cement

Vein Minerals

Conventional Oil and Gas

Gas from Coal

Gas from Shale

Coal

Safeguarding Mineral resources

Safeguarding Minerals Infrastructure

Site Selection Methodologies

Local Aggregates Assessment

Interim Sustainability Appraisal Report - Issues and Options

Duty-to Cooperate

Note: this list is not exhaustive and will be added to over the consultation period.

