

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

DUTY TO CO-OPERATE BACKGROUND AND PROGRESS

APRIL 2016

INDEX

	Page
1. Introduction and Purpose	3
2. Legislative and National Policy Background	8
3. Joint Minerals Local Plan	11
4. Co-operation with prescribed bodies and other public bodies	12
5. Identifying Strategic Cross-Border Issues	13
6. Strategic Cross-Boundary Issues	13
7. Planning for Issues with Strategic Cross-Boundary Impacts	14

Purpose of this Paper

The purpose of this Paper is to set out the background and requirements of the Duty to Co-operate and to set out the progress that the Councils have made in meeting their obligations under the 'duty to co-operate' with regard to the preparation of the Minerals Local Plan. It sets out;

- Introduction and the purpose of the 'duty to co-operate'
- The legislative and planning policy background to the 'duty to co-operate'
- The decision on preparing a joint minerals plan
- An overview of the co-operation undertaken by the councils with local authorities, prescribed bodies and other organisations that is influencing the development of the plan, including routine engagement and consultation
- A broad assessment of the strategic cross-boundary issues relating to the Minerals Local Plan area
- Identification of the specific strategic cross-boundary issues relating to the Minerals Local Plan area together with the Stakeholders to be involved.

1 Introduction and Purpose of Duty to Co-operate

- 1.1 The Government is committed to delivering long-term sustainable growth and requires the planning system to contribute positively towards achieving sustainable development. It recognises that, when taking into account the economic, environmental and social dimensions of sustainable development in local plan preparation, there are some strategic issues that can only be addressed effectively at a wider than local scale.
- 1.2 In response to these issues it has placed a legal 'duty' on local planning authorities, county councils and a number of other public bodies to co-operate on strategic matters that cross administrative boundaries. A strategic matter relates to the use of land that would have a significant effect on more than one authority. The provision of minerals has been identified by the Government¹ as a strategic matter, often raising cross- boundary issues and the fact that minerals planning is a county matter in two tier authorities also leads to strategic cross boundary issues.
- 1.3 The purpose of the 'duty' is to maximise the effectiveness of working on strategic cross-boundary planning issues and to achieve plans that are sustainable and based on the best available information. It requires that local authorities and public bodies that are critical to plan making co-operate with each other and that they are involved in continual constructive and active engagement to develop strategic policies. It also requires councils to consider joint approaches to plan making.
- 1.4 The 'duty to co-operate' is a legal requirement of local plan preparation and assessing whether this duty has been complied with is an integral part of the independent examination process.

¹ National Planning Policy Framework Paragraph 156

2 Legislative and Policy Background

Localism Act 2011

- 2.1 Section 110 of the Localism Act 2011 amended the Planning and Compulsory Purchase Act 2004 to introduce the 'duty to co-operate'. Section 33A of the Act² places a legal duty to co-operate on local planning authorities, county councils (that are not a local planning authority) and other prescribed bodies when preparing Development Plans, other Local Development Documents and other plans in relation to strategic cross-boundary planning matters.
- 2.2 The prescribed bodies are listed in the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended are;
- the Environment Agency
 - Historic England
 - Natural England
 - the Mayor of London
 - the Civil Aviation Authority
 - the Homes and Communities Agency
 - each Clinical Commissioning Group established under 14D of the National Health Service Act 2006
 - the National Health Service Commissioning Board
 - the Office of Rail and Road
 - Transport for London
 - each Integrated Transport Authority
 - a strategic Highways Company (for the time being appointed under Part 1 of the Infrastructure Act 2015) any part of whose areas is in or adjoins the area of the local planning authority;
 - where the Secretary of State is the Highway Authority for any highway in the area of the local planning authority, the Secretary of State for Transport;
 - the Marine Management Organisation.
- 2.3 Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty to co-operate, but have been identified by Government as organisations that those bodies which are covered by the duty 'should have regard to' when preparing local plans and other related activities.

² The Planning and Compulsory Purchase Act, 2004

- 2.4 Specifically, the duty relates to the sustainable development or use of land that has or would have a significant impact on at least two planning areas and/or on an issue that falls within the remit of a county council (i.e. matters such as waste and minerals). It requires authorities to set out policies to address the issues and for the authority (and other public bodies) to ‘engage constructively, actively and on an ongoing basis’ with each other relevant body. Each authority is also required to ‘have regard to the activities’ of the other bodies listed above as far as relevant.
- 2.5 Section 20 (5) of the Act³ states that, the purpose of an independent examination is to determine, ‘whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation’. Therefore, assessing whether the ‘duty to co-operate’ has been complied with is an integral part of the independent examination process.

National Planning Policy Framework

- 2.6 Paragraph 156 of the National Planning Policy Framework sets out the strategic issues where co-operation might be appropriate. These are;
- the homes and jobs needed in the area;
 - the provision of retail, leisure and other commercial development;
 - the provision of infrastructure for transport, telecommunications, waste management, water supply, waste-water, flood risk and coastal change management, and the **provision of minerals** and energy (including heat);
 - the provision of health, security, community and cultural infrastructure and other local facilities; and
 - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
- 2.7 Paragraphs 178 to 181 of the NPPF deal with ‘planning strategically across local boundaries’. They state that;
- 2.8 ‘Public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.

³ The Planning and Compulsory Purchase Act, 2004

- 2.9 Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of the NPPF. As part of this process, they should consider producing joint planning policies on strategic matters and informal strategies such as joint infrastructure and investment plans.
- 2.10 Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should co-operate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise Partnerships and Local Nature Partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.
- 2.11 Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Co-operation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.’

National Planning Practice Guidance

- 2.12 The Government has published National Planning Practice Guidance (NPPG) to support the National Planning Policy Framework. The guidance provides advice on how to deliver the policies contained in the NPPF. A summary of this Guidance relating to the Duty to Co-operate is set out at Appendix A.

3 Joint Plan Preparation

- 3.1 The Duty to Co-operate requires councils to consider joint approaches to plan making. Derbyshire County Council is the minerals and waste planning authority for Derbyshire (excluding the Peak District National Park). Derby City Council, as a unitary authority, is the minerals and waste planning authority for the City of Derby. Following the reorganisation of local government in 1997, the County and City councils established the practice of working together in the preparation of development plans under the Town and Country Planning Act. To date, they have jointly prepared the Derbyshire Structure Plan, the Minerals Local Plan (2000) and Waste Local Plan (2005) and the Supplementary Planning Guidance on the After-use of Sand and Gravel Sites (2004). In view of the effectiveness of joint working on the strategic issues of minerals and waste Derbyshire County Council and Derby City Council have decided to continue with this approach and are currently jointly preparing Minerals and Waste Local Plans.
- 3.2 In terms of minerals, Derby City does not contain significantly important mineral resources. However, as the Plan's largest urban area it is an important consumer of minerals, particularly aggregates used for construction purposes. Geographically, Derby City is located in a relatively central location within the Plan area and adjoins four of the eight district/borough local authorities that make up the Plan area. The preparation of a joint Plan enables the City's requirements for minerals to be taken into account properly and enables a co-ordinated and contiguous policy approach to mineral development to be taken over the County.
- 3.3 The Development Plans Joint Advisory Committee (JAC) previously set up to oversee the preparation of jointly prepared plans provides a co-ordinating role in the plan preparation process. The JAC consists of council members from both authorities. Final adoption of the local plan policies will be undertaken separately by the County and City Councils.

4 Co-operation with local authorities, prescribed bodies and other organisations

- 4.1 The Minerals Local Plan covers a wide range of topics, many of which raise strategic cross-boundary planning issues that have potential implications for local authorities, prescribed bodies and other organisations.
- 4.2 Some of the strategic matters will impact on the seven Borough/ District Councils within the Plan area and the Peak District National Park Authority which are each preparing a local plan for their planning area. Some strategic matters are also likely to impact on adjoining minerals planning authorities and in some cases on other more distant authorities. Strategic matters also have potential implications for some of the prescribed bodies, previously listed, and other organisations.
- 4.3 Within the Plan area, the County and City Councils are keeping the eight district/borough councils and the town and parish councils informed of progress on the preparation of the Plan, and engaging with them through stakeholder groups and other meetings, including addressing and responding to specific duty to co-operate issues where necessary.
- 4.4 Where specific issues require engagement and discussion with other mineral planning authorities, this is being undertaken in some cases through the established inter authority forums on minerals e.g. East Midlands Aggregates Working Party, through other individual and joint meetings and through correspondence and informal consultation. In some cases co-operation has led to the production of joint collaborative documents to inform the Minerals Local Plan, e.g. The Local Aggregate Assessment produced with the Peak District National Park Authority.
- 4.5 In addition to the formal procedural consultation, the Councils are engaging with and seeking the views and advice from those of the prescribed bodies that are relevant to the Minerals Local Plan, throughout its preparation. The engagement and consultation carried out so far has informed the content of the emerging Plan.
- 4.6 Whilst not on the list of prescribed bodies, the Government requires local authorities to work collaboratively on strategic planning priorities with Local Enterprise Partnerships and Local Nature Partnerships. The County and City Councils within Derbyshire have joined with the County and City Councils within Nottinghamshire to form the D2N2 LEP to support and encourage economic growth across its area. The continued production of minerals is an important element in supporting economic growth and therefore the contribution that the Plan can make towards supporting wider LEP objectives is being taken into account in the development of its policies. Two LNPs cover the

Plan area; the Lowland Derbyshire and Nottinghamshire LNP and the Peak District LNP. The contribution that the restoration of mineral workings can make to deliver wider LNP objectives is being taken into account in preparing the Plan.

- 4.7 Derbyshire County Council and Derby City Council also routinely work in partnership on matters covering housing, the economy, waste, transport and the environment with a wide range of organisations (including local authorities and prescribed bodies) as part of their planning and wider council functions. This work may inform the evidence base for the Plan e.g. involvement in the development of population forecasting and involvement in liaison groups at established quarries. These relationships which already exist between local authorities, prescribed bodies and other organisations will continue throughout the preparation of the Plan and beyond its adoption.
- 4.8 Recently a new type of local government structure, Combined Authorities, has emerged as a means of planning for some strategic issues. Combined authorities can be created in areas where they are considered likely to improve transport, economic development and regeneration or any other functions that its member authorities agree should be transferred upwards to it. They are created voluntarily and allow a group of local authorities to pool appropriate responsibility and receive certain delegated functions from central government in order to govern more effectively over a wider area. Local Authorities within the Plan area are currently considering their Combined Authority status; any subsequent strategic priorities identified by the Combined Authorities will need to be taken into account in preparing the Plan.

5 Identifying Strategic Cross-Border Issues

- 5.1 In July 2009, Derbyshire County and Derby City Councils held a workshop for key stakeholders. This helped to identify the key strategic issues and themes that people thought the Minerals Plan should address and sought the input of stakeholders in developing the vision and objectives for the Plan. In April 2010, the Councils published the Issues and Options document, setting out a draft Vision and Objectives together with the main Issues that the Plan would need to cover. Strategic planning policy, at that time, covering wider than local matters, was provided by the East Midlands Regional Plan, 2009.
- 5.2 Since then the Regional Plan has been revoked and the Duty to Co-operate regime introduced, in 2011, to plan for strategic cross-border issues. Following publication of revised national planning policy and guidance in 2012 and 2014 respectively and, in light of comments made from the previous consultation and an updated evidence base, the Councils have revisited the key strategic issues to ensure that they remain relevant and refreshed the draft Vision and Objectives accordingly.
- 5.3 Currently, the Councils are engaging with the wider community to develop the vision, objectives, strategies and policies further through a rolling consultation. This consists of a series of issue based consultation strategy papers and their respective supporting papers in which strategic cross-border 'duty to co-operate' matters have been identified. A separate Paper on the emerging Vision and Objectives is also included as part of this Consultation.

6 Strategic Cross-Boundary Issues

- 6.1 Minerals are essential raw materials, which are used to provide the infrastructure, buildings, energy and goods that our country needs and therefore the Government policy seeks to maintain their adequate and steady supply to support economic growth. However, minerals are a finite natural resource and can only be extracted where they are found, which can result in significant geographical imbalances in terms of areas where they occur and areas where they are most needed.
- 6.2 The Plan area has a wealth of mineral resources which make an important contribution to the national, regional and local demand for minerals. The proximity of the Plan area to the large conurbations of Manchester, Sheffield, Birmingham and Nottingham, its central location within England and its good transport links means that there are significant markets for its minerals, particularly for construction purposes. Aggregate limestone is the most significant mineral produced, and in 2013 the Plan area provided 20% of England's production of limestone used for aggregates. Sand and gravel is also worked within the Plan area for aggregate purposes but the tonnage produced and scale of distribution is considerably smaller.
- 6.3 Other minerals that are extracted from within the Plan area include industrial limestone, coal and gas, sandstone and clay and shale. Although tonnage-wise, their production is considerably smaller than aggregates, their higher value per tonne often makes it economically viable to transport smaller quantities of these minerals for use beyond the Plan area. They are used to supply nationally important industries, such as brick making, cement manufacture and electricity generation.
- 6.4 Co-operation is required to ensure that the Plan area makes an appropriate contribution towards maintaining the supply of aggregates and to meeting the need for other minerals. The limestone resource lies close to the Peak District National Park boundary and a particular strategic issue is the role that the Plan can play in reducing the impact of mineral working on the Park.
- 6.5 The finite nature of mineral resources means that it is important to safeguard them from other development that would sterilise the mineral resource. Consequently there is a requirement to co-operate with district and unitary planning authorities, particularly where there is pressure for built development often on edge of built-up areas.

- 6.6 The very nature of mineral resources means that they don't respect administrative boundaries and therefore in order to adopt a consistent and co-ordinated approach to planning for mineral development, particularly in terms of safeguarding resources, co-operation with adjoining authorities is also important.
- 6.7 The restoration of mineral sites provides significant opportunities for recreating or regenerating landscapes, for enhancing biodiversity/geodiversity and for providing green infrastructure and recreational facilities. A wider-than-local scale approach to restoration is often beneficial and therefore co-operation with environmental organisations, such as LNPs and other local authorities is important to ensure that a co-ordinated and compatible approach is taken.

7 Planning for issues with strategic cross-boundary impacts

7.1 The strategic cross-boundary issues that have been identified so far, together with the key stakeholders involved are summarised in Table 1. The following approach will be adopted to recording duty to co-operate matters:

1. Identification of the strategic cross-border issue
2. Identification of the stakeholders involved
3. Evidence and actions of co-operation including meetings, memorandums of understanding etc.
4. The outcome of the co-operation and how has it influenced the development of the Plan
5. The arrangements that are in place to sustain co-operation.

Issue 1: Planning for Issues with Strategic Cross Boundary Impacts

Do you agree with the approach that we propose to adopt to plan for issues with strategic cross-boundary impacts?

Please give reasons for your answer.

Table 1: Strategic Cross-Boundary Issues

Note:

Whilst reference in Table 1 is made to Derbyshire County Council (DCC) the duty to co-operate is also undertaken on behalf of Derby City Council as the Plan is jointly prepared.

Topic: The supply of Industrial Dolomitic Permian Limestone
Issue1: The importance of Whitwell Quarry in making provision for the supply of industrial dolomitic limestone Whitwell Quarry is one of only three sites in the UK ⁴ producing industrial dolomitic Permian limestone which supplies both national and international markets. It is important to co-operate with Durham CC and Doncaster MBC, the location of the other sites, to establish demand and supply patterns for this mineral in order to ensure adequate provision is made to support its use in industrial and manufacturing processes and to assess whether there are any supply implications for the Plan. Key Stakeholders: Durham CC and Doncaster MBC authorities; where similar dolomitic limestone resources and active quarries are located.
Issue 2: Proposed extensions to Whitwell Quarry straddling the county boundary Lafarge Tarmac, the operator of Whitwell Quarry, has indicated that additional reserves of limestone will be required to maintain production throughout the Plan period to 2030 and is promoting 5 extensions; one, Holbeck, lies across the border in Nottinghamshire. Mineral will need to be transported to the industrial processing plant which lies in Derbyshire. It is important that the Councils work closely together and with the operator to achieve a co-ordinated approach to the future development of the quarry. Key Stakeholders: Nottinghamshire CC, Tarmac (CRH)
Issue 3: Impact of extending Whitwell Quarry on Creswell Crags As well as straddling the county boundary, the extensions put forward also lie close to Creswell Crags, a scheduled monument and site of special scientific interest, and a potential candidate world heritage site. It is important that the Councils work closely together and with the operator, Historic England and other relevant bodies to ensure a consistent policy approach to the continued protection of the Crags taking into account any future mineral working and to consider the implications of working for the World Heritage Site bid.

⁴ British Geological Survey, Mineral Planning Factsheet Dolomite 2006

Key Stakeholders:

Nottinghamshire CC, Tarmac (CRH), Historic England, Creswell Heritage Trust, Mansfield DC, Bassetlaw DC, Rotherham MBC,

Issue 4: Impact of extending Whitwell Quarry on the proposed redevelopment of Whitwell Colliery Site

One of the potential extensions to Whitwell Quarry put forward by Tarmac lies adjacent to a site that has been identified as a strategic site for mixed-use development incorporating 5.2 ha of employment land, potentially 390 dwellings and a country park in Bolsover District Council's Local Plan – Identified Strategic Options October 2015. This situation raises a potential conflict of interest between the expansion of the quarry and the development of the strategic mixed-use site. The proximity of the working quarry and its potential expansion may have an unacceptable amenity impacts on the mixed-use site and prejudice its delivery whilst its development may lead to sterilisation of the mineral and prejudice the delivery of potential mineral development.

Key Stakeholders

Tarmac (CRH), Bolsover DC

Topic: The supply of cement making raw materials**Issue 1: Hope Cement works, Hope Construction Materials Ltd, Peak District National Park**

Hope Cement works is located approximately 10 km from the County boundary within the Peak District National Park (PDNP). The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of primary and secondary raw materials to support investment required to maintain or improve an existing cement plant or to provide a new kiln. The requirements apply to individual sites or feeder sites rather than the whole Plan area. The PDNP Authority has indicated that there may be an issue satisfying the landbank requirement for Hope cement works from resources within the PDNP which may impact on limestone reserves from within the Plan area.

Key Stakeholders:

Peak District National Park, Hope Materials Construction Ltd

Issue 2: The supply of cement making raw materials to Cauldon Works, Staffordshire

Cauldon cement works lies close to the Plan area boundary in Staffordshire. The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of primary and secondary raw materials to support investment required to maintain or improve an existing cement plant or to provide a new kiln. The requirements apply to individual sites or feeder sites rather than the whole Plan area. In view of the close proximity of Cauldon, DCC is liaising with Staffordshire CC regarding the demand for future cement raw materials from within the Plan area. Evidence from Staffordshire CC suggests that future reserves to support cement manufacture at Cauldon will not be required from within the Plan area.

Key Stakeholders:

Staffordshire CC

Issue 3: The supply of cement making raw materials to Tunstead Cement Works, Derbyshire

Within the Plan area there is one operational cement plant located at Tunstead on the Carboniferous Limestone resource. It is operated by Tarmac and supplied by the two adjoining quarries Tunstead and Old Moor (part of this quarry lies within the Peak District National Park (PDNP) outside of the Plan area). Planning permission has recently been granted for a second cement kiln which would double the production capacity of plant.

The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of primary and secondary raw materials to support investment required to maintain or improve an existing cement plant or to provide a new kiln. The requirements apply to individual sites or feeder sites rather than the whole Plan area. Evidence suggests that there are sufficient permitted reserves of limestone within the Plan area to maintain the land bank requirements over the Plan period for both the existing and proposed kiln. For shale, however, which is imported from two quarries within Staffordshire the landbank position is unclear and needs further investigation.

Key Stakeholders:

Staffordshire CC, Tarmac (CRH), Ibstock Brick Company

Topic: The Supply of Brick Clay and Fireclay**Issue 1: Mouselow Quarry extension and the supply of brick clay to Denton Brickworks**

Denton Brickworks is located approximately 16 km from the County boundary in east Manchester; over 50% of the brick clay used at the factory is supplied from Mouselow Quarry which lies within the Plan area and therefore this is considered to be a significant cross-border matter. The quarry and brickworks are operated by Wienerberger.

The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of brick clay to support investment required to maintain or improve an existing plant or to provide a new kiln. For brick clay the landbank should be at least 25 years. MPAs should also take into account the need for the provision of brick clay from a number of different sources to enable appropriate blends to be made.

Wienerberger has indicated that reserves are insufficient to sustain the landbank requirement and has put forward an extension to the existing quarry to meet this shortfall.

Key Stakeholders:

Greater Manchester Minerals and Waste Planning Unit (GMMWPU), Wienerberger UK Ltd

Issue 2: The supply of brick clay and fireclay to Hanson's brickworks in Leicestershire and Nottinghamshire

There is an active brick clay quarry within the Plan area at Waingroves operated by Hansons. All of the excavated material is exported to Hanson's brick works at Desford and Measham, in Leicestershire and at Kirton, in Nottinghamshire and therefore is considered to be a strategic planning issue.

The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of brick clay to support investment required to maintain or improve an existing plant or to provide a new kiln. For brick clay the landbank should be at least 25 years. MPAs should also take into account the need for the provision of brick clay from a number of different sources to enable appropriate blends to be made.

The Councils are liaising with Nottinghamshire CC and Leicestershire CC to ensure that the landbank requirements can be maintained.

Key Stakeholders:

Nottinghamshire CC, Leicestershire CC

Topic: The supply of Industrial Carboniferous Limestone/Safeguarding mineral resources

Issue : Safeguarding a proposed extension to Ashwood Dale Quarry from a proposed housing allocation

Omya UK the operator of Ashwood Dale Quarry has indicated that additional reserves of limestone will be required to maintain production throughout the plan period and has put forward an extension to the quarry. High Peak Borough Council has published the High Peak Local Plan Submission (April 2014) which includes a potential housing allocation, B8 West of Tongue Lane, Buxton, the boundary of which adjoins the quarry extension proposal in part. This situation raises a potential conflict of interest between the expansion of the quarry and the development of the potential housing site. The proximity of the working quarry and its potential expansion may have an unacceptable impact on residential amenity and prejudice delivery of the housing site whilst development of the housing site may lead to sterilisation of part of the mineral and prejudice the delivery of potential mineral development.

Key Stakeholders:

Omya UK Ltd, High Peak Borough Council

Topic: The supply of Sand & Gravel

Issue 1: To ensure that a steady and adequate supply of sand and gravel is maintained over the plan period

This will be achieved through the allocation of new sites. This involves monitoring of production and

demand in the Plan area as well as in adjoining MPAs. The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves for at least 7 years

Key Stakeholders:

Mineral operators, Notts CC, Staffordshire CC, Leicestershire CC, Lincolnshire CC.

Issue 2: Safeguarding of Sand and Gravel Resources

Safeguarding of sand and gravel – to ensure that sand and gravel resources are safeguarded effectively and that a consistent and co-ordinated approach is taken to safeguarding across administrative boundaries.

Key Stakeholders:

Nottinghamshire CC, Staffordshire CC, Leicestershire CC, Lincolnshire CC, District Planning Authorities

Topic: The supply of Aggregate Crushed Rock

Issue 1: To ensure that Derbyshire continues to provide its share of the national provision.

This Involves determining how much of Derbyshire’s crushed rock other MPAs will require. The NPPF requires MPAs to make provision in their local plans for a stock (landbank) of permitted reserves of aggregate crushed rock of at least 10 years. We have identified those areas where significant amounts of Derbyshire’s crushed rock is consumed and have contacted these authorities.

Key Stakeholders:

Authorities which use Derbyshire’s crushed rock (Cheshire East, Cheshire West and Chester, Central Bedfordshire, Greater Manchester Authorities, North Yorkshire, Doncaster MBC, Swansea, Notts CC, Suffolk CC, Lancashire CC, Shropshire CC, Milton Keynes, Walsall MBC, Lincolnshire CC.),

Aggregate Working Parties (East Midlands, West Midlands, North West, Yorkshire & Humber, South East and London)

Mineral operators

Issue 2: Helping to reduce the level of quarrying in the Peak District National Park

This will be achieved by increasing the level of provision for aggregate crushed rock in Derbyshire progressively as quarries in the Peak Park become exhausted.

Key Stakeholders:

Peak District National Park Authority, East Midlands Aggregates Working Party.

Issue 3: Safeguarding of Aggregate Crushed Rock Resources

To ensure that crushed rock for aggregate resources are safeguarded effectively and that a consistent and co-ordinated policy approach is taken to safeguarding of crushed rock across administrative boundaries.

Key Stakeholders:

MPAs with boundaries adjoining Derbyshire and Derby, District Planning Authorities.

Topic: The supply of Building/Roofing Stone

Issue: To ensure that sufficient provision is made for the supply of building stone throughout the Plan period.

Unlike for aggregates, there is no specific provision figure that can be set for building stone. It is a matter of ensuring that a policy is in place which allows for extraction when and where required to meet a specific identified need.

Key Stakeholders:

British Geological Survey, Peak District National Park Authority, National Stone Centre, Halldale Quarry (Darley Dale)

Topic: Trent Valley Strategy

Issue: To develop a long term strategy which guides the selection and the restoration of sand and gravel sites in the Trent and Lower Derwent Valleys.

This will help to ensure that a more co-ordinated approach is taken to the restoration of former sand and gravel workings.

Key Stakeholders: Notts CC, Leics CC, Staffs CC, Trent and Tame Valley Partnership, Dove Valley Partnership, Environment Agency, South Derbyshire District Council, Mineral Operators.

Topic: Safeguarding Minerals Infrastructure

Issue: To safeguard minerals related infrastructure to protect them from being lost to other forms of development.

Key Stakeholders:

Mineral Operators, Concrete and asphalt suppliers, District, Borough and Unitary Councils

Topic: The Supply of Coal

Issue 1: The Supply of Deep-Mined Coal

With the exception of a small drift mine in Eckington deep-mine collieries are no longer in operation in the Plan area or in the country as a whole. In view of the availability of cheaper imports and the planned run down of the remaining coal-fired power stations it is unlikely that proposals for new collieries would come forward during the Plan period. However, resources remain and so the Plan needs to determine the approach to such future proposals. Similar deep lying coal resources are also present in several of the authorities bordering the Plan area and the resumption of deep-mined coal working could have implications across local authority areas. It is therefore important to gain an understanding of the likely issues and to develop a consistent approach to any future development proposals.

Key Stakeholders:

Nottinghamshire, Staffordshire, Leicestershire and South Yorkshire County Councils and all Coal Mining

Companies.

Issue 2: The Supply of Surface Mined Coal

There is an active surface mining operation near Smalley (Lodge House) and the County Council are currently processing planning applications for other sites. Many areas where coal resources are present and at a depth which would enable surface mining are near to the Plan area boundaries and the working of such sites could affect the environment of neighbouring authorities. Co-operation with adjacent authorities and the coal mining industry is also required for the reasons stated above.

Key Stakeholders:

Nottinghamshire, Staffordshire, Leicestershire and South Yorkshire County Councils and all Coal Mining Companies.

Issue 3: Incidental Working of Coal

The presence of coal resources close to the surface sometimes means that it is necessary to remove the coal to enable other approved development to be implemented. The scale of coal extraction involved will determine whether it is a matter for the Minerals Planning Authorities or for the relevant district/borough council. Co-operation is required to determine such responsibility and to develop a common approach to the assessment of the implications of extracting the coal.

Key Stakeholders:

All district/borough councils in the Plan area.

Topic: The Supply of Vein Minerals

The vein mineral industry is small in tonnage terms compared to limestone and sand and gravel but the minerals are of international importance due to the specialised uses which are made of them. Resources are very limited and the locations where the remaining resource is commercially viable are further limited. Production in Durham has ceased as has production from sites in the Plan area. All vein mineral production locally is now restricted to the Peak District National Park area. Increasingly supplies in this country come from imports from abroad. Apart from the importance of the mineral the implications of extraction due to how the ore is contained within a host rock is a strategic issue, particularly in terms of the impact on the character of the Peak Park. Discussions have taken place with Durham to ascertain the likelihood of further production in that area and with the Peak Park Authority concerning the level of outstanding commitments in the area and the possibility of focusing future extraction in the Plan area to preserve the special character of the Peak Park.

Key Stakeholders:

Peak District National Park Authority, Durham County Council and the British Geological Survey

Topic: The Supply of Oil and Gas

Issue 1: The Supply of Oil and Gas from Conventional Sources

Oil and gas extraction from conventional sources has been undertaken in the Plan area on a small scale since the 1930s and possibly earlier. Recent developments include a site in Riddings and the County Council has had a planning application for a development at Calow. The geology of the Plan area is such that other potentially commercial resources remain and the national importance of oil and gas means these minerals are of strategic importance. Nottinghamshire has a similar history of oil and gas developments and some of the remaining resources may overlap with the joint County boundary. Further co-operation will be required with Nottinghamshire County Council to ensure that there will be no conflict between the approaches of the respective Plans.

Key Stakeholders:

Nottinghamshire County Council

Issue 2: The Supply of Oil and Gas From Unconventional Sources.

A report by the British Geological Survey indicates that gas is likely to be present in the shale underlying parts of the Plan area and could be extracted using the technique known as Hydraulic fracturing (fracking). Whilst the County and City Councils have not yet had any approaches by the industry there are several blocks which are covered by Petroleum Exploration and Development Licences and it is a form of development that may come forward during the Plan period. The importance of gas as part of our national energy requirements together with the potential wide-reaching economic, environmental and social implications of extracting gas from shale makes it a strategic issue. Gas held in coal measures is another source of unconventional hydrocarbons and is also known to be present in the coal resources in the Plan area. Government policy concerning shale gas extraction and other forms of hydrocarbon development are developing rapidly as the need to secure our own energy resources increases and more is known about the potential contribution of such minerals. Knowledge about the implications of working shale gas and the development of an approach to the subject is something that would benefit from the joint discussion and involvement of all mineral planning authorities in the country.

Key Stakeholders:

All mineral planning authorities, the shale gas mining industry and the Coal Authority

Issue 2: Strategic Cross-Boundary Issues and Key Stakeholders

Table 1 sets out the strategic cross-boundary issues that have been identified so far together with the key stakeholders involved.

Do you agree with the strategic cross-boundary issues that have been identified?

Are there any other strategic cross-boundary issues that we have missed?

Do you agree with the key stakeholders that we have identified?

Are there any stakeholders that we have missed?

Please give reasons for your answer.

Appendix A

National Planning Policy Guidance – Duty to Co-operate

The NPPG, at Paragraph 1,⁵ provides further guidance on how the duty to co-operate relates to the Local Plan test of soundness. It states that, ‘the duty to co-operate is not a duty to agree. But local planning authorities should make every effort to secure the necessary co-operation on strategic cross-boundary matters before they submit their local plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration local planning authorities will need to bear in mind that the co-operation should produce effective and deliverable policies on strategic cross boundary matters.’

Paragraph 2⁶ sets out advice on how the duty to co-operate relates to the test of soundness for a local plan. If the Inspector finds that the duty is complied with the examination will test whether the plan is sound. One of the tests of soundness is whether the Plan is effective. In order to satisfy this test the plan will need to demonstrate effective joint working to meet cross-boundary strategic priorities.

Paragraph 5⁷ provides details on the other public bodies (refer to the section under the Localism Act 2011) that are subject to the duty to co-operate in addition to local planning authorities. These bodies are identified as playing a key role in delivering local aspirations, and therefore co-operation between them and local planning authorities is vital to make Local Plans as effective as possible on strategic cross-boundary matters.

Paragraph 6⁸ sets out the role of Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) which although not subject to the duty are important for planning strategically. Local authorities are required to work collaboratively with LEPs in order to deliver policies for strategic growth in their local plans. An effective policy framework for strategic planning matters, including joint or aligned planning policies, will be a fundamental requirement for this. Local authorities are required to work with LNPs to deliver a strategic approach to encouraging biodiversity across a broader landscape scale.

⁵ NPPG Reference ID: 9-001-20140306

⁶ NPPG Reference ID: 9-002-20140306

⁷ NPPG Reference ID: 9-005-20150402

⁸ NPPG Reference ID: 9-006-20140306

The NPPG, at paragraph 11⁹, provides guidance on what actions constitute effective co-operation under the duty. Local planning authorities should bear in mind that effective co-operation is likely to require sustained joint working with concrete actions and outcomes. It is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone.

Local planning authorities and other public bodies are required to consider entering into agreements on joint approaches. Local planning authorities are also required to consider whether to prepare local planning policies jointly under powers provided by section 28 of the 2004 Act.

The activities that fall within the duty to co-operate include activities that prepare the way for, or support, the preparation of Local Plans and can relate to all stages of the plan preparation process. This might involve joint research and evidence gathering to define the scope of the Local Plan, assess policy impacts and assemble the necessary material to support policy choices.

Authorities should submit robust evidence of the efforts they have made to co-operate on strategic cross-boundary matters. This could be in the form of a statement submitted to the examination. Evidence should include details about who the authority has co-operated with, the nature and timing of co-operation and how it has influenced the Local Plan.

Paragraph 12¹⁰ advises that Co-operation should take place throughout Local Plan preparation and not be confined to any one point in the process. Local planning authorities and other public bodies need to work together from the outset at the plan scoping and evidence gathering stages before options for the planning strategy are identified. That will help to identify and assess the implications of any strategic cross-boundary issues on which they need to work together and maximise the effectiveness of Local Plans. After that they will need to continue working together to develop effective planning policies and delivery strategies. Co-operation should continue until plans are submitted for examination and beyond, into delivery and review.

Local planning authorities must give details of what action they have taken under the duty to co-operate to their communities in their Authority Monitoring Reports¹¹. This should include actions to both secure the effective co-operation of others and respond constructively to requests for co-operation. It should also highlight the outcomes of co-operation. This should be done at least once a year and information should be published on the local planning authority's website and made available for inspection at their offices.

⁹ NPPG Reference ID: 9-011-20140306

¹⁰ NPPG Reference ID: 9-012-20140306

¹¹ Prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012, regulation 34(6)