

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN

PLAN CONTEXT

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1 Introduction

- 1.1 Minerals are essential raw materials, which are used to provide the infrastructure, buildings energy and goods that our country needs. They are vital, therefore, for sustaining economic growth and our quality of life. They are, however, a finite resource and can only be worked where they are found. It is important, therefore, that we make the best use of them to help to ensure their long term conservation.
- 1.2 Derbyshire and Derby has a wealth of mineral resources which include limestone, sandstone, sand and gravel and coal. It makes an important contribution to meeting the national, regional and local need for minerals and quarrying is an important part of the local economy. However, whilst mineral working can provide environmental benefits, it almost inevitably leads to some adverse impacts on the environment and local communities. The purpose of the Minerals Local Plan is to help reconcile these tensions.
- 1.3 A clear, long-term Plan is a way of setting out the future scale and location of mineral working in Derbyshire and Derby to support economic growth whilst protecting the environment and local communities. It is vital, therefore, that communities, businesses and people throughout Derbyshire and Derby are involved in developing the Plan so that their views are embodied within it.

2 What is the purpose of the Minerals Local Plan?

- 2.1 Derbyshire County Council and Derby City Council (the Mineral Planning Authorities) are working together to prepare a joint minerals local plan. It will be called the Derbyshire and Derby Minerals Local Plan (the Plan) and cover the geographical area of Derbyshire, excluding that part which falls within the Peak District National Park, which is responsible for its own planning arrangements. (For convenience the area covered by the Plan will be referred to as 'the Plan area'). The Plan will cover the period up to 2030.

- 2.2 The 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 over the Plan period 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 Plan will also take into account the long term environmental and community benefits that mineral working can provide, for example, creating wildlife habitats and recreational facilities from worked out quarries. Sustainability is also about making the best use of mineral resources and safeguarding them from unnecessary sterilisation, so that they remain available for future generations.
- 2.3 It is important that the Plan gets the balance right between the needs of the economy, the environment and local communities. There is likely to be a wide range of views about future mineral working in the Plan area and it is important that communities, businesses and organisations (referred to as ‘stakeholders’ in the Plan for convenience) are involved in the Plan’s preparation so that, as far as possible, it contains an agreed set of priorities that will deliver sustainable minerals development that is right for the Plan area. The Plan will need to be underpinned by an accurate and up to date evidence base, including an assessment of the need for minerals development within the Plan area.

3 The Structure of the Plan

- 3.1 Central to the Minerals Local Plan is the Vision. It will set out what mineral extraction in the Plan area will be like in 2030 if sustainable minerals development has been successfully delivered over the Plan period. It is the vision that defines the direction and content of the Plan. Objectives set out the key goals that we need to attain in order to make the vision a reality.

3.2 A strategy will be developed in order to deliver the vision. The strategy will set out policies about what new mineral working is required over the plan period; where in broad terms new mineral working will be located; when new mineral is to be provided and how new mineral working is to be delivered. To help provide clarity and certainty of delivery, the Plan may identify specific sites for mineral working to come forward during the plan period. The Plan will also set out more detailed operational development management policies which deal with the potential impacts that may arise from mineral development.

4 Status and Use of the Plan

4.1 Planning law requires that applications for planning permission must be determined in accordance with the 'development plan' unless material considerations indicate otherwise¹.

4.2 The Plan will be the principal document which is used to guide mineral operators when putting forward proposals for mineral development and by the Mineral Planning Authorities when making a decision on a planning application for mineral development in the Plan area. The Plan once adopted will form part of the 'development plan' for the Plan area, replacing the 'saved' policies and proposals of the Derby & Derbyshire Minerals Local Plan, which was adopted in 2000 (with an alteration to coal policies in 2002).

4.3 When all plans are adopted, the principal documents that will constitute the 'development plan' for the Plan area are:

- The Derbyshire and Derby Minerals Local Plan,
- The Derbyshire and Derby Waste Local Plan,
- Unitary i.e. Derby City and District and Borough Council prepared Local Plans (covering matters such as housing, employment, retail, leisure and tourism etc.)

¹ Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

4.4 These will all be taken into account, where relevant, in considering proposals for mineral development. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

5 Preparation of the Plan

5.1 Since we commenced preparation of the Minerals Local Plan in 2009, the NPPF 2012, accompanied by the National Planning Practice Guidance (NPPG), 2014 and the Localism Act, 2011 have brought about significant changes to the way in which plans should be prepared. Local Plans have to be consistent with the principles of the NPPF, including the presumption in favour of sustainable development.

5.2 The name, scope and content of the Plan have been changed to reflect this new requirement. Details of these changes together with a revised timetable for the Plan's preparation are set out in the City and County Councils Development Plan Schemes.

5.3 The Localism Act 2011, NPPF and NPPG set out the need to engage stakeholders proactively in plan preparation to enable businesses, organisations and local communities to help shape future sustainable development in the Plan area. The Plan will be prepared in line with the revised County Council and the City Council's Statements of Community Involvement, which will set out the overall process and methods for stakeholder involvement during the Plan's preparation.

5.4 The Localism Act 2011 confirmed the abolition of the regional strategies; the East Midlands Regional Spatial Strategy (RSS) was revoked on 12 April 2013. The effect of this is the removal of this tier of the development plan for the purpose of decision making on mineral planning applications. The Minerals Local Plan will need to cover the strategic matters formerly dealt with in the RSS.

5.5 A key element of the Government's proposals for strategic working following abolition of regional planning is the duty to co-operate, introduced under the

Localism Act 2011. This requires that planning authorities must 'engage constructively, actively and on an on-going basis' in the preparation of development plans when related to a strategic matter. The Plan will need to demonstrate that all strategic matters have been identified and addressed that are of cross boundary significance.

6 Progress so far on Plan Preparation

- 6.1 Initially, a scoping consultation was undertaken in July 2009, which asked for views about the background information and issues that people felt should be included in the Plan. The information obtained from this exercise together with other evidence gathered was taken forward into the Issues and Options Paper. This Paper set out a draft vision, a draft set of objectives and a list of key issues that the Plan would have to consider in the long term planning for minerals development in the Plan area, including what reasonable choices we had to respond to those issues. It also included a call for sites from any developer wishing to promote a site for mineral development over the plan period. This Paper was published for public consultation in the spring of 2010. A summary of responses to this consultation and our assessment of these comments were published in 2011.

- 6.2 In 2012, we attended quarry liaison meetings and held a number of drop in sessions, in communities where sand and gravel extraction takes place or may do in the future, to explain the development of the Plan and to discuss possible options for future mineral working in these areas. We published a summary of comments received from these sessions in spring 2013.

- 6.3 Following the introduction of the NPPF in 2012, further work has been undertaken on maintaining and updating our evidence base in the light of the new policy framework. Specifically, we have prepared and published a Local Aggregate Assessment (2014), required by the NPPF, to assess the level of aggregate provision the Plan should make over the plan period. In line with the duty to cooperate and the need for stakeholder engagement, we are having on-going discussions with

appropriate bodies, particularly, in relation to collecting evidence and developing options, for the supply of aggregate minerals, industrial limestone, brick clay and coal.

6.4 From March 2015, we began our rolling consultation entitled “Towards a Minerals Local Plan”, which is the next stage in engaging with the wider community of Derbyshire and Derby in developing the vision, objectives, strategies and policies of the Plan. Comments and suggestions are invited on elements of the emerging Plan through a series of consultation strategy papers and their respective supporting papers.

6.5 From April 2016, we have begun the final stage of our rolling consultation and published further papers for comment.