

DERBYSHIRE MINERALS AND WASTE DEVELOPMENT FRAMEWORK

DERBYSHIRE MINERALS AND WASTE DEVELOPMENT SCHEME

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1. BACKGROUND AND REASON FOR REVIEW OF SCHEME

1.1 *Introduction*

1.1.1 The Planning & Compulsory Purchase Act 2004 [in this scheme called “the 2004 Act”] requires the County Council to prepare and maintain a Minerals and Waste Development Scheme [MWDS]. This is the second review of the Derbyshire MWDS.

1.1.2 In accordance with the 2004 Act and the Town and Country Planning (Local Development) (England) Regulations 2004 as amended by the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 [together in this scheme called “The Regulations”], the Derbyshire Minerals and Waste Development Scheme contains a programme setting out the local development documents (LDDs) which the council proposes to prepare. (The LDDs will be prepared jointly with Derby City Council (see below).)

1.1.3 The proposed programme of LDD preparation is described in Chapters 2 & 3, which give information about the documents. Chapter 2 also explains the status of other plans and projects and how the various documents relate to each other. Chapter 3 contains profiles of the proposed documents.

1.2 *Co-operation between city and county councils*

1.2.1 Derbyshire County Council is the minerals and waste planning authority for Derbyshire excluding the Peak District National Park and the City of Derby. Following the reorganisation of local government in 1997, the city and county councils established the practice of working together in the preparation of development plans under the Town and Country Planning Act. They have jointly prepared the Derbyshire Structure Plan, the minerals and waste local plans and the Supplementary Planning Guidance on the After-use of Sand and Gravel Sites.

1.2.2 Whilst the councils do not envisage any statutory joint structures, they do propose to continue preparing minerals and waste local development documents jointly. The

Development Plans Joint Advisory Committee of council members will continue to provide a coordinating role in the process.

1.2.3 The county and city councils have agreed the programme set out in this scheme.

1.3 *Main reason for review*

1.3.1 The programme is very different from that in previous versions of the minerals and waste development scheme. Instead of continuing with the preparation of minerals and waste site allocations development plan documents (DPDs), the new programme proposes the preparation of core strategies for minerals and waste. The reasons for that are set out in the Annual Monitoring Report, 2008 (qv).

1.3.2 The Annual Monitoring Report explains that in 2008 the councils commissioned an independent review of the preparation of the DPDs. The review ("Assessment of Soundness", April 2008) recommended that the programme in the minerals and waste development scheme should be changed. It advised that the councils should not proceed further with the sites DPDs until they had prepared minerals and waste core strategies. However, the review also found that the technical site selection and evaluation processes carried out so far in the preparation of the sites DPDs were rigorous and effective. Therefore, whilst the councils have decided to cease preparation of the sites DPDs, they will carry forward the information gained from those processes into the evidence base of the new core strategies.

1.4 *Priorities and Project Management Plan*

1.4.1 The council, with the city council, has prepared a project management plan to inform the preparation of this development scheme. Taking into account the need for early preparation of the LDDs, the project plan assesses the time that is likely to be taken involving the people of Derby and Derbyshire, the statutory consultees, the minerals and waste management industries, officers and members of the council and other stakeholders in the preparation of the local development documents. It also considers the availability of staff and consultancy resources and assesses the risks of events occurring which might result in delays in LDD preparation.

- 1.4.2 The project plan sets out a detailed but flexible time chart. The timetables in chapter 3 of this scheme summarise the time chart. They contain the information required by government policy in the Regulations.
- 1.4.3 In line with the recommendations of “Assessment of Soundness” (see above) and with the government’s preferred approach to spatial planning, set out in PPS 12, the priority is to prepare core strategy development plan documents for minerals and waste.
- 1.4.4 Concurrently with the core strategy DPDs, it will be necessary to prepare non-core policies, to assist the implementation of the core strategy’s proposals and policies, in supplementary planning documents (SPDs). (An SPD is a type of local development document).
- 1.4.5 The SPDs will also be able to address particular environmental and implementation issues relating to minerals and waste developments that are not directly addressed by the policies of the district and city DPDs. Where those issues are too detailed to be covered by the core strategies, they will be addressed by the supplementary planning documents. The SPDs will conform with the development plan document. They will not create new policy which is independent of the DPDs. Policies in the SPDs will be linked to and will elaborate and support those in the DPDs.

2. PROPOSED LOCAL DEVELOPMENT DOCUMENTS AND OTHER RELEVANT PLANS AND PROJECTS

2.1 ANNUAL MONITORING REPORT

2.1.1 The 2004 Act, s.35, requires councils to “make an annual report to the Secretary of State”. The report must describe progress on implementation of the local development scheme (minerals and waste development scheme in the case of county councils) and the extent to which LDD policies are being achieved. Whilst it is a statutory publication, the annual monitoring report (AMR) is not a local development document.

2.1.2 As explained in the “Main reasons for review” (chapter 1 of this scheme), the latest Derbyshire AMR, published December 2008, includes a report on the advice given in the 2008 Assessment of Soundness. The AMR concludes:





5.1 The authorities’ joint application to the Secretary of State so save most of the policies of the Minerals and Waste local plans as part of the Development Plan was successful. However, the insistence by the Government Office that the councils should rely upon these saved policies to fulfil the role of Core Strategies while priority was given to the preparation of Site Allocations DPDs has proved to be mistaken. According to a critical friend assessment, as well as a subsequent Counsel’s opinion, if the Site Allocations DPDs had been submitted to the Secretary of State in the autumn of 2008 in accordance with the milestones of the Development Scheme, there would have been a high risk of the documents being found “unsound” at public examination.

5.2 It has therefore become necessary to carry out a radical review of the Minerals and Waste Development Scheme in order to give the highest priority to the preparation of Minerals and Waste Core Strategies. It is likely that the councils will seek to identify strategic sites in these documents although it is noted that this hiatus in the work programme will have the effect of delaying the identification of sites for waste facilities and aggregate minerals in DPDs substantially.



2.2 LOCAL DEVELOPMENT DOCUMENTS

2.2.1 The local development documents proposed in this development scheme are listed below. Chapter 3 contains profiles of them and a timetable for their preparation. The profiles describe the purpose and projected content of the documents, including information required by the government in Planning Policy Statement (PPS) 12.

2.2.2 The proposed LDDs are:

-  The Derby and Derbyshire Waste Core Strategy Development Plan Document
-  The Derby and Derbyshire Waste Implementation Supplementary Planning Document
-  The Derby and Derbyshire Minerals Core Strategy Development Plan Document
-  The Derby and Derbyshire Minerals Implementation Supplementary Planning Document

2.2.3 Umbilically linked with those documents are

-  The reports on the sustainability appraisals of the LDDs.
Sustainability appraisal begins early in the preparation of the LDDs, with a scoping analysis of the matters that the sustainability appraisal should address and continues side-by-side with them, informing and being informed by the LDD preparation. The LDDs and their sustainability reports are submitted concurrently to the Secretary of State.
-  (In the case of each DPD) The “submission proposals maps”, required by the 2004 Act to be submitted with the DPDs to the Secretary of State, and the proposals maps of the Derbyshire districts. It is a legal requirement that the proposals map held by each district council and the city council must be revised, to illustrate geographically any changes resulting from adoption of the minerals or waste DPDs. A submission proposals map is a map showing how the proposals maps will have to be changed when the proposals in the DPD are adopted.

2.2.4 Why different timetables for minerals & waste?

2.2.4.1 The councils have decided to prepare separate core strategies for waste and minerals, to enable them to progress on different timetables and make optimum use of staff resources. They anticipate that it will take more time to collect the evidence relating to

minerals, as there will have to be more extensive evidence collation and information-gathering concerning minerals resources and future needs than for waste.

2.2.4.2 Whilst the councils have recently carried out considerable consultation and evidence collection regarding aggregates minerals, that work has not been countywide and it has not addressed the wide range of non-aggregates minerals (such as coal, industrial limestone and vein minerals) which exists in the plan area. Furthermore, there is a requirement, set by government, that minerals development plan documents should identify “minerals safeguarding areas”, which is likely to increase the preparation time of the Minerals Core Strategy DPD.

2.2.4.3 However, some processes, including some of the issues and options and sustainability appraisal scoping, would be common to both documents; the timetables in this development scheme reflect those common elements.

2.2.5 The timetables for SPD preparation

2.2.5.1 It would not normally take as long to prepare a supplementary planning document as it would a development plan document (one clear reason for that is that SPDs are not subject to submission and examination). However, the timetables in the profiles and the milestones chart (chapter 3) show that, in this case, SPD preparation is to run jointly with that of the DPDs and that adoption is to be simultaneous.

2.2.5.2 The reason for concurrent preparation in this case is that draft SPDs will have to be available at the time of submission of the DPDs: they will provide the detail showing how the core strategy policies and particularly the strategic sites will be implemented. That approach to plan preparation will accord with PPS 12, which says, at paragraph 4.7, “Where core strategies allocate strategic sites, ... It may be preferable for the site area to be delineated in outline ... with site-specific criteria ... through a supplementary planning document”. By making the SPDs available, the councils will be able to show stakeholders and the inspector that the core policies and sites can indeed be implemented and how that will be done. However, it will not be possible to adopt the SPDs until adoption of the DPDs because they will have to be in conformity with the adopted versions of the DPDs.

2.3 OTHER RELEVANT PLANS AND PROJECTS

2.3.1 There are other plans and projects that will exert influence over minerals and waste planning in Derbyshire.

2.3.2 *Plans that are or will be part of the statutory development plan*

2.3.2.1 Regional Spatial Strategy for the East Midlands (RSS 8) and Derby and Derbyshire Joint Structure Plan

The regional spatial strategy, entitled “East Midlands Regional Plan” is programmed to be published early in 2009. Once it is published, the policies of the Derby and Derbyshire Joint Structure Plan will cease to be a part of the statutory development plan. The minerals and waste policies of the structure plan have already been removed from the development plan (by virtue of not being included in the “saving” procedures under the transitional provisions of the 2004 Act) because current government and local plan policies are more relevant and up to date.

2.3.2.2 The regional plan has strategic policies for minerals and waste development. Preparation of all local development documents, other than the statement of community involvement, must be in general conformity with the regional spatial strategy (the 2004 Act, s.24).

2.3.2.3 Derby and Derbyshire Minerals Local Plan

This local plan was adopted in 2000 and was updated in November 2002 when the authorities formally adopted an Alteration to its coal policies. Following a direction from the Secretary of State, the policies in this plan, except Policies MP 8, 9, 14, 20 & 26, are saved and will continue to provide a policy framework, as part of the statutory development plan, until the Minerals Core Strategy DPD is adopted.

2.3.2.4 Derby and Derbyshire Waste Local Plan

The waste local plan was adopted in March 2005. It contains a waste planning strategy and takes an objective-led approach to policy. Following a direction from the Secretary

Derbyshire Minerals and Waste Development Scheme of State, the policies in this plan, except Policy W1a, are saved and will continue to provide a policy framework, as part of the statutory development plan, until they are replaced by a Waste Core Strategy DPD.

2.3.2.5 Saved local plan policies and adopted development plan documents of Derby City Council and the Derbyshire district councils

These policies and documents will provide strategies and a range of policies for guiding the location and scale of all types of development and protecting the environment during the period covered by the waste and minerals core strategies. Whilst not directly addressing minerals and waste development, they will influence the location and scale of waste development and, to a lesser extent, of minerals development. Their environmental protection policies will be priority considerations in the assessment of planning applications for minerals and waste. When preparing its LDDs, the county council will ensure that it is continuously aware of the progress of preparation of those development plan documents and their implications for the minerals and waste documents.

2.3.3 *Plans and projects that are not part of the development plan*

2.3.3.1 The **sustainable community strategies** of Derbyshire County Council, Derby City Council and the Derbyshire districts establish a patchwork of strategic visions for the city and county. They are linked to the regional strategy and set contexts for local area agreements and may help the minerals and waste development documents to address a range of social, physical and economic issues identified by the councils with their partners in the Local Strategic Partnerships.

2.3.3.2 The county council's community strategy was adopted in November 2006. The community strategy for Derby is Derby City Partnership's 2020 Vision. It, too, was adopted in 2006. Both documents are due to be replaced by new strategies in 2009. The minerals and waste core strategies will help give effect to and will inform the relevant aspects of the sustainable community strategies on an iterative basis.

2.3.3.3 Government policy and guidance, including **PPS 10 (Planning Policy Statement on Planning for Sustainable Waste Management)**, and **minerals policy statements**,

Derbyshire Minerals and Waste Development Scheme are material considerations in planning decisions. They provide essential background to the preparation of planning policy by the regional, county and city authorities. A test of the soundness of local development documents is that they must be consistent with government policy. The council's waste policies must also be in line with the **national waste strategy**, "**Waste Strategy for England, 2007**", and the **regional waste strategy**.

2.3.3.4 The **Supplementary Planning Guidance (SPG) on the After-Use of Sand & Gravel Sites** was adopted by the county and city councils in December 2004. The guidance supplements a number of saved policies of the adopted minerals local plan, particularly Policy MP10 (Reclamation and after-use) and Policy MP21 (Sand & gravel sites). Therefore it will continue to carry significant weight as it will supplement the saved policies of the adopted Minerals Local Plan. Upon replacement of the local plan by the minerals core strategy, it will be necessary to replace this SPG by including considerations relating to the after-use of all types of minerals sites in the Minerals Implementation Supplementary Planning Document.

3. PROFILES OF PROPOSED LOCAL DEVELOPMENT DOCUMENTS

3.1 *Introduction*

3.1.1 The profiles on the following pages show the council's programme for preparing new local development documents. They identify what the documents will do, their status, conformity requirements and relationships with other documents and the main milestones in their preparation. They describe the documents in the order in which they will be prepared. Following the profiles, there is a milestones chart which sets out the programme diagrammatically.

3.1.2 All the documents in the profiles are being produced jointly with Derby City Council.

3.1.3 To accord with government policy in PPS 12, this section:

- Provides a brief description of each local development document (LDD) to be prepared and the content and geographic area to which it relates.
- Sets out the timetable for producing each development plan document (DPD) - giving the timings for the achievement of the following milestones
 - Consulting statutory bodies on the scope of the Sustainability Appraisal
 - Publication of the DPD
 - Submission of the DPD
 - Adoption of the DPD.
- Sets out the timetable for producing each supplementary planning document (SPD) – giving the timings for the publication of the draft SPD and the adoption of the SPD.
- Explains how the LDDs relate to each other.

DERBY & DERBYSHIRE WASTE CORE STRATEGY DPD**Overview**

Role & Subject	The Waste Core Strategy Development Plan Document will establish a spatial vision and objectives for waste planning until 2030 (PPS 12 requires core strategies to have a life of at least 15 years) and a strategy for delivering the objectives, including core policies and the identification of strategic sites.
Coverage	The City of Derby and the area of Derbyshire outside the Peak District National Park
Status	Core Strategy Development Plan Document
Conformity and Other Relationships	<ol style="list-style-type: none"> 1 To conform with regional spatial strategy. 2 To be compatible with the Minerals Core Strategy. 3 To be compatible with the Sustainable Community Strategies. 4 To replace the saved policies of the waste local plan. 5 To include the involvement of a wide range of people and organisations, including local communities, the waste management industry, officers and members of the Derbyshire councils and statutory and non-statutory organisations, in accordance with the 2004 Act, the Regulations and the statement of community involvement. 6 To have regard to the matters specified in s.19 of the 2004 Act and Regulation 15. 7 The DPD will be the parent document for the Waste Implementation SPD.

Timetable

Milestone	Date	
Consulting statutory bodies on the scope of the SA	31 July 2009	
Publication of DPD and proposed Submission Proposals Map	30 June 2011	
Submission	31 January 2012	
Adoption of DPD & revisions by City & district councils of their proposals maps, to illustrate geographically the application of the policies.	30 September 2012	

DERBY & DERBYSHIRE WASTE IMPLEMENTATION SPD**Overview**

Role & Subject	The Waste Implementation Supplementary Planning Document will provide detail on how the policies in the core strategy DPD will be implemented. It will consider to what extent the existing development control policies in the development plans of the city and district councils need elaboration to ensure that they relate clearly to waste development. It will provide more site-specific detail than the core strategy. It will provide advice to potential applicants for permission for waste developments, particularly with regard to the strategic sites identified in the core strategy. It will not identify new sites. It will be produced in parallel with the Core Strategy.
Coverage	The City of Derby and the area of Derbyshire outside the Peak District National Park
Status	Supplementary planning document.
Conformity and Other Relationships	<ol style="list-style-type: none"> 1. To conform with the policies in the core strategy. 2. To be in line with the policies of the city and district DPDs. 3. To be compatible with the Sustainable Community Strategies. 4. To have regard to the matters specified in s.19 of the 2004 Act and Regulation 15.

Timetable

Milestone	Date Programmed	
Start preparation of the SPD	31 July 2009	
Publication	30 June 2011	
Adoption of SPD	30 September 2012	

DERBY & DERBYSHIRE MINERALS CORE STRATEGY DPD**Overview**

Role & Subject	The Minerals Core Strategy Development Plan Document will establish a spatial vision and objectives for minerals planning until 2030 (PPS 12 requires core strategies to have a life of at least 15 years) and a strategy for delivering the objectives, including core policies and the identification of strategic sites.
Coverage	The City of Derby and the area of Derbyshire outside the Peak District National Park
Status	Core Strategy Development Plan Document
Conformity and Other Relationships	<p>1 To conform with regional spatial strategy</p> <p>2 To be compatible with the Waste Core Strategy</p> <p>3 To be compatible with the Sustainable Community Strategies</p> <p>4 To replace the saved policies of the minerals local plan.</p> <p>5 To include the involvement of a wide range of people and organisations, including local communities, the minerals industry, officers and members of the Derbyshire councils and statutory and non-statutory organisations, in accordance with the 2004 Act, the Regulations and the statement of community involvement.</p> <p>6 To have regard to the matters specified in s.19 of the 2004 Act and Regulation 15.</p> <p>1 The DPD will be the parent document for the Minerals Implementation SPD.</p>

Timetable

Milestone	Date Programmed	
Consulting statutory bodies on the scope of the sustainability appraisal	31 July 2009	
Publication of DPD and proposed Submission Proposals Map	30 June 2012	
Submission	31 January 2013	
Adoption of DPD & of revisions by City & district councils of their proposals maps, to illustrate geographically the application of the policies.	30 September 2013	

DERBY & DERBYSHIRE MINERALS IMPLEMENTATION SPD**Overview**

Role & Subject	The Minerals Implementation Supplementary Planning Document will provide greater detail on how the policies in the core strategy DPD will be implemented. It will consider to what extent the existing development control policies in the development plans of the city and district councils need elaboration to ensure that they relate clearly to minerals development. It will provide more site-specific detail than the core strategy. It will provide advice to potential applicants for minerals permission, particularly with regard to the strategic sites identified in the core strategy. It will not identify new sites. It will be produced in parallel with the Core Strategy.
Coverage	The City of Derby and the area of Derbyshire outside the Peak District National Park
Status	Supplementary planning document.
Conformity and Other Relationships	<ol style="list-style-type: none"> 1. To conform with the policies in the core strategy. 2. To be in line with the policies of the city and district DPDs. 3. To be compatible with the Sustainable Community Strategies. 4. To have regard to the matters specified in s.19 of the 2004 Act and Regulation 15.

Timetable

Milestone	Date Programmed	
Start preparation of the SPD	31 July 2009	
Publication	30 June 2012	
Adoption of SPD	30 September 2013	

TABLE 2: Derbyshire Minerals & Waste Development Framework
KEY MILESTONES

