



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT AND SCRUTINY COMMITTEE - PLACES

WEDNESDAY, 27 JULY 2022

Report of the Executive Director - Place

Minerals Local Plan Purpose and Key Themes Emerging from the Proposed Draft Derbyshire and Derby Minerals Local Plan Consultation

1. Purpose

- 1.1 To inform the Committee of the purpose of the Minerals Local Plan and provide an update on the latest position in relation to representations received on the recent public consultation on the Proposed Draft Minerals Local Plan.

2. Information and Analysis

- 2.1 Derbyshire County Council and Derby City Council are working together to prepare a new joint Minerals Local Plan which will cover the period to 2038. It will be called the Derbyshire and Derby Minerals Local Plan and the plan area will cover the geographical County of Derbyshire, excluding that part which falls within the Peak District National Park.
- 2.2 Derbyshire is one of the country's leading producers of minerals with Limestone being the most important mineral. The working of Derbyshire's mineral resources brings significant benefits to both the local and national economy. Consequently, planning decisions about opening new sites or expanding existing sites are more apparent for Derbyshire's communities more elsewhere in the country.

- 2.3 Derbyshire County Council and Derby City Council, as the Mineral Planning Authorities, are required by law to prepare mineral local plans. Planning law requires that, in principle, planning applications for development that accords with an up-to-date local plan should be approved. The principal document that will be used to assess proposals for mineral development and mineral related development will be the Minerals Local Plan.
- 2.4 The purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve sustainable mineral and mineral related development, the Minerals Local Plan is required to deliver three overarching and interrelated economic social and environmental objectives:
- The economic objective is to provide sufficient land for the right type of development, in the right place, at the right time to support growth, innovation and improved productivity.
 - The social objective is to support strong, vibrant and healthy communities by providing well designed and safe places with accessible services and open spaces which meet the needs of the community.
 - The environmental objective is to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising pollution and mitigating and adapting to climate change including moving to a low carbon economy.
- 2.5 The Minerals Local Plan will set out priorities for delivering sustainable minerals development through its vision and strategic objectives. It will include a framework of strategic policies aimed at addressing those priorities, together with non-strategic development management policies aimed at avoiding, minimising and mitigating the adverse impacts of minerals development. The strategic policies will set out an overall strategy for the pattern and scale of mineral development and make provision for the supply of minerals (including cross-boundary supplies) over the Plan period. Where appropriate, they will identify specific sites for working.
- 2.6 The preparation of a local plan is a lengthy process and typically involves several stages of public engagement and consultation, both informal and formal (prescribed by the Town and Country Planning (Local Planning) Regulations 2012) and culminating in the submission of the plan to the Department for Levelling Up, Housing and Communities (DLUHC) for Examination in Public

- 2.7 The two councils are currently at the informal 'preparation' stage of plan making and several rounds of extensive public consultation and engagement under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 have already been undertaken in developing the Plan to its current stage.
- 2.8 Public engagement/consultations include:
- Stakeholder Workshop July 2009
 - Key Issues and Options Consultation 2010
 - Sand and Gravel Sites Consultation 2012
 - Emerging Approach 2015-2016
 - Hard Rock Sites Consultation 2016-2017
 - Proposed Approach 2018
 - Sand and Gravel Sites Consultation 2020
 - Proposed Draft Plan 2022
- 2.9 All the comments received in response to the previous consultations have been taken into account and used to inform the Plan's preparation and the development of the most recent Draft Proposed Minerals Local Plan consultation document.
- 2.10 This was an important consultation in the development of the Minerals Local Plan, as all the work and results from previous consultations were drawn together and presented in a single document as a draft version of the proposed Minerals Local Plan in its entirety. It provided an opportunity for interested parties, including Town and Parish Councils, District and Borough Councils, mineral operators, landowners, community and interest groups and the people of Derbyshire and Derby, to influence the content of the Plan before a final Draft Plan is prepared and published for Examination in Public.
- 2.11 The Derbyshire and Derby Development Plans Joint Advisory Committee (JAC), consisting of members from both councils, provides a key co-ordinating role in steering the preparation of the Plan and the public consultations. The Committee has been involved in advising on all the previous public consultations and has been instrumental in shaping and developing the Draft Proposed Minerals Local Plan for public consultation
- 2.12 At its meeting on 16 December 2021, the JAC resolved that the Proposed Draft Plan should be put forward to the Cabinet Members of the County and City councils for approval to carry out public consultation. Subsequently, Cabinet Members of both Councils approved the public consultation on the Proposed Draft Minerals Local

Plan which ran for just over 8 weeks from 2 March 2022 to 29 April 2022. The Proposed Draft Minerals Local Plan consultation document can be viewed on the Council's website by following [Derbyshire and Derby Minerals Local Plan - Winter 2021 to 2022 - Derbyshire County Council](#)

- 2.13 All the representations received have now been logged, acknowledged and recorded. Some 463 individuals and organisations responded to the consultation, making a total of 3,560 separate representations. The representors included national Government bodies and agencies, local authorities, mineral operators and other businesses, national and local interest groups, County Councillors, parish/town councils and individual members of the public. Approximately 70% of representors submitted the same letter of objection mainly relating to climate change and fossil fuel issues accounting for 2,978 of the total representations.
- 2.14 A report highlighting all the representors main objections and supporting comments is being prepared. This report has not yet been finalised and is currently in draft form. However, the draft Report of Publicity and Consultation is appended for information at Appendix 2 as it gives a clear indication of the key issues raised in the representations.
- 2.15 The representations have been recorded and assigned to the relevant chapters of the Proposed Draft Minerals Local Plan to which they refer. Totals of the comments made for each chapter can be seen set out in table 2 in the summary report of the consultation responses
- 2.16 It shows that the key themes emerging from the Proposed Draft Plan consultation relate to concerns and objections to the policies and text of the Vision and Objectives, Climate Change, Fossil Fuels and Hydrocarbons. More detail on the nature of the representations is set out under the chapter headings.
- 2.17 All the comments will be carefully considered in detail, and the implications for the final policy development assessed, in particular those relating to the key issues raised in the representations. This will include Duty to Cooperate meetings with other authorities/prescribed bodies where relevant, updating the evidence base and carrying out further research on key matters/issues raised. This will feed then into the drafting and development of the pre-submission draft Minerals Local Plan (including any amendments or alterations to policies or the text) which will be steered by the JAC.
- 2.18 Until all the representations have been considered and further work and research on policy development done, it is not yet known if the next

iteration of the Plan will require another informal consultation under Regulation 18 or be the version of the Plan intended to be submitted for Examination in Public and consulted upon under Regulation 19. The decision to carry out a Regulation 19 consultation falls to Cabinet.

- 2.19 A summary of all representations, a detailed assessment and consideration of the points they make and the outcomes for the next iteration of the Plan will be prepared to accompany the next consultation so those making comments can see how they have been considered

3. Consultation

- 3.1 Public consultations on the Minerals Local Plan are carried out in accordance with the adopted Statements of Community Involvement of both Councils for a minimum period of six weeks. This includes consulting district, borough, parish and town councils within and adjacent to the Plan area, statutory consultees, local community and interest groups, the industry. The consultations include use of the 'Have Your Say' section of Derbyshire County Council's website and other social media platforms. Drop-in sessions are also usually held throughout the County.

4. Alternative Options Considered

- 4.1 Two alternative options have been considered.
- 4.2 'Do nothing' – This would mean not continuing with the preparation of a Minerals Local Plan and, as a consequence, the Councils would not have an up-to-date statutory Minerals Local Plan against which applications for minerals development could be assessed. The Councils would also run the risk of intervention by central Government to take control the preparation of a Minerals Local Plan for Derbyshire and Derby.
- 4.3 Do not carry out any further public consultation - This would leave the Councils open to challenge that by not going out to further public consultation and not taking into account representations received in the next iteration of the Draft Proposed Minerals Local Plan, the Plan would not have been prepared in accordance with the Town and Country Planning Local Plan Regulations 2012.
- 4.4 Both of these options have been dismissed.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 The Derbyshire and Derby Proposed Draft Minerals Local Plan.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Proposed Draft Minerals Local Plan – Report of Publicity and Consultation

8. Recommendation(s)

That Committee:

- a) Notes the purpose of the Minerals Local Plan.
- b) Notes the update on the latest position in relation to representations received on the recent public consultation on the Derbyshire and Derby Proposed Draft Minerals Local Plan.

9. Reasons for Recommendation(s)

9.1 To ensure Members are aware of the purpose of the Minerals Local Plan and the current position in relation to the representations received to the most recent public consultation on the Derbyshire and Derby Proposed Draft Minerals Local Plan.

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Implications

Financial

- 1.1 There is a cost to carrying out public consultations on the Proposed Draft Derbyshire and Derby Minerals Local Plan including the printing of documents as required, hiring venues for drop-in sessions and producing material for publicising the consultation. An allocation of approximately £5,000 has been set aside in the Planning Service's budget to cover the cost of consultation.

Legal

- 2.1 Consultations on the Derbyshire and Derby Proposed Draft Minerals Local Plan are undertaken having full regard to the County Council's responsibilities and services under the provisions of the Localism Act 2011, Planning and Compulsory Purchase Act 2004, Town and Country Planning Act 1990. Town and Country Planning (Local Planning) Regulations 2012 and the National Planning Policy Framework 2021.

Human Resources

- 3.1 The preparation of the Minerals Local Plan is reaching an important phase as progress is made towards its adoption in 2023. Input will be required from a variety of services across the two councils as we move forward. It is important that the required staff resources are available to deliver the work in a timely manner; the County Council's Development Plans Team (within Planning Services) is leading this work – including work on behalf of Derby City. Staffing costs are being apportioned accordingly between the two authorities.

Information Technology

- 4.1 A variety of technologies will be used to deliver the next consultations of the Minerals Local Plan, manage the Examination in Public and the subsequent adoption process, including a web-based platform for hosting all the documents, online consultation and production of videos for public viewing.

Equalities Impact

- 5.1 Equalities impact assessment is an on-going activity and runs in parallel with development of the Plan. A final version of the Derbyshire and Derby

Minerals Local Plan to be submitted for Examination in Public will be accompanied by a full Equalities Impact Assessment.

Corporate objectives and priorities for change

6.1 The statutory Derbyshire and Derby Minerals Local Plan is a strategic document which seeks to deliver sustainable mineral development for communities in Derbyshire and thus is aligned with the Council's Vision Derbyshire strategic approach to improve outcomes for local people and businesses.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.