



## FOR PUBLICATION

### DERBYSHIRE COUNTY COUNCIL COUNCIL

**15 FEBRUARY 2023**

#### **Report of the Executive Director - Place**

#### **Derbyshire and Derby Minerals Local Plan – Approval of Pre-submission Draft Minerals Local Plan for Publication and Formal Public Consultation**

##### **1. Purpose**

- 1.1 To seek approval by Council of the Derbyshire and Derby Pre-submission raft Minerals Local Plan attached at Appendix 2 so as to enable it to be:
  - (i) published together with the relevant supporting papers as the proposed submission documents for the joint minerals local plan for Derbyshire and Derby for the period up to 2038; and
  - (ii) used together with those papers for public consultation in accordance with the relevant regulations with a period for making representations of eight weeks.

##### **2. Information and Analysis**

- 2.1 Cabinet received a report of the Executive Director – Place at its meeting on 2 February 2023 seeking its approval and support for formal publication of and public consultation on the Pre-submission Draft Minerals Local Plan now attached at Appendix 2. A copy of that report to Cabinet is now attached at Appendix 3.
- 2.2 Cabinet, as recommended in the report at Appendix 3, passed a resolution for its approval of the content of the Derbyshire and Derby Pre-submission Draft Minerals Local Plan (as now reproduced in

Appendix 2 to this report) and for supporting the Executive Director – Place, in liaison with Derby City Council, undertaking under delegated authority any minor amendments as necessary, and presenting the Plan and relevant background papers to Council for its approval to enable:-

- a. their publication in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as the proposed submission documents for the joint minerals local plan for Derbyshire and Derby for the period up to 2038; and
- b. their use for public consultation in accordance with regulations 19 and 35 with a period for making representations of eight weeks.

- 2.3 The Pre-submission Draft Minerals Local Plan is accordingly now presented to Council for its approval. It will then become the plan version that, together with the relevant background papers (listed under section 6 below), will form the proposed submission documents for the new joint minerals local plan for Derbyshire and Derby (the MLP).
- 2.4 All the necessary information and analysis is as set out in the Cabinet report at Appendix 3.

### **3. Consultation**

- 3.1 Wide ranging public consultation will need to be carried out to accord with the adopted Statements of Community Involvement of both councils, as well as the regulations, for eight weeks. This will include consulting district, borough, parish and town councils within and adjacent to the Plan area, statutory consultees, local community and interest groups, the industry. The consultation will include use of the ‘Have Your Say’ section of Derbyshire County Council’s website and social media platforms, including a video promoting the consultation and inviting participation. Drop in sessions in the north, south, east and west of the Plan area will be held.

### **4. Alternative Options Considered**

- 4.1 The only alternative option to an approval to enable publication under regulation 19 that might conceivably be chosen is for the Council to do nothing further towards adoption of a MLP based on the preparation work for a new MLP that has been carried out. Both the City and the County Council would then be set back for a long time from completing preparation of an up to date MLP against which applications for minerals development could be assessed. As a consequence, the Councils might then run the risk of intervention by central government to

take on the preparation of new minerals local plans for Derbyshire and Derby. There is no discernible benefit that would arise from taking this option, so to do so would appear to be likely to be irrational.

## **5. Implications**

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

## **6. Background Papers**

- 6.1 Derbyshire and Derby Minerals Local Plan Main Supporting Papers: Spatial Overview

- Climate Change
- Secondary and Recycled Aggregates
- Sand and gravel, Crushed Rock
- Reducing Quarrying in the PDNP
- Building Stone
- Industrial Limestone
- Industrial Limestone Cement
- Brick Clay and Fireclay
- Vein Minerals
- Coal and Colliery Spoil
- Oil and Gas Conventional
- Oil and Gas Un-conventional
- Gas from Coal
- Safeguarding Mineral Resources
- Safeguarding Minerals Infrastructure
- Cumulative Impacts

- 6.2 Development Papers:

- Strategic Priorities - Vision and Objectives
- Sustainable Minerals Development
- Climate Change
- Secondary and Recycled Aggregates
- Sand and gravel
- Crushed Rock
- Reducing the supply of aggregates from the PDNP
- Building Stone
- Industrial Limestone
- Brick Clay and Fireclay
- Vein Minerals
- Coal and Colliery Spoil

- Hydrocarbons
- Safeguarding Mineral Resources
- Safeguarding Minerals Infrastructure
- Restoration of sand and gravel sites in the River Valleys
- Development Management

6.3 Duty to Cooperate (DtC) papers:

- DtC Introduction and Overview
- DtC Statement of Common Ground
- DtC Evidence

6.4 Representations paper:

- Report of Representations on 2022 Consultation

6.5 Assessment papers:

- Sustainability Appraisal
- Strategic Transport Assessment Stages 1 and 2
- Habitats Regulations Assessment
- Strategic Flood Risk Assessment
- Sand and Gravel Sites Assessments
- Sand and Gravel Sites Assessment Methodology
- Equalities Impact Assessment
- Health Impact Assessment

## 7. Appendices

7.1 Appendix 1 – Implications

7.2 Appendix 2 - Derbyshire and Derby Pre-submission Draft Minerals Local Plan.

7.3 Appendix 3 – Report of the Executive Director – Place to Cabinet 2 February 2023.

## 8. Recommendation(s)

8.1 That Council resolves to  
approve the Derbyshire and Derby Pre-submission Draft Minerals Local Plan attached at Appendix 2, so as to enable it to be:  
(i) published together with the relevant background papers listed in this report as the proposed submission documents for the joint minerals local plan for Derbyshire and Derby for the period up to 2038, in accordance with regulation 19 of the

- Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (ii) used together with those papers for public consultation in accordance with regulations 19 and 35 with a period for making representations of eight weeks.

## **9. Reasons for Recommendation(s)**

- 9.1 To enable the Council in liaison with Derby City Council to publish the Plan at Appendix 2 and the relevant background papers as the proposed submission documents in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, and use them for associated public consultation in accordance with the Regulations.

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## **Appendix 1**

### **Implications**

#### **Financial**

- 1.1 There will be a charge for hiring venues for drop-in sessions should they be held and for producing videos for publicising the consultation. This cost can be met from within existing budget.

#### **Legal**

- 2.1 The recommendation in this report is made having full regard to the County Council's responsibilities under the provisions of the Localism Act 2011, Planning and Compulsory Purchase Act 2004, Town and Country Planning Act 1990 and the Town and Country Planning (Local Planning) Regulations 2012. This reporting is to full Council because the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, made under the Local Government Act 2000, specify that approval of draft plans and strategies for the purpose of submission to the Secretary of State is not an executive function.

#### **Human Resources**

- 3.1 None directly from this report.

#### **Information Technology**

- 4.1 None in particular. Publication in accordance with regulation 19 of the 2012 regulations will involve making the relevant documents available through the councils' websites.

#### **Equalities Impact**

- 5.1 An Equalities Impact Assessment accompanies the Plan.

#### **Corporate objectives and priorities for change**

- 6.1 Adoption of the Minerals Plan is a corporate and Council Plan priority

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

- 7.1 There are significant environmental sustainability implications that are referred to in the main part of the report to Cabinet that is reproduced in Appendix 3. These have been assessed in the preparation of the MLP.