

## **PUBLIC**

**MINUTES** of a meeting of the **IMPROVEMENT AND SCRUTINY COMMITTEE – PLACES** held at County Hall, Matlock on 24 July 2019.

### **P R E S E N T**

Councillor S Bull (in the Chair)

Councillors K S Athwal, D Charles, H Elliott, L Grooby, J Innes, T Kemp and P Makin.

Also in attendance were David Arnold and Michelle Spence.

Apologies for absence were submitted on behalf of Councillor E Atkins.

**09/19**      **MINUTES**    **RESOLVED** that the Minutes of the meeting of the Committee held on 01 May 2019 be confirmed as a correct record and signed by the Chairman.

### **10/19**      **PUBLIC QUESTIONS**

#### **(1) Question from Judith Duvall on behalf of North Derbyshire Mineral Plan Action Group to the Committee**

Will DCC respect the judgement of the most recent Written Ministerial Statement 23<sup>rd</sup> May 2019 –HCWS1586 WMS2019) which deals with the quashing of para 209a of the NPPF 2018?

North Derbyshire Communities Mineral Plan Action Group (NDCMPAG) have considered the most recent Written Ministerial Statement 23<sup>rd</sup> May 2019- HCWS1586(WMS2019) which deals with the quashing of para 209a of the NPPF 201. It states “This suite of policies and guidance remain material considerations in plan making and decision taking for hydrocarbon development and they should be afforded appropriate weighting as determined by the decision maker”- in relation to section 17 of the NPPF, the PPG and the WMS’s (WMS15 and WMS18).

In respect of Written Ministerial Statement 17<sup>th</sup> May 2018- HCWS690 (WMS2018).

NDCMPAG suggest no weight should be attached to it for the following reasons:

- It is repetitious of much that is already contained in WMS2015
- It directly includes Conservative party commitments made in their 2017 election manifesto
- And large parts of the WMS18 signpost how those manifesto commitments will be brought about

It does not reference any new evidence and has not been consulted upon and therefore has no validity particularly following the 'Talk Fracking' case in relation to MWS.

In relation to the 'Andrews' 1 case, it is clear that guidance is exactly that, and if a Mineral Planning Authority has taken a different approach to that contained in guidance, provided the approach has 'proper justification' there is no reason why that would not be lawful.

#### IT IS CALLED LOCALISM.

The question was responded to during the presentation by Officer David Arnold.

#### **11/19      JOINT DERBYSHIRE AND DERBY MINERALS LOCAL PLAN**

David Arnold, Head of Planning Services at Derbyshire County Council, gave a presentation on the Joint Derbyshire and Derby Minerals Local Plan, which his section has the statutory duty to prepare and review. He concentrated solely on process and procedure.

The objective was to provide a spatial portrait of Derby and Derbyshire's Mineral Resources and in the context of this, to explain the process, procedures and requirements for producing a new Joint Local Minerals Plan to replace the current plan, which was adopted in 2000 and to provide information on the progress of the emerging Joint Minerals Local Plan.

Derbyshire County Council is the Minerals and Waste Planning Authority and has a statutory responsibility to determine planning applications with quality outcomes for minerals and waste development. The Minerals and Waste Local Plans are being prepared jointly with Derby City Council and will cover the whole of Derbyshire, excluding land within the Peak District National Park. In terms of minerals, the new Joint Minerals Local Plan will set out a framework of policies to address future minerals supply and development in the plan area to 2035 and which will be used in taking decisions on planning applications.

The Committee were given an overview of the Minerals profile in Derby and Derbyshire. This referred to the various minerals that were sourced from within the county and distributed all over the Country. Meeting an international, national and local need, the importance of mineral working to the economy of Derbyshire was explained. It was highlighted that the county is the largest producer of aggregates in the country. The quarries within Derbyshire create a wide range of specialist employment opportunities, bringing people and investment into the county and providing work for residents.

The procedural requirements for preparing and taking local plans through to adoption are set out in legislation and government policy and guidance. The main ones influencing the Minerals Local Plan were set out to the Committee and included information on the way in which the plan is prepared, the stages involved, when consultations are carried out and with

whom. The Committee was informed that the Development Plan is the starting point for decision making on planning applications and that applications should be determined in accordance with the 'development plan'. Proposed developments that accord with an up-to date plan should be approved, and those that conflict should be refused, unless other material considerations indicate otherwise.

A summary of the work done so far on the development of the new Joint Minerals Local Plan was outlined to the Committee. This included a summary of the public consultations carried out with the most recent being "Towards a Minerals Local Plan Spring 2018" Consultation. Earlier consultation stages focused more on individual options and whereas this consultation presented an emerging draft plan document in a more coherent and strategic way so that it was possible to see how the emerging strategies and policies as a whole inter-relate to deliver sustainable minerals development over the Plan period. The next steps to take the Joint Minerals Local Plan to adoption were then set out to the Committee.

In response to the question from Judith Duvall on behalf of NDCMPAG the Head of Planning Services responded by saying that paragraph 209a and would therefore not be referred to in emerging policy development. The views of the Group in relation to Written Ministerial Statement 17 May 2018 were noted. Currently the Councils are reviewing evidence submitted to them in relation to the removal of policy 209a. The representations made by NDCMPAG have been received and they will be considered as due process requires. They were informed that during this meeting only procedure can be considered. The emerging policies and of the Plan will need to be considered by the Joint Area Committee before the consultation process can proceed.

**RESOLVED** to note the preparation of the Minerals Local Plan to date and the subsequent stages to be progressed in accordance with national procedure.