

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

23 January 2020

Report of the Executive Director – Economy, Transport and Environment

**STATEMENTS OF COMMON GROUND – NOTTINGHAMSHIRE COUNTY
COUNCIL**

(1) **Purpose of Report** To seek the Cabinet Member's approval for Derbyshire County Council to enter into and, be signatories to, Statements of Common Ground (SoCG) with other local authorities/organisations within and outside Derbyshire.

(2) **Information and Analysis** Under Section 33A of the Planning and Compensation Act 2004, local planning authorities are under a duty to cooperate with each other and with other prescribed bodies, when local plans, (including mineral and waste local plans) are being prepared which concern 'strategic matters' that cross administrative boundaries.

The National Planning Policy Framework (NPPF), February 2019, sets out national policy in respect of this duty. Paragraph 25 of the NPPF expects strategic policy-making authorities, including county councils, to collaborate and identify the relevant strategic matters which they need to address in their development plans.

Paragraph 26 of the NPPF emphasises that effective and ongoing joint working in this regard is integral to the production of 'positively prepared and justified development strategies.' In particular, joint working should help to determine where additional infrastructure is necessary and where development needs that cannot be met wholly within a particular area could be met elsewhere.

In order to demonstrate effective and ongoing joint working, Paragraph 27 of the NPPF expects strategic policy-making authorities to prepare and maintain one or more SoCG to document the cross-boundary matters being addressed and progress made in cooperating to address these matters.

National Planning Guidance advises that SoCG should be prepared and maintained throughout the plan-making process. By the time of draft local plan

publication, SoCGs should be available on the websites of each of the responsible local planning authorities to provide transparent documentation that the collaboration has taken place.

Derbyshire County Council is the minerals and waste planning authority for the County (outside the Peak District National Park) and has a statutory duty to prepare minerals and waste local plans, which it is carrying out in collaboration with Derby City Council to provide new, joint minerals and waste local plans. It is therefore required to provide SoCG in respect of these local plans.

Derbyshire County Council is also a statutory consultee on mineral and waste local plans, prepared by other mineral and waste planning authorities, and on general development plans prepared by district and borough councils, both within and adjoining Derbyshire. Therefore, it has a duty to co-operate with these councils on the strategic, cross-boundary matters affecting these plans and is expected similarly to enter into SoCG with the relevant authorities and prescribed parties.

Requests for SoCG, in which the County Council is expected to enter/be signatories to, have been received from the following local authorities/organisations:

Local authority(s) /organisation(s)	Title/Nature of Statement of Common Ground	Date Received
Nottinghamshire County Council	Nottinghamshire Minerals Local Plan SoCG (Final Draft)	8 November 2019

Specific details about the draft SoCG, including a summary of the strategic matters proposed to be agreed to as common ground on behalf of Derbyshire County Council and any significant issues on which there appears to be an absence of common ground, are provided in the relevant appendix attached.

The draft SoCG is considered to provide an appropriate acceptance or confirmation of common ground between the County Council and other authorities on matters of strategic planning which affect Derbyshire.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** The recommendation in this report is made 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 and National Planning Policy Framework.

(5) **Social Value Considerations** The relevance of social value in terms of social, economic and environmental wellbeing is considered in the preparation of local plans. Meeting the current and future needs of communities and the management of scarce resources (i.e. sustainable development) is central to the role of local and county planning authorities in preparing and implementing their local plans. Where social value considerations are particularly significant in co-operation under the duty to co-operate under Section 33, this can be expected to be reflected in the content of any corresponding SoCG.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Planning Service of the Economy, Transport and Environment Department.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member gives approval for Derbyshire County Council to enter into a Statement of Common Ground, referred to in the appendix to this report, with Nottinghamshire County Council.

Mike Ashworth
Executive Director – Economy, Transport and Environment

Appendix

Statement of Common Ground – Nottinghamshire County Council

Name of Local Authority(s)/Organisation (s) with whom SoCG is to be signed.	Nottinghamshire County Council
Officer contact:	Michelle Spence, Development Plans Manager

Summary of strategic [cross-boundary] matters proposed to be documented as common ground in the SoCG:

Derbyshire, along with the Peak District, is a major producer of crushed rock for aggregate use and supplies a wide number of markets across the country. Nottinghamshire's crushed rock resource is relatively limited and therefore 30% of its requirements are currently imported from Derbyshire. Derbyshire County Council (including Derby City Council) has confirmed that it has sufficient permitted reserves to enable the continued supply of aggregate crushed rock to Nottinghamshire over the life of the plan to 2036.

Sand and gravel is extracted along the Trent Valley in both Derbyshire and Nottinghamshire and some mineral moves between the two areas. Both authorities are proposing to allocate sites in their Mineral Local Plans, and it has been agreed that this will continue to make adequate provision to maintain the supply of cross border movements of sand and gravel over the Plan period to 2036. Additionally, both authorities have agreed that, wherever practical, they will work together to ensure that landscape scale benefits can be gained from restoring worked out sand and gravel sites close to the Nottinghamshire/Derbyshire border.

Clay reserves at Kirton Clay pit in Nottinghamshire remain adequate to supply demand for clay from the adjacent brick works beyond the plan period to 2036. However, a relatively small but important amount of brick clay is imported from Waingroves clay pit in Derbyshire to the brick works for blending purposes. The pit has sufficient reserves to maintain this supply well beyond the end of the plan period. The authorities have agreed to continue to monitor this cross border movement of mineral.

Industrial dolomitic limestone of suitable specification for making refractory products is a very scarce resource in the UK. No industrial dolomite is currently worked in Nottinghamshire, although potential reserves exist in a small area close to the existing industrial dolomite works just over the County boundary at Whitwell in Derbyshire. The resource area is also located close to Creswell Crags, a Site of Special Scientific Interest (SSSI), Scheduled Monument (SM), and potential World Heritage Site (WHS). Permitted industrial dolomitic reserves in Derbyshire are anticipated to be

worked out in 2033 after which alternative resources will be needed to maintain supply. The authorities have agreed to continue co-operation to ensure that both local plan approaches seek to maintain this supply and take into account any potential new areas of working.

A range of minerals lie on the boundary between the two authorities, including sand and gravel, industrial dolomite and shallow coal reserves. Both authorities have identified resources of these minerals to be safeguarded and agreed to ensure that a consistent and co-ordinated approach is taken to the safeguarding of these minerals in their respective areas.

Shallow coal reserves run along much of the boundary between Nottinghamshire and Derbyshire, although there are no active or proposed surface mines in this area. Similarly, deep lying coal resources do still remain in the Derbyshire-Nottinghamshire coalfield and whilst high investment costs and fluctuating coal prices appear to suggest that proposals for major new colliery development are unlikely there continues to be some potential for such proposals to come forward. Both authorities have agreed to continued co-operation regarding appropriate provision to enable the supply of shallow and deep mined coal.

There are a number of oil and gas bearing mineral resources that straddle the County boundary, along with extant PEDL licences. Oil and gas is worked from conventional sources such as sandstone and limestone, whilst unconventional sources of oil and gas also exist within coal and shale deposits. Both authorities have agreed to continued co-operation regarding appropriate provision to enable the supply of conventional and unconventional hydrocarbons.

Outline of projections/analyses/assessments/policy positions and points of view proposed as common ground under the SoCG which reflect previous authorisations by the Cabinet Member:

None identified.

Outline of other projections/analyses/assessments/policy positions and points of view proposed as common ground under the SoCG by the Cabinet Member:

The main purpose of the SoCG is to identify strategic cross border issues between Nottinghamshire and Derbyshire and to adopt compatible local plan approaches, to ensure an adequate and steady supply of minerals and, for other mineral related issues. Strategic cross border matters have been identified in relation to aggregate crushed rock and sand and gravel; brick clay; industrial dolomitic limestone, shallow and deep mined coal, oil and gas, safeguarding mineral resources and restoring sand and gravel sites in the Trent Valley.