



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

WEDNESDAY, 27 NOVEMBER 2024

Report of the Executive Director - Place

Submission of the Derbyshire and Derby Joint Minerals Local Plan to the Secretary of State

1. Purpose

- 1.1 To seek Council approval to submit the Derbyshire and Derby Joint Minerals Local Plan to the Secretary of State for Housing, Communities and Local Government and to accelerate preparation for the resulting examination in public.

2. Information and Analysis

- 2.1 Derbyshire County Council and Derby City Council (the two councils) are working together to prepare a new joint, minerals local plan for the period up to 2038 called the Derbyshire and Derby Minerals Local Plan (DDMLP). The Plan area covers the geographical county of Derbyshire and includes Derby city but excludes that part of Derbyshire which falls within the Peak District National Park (see Appendix 2).
- 2.2 As the relevant Mineral Planning Authorities (MPA), the two councils are required by law (Planning and Compulsory Purchase Act 2004) 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; in this instance, the relevant plan will be the DDMLP.
- 2.3 The Plan sets out priorities for delivering sustainable mineral developments through its vision and strategic objectives and includes 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 set out an overarching approach 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, the Plan identifies specific sites for mineral working, particularly for sand and gravel and industrial limestone (see Appendix 3).

Process

- 2.4 The preparation of a local plan is a lengthy process and typically involves several stages of public engagement and consultation, both informal and formal as prescribed by the Town and Country Planning (Local Planning) Regulations, 2012. The process ultimately culminates in submission of the plan to the Secretary of State for Housing, Communities and Local Government for examination in public (EIP).
- 2.5 Derbyshire County Council has led on preparation of the Plan with appropriate input from officers at Derby City Council. The Derbyshire and Derby Minerals and Waste Local Plans Joint Advisory Committee, consisting of elected members from both authorities, has coordinated and helped steer preparation of the Plan, with relevant approvals to consult on key stages in preparation (and future adoption) of the Plan being secured separately by both the County and City councils through the respective approval processes.
- 2.6 The existing Derbyshire and Derby Minerals Local Plan was adopted in April 2000. Work on reviewing the Plan commenced in 2009. However, the introduction of the Localism Act in 2011 and publication of the National Planning Policy Framework (NPPF) in 2012 resulted in changes to the national system of local plan preparation. This meant that previous work on the Plan had to be abandoned and new work commenced on a joint, single local plan for minerals to comply with the new system of local plan making.
- 2.7 Since this time, the two councils have completed a number of stages of plan preparation which are set out below:
 - Emerging, 2015/2016
 - Hard Rock Sites Consultation, 2016/2017
 - Proposed Approach, 2018
 - Sand and Gravel Sites Consultation, 2020
 - Regulation 18 Draft Plan Consultation, March/April 2022
 - Regulation 19 Pre-Submission Draft Plan, March/May 2023

- Consideration and approval to submit Joint Derby and Derbyshire Minerals Local Plan by Cabinet on 18 September 2024.

Pre-Submission Draft Local Plan – Outcome of Consultation

- 2.8 As noted above, the Regulation 19 Pre-Submission Draft Local Plan was published for consultation by the councils on 7 March 2023 and ran for eight weeks until 2 May 2023. This included seven public drop-in events which were held across a range of locations in the County. This is the most important stage of the Plan as it is the version the two councils are proposing to submit to the Secretary of State.
- 2.9 The consultation resulted in 412 representations being received from 50 organisations/individuals. Details of the representations received and a summary of the issues raised are set out in Appendix 4 to this report.
- 2.10 In summary though, the key issues raised relate to specific topic and policy areas of the Plan and include:
- Vision and Objectives
 - Sustainable Minerals Development
 - Climate Change
 - The Supply of Aggregates
 - The Supply of Sand and Gravel
 - Sand and Gravel Site Allocations
 - The Supply of Aggregate Crushed Rock
 - Reducing Quarrying in the Peak Park
 - The Supply of Building Stone
 - The Supply of Industrial Limestone
 - The Supply of Fossil Fuels
 - The Supply of Coal
 - Mineral Safeguarding
 - Safeguarding Mineral Related Infrastructure
 - Development Management
- 2.11 On climate change matters, it is important to note that a sizeable number of representations were made (particularly by a number of climate change campaign groups) on the Regulation 18 Draft Plan. However, many of the comments made at Regulation 18 consultation were resolved at the Regulation 19 Pre-Submission Draft Plan stage by taking into account updated evidence and strengthening policies to ensure that climate change is given appropriate weight in considering proposals for mineral development. This has included adding additional requirements to Policy SP2 to:

- require proposals to demonstrate a reduction in greenhouse gas emissions over the lifetime of the development in line with national and local greenhouse gas targets; and
- proposals to be accompanied by a climate change impact assessment setting out how measures to reduce emissions and adapt to climate change have been considered, incorporated and will be monitored and reported and the environmental impact of any indirect emissions.

2.12 On the basis of the above, relatively few representations were made on the climate change policies in the Pre-Submission Draft Plan, with many expressing broad support for the policies.

2.13 Since the consultation closed, all representations have been logged and issues summarised in a Report of Consultation. Further work has recently been completed to provide a set of proposed responses to the issues raised and how they will be addressed -which takes one of three forms:

- No change required to policies and/or supporting text as the issue has been fully addressed through the Pre-Submission Plan and is compliant with Government legislation and planning policy;
- Accept that the issue raised has merit and can be addressed through either major or minor modifications to the policies and/or supporting text in the Pre-Submission Plan;
- Issue requires further consideration or additional work to address it fully such as through the drafting of Statements of Common Ground (SoCG)

Completion of Work on the Plan

2.14 Through the above assessment process, it is proposed that many of the issues, concerns and objections raised are not accepted as the relevant policies and supporting text in the Pre-Submission Plan are considered to be fully compliant with Government legislation and national planning policy, particularly and most importantly the NPPF.

2.15 However, it is also considered that a number of issues, concerns and objections raised on the Pre-submission Plan have merit and are proposed to be accepted as they raise matters relating to compliance with national planning legislation and planning policy. Accordingly, these issues can be appropriately addressed through the drafting of major/ minor modifications to relevant policies and/or supporting text in the Plan. A Schedule of Proposed Major and Minor Modifications has been

drafted and will be submitted with the Plan for examination by the nominated Inspector.

- 2.16 Finally, there are a number of issues, concerns and objections to the Pre-Submission Plan which it is considered can be addressed through Statements of Common Ground (SoCG). Details are set out below.

Environment Agency Representation

- 2.17 The Environment Agency (EA) A was consulted directly on the Pre-Submission Plan as a statutory consultee. Although raising no objections to the Plan and its policies for flood risk and the water environment, the EA did recommend that the Strategic Flood Risk Assessment (SFRA) previously commissioned for the Plan required updating due to more up-to-date flood risk modelling data being available. To meet this requirement, consultants (AECOM) have been commissioned to update the SFRA to take account of the revised data. The final draft of the updated SFRA has now been completed by AECOM.

Historic England Objections

- 2.18 Historic England (HE) was consulted directly on the Pre-Submission Plan as a statutory consultee and raised a number of fundamental concerns and objections relating to generic policies regarding the impact of minerals development on important heritage assets. They also raised objections to all the sand and gravel allocations in the Pre-Submission Plan located within the Trent and Dove Valleys due to their potential adverse impact on various important heritage assets located in the vicinity of the sand and gravel sites. It should be noted that some HE's objections raised at the Pre-Submission Plan Regulation 19 consultation were not made at the previous Regulation 18 Draft Local Plan consultation stage
- 2.19 Fundamentally, the various objections made by HE are not accepted as the relevant policies and sand and gravel allocations are considered to have been developed fully in accordance not only with planning legislation and policy guidance, (and have been based on best practice mineral local plans elsewhere in the Country, which have been examined and adopted). In particular, it is considered the main generic Plan policy relating to the impact of minerals development on important heritage assets has been drafted to fully take into account all likely impacts on the historic environment and does not need to be incorporated into a range of other policies as suggested by HE.

- 2.20 In terms of the sand and gravel allocations, HE considers that each of the allocations could have potentially unacceptable harmful impact on heritage assets and that these should be fully assessed and mitigated through detailed assessment in the Local Plan. Following the Draft Plan consultation, the two councils agreed that further work was required to assess more fully the potential impact of working the proposed sites on the heritage assets. As a result, the advice of the Council's Conservation, Heritage and Design Team was sought and a Heritage Impact Screening Assessment produced for all suggested site allocations. These suggested mitigation strategies to help reduce the impact on heritage assets, which have been incorporated into the revised principal planning requirements for the proposed allocations and now form part of Plan policy.
- 2.21 In summary, it is considered the approach suggested by HE at the pre-submission draft stage is not compliant with national planning policy nor in line with best practice seen in other minerals local plans. Furthermore, it is considered detailed assessment of the potential impact of sand and gravel allocations and the need for detailed mitigation should be more appropriately undertaken as part of the planning application process.
- 2.22 It should be noted that since HE submitted its representations on the Pre-Submission Plan, attempts have been made to undertake detailed discussion and some progress has been made in this regard. A meeting took place on 9 September 2024 to discuss the range of HE issues and HE reinforced its objection to three proposed allocations at Swarkestone North, Swarkestone South and Elvaston Castle. HE also requested further site specific mitigation measures are included within the Principal Planning Requirements (PPR) (as indicated in the Regulation 19 consultation response) for the Foston and Sudbury Sand and Gravel sites to mitigate the harm identified in the Heritage Impact Assessment which they consider has not been addressed in the current PPRs. The Council has agreed to discuss the matter further with their Conservation and Design Team. Any proposed additional PPRs will also be discussed with HE. A Statement of Common Ground was drafted to reflect each of the parties' positions. This will be updated to reflect any further change.

Chesterfield Borough Council Objections

- 2.23 Chesterfield Borough Council (CBC) was consulted directly on the Pre-Submission Plan as statutory consultee. CBC raised objection to the policy approach for the safeguarding of coal resource in the Plan and the associated Proposals Map for Mineral Safeguarding Areas (MSA),

which covers Chesterfield Borough Council's administrative area. The presence of an MSA does not preclude other forms of development; MSAs simply provide an alert to the fact that minerals may be sterilised by the proposed development and that this should be taken into account in the planning process. The Borough Council is particularly concerned that this policy approach and the designation of the MSA is no longer relevant as there is no longer any domestic market for coal, and that such an approach would impact adversely on the delivery of growth in the Borough, particularly within built up areas and allocated sites within the Borough Council's Local Plan.

- 2.24 Due regard has been given to CBC's objections and it is considered the objections are justified and are accepted. At this moment in time, national planning policy in the NPPF still requires all minerals planning authorities to define MSAs so that known locations of specific mineral resources, including shallow and deep mined coal of local and national importance, are not sterilised by non-mineral development. However, it is considered this policy approach is out of step with the current lack of any significant UK domestic market for coal and with the Government's priorities for mitigating the impacts of climate change and commitment to meeting net zero targets by 2050, particularly by reducing the reliance on fossil fuels for future energy production. Importantly, this position is acknowledged by the Coal Authority who, through their representations on the Regulation 19 Submission Plan consultation, has indicated it no longer requires local planning authorities to safeguard the surface coal resource in their areas.
- 2.25 That being the case, this issue has been addressed through a SoCG with CBC, setting out the County and City council's acceptance of the Borough's 's position will be addressed through major and minor modifications to the Plan. The SoCG has been drafted and it is anticipated that CBC will be in a position to sign the Statement shortly.

South Derbyshire District Council (SDDC) Objections

- 2.26 SDDC was consulted directly on the Pre-Submission Plan as statutory consultee. SDDC raised objection to the policy approach in the Pre-Submission Local Plan for the allocation of sand and gravel sites in the Trent and Dove Valleys, on the basis that the Plan allocates more sites than are needed to meet the need for sand and gravel over the Plan period, based upon a forecast using the most recent annual average sales data in accordance with the NPPF. Objections were also raised to a number of specific sand and gravel allocation sites on the basis that there has, to date, been no investigation as to whether the working of

minerals on these sites, either individually or in combination, could lead to an increase in flood risk in the Lower Dove Valley.

- 2.27 SDDC's objections have been considered carefully but the District Council's position is not supported and the Council maintains its position regarding the level of provision and the allocation of sites for sand and gravel in the Plan.
- 2.28 In particular, it is considered important to continue the proposed level of sand and gravel provision over the Plan period set out in Policy SP4 and the allocations as set out in Policy SP5, to ensure the continued steady and adequate supply of sand and gravel as required by national policy. The Principal Planning Requirements for the Sand and Gravel sites includes detailed consideration of flood issues, and the potential for the operators to provide a betterment in flood risk. It is considered the specific concerns expressed by the District Council regarding the site allocations at Foston and Sudbury can be addressed by the Council's and the mineral operators working closely with other stakeholders, including the EA, to ensure that suitable mitigation measures are put in place when planning applications are considered for the sites.
- 2.29 That being the case, this issue has been addressed through a SoCG with SDDC, which sets out the District Council's position and the position of the County and City council's and that the District Council's objections are not accepted. A SoCG has signed by SDDC.

Peak District National Park Authority (PDNPA) Representation

- 2.30 The PDNPA was consulted directly on the Pre-Submission Plan as statutory consultee. The PDNPA submitted representations relating to the policy approach in the Plan for reducing quarrying in the National Park and fully supporting the policy approach.
- 2.31 The policy approach sets out an agreed approach between the County and City councils and the PDNPA to implement a gradual reduction of quarrying in the National Park. It is focussed on aggregate crushed rock and involves a 10% reduction in the PDNPA's provision figure for aggregate crushed rock, with a compensatory 10% increase in the Council's provision figure for aggregate crushed rock, as set out in the joint Local Aggregate Assessment.
- 2.32 A number of quarry operators have objected to this policy approach, including the Minerals Products Association, Breedon and Tarmac on grounds that the policy is not supported by the NPPF.

- 2.33 Objections have been considered but are not accepted on the basis that the agreed policy approach is in accordance with the NPPF, which states that, as far as is practical, provision should be made for the maintenance of landbanks of non-energy minerals from outside National Parks. This is set in the context of a fundamental aim of the NPPF of conserving and enhancing landscape and scenic beauty in areas such as National Parks. The protection afforded to National Parks is also set out in the Environment Act and the National Parks and Access to the Countryside Act, which gives further credence to the proposed approach.
- 2.34 The approach does not mean there will be complete cessation of quarrying in the Peak District National Park, with the approach relating only to aggregate crushed rock and also with the PDNP Core Strategy setting out that proposals for new or extended quarries for crushed rock will be considered in exceptional circumstances.
- 2.35 On the basis of the above, this issue has been addressed through a signed SoCG between the County and City councils and the PDNPA, setting out that each of the authorities agree with the policy approach.

Schedule of Major and Minor Modifications

- 2.36 Prior to the submission of their local plans, local planning authorities are required by the Town and Country Planning (Local Planning) Regulations 2012) to draft a Schedule of Major and Minor Modifications to their plans which will be subject to examination of the Plan by Government appointed Inspector.
- 2.37 Based on the assessment of 412 representations on the Pre-Submission Local Plan, the County Council has now drafted a Schedule of Major and Minor Modifications to the Plan, which it considers addresses those issues, concerns and objections raised through representations and will ensure the Plan is sound and fully compliant with national planning legislation and policy. This Schedule of Modifications will be submitted with the Plan.

Submission of the Plan

- 2.38 Based on the above, it is considered that all the statutory requirements for the preparation of the local plan have now been met and completed and that the Derby and Derbyshire Joint Minerals Local Plan is now ready for submission to the Secretary of State for examination.

- 2.39 However, before formal submission, endorsement and agreement to submit the Plan was required from Members of both councils through the Derby and Derbyshire Minerals and Waste Local Plan Joint Advisory Committee. A meeting of the JAC took place on 20 August 2024, where endorsement was given by Members for officers of each Council to report the Plan through their respective approval processes; for Derbyshire, this requires approval through Cabinet and Full Council meetings.
- 2.40 Members of Full Council will be aware that a report was considered by the Council's Cabinet on 18 September 2024 and approval given to submit the Plan to the Secretary of State, subject to agreement by Full Council. The purpose of this report is to seek that approval.; all relevant is appended to this report.
- 2.41 Due to the extensive nature of the evidence and documentation that supports the submission process of the Joint Minerals Local Plan, a bespoke webpage has been created which hosts all the supporting information which Members can view via the link below. A schedule of all the key documents to be submitted with the Plan is provided in Appendix 5. [Minerals Local Plan evidence base - Derbyshire County Council](#)
- 2.42 With regard to Derby City Council, reports were presented to the City Council's Cabinet and Full Council in February 2023 seeking authorisation to publish the Pre-Submission Plan for consultation. In doing so, the City Council's Members also agreed that the Minerals Local Plan should also be submitted to the Secretary of State providing there were no significant issues or concerns raised through the consultation that required any major changes to the Plan that impacted on Derby City. As set out in this report, it can be seen that all the major issues and concerns raised on the Pre-Submission Plan related to the non-city part of the Plan area. That being the case, the City Council has advised it does not need to present further reports to Cabinet and Full Council. Instead, the City Council intends to rely on delegated approval processes to seek agreement to submit the Plan, as agreed by its Full Council decision in February 2023.
- 2.43 Subject to obtaining endorsement and agreement from the Council's Full Council, it is anticipated that the Joint Minerals Local Plan will be submitted to the Secretary of State in November 2024. The Planning Inspectorate has recently been notified that this is the intention of the two councils and a meeting is scheduled with the Inspectorate to discuss this in more detail. That being the case, and subject to acceptance of the Plan by the Planning Inspectorate, it is anticipated

that an Examination in Public of the Plan could take place between April and June 2025 with possible adoption by December 2025

3 Consultation

- 3.1 As set out above, the Pre-submission Local Plan was subject to an extensive public consultation exercise between March and May 2023, which included seven public drop-in events. A number of potential 'soundness' issues and objections were raised by stakeholders and statutory consultees through the consultation process which are addressed through the various Statements of Common Ground between the two councils and relevant third parties.
- 3.2 The councils have drafted a Schedule of Proposed Major and Minor Modifications to the Pre-Submission Plan which will be submitted formally to the Planning Inspectorate and subsequently, will be considered by the Inspector through the Examination in Public process. The Inspector's Proposed Modifications to the Plan will then be subject to a period of public consultation following completion of the Examination.
- 3.3 A presentation was given to Joint CMT Cabinet on 17 July 2024 on the Local Plan setting out the intention to submit reports to Cabinet on 18 September 2024 and Full Council on 9 October 2024 seeking agreement to submit the Plan to the Secretary of State. This was endorsed by Members.
- 3.4 Derbyshire County Council's meeting of Cabinet on 18 September, approved to submit the Joint Minerals Local Plan to the Planning Inspectorate, subject to approval by Full Council.

4 Alternative Options Considered

- 4.1 Option 1: Not to submit the Local Plan to the Secretary of State for Housing, Communities and Local Government. However, failure to submit the Plan to the Secretary of State would mean that the County Council was failing in its legal obligations and statutory requirements under the provisions of the Planning and Compulsory Purchase Act 2004 to prepare mineral local plans. That being the case, there is a likelihood that the County Council could be made the subject of special measures and being directed by the Secretary of State to prepare and submit the Local Plan.

5 Implications

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

6 Background Papers

6.1 Submission Documents

- SD01 Derbyshire and Derby Minerals Local Plan - pre-submission draft plan, January 2023.
- SD02 Derbyshire and Derby Minerals Local Plan - pre-submission draft plan policies maps, January 2023.
- SD03 Schedule of proposed modifications.
- SD04 Policies Map Modification Clay Safeguarding Area.
- SD05 Derbyshire Minerals Local Plan SA Report Final January 2023.
- SD06 Derbyshire & Derby Minerals Local Plan HRA 2023.
- SD07 Statement of Publicity and Consultation (Reg 18).
- SD08 Report of Representations (Reg 19).
- SD09 Copies of Representations.
- SD10 Representations in policy order.

6.2 Background Documents

- BD01 Derbyshire & Derby Minerals Local Plan STA Stage 1 part 1.
- BD02 Derbyshire & Derby Minerals Local Plan STA Stage 1 part 2.
- BD03 Derbyshire & Derby Minerals Local Plan STA Stage 1 part 3.
- BD04 Derbyshire & Derby Minerals Local Plan STA Stage 2.
- BD05 DtC Introduction and Overview 2024.
- BD06 Equalities Impact Assessment.
- BD07 Health Impact Assessment.
- BD08 Heritage Impact Screening of Suggested Sites.
- BD09 Mapping Environmentally Sensitive Areas Methodology.
- BD10 Sand and Gravel Site Assessment Methodology.
- BD11 Sand and Gravel Site Assessments.
- BD12 LAA 2023.

6.3 Background Papers

- BP01 2.0 Spatial Overview Background Paper.
- BP02 5.0 Climate Change Background Paper.
- BP03 6.1 Recycled and Secondary Aggregate Background Paper.
- BP04 6.2 Sand and Gravel Background Paper with 2021 base date.
- BP05 6.2 Sand and Gravel Background Paper with 2022 data.
- BP06 6.3 Crushed Rock for Aggregate Background Paper with 2021 base date.
- BP07 6.3 Crushed Rock for Aggregate Background Paper with 2022 data.

BP08 7.1 Building Stone Background Paper.
BP09 7.2a Industrial Limestone Background Paper.
BP10 7.2b Cement Background Paper.
BP11 7.3 Brickclay and Fireclay Background Paper.
BP12 7.4 Vein Minerals Background Paper.
BP13 8.1 Coal and Colliery Spoil Background Paper.
BP14 8.2 Conventional Oil and Gas Background Paper.
BP15 8.2 Gas from Coal Background Paper.
BP16 8.2 Unconventional Gas - Shale Gas Background Paper.
BP17 9.1 Mineral Safeguarding Background Paper.
BP18 9.2 Infrastructure Safeguarding Background Paper.
BP19 11.0 Cumulative Impacts Background Paper.

6.4 Development Papers

DP01 3.0 Vision and Objectives.
DP02 4.0 Sustainable Minerals Development & 5.0 Climate Change.
DP03 6.1 Recycled and Secondary Aggregates Development Paper.
DP04 6.2 Sand and Gravel Development Paper.
DP05 6.3 Aggregate Crushed Rock Development Paper.
DP06 6.4 Peak Park Development Paper.
DP07 7.1 Building Stone Development Paper.
DP08 7.2 Industrial Limestone Development Paper.
DP09 7.3 Brick Clay and Fireclay Development Paper.
DP10 7.4 Vein Minerals Development Paper.
DP11 8.1 Coal and Colliery Spoil Disposal Development Paper.
DP12 8.2 Hydrocarbons Development Paper.
DP13 9.1 Safeguarding Mineral Resources Development Paper.
DP14 9.2 Mineral Related Infrastructure Development Paper.
DP15 10.0 Trent Valley Development Paper.
DP16 11.0 Development Management Development Paper.

7 Appendices

- 7.1 Appendix 1 – Implications.
- 7.2 Appendix 2 – Derbyshire and Derby Minerals Local Plan – Plan Area.
- 7.3 Appendix 3 – Proposed Site Allocations.
- 7.4 Appendix 4: Derbyshire and Derby Minerals Local Plan – Pre-Submission Draft Plan 2023 – Issues Raised.
- 7.5 Appendix 5 – Submission Documents.

8 Recommendation

That Council:

- a) Approves the submission of the Derbyshire and Derby Joint Minerals Local Plan to the Secretary of State for Housing, Communities and Local Government and to accelerate preparation for the resulting examination in public.

9 Reason for Recommendation

- 9.1 It is a statutory requirement for every local planning authority to prepare and submit a relevant and sound Local Plan for consideration by the Planning Inspectorate, prior to adoption. Such a local plan sets the land use policies to guide development over the long term.

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Implications

Financial

- 1.1 The costs of preparing the Minerals Local Plan and taking the Plan forward through the Examination in Public, will be met from a specific reserve set up for this piece of work. This value of this reserve is currently £77,879.
- 1.2 If the costs of this piece of work exceed the funds in the reserve the additional costs will need to be met from the Planning Services revenue budget.
- 1.3 Derby City Council also has its own budgets for preparation and submission of the Plan.

Legal

- 2.1 The Local Plan has been prepared in the context of the provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) Regulations 2012.

Human Resources

- 3.1 The main HR implications for the Council will be officer time to prepare all the necessary documentation for submission of the Plan and then for officers to appear at the Examination in Public as expert witnesses to present the County Council's position and case.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 An Equalities Impact Assessment (EIA) has been prepared to support the preparation of the DDMLP, which is required by the Town and Country Planning (Local Planning) Regulations 2012. The EIA will be submitted to the Secretary of State, when the Plan is submitted.

Corporate objectives and priorities for change

- 6.1 The Local Plan contributes to the following Council Plan Refresh 2024-25 Strategic Objectives:

Outcome 2 - Happy, safe, and healthy people, with solid networks of support, who feel in control of their personal circumstances and aspirations.

Outcome 3 - A strong, diverse, and clean economy which makes the most of Derbyshire's rich assets and provides meaningful opportunities for local people to achieve their full potential

13. Support continued and sustainable growth in the Derbyshire economy.

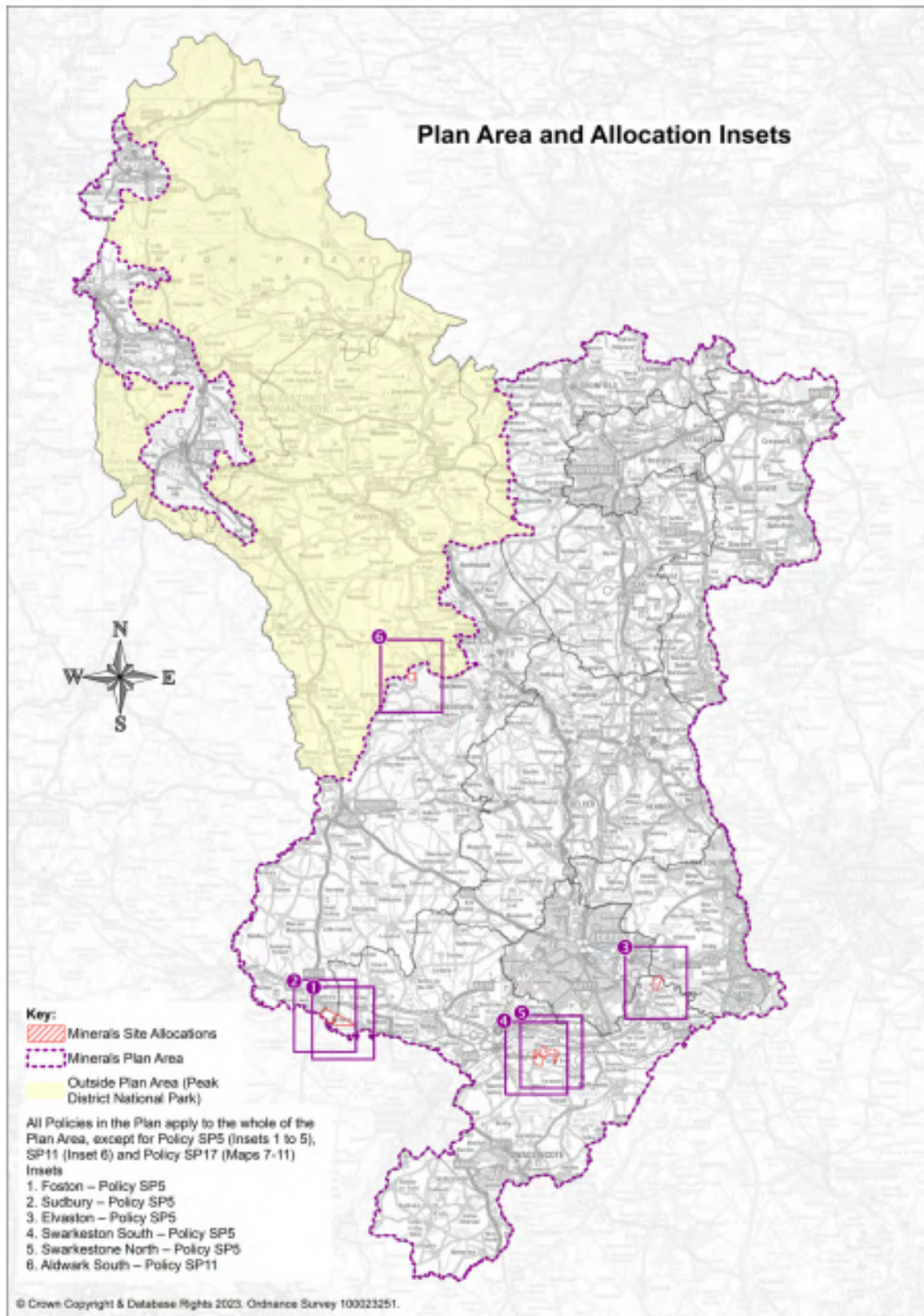
15. Develop and deliver a strategic approach to sustainable travel and integrated transport across the county.

Outcome 4 - Great places to live, work and visit with high performing schools, diverse cultural opportunities, transport connections that keep things moving and a healthy and sustainable environment for all.

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

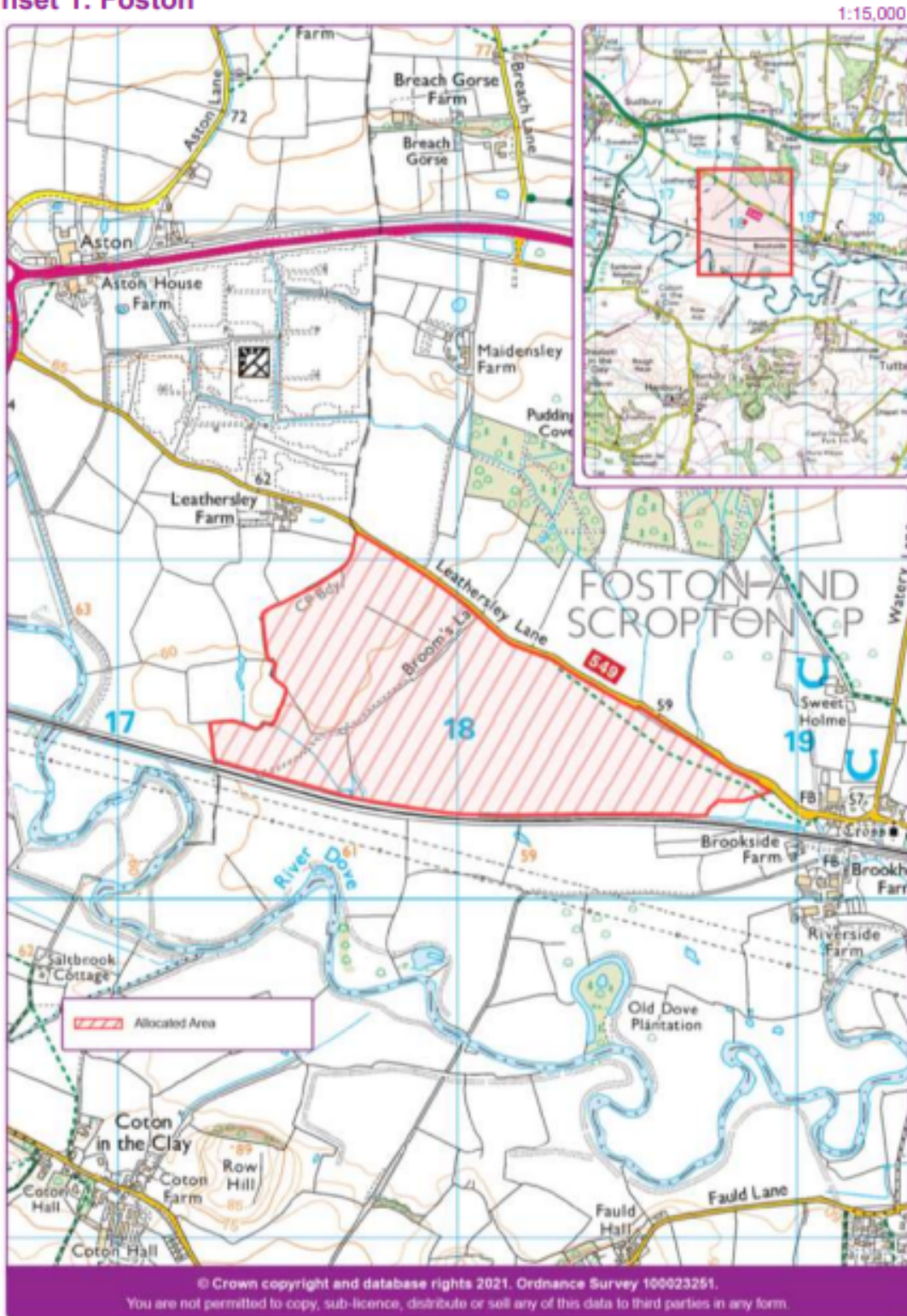
7.1 None.

Local Plan Area



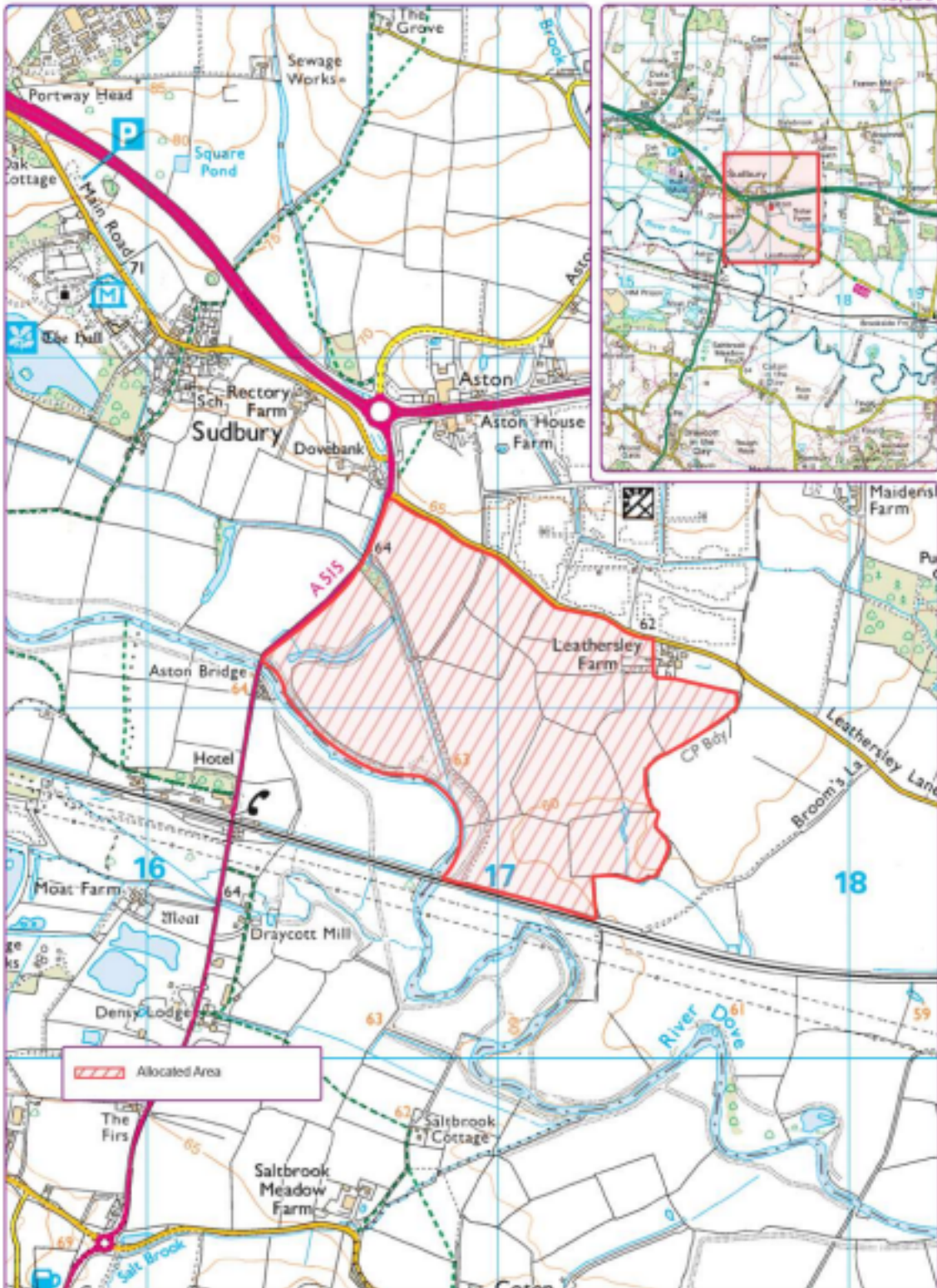
Site Allocations Sand and Gravel Allocations

Inset 1: Foston



Inset 2: Sudbury

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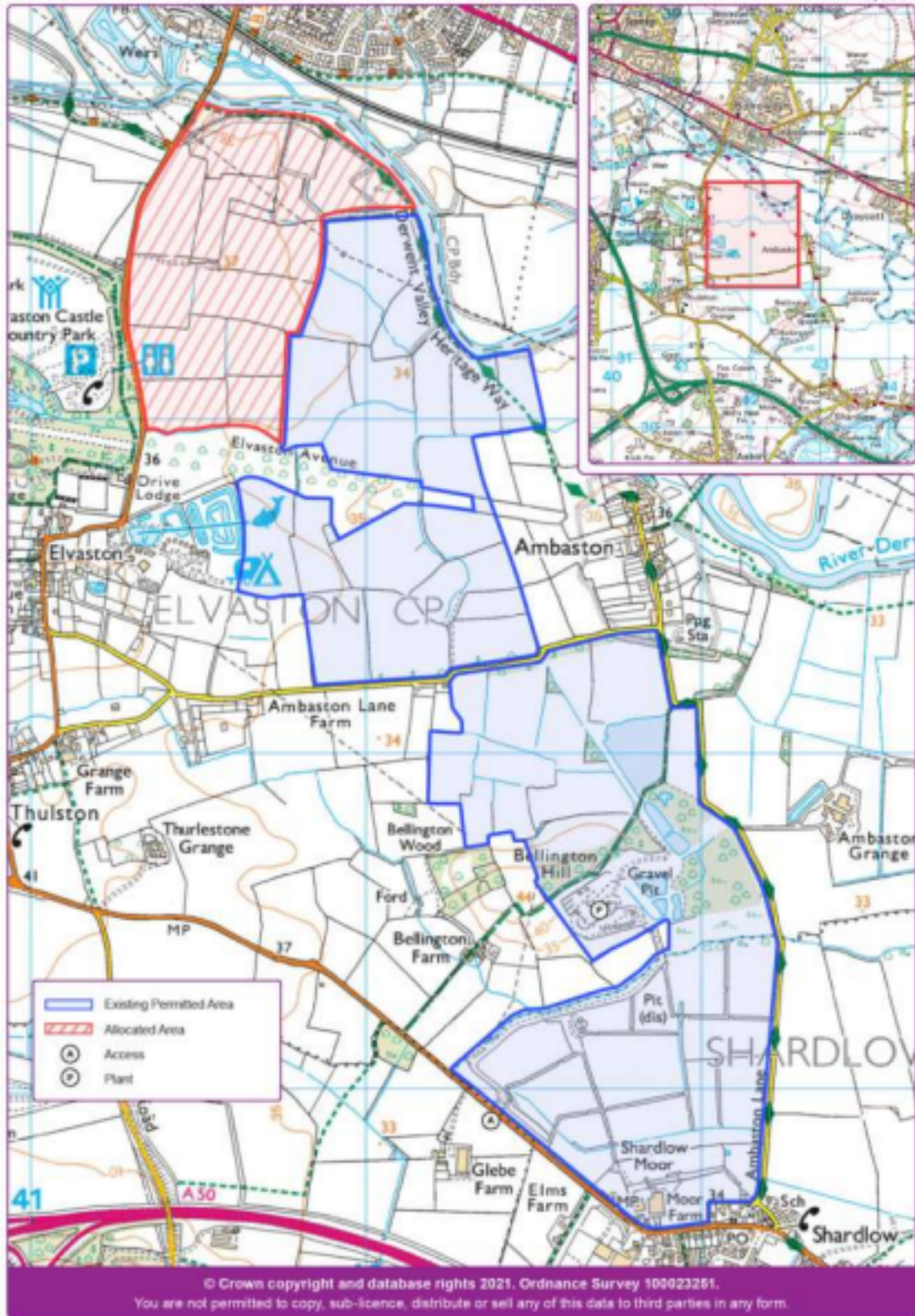


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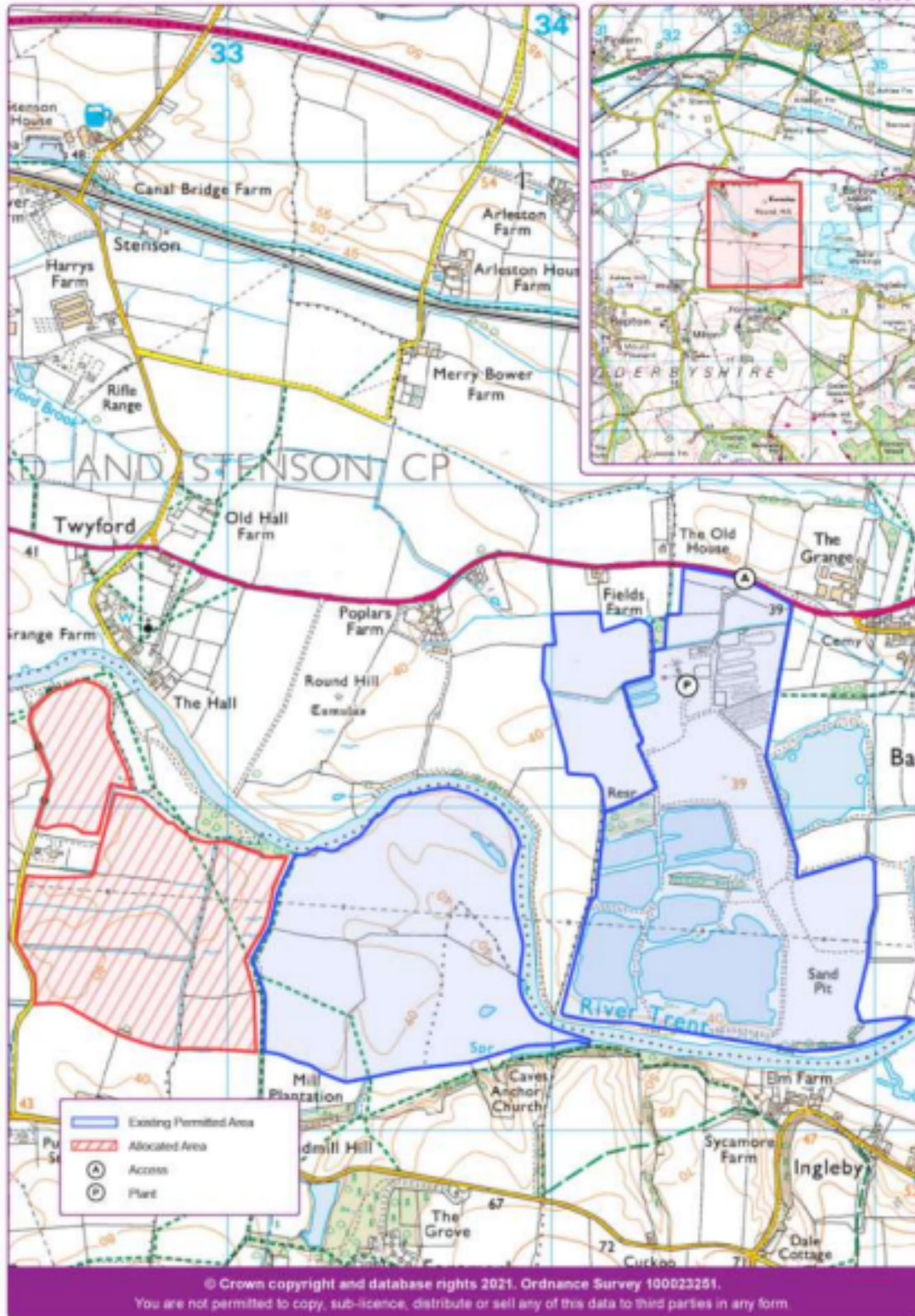
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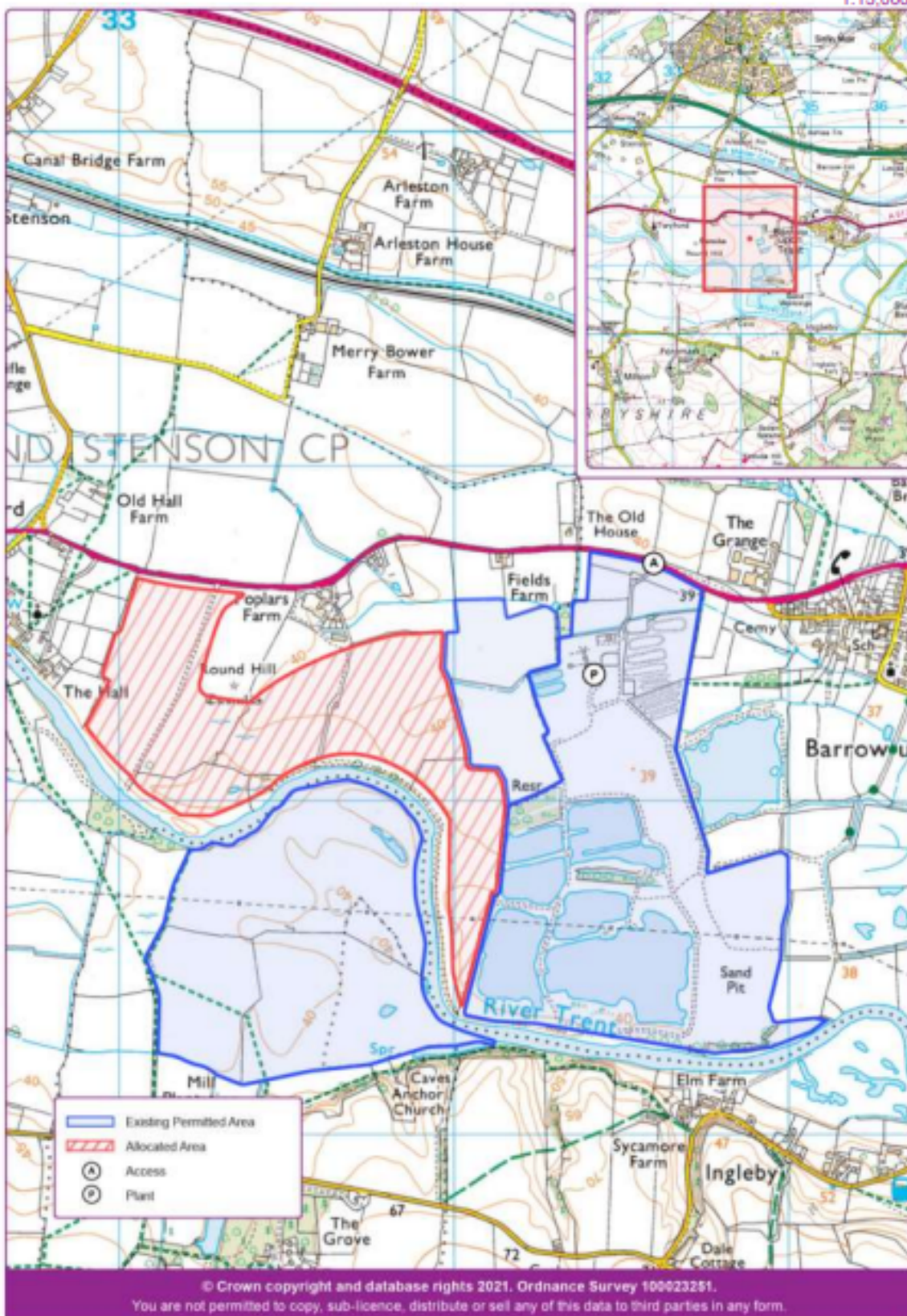
Inset 4: Swarkestone South

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Inset 5: Swarkestone North

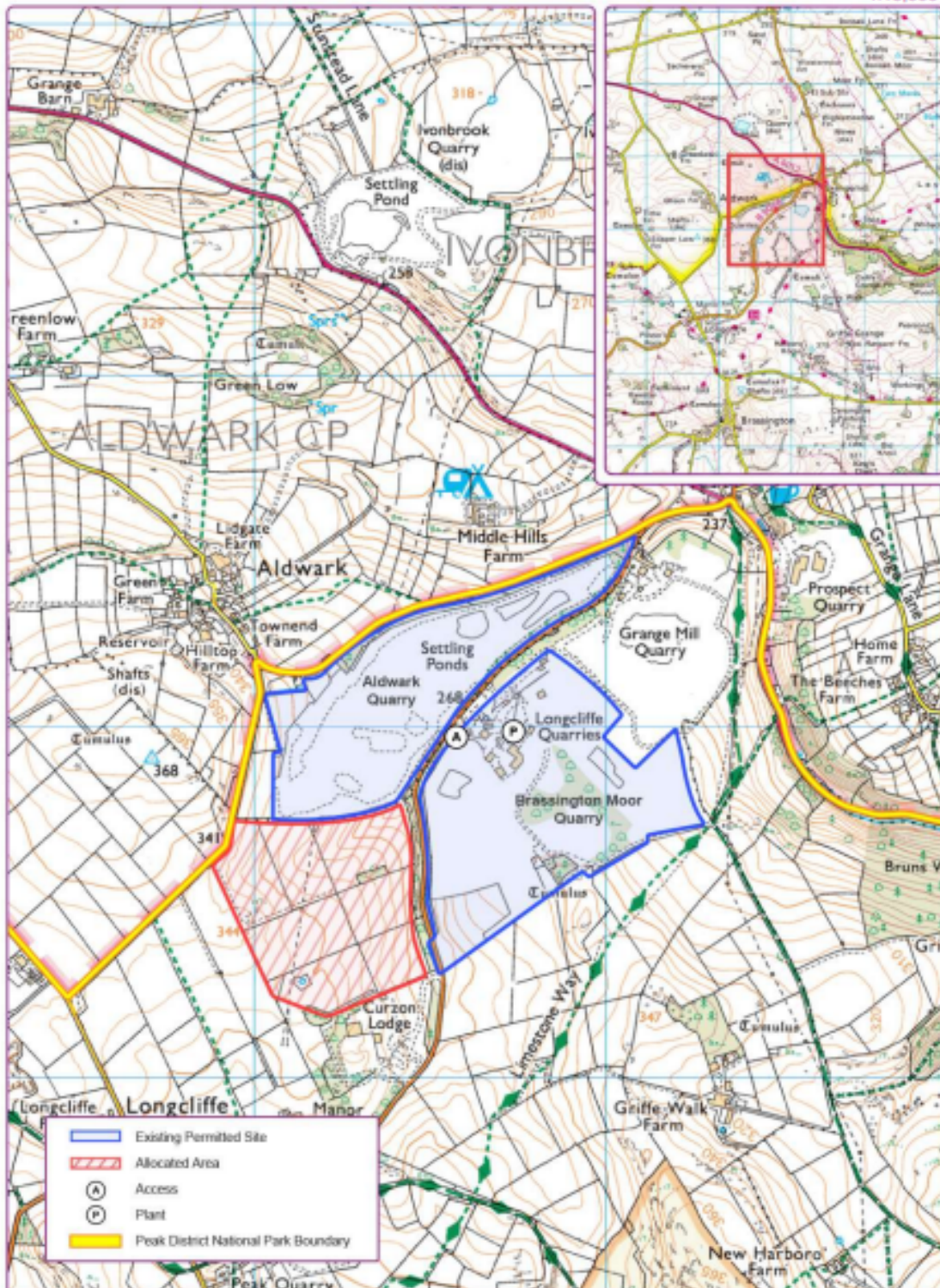
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Industrial Limestone Allocation

Inset 6: Aldwark South

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Derbyshire and Derby Minerals Local Plan - Pre-Submission Draft Plan 2023 – Issues Raised

412 representations were received to the Pre-Submission Draft Plan from 50 organisations/individuals.

These are the main issues where objectors have raised the issue of soundness.

Vision and Objectives

- Mineral operators objected to the principle of providing a compensatory supply of mineral from the Plan area to support a ‘managed retreat’ of mineral extraction from the PDNP.
- Mineral operators objected to the objective supporting the prudent use of mineral and other natural resources.
- Mineral operators requested the positive aspects of mineral extraction on climate change should be added to the objective.
- Historic England requested a separate objective for the protection of the historic environment.

Sustainable Minerals Development

- Mineral operators requested removal of the reference to compensatory supply of aggregates to PDNP.
- Mineral operators requested removal of the reference to the prudent use of mineral and other natural resources.
- Historic England requested a separate criterion for the protection of the historic environment and how this issue would be addressed in the strategic approach to restoration in the River Valleys
- There should be no requirement to provide more than the mandatory minimum 10% Biodiversity Net Gain.

Climate Change

- The Climate Change policy should be altered to reflect that scope 3 emissions should be taken into account where they are related to whether the emissions were sufficiently connected to the proposed development.

- The Climate Change policy should be strengthened so that Policy SP2 requires an assessment of Scope 3 emissions to be required in principle for coal and oil and gas proposals.

- The Climate Change policy should not allow for carbon offsetting.
- The Plan should be more robust in requiring mineral operators to transport mineral by rail.

The Supply of Aggregates

- A number of action groups consider that the mineral provision figures are too high, as it is likely that demand for primary minerals will be lower in future as a result of alternative more environmentally friendly construction techniques linked to the need to tackle climate change. They consider that an alternative method for predicting future need should be developed.

The Supply of Sand and Gravel

- The Mineral Products Association considers that the LAA is deficient in its forecast of future demand for minerals (in terms of future housing and infrastructure) and consequently the provision figures presented in the draft Plan are also at fault. The provision figures are considered to be too low and further allocations may be required.
- South Derbyshire DC objects to the allocation of more sites than are needed to meet the need for sand and gravel over the plan period based upon a forecast using the most recent annual average sales data in accordance with the National Planning Policy Framework (NPPF).

Foston and Sudbury

- Three individuals object to the proposed allocated sites at Foston and Sudbury with regards to potential for increased flooding, impact of HGVs on unsuitable roads and impact on amenity.
- CPRE also objects to the sites on the grounds of resulting loss of natural quiet areas.
- Nestle UK objects to the continued inclusion of the sites because of the perceived potential increased risk of flooding downstream at its Hatton factory. It states that a more thorough rigorous assessment of flood risk should be undertaken at this stage rather than being left until the EIA for a planning application. Also suggest that that there is an over allocation of sites therefore these two sites are not required at this stage.

- SDDC objects to the sites on the basis that there has to date been no investigation as to whether the working of minerals on these sites, either individually or in combination, could lead to an increase in flood risk in the Lower Dove Valley. Any flooding could have a potential detrimental impact on considerable economic interests in the area as well as communities. Furthermore, the absence of flood risk evidence at the allocation stage means that any assessment to be submitted in support of subsequent planning applications that shows unacceptable adverse impacts may potentially lead to refusal. The sites cannot therefore be relied upon to contribute toward meeting sand and gravel needs over the plan period.
- Historic England considers that the impact on the historic environment (archaeology and surrounding environment) would be too great to justify the sites being worked even given the inclusion of the Principal Planning Requirements (PPRs) which seek to mitigate impacts.
- National Trust considers that the two sites should be worked as one to help minimise the impacts. Also suggest that the PPRs should refer to an assessment being required for noise, dust and visual impact on Sudbury Hall and Gardens.
- Marchington PC does not consider that the assessment of Sudbury has been sufficient to justify the inclusion of the site.
- Network Rail suggest the allocations are unsound because the PPRs do not refer to the protection of adjoining rail infrastructure.
- Staffordshire County Council suggests minor amendments to the PPRs for Sudbury and Foston to make reference to the visual impact on Staffs as well as the highway impact. SCC should be engaged in highway discussions re the two sites.
- Hanson is concerned that the PPRs for Foston are too onerous at this stage in terms of the timings, siting of plant and restoration requirements for the site.

Elvaston

- Historic England objects to this site because of the potential impact on the setting of Elvaston Castle and Gardens.
- Two individuals object to the site on the grounds of potential increase in flooding and impact on the amenity of the area.

Swarkestone North

- Historic England calls for this site to not be allocated because of the potential harm to historic assets both within and close to the site.

Swarkestone South

- Historic England calls for the northern part of the site closest to Twyford to be removed because of the impact on the heritage assets here.

The Supply of Aggregate Crushed Rock

- Breedon calls for higher rates of aggregate crushed rock provision, making the point that sales of aggregate crushed rock have exceeded the provision rate for a number of recent years.
- The Mineral Products Association expresses concern over the lack of forecasting in the LAA and therefore possible under provision.
- Tarmac considers that the proportion of aggregate from active operations is not clear nor is the portrait of how they will be worked and where reserves may become exhausted or require extensions over the Plan period. A number of quarries have permitted reserves that are effectively sterilised by a 2042 end date. This 2042 end date of permissions has implications therefore for what would be the available permitted landbank of reserves at 2038.

Reducing Quarrying in the Peak Park

- The Mineral Products Association continues to object to this policy on the grounds that such an approach is not supported by the NPPF.
- Breedon expresses caution over the policy. Compensating for the loss of this supply will be a major strategic matter requiring a significant strategy which should be measured against other metrics through an appropriate environmental assessment.
- Tarmac objects to the policy as being unsound as it is their view that it does not comply with NPPF.
- The reasoned justification should be altered to reflect the PDNPA Core Strategy MIN1 wording 'exceptional circumstances' rather than 'exceptional need'.

The Supply of Building Stone

- The Mineral Products Association objects to the policy approach which seeks to restrict the supply of building stone to local markets. Building

stone use should not only be restricted to repairs but open to new build markets as well.

The Supply of Industrial Limestone

- The Mineral Products Association objects to the reference to ‘supportive landowners’ in relation to the allocation of sites. Mineral rights may be owned by mineral companies and extraction may not always have the support of landowners/tenants.
- The Mineral Products Association objects to the policy approach of restricted use of industrial limestone to industrial markets by the use of planning conditions/obligations.

The Supply of Fossil Fuels

- Individuals and action groups objected to allowing the extraction of fossil fuels in view of the impacts on climate change.

The Supply of Coal

- Chesterfield BC object to the plan wide criteria-based approach to coal extraction suggested that to meet the soundness test of consistency with the NPPF the Plan should indicate any areas where coal extraction and the disposal of colliery waste may be acceptable.

Mineral Safeguarding

Chesterfield Borough provided three comments as follows:

- Mineral safeguarding areas for Surface Coal should not include built up areas and allocated sites. The blanket approach to the designation of urban areas may be difficult for local authorities to operate in practice.
- The policy approach should also take account of the presumption against coal extraction and that a Mineral Resource Assessment should not be required for coal unless the applicant is seeking to justify extraction for sustainability reasons.
- Attention is drawn to the fact that the Coal Authority states that there is now no legislative basis for safeguarding surface coal resources and therefore no longer ask for this.

Safeguarding Mineral Related Infrastructure

Chesterfield Borough provided three comments as follows:

- It remains unclear how this policy would work in practice. As applications for alternative uses of these sites are likely to be submitted predominantly to district and borough planning authorities (outside of Derby) it will rely in these being picked up at the district/borough level and the policies of the Minerals Local Plan being applied by the LPA. The policy does not set out how such applications would be identified or what matters should be taken into account in terms of ensuring minerals related infrastructure is safeguarded.
- It is unclear how the 250m buffer has been identified or why such a significant buffer is necessary. Consider that this is likely to be excessive, particularly within urban areas.
- As worded, the policy states that “Should the facility be removed during the course of the Plan period or it can be proved that is no longer required, this will be taken into account when considering a proposal on or in the vicinity of the facility”. It is unclear how this approach would work in practice.

Restoration of Sand and Gravel Sites in the River Valleys

- No significant issues have been raised by consultees. Some wording changes have been suggested by SDDC to help strengthen the policy.
- Although not submitted as a representation to the Plan, the Council’s Landscape Team has expressed reservations about the policy for a number of reasons and has offered alternative wording to address their concerns.

Development Management

- The Mineral Product Association object to Criteria for assessing the benefits of Mineral Development Proposals policy DM2 in relation to the relinquishment of permitted reserves in sensitive areas.
- Network Rail consider that the Transport Policy DM3 should emphasise the need to take into account the impact of mineral traffic on the highway network including low bridges and level crossings.
- The Mineral Products Association object to the Biodiversity and Geodiversity Policy DM5 in relation to the requirement to seek more than the minimum 10% Biodiversity Net Gain from mineral sites.

- Chesterfield BC object to the Biodiversity and Geodiversity Policy DM5 suggesting that the policy should seek a 'Measurable Net Gain' in biodiversity, rather than merely seeking to “demonstrate that significant harm to biodiversity and/or geodiversity can be avoided”
- Historic England object to clauses i,ii,iii of the Historic Environment and Archaeology Policy DM7 because the policy does not relate to the protection of heritage assets in the first instance and then that harm should be exceptional/wholly exceptional but instead discusses the need for public benefits to outweigh potential harm which is not compliant with the NPPF.
- Marchington PC object to the Water Management and Flood Risk Policy DM8 in relation to its application to the Sudbury site.
- Chesterfield BC objects to DM16 Planning Obligations considering that the policy just repeats the legal tests set out in Community Infrastructure Regulations.

Appendix A Principal Planning Requirements

- National Trust consider that the Requirements set out at Appendix A should be included in the Reasoned Justification for the Site Allocations Policy at Chapter 6.2.
- **Foston** – Historic England object to the water-based restoration scheme proposed in view of the highly sensitive historic landscape and setting of Tutbury Castle.
- **Foston** – Hanson object to limiting the site extraction to eight years at this pre-application stage.
- **Foston** – Hanson consider the location of the processing plant should be a matter for the planning application to determine.
- **Foston** – Hanson object to the requirement that the site should be restored to dry after-uses.
- **Sudbury** – Historic England objects to the approach that water-based restoration may be most appropriate in view of impacts on the historic landscape.
- **Sudbury** – Marchington Parish Council objects to the planned restoration as it is too vague and includes no information as to how it will be achieved.

- **Sudbury** – Network Rail requires that there should be a reference to the need for a buffer zone to protect the adjoining railway infrastructure.
- **Swarkestone North** – Historic England objects to the planned restoration for this site in view of the historic landscape. Restoration needs to adopt a holistic approach to the whole river valley area.
- **Swarkestone South** – Historic England objects to the planned restoration for this site in view of the historic landscape. Restoration needs to adopt a holistic approach to the whole river valley area.
- **Elvaston** – Historic England objects to the allocation of this site in view of the harm to Elvaston Castle and Gardens and associated heritage assets.
- **Aldwark South** – Historic England objects to non-inclusion of information in the Heritage Impact Assessment in the Principal Planning Requirements relating to the level of harm to surrounding heritage assets.

Strategic Flood Risk Assessment

- **Sudbury** – Marchington Parish Council considers that the National Highways Flooding Map (within the SFRA) does not properly reflect the flooding that occurs on the Sudbury site.

Submission Documents

- The Regulation 19 Pre-Submission Local Plan
- A submission policies map if the adoption of the local plan would result in changes to the adopted policies map;
- The sustainability appraisal report;
- A statement setting out:
 - ○ who was invited to make representations on the plan at Regulation 18 consultation stage, how those representations were invited, a summary of the main issues raised, and how the representations were taken into account; and
 - the number of representations made under Regulation 20 (in response to consultation at Regulation 19 stage) and a summary of the main issues raised;
- Copies of all representations made under Regulation 20 (in response to consultation at Regulation 19 stage); and
- Such supporting documents which the LPA consider are relevant to the preparation of the plan (these will include the evidence base) (The supporting documents must also be published alongside the plan at Regulation 19 consultation stage).