

COUNCIL CABINET 15 February 2023

Minute Extract

Key Decision

173/22 Derby and Derbyshire Minerals Local Plan – Approval of Plan for Formal Consultation and Submission for Examination

The Council Cabinet considered a report which stated that Derby City and Derbyshire County Councils had been working jointly to prepare a new Minerals Local Plan (MLP) for the geographical County of Derbyshire, excluding the Peak District National Park. This would replace the existing MLP adopted in 2000 and amended in 2002.

A great deal of consultation had been carried out in formulating the plan to date, culminating in consultation on a full draft plan in March/April 2022. 3,560 representations from 463 separate individuals and organisations were received on this, although nearly 3,000 of these were the same letter seeking a more robust approach to addressing climate change, fossil fuels and fracking. Changes to the plan were recommended to address these concerns, whilst ensuring that it remained consistent with national policy. A document highlighting the main objections and supporting comments was attached as Appendix 3 to the report.

The next stage of the plan preparation process was to formally Publish what the two Councils consider to be the final version of the Plan and then to Submit this to the Secretary of State for Levelling Up, Housing and Communities for Examination by an independent Planning Inspector. If that Inspector finds the Plan to be Sound (usually requiring a number of modifications) he or she will direct the Councils to adopt it.

It was intended to Publish in February this year. This Publication Plan (Appendices 1 & 2) would be consulted on for eight weeks, extending into early April and so slightly into the pre-election period. Regulations then required the Plan to be Submitted to the Secretary of State, together with any representations made on it, usually without the need for further Council Cabinet/Council authorisation. For this reason, approval was sought for both Publication and Submission stages, but retaining the option to report back to Council Cabinet in between the two if representations raised significant new issues.

Submission of the Plan automatically triggered the Examination process, which was conducted by an independent Planning Inspector. The timetable for Examination hearings was set by the Planning Inspectorate and dependent on the availability of Inspectors, but it was hoped that these would take place towards the end of 2023 or early 2024. This would indicate that the Plan could be adopted by late 2024. In considering evidence at the hearings, Inspectors would often ask officers if they

could accept various modifications to the plan. Authority was therefore sought for officers to offer minor changes where these would help the Inspector to move the Examination forwards.

Given the Publication Plan was what the two Councils considered to be a final plan rather than a draft, the report would need to be referred to Council for authorisation.

A number of technical and background papers were given in that section of the report. A Sustainability Appraisal, Climate Impact Appraisal and Equalities Impact Assessment were also appended.

The Executive Scrutiny Board noted the report.

Options considered

Alternative options had been identified and considered as part of the plan making process and through previous consultations.

Decision

1. To note the Report of Representations document, including recommended changes to the draft plan, attached as Appendix 3 to the report.
2. To approve the Derbyshire and Derby Minerals Local Plan attached as Appendices 1 & 2 to the report and to authorise the Strategic Director of Communities and Place, together with the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport to make minor changes to it in order to finalise it for Publication.
3. To approve that the Plan, together with any relevant background and supporting documents, is published in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and that a consultation is held on it for a period of eight weeks.
4. Provided that no significant issues emerge through the consultation on the Publication Plan, to authorise the Strategic Director of Communities and Place, together with the Cabinet Member for Regeneration, Decarbonisation, Strategic Planning and Transport to Submit the Plan for formal Examination and to make minor changes to it where necessary.
5. To authorise officers to offer minor modifications to the Examining Inspector for his or her consideration.
6. To refer this report to Council.

Reasons

1. To consider a summary of the comments made on the draft plan and the main changes being recommended as a result of these.

2. To enable the Publication of the Plan and Policies Map.
3. To enable Publication of the Plan provided no new significant issues are raised that would need to be referred back to Council Cabinet/Council.
4. To enable officers to quickly address issues of concern raised by the Inspector and allow for an efficient Examination process.
5. To authorise the Publication Plan.

MINUTES END