



DERBY CITY COUNCIL

COUNCIL CABINET
31 JULY 2007

ITEM 11

Cabinet Member for Planning and Transportation

Joint Minerals Aggregates Sites Development Plan Document (DPD) Preferred Options Consultation

SUMMARY

1. The report sets out the steps that have been taken to prepare a joint Minerals Aggregates sites Development Plan Document for the City and County, summarises the Preferred Options version, the proposals for consultation on it and seeks authority to undertake the consultation.

RECOMMENDATION

2. To approve the Preferred Option version of the Joint Minerals Aggregates Sites Development Plan Document and its Sustainability Appraisal for consultation and to authorise that consultation as outlined in this report.

REASON FOR RECOMMENDATION

3. To enable the consultation on the preferred option of the Development Plan Document (DPD) to be undertaken in accordance with the legislation.



Joint Minerals Aggregates Sites Development Plan Document (DPD) Preferred Options Consultation

SUPPORTING INFORMATION

Why we are preparing the Plan

- 1.1 The Government has recently introduced new national guidance on the provision of aggregates (Minerals Policy Statement (MPS) 1). This has meant that the existing planning policies for aggregate minerals in Derbyshire (in the adopted joint Minerals Local Plan) need to be up-dated. We must, therefore, prepare a new plan to say how, and from where, these minerals should be supplied in Derbyshire – up to 2019 and beyond.

The Minerals and Waste Development Framework and the Minerals Sites DPD

- 1.2 As minerals and waste planning authorities for Derby and Derbyshire, (excluding the Peak District National Park), Derbyshire County Council and the City of Derby are jointly responsible for producing a Minerals and Waste Development Framework (MWDF) which sets out policies for dealing with planning applications for mineral and waste developments.
- 1.3 The Derby and Derbyshire Minerals Local Plan was adopted in 2000 and updated in 2002 in relation to coal policies. The “saved” policies in this Plan will continue to be part of the MWDF and will serve as “core strategies” (the overarching policies to guide planning applications) for these plans until new core strategies can be produced.
- 1.4 Since 2005 the City and County Councils, as Mineral Planning Authorities, have been jointly engaged in preparing a Minerals Site Allocations Development Plan Document (DPD) for Derby and Derbyshire. This Plan will identify sites that are suitable for aggregate quarrying up to 2019. The version before Members now is the “Preferred Option” of the DPD.

Consultation

- 1.5 In 2005 we consulted widely inviting suggestions for new sites for making provision for aggregate mineral production. That was the first stage in the preparation of the DPD.

- 1.6 Last year (2006) we consulted on a document which set out calculations and assumptions for deciding how much additional provision needs to be made for the extraction of aggregates in Derbyshire and how we will choose which new sites should be identified to make that provision. It set out the issues and options we needed to consider and put forward for comment a series of sites which might be suitable for aggregate production.
- 1.7 We have considered all the comments made in these two previous consultation exercises. In this current document we have set out our “preferred option” for the Aggregates Development Plan Document (DPD) which shows the sites that we consider should be allocated for aggregate mineral extraction, the alternatives we considered and why these were rejected, and a number of other draft policies that we consider should be in the final DPD.
- 1.8 We are now seeking views on our “preferred options” of the DPD and we will write to all people who have expressed an interest in minerals issues. All statutory consultees and parish councils with a proposed site in their area will also automatically be consulted.
- 1.9 We have produced a questionnaire that will be used to obtain people’s comments on the document. This will be available to be completed and submitted to us either electronically or manually.
- 1.10 In addition, we will make copies of the consultation document and questionnaire available for inspection:
- on the Derby City Council and County Council web sites
 - at city, county and district planning offices
 - in local libraries throughout the city and county.

Additional copies of all the documents will be available on request.

- 1.11 We will also issue a press release to local newspapers, and publish articles in Council magazines and newspapers.
- 1.12 When we have considered representations made about the document, we will consider revisions to it. There will then be a consultation, when we submit the plan to the Secretary of State in 2008. Finally, an inspector will conduct an examination in public in 2009, whose report and recommendations will be ones the Councils will be legally bound to accept.

Summary of the Preferred Options DPD

The need for more sites

1.13 We firstly considered the scale of need for new extraction of aggregate minerals and concluded that for;

- **Sand and gravel** – taking account of the scale and location of existing permitted reserves, we estimate that we need to find sites for about an additional 10 million tonnes of sand and gravel to make provision up to 2019.
- **Crushed rock** – given the scale of scale and location of existing permitted reserves we consider that there is no need to find any more sites for crushed rock in the new plan. Our preferred policy is therefore one that would generally resist new proposals.

Where should sand and gravel sites be located?

1.14 When we asked people to put forward sites for sand and gravel working, around 20 were suggested in the following areas of the County;

- on Sherwood Sandstones (around Mercaston)
- in River valleys to the east of Hilton
- in River valleys to the west of Hilton

How have we chosen the preferred sites?

1.15 We have now evaluated all the sites taking into account all the comments that we received during our consultation process. We have focussed on what the plan needs to achieve and have assessed:

- whether the site would contribute to the required amount of mineral being produced at the right annual rate.
- whether the development would help make the best use of the minerals and of existing infrastructure.
- which sites would result in the least impact, particularly on the quality of people's lives,
- which sites would be least affected by the need to protect their natural and built heritage qualities
- which sites would provide the most environmental, social or economic benefits when they were reclaimed

Preferred Sites

1.16 We concluded from the evaluation process that, of the three strategic areas, there were more factors that favoured sites east of Hilton. All the preferred sites that we identified and propose for quarrying lie within this area, at:

- Attenborough, Long Eaton
- Elvaston
- Shardlow
- Swarkestone and
- Willington

Preferred Policies

1.17 As well as finding sites for aggregates provision the document needs to set out policies which would guide the planning consideration of other development proposals:

- **Crushed Rock.** At present there are planning permissions to extract more than sufficient crushed rock in Derbyshire for the foreseeable future so our preferred policy would permit development that would achieve net sustainability benefits while, at the same time, resulting in a net reduction of planning permissions through the voluntary relinquishment of permissions by the mineral company.
- **Sherwood Sandstones.** The evaluation process concluded that of the three strategic areas considered for accommodating future sites, the area of the Sherwood Sandstones was the least preferred, the preferred policy in this area is to maintain a general presumption against working except where it would involve an extension to an existing site and would result in net sustainability benefits without significantly increasing the overall level of permitted reserves.
- **Secondary and Recycled minerals.** Recycled aggregates are made from waste, either from the building industry or from other mineral workings. The use of recycled minerals reduces the need for new crushed rock, sand and gravel and so the Government would like to see more of these used. So, our preferred policy for guiding the planning consideration of any proposals that do come forward will:
 - encourage the development of recycled materials as long as it doesn't damage the environment and
 - ensure that tips – where they have been satisfactorily reclaimed or regenerated – will not be opened up again.

The Sustainability Appraisal

- 1.18 Legislation requires that all development plans are now subject to requirements for a Strategic Environmental Assessment (SEA) and a Sustainability Appraisal (SA). The SEA Directive requires an **environmental** assessment of plans and programmes that fall within its scope, whereas the Planning and Compulsory Purchase Act 2004 imposes a more general duty to undertake a sustainability appraisal of plans covering economic, **environmental and social considerations**, the three cornerstones of sustainability.
- 1.19 The objective of SEA, as defined in the Government guidance on SEA ("SEA Guidance") is *'to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans... with a view to promoting sustainable development'*
- 1.20 The SA which is published with the Preferred Options DPD sets out appraisals of the considered effects of the allocations and policies. It generally agrees with the assessments of the authorities. It shows that for the allocations and policies the effects are generally positive against the SA objectives. It also suggests mitigation for adverse effects and how the sustainability effects can be monitored. These will be taken into account by the two Councils.

The Soundness Test

- 1.21 Under the new planning system authorities are now also required to show that their plans are "sound", namely that it is a plan that shows that it has been properly prepared and so it can be trusted to guide development. There are nine matters set out as tests of soundness in PPS12 under the headings of "procedural", "conformity" and "coherence, consistency and effectiveness". These are matters which the Inspector considering the final preferred option of the plan in its examination will look at. Against these tests we consider that this DPD is as "sound" as it reasonably can be in the circumstances and have explained why in the Preferred Options Document.

OTHER OPTIONS CONSIDERED

2. As set out in the Preferred Options report

For more information contact:	David Slinger Tel: 01332 256001 e-mail david.slinger@derby.gov.uk
Background papers:	Papers Preferred Options Version of the Minerals aggregate DPD and the
List of appendices:	Sustainability Appraisal Report on the document available on CMIS
	Appendix 1 – Implications

Appendix 1

IMPLICATIONS

Financial

1. Costs of the consultation can be contained within existing budgets.

Legal

2. The DPD and its Sustainability Appraisal are being prepared under the provisions of the Town and Country Planning Act as amended by the Planning and Compensation Act 2004 and their relevant Regulations.

Personnel

3. None.

Equalities impact

4. None.

Corporate Priorities

5. The DPD would take forward the Council priority of “Leading Derby towards a better environment.”