

3 February 2022

ITEM 5

Report sponsor: Director of Planning, Transport
and Engineering

Report author: Spatial Planning Group Manager

Derby & Derbyshire Minerals Local Plan – consultation on draft plan

Purpose

- 1.1 Derby City Council is working with Derbyshire County Council to prepare a new Joint Minerals Local Plan (MLP) for Derby and Derbyshire. A significant amount of work has already been undertaken on the preparation of this, including several consultations which have informed the development of a draft plan. It is now proposed to hold a consultation for a period of 8 weeks, starting in February 2022, on this draft plan. It is intended that this will be worked up into a finalised plan for formal publication later this year and submission for independent Examination in 2023. The draft plan is appended to this report.
- 1.2 The Joint Advisory Committee (JAC), which oversees preparation of the plan, has considered these papers and has resolved to recommend that they are approved by both Authorities as the basis of the consultation. As an Advisory body, the JAC cannot approve this itself.
- 1.3 There are no sites proposed for Mineral working in Derby and for this reason it is proposed to take a light touch approach to consultation in the City itself in line with previous consultations. This will include information on our web site, with a link to the County' site, notification of ward representatives and MPs and notification of key stakeholder groups.

Recommendation

- 2.1 To approve the attached draft Derbyshire and Derby Minerals Local Plan – Proposed Draft Plan for consultation to begin in February 2022.

Reason

- 3.1 To enable a final round of Regulation 18 consultation on the draft Joint Minerals Local Plan to be undertaken prior to producing a formal Plan for Publication prior to Submission for independent Examination.

Supporting information

- 4.1 Derby City Council is the Minerals Planning Authority for the City of Derby and is required by law to prepare a Minerals Local Plan. To this end, DCC has been working with Derbyshire County Council to prepare a Joint Minerals Local Plan (MLP) for Derby and Derbyshire, excluding the Peak District National Park. When adopted, this will replace the existing MLP (adopted in 2000 and amended in 2002). Even though there are no proposals in the emerging plan for the working of minerals sites within Derby City itself, a joint plan will demonstrate that options within the city have been considered and preferential alternatives outside of the city identified instead. It will also provide a suite of policies to guide the determination of planning applications for mineral development and mineral related development should they arise in the City.
- 4.2 The Plan will set out its priorities for delivering sustainable minerals development through its vision and strategic objectives. It will include 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 will set out an overall strategy 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 they will identify specific sites for working.
- 4.3 The preparation of this Plan commenced with a Stakeholder Workshop in 2009. This informed the development of an Issues and Options paper, which was published for consultation in 2010. Focussed consultations on potential site allocations were then held in 2012. A rolling consultation exercise took place between 2015 and 2016, leading to the publication of the Proposed Approach Plan for consultation in 2018. A further consultation on sand and gravel sites was undertaken in 2020. All comments have been taken into account in the development of this Proposed Draft Plan and the aim of this report is to seek authorisation for a consultation on it to begin in February 2022 for a period of 8 weeks.
- 4.4 Strategic priorities, together with the plan's vision and objectives, are set out in Chapter 3. The overarching aim of the Vision is to deliver sustainable minerals development and this is set out in Policy SP1 (Sustainable Development) in Chapter 4. This sets out the high level requirements that development proposals will need to meet in order to deliver sustainable minerals development relevant to the Plan area. All other policies in the Plan add detail to these high level requirements. Policy SP2 (Climate Change) in Chapter 5 requires proposals to incorporate measures to minimise and offset greenhouse gas emissions and assist in the reduction of vulnerability from, and increase resilience to, future impacts of climate change.

- 4.5 Chapters 6 and 7 deal with the supply of sand and gravel, crushed rock, building stone, industrial limestone, brick clay and fireclay and vein minerals. The Plan has insufficient permitted reserves of sand and gravel to maintain the supply of sand and gravel at anticipated levels of production over the Plan period. As a result, it proposes to allocate (identify) five areas of land for additional working at Elvaston (extension), Swarkestone (two extensions) and Foston and Sudbury, both new sites (Policy SP5). The Plan has sufficient permitted reserves of crushed rock (limestone and sandstone) to maintain supply at anticipated levels of production over the Plan period and the supply of industrial minerals will be ensured principally through criteria-based policies. No sites are proposed for minerals working within the city itself, although applications may still arise and would be considered in line with the various criteria-based policies in the plan.
- 4.6 Chapter 8 deals with coal, oil and gas, including criteria-based policies for the extraction of unconventional hydrocarbons through 'hydraulic fracturing', better known as fracking. This was an issue some years ago, and parts of eastern Derby lie within the Bowland-Hodder area, which theoretically contains areas of commercially viable shale gas. However, fracking has proven to be controversial with questions raised over safety and environmental impact. As a result, national policy has strongly moved away from fossil based fuels towards renewable energy and it is now considered to be unlikely that there will be serious attempts made at shale gas exploration, especially underneath major urban areas such as Derby.
- 4.7 Chapter 9 sets out policies for safeguarding mineral resources from development that may prevent future extraction and Chapter 10 sets out policies for the restoration of worked sites in river valleys. One area of interest to the city is the Trent Valley area in South Derbyshire where further sand and gravel extraction is planned, but also where a co-ordinated approach is proposed to restoration to provide future leisure uses and housing, including a new garden village. There is potential to improve links between this area and the Derwent Valley within the City itself (including the World Heritage Site) to provide a new strategic leisure and tourism feature of regional importance.
- 4.8 The February consultation itself will focus on locations outside of the City, reflecting the areas most affected by the Plan. Within the City it is proposed to take a 'light-touch' approach similar to previous consultations. This will include information on our web site, with a link to the County' site, notification of ward representatives and MPs and notification of key stakeholder groups. Consideration is also being given to making a short video, partly to compensate for limitations of physical events due to covid. The consultation itself will not require any funding from the City Council, although we do contribute to the on-going Sustainability Appraisal of the policies and proposals. This is estimated to cost in the region of £5,000 for this stage in plan preparation. Sufficient funds have been identified in the Local Plan Reserve to cover this.

Public/stakeholder engagement

- 5.1 The policies and proposals being considered for consultation have been drawn up following an extensive process of consultation over several years.

Other options

- 6.1 Previous consultations have included alternative options to the range of Minerals Plan issues, policies and proposals to those now proposed for consultation.

Financial and value for money issues

- 7.1 The City Council contributes to the preparation of the Joint Plan and this is funded through the Council's Spatial Planning budget and Local Plan Reserve where necessary.

The City Council's contribution has typically included an element of a Planning Officer time, a payment to Derbyshire County Council for production and printing costs, waived over recent years, and consultants fees to carry out Sustainability Appraisal work. The SA work, which is a statutory requirement, is estimated to cost in the region of £5,000 for this stage of plan preparation and sufficient funds have been identified in the LP Reserve. The consultation itself will not have direct cost implications for the City Council.

Legal implications

- 8.1 The Joint Minerals Local Plan is a statutory plan and will form part of the Council's Development Plan once adopted. The proposed consultation will form the last part of the on-going consultation required as part of the local plan preparation process under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012. The consultation will help finalise the plan next year which will then need to be consulted on under Regulation 19 of the same regulations prior to being submitted for independent Examination.

Climate implications

- 9.1 Although there are no sites proposed for mineral extraction within the City itself, some minerals related traffic may use roads in Derby. The local plan is required by law to include policies designed to ensure that development proposals contribute to the mitigation of, and adaptation to, climate change. Policy SP2 Climate Change requires proposals to incorporate measures to minimise and offset greenhouse gas emissions and assist in the reduction of vulnerability from, and increase resilience to, future impacts of climate change.

Other significant implications

- 10.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Stephen Teasdale	24.12.2021
Finance	Janice Hadfield	12.01.2022
Service Director(s)	Verna Bayliss	19.01.2022
Report sponsor	Andrew Waterhouse	17.01.2022
Other(s)		

Background papers:	Draft Consultation Plan as attached to this report
List of appendices:	