



Derby City Council

**Regeneration and Economy Cabinet
Member Meeting
08 January 2018**

ITEM 5

Report of the Strategic Director of Communities
and Place

Towards a Draft Minerals Local Plan – Winter 2017/18 Consultation

SUMMARY

- 1.1 A significant amount of work has already been undertaken on the preparation of a Joint Minerals Local Plan (MLP) by the City and County Councils. Last year, a series of technical and policy papers on the MLP were consulted on. These covered a wide range of minerals topics, including 'Sand and Gravel', 'Coal', 'Limestone', 'Crushed Rock', 'Building Stone', and 'Hydrocarbons' (including fracking).
- 1.2 From last year's consultation, draft policies have been drawn up for further consultation starting in January this year prior to formal Publication of the Plan and Submission for Examination later in the year.
- 1.3 The Joint Advisory Committee (JAC), which steers the preparation of the Plan, and on which the Cabinet Member sits, was briefed on the consultation last November. Draft consultation papers were circulated to JAC members in December and any comments will be reported at the meeting. As the JAC is an advisory body, formal approval must be made by each Council separately. This report is seeking that approval.
- 1.4 Attention is particularly drawn to draft policies on oil and gas (including fracking) and on restoration of sites in the Trent Valley. Draft policies on these are included in Appendices 3 and 4.

RECOMMENDATION

- 2.1 To approve the consultation 'Towards A Draft Minerals Local Plan' to begin in January 2018, using the circulated consultation papers and any comments made by JAC Members.

REASONS FOR RECOMMENDATION

- 3.1 To enable further 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 and Derbyshire County Councils are working together to prepare a Joint Minerals Local Plan (MLP) and a separate Joint Waste Local Plan (WLP). Both will cover a plan period to 2030 and replace the existing MLP (adopted in 2000 and amended in 2002) and WLP (adopted 2005).
- 4.2 Work to date has focussed on developing and consulting on issues and options for both plans. Last year, a series of technical and policy papers were consulted on for the Minerals Local Plan. These covered a wide range of topics, including 'Sand and Gravel', 'Coal', 'Limestone', 'Crushed Rock', 'Building Stone', and 'Hydrocarbons' (including Fracking).
- 4.3 From last year's consultation, draft policies have been drawn up for further consultation prior to formal Publication of the Plan and Submission for Examination next year. These policies are now set out in a single document Local Plan format with a series of Chapters which generally follow the same topic areas as last year's consultation. The papers have been circulated to members of the Joint Advisory Committee and any comments received will be reported at the meeting.
- 4.4 However, the JAC is an advisory body and so formal approval must be made by each Council separately. This report is seeking that approval.
- 4.5 A draft contents page, setting out the policy areas to be covered, is included as Appendix 2 to this report. The Chapters likely to be of most interest to Derby City members and residents are the ones that cover Hydraulic Fracturing (fracking) and the Trent Valley.
- 4.6 Fracking is dealt with in Chapter 8 – 'Conventional and Unconventional Hydrocarbons and Gas from Coal'. Last year's consultation on the strategy paper generated 32 responses from 17 individuals and organisations. Most of these opposed the principle of further oil and gas extraction, particularly the extraction of shale gas by hydraulic fracturing. However, any attempt to prevent exploration and extraction of these resources would be contrary to national planning policy and would be very likely to result in the Plan failing at Examination. Beyond opposition to the principle of such works, the consultation did not provide much of a steer on what criteria should be included and how it should be structured.
- 4.7 It is therefore proposed to approach hydrocarbon mineral extraction in line with national policy, amended to address known issues raised by hydraulic fracturing and the use of new extraction techniques. It does not seek to identify locations as sufficient information does not currently exist to do this. Neither does it seek to set the amount of provision, as Government guidance is that the volume and mix of energy mineral extraction is a matter for the relevant industries to determine. However, it will seek to ensure that developments which do proceed represent sustainable mineral development and that proposals which would give rise to unacceptable adverse impacts would not be allowed to proceed. To this end, it will set out policies to assess the level of acceptability of individual development proposals. These will be based around the three distinct phases of hydrocarbon development; exploration, appraisal and production.

- 4.8 The consultation will include two policies on oil and gas; MS17, which deals with exploration and assessment, and MS18 which deals with production and ancillary development. A draft version of these is included as Appendix 3 to this report.
- 4.9 Chapter 12 deals with a restoration strategy for the Trent Valley. It seeks to develop a comprehensive approach to the restoration of former mineral extraction sites in the Trent Valley rather than just looking at them on a site by site basis. The County Council has carried out an Environmental Mapping exercise of the area which assessed the relative sensitivity of the river valleys in overall environmental terms. Together with other work and with community consultation, this has led to a draft policy approach which is set out in Policy R2: Restoration of Sand and Gravel Sites in the River Valleys. A draft version of this is reproduced in Appendix 4 of this report.
- 4.10 Whilst the Trent valley lies well outside the City Council's boundaries, the restoration project offers significant leisure and recreation opportunities to Derby residents, including future residents of the urban extensions in Southern Derby. The City Council is already working with the County Council, South Derbyshire District Council and other partners to improve linkages between the City and the Trent Valley and it may be possible to strengthen the MLP policy to reflect this.
- 4.11 No minerals are proposed to be worked in or close to the City.

OTHER OPTIONS CONSIDERED

- 5.1 Previous consultations have included alternative options to the range of Minerals Plan issues.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Stephen Teasdale Amanda Fletcher
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For more information contact: Background papers: List of appendices:	Andrew Waterhouse Various Minerals Policy and Technical Papers Appendix 2 – Derbyshire and Derby Minerals Local Plan Towards a Minerals Local Plan: Winter 2017/2018 Consultation Appendix 3 – Draft Policy MS17: Proposals for Oil and Gas Exploration and Appraisal Appendix 4 - Draft Policy R2: Restoration of Sand and Gravel Sites in the River Valleys
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IMPLICATIONS

Financial and Value for Money

- 1.1 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.
- 1.2 In previous years, the City Council's contribution has included an element of a Planning Officer time, a payment to Derbyshire County Council for production and printing costs (approx. £5,000 pa) and consultants fees to carry out Sustainability Appraisal work (which is a statutory requirement).

Legal

- 2.1 The Joint Minerals Local Plan is a statutory plan and will form part of the Council's Development Plan once adopted.

Personnel

- 3.1 NA

IT

- 4.1 NA

Equalities Impact

- 5.1 An Equalities Impact Assessment will be undertaken as part of the preparation of the formal (Regulation 19) Publication Plan.

Health and Safety

- 6.1 There are no immediate health and safety implications for the Council's employees, service users or customers arising from the report. There could be implications arising from individual exploration and extraction projects in the future, which would have to be considered at the appropriate time.

Environmental Sustainability

- 7.1 The MLP, and the Sustainability Appraisal that accompanies it, includes policies which seek to ensure that environmental matters are fully taken into consideration and properly balanced against the need to work the minerals.

Property and Asset Management

8.1 NA

Risk Management and Safeguarding

9.1 NA

Corporate objectives and priorities for change

10.1 Making the most of our assets