DERBY AND DERBYSHIRE MINERALS LOCAL PLAN(2022 - 2038)

INDEPENDENT EXAMINATION

HEARING SESSIONS - PROGRAMME

Between Tuesday 20th and Thursday 22nd May 2025

Venue: Committee Room 1, County Hall, Bank Road, Matlock DE4 3SS

Sitting times: Tuesday 10.00 to 12.30 and 13.30 to 17.00

Wednesday 09.30 to 12.30 and 13.30 to 17.00

Thursday 09.30 to 13.30

Thursday PM (contingency session, if required)

The number in square brackets after each question is the number allocated to the questions in the Inspector's Matters, Issues and Questions Document.

The timetable and list of participants may be subject to change. Hearing participants are respondents who have requested an oral hearing.

DATE	TOPIC	PARTICIPANTS
TUESDAY 20 MAY AM	Introduction by the Inspectors Opening Statement by Council	
	A LEGAL COMPLIANCE	Mineral Planning Authorities
Commence at 10.00am with a lunch break at	Main Matter 1 – Legal Compliance and the Duty to Co-operate	DLP for Nestle UK
approximately 12.30pm	AGENDA	
	Duty to Co-operate	
	Have the Councils engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the Plan's preparation, as required by the Duty to Co-operate (under s20(5)(c) and 33A of the 2004 Act?) [1]	
	On which issues has co-operation taken place? [2]	
	How was co-operation carried out and with what results? Has this been documented? Are there any outstanding issues? [3]	
	How has the Duty to Co-operate been met with regard to the spatial plans of the constituent District Councils, Borough Councils, Parish Councils, neighbouring Councils and prescribed bodies on strategic and cross boundary matters? [4]	

How has the duty to Co-operate been met with regard to all relevant Authorities and prescribed bodies on strategic and cross-boundary matters in the wider East Midlands region? [5]

Planning and Compulsory Purchase Act 2004, Section 19 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Has the Plan been prepared in accordance with the Councils' Local Development Schemes including content and timescale? [6]

Has the Plan been prepared in compliance with the adopted Statements of Community Involvements (SCIs), allowing for effective engagement of all interested parties and meeting the minimum consultation requirements set out in the regulations?

Have the publication, advertisement and availability of the Plan followed the procedures set out in the 2004 Act and 2012 Regulations? [8]

Whether the Sustainability Appraisal (SA) complies with the requirements of the 2004 Act, the Strategic Environmental Assessment Directive (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)

Has the SA process complied with the requirements of the SEA Directive and the SEA Regulations? [9]

Is there clear evidence to indicate why, having considered reasonable alternatives in the SA, the strategy in the Plan is an appropriate response? Does the methodology conform to that in the NPPF and Planning Practice Guidance (PPG)? [10]

Has the SA process been genuinely iterative and carried out in step with the stages of plan preparation? [11]

Are the alternatives considered by the SA sufficiently distinct to highlight the different sustainability implications of each? [12]

Is there clear evidence to indicate why, having considered reasonable alternatives, the Plan's strategy is an appropriate one? [13]

Is the Plan consistent with national policy, including the NPPF and PPG? Are there any significant departures from national policy? If so, have they been justified? [14]

Does the Plan comply with the 2004 Act and the 2012 Regulations in terms of publishing and making available the prescribed documents? [15]

Conservation of Habitats and Species Regulations 2017

Does the Plan meet the requirements of the Conservation of Habitats and Species Regulations 2017, including any relevant case law [in particular the ruling of 12 April 2018 by the Court of Justice of the European Union (CJEU) *People over Wind, Peter Sweetman v Coillte Teoranta*, Case 323/17] to consider the likely significant effects of projects or plans on European protected sites, individually or incombination? In particular, have Appropriate Assessments been undertaken under the Habitats Directive? If not, has a screening exercise shown that there is no need for such assessments? [16]

How has the Plan taken account of its findings? [17]

Flood Risk

Has a Strategic Flood Risk Appraisal (SFRA) been produced which is up to date and compliant with paragraph 160 of the NPPF (September 2023)? [18]

Does the Plan contain policies designed to secure that the development and use of land in the Plan area contributes to the mitigation of, and adaptation to, climate change?

To what extent does the development plan contain policies designed to secure that the development and use of land in the Plan area contributes to the mitigation of, and adaptation to, climate change? [19]

Should the Plan be updated to reflect the 'Finch' Supreme Court Judgement? [20]

Does the Plan raise any issues which are of relevance to the Public Sector Equality Duty?

Has the Plan been informed by a robust assessment of its potential equality impacts? [21]

How have issues of equality been addressed in the Plan? In particular, how will the Plan help to advance equality of opportunity between people who share a "protected characteristic" as defined in the Equality Act 2010 and those that do not share it and further the other two aims of the Act? [22]

DATE	TOPIC	PARTICIPANTS
TUESDAY 20 MAY	B SOUNDNESS	
AM	Main Matter 2 – Vision and Objective of the Plan	Mineral Planning Authorities
	AGENDA	Breedon
	Issue: Whether the Vision and Objectives of the Plan are the most appropriate, are soundly based and provide an appropriate basis for meeting the future	Heatons for Tarmac Trading
	demand for minerals sustainably.	Heidelberg Materials
	Does the Spatial Overview and Vision adequately and accurately reflect the future environmental, economic and social dimensions of the County and City to ensure a steady and adequate supply of minerals? [1]	Mineral Products Association
	Does the Spatial Overview and Vision adequately address biodiversity and climate change impacts? [2]	
	Do the strategic policies look ahead over a minimum 15 year period from adoption? If not, is a shorter Plan period adequately justified in light of the requirements of paragraph 22 of the NPPF. [3]	
	Should the Vision reflect the national and local economic benefits of mineral extraction and the contribution that these may make to supporting the rural economy? [4]	
	Should the Vision refer to the need to maintain landbank durations for aggregate and industrial minerals? [5]	
	Is the achievement of a progressive reduction in of minerals supplied from the Peak District National Park (PDNP) justified and consistent with national policy and guidance? Should this approach apply to aggregate minerals only? [6]	
	Is section 3.7 of the Vision consistent with national policy as it seeks to mitigate rather than avoid or minimise? [7]	
	Should Objective 1 refer to the need to maintain appropriate landbanks at the end of the Plan period? [8]	
	Should Objective 2, and other policies of the Plan, be more positive regarding support for the establishment of recycling sites? [9] Is Objective 7 regarding compensatory supply justified and consistent with the NPPF? [10]	
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	Is Objective 7 and other policies in the Plan clear regarding how compensatory provision can be secured, delivered and demonstrated, with particular regard to production capacity and reserves at existing sites within the PDNP? [11]	
	Should Objective 8 reflect that mineral development should 'contribute' to a reduction in greenhouse gas emissions to 'help' achieve national and local carbon reduction targets? [12]	
	Should Objective 8 be more explicit regarding the contribution that mineral development can make towards the provision of flood storage and reservoir capacity? [13]	
	Is the Plan clear regarding which policies deliver the Objectives? [14]	
	Does the Vision, Objectives, or the Plan as a whole, adequately consider the continuation of working permitted reserves beyond 2042? [15]	
DATE	TOPIC	PARTICIPANTS
TUESDAY 20 MAY PM	Main Matter 3 – Whether the Strategic Policies of the Plan make adequate provision for sustainable minerals development and the steady and adequate supply of aggregate minerals.	Mineral Planning Authorities Breedon
	AGENDA	Heatons for Tarmac Trading
	Issue: Whether the provision made in the Plan for the future supply of aggregate and industrial minerals would deliver a steady and adequate supply.	Heidelberg Materials
	Is the basis for the calculation of the future demand for	Mineral Products Association
	aggregates and industrial minerals robust enough in order to provide an appropriate basis for determining future demand with particular regard to demand from adjoining counties? [1]	South Derbyshire District Council
	Should the Plan be more explicit as to how the annual Local Aggregate Assessment will be taken into account to inform future demand and how this links to the Monitoring Framework with regard to any review of the Plan? [2]	
	Is it clear whether mineral development proposals are required to comply with all of criterion 1 to 18 of Policy SP1? [3]	
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Should Criterion 5 of Policy SP1 and/or the supporting text be more explicit as to how the 'prudent use of mineral and mineral resources' should be demonstrated in the submission of mineral development proposals? [5]

Is paragraph 4.15, regarding Criterion 5 of the Plan correct, particularly as the criterion does not make any reference to the restriction of high-grade minerals to industrial uses rather than aggregate uses? [6]

Is Criterion 11 of Policy SP1 clear that any interpretation of the criterion can be read as supporting 'green and blue infrastructure' as set out in paragraph 4.21? Also, can the paragraph be clearly understood regarding what is meant by 'multifunctional environment enhancements' and how is the attainment of these reflected in Policy SP1? As a minor point, the Glossary defines Green Infrastructure but does not define Blue Infrastructure. [7]

Is Policy SP2, and/or the supporting text, clear as to how mineral development proposals should demonstrate an improvement in resource efficiency and is it clear whether this relates to efficiency in relation to the minerals development itself or in the use of minerals products? [8]

Does the wording of Policy SP2 need to be reconsidered in light of the Supreme Court ruling in the case of Finch v Surrey County Council (2024)? [9]

Should the requirement for a Climate Change Impact Assessment, as set out in Policy SP2 apply to all mineral and mineral related development? [10]

Are there any changes necessary to the identified levels of need for aggregates over the Plan period as a consequence of the 2024 Local Aggregate Assessment (BD12)? [11]

Does Policy SP4 and Table 6.2.3 adequately demonstrate that a landbank of 7 years would be maintained at the end of the plan period, particularly as the table suggests that at the end of the Plan period the landbank would be zero? [12]

Does the Plan or supporting evidence adequately demonstrate how the cross border demands for the supply of sand and gravel have been taken into account? [13]

How does the requirement for an acceptable level of cumulative impacts reconcile with the allocation of the Foston and Sudbury sites? Should Policy SP5 give any consideration to the cumulative impact of working the Foston and Sudbury sites? [14]

Does Policy SP7 and paragraph 6.3.11 adequately demonstrate that a landbank of 10 years for aggregate crushed rock would be maintained at the end of the plan period? [15]

Is it clear whether the calculation of the annual provision of aggregate crushed rock, as set out in Policy SP7 and paragraph 6.3.11, takes into account the 10% increase of the PDNP three-year average as set out in paragraph 6.3.12? [16]

Have the implications of the 2042 end date for historic permissions for mineral working been adequately considered in respect of aggregate crushed rock sites? What are the implications of this on the landbank position? Is reliance on monitoring in anticipation of guidance from Government on this matter adequate? [17]

Should the Plan make provision for aggregate crushed rock proposals to come forward in circumstances where production capacity is not being maintained to meet an identified need or to address a shortfall in the landbank? [18]

Is Policy SP8 justified and consistent with national policy? [19]

DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 MAY AM	Main Matter 4 – Whether the Mineral Extraction Sites proposed for sand and gravel are acceptable in planning and environmental terms and are deliverable.	Mineral Planning Authorities DLP for Nestle UK
Commence at 09.30 am with a lunch break at approximately 12.30pm	AGENDA Issue: Whether the methodology for the identification of future sites is robust and whether the identified sites are acceptable in planning and environmental terms and are deliverable. Does the Sand and Gravel Site Assessment Methodology (BD10) provide an appropriate and robust methodology for the identification of the allocated sites to meet the future demand for sand and gravel? [1] Does the Plan adequately explain how the assessment was applied to any sites that were proposed by mineral operators but were not allocated in the Plan? [2] Does Policy SP5 adequately demonstrate that the demand for sand and gravel can be maintained throughout the Plan period and maintain provision for a 7 year landbank? [3]	Historic England South Derbyshire District Council Heatons for Tarmac Trading
DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 MAY AM	Main Matter 5 – Whether the Plan makes adequate provision for the encouragement of the use of secondary and recycled aggregates.	Mineral Planning Authorities
	AGENDA	
	Issue: Whether the Plan sufficiently promotes the use of secondary and recycled aggregates.	
	Does the Plan provide clear and robust guidance regarding the contribution that secondary and recycled aggregates should make as an alternative to primary land won aggregates? [1]	
	How does the Plan take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials before considering extraction of primary materials? [2]	

	How should the last paragraph of Policy SP3, relating to the requirement for proposals to demonstrate early and high-quality restoration, be applied and considered in relation the overall aims of the rest of Policy SP3? [3] How does the Plan influence non-minerals development with a view to minimising the reliance on primary aggregates such as the adoption of sustainable design principles, construction methods and procurement policies and reusing or facilitating the recycling of wastes generated on-site and using alternative construction materials? [4] Does the Plan provide sufficient guidance to applicants and District Council's as to how compliance with Policy SP3 is expected to be achieved? [5]	
DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 MAY AM/PM	Main Matter 6 – Whether the Strategic Policies of the Plan make adequate provision for the steady and adequate supply of nonaggregate minerals. Issue: Whether the provision made in the Plan for the future supply of non-aggregate and industrial minerals would deliver a steady and adequate supply.	Mineral Planning Authorities Heatons for Tarmac Trading Mineral Products
	Building Stone	Association
	Given the importance of building stone as a construction resource, does Criterion 1 of Policy SP9, and/or the supporting text, provide adequate assurance that building stone would not be used for aggregate purposes and how does the Plan envisage that this would be adequately monitored and controlled? [1]	
	Should paragraph 7.1.9 also reflect the fact that the use of building stone may be needed to respect the vernacular of the built environment in areas that are not located within the setting of the PDNP? [2]	
	Does Policy SP9 and/or the supporting text adequately take into account the requirements of part g of paragraph 211 of the NPPF (September 2023)? [3]	
	Industrial Limestone	
	Is Policy SP10 clear whether some, or all, of the criteria should apply to the consideration of development proposals? [4]	

Should Policy SP10 be more reflective of the need for industrial limestone to maintain production capacity at existing plant? [5]

Is the use of a planning obligation to control the use of industrial limestone, as set out in Policy SP10, appropriate and unduly restrictive? [6]

Should Policy SP10 provide any criteria for the location of industrial limestone extraction with particular regard to the protection of the environment and the setting of the PDNP? [7]

The text at 7.2.13 refers to reserves of dolomitic industrial limestone which supply the adjacent Whitwell Works being anticipated to run out in 2028. Should this be addressed in the Plan, particularly as it is suggested that an alternative supply is being sought? [8]

Brick Clay and Fireclay

Is Criterion 2 of Part 2 of Policy SP13 unduly restrictive, as there are currently no brick manufacturing plants in the Plan area and the extraction of brick clay may be necessary to support continued production at plants located outside of the Plan area? [9]

Should the Plan allocate sites (including existing sites) for the extraction of brick clay? [10]

Vein Minerals

Is paragraph 7.4.6 up to date regarding the position with the planning application submitted in 2017?, an active and an ongoing basis on any relevant strategic matters? [11]

DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 MAY PM	Main Matter 7 – Whether the Plan makes appropriate provision for the extraction of energy minerals.	Mineral Planning Authorities
	Issue: Whether the provision made in the Plan for the future supply of non-aggregate and industrial minerals would deliver a steady and adequate supply.	
	Is the Plans approach to energy minerals consistent with Government policy relating to climate change? [1]	
	Is Policy SP15 consistent with the NPPF? [2]	

	Does Policy SP15 adequately consider the prior extraction of coal as set out in paragraph 9.1.25? [3]	
	Should the Plan make provision for shallow geothermal energy opportunities? [4]	
	Should Policy SP16 consider the carbon impact of development and fugitive greenhouse gas emissions in relation to climate change? [5]	
	Is Policy SP16 consistent with the NPPF? [6]	
DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 MAY PM	Main Matter 8 – Protecting Mineral Resources, Infrastructure and Facilities.	Mineral Planning Authorities
	Issue: Whether the Plan adequately balances the needs of competing development.	Breedon
	Should urban areas have been excluded from the Mineral Consultation Areas? [1]	Mineral Products Association
	Is the list of exempt developments sufficiently clear and will it be effective in safeguarding mineral resources? For example, what is meant by 'Development which is in accordance with an adopted Local Plan'? Is this limited to sites which are allocated, or which are within a development boundary? [2]	
	Does the Plan adequately explain how the 'agent of change' principle is to be applied in Policies SP17 and SP18? [3]	
	Is the appropriate balance struck between the needs of competing development with the need to protect the mineral resource, in particular, is the justification for 500m and 250m buffers clear? [4]	
	Does the Plan provide sufficient guidance to applicants for non-minerals development and District Council's as to how Policies SP17 and SP18 should be implemented? [5]	
	Is it disproportionate to require a Mineral Resource Assessment for all sizes of development? [6]	
	Is the Plan sufficiently clear in providing guidance regarding the content of a Mineral Resource Assessment with particular regard to the extent to which an assessment is required of the quality and quantity of the mineral? [7]	

Should Policy SP17 recognise that the cost of undertaking a Mineral Resource Assessment for smaller scale development, such as smaller housing sites, which are not excluded from safeguarding provisions, may have a detrimental impact on the viability of such development? [8]	
TOPIC	PARTICIPANTS
Main Matter 9 – Restoration of Mineral Sites. Issue: Whether the Plan's overall approach and policies in relation to site restoration would deliver Objective 9 of the Plan.	Mineral Planning Authorities
Is it clear what Policy SP19 is seeking to achieve or does the current wording provide doubt whether this is a positively prepared policy or an aspiration? [1] The Plan has a dedicated chapter (Chapter 10) for the restoration of sites in the River Valleys. In order to deliver the requirements of Objective 9, should Chapter 10 be widened in its content to include the restoration of mineral working sites, that are not located within River Valleys and not comprising sand and gravel? How has the restoration of other mineral types been addressed? [2] How will restoration proposals that come forward prior to the publication of a Supplementary Planning Document be considered? [3] Should Chapter 10 explain the need for aftercare also explain the circumstances where aftercare beyond the 5 years may be necessary and the mechanism by which this would be achieved? Otherwise, how would an aftercare strategy of "at least five years" be secured and how would such aftercare period beyond 5 years be justified? [4]	
	undertaking a Mineral Resource Assessment for smaller scale development, such as smaller housing sites, which are not excluded from safeguarding provisions, may have a detrimental impact on the viability of such development? [8] TOPIC Main Matter 9 – Restoration of Mineral Sites. Issue: Whether the Plan's overall approach and policies in relation to site restoration would deliver Objective 9 of the Plan. Is it clear what Policy SP19 is seeking to achieve or does the current wording provide doubt whether this is a positively prepared policy or an aspiration? [1] The Plan has a dedicated chapter (Chapter 10) for the restoration of sites in the River Valleys. In order to deliver the requirements of Objective 9, should Chapter 10 be widened in its content to include the restoration of mineral working sites, that are not located within River Valleys and not comprising sand and gravel? How has the restoration of other mineral types been addressed? [2] How will restoration proposals that come forward prior to the publication of a Supplementary Planning Document be considered? [3] Should Chapter 10 explain the need for aftercare also explain the circumstances where aftercare beyond the 5 years may be necessary and the mechanism by which this would be achieved? Otherwise, how would an aftercare strategy of "at least five years" be secured and how would such aftercare period beyond 5 years

DAT	Έ	TOPIC	PARTICIPANTS
THURS 22 M	AY	Main Matter 10 – Development Management Policies	Mineral Planning Authorities
		Issue: Whether the development management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment and are they justified, effective and consistent with national policy?	Heidelberg Materials Mineral Products Association
		Policy OM4	Heatons for Tarmac Trading
		Is it reasonable to have a blanket requirement for the submission of a transport statement or transport assessment and a travel plan that would apply irrespective of the scale of the mineral related development? [1]	aag
		Policy DM1	
		Is the policy sufficiently clear and justified as to what separation distances will be applied and in what circumstances? [2]	
		Policy DM2	
		Is criterion 'b' of Part 2 of the policy justified and consistent with national policy? [3]	
		Do the proposed revisions to paragraph 11.2.32 provide appropriate justification and guidance to the implementation of the provisions of criterion 'b' of Part 2 of the policy? [4]	
		Policy DM3	
		Should the term 'environment' within the policy be more explicit to ensure that this refers to the natural, built and historic environment? [5]	
		Policy DM4	
		Does the policy adequately reflect the need to protect and conserve the historic landscape character and the character of the PDNP? [6]	
		Is it reasonable and proportionate to require all proposals to be accompanied by a Landscape and Visual Impact Assessment? [7]	

Policy DM5

Are the proposed revisions to the policy and supporting text consistent with national policy in terms of 'measurable biodiversity net gain'? [8]

Should the policy and/or supporting text be more explicit regarding the opportunity for the creation and enhancement of wetland and floodplain biodiversity.

[9]

Policy DM7

Is the policy and/or the supporting text adequately clear that provisions of the policy relate to designated and non-designated heritage assets? [10]

Are clauses i), ii) and iii) consistent with the NPPF? $\lceil 11 \rceil$

Policy DM8

Does the policy and/or supporting text adequately consider the potential impact of mineral development on public water supply? [12] Should the policy refer to the potential effects on heritage assets either in the location or further along the watercourse? [13]

Policy DM14

Is the policy and/or supporting text clear that reference to the 'wider and local landscape' also includes the historic environment? [14]

Policy DM15

Is the policy and/or supporting text clear that restoration proposals should also protect and conserve the significance of heritage assets and the need, in some cases, for dry land restoration rather than water-based restoration schemes? [15]

Policy DM16

Taking into account the provisions of planning legislation and national policy, is the policy necessary? [16]

DATE	TOPIC	PARTICIPANTS
THURSDAY 22 MAY AM	Main Matter 11 – Implementation and Monitoring	Mineral Planning Authorities
	Issue: Whether the implementation and monitoring of the Plan will be effective.	Heatons for Tarmac Trading
	Is the approach to monitoring and Implementation in the Plan robust and practicable? [1]	
	Is it clear how the monitoring arrangements demonstrate that the Plan takes a pro-active approach to mitigating and adapting to climate change, particularly with regard to carbon reduction monitoring? [2]	
	Does the monitoring process provide for co-operation and participation of bodies who may inform the monitoring process? [3]	
	How would the monitoring and implementation framework ensure that constituent District Councils engage with DtC bodies on a constructive, an active and an ongoing basis on any relevant strategic matters? [4]	
	Is the trigger for Policy SP5 appropriate, given applications for allocated sites may take time to come forward? [5]	
	Are the triggers, more than 1 application approved/won on appeal contrary to policy, appropriate? [5]	
DATE	TOPIC	PARTICIPANTS
THURSDAY 22 MAY AM	Main Matter 12 – Site Allocation Principal Planning Requirements	Mineral Planning Authorities
Al-I	Issue: Whether the provisions of Appendix A for the	DLP for Nestle
	sites proposed to be allocated for mineral extraction provides appropriate guidance to inform the supporting evidence that would need to accompany a planning	Heidelberg Materials
	application.	Heatons for Tarmac Trading
	Foston and Sudbury	Tradiliy
	Should A5 be more explicit regarding the effect of mineral development on the setting of Tutbury Castle with particular regard to dry restoration? [1]	

THURSDAY 22 MAY PM	Contingency session only in the event of any overrun	
DATE	TOPIC	PARTICIPANTS
	CLOSE Next Steps - Discussion with the Council regarding the next stages in the administrative and procedural matters following the close of the Hearing Sessions.	
	Aldwark South Does the supporting text provide adequate consideration of the effect of mineral development on the historic environment and flood risk? [4]	
	Swarkstone North, Swarkstone South, Elvaston,	
	The EA recommends that Foston and Sudbury are not relied upon to contribute toward meeting sand and gravel needs over the plan period given the absence of flood risk evidence. What are the implications of this for the Plan? [3]	
	Should A6 (5) explain that a restoration scheme should have regard to the setting of Tutbury Castle? [2]	