

20 July 2017**Agenda Item: 9****REPORT OF THE CORPORATE DIRECTOR FOR PLACE****NOTTINGHAMSHIRE MINERALS LOCAL PLAN****Purpose of the Report**

1. To seek approval for a proposed approach and timetable to enable preparation of a Minerals Local Plan

Information and Advice

2. At its meeting on 25 May, the County Council resolved to withdraw the current draft minerals Local Plan from examination and instruct officers to carry out an immediate review of the aggregates need assessment and initiate the preparation of a revised Minerals Local Plan.
3. As the Council have asked for a revised Minerals Plan to be prepared it is important to note that this involves reviewing of all aspects of the Plan including the need for minerals (including aggregates provision) and reviewing all policies for meeting that need.
4. This report is the first step in that process. It seeks to obtain approval from the Committee for:
 - a. The scope of a revised Plan;
 - b. The period to which the revised Plan should apply;
 - c. The approach to plan preparation, public consultation, evidence gathering and an outline timetable as a basis for further consideration;
 - d. A subsequent revision to the Minerals and Waste Local Development Scheme to contain a timetable to update the Minerals and Waste Local Plans which reflect the above;
 - e. The setting up of a members working group.
5. In considering plan making for Minerals, it is important to have regard to national guidance on planning for mineral extraction published by the Department of Communities and Local Government at <https://www.gov.uk/guidance/minerals> and planning for aggregate minerals at: <https://www.gov.uk/guidance/minerals#planning-for-aggregate-minerals>

Scope of the Proposed Plan

6. Officers have considered the scope of a revised Plan. Some County Councils now prepare a joint Minerals and Waste Local Plan which brings all their statutory planning functions together in a single Local Plan with some efficiencies in cost and time. However local

circumstances in Nottinghamshire suggest it is preferable for the County Council to prepare a single Minerals Local Plan but continue work with Nottingham City to prepare a Joint Waste Local Plan. It is therefore recommended that the scope of the revised Plan be related solely to Mineral matters and that it includes the same topics as contained in the withdrawn Plan as follows.

- Strategic policies for mineral extraction (approach to provision and restoration)
- Specific policies for the following (together with necessary land allocations):
 - Aggregate provision
 - Sand and Gravel
 - Sherwood Sandstone
 - Limestone
 - Secondary and Recycled Aggregates
 - Brick Clay
 - Gypsum
 - Silica Sand
 - Industrial Dolomite
 - Coal
 - Hydrocarbons
- Development Management policies

Plan Period and Base Year

7. Paragraph 157 of the National Planning Policy Framework indicates that plans should be drawn up over an appropriate timescale, preferably a 15 year time horizon. In order to produce a plan which does not require early revision it is considered that the revised Plan should look forward at least 15 years from the date of adoption. Were the Council to adopt the Plan in 2019 then the Plan should look forward to at least 2034. Given that the latest available evidence of demand for aggregates and other minerals is likely to derive from 2016, then this should be the base year of the Plan. It is conventional that Local Plan periods run in five year blocks, and therefore it is recommended that the revised Minerals Plan be prepared for the period 2016-2036.

Approach to Plan Making

8. Public consultation on the scope and content of a Local Plan is a statutory requirement prior to preparing the Plan. It would be helpful to publish other documents alongside this consultation. A key document will be a new Local Aggregate Assessment for Nottinghamshire which will be based upon the latest advice on sales and forecast needs provided by the Aggregates Working Party for the East Midlands. The Local Aggregates Assessment will assess future requirements taking into account the latest 10 year average sales data and other considerations. This will fulfil the Council resolution that future requirements for aggregates be reviewed and the revised Plan is based on the most up to date evidence.

9. There is also the need to obtain up to date information on available sites to meet future need for mineral extraction. Previously submitted sites as part of the previous Minerals Local Plan will not be carried forward. There will be a fresh “call for sites” process with landowners and mineral operators being invited to submit up to date information on potential sites which meet both the identified need for minerals and accord with the proposed strategy for identifying new sites. It should also be noted that previous public representations on the draft Minerals Local Plan will also not be carried forward and will need to be re-submitted once the revised Plan is published.
10. It is therefore proposed that a period of public consultation is carried out on a document which indicates the proposed scope of the revised Plan including the period to which it will apply, set out the need for future minerals and include discussion of the spatial approach to mineral planning in Nottinghamshire. Published in association with this document will be ;
- a) A revised Local Aggregate Assessment for Nottinghamshire ;
 - b) A proposed Site Assessment Methodology;
 - c) A request for operators and landowners to submit potential Mineral Sites.

There is also a need to initially consult on the scope of Sustainability Appraisal which is a statutory requirement of each stage of plan making. This is carried out with selected statutory consultees prior to the initial public consultation phase.

11. Following this consultation, the revised Minerals Local Plan will be prepared for Council as the Plan which the Council seeks to adopt. This two stage process is the fastest way in which a revised Plan can be prepared. It is hoped that the consultation as above will take place in Autumn 2017 and a revised Plan be formulated by Spring 2018 but detailed project planning and timetabling remains to be completed. The outcome of this will be contained within a revised Minerals and Waste Local Development Scheme which will be presented for Committee endorsement in September. A Local Development Scheme is a statutory requirement, publically setting out which plans the authority has produced and intends to produce in the future.
12. Members of the Committee are invited to consider arrangements for member oversight during the preparation of the revised Plan. During the last Plan, the Chair met with a small working group of members of the then Environment and Sustainability Committee to review matters with officers on an ad hoc and informal basis. It is recommended that a member working group be set up and the Committee is invited to consider its membership further.

Other Options Considered

13. To combine the County Council’s statutory responsibility for minerals and waste in a joint Minerals and Waste Local Plan. For the reasons set out in paragraph 6 above, this option is not being taken forward.

Reason for Recommendation

14. To ensure that the County Council has an up to date Minerals Local Plan at the earliest opportunity.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That Committee approve

- a. the proposed scope of a revised Minerals Plan as described within the report;
- b. that the revised Minerals Plan apply to a period from 2016 to 2036
- c. the approach to public consultation on the Plan as described within the report;
- d. the preparation of a revised Minerals and Waste Local Development Scheme to be brought back for Committee endorsement;
- e. the setting up of a Member Working Group.

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**For any enquiries about this report please contact: Stephen Pointer, Team Manager
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Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Constitutional Comments (SLB 28/6/17)

16. Communities and Place Committee is the appropriate body to consider the content of this report.

Financial Comments (SES 28/6/17)

17. There are no specific financial implications arising directly from this report.

Electoral Division(s) and Member(s) Affected All.