

REPORT OF THE CORPORATE DIRECTOR, PLACE**NOTTINGHAMSHIRE MINERALS LOCAL PLAN - PUBLICATION VERSION****Purpose of the Report**

1. To approve the Nottinghamshire Minerals Local Plan Publication Version (Regulation 19) ("the Publication Version") in light of a recommendation from the Communities and Place Committee from its meeting on 6 June:

"To recommend to Council that the Publication Version be published to enable representations to be received prior to submission of the Plan to the Secretary of State for independent examination."

Information and Advice

2. The Minerals Local Plan is a statutory document that all Minerals Planning Authorities must prepare. It identifies sites and sets out policies against which all minerals development proposals are assessed and determined by the County Council. The overall aim of the Plan is to ensure that sufficient minerals are provided to meet expected demand in the most sustainable way and to safeguard proven mineral resources from being unnecessarily sterilised by other development.
3. The current Minerals Local Plan was adopted in December 2005 and was prepared under previous Government legislation. This document is now out of date and work has begun on a new plan to replace it. The new plan will look ahead to 2036.
4. The preparation of the Plan began with an informal public consultation on the issues and options over the new plan period. The feedback from this consultation fed into the development in 2018 of the Draft Plan version of the Minerals Local Plan, which was published for consultation between the 27th July and the 28th September 2018.
5. In total 1744 representations were received from a total of 1101 organisations and individuals. This included statutory bodies, district and parish councils, neighbouring county councils, the minerals industry, interest groups and members of the public.
6. Since the consultation on the Draft Plan, the National Planning Policy Framework (NPPF) has been updated and was published in a revised form in February 2019. It has been

necessary to ensure that the Plan remains in accordance with the revised NPPF and some changes have been made to ensure this is the case.

7. The Publication Version, which incorporates changes in response to the consultation on the Draft Plan and to the NPPF, is appended to this report at Appendix A.
8. Preparation of the Publication Version has been informed by a significant body of evidence, which is already published on the Council's Minerals Local Plan webpage. Following the approval to publish and thereafter submit the Publication Version to the Secretary of State, these documents will be updated and/or supplemented as necessary. As documents are updated or created, they will be added to the Minerals Local Plan page of the Council's website.
9. The Publication Version is the final stage in the development of the Minerals Local Plan prior to submission to the Secretary of State for examination. It sets out the approach that the County Council considers is the most appropriate for future minerals development in Nottinghamshire.
10. Subject to approval by Council, the Publication Version will be published for a period of six weeks between 30th August and the 11th October 2019 to allow for formal representations on the soundness of the plan.
11. A Guidance Note will be published on the Minerals Local Plan webpage providing information on the tests of soundness and legal /procedural requirements along with a specific template/form on which responses should be submitted.
12. Following this six week period, the Council will submit the Publication Version to the Secretary of State for examination along with the evidence base and representations received. The Local Development Scheme (March 2018) currently identifies that the Council will submit the Minerals Local Plan for Independent Examination to the Minister for Housing, Communities and Local Government in January 2020 with the Examination commencing in March 2020.
13. At the Examination, the Inspector will consider the Publication Version, the evidence supporting it and representations received at the Publication (Regulation 19) stage and judge whether it is sound and whether it meets the legal and duty to cooperate requirements. The Inspector may suggest that the Council makes further modifications to the Plan in order to make it sound, before it is formally adopted by the Council. If the Inspector makes such a recommendation, the Council will not be able to adopt the Plan unless the Plan is modified accordingly.
14. It is currently anticipated that the Plan will be adopted in Autumn 2020.

Other Options Considered

15. Preparation of the Minerals Local Plan is a statutory requirement. Without an up to date planning policy framework in place, planning applications for minerals development could be submitted and decided on an ad-hoc / first come first served basis, resulting in a lack of

certainty for local communities and the minerals industry. The only other option would be stop preparation of the Plan with the above consequence and this is not considered appropriate.

Reason/s for Recommendation/s

16. To ensure that the Minerals Local Plan is approved and published in accordance with the constitution of the County Council.
17. To provide delegated authority for officers to:
 - a) make such minor changes as are considered necessary in conjunction with the publication, submission and adoption of the Plan; and
 - b) propose any modifications which are necessary in order to make the Plan sound.

Statutory and Policy Implications

18. 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. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

19. The costs of preparing and examining the Minerals Local Plan will be met through a reserve which has been established to cover these costs.

RECOMMENDATION/S

It is recommended that:

- a. **The Nottinghamshire Minerals Local Plan – Publication Version (Appendix A) be agreed and published for a period of six weeks from 30 August 2019 to 13 October 2019 in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);**
- b. **Following the conclusion of the publication period, the Nottinghamshire Minerals Plan be submitted to the Minister for Housing, Communities and Local Government for Independent Examination together with the submission documents prescribed by Regulation 22 of the 2012 Regulations;**
- c. **The Corporate Director, Place, in consultation with the Chair and Vice Chair of the Communities and Place Committee be authorised to make any further typographical, formatting, mapping and other minor changes considered necessary prior to publication and submission of the Local Plan to the Minister for Housing, Communities and Local Government and in preparation for adoption;**
- d. **The Corporate Director, Place, in consultation with the Chair and Vice Chair of the Communities and Place Committee be authorised to produce and submit any**

supplementary information and documentation to the Local Plan Inspector as may be required to complete the examination;

e. The Corporate Director, Place, in consultation with the Chair and Vice Chair of the Communities and Place Committee be authorised to write to the Local Plan Inspector appointed to carry out the Examination of the submitted Nottinghamshire Minerals Plan asking him/her to recommend such modifications to the submitted Local Plan as may be necessary to make the Plan sound and legally compliant, in accordance with section 20(7C) of the 2004 Act;

f. That the Corporate Director, Place, in consultation with the Chair and Vice Chair of the Communities and Place Committee be authorised to submit a schedule of proposed main modifications to the submitted Nottinghamshire Minerals Plan to address any issues relating to soundness and legal compliance which are identified;

g. The Nottinghamshire Minerals Plan be endorsed as a material consideration to be used in the determination of planning applications, with appropriate weight given in accordance with paragraph 48 of the National Planning Policy Framework;

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact Steven Osborne-James, Principal Planning Officer, Planning Policy Team, 0115 977 2109 or Stephen Pointer Team Manager Planning Policy

Constitutional Comments (RHC 26/6/2019)

20. Full Council is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments (RK 19/06/2019)

21. The costs of preparing and examining the Minerals Local Plan will be met through a reserve which has been established to cover these costs. The current balance of the reserve is £164,180.

Background Papers and Published Documents

A series of technical assessment documents have been prepared to support the development of the Nottinghamshire Minerals Local Plan and these can be found in full at: <http://www.nottinghamshire.gov.uk/minerals>

Electoral Division(s) and Member(s) Affected

All