

DERBYSHIRE AND DERBY MINERALS LOCAL PLAN (2022 – 2038) (the Plan)

Post Hearings Note 3

Purpose of Note

- To provide the Councils with the views of the Inspectors regarding certain elements of the work programme identified in the January 2026 update. In addition, the note identifies those areas of ongoing work where emerging evidence needs to be provided to the Inspectors.

Statement of Common Ground with Minerals Products Association (SoCG)

- It is noted that ongoing dialogue has continued in January 2026 with Chris Herbert of MPA in context of Minerals Capacity Assessment, completion of LAA and further engagement with the PDNPA on the compensatory extraction policy approach. The Inspectors' Post Hearings Note 2 identified that a target date for the SoCG should be provided to the Inspectors should be identified. The Inspectors are not aware of any target date being provided. A copy of the draft SoCG should be provided to the Inspectors by 13 March 2026 with a clear target date for completion being identified.

Calculation methodology and production capacity assessment

- It is noted that the Capacity Assessment will now form basis for Councils' officers to seek to meet with all major quarry operators in the County in February 2026 to discuss future extraction plans and likely future reserves. This has indicated a likely need to identify at least one additional sand and gravel site for allocation with three potential sites at Eggington, Foremark and Swarkstone being forward to Aecom in early December for inclusion in the SFRA Sequential Test update.
- The potential sites will also require assessment pursuant to the methodology employed in the Sand and Gravel Site Assessment Methodology (BD10) and will require Sustainability Appraisal and Habitats Regulations Assessment. It is not clear whether and when these requirements are proposed to be actioned. The Inspectors wish to be informed of the programme, actions and timescale for the determination of the preferred site. Such information should also be provided by 13 March 2026.

Strategic Flood Risk Assessment & Site Assessment Methodology

- It is noted that the update to the Flood Risk Assessment Sequential Test has been completed and that a scope of work has been agreed to include three additional sites identified for allocation through a Call for Sites exercise. As the Councils will recall, one of the action points is to document and explain how the site assessment method and assessments fit together with the sequential test, SA and strategic environmental sensitivity work and for the site assessments to be revisited. Is this being done?

Main Modifications and Additional Modifications

- It is noted that work on the drafting of the Main Modifications and Additional Modifications is progressing, particularly now that agreement has been reached with the PDNPA to delete the compensatory extraction policy for crushed rock. Although it is recognised that further modifications would likely be required, the Inspectors wish to see a copy of the current drafts in order to gain some appreciation of the extent to which the modifications are addressing the requirements of the Hearing Action Notes that were compiled after the close of the Hearing Sessions.

Landbank Position

- The Councils state in their letter that *'the Inspectors have deemed that the Minerals Local Plan's Policy approach to maintaining a steady and adequate supply of minerals over the plan period and particularly maintaining 7 year landbanks for sand and gravel and 10 year land banks for crushed rock, was not NPPF compliant as the Plan had not sought to demonstrate 7 and 10 year landbanks at the end of the Plan period.'* This does not reflect the wording used by the Inspectors in their Post Hearings letter, nor is it clear what the Councils mean by *'demonstrate'*.
- The Framework advises 'Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by: maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised.' Footnote 73 advises that longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.
- As set out in the PPG, an aggregate landbank is principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area. The PPG advises that they are the basis on which the level of provision of new areas for aggregate extraction should be calculated when preparing local mineral plans and the Framework advises mineral planning authorities to make provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate.
- During the hearings, it was noted that provision figures for sand and gravel will change quite significantly as a result of the 2024 Local Aggregate Assessment. The implications of this are that the shortfall over the plan period is likely to be more significant. There is also an issue identified with Swarkstone and when it is likely to come forward. Concerns regarding production capacity were also raised during the hearings, as well as concerns regarding the monitoring framework.
- Action points were identified following the hearings, including AP 10: Consider amendment to Plan to incorporate latest figures from LAA; AP11: Revisit calculation methodology to take into account landbank, use of 3 year sales figures for sand and gravel. Look at productive capacity of different sites; Identify supply gap; 2024 issue; Plan's approach to dealing with shortfall.' And AP23: Consider implications of 2042 issue. Action points regarding the monitoring framework were also identified at AP68-AP70.
- The Councils have referenced, and quoted from, the Norfolk Minerals Plan. However, the Inspectors would caution against quoting from an Inspector's Report without full understanding and reference to the content of the Plan, discussions that occurred in the Examination Hearings and the content of Main Modifications. The Inspectors would also caution against quoting a Council's response to MIQs, as the Inspector and other participants may not agree with the responses detailed. The circumstances and content of the Norfolk Minerals Plan are very different to the Derbyshire and Derby Minerals Local Plan Submission Draft. The former outlined a clear intent throughout to maintain the relevant landbanks, supported by clear policies to that effect and policies to address situations where there was evidence that the landbanks would not be maintained at the end of the plan period. That situation is very different to the Plan before the Inspectors where there was concern expressed that the intention to

maintain the landbanks, with appropriate clear supporting policies and robust monitoring framework, was absent.

- Nevertheless, for the avoidance of doubt, the Inspectors would like to make it clear that it is the evidence base which the Inspectors request is updated, to take account of the matters raised during the hearings in terms of the 2024 LAA, Swarkstone and production capacity. While this may result in a need for further allocations, the Inspectors do not expect the Councils to allocate sites to meet need beyond the plan period. What the Inspectors do expect, is for the Councils to set out, both within policy and the monitoring framework, how they will maintain landbanks, as set out above.
- In this regard, no further comment will be provided on the extracts from the Norfolk Minerals Plan Inspectors Report and it is suggested that the Councils focus their efforts on ensuring that the Derbyshire and Derby Minerals Local Plan has suitable evidence and modifications to ensure that it can be found sound in accordance with the action points provided by the Inspectors.

Timetable

- In response to the previous update, the Inspectors highlighted that it was not clear when all of the necessary actions would be complete, when these and associated Main and Additional Modifications would be subject to consultation, the time period for the consideration of any response to the consultation exercise and when a reconvened hearing session may be required.
- The Inspectors request that the Councils provide further clarity on these matters, including revisions to the Gant Chart. Such information should also be provided by 13 March 2026.

Stephen Normington and Martha Savage

INSPECTORS