

Derbyshire and Derby Minerals Local Plan  
2022 – 2038 - Statement of Common  
Ground

June 2025

Derbyshire County Council/Derby City  
Council and Mineral Products Association

## 1. Introduction and Background

1.1 The supporting text of the Plan in respect of the statutory default cessation date (2042) implies that it is a legislative deadline, whereas it is not. In summary, all mineral planning permissions must include a condition which limits the duration of the winning and working of minerals. For pre-1982 permissions, the default cessation date will be 21<sup>st</sup> February 2042. Post-1982, if a planning authority fails to include such a condition, then a condition will be deemed to be for a period of no more than 60 years beginning with the date of the permission.

1.2 There is no legal impediment to amending a planning condition which limits the duration of a minerals planning permission. This is so whether it was granted pre- or post-1982 because:

- (i) The fact that Parliament used the existing scheme for the imposition of planning conditions to control cessation rather than to impose a statutory end date. That could have been done, but was not.
- (ii) The absence of any prohibition on such amendment;
- (iii) The express provision of discretion to vary the default period, either way. This means that there will always be a cessation condition and thus a long stop date, but that the decision maker is given the option to choose an alternative;
- (iv) The right of appeal against the terms of the condition is retained. It would be pointless to have a right of appeal against something which cannot be changed;
- (v) The right to make an application to develop land otherwise than in accordance with a planning condition has been retained (s73 of the 1990 Act). In contrast, where Parliament wishes to remove that option, it does so: see s73(5) in respect of time limits for commencement of development;
- (vi) There is no case authority to the contrary;
- (vii) There is no indication in a range of guidance notes and policy documents which suggests otherwise.

1.3 However, a planning authority may impose some other duration which may be shorter or longer than the default period (S72 and Sch 5 of the 1990 Act). That discretion is open to a planning authority whether it is granting planning permission on application, on an application under s73 of the 1990 Act (development without compliance with a planning condition), or on the determination of conditions under Sch 13 or Sch 14 of the Environment Act 1995.

## **2. Purpose**

2.1 The purpose of this SoCG is to set out agreed text for the Plan to address the 2042 cessation date in a positive manner because it applies to a large proportion of mineral planning permissions in Derbyshire and has significant implications for the maintenance of the landbank beyond 2042.

## **3. Parties**

3.1 The Parties to this SoCG are Derbyshire County Council and Derby City Council, as the Mineral Planning Authority responsible for preparing the DDMLP, and Mineral Products Association in its role as a consultee on the DDMLP.

## **4. Agreed Text**

4.1 On the basis of the discussions at the Examination in Public the following text is agreed as a modification to the Plan:

### **REVISED WORDING FOR POLICY SP7: THE SUPPLY OF AGGREGATE CRUSHED ROCK**

To meet identified levels of demand for crushed rock over the plan period from 1 January 2024 to 31 December 2038 and for the 10 year period beyond the end of the plan period the continued working of existing reserves at an annual minimum rate of 10.75 million tonnes will ensure that provision is made for at least 268.75 million tonnes.

Proposals for the extraction of aggregate crushed rock will be supported where it can be demonstrated that:

- 1) They are required to maintain at least a ten year land bank of permitted reserves or to sustain production capacity to meet current and/or anticipated need as identified by the Local Aggregate Assessment and/or
- 2) They will result in significant net sustainability benefits to the local community and/or the local/wider environment or economy.

### **REVISED WORDING FOR SECTION 6.4**

#### **INTRODUCTION AND BACKGROUND**

6.4.1 National Planning Policy seeks to conserve and enhance the landscape and scenic beauty of National Parks. To help achieve this, it also seeks, as far as is practicable, to maintain landbanks of non-energy minerals from outside designated areas, such as National Parks. The PDNPA has a policy in its adopted Core Strategy (2011) to not allow proposals for new quarries or extensions to existing quarries in the National Park (other than proposals for the small scale working of building and roofing stone) other than in exceptional circumstances, in order to help protect the special qualities of the

landscape. Although having been adopted prior to NPPF, this policy is consistent with the NPPF in that it helps to achieve the aims of maintaining landbanks of minerals outside the National Park, thus helping to conserve and enhance the landscape and scenic beauty of the National Park.

6.4.2 The concept of the MPA assisting the PDNPA with its aim of reducing quarrying of aggregate has been included as an issue since the start of the preparation of this Plan at Issues and Options stage and has received public support at the various consultations. With the Plan area being adjacent to the PDNP and having plentiful supplies of limestone which is of similar geological type and composition as resources in the PDNP as well as having similar markets, it is considered to be a sound and sustainable approach which helps to achieve the aims of the NPPF in respect of conserving and enhancing the landscape and scenic beauty of National Parks.

6.4.23 The Plan helps the PDNPA to achieve this aim by increasing the provision figure for aggregate crushed rock (limestone and gritstone) in the Plan area to compensate for a continued reduction of quarrying in the National Park. This can only be achieved for aggregate minerals with a level of accuracy because there is a national system for determining levels of aggregate provision, the MASS. There is not such a system for minerals which are used for industrial purposes or for minerals which are used for building and roofing stone.

#### POLICY SP8: HELPING TO REDUCE QUARRYING IN THE

#### PEAK DISTRICT NATIONAL PARK

Derbyshire and Derby will compensate for a continued reduction in quarrying from the Peak District National Park over the Plan period through an increase in its provision figure for aggregate crushed rock, as set out in the most recent Local Aggregate Assessment.

#### REASONED JUSTIFICATION

6.4.24 Section 62 of the Environment Act 1995 makes it a duty for all relevant authorities (including Government departments and agencies, utility companies and parish councils) to have regard to National Park purposes when coming to decisions or carrying out their activities.

6.4.35 The NPPF sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks and that mineral planning authorities should provide, as far as is practicable, for the maintenance of landbanks of non-energy minerals from outside National Parks. It states further that when considering applications for development within National Parks, planning permission should be refused for major development other than in exceptional circumstances. The Councils recognise that this should be considered in the context of the benefits of mineral extraction to the economy, ensuring that adequate supplies of minerals are provided and recognising that minerals can only be worked where they occur.

6.4.46 One of the primary objectives of the PDNPA is to conserve and enhance the special qualities of the National Park. This encapsulates the approach to the protection of National Parks, which is embodied in National Planning Policy.

6.4.57 Minerals Policy 1 in the Peak District National Park Core Strategy seeks to reduce quarrying in the National Park through not permitting new proposals for mineral extraction or proposals which would extend existing operations, other than in exceptional circumstances (other than local small-scale proposals for building stone). It should be recognised that this policy does not categorically rule out permission being granted for mineral extraction. The onus will be on an applicant to demonstrate the 'exceptional circumstances' which may allow for mineral development in the National Park.

6.4.78 The MASS has provided the mechanism to deliver long term planning for the supply of aggregates. It seeks to meet imbalances in supply and demand for aggregates. The underpinning concept behind the MASS is that Mineral Planning Authorities which have adequate resources of aggregates should make an appropriate contribution to national as well as local supply, while making due allowance for the need to reduce environmental damage to an acceptable level. LAA is a key part of this system.

6.4.89 To support the NPPF approach of providing, as far as is practicable, for the maintenance of landbanks of non-energy minerals from outside National Parks, Derbyshire County Council has confirmed, as part of the Duty to Cooperate, that it is willing to meet a shortfall in aggregate provision arising from any reduction in production within the National Park. This approach has been encapsulated in the emerging Plan since the Issues and Options stage and in the LAA since it was first produced in 2014 and has been approved by the East Midlands Aggregates Working Party. The LAA reduces the provision figure for aggregate crushed rock from the PDNP by 10%, and this is added to the provision figure for Derbyshire and Derby.

6.4.10 The similarity of the mineral resources in the areas of Derbyshire both within and outside the National Park, together with the similarity of the markets for the mineral mean that overall supply of the mineral is not likely to be affected to any significant extent. Adequate supplies of mineral will continue to be supplied from the area with no significant adverse impacts on the economy. As a result of the overall supply from the area as a whole remaining steady, there is unlikely to be any significant impact on employment within the industry.

6.4.11 As noted above, should an exceptional need be demonstrated for additional quarrying of aggregate in the National Park, this will be considered by the PDNPA.

#### **REVISED WORDING FOR POLICY SP10: SUPPLY OF INDUSTRIAL LIMESTONE**

Proposals for the extraction of Industrial Limestone will be supported where additional reserves are required for use in industrial and manufacturing processes and where:

- 1) they are required because of their particular chemical and/or physical properties; and
  - 2) the stock of permitted reserves can be shown to have fallen below the level required to sustain production throughout and beyond the end of the plan period; or they are required to provide the necessary level of security of supply to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment;
- and
- 4) the recovery of the mineral is maximised to meet that use; and
  - 5) the method of their extraction would not result in an unreasonable delay to the proposed restoration of the site.

#### **REVISED WORDING AND POLICY FOR TRANSITIONING TO 2042 AND BEYOND**

11.2.5 The Town & Country Planning (Minerals) Act 1981 introduced a provision to impose an end-date on all those mineral planning permissions that were granted prior to 22 February 1982 without a specific end-date. The new cessation date was set at 22 February 2042, 60 years after the power came into effect. The Plan Area contains more than 40 active or dormant mineral sites whose planning permissions are set to expire in 2042. Whilst some of those sites will have exhausted their reserves prior to 2042, many will still be both operational and contain commercially viable reserves with the potential for working many years beyond 2042.

11.2.6 The Plan covers the period up to and including 2038 and seeks to maintain a landbank at the end of the Plan period, which extends beyond the 2042 default

cessation date on some permissions. This presents a number of challenges for the MPA and mineral operators, in terms of certainty of continuity of supply as well as managing long-term working and restoration requirements through the ROMP process. Therefore in order to address this issue the Council is supportive in principle of applications to extend the 2042 end date where reserves remain to be worked. Operators are encouraged to enter into discussions with the MPA regarding the long-term plans for their sites at the earliest opportunity.

**POLICY SP\*\*:** 2042 Time Extensions

Proposals to extend the 2042 end date at sites where reserves remain to be worked beyond 2042 will be supported.

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## 5. Signatories

5.1 Signatories to this Statement have done so on the basis of the details set out in this document.

Organisation Mineral Products Association

Title of Signatory:

Signature:

Date:

Organisation: Derbyshire County Council

Title of Signatory: Cabinet Member for Infrastructure and Environment

Signature:

Date:

Organisation: Derby City Council

Title of Signatory: Chief Planning Officer

Signature:

Date: