

## **Derbyshire and Derby Minerals Local Plan Examination**

### **Post Hearings Work Programme Update January 2026 and Additional Statements on Behalf of Derbyshire County Council, Derby City Council and the Peak District National Park Authority.**

#### **Staffing Resources**

- Senior Planner Minerals and Waste appointment made on 26<sup>th</sup> January 2026, following completion of employment and reference checks. Start date to be confirmed. Principal Planner agency support contract has been extended for a further period up to 31<sup>st</sup> March 2026.

#### **Discussions regarding compensatory provision policy approach**

- Peak District National Park Local Plan Preferred Approach was published on 3<sup>rd</sup> November 2025, which includes minerals planning policies. DCC submitted comments on Plan on 8<sup>th</sup> December 2025, in which it indicated that it was minded to delete the compensatory extraction policy approach in the Derbyshire and Derby Minerals Local Plan.
- A meeting with Officers of PDNPA took place on 21<sup>st</sup> January 2026, when agreement was reached between both parties that the compensatory policy and supporting justification should, reluctantly, be deleted from the Derbyshire and Derby Minerals Local Plan (see further Joint Statement on this issue below).
- PDNPA indicated that deletion of policy would not cause any undue adverse implications for maintenance of landbank of crushed rock within the National Park, although concerns remain regarding conserving and enhancing the protected landscape.

#### **Joint Local Aggregates Assessment**

- Ongoing liaison with PDNPA officers has continued in January 2026, on completion of the Joint Local Aggregate Assessment.
- All PDNPA returns complete and exchanged with DCC. All DCC returns completed in January with outstanding survey return from Cemex received. LAA text drafted and currently being agreed with PDNPA for submission to EMAWP.

- Survey forms for the 2026 LAA were sent out to all operators in Derbyshire in w/c 26<sup>th</sup> January.

### **Statement of Common Ground with Minerals Products Association**

- July 2025: Statement of Common Ground received from Minerals Products Association. 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 compensatory extraction policy approach.

### **Calculation methodology & production capacity assessment**

- Throughout January work on the Minerals Capacity Assessment has progressed and is now complete and will be provided to the Inspectors in due course.
- Capacity Assessment is confirming both short term and long-term issue with maintaining landbanks for sand and gravel. However, capacity assessment is indicating no significant issues with short and long term landbanks for crushed rock.
- Capacity Assessment will now form basis for DCC's 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.
- Capacity Assessment has indicated likely need to identify at least one additional sand and gravel site for allocation. Previous Call for Sites Assessments were reviewed in November to consider whether any previously promoted sites could be allocated through Main Modifications and subject to further consultation. Three potential sites appear worthy of reconsideration at Eggington, Foremark and Swarkstone.
- Details of these sites were forwarded to Aecom in early December for inclusion in the SFRA Sequential Test update, the contract for which has been finalised with Aecom.

### **Strategic Flood Risk Assessment & Site Assessment Methodology**

- Contract with Aecom completed in January for undertaking update to Derbyshire and Derby Strategic Flood Risk Assessment Sequential Test.
- Scope of work has been agreed to include three additional sites identified for potential allocation through Call for Sites.
- Aecom expected to start work on assessment in early February.

## **Main Modifications and Additional Modifications**

- Copy of Revised Gant chart for progressing additional work identified by Inspectors was updated in December 2025, a copy of which was forwarded to Inspectors.
- Work on drafting Main Modifications has been ongoing throughout January and good progress being made, particularly now that agreement has been reached with the PDNPA to delete the compensatory extraction policy for crushed rock.

## **Annual Monitoring Report Update**

- Work has been progressed and completed on the 2023 Annual Monitoring Report. Copy will be provided to Inspectors shortly. Work commenced in January on the 2024 AMR.

## **Joint Statement on Behalf of Derbyshire County Council and Derby City Council the Peak District National Park Authority**

As the Inspectors will be aware, following their deliberations on the Derbyshire and Derby Minerals Local Plan Hearing Sessions between 20<sup>th</sup> and 22<sup>nd</sup> May 2025 and confirmed in their post hearing letter to the MPAs on 5<sup>th</sup> September 2025, the Inspectors have deemed that the compensatory policy approach set out in the MLP for a 10% reduction in crushed rock extraction within the Peak District National Park with a compensatory increase of 10% provision within Derbyshire, is not compliant with national policies in the National Planning Policy Framework.

Since those deliberations, particularly since the post hearing letter, officers of the County Council and the PDNPA have held a number of discussions on this matter to seek to agree a way forward.

As the Inspectors will be aware, officers of both County and City Councils and PDNPA presented their joint position on this policy approach through both their responses to the Inspectors' MIQS and through further statements submitted to and expanded upon verbally at the Examination Hearing Sessions. Whilst the County Council's and PDNPA's reasoning and justification for the policy approach was discussed and argued at length through both processes above, essentially both authorities strongly contended that the policy approach was fully compliant with the:

- The requirements of section 11A of the National Parks and Access to the Countryside Act 1949 (as amended by the Levelling-up and Regeneration Act 2023) which places a duty on certain bodies, of which the County Council is one, to further National Park purposes; and,
- Paragraph 224 of the NPPF (2024) which requires that in considering proposals for mineral extraction, minerals planning authorities should, as far as is

practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks.

In the context of the above, and following their further discussions, the Councils and PDNPA still contend that their policy position on the above is an appropriate one, being compliant with the requirements of the National Parks and Access to the Countryside Act 1949 (as amended by the Levelling-up and Regeneration Act 2023) and the NPPF.

Notwithstanding the above, and whilst the Councils and PDNPA are disappointed with Inspectors' conclusions on this matter, for expediency and efficiency for completing the examination process, the authorities have reluctantly decided to accept the Inspectors' recommendations to delete the policy approach from the Plan and to draft Main Modifications to the Plan to facilitate this change in approach.

## **Joint Statement on Behalf of Derbyshire County Council and Derby City Council**

### **Issue Relating to the Inspectors' Conclusions on the Maintenance of Landbanks at the End of the Plan Period.**

#### **Implications of Norfolk Minerals Local Plan Adopted in May 2025**

As the Inspectors will be aware, following their deliberations on the Derbyshire and Derby Minerals Local Plan Hearing Session between 20<sup>th</sup> and 22<sup>nd</sup> May 2025 and confirmed in their post hearing letter to the MPAs on 5<sup>th</sup> September 2025, 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.

The Inspectors will be aware that though the Councils' responses to their MIQs and their position made verbally at the examination hearing sessions, their position on this matter was that the Plan was compliant with the requirements of the NPPF, particularly as the NPPF did not require minerals planning authorities to seek to demonstrate 7 and 10 year landbanks for sand and gravel and crushed rock at the end of the Plan period.

The Inspectors will also be aware that in its MIQs, reference was specifically made to the conclusions of the Inspector for the Leicestershire MLP EIP on this matter, who concluded that the NPPF does not set out a requirement for minerals planning authorities to maintain landbanks at the end of the Plan period and that ongoing monitoring and review and flexible provision policies will be sufficient to enable a minimum seven year landbank at all times i.e. a review towards the end of the Plan period will determine supply beyond the current Plan period.

Since the Inspectors issued their post hearing letter on 5<sup>th</sup> September 2025, the Councils have investigated this issue further to seek to gain a better understanding

of the appropriate approach to be taken by MPAs to the landbank issue at the end of the plan period. The issue has also been raised with the East Midlands Minerals and Waste Plans Heads of Planning Group and the East Midlands Aggregates Working Party.

Through those investigations, the Councils had been made aware of the Norfolk Minerals Local Plan that was adopted in May 2025 and particularly the conclusions on the land bank issue that were deliberated through the examination and hearing process and addressed in the Inspector's final report. It is noted that the Inspector for the Local Plan Examination was Mr Normington, which is an important consideration of this matter for the reasons set out below.

In its responses to the Inspector's MIQs, Norfolk County Council's position on the landbank issue was as follows

**4. Does the calculation of the forecast need for sand and gravel, carstone and silica sand adequately reflect the need to maintain a relevant landbank at the end of the Plan period?**

*NCC response: Yes, the period covered by the Minerals and Waste Local Plan is until the end of 2038. There is no requirement in the NPPF or PPG for the plan to allocate sites to enable a landbank (of at least 7 years for sand and gravel, 10 years for Carstone and 10 years for silica sand) to exist at the end of the Plan period. A landbank of permitted reserves is calculated from the extant planning permissions for mineral extraction (not from sites allocated in the plan). The Town and Country Planning (Local Planning) England Regulations 2012 (as amended) requires the policies in plans to be reviewed every 5 years. The review process would ensure that sufficient sites were allocated to cover a new 15-year plan period before the current plan period to 2038 ended. In addition, the Mineral Planning Authority will monitor the landbank situation annually through the Local Aggregate Assessment and take appropriate action as necessary.*

**6. Should Policy MP1 be more explicit about the need to maintain landbanks at the end of the Plan period? NCC response:**

*No, there is no requirement in the NPPF or PPG for the plan to allocate sites to enable a landbank (of at least 7 years for sand and gravel, 10 years for Carstone and 10 years for silica sand) to exist at the end of the Plan period. A landbank of permitted reserves is calculated from the extant planning permissions for mineral extraction (not from sites allocated in the plan). The Town and Country Planning (Local Planning) England Regulations 2012 (as amended) requires the policies in plans to be reviewed every 5 years. In addition, the Local Aggregate Assessment considers the level of the mineral landbanks each year, and NPPF (December 2023) paragraph 219(e) (NPPF September 2023, paragraph 213(e)) states that the landbank of aggregate minerals should be used to indicate the additional provision that needs to be made in mineral plans. The national PPG (Minerals) provides further detail at Paragraph 080 (Reference ID: 27-080-20140306) that landbanks should be used principally as a trigger for a MPA to review current provision of mineral allocations in the plan and consider whether a review of the plan is*

*necessary. Therefore, the LAA and the 5-yearly review process would ensure that sufficient sites were allocated to cover a new 15-year plan period before the current plan period to 2038.*

[NCC Matter 2 vision and objectives.pdf](#)

### **Inspectors Report Issued on 24<sup>th</sup> March 2025**

Following the Examination of the Norfolk Minerals Local Plan and its hearing sessions that took place on 2<sup>nd</sup> and 3<sup>rd</sup> July 2024, Inspector Normington issued his Final Inspector's Report on the Plan on 24<sup>th</sup> March 2025, within which he provided his conclusions on the issue of the demonstration of landbanks at the end of the Plan period. Paragraphs 54 to 60 and 71 to 72 set out his conclusions as below:

*Sand and Gravel Provision 54.*

*MM29, MM30, MM31, MM32 and MM33 provide factual updates to paragraphs MP1.3, MP1.4, MP1.5, MP1.6 and MP1.7 of the Plan respectively to reflect the most recently available published data from 2022 LAA.*

*55. Paragraph MP1.3 identifies that the sub-national guidelines are for Norfolk to produce 2.57 million tonnes per annum (mtpa) of sand and gravel. MM29 modifies the text to explain that in the last 10 years (2013- 2022) sand and gravel production has not met the sub-national guideline.*

*56. MM30 updates the last 10 years production and last 10 years average sales figures contained within paragraph MP1.4. These identify that the average production of sand and gravel over the last 10 years (2013-2022) was 1.413mtpa, and that using the 10-year sales average to forecast the future need for sand and gravel would mean that sites for 4.654 million tonnes (mt) of extraction would need to be allocated over the Plan period. The MM also identifies that in order to plan for future growth, the 10-year sales average is considered to be slightly too low when forecasting future need.*

*57. MM31 updates the last 3-year average production figures contained within paragraph MP1.5 to 1.39 mtpa. The MM also sets out that the 3-year production average has remained stable over the last 3 years. Paragraph MP1.6 identifies the level of permitted reserves of sand and gravel which MM32 sets out as being 17.954mt as at 31 December 2022.*

*58. Paragraph MP1.7 sets out the calculation of forecast need for sand and gravel over the Plan period. MM33 provides for a 10% buffer of 0.141mtpa to the 10-year average sales in order to accommodate future growth to give a requirement for the 16 years from the end of 2022 to 2038 of 1.554mtpa. The MM identifies that the forecast need for sand and gravel over the Plan period is 24.864mt and taking into account permitted reserves it provides a forecast shortfall of 6.91mt over the Plan period.*

*59. The above MMs are necessary to reflect the most up to date LAA and in order for the Plan to be justified, effective and positively prepared. The shortfall identified is*

*used to inform Policy MP1 (Provision for minerals extraction) which is considered later in this report.*

*60. The question arises whether there would be an under provision of sand and gravel resources over the Plan period due to the likelihood of increased demand caused by economic growth in the region and whether the 10% buffer is sufficient. However, the annual LAA should be able to identify the consequences and impact there might be on aggregate resources, reserves and landbanks and whether a review of the Plan would be triggered earlier than Norfolk Minerals and Waste Local Plan, Inspector's Report March 2025 18 might otherwise be the case. Furthermore, the Plan contains policies, considered below, which would enable the consideration of proposals outside of allocated sites in circumstances where there was a risk that demand was not being met or the landbank would not be maintained at the end of the Plan period. Consequently, I see no convincing reason to depart from the basis of the supply figures outlined above and I conclude that the Plan, as modified, adequately identifies the required provision for sand and gravel over the Plan period.*

#### *Policy MP1: Provision for Mineral Extraction*

*70. This strategic policy brings together the calculation forecasts for the above minerals in defining the provision for these minerals that the Plan needs to make over the Plan period. For sand and gravel and carstone, the policy identifies that the strategy is to allocate sufficient sites to meet the forecast need and maintain a landbank of at least 7 years' supply for sand and gravel and at least 10 years' supply for carstone.*

*71. Corresponding changes to the figures in the policy are necessary to be consistent with revised forecast for sand and gravel and silica sand provided by MM33 and MM42 respectively. With regard to sand and gravel, it does not provide flexibility to enable the consideration of proposals outside of allocated sites in circumstances where the landbank is not being maintained. MM43 addresses these matters and is necessary for the Plan to be positively prepared, justified and effective.*

*72. Paragraphs MP1.25 and MP1.26 provide part of the supporting text to Policy MP1 in dealing with the approach to sand and gravel proposals outside of allocated sites. Modifications to both paragraphs are necessary to provide additional flexibility for planning applications that may come forward for sand and gravel extraction on unallocated sites in order to be consistent with the changes made to the policy as a consequence of MM43. For effectiveness, and to ensure that the Plan is positively prepared, further explanation is necessary in this regard which is provided by MM44 and MM45.*

[Norfolk M&W Plan - Inspectors Report - FINAL.pdf](#)

Based on the above, Derbyshire County Council and Derby City Council would be grateful for further comment and clarification from the Inspectors on the issue of maintaining landbanks at the end of the Plan period, particularly as the County Council has already dedicated significant time and resources to seek to address this issue originally raised by the Inspectors at the EIP Hearing Sessions and through

their Post Hearings Letter. This work has particularly included completing the 2025 Joint LAA, completing a Minerals Capacity Assessment, and consideration and assessment work on potential additional sites that have previously been promoted to the County Council that may be suitable for additional sand and gravel allocations in the Plan. Further additional work is currently underway on an Updated SRFA Sequential test, which will assess previously promoted sites to the Councils as potential new sand and gravel allocations to address a potential landbank shortfall at the end of the Plan period.

In conclusion, it is of concern to the Councils that their policy approach to the maintenance of landbanks for sand and gravel and crushed rock in the Derbyshire and Derby Minerals Local Plan, is essentially the same as that taken in the Norfolk Minerals Local Plan for its respective landbanks but that the Inspectors' deliberations and conclusions on the landbank issue on the Derbyshire and Derby Minerals Local Plan appear to be significantly at odds with the conclusions of one of the same Inspectors on the Norfolk Minerals Local Plan, where a more flexible and pragmatic approach was indeed taken to the end of plan period landbank issue.

Further clarification and comment by the Inspectors would be welcome to assist the Councils in how they should take this matter forward.

#### Implications of Local Government Reorganisation

A further consideration the Inspectors' may wish to be aware of on the landbank issue, is that Derbyshire County Council and Derby City Council are unlikely to exist in their current form after April 2028, due to Local Government Reorganisation.

In November 2025, Derbyshire County Council submitted its proposal to Government for the establishment of one single unitary council covering the whole of Derbyshire including Derby City. However, Derby City Council, together with all eight of the district and borough councils in Derbyshire, submitted an alternative proposal to Government for the establishment of two unitary authorities (Derbyshire North and Derbyshire South).

The key point from the above, is that beyond April 2028, there is likely to be either one of two new successor unitary authorities covering Derbyshire and Derby, which will no doubt assume full statutory plan making powers, including for minerals and waste planning. In this context, it is highly likely that the successor authority or authorities will commence preparation of their new unitary development plans, including minerals policies, shortly after April 2028, which will completely replace and supersede the Derbyshire and Derby Minerals Local Plan. The long-term landbank issue would therefore be addressed in this wholly new plan making context with a completely new end date of the unitary plan likely to be in the mid to late 2040s.

In the opinion of the County and City Councils, therefore, the issue of the maintenance of landbanks at the end of the Derbyshire and Derby Minerals Local Plan period, becomes somewhat irrelevant and reinforces the Councils' contention that until April 2028 and thereafter, when either one or two new unitary authorities are likely to be established with their own plan making powers, the policy approach in the Minerals Local Plan and the LAA process would ensure that landbanks for

sand and gravel and crushed rock would continue to be maintained on an ongoing basis until a new successor unitary plan was prepared with a new plan end date and new sand and gravel and crushed rock provision requirements.

Further clarification and comment by the Inspectors would be welcome on the issue raised above.

Steve Buffery

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Derbyshire County Council.

2<sup>nd</sup> February 2026.