

Brian Smart  
Development Plans Officer  
Environmental Services  
Derbyshire County Council  
Shand House  
Dale Road South  
Matlock  
Derbyshire, DE4 3RY

The Belgrave Centre  
Stanley Place  
Talbot Street  
Nottingham NG1 5GG  
Direct Line: 0115 971 2661  
Fax: 0115 971 2404  
Email: [lesley.flint@goem.gsi.gov.uk](mailto:lesley.flint@goem.gsi.gov.uk)

Our Ref: EMP1000/475/32

Date: 21<sup>st</sup> September 2007

Dear Mr Smart

I am writing with reference to your application of 22<sup>nd</sup> March 2007 applying for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Derby and Derbyshire Minerals Local Plan (adopted April 2000) and incorporating the First Alteration Chapter 13 – Coal (adopted November 2002).

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27<sup>th</sup> September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon criteria set out in Planning Policy Statement 12 and the Department for Communities and Local Government's Protocol on saving policies.

The extension of saved policies listed in this Direction does not mean that the Secretary of State would endorse these same policies if presented to her as new policy within a development plan document (DPD). It is intended to ensure continuity within the plan-led system and provide a stable planning framework locally.

Minerals and Waste planning authorities (MWSA) should not suppose that a regulatory local plan style approach will be supported in forthcoming DPDs, but should adopt a positive spatial strategy led approach to DPD preparation, and should not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. MWPAs should make good progress with the minerals and waste development framework, according to the timetable in their local development scheme. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy, especially given the



advanced position of many regional spatial strategies and the development plan status of the Regional Spatial Strategy.

From the 27<sup>th</sup> September 2007 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions.

Signed by authority of the Secretary of State

Lesley Flint (Mrs)  
Head of Housing, Planning & Urban Policy

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE PLANNING AND  
COMPULSORY PURCHASE ACT 2004  
POLICIES CONTAINED IN THE DERBY AND DERBYSHIRE MINERALS LOCAL PLAN  
ADOPTED APRIL 2000  
INCORPORATING FIRST ALTERATION: CHAPTER 13 – COAL  
ADOPTED NOVEMBER 2002**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the Secretary of State

Lesley Flint (Mrs)  
Head of Housing, Planning & Urban Policy  
Government Office for the East Midlands  
21 September 2007



**SCHEDULE**  
**POLICIES CONTAINED IN THE DERBY AND DERBYSHIRE MINERALS**  
**LOCAL PLAN ADOPTED APRIL 2000**  
**INCORPORATING FIRST ALTERATION: CHAPTER 13 – COAL**  
**ADOPTED NOVEMBER 2002**

<b>POLICY NUMBER</b>	<b>POLICY NAME/DESCRIPTION</b>
MP1	THE ENVIRONMENTAL IMPACT OF MINERAL DEVELOPMENT
MP2	THE NEED FOR MINERAL DEVELOPMENT
MP3	MEASURES TO REDUCE ENVIRONMENTAL IMPACT
MP4	INTERESTS OF ACKNOWLEDGED ENVIRONMENTAL IMPORTANCE
MP5	TRANSPORT
MP6	NATURE CONSERVATION – MITIGATION MEASURES
MP7	ARCHAEOLOGY – MITIGATION MEASURES
MP10	RECLAMATION AND AFTER-USE
MP11	BORROW PITS
MP12	MINERAL RELATED DEVELOPMENT
MP13	MINERAL EXPLORATION
MP15	REWORKING OF TIPS (FOR PURPOSES OTHER THAN SECONDARY AGGREGATE PRODUCTION)
MP16	MAINTENANCE OF LANDBANKS
MP17	SAFEGUARDING RESOURCES
MP18	EXTENSIONS TO SITES
MP19	ADDITIONAL SITES
MP21	SAND AND GRAVEL SITES
MP22	SHERWOOD SANDSTONES
MP23	CRUSHED ROCK FOR AGGREGATES
MP24	SECONDARY AND RECYCLED MATERIALS
MP25	INDUSTRIAL LIMESTONE
MP27	COAL EXTRACTION AND COLLIERY SPOIL DISPOSAL
MP28	OPENCAST CONSTRAINT AREAS
MP29	COAL STOCKING
MP32	CLAY
MP33	VEIN MINERALS
MP34	BUILDING STONE
MP35	OIL AND GAS