

Cabinet

10 October 2017

Warwickshire Minerals Plan – Summary of Publication Consultation Report and Sand and Gravel Topic Paper

Recommendations

That Cabinet:

- 1) Request the Joint Managing Director (Communities) to prepare a proposed Minerals Local Plan based on the 2017 10 year sales average,
- 2) Authorise the Portfolio Holder for Transport and Environment to approve the proposed Plan for publication in accordance with Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012,
- 3) Subject to such approval authorise the Joint Managing Director (Communities) to publish the proposed Plan and carry out such consultation as she considers expedient on it; and
- 4) Require a further report following such consultation to enable Cabinet to decide whether to recommend that Council submit the proposed Plan to the Secretary of State.

1.0 The Minerals Plan

- 1.1 Warwickshire County Council is the Mineral Planning Authority for Warwickshire. It has a statutory duty to produce the Minerals Plan. The Minerals Plan sets out the spatial strategy, vision, objectives and policies for guiding minerals development for a 15 year plan period. It also provides the framework for minerals development management including implementation and monitoring.
- 1.2 Government guidance also requires that Mineral Planning Authorities (MPAs) should plan for a steady and adequate supply of minerals including the provision of aggregates' i.e. sand and gravel and crushed rock. The Minerals Plan is the vehicle which enables this to be implemented, through the allocation of minerals sites. This provides certainty to communities as to where mineral development should take place in the county.

2.0 Background

- 2.1 At Cabinet in October 2016 it was agreed that the Minerals Plan would be published in accordance with regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Act 2012 and the necessary public consultation carried out.
- 2.2 It was also agreed “that following the next period of consultation and before submission of the Minerals Plan to the Secretary of State, a report be presented to Cabinet and to Council setting out responses to the Consultation exercise and subsequent analysis of those responses”.
- 2.3 This Cabinet report is the one which members previously requested at the October 2016 Cabinet Meeting. It includes two appendices.
- 2.4 Appendix 1 is a Summary of Consultation report which sets out an analysis and summary of the main comments made during the Publication Consultation and initial officers’ comments.
- 2.5 Appendix 2 comprises a Topic Paper for Sand and Gravel. This paper outlines the current situation in the county in respect of sales, permitted reserves and landbanks for sand and gravel and looks behind the scenes at the demand and supply of the products sand and gravel is used in and their local markets. It also looks at the Minerals Plan’s overall sand and gravel requirements and seeks to explain further how the plan requirement figures have been calculated.

3.0 Summary of Consultation

- 3.1 The Publication consultation stage of the plan took place from 9 December 2016 to 3 February 2017 and was extended beyond the minimum 6 weeks. The consultation focussed on matters of Soundness and Legal Compliance. The Government outlines the requirements for consultation and advise all authorities to set out their questions on a specially designed form. This was produced following best practice guidance procedures advocated by the Planning Inspectorate.
- 3.2 The consultation resulted in 684 individual comments being submitted by 283 individual respondents. Approximately half of the comments were made on the form; the rest were submitted by letter or email without using the form. This has resulted in some delays as it has required officers to upload all the information on to the forms and the Council’s consultation portal.

4.0 Sand and Gravel Topic Paper

- 4.1 This Topic Paper highlights the main issues in respect of sand and gravel in Warwickshire. It was considered that a Paper was needed to provide a more

detailed explanation of the link between the information set out in the Local Aggregates Assessment and the section in the Minerals Plan relating to plan requirements for sand and gravel.

4.2 The Topic Paper explains that the rate of production of sand and gravel in the county has become increasingly uncertain in recent years. From being a large producer in the 1990s and early 2000s, providing 10% of the region's sand and gravel Warwickshire is now only providing 3% of the region's sand and gravel. Production figures for sand and gravel have continued to decline resulting in falls in both the 10 year average and the 3 year average. At the same time the county is expected to plan for more development than at any time in recent years and demand for sand and gravel is still very high.

4.3 There appear to be several reasons for the decline in the industry in the county, which are outlined in the Topic Paper. The paper looks behind the reasons which include the following

- Warwickshire is less attractive to large scale mineral operators.
- Landowners and operators appear reluctant to promote sites through the Local Plan.
- In relative terms the sites are quite small and will not deliver large quantities of sand and gravel.
- The best sand and gravel sites with the large reserves have already been worked out.

4.4 The Topic Paper therefore looks at the minerals industry and the local sites in more detail and explains how the Plan requirement is calculated and why all the sites submitted were included in the plan. The report also explains why the plan requirement figure has reduced further since 2016.

5.0 Options and the way forward

5.1 The figures in the plan have been re-assessed based on the most recent data from 2017, which show that the sand and gravel sales average, on which the calculations are based, has fallen dramatically, while permitted reserves have increased. Based on this information we consider that there are two possible options for members to consider. The options are fully set out in the Sand and Gravel Topic Paper in Appendix 2.

5.2 Option A – This Option would mean the plan continues on to Submission stage and Examination in Public, based on the overall aim to provide 8.48mt; this would mean that there would be an overprovision of 1.955 million tonnes which would help to stimulate the local market to support construction and infrastructure growth in the county.

- 5.3 Option B – This Option would require the plan to go back to the Publication Stage based on a requirement to produce a lower figure of 6.525 million tonnes of sand and gravel based on the most recent Local Aggregate Assessment figures produced in 2017.
- 5.4 The main implication for proceeding with Option A is that all the current sites would remain in the plan and the plan could be submitted for Examination in Public without delay and the Examination could take place probably in approximately 9 months.
- 5.5 The main implication of proceeding with Option B, in returning to the Publication stage is that a re-assessment of the proposed sites in the plan would be required. It would mean that the progress of the plan would be subject to further delays as further site analysis would be required and the sites would be re-assessed against the new plan figure. There are also financial implications. In the short term returning to Publication next year would be less costly than going to Examination, although this cost would be only be delayed until the Submission the year after.
- 5.6 On balance it is considered that Option B should be taken forward. This is because the Option is based upon the most recent data based upon a number of recent developments in the last year, including the approval of a large extension at Brinklow Quarry and the rapid fall in the sand and gravel sales 10 year average. Whilst a small overprovision might be justified, a plan requirement with nearly 2 million tonnes overprovision (25%) is too large a figure, even in the context of the growth needed within the county over the plan period.

Appendix 1 – Summary of Consultation

Appendix 2 – Warwickshire Minerals Plan – Sand and Gravel Topic Paper

Background papers

None

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This report was circulated to the following elected members prior to publication.

Local Members: N/A

Other Members: Councillors Shilton, Clarke, Fradgley, Horner and Western



APPENDIX 1 - Summary of Consultation

Warwickshire Minerals Plan (Publication Stage 2016)

OCTOBER 2017

*Working for
Warwickshire*

Contents

Executive Summary	2
Section 1: Introduction	4
Section 2: Responses received	9
Section 3: Soundness & legal compliance	12
Section 4: Comments on how the plan could be changed	33
Section 5: The Duty to Cooperate	36
Section 6: Attendance at examination	37
Section 7: Conclusion	40

Appendices

Appendix 1: Glossary

Appendix 2: The Questionnaire Form

Executive Summary

It was agreed at the October 2016 Cabinet meeting that a report would be presented to Cabinet on the consultation undertaken on the Warwickshire Minerals Plan Publication 2016.

As set out in the Cabinet Report (October 2017), there are two supporting papers. This first paper (Summary of Consultation) aims to inform Cabinet on the key issues raised during the last consultation (9th December 2016 - 3rd February 2017) and provide commentary to assist Cabinet on how feedback has been managed.

The second paper (Topic Paper) is a detailed response to specific issues raised during the consultation, this includes, the amount of sand and gravel required as calculated in the latest Local Aggregates Assessment which informs the Plan and its requirements for sand and gravel taking into account a number of factors, including the role of recycled aggregates in the supply of construction materials, the history of past sales and potential future economic growth within Warwickshire.

At Publication stage, the focus is primarily on the technical aspects of the plan making process which includes legal compliance, the Duty to Cooperate and the test of 'soundness'. This stage has been noted by the public as asking complex and legalistic questions which are not easy to understand. However, these questions are needed to fulfil national planning policy guidance (National Planning Policy Framework 2012) and regulation that governs plan making (the Town and Country Planning Act (Local Planning) (England) Regulations 2012). WCC has followed best practice by providing a guidance note to assist the public to help them understand the process better and make an informed response using the questionnaire form.

Feedback provided herewith is based on quantitative and qualitative analysis following the questions as set out in the questionnaire used for the consultation. A summary analysis is provided on open questions (free text boxes) to help understand key points raised and how this could affect the plan. Open questions are summarised and grouped into key issues, for example, Question 5 of the questionnaire asks if the plan is considered legally compliant or 'sound' and to also provide justification. While responses have been primarily related to site based policies and individual sites the most important issues raised relate to the amount of construction materials required during the plan period and how the plan will deliver and maintain future supplies. Comments have also been made in relation to specific core strategy and development management policies and other sections of the Plan.

The responses to site based policies focus primarily on Policy SO (Overarching Policy - Mineral Sites to be Allocated), Policy S1 (Bourton on Dunsmore), Policy S4 (Land at Wasperton), Policy S5 (Glebe Farm, Wasperton) and Policy S7 (Lower Farm Salford Priors).

For all the sites there are common issues such as traffic and highways, safety, flooding, landscape and visual amenity, dust and noise, health and wellbeing but there are also comments that are specific to individual sites.

For many, the absence of very detailed designs and assessments normally expected at the planning application stage provides little assurance or certainty that the sites can be delivered sustainably. This view is not shared by the developers/promoters of the site, Statutory consultees or your officers as the level of information required at the local plan stage is less detailed than a planning application, further information was supplied by developers after the last consultation and the site based policies set out a number of individual requirements to address areas of concern raised from previous consultation responses.

Section 1: Introduction

Introduction

At the Cabinet meeting in October 2016 it was agreed that the Minerals Plan would be published in accordance with regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Act 2012 and the necessary public consultation carried out. It was also agreed *“that following the next period of consultation and before submission of the Minerals Plan to the Secretary of State, a report be presented to Cabinet and to Council setting out responses to the Consultation exercise and subsequent analysis of those responses”*. Therefore, this report presents a summary of consultation responses and an analysis of the key points raised during the consultation. The analysis also includes a separate Topic Paper, where the main issues in respect of sand and gravel production and future supply for the plan requirement are looked at in much greater detail.

The consultation was held between Friday 9th December 2016 and Friday 3rd February 2017 – extended beyond the minimum 6 week period to take into account the Christmas holiday period allowing additional time to comment on the Plan. As set out in the Council’s Statement of Community Involvement (Adopted September 2016), methods for consultation have included:

- The Council website
- Press Notices in the local newspapers
- Responding to any invites requested by parish/district/borough councils
- On request, attending any Community Forum meetings
- Sending information and copies of Plan and consultation to parish councils, libraries and borough/district councils
- On request, attending mineral liaison committees
- Site Notices displayed on sites allocated within the Plan
- County Councillor briefings offered

This report aims to identify the main points raised by respondents in respect of whether the Plan:

- meets the four tests of soundness;
- is legally compliant; and,
- complies with the Duty to Cooperate.

It also seeks to provide a quantitative and qualitative analysis of the feedback received to the consultation using the relevant questions in the questionnaire.

This Summary of Consultation is not intended to repeat the feedback of consultation that was carried out at Preferred Options stage of the plan. A summary of all the objections at that stage was highlighted and responded to in a separate Report of Consultation which was reported back to Cabinet in October 2016 along with the draft Publication Plan.

Purpose of the consultation

The Publication consultation is undertaken to seek views from communities, stakeholders and other consultees as to whether the plan meets the tests of soundness and other requirements set out in the National Planning Policy Framework. In other words whether:

- the Council has planned for the adequate and steady supply of sand and gravel to meet the County's future needs;
- the Minerals Local Plan is based on sound evidence and its policies justified;
- the requirements set out in the Minerals Local Plan can be delivered by 2032; and
- the Minerals Local Plan is consistent with national policy.

As part of plan preparation, communities have been consulted at various stages, table 1 sets out the stage and purpose of each consultation.

Consultation	Date	Purpose of consultation
Minerals Core Strategy – Revised Spatial Options	19.02.09 – 08.05.09	Consultation on emerging minerals plan
Minerals Plan – Preferred Option and Policies	19.10.15 – 04.01.16	Continuation from the Revised Spatial Options undertaken in 2009. Plan which included new sites (following a Call for Sites) and a review of the draft Plan in the context of new national planning policy and regulations relating to plan making. The time lapse between stages was due to the urgency to produce and adopt the Waste Plan, in order to comply with the EU Waste Directive.
Focused Consultation	19.10.15 – 04.01.16	Consultation on 2 potential additional sites that had been submitted for plan allocation during the Preferred Option and Policies consultation.
Warwickshire Minerals Plan Publication 2016	09.12.16 – 03.02.17	Publication of plan before submitting to the Secretary of State – consultation on whether the plan is considered legally compliant, meets the test of soundness and complies with Duty to Cooperate.

Table 1: Consultations undertaken for the minerals local plan

Structure of this report

As set out below (table 2), this report provides a structured analysis based on the layout of the questionnaire.

Section of report	Question as set out in questionnaire	Summary of section
Section 2: Responses received	<p><u>Part A of the Form</u> Please indicate your interest in the Minerals Local Plan</p> <p>Do you wish to be notified of future stages of the Minerals Local Plan?</p>	<p>This section shows how many responses have been received and gives a breakdown of type of respondent (i.e. whether they are a landowner, resident, interest group, etc.).</p> <p>It is noted that the majority of comments received have been from borough/district residents. It also includes how comments have been received (i.e. by email, post or online), and it gives a breakdown of what the representation relates to (i.e. whether it is a specific policy or paragraph within the text).</p>
Section 3: Soundness & legal compliance	<p><u>Part B of the Form</u> Q1: To which part of the Plan does this representation relate?</p> <p>Q2: Do you consider the Plan to be legally compliant?</p> <p>Q3: Do you consider the Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5</p> <p>Q4: Do you consider the Plan is 'unsound' because it is not:</p> <ul style="list-style-type: none"> ● Positively prepared ● Justified ● Effective ● Consistent with 	<p>This section starts by identifying the policies (section or paragraph of the Plan) comments relate to, asks the question whether consultees felt the Plan is sound and legally compliant.</p> <p>Finishes with the main analysis of why the Plan is considered 'unsound' and / or not legally compliant. A significant amount of interest relates to site based policies, the amount of sand and gravel required for the plan and core strategy and development management policies.</p>

	<p>national planning policy</p> <p>Q5 - If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so.</p>	
Section 4: How the Plan could be changed?	<p><u>Part B of the Form</u></p> <p>Q6 - Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'.</p>	<p>This section reports on the feedback received on what changes are required to make the Plan legally compliant or 'sound'. As would be expected most respondents commenting on the sites have requested that they be deleted.</p>
Section 5: The Duty to Cooperate	<p><u>Part B of the Form</u></p> <p>Q7: Do you consider the Minerals Local Plan complies with the Duty to Co-operate?</p>	<p>This section reports on responses relating to the Duty to Cooperate and whether the Plan complies. The Duty to Cooperate relates to named organisations including adjoining mineral planning authorities and not individual members of the public.</p>
Section 6: Attendance at examination	<p><u>Part B of the Form</u></p> <p>Q8: If your representation is seeking to make a change to the Minerals Local Plan, do you consider it necessary to participate in the oral part of the examination?</p> <p>Q9 - If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.</p>	<p>This section reports on the amount of consultees that have requested to participate (or not) at the oral hearing of the examination and why.</p>

Section 7: Conclusion	n/a	This includes a summary of the key points of this report and how it relates to the aims of the consultation.
Appendices – Attached separately to this document	n/a	<p><i>Appendix 1:Glossary</i> - this gives a definition of the technical words used in this report</p> <p><i>Appendix 2: The Questionnaire Form</i> - this is a copy of the questionnaire form which was used for the consultation</p>

Table 2: Report structure in context to the questionnaire

Section 2: Responses received

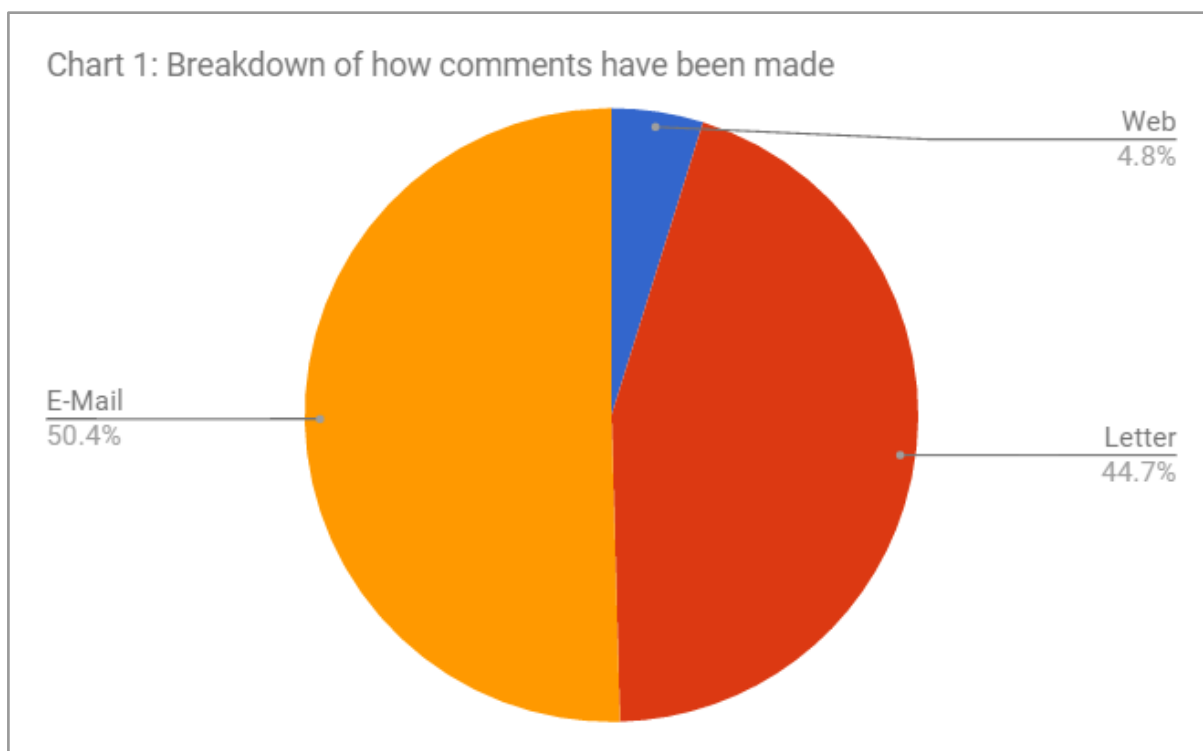
Introduction

This section is a quantitative analysis that looks at the representations under Part A of the questionnaire. The key areas this section reports on are the:

- Number of responses received
- Method used to submit representations
- Type of consultee
- Breakdown of representations made
- Number of those who wish to be kept informed of future stages

Consultation responses

A total of 684 representations were received from 283 respondents. The preferred method of making representations has been by email which accounts for 50.4% of all responses (345), then letter at 44.7% (306) and only 4.8% (33) using the web based online response facility - the consultation portal (OBJECTIVE).



Where respondents chose to submit a letter or an email, those representations have been uploaded specifically based on the questions set out on the form. This is a requirement of the Publication stage of the Plan where the questions specifically relate to issues of soundness and legal compliance as well as the Duty to Cooperate. This helps in the analysis of feedback and organisation of information when the comments are submitted to the Secretary of State for future examination.

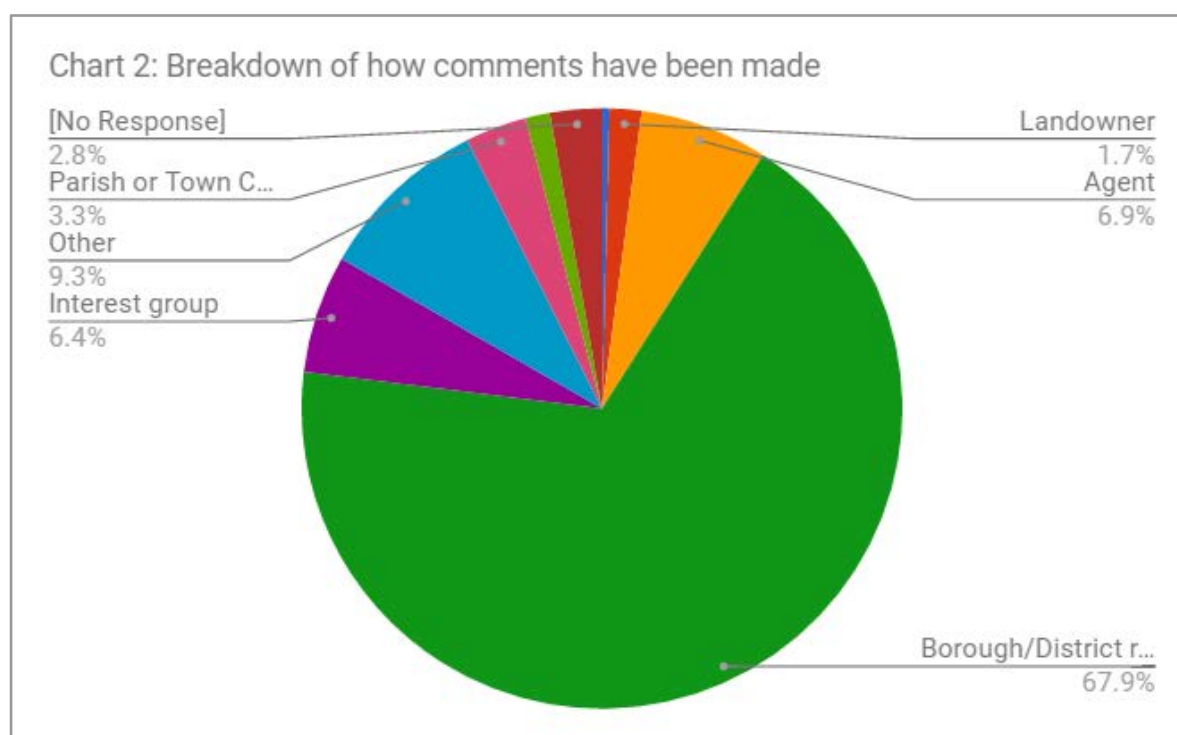
A total of 16 representations have not provided a name and address and there have been 12 late responses. A hard copy of these representations will be made available for the Planning Inspector, should he or she wish to view them at a future Examination in Public (EIP). These representations have not been included as part of the total representations submitted for the purposes of the consultation analysis here, as they are not considered to be duly made if they do not include name and address details or late.

Part A of the questionnaire

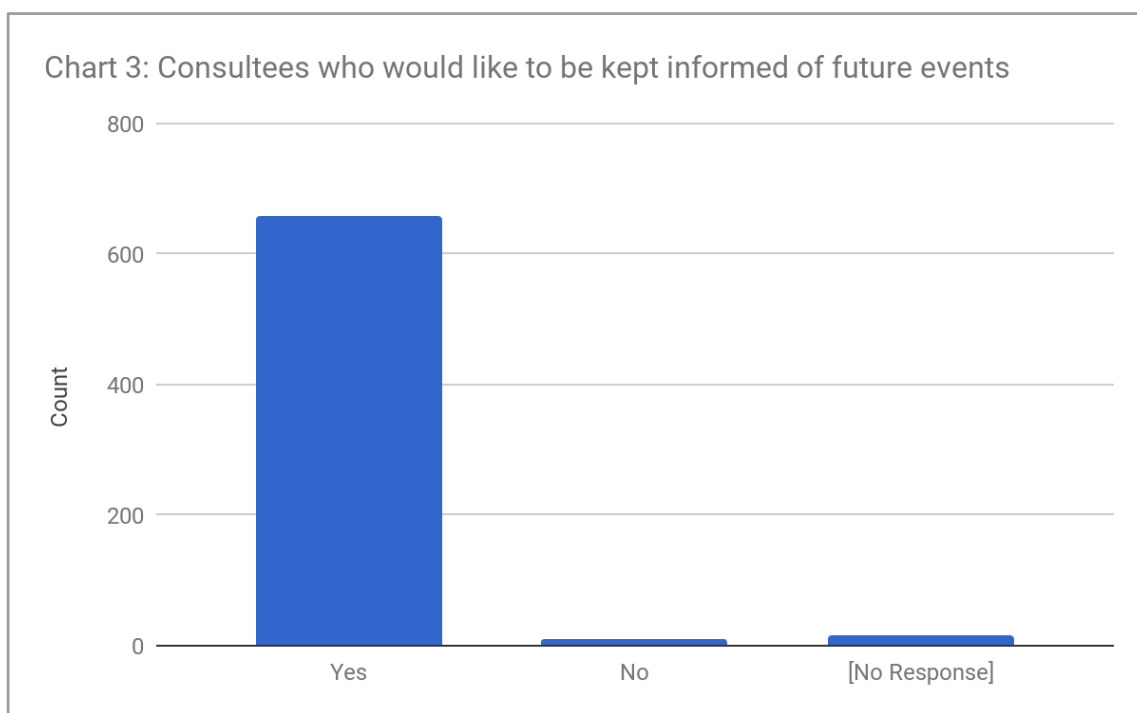
Part A of the questionnaire used for the consultation contained two questions:

- ***Please indicate your interest in the plan? and,***
- ***Do you wish to be notified of future stages of the plan?***

In response to the first question, a significant proportion of the responses were from district and borough residents (67.9%), representations made by agents (consultants) (6.9%), interest groups (6.4%) others such as statutory stakeholders such as the Environment Agency and Natural England (9.3%). Parish and Town Councils comprised 3.3% of responses and 2.8% of consultees who responded to the Plan, did not respond to this question (as shown on Chart 2). It should be noted that some respondents have indicated that they have more than one interest (i.e. interest group and district and borough resident).



In regards to the second question, responses show that a very high proportion of respondents would like to be kept informed of future events, 11 said no, they did not wish to be kept informed and 15 did not respond at all (see Chart 3).



Observations

Based on the feedback presented in this section, the following observations are made:

- Electronic representations (either by email or online) accounts for over half of all responses (55.2%)
- Email is the favoured method for submitting representations (50.4%)
- Online representations accounted for only a small portion (4.8%) of the total responses received
- 67.9% of respondents were borough/district residents
- 96.2% would like to be kept informed of future events

Web Responses

It is noted that there has been a particularly poor response rate for responses made on the web based software package known as “Objective”. Only 4.8% of responses were made using this vehicle. By using this means to respond, respondents can ensure that all their comments are made in exactly the right sections. Otherwise, officers when inputting the data may have to decide to which one the respondent is referring, which may not always be obvious. This also has major implications for the timescale of the plan as it means officers have to spend a lot of time inputting all the data themselves, which is especially time consuming if the responses are sent in letter form through the post. This is one of the reasons why the plan has been slow in coming forward through each stage.

Section 3: Soundness & legal compliance

Introduction

This section provides feedback on the key issues raised during the consultation in context to whether the Plan is considered legally compliant and if it is 'sound' and the reasons for their response. Representations have been grouped into key issues (largely relating to site based policies) to help organise information easier for analysis and for reporting back. In addition to providing a commentary on the responses received, there is also officer observations on the appropriateness and relevance of the comments made for the continuation of plan making by the authority.

The questions analysed in this section relate to Part B of the questionnaire:

- *Question 1: To which part of the Plan does this representation relate?*
- *Question 2: Do you consider the Plan to be legally compliant?*
- *Question 3: Do you consider the Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5*
- *Question 4: Do you consider the Plan is 'unsound' because it is not:*
 - *Positively prepared*
 - *Justified*
 - *Effective*
 - *Consistent with national planning policy*
- *Question 5 - If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so*

Question 1: To which part of the Plan does this representation relate?

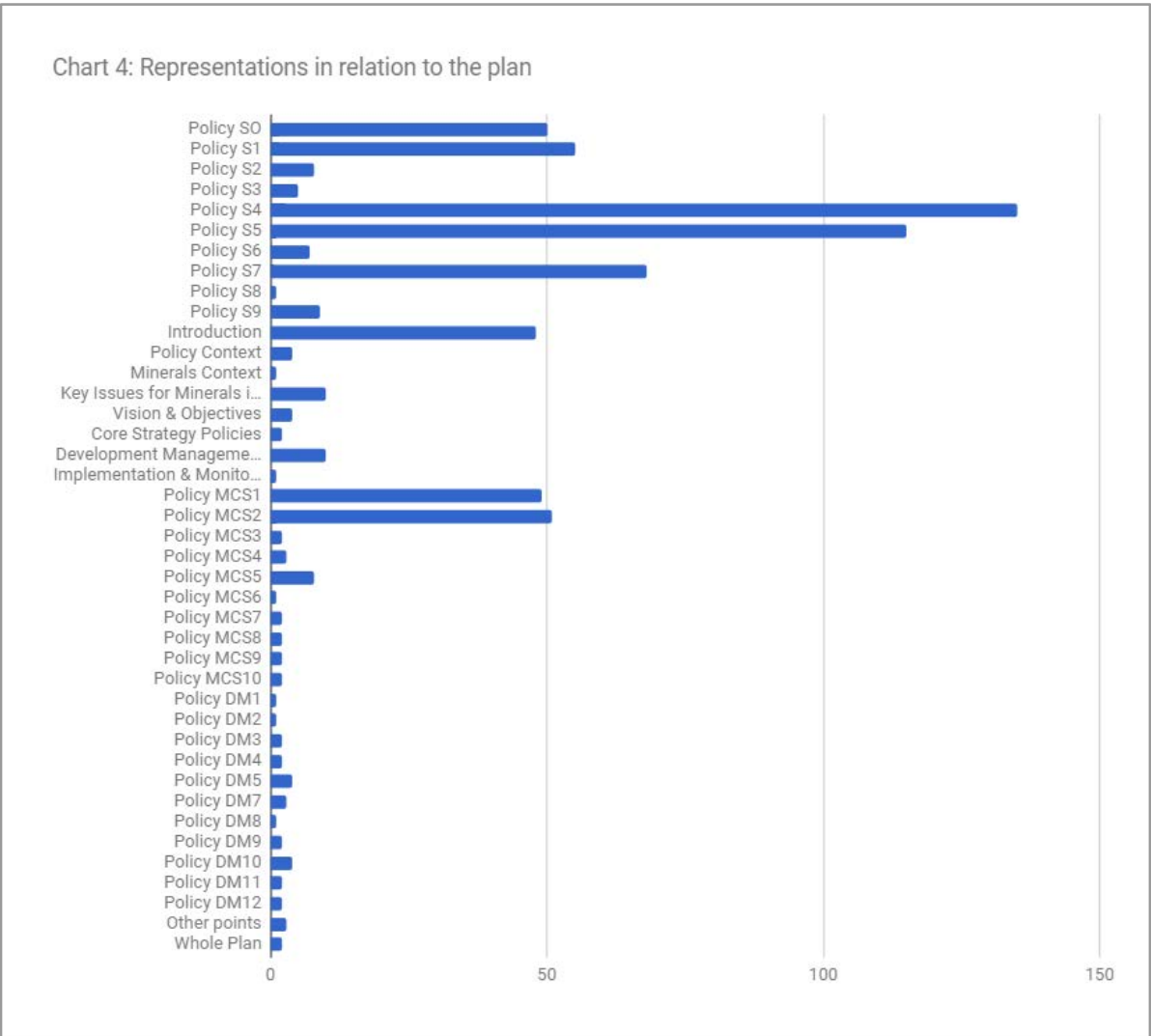
This question asks respondents to state which policy, paragraph or part of the Plan comments refer to. Chart 4 presents how many comments were received on each policy / section of the Plan. In summary, Section 1 (Introduction) received 48 comments, Section 2 (Policy Context) 4 comments, Section 5 (Key Issues for Minerals in the County) 10 comments and Section 9 (Development Management Policies) 10 comments.

In Section 7 of the plan Policy SO (received 50 comments) provides the overarching policy for the allocation of sand and gravel sites within the County to meet future requirements. As shown in Chart 4, a large number of representations have also been made on the individual site allocation policies. Policy S1 (Bourton on Dunsmore) received 55 comments, Policy S4 (Land at Wasperton) 135, Policy S5 (Glebe) at 115 and Policy S7 (Lower Farm, Salford Priors) 68 comments.

Other notable policies that received large responses relate to the core strategy under Section 8. In particular, Policy MCS1 (Supply of Minerals and Materials) received 49 representations and Policy MCS2 (Sand and Gravel) 51 representations. Below is a list of the policies listed in Chart 4 that have been referred to in the consultation and the number of responses received:

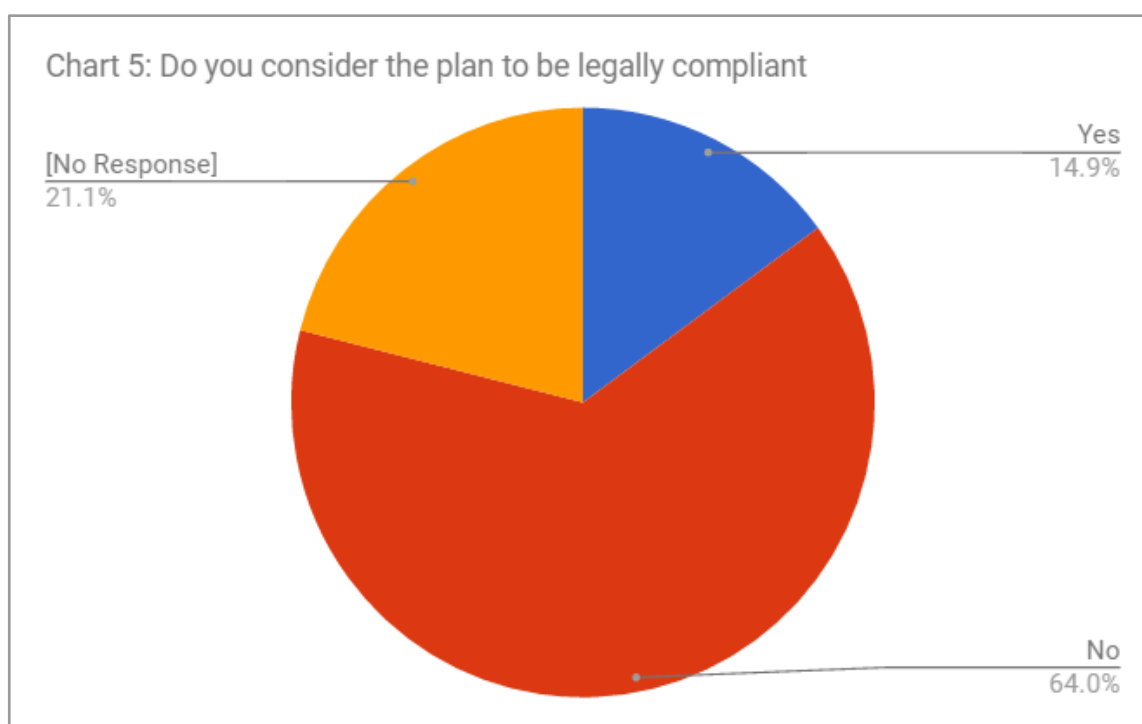
- Policy SO Overarching Policy - Mineral Sites to be Allocated (50 comments)
- Policy S1 Allocation at Site 1 Bourton on Dunsmore (55 comments)

- Policy S2 Allocation at Site 2 Lawford Heath (8 comments)
- Policy S3 Allocation at Sites 3/32 Shawell Quarry (5 comments)
- Policy S4 Allocation at Site 4 Wasperton (135 comments)
- Policy S5 Allocation at Site 5 Glebe Farm, Wasperton (115 comments)
- Policy S6 Allocation at Site 6 Coney Grey Farm, Ryton (7 comments)
- Policy S7 Allocation at Site 7 Lower Farm, Salford Priors (68 comments)
- Policy S8 Allocation at Site 8 Broom Court Farm, Bidford (1 comment)
- Policy S9 Allocation at Site 9 Hams Lane, Lea Marston (9 comments)
- Policy MCS1 Supply of Minerals and Materials (49 comments)
- Policy MCS2 Sand and Gravel (51 comments)
- Policy MCS3 Crushed Rock (2 comments)
- Policy MCS4 Secondary and Recycled Aggregates (3 comments)
- Policy MCS5 Safeguarding of Minerals and Minerals Infrastructure (8 comments)
- Policy MCS6 Brick Clay (1 comment)
- Policy MCS7 Building Stone (2 comments)
- Policy MCS8 Coal Mining (2 comments)
- Policy MCS9 Conventional and unconventional Hydrocarbons (2 comments)
- Policy MCS10 Underground Coal Gasification (2 comments)
- Policy DM1 Protection and enhancement of environmental assets and landscapes (1 comment)
- Policy DM2 Warwickshire's Historic Environment & Heritage Assets (1 comment)
- Policy DM3 Green Infrastructure (2 comments)
- Policy DM4 Health, Economy and Amenity - Minimising the Impacts of Mineral Development (2 comments)
- Policy DM5 Sustainable Transport (4 comments)
- Policy DM7 Flood Risk and Water Quality (3 comments)
- Policy DM8 Aviation Safeguarding (1 comment)
- Policy DM9 Reinstatement, reclamation, restoration and aftercare (2 comments)
- Policy DM10 Mineral Safeguarding (4 comments)
- Policy DM11 'Whole Life' Carbon and Resource Efficiency (2 comments)
- Policy DM12 Overall Assessment of Proposals (2 comments)



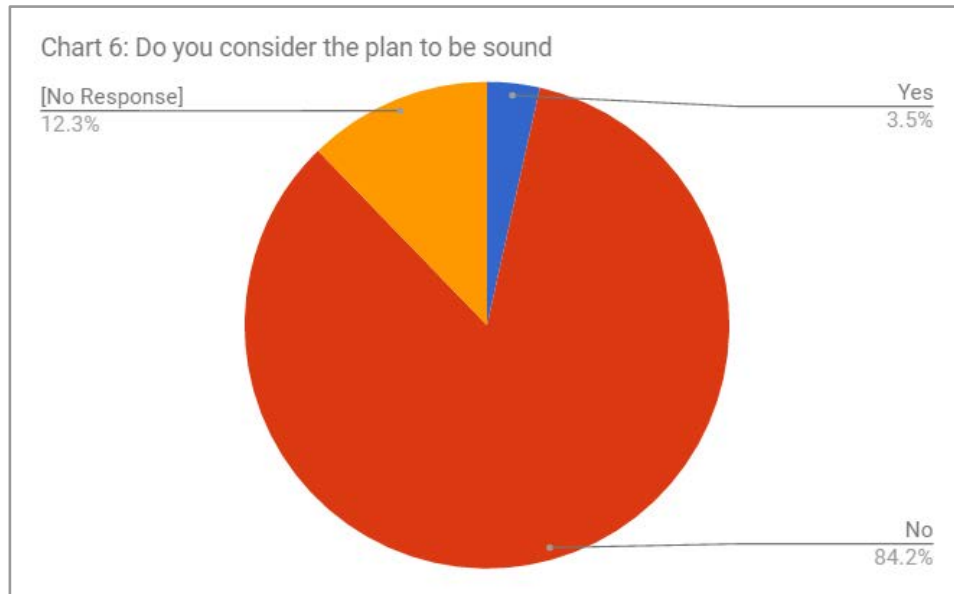
Question 2: Do you consider the Plan to be legally compliant?

This question seeks views as to whether the Plan meets the legal and procedural requirements set out in the regulations such as whether the plan has been prepared in accordance with statutory procedures; the Local Development Scheme and whether consultation has been undertaken in accordance with the Statement of Community Involvement, the requirement for a Sustainability Appraisal has been met and whether a Habitat Regulations Assessment has been prepared as set out in the National Planning Policy Framework. Chart 5 presents the results of those respondents that answered the question, 64% felt that the Plan was not legally compliant, 14.9% felt it was and 21.1% did not respond. Most of those responding to this question did not point to a specific piece of legislative non-compliance by the authority but rather commented that the plan was unsound because a particular site had been allocated in the plan. Where a specific legal non-compliance was cited then it was focussed on the plan not having regard to national planning policy.



Question 3: Do you consider the Plan to be 'sound'? If No, please continue to Question 4: otherwise please continue to Question 5

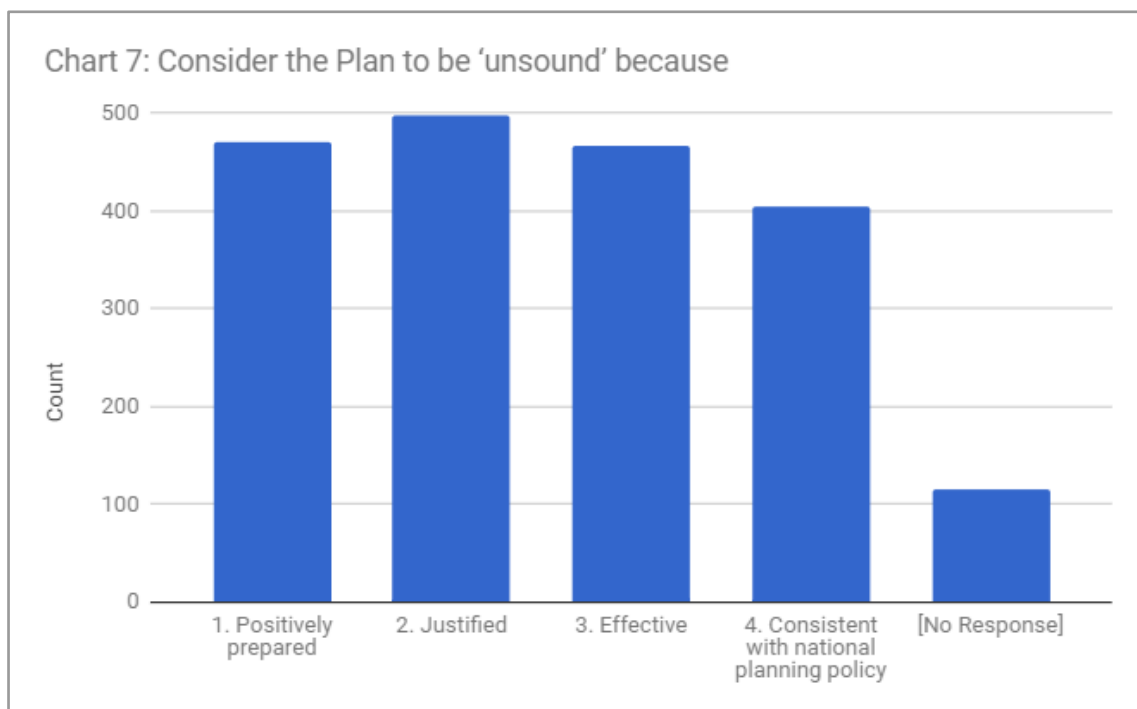
The test of 'soundness' relates to four areas: Positively prepared, Justified, Effective and Consistent with national policy. Consultees were asked if they considered the Plan to be 'sound'. Chart 6 shows the results of those respondents that answered the question, 84.2% felt that the Plan was not sound, 3.5% felt it was and 12.3% did not respond.



Question 4: Do you consider the Plan is 'unsound' because it is not:

- i. Positively prepared**
- ii. Justified**
- iii. Effective**
- iv. Consistent with national planning policy**

This question asks respondents that felt the Plan to be 'unsound' to state which or all of the four tests had not been met. As shown in Chart 7, there is a relatively even split between the four tests with Justified (ii) being considered the main reason why the Plan was felt to be 'unsound'.



Question 5 - If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so.

This section now turns to the qualitative assessment that looks at why consultees felt that the plan is considered not legally compliant or unsound. As explained above, the majority of comments received relate to site based policies and the plan requirement for future sand and gravel extraction.

Site based responses

The summary below provides feedback and officer commentary on the site allocation policy responses.

Policy SO Overarching Policy - Mineral Sites to be Allocated

According to respondents the level of tonnage in the policy required to be met by the allocations is far in excess of what it actually required if the correct calculation methodology is used. They believe that the actual tonnage required is 1.899 million tonnes and the number of sites required to meet this tonnage should be revised and reassessed accordingly. The cumulative impacts of sites within the Rugby and Coventry area have not been thoroughly assessed and Site 12 has been unreasonably omitted from the plan.

Officer observations - *the Topic Paper addresses in more detail the comments made about the required amount and how it has been calculated. There is a clear difference in opinion about the calculation methodology and how it should be applied taking into account the particular circumstances in Warwickshire with its very low production rate and reliance on one particular site. Officers have checked its methodology and its application with the Aggregates Working Party, the plans of other authorities and locally based evidence. Site selection was based on a robust process set out in the Site Assessment Methodology for Allocating Sand and Gravel Sites (October 2016). Further assessments will be required if the plan requirements are lower than previous consultations. Detailed assessments will also be required at planning application stage where more details would be provided by the applicant to objectively assess the environmental impacts of the development and the mitigation measures required to minimise any potential impacts as a result of the development. Site 12 will have to be reassessed in the light of the comments made.*

Policy S1 Allocation at Site 1 Bourton on Dunsmore

A number of respondents have referred to representations made by an agent on behalf of the parish council. These comments relate to the removal of this site (and therefore the policy) on the basis that it fails the test of 'soundness' as the Plan over provides on sand and gravel and therefore the site is not needed.

Officer observations - *The Topic Paper deals with this matter in more detail especially the claim that the plan over provides which is disputed. Whether the site is needed as an allocation is a separate matter to be determined at a later stage.*

If the policy remains in the plan, then the site should be restored to wetlands due to unacceptable risk of flooding and contamination of drinking water. There are also concerns that the restoration will not be to a satisfactory standard and / or carried out at an acceptable rate causing a delayed onset of blight. Restoration will not be to the original levels and this

will have adverse visual effects due to changes in the local landscape which cannot be accommodated.

Officer observations - *The Plan envisages that the site could be restored to agriculture and to nature conservation uses using where feasible imported inert fill and lowering the level of the land. Moreover restoration of sand and gravel sites will be determined as part of the planning application process where detailed information will be available.*

Concerns have been raised that development would pose a serious risk from flooding within the immediate locality and further beyond. A report submitted as additional information on water and hydrology claims that the site is 'a catchment reservoir acting as a sponge for rainfall that eventually drains down to the River Leam' - this report has been referred to by a number of respondents. Representations have also been submitted in relation to the landscaping/screening of the site.

Officer observations - *The issue of flooding was raised in the previous consultation but as reported previously the Environment Agency do not object to the inclusion of the site and that remains their position. Any planning application for mineral extraction would require a Flood Risk Assessment to address any potential flood impacts and potential mitigation measures. Landscaping and screening would be dealt with at planning application stage when more detailed design and assessments would be available.*

Representations suggest the need for a Transport Assessment (TA) as part of when a planning application is submitted that identifies any transport mitigation measures required. Additionally, traffic and routing of HGVs should be agreed to avoid the B4453 (Straight Mile) to the south-west of the A45 as part of any planning application submitted for mineral extraction. There has been dissatisfaction expressed in relation to the existing capacity of the local infrastructure, in particular, road junctions and traffic light management and the ability to manage traffic generated by mineral working at the site.

Officer observations - *Any planning application for mineral extraction would require a Transport Assessment to identify any potential highways issues and potential works and measures to address any issues.*

Site 1 (Bourton on Dunsmore), Site 2 (Lawford Heath) and Site 6 (Coney Grey Farm, Ryton) are in close proximity to each other and is unbalanced in terms of location around Rugby and the Coventry area.

Officer observations - *Extraction can only take place where there are minerals. The spatial strategy in the plan reflects the need for sites for sand and gravel only, the need to maintain supplies until 2032, the desire to reduce further transport distances and use main transport routes and to support growth and infrastructure in main settlements and county based markets and external markets such as Coventry.*

Issues also mentioned include:

- Dust, pollution, noise and traffic

- Air quality - impact on local area
- Cumulative impacts with Site 2 (Lawford Heath)

Officer observations - *Site assessments have been carried out as part of the site selection process and any detailed studies would be submitted as part of the planning application process. An environmental assessment would identify any potential issues and impacts and the measures required to address them.*

Policy S2 Allocation at Site 2 Lawford Heath

The boundary of the allocation has been revised and the operator supports this, therefore it is considered justified and 'sound'.

Officer observations - *Your officers agree.*

A respondent has requested that due consideration should be given in relation to the following:

- Allocation of residential and employment land southwest of Rugby - as identified in the Rugby Borough Local Plan
- Scheduled Ancient Monuments to the northwest

Officer observations - *Site assessments have been carried out as part of the site selection process and the matters raised have been taken into account when allocating sites and determining the phasing of working.*

Policy S3 Allocation at Site 3/32 Shawell Quarry

As noted in the previous consultation, there have been concerns relating to traffic congestion raised along with suggestions that appropriate mitigation should be implemented.

Officer observations - *The land will be worked back to the existing plant site at Shawell Quarry in Leicestershire by overland conveyors and therefore there will be no access direct from the allocated sites. The continuing suitability of the existing access in Leicestershire will be determined through a Transport Assessment submitted as part of a planning application.*

Representation has been made to ensuring that there is adequate landscaping and screening of the site remains an issue as well as noting that the site is within flood zone 1.

Officer observations - *These matters will be dealt with at the planning application stage.*

Policy S4 Allocation at Site 4 Wasperton

Many of the comments received have been raised in the previous consultation, this includes:

- Traffic
- Effects of increased noise and dust on the communities
- Blight
- Loss of agricultural land

- Impacts on health
- Heritage assets
- Visual amenity and on landscape
- Lack of evidence to substantiate claims that the site can be properly restored
- Better site options available

Officer observations - *Specific issues that have been raised have either been assessed as part of the site assessment process or / and will be further assessed as part of the planning application which will include an Environmental Impact Assessment (EIA). Issues relating to blight are not planning matters.*

Concerns have been raised relating to the existing local highway network and that it cannot accommodate the development of the site and that sites considered by the council elsewhere in the county of lower quality agricultural land have been unreasonably discounted.

Officer observations - *The Highways Authority have been consulted and have not raised any objections. Additionally, a detailed transport assessment will be required to accompany any planning application submitted for the extraction of sand and gravel. There are very few sites, if any, of the right size, right location, free from other constraints and having solely Grade 3b or 4 agricultural land. One of the possible sites contains no viable resources, one site has been granted planning permission and another cannot be delivered during the plan period and immediately beyond. Finally another site has been withdrawn.*

Many people have raised concerns about the health implications of sand and gravel extraction even though some recognise that the proposed site is to be located further away from Barford village where there are a number of sensitive receptors.

Officer observations - *The proposed site is located further away from Barford Village which will help minimise any potential health impacts. In guidance which is now out of date but referred to by a number of respondents the government said that good practice measures should ensure that the health effects of dust are adequately addressed. The guidance recognised that the relationship of the activities within mineral workings to surrounding land uses will vary from site to site. If PM10's were likely to exceed the Air Quality Objective for the site then you need to assess the impact and effectiveness of any mitigation and determine whether any impact was significant. This can only be achieved through the consideration of detailed designs and assessments submitted at the planning application stage. A health impact assessment will be required and will form part of the environmental statement.*

The Court of Appeal decision in 1992 and the subsequent Secretary of State's reconsideration of the planning appeal relating to a planning application submitted in 1987 to work minerals at Wasperton, is felt by many respondents to be still relevant and sufficient to reject the allocation of Site 4.

Officer observations - *The 1992 Court of Appeal decision dealt with inadequate reasoning for a planning appeal decision by the Secretary of State based on a 1987 planning*

application. It did not say that mineral extraction could not take place at Wasperton at that time or even in the future. The re-determined 1987 scheme was found to be not acceptable in terms of the development standards and policies being applied at that time and because real supply exceeded real need.

Those responding are clearly not convinced that the site can be restored back to the site levels and agricultural land quality which exists today and the County Council's attention has been drawn to the failure to properly restore a similar site south of Wasperton village in the 1980's.

Officer observations - *The developer proposes to restore most of the area back to agriculture including all the BMV land with suitable inert material. The water table is not a limitation on restoration. The site is unlikely to be water logged. The developer believes the volumes of inert wastes needed are relatively modest and should be available over the period of the development. The land is unlikely to be lowered. A good restoration scheme supported by planning conditions and regular monitoring by the planning authority and the landowners should ensure that the site is properly restored avoiding the past problems on other sites. The landowners have indicated that they intend to appoint specialist consultants to ensure that the site is properly restored to high quality agriculture. However, there are recent examples where restoration has been carried out to a very good standard this includes an extension to Bubbenhall Quarry (now handed over to Warwickshire Wildlife Trust).*

The County Council is criticised for not seeking in depth and informed independent assessments of all aspects of the proposals to work minerals at the site. For most respondents the lack of detailed proposals with associated evidence and assessments should be sufficient to discount the site from allocation even at this local plan stage.

Officer observations - *The County Council understands the concerns of local residents but the level of information required at the local plan stage is very different to that expected when planning applications are submitted. Developers did submit further information in support of their sites after the last consultation to address the many issues raised by local communities. But, the view of your officers is that consideration of how mineral extraction might affect certain elements alongside possible harm from other factors which are capable of mitigation is best dealt with when a planning application is submitted.*

There are a number of references to the failure to consider the adopted Barford Neighbourhood Development Plan and its planning policy protecting future development of agricultural land from irreversible loss.

Officer observations - *The designated neighbourhood plan area for Barford does not include Site 4 Wasperton. The northern boundary of the proposed allocation lies 350m to the south of the village.*

Policy S5 Glebe Farm, Wasperton

Many respondents have repeated concerns expressed relating to working sand and gravel at Site 4, for Site 5. The comment in the plan that the site cannot be developed as a standalone

site, would suggest that it should not be considered as an allocation in association with Site 4.

Officer observations - *The professional judgement of your officers is that Sites 4 and 5 cannot be developed as separate standalone sites as this would require the need for two processing plants and two accesses onto the A429. The Highway Authority is opposed to two accesses onto the A429 and two processing plants would have adverse impacts on the landscape and visual amenity and increase potential noise and dust emissions. This does not mean that Site 5 cannot be physically worked back to Site 4 by overland conveyors but the consolidation of two proposals into one scheme is a sensible approach to the comprehensive working of minerals in this location minimising the prospect of possible sterilisation of a valuable resource.*

For those with particular concerns about Site 5 past issues about viability and deliverability remain. They dispute the promoter's claims that the site can release 300,000 tonnes due to the need to provide separation distances from properties and access road and that the site can be worked without significant adverse impacts.

Officer observations - *The developer does not agree that the site is too small. The developer recognises that the recoverable reserve within the site is modest but it is of high quality. The available tonnage takes into account appropriate environmental safeguards. The developer confirms that the site is viable. Your officers have considered this matter but do not have any evidence to contradict the claims of the developer.*

The role of the County Council as promoter as well as plan-maker is felt to be in conflict and driven by vested financial interests rather than the proper planning of the area.

Officer observations - *There is no restriction on who can promote sites through the Local Plan. The County Council's Property Services proposals have been treated in exactly the same way as other proposals by the Mineral Planning Authority. The Council owns the land and the minerals. There are no restrictive covenants that prevent the land being developed for mineral extraction.*

Policy S6 Allocation at Site 6 Coney Grey Farm, Ryton

As noted in the previous consultation, there are concerns relating to traffic and that it should be routed via the A45.

Officer observations - *It is understood that the site will be accessed from the existing roundabout on Oxford Road (A423). The route between the site and existing quarries is largely on "A" class roads which are suitable to take large vehicles (HGVs). There are no objections from the Highways Authority. A safe and suitable access can be achieved and the road network has the capacity to take the increase in HGV traffic.*

Consideration should be given to great crested newts in the area as well as the fauna and flora.

Officer observations - Protected species surveys and the provision of suitable measures to protect and where appropriate enhance the special features of Brandon Marsh SSSI and Ryton Woods SSSI and the River Avon LWS and Siskin Drive Bird Sanctuary LWS will be required. These form part of the Environmental Statement to accompany the planning application required to implement this allocation.

The site is within flood zone 3.

Officer observations - There is no objection from the Environment Agency to the inclusion of this site. Any planning application for mineral extraction would require a Flood Risk Assessment to address any potential flood impacts and potential mitigation measures.

Policy S7 Allocation at Site 7 Lower Farm, Salford Priors

A number of responses have referred to a detailed report (an environmental report covering several subject areas) produced by "Salford Priors Against Gravel Extraction" (SPAGE). It is stated that this report has not been acknowledged, considered or responded to by WCC.

Officer observations - The report was handed to Members on the day at Cabinet in 2016. The document was received well outside the consultation period on the previous local plan consultation which was being reported to members and therefore as a matter of fairness and reasonableness could not be considered. It has been referred to in responses to this consultation and therefore can now be taken into account in determining the suitability of the site for allocation.

Respondents have raised concerns relating to the potential impacts of quarrying in particular fine silicate dust will be a human health hazard.

Officer observations - Good practice measures should ensure that the health effects of dust are adequately addressed. The relationship of the activities within the mineral workings to surrounding land uses varies from site to site. If PM10's are likely to exceed the Air Quality Objective for the site then the developer will need to assess the impact and effectiveness of any mitigation and determine whether any impact was significant. This can only be achieved through the consideration of detailed designs and assessments submitted at the planning application stage. A health impact assessment will be required and will form part of the environmental statement.

Impact on ecology has been mentioned several times however, specific reference is also made to turtle dove.

Officer observations - Protected species surveys will be required. There is unlikely to be any loss of habitats or protected species due to the small area of working, the configuration of the site and phased working and restoration.

Information was requested from WCC, however, this was not provided on the basis that WCC considered the information as commercially sensitive at the time.

Officer observations - Information was requested from WCC as the developer and therefore was a matter for the developer to consider in terms of its commercial sensitivity.

Comments have been received to site arrangements, in particular, the site will have two access points and material will be transported from the southern site to the northern site for processing. Respondents dispute the amount of material that will be transported for processing and that this would affect the highway (B4088) and that it would be more sustainable to either have a conveyor belt linking the northern and southern site or a controlled crossing. Representations have also included the suggestion to seek agreement with the Marsh Farm landowner to use their access.

Officer observations - It is proposed to have one access off the B4088 to the northern half of the site if the existing access road to Marsh Farm Quarry cannot be utilised. The B4088 is suitable for HGV use. No objections have been raised from the Highway Authority. Two separate crossing points will be linked to the phasing of working of the site to minimise the impacts on School Road. The crossing points will only be active during the campaign period providing the flexibility to close them at certain hours to reduce the impact on the school timings and avoid congestion at peak times.

There has been no timescale for the second phase for extraction - this could become open ended and not possible to judge the effectiveness of the plan. This would compromise the soundness of the Plan.

Officer observations - Production from the site is expected to provide capacity during the plan period. The duration of works is dependent on the design and development of the quarry and in particular the rate of production and market availability. The rate of production will be influenced by the planning controls put in place to minimise impacts on amenities.

There is concern about Severn Trent works near to the site adjacent to residential properties.

Officer observations - The works undertaken by Severn Trent are not in relation to this site and residents have been advised to contact the appropriate parties.

Representation claims that informing communities via public notice is insufficient and accessibility to information limited to libraries to those that do not have access to a computer. Furthermore, electric formation was difficult and off-putting.

Officer observations - WCC sent hard copies of the Plan and associated information to libraries, parishes, planning receptions at borough/district councils, main reception at Shire Hall and placed information on the WCC website. A guidance note was issued to provide additional information on the processes and how to make comments.

Respondents felt that the Plan is 'unsound' as it is not justified in terms of sustainability or its effectiveness in delivery.

Officer observations - WCC have followed national planning policy, national planning guidance and consulted with appropriate consultees throughout the plan making process. Assessments that have informed the plan production including the Sustainability Appraisal Report, Local Aggregates Assessment, Habitats Regulations Assessment and Site Identification and Assessment Methodology.

The consultation process has been reported as being superficial and a box-ticking exercise.

Officer observations - Consultation on the plan has been in accordance with the adopted Statement of Community Involvement.

A representation has been made referring to the Salford Priors Neighbourhood Plan, in particular, that WCC has commenced work on the Minerals Plan independently and without consultation or recognition of the Neighbourhood Plan. Therefore, conflicts with national planning policy and undermines the Neighbourhood Plan.

Officer observations - WCC have commented on the draft and submitted Neighbourhood Development Plan which now has been made by Stratford District Council. There is nothing in the made NDP which is likely to conflict with the allocation of the site in the minerals local plan. The reference to Protected Open Spaces has now been deleted from the NDP.

Respondents felt that Plan maybe legally compliant, however, they felt that comments from previous consultations had been dismissed as irrelevant. Additionally, others felt that their comments had not been acknowledged and/or adequately taken into account in the consultation report that was presented to Cabinet (October 2016) in relation to the previous consultation. Set out below are the representations that featured in the previous consultation:

- Site location not environmentally acceptable - more sustainable alternatives
- Site covers both Warwickshire and Worcestershire markets - only Stratford would benefit within Warwickshire
- Site is not close to any main settlement
- A 100 metre stand off from properties would reduce the overall tonnage of sand and gravel, therefore, affecting the viability of the site for extraction
- Land is in agricultural use
- There is an overhead electric line that runs diagonally across the northern site
- There is an understanding of the need for raw construction materials were recycled material is either insufficient or not available
- Marsh Farm quarry, near to Salford Priors has impacted in relation to vehicle movements, highway safety, noise and dust pollution
- Devalue of properties and blight
- Activities would result in distress to village life - not justified
- Conflict of interest - WCC is the landowner and would financially gain from extraction
- Mud on the road
- HGVs travelling along School Road near to the school - school threat of closure as a result of quarry

- Proximity to Park Hall Complex and properties on the boundary - impact on residents in terms of noise and particulate pollution
- Contradicts parts of the Minerals Local Plan, including the Sustainable Community Strategy and Vision and Objectives
- Retain existing hedgerows
- Sustainability not based on sound evidence and contains contradictions
- Flooding - it is felt that extraction of sand and gravel would remove the 'sponge effect' during heavy rainfall - there is also a technical report provided. Nearby properties would be affected by this and that WCC has not sufficiently considered effects of this
- Risk Assessment - injuries relating to quarry activities
- Quality of life/wellbeing as a result of quarry activity
- Visual and wildlife
- Impact on the local economy includes a bed and breakfast that forms part of a home and public house
- Dissatisfaction with WCC officers at community meeting

Officer observations - *All these matters were considered by officers and responses given in the Consultation Report submitted to members in October 2016. None of them were sufficient to change the officer's view that a site could be allocated in this part of the county.*

Policy S9 Allocation at Site 9 Hams Lane, Lea Marston

One of the key points made by those responding to Site 9 is that it could be replaced by the combination of Sites 10, 11 and 12 and surrounding land as these sites will be directly affected by works to construct HS2 and its Railhead and that they allegedly contain the same mineral resource.

Officer observations - *Sites 10 and 11 were rejected because they were directly affected by HS2, too small, the potential impacts on adjacent properties and land uses, landscape and visual impact and viable resources were not confirmed. Site 12 was rejected because it is directly affected by HS2, impact on heritage assets, visual impacts and viable resources were not confirmed.*

There are particular concerns that the current extent of the HS2 and Railhead works have not been factored into the decision to allocate the site into a locality where substantial development and associated impacts are to take place for the next decade. One respondent has suggested that working the site should be deferred until after HS2 is constructed to reduce the impact on the locality. HS2 may also require land where materials will need to be worked (borrow pit) if there is a material requirement shortfall in the project even though none have been requested by the developer of HS2 so far.

Officer observations - *This site is required to supply materials to the general construction market in the general area and beyond. Detailed concerns about the impact of working this site and the HS2 project will be considered at the detailed planning application stage or by the HS2 project. Reference has been made to HS2 in the document. The site could be worked out during the plan period and therefore within the lifetime of the construction works for HS2.*

The ability to separately access the site and accommodate vehicle movements on the local highway network when local roads will be expected to take a substantial increase in construction traffic arising from HS2 is also questioned although another respondent suggests flexibility be inserted into the site allocation policy to allow access to surrounding A roads.

Officer observations - *there will be some cumulative effects of working the site with the HS2 project but they will be temporary. However, there may be opportunities to improve the restoration of the site. By using an overland conveyor and working the site back to Dunton Quarry some effects can be minimised. Phased working and restoration will help minimise any potential adverse impacts.*

There is a call for more emphasis to be placed on restoring the site to biodiversity and another to provide more flexibility in the final restoration options.

Officer observations - *Whilst the County Council recognises that the site occupies a location which could provide opportunities for increased biodiversity and ecological linkages the level of prescribed provision for biodiversity must be balanced against the policy objective (NPPF paragraph 143 eighth bullet point) of safeguarding the long term potential of best and most versatile agricultural land. The wording in paragraph 7.33 in the plan strikes the right balance. The issue can of course be revisited at the planning application stage when all the information and evidence in support of the proposals will be available.*

Specific core strategy and development management policies

This part of the section provides a summary of representations received relating to specific core strategy and development management policies:

MCS 1 Supply of Minerals and Materials

Some respondents are seeking the inclusion of a quantified provision including an appropriate figure or target figure as a minimum for alternative aggregates in the policy and for alternative materials to be given first priority in terms of future supply and in calculating the local plan requirements and determining future planning applications. Others require the policy to be worded in strict compliance with the wording in the NPPF and for it to be less restrictive about non allocated sites.

Officer observations - *This is dealt with in more detail in the Topic Paper. While the County Council understands that such information might be helpful in providing clarity and certainty in terms of amounts of provision for secondary and recycled aggregates to be made, the demand, market, type and quantity of feedstock, limited product range and calculation methodology must all be capable of rigorous assessment and scrutiny and agreement between the relevant parties. In the opinion of the County Council such a situation in Warwickshire is plainly not evident at this time. There is no agreement on what the "amounts" relates to. Do they relate to permitted capacity, production or sales? Where there is noncompliance with the wording of the NPPF then the policy ought to be revisited.*

MCS2 Sand and Gravel

It is felt that the approach taken is erroneous in that the wrong figures have been used, no account appears to have been taken of current permitted reserves and the recent approval at Brinklow Quarry, and provision has been made beyond the end of the plan leading to an overprovision which is not justified. The figures in the policy do not match those in the latest local aggregate assessment. The policy is also felt not to be sufficiently flexible to respond to changing circumstances. Other respondents require the policy to be worded in strict compliance with the wording in the NPPF and be less restrictive about non allocated sites.

Concern raised that the Plan is based on an average of 10 years sales data as referred to in the LAA (October 2016) and that it should be more based on 3 years sales data to show a general trend of demand. The 3 year average is lower than the 10 year average and that the Plan is unsound as it over estimates the demand for sand and gravel.

Officer Observations - *This matter is dealt with in more detail in the Topic Paper. In view of the need to take account of any reassessment of reserves at sites, the required 7 + year landbank to be provided throughout the plan period and any contingency for the fragility of the current productive capacity in the county, the likely impact of future processing plant closures, the expiration of planning consents for mineral infrastructure, the lack of investment in new or replacement sites, the apparent reshaping of the local minerals industry in response to the recession, the very low number of continuing operational sites, the possible geographical disparity between future growth and existing quarries and the need to minimise reliance on imports there is some justification for providing the provision set out in the plan.*

MCS 3 Crushed Rock

Respondents require the policy to be worded in strict compliance with the wording in the NPPF and also for it to be less restrictive about sustainable extensions to existing sites.

Officer Observations - *Where there is noncompliance with the wording of the NPPF then the policy ought to be revisited. The policy reflects the known position on crushed rock resources in the county and the impact of possible constraints, the limitations on further development at Mancetter Quarry, the potential for other sites to be reactivated as demand increases, and the level of imports into the county.*

MCS 4 Secondary and Recycled Aggregates

This policy is supported by one respondent but another wishes it to be strengthened as regards to Dunton Quarry.

Officer Observations - *The importance of the site is mentioned in the reasoned justification and that can be used when planning applications are submitted in the future to make the site permanent.*

MCS 5 Safeguarding of Minerals and Minerals Infrastructure

Some respondents believe that the wording does not deliver an effective mineral safeguarding policy with its reliance on small scale geological resource mapping. The inclusion of specific Mineral Consultation Areas is seen as a possible solution to the problem providing more accurate large scale mapping. The absence of specifically defined separation

distances around all key minerals infrastructure in the county is felt to be unsound. Others require clarification on mapped areas when resources are exhausted. There is also support for the policy wording. Concern has been expressed that the policy should not prejudice or impede development in the Rugby area.

Officer Observations - *Some further clarification of the policy and its application may be beneficial.*

MCS 6 Brick Clay

The policy is felt not to be worded in strict compliance with the wording in the NPPF. Elsewhere the need to recognise a specific supply arrangement for clay to a neighbouring area has been flagged up.

Officer Observations - *The supply arrangement needs to be acknowledged. Where there is noncompliance with the wording of the NPPF then the policy ought to be revisited.*

MCS 7 Building Stone

One respondent feels that the policy should omit implications that dimension stone production needs to be controlled or curtailed. Another is concerned that the policy restriction in the Cotswold AONB will increase pressure to work materials elsewhere which is unlikely to be sustainable.

Officer Observations - *The policy will be reviewed.*

MCS 8 Coal Mining

This policy is supported by one respondent but one respondent requires the policy to be replaced by a single policy with a presumption against fossil fuel extraction.

Officer Observations - *A single policy with a presumption against fossil fuel extraction would not be consistent with national policy set out in paragraphs 147 and 149 in the NPPF and therefore is unsound.*

MCS 9 Conventional and unconventional Hydrocarbons

This policy is supported by one respondent but one respondent requires the policy to be replaced by a single policy with a presumption against fossil fuel extraction.

Officer Observations - *A single policy with a presumption against fossil fuel extraction would not be consistent with national policy set out in paragraphs 147 and 149 in the NPPF and therefore is unsound.*

MCS 10 Underground Coal Gasification

This policy is supported by one respondent but one respondent requires the policy to be replaced by a single policy with a presumption against fossil fuel extraction.

Officer Observations - A single policy with a presumption against fossil fuel extraction would not be consistent with national policy set out in paragraphs 147 and 149 in the NPPF and therefore is unsound.

DM1 Protection and enhancement of environmental assets and landscapes

There is some concern that the policy does not reflect the latest emerging national and local policy on the protection of ancient woodland. Others are concerned that the supporting text could place overly onerous burdens upon developments in terms of biodiversity offsetting and biodiversity impact assessments.

Officer Observations - *The policy appears reasonable but some changes to the wording in the reasoned justification may be helpful.*

DM2 Warwickshire's Historic Environment & Heritage Assets

A statutory consultee requires a further amendment to the wording of the policy to bring it in line with the NPPF and NPPG.

Officer Observations - *The change requested is reasonable.*

DM3 Green Infrastructure

A clarification is required in the supporting text concerning minerals development in the Green Belt.

Officer Observations - *A change to the wording may be helpful.*

DM4 Health, Economy and Amenity - Minimising the Impacts of Mineral Development

An update to the supporting text has been requested by one statutory consultee.

Officer Observations - *the update is acceptable.*

DM5 Sustainable Transport

The policy requires transportation distances to be minimised but one respondent believes that to be overly onerous to developers and therefore the relevant references should be deleted. A hyperlink mentioned in the supporting text needs to be changed.

Officer Observations - *the policy is reasonable and may not need a change.*

DM6 Rights of Way and Recreational Highways

No comments received.

DM7 Flood Risk and Water Quality

There is concern from one respondent that the policy does not allow ancillary activities within the functional floodplain and this is said to be inconsistent with the national policy. The EA supports the policy but the supporting text needs to refer to a geomorphology assessment where a site borders a watercourse.

Officer Observations - *The policy is consistent with national planning policy.*

DM8 Aviation Safeguarding

The policy is felt to be too widely drawn and therefore not effective. It should be rewritten.

Officer Observations - *The policy is consistent with national planning policy but the reasoned justification may need to be amended.*

DM9 Reinstatement, reclamation, restoration and aftercare

No comments received

DM10 Mineral Safeguarding

The reference to “overriding need” needs to be clarified. One respondent requires the policy to provide a stronger and clearer method for screening development in mineral safeguarding areas. The policy should not apply to proposed site allocations in district/borough local plans. There needs to be greater flexibility to allow for prior extraction of minerals.

Officer Observations - *Some further clarification of the policy and its application may be beneficial.*

DM11 ‘Whole Life’ Carbon and Resource Efficiency

The policy is felt to be incapable of enforcement, is overly onerous and not justified and therefore should be deleted.

Officer Observations - *the policy is reasonable and may not need a change.*

DM 12 Overall Assessment of Proposals

This policy does not take into account the individual circumstances/merits of each individual planning application nor the requirements for mitigation. It is also felt to be overly onerous to developers and therefore should be deleted.

Officer Observations - *the policy is reasonable and may not need a change.*

Other sections of the plan

Representations have included sections of the Plan, a summary of relevant planning matters are set out below:

Some respondents have requested changes to the introductory text as a result of other representations they have made, the wording of some of the key issues, and a change to the wording of the spatial vision.

A change to the key diagram is requested to include reference to crushed rock and a change to some of the terms in the Glossary and the appendices. A number of respondents have requested sites and areas to be excluded from the mineral safeguarding maps to reflect

planning permissions granted, their assessment that mineral working is unlikely to take place under existing development and to reflect proposals in local plans to allocate sites for future development.

Summary officer observations - *Where change is required then it should be carried out.*

Section 4: Comments on how the plan could be changed

Introduction

Section 2 and 3 has shown that a significant amount of representations specifically relate to site based allocation policies. This section will provide a summary of changes that have been put forward by respondents based on Question 6 of the questionnaire:

- *Question 6 - Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'.*

Feedback is provided in the form of a summary on how the Plan could be changed to make it legally compliant or 'sound'. Officer comments are also provided (in *italics*).

Suggestions made on the Plan

A summary of these proposed changes are set out below:

Install adequate flood alleviation scheme to direct excess water as a result of extraction away from the village of Draycote and tributaries feeding the river Leam.

Officer observations - *this can be addressed by a Flood Risk Assessment submitted at the planning application stage for the allocation at Site 1 Bourton*

Based on the Cabinet meeting (6th October 2016), it was unclear as to whether removing a site would be considered as minor amendments to the Plan.

Officer observations - *The removal of a site is not considered to be a minor amendment and therefore the Plan would be required to repeat the Publication consultation (as set out in Regulation 19 and 35 of the Town and Country Planning (Local Planning) (England) Act 2012).*

Reference has been made to the existing planning conditions relating to Wolston Fields Farm and this should also be applied to Site 6 (Coney Grey Farm).

Officer observations - *the imposition of detailed planning conditions will be dealt with at planning application stage - it is envisaged that a consistent approach to managing conditions is applied throughout Warwickshire minerals developments.*

Stand-off between individual properties must be 200m not 100m. In some cases, this is suggested as 350m.

Officer observations - *100m is considered adequate at the local plan stage. The exact stand-off will be determined at planning application stage when all the information is available.*

Better noise and dust prevention measures.

Officer observations - the 100m stand-off should help minimise the impact of noise and dust, however, the detailed mitigation measures will be determined at planning application stage and on a site by site basis.

Better enforcement is required relating to mud on the highway from vehicles using the site.

Officer observations - it is acknowledged that mud on the highway is one of the common concerns and can pose a highway safety issue if not adequately addressed at the site level. WCC planning officers and enforcement officer work closely with operators to ensure that no problems arise and when they do they are addressed at the earliest opportunity. Planning conditions imposed based on site operations and working closely with operators is the best way to manage mud on the road.

Move the proposal somewhere else / better sites elsewhere.

Officer observations - A call for sites was undertaken to identify appropriate sites and a clear spatial strategy selected to reflect geographical, resource and market considerations . These sites have been assessed using a robust methodology and a Sustainability Appraisal.

Undertake a study on dust emissions to ensure compliance with appropriate environmental standards.

Officer observations - studies will be undertaken at planning application in relation to any impacts to health (including dust) and this will determine the appropriate mitigation to reduce or eliminate any unacceptable adverse impacts in relation to dust.

Charlecote Park needs protection from any adverse impact to the character of the area and the setting of the historic park.

Officer observations - Site selection has included a robust process as set out in the Site Assessment Methodology for Allocating Sand and Gravel Sites (October 2016). Further assessments will be carried out at the planning application where more details would be provided by the applicant to objectively assess the environmental impacts of the development and set out the mitigation measures required to minimise any potential impacts as a result of the development.

The Council should actively look at alternative forms of materials supply whether recycling, importing, etc.

Officer observations - the Topic Paper has addressed comments relating to plan requirements.

Reference made to the questionnaire form used for the consultation and how difficult it was to use.

Officer observations - the questions contained within the questionnaire are based on a guidance set by the Planning Inspectorate and are widely used by other planning authorities. These questions are pertinent to assist the inspector with his/ her assessment of the Plan.

Section 5: The Duty to Cooperate

Introduction

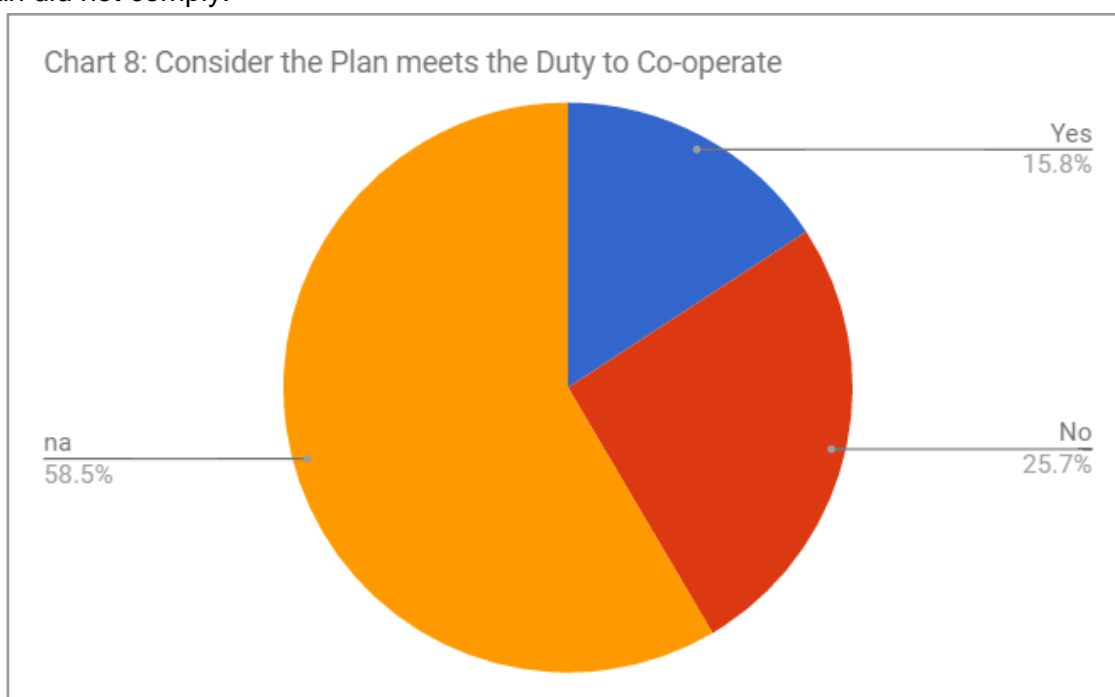
The Duty to Co-operate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Respondents were asked if the Plan complies with the Duty to Co-operate and to provide reasoning to their response:

- Question 7: Do you consider the Minerals Local Plan complies with the Duty to Co-operate?
- Second part of Question 7 (as to why the Duty to Co-operate comply or fails)

This section identifies the amount of respondents that felt the Plan does or does not comply with the Duty to Co-operate followed by examples of the reasons given even though they are more related to the soundness of the plan.

Compliance with the Duty to Co-operate

Chart 8 shows that 58.5% did not respond or chose to answer 'not applicable' as to whether the Plan complies with the Duty to Co-operate. 15.8% felt that it did and 25.7% felt that the Plan did not comply.



- Danger to the river and human health
- Impact on the Neighbourhood Plan
- No integrated communication with Barford village and Neighbourhood Plan
- No evidence to minimising impacts (safety, economy, national planning guidance, land classification, traffic, noise, blight, flooding, dust emissions, biodiversity, cultural heritage, landscape, archaeology or health issues)

Officer observations - *The above examples show that the majority of comments do not directly relate to the cooperation between local planning authorities and other public bodies.*

There was a misunderstanding as to what the 'Duty to Cooperate' means. It is not whether the county council has adequately consulted with consultees on the plan it is a legal test to ensure that Local Authorities and other Public Sector Bodies have cooperated with each other.

Section 6: Attendance at examination

Introduction

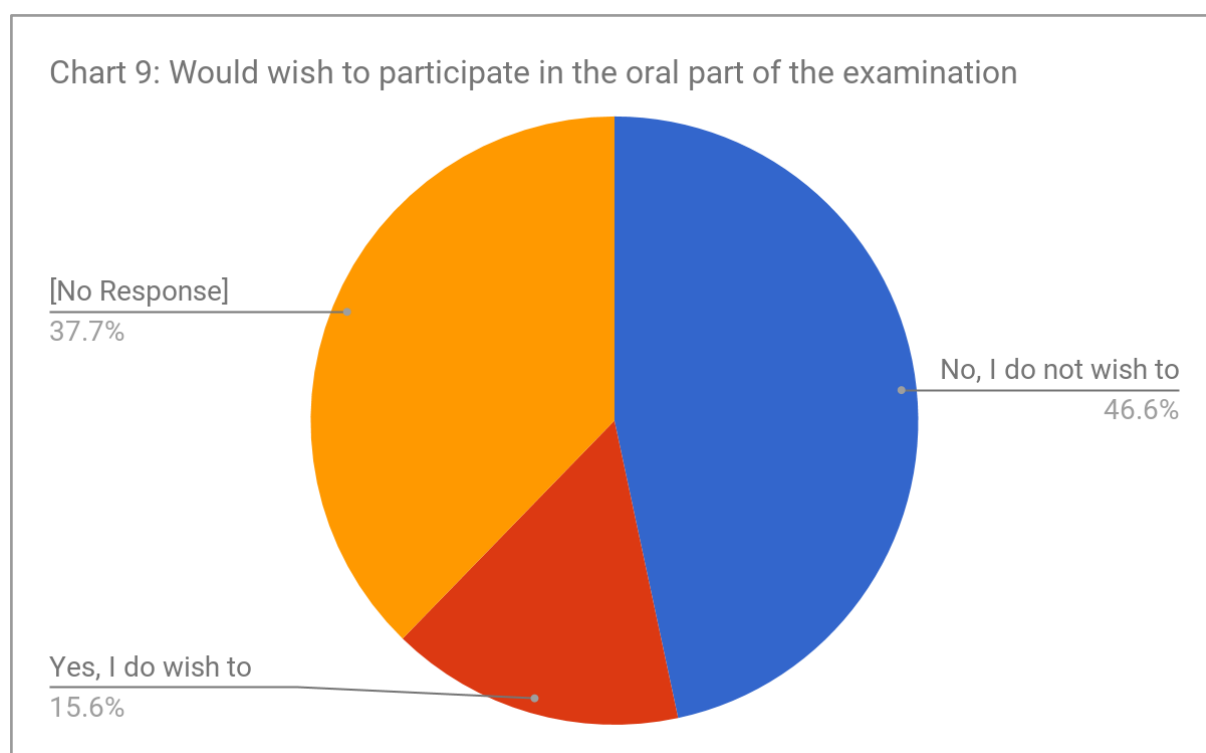
This section reports on those that showed an interest in attending the oral sessions of the examination. It also sets out the reasons as to why respondents have requested attendance:

- *Question 9 - If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.*

The Planning Inspector will review comments submitted and reasons as to why respondents wish to participate in the oral part of the examination and call those that s/he wishes to speak / participate to the hearing.

Attendance at the oral part of the examination

Chart 9 shows that only 15.6% would wish to participate at the oral examination, 46.6% said no and 37.7% did not respond to this question.



Reason for attendance at hearing

Only 15.6% of respondents wish to participate in the oral part of the examination and below is a summary of the reasons given:

- Consider that the location is inappropriate for extraction (listing a number of reasons)
- The Dunton site is considered critical part of the overall provision of aggregates in the county
- Bourton & Draycote Parish Council represent local residents that will be directly affected by policies and would like to ensure views are taken into account

- The Plan fails to consider the cumulative effects, therefore, not fairly assessed the impacts of Site 9
- Representations as County Councillor
- Traffic issues at Princethorpe are complex - want to ensure issues are properly considered
- Site allocation of Site 4 and 5 are contrary to national planning policy
- An opportunity to explain why site should not be allocated in the Plan
- Consider this as the last opportunity to raise comments
- Interested in observing the examination process
- Process has been unfair and not meaningful
- Wish to participate should it be necessary
- Salford Priors Parish Council consider it their duty to present their parishioners
- Assist WCC and the Inspector when considering the representation and any further investigation required
- Opportunity to expand on objections made
- WCC as landowner and promoter of three of the allocated sites would like to contribute to the soundness and success of the Plan
- As district councillor for Barford/Wasperton, attendance to hearing would be an opportunity to present residents of the villages
- Several properties in close proximity to Site 4 and 5 will be detrimentally affected by the proposal for extraction
- Not sure points raised have been passed onto WCC
- Do not feel that WCC will represent their views appropriately
- Plan is 'unsound'
- Joint Parish Council is willing to participate if required by the Inspector
- To further articulate the interrelationship between mineral safeguarding policies and the delivery of non-minerals development
- Would participate in oral examination if no one else challenges Site 5

Summary officer observations - *As previously mentioned, the Planning Inspector will be forwarded a set of all comments made during the consultation and any invite to participate at the oral part of the examination will be at his / her discretion.*

Section 7: Conclusion

A summary of the key issues raised during the Publication consultation has been presented highlighting key planning matters. The majority of representations refer to comments that have previously been made. These include policies relating to site allocation and the amount of sand and gravel required throughout the Plan period.

The Topic Paper (separate document) has addressed those issues relating to recycled aggregates and the plan requirements for sand and gravel.

The Publication stage is a technical part of the plan making process and is primarily focussed on legal compliance, the Duty to Cooperate and the test of 'soundness'. When the Plan is submitted to the Inspector for examination, all comments made during the Publication consultation stage will be forward to the Inspector.

Appendix 1: Glossary

Term of reference	Definition
Aftercare	The management and treatment of land for a set period of time immediately following the completed restoration of a mineral workings to ensure the land is returned to the required environmental standard.
Aggregates	Sand, gravel crushed rock and other bulk materials used by the construction industry.
Apportionment	The proportional split of the regional guidelines for the supply of aggregates for the West Midlands which is shared between the Mineral Planning Authorities.
Area of Outstanding Natural Beauty (AONB)	These are statutory designations under the National Parks and Access to the Countryside Act 1949. The primary objective is the conservation of the natural beauty of the landscape.
Biodiversity	There are three distinct levels to biodiversity: The variety of ecosystems and habitats (woodland, grasslands and wetlands), The number of different species and The genetic variation within individual species. Some examples of biodiversity include; meadows full of wild flowers, hedgerows full of blossom, and woods filled with birdsong.
Borrow Pit	A temporary and usually small scale mineral extraction operation specifically to supply mineral to a major construction project nearby.
Carboniferous	A division of geological time from around 360-290 million years ago.
Clay	A very fine-grained mineral with particles measuring less than 0.002mm. It has high plasticity when wet and considerable strength when air-dry. It is a very useful engineering material.
Coal	Combustible mineral formed from organic matter (mostly plant material). A fossil fuel most commonly used in energy production.
Crushed rock	Naturally occurring rock which is crushed into a series of required sizes to produce an aggregate.
Development Control Policies	A set of criteria-based policies required to ensure that all development within the area meets the vision and strategy set out in the plan.
Environment Agency (EA)	The principal environmental regulatory body in England and Wales. Responsible for promoting improvements in waste management, permitting waste management facilities including landfills and ensuring consistency in regulation across England and Wales.

Flood Zones	These are areas that could be affected due to flooding from rivers. Flood zone 3 indicates the extent of a flood (1 in 100) chance of happening in any year. Flood zone 2 indicates the extent of an extreme flood with a 0.1 per cent (1 in 1000) chance of happening in any year. Flood zones are defined in planning policy for England and are produced ignoring the presence of existing flood defences, since defences can be 'overtopped' if a flood occurs which is higher than the defences are designed to withstand. Defences can even fail in extreme events.
Green Belt	Areas of land defined in Structure Plans and district wide Local Plans that are rural in character and adjacent to urban areas, where permanent and strict planning controls apply in order to check surrounding countryside from further encroachment; prevent neighbouring towns from merging into one another; preserve the special character of historic towns and assist urban regeneration.
Green Infrastructure	Green Infrastructure is a network of high quality green spaces and other environmental features. It is a resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Included in Green Infrastructure are parks, open spaces, playing fields, woodlands, allotments and private gardens. Key considerations for green infrastructure are the functions or ecosystem services it provides. It should be considered at a broader scale than is necessarily the case for individual areas.
Jurassic	A division of geological time from around 200-135 million years ago.
Landbank	Landbanks of aggregate mineral reserves, or aggregate landbanks, are 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. Aggregate landbanks should be used principally as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the plan. In doing so, it may take into account the remaining planned provision in the minerals local plan. A landbank is also a set of sites with planning permission to work minerals.
Local Development Scheme (LDS)	Sets out the programme for the preparation of the Local Development Documents.
Mineral Consultation Areas (MCAs)	MCAs define broad areas in which the presence of minerals resources has been identified but not assessed in detail. Currently Warwickshire County Council's MCA's define areas where there is a presence of aggregate resources. This has been supplied to all five District Councils within the County. As Mineral Planning Authority Warwickshire requires to be consulted on all planning applications falling within the Mineral Consultation Areas with the following exceptions. Development in accordance with the allocations of an adopted or deposited local plan, Householder applications such as extensions to houses, Reserved Matter

	applications unless the Mineral Planning Authorities specifically requested consultation at the outline stage, Minor developments, such as fences, walls, bus shelters, Applications for listed buildings unless specifically requested, Advertisement applications, Extensions or alterations to an existing use/building which do not fundamentally change the scale and character of the use/building, but sub-division of a dwelling will require consultation.
Mineral Development	An activity related to the exploration for the extraction and working of minerals, including tipping of soil and ancillary operations such as the construction and use of processing plant.
Mineral Reserves	Mineral deposits which have been investigated and are proven to be of economic importance due to the quality, quantity and nature of the deposit and benefit from an existing planning permission.
Mineral Resource	A potential source of mineral where the deposits nature, quality and quantity has yet to be assessed or is not yet economic.
Mineral Safeguard Areas	Since minerals are a non-renewable resource, minerals safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance.
Minerals Plan Document	A document which sets out the long term vision, objectives and strategy for mineral development across Warwickshire up to 2032 and provides the framework for mineral development control.
National Planning Policy Framework (NPPF)	Sets out the government's planning policies for England.
Permitted Reserves	Mineral deposits with the benefit of planning permission for extraction.
Planning Inspectorate (PINS)	The Government agency responsible for scheduling independent examinations. PINS employ planning inspectors who sit on independent examinations.
Primary Aggregates	Material extracted or produced from natural occurring mineral deposits used as an aggregate.
Public Consultation	A process through which the public is informed about proposals by the planning authority or developer and invited to submit comments.
Quarry	A type of open pit mine from which rock or minerals are extracted. They are often shallower than other types of open pit mine.
Reclamation	The process of returning an area to an acceptable environmental state, whether for the resumption of the former land use or for a new use. It includes restoration, aftercare, soil handling, filling and

	contouring operations.
Recycled Aggregates	Aggregates produced from recycled construction waste such as crushed concrete, road planing's etc.
Recycling	Involves the reprocessing of waste materials, either into the same product or a different one.
Restoration	Once mineral developments have ceased sites are required to be returned to an acceptable environmental state whether this be a continuation of the existing land use or the creation of a new one.
Re-use	The reuse of materials in their original form, without any processing other than cleaning. This can be practised by the commercial sector with the use of products cleaned.
Sand and Gravel	A finely divided rock, comprising of particles or granules that range in size from 0.063 to 2mm for sand, and up to 64mm for gravel. It is used as an important aggregate mineral.
Scheduled Ancient Monuments	Sites and remains designated under the Ancient Monument and Archaeological Areas Act 1979 to ensure protection from development.
Secondary Aggregates	These are materials that originate as waste products from quarrying and mining activities or as a by-product from an industrial process which can be processed and used as an aggregate in the construction industry.
Statement of Community Involvement (SCI)	A document which outlines the standards and approach that the County will undertake in engaging with stakeholders and the local community in producing its Minerals and Waste plans.
Sterilisation	This occurs when developments such as housing, roads or industrial parks, pipelines, pylons, wind farms, railways and canals etc are built over potential mineral resources/reserves. Sometimes access restrictions may sterilise minerals resources/reserves.
Sustainability Appraisal (SA)	Local Planning Authorities are bound by legislation to appraise the degree to which their plans and policies contribute to the achievement of sustainable development. The process of Sustainability Appraisal is similar to Strategic Environmental Assessment but is broader in context, examining the effects of the plans and policies on a range of social, economic and environmental factors. To comply with Government Policy, Warwickshire County Council produces a Sustainability Appraisal that incorporates a Strategic Environmental Assessment of its Minerals and Waste Local Development Documents.
Sustainable Development	Development which seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs.

Appendix 2: The Questionnaire Form

Warwickshire County Council	
<h3>Minerals Plan Publication Form 2016</h3>	

Minerals Plan Publication Form 2016

Part A - Your personal details

All respondents must provide their personal details including a full postal address and postcode. Please ensure your details are complete and correct in the 'My Account' section of the website before submitting your comment. It is not possible to accept anonymous representations.

Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, requires all representations received to be submitted to the Secretary of State. By completing this form and submitting it to the Council you are giving your consent to the processing of personal data by Warwickshire County Council and that any information received by the Council, including personal data, may be put into the public domain.

Please indicate your interest in the Minerals Local Plan

(please select all that apply)

- Developer/Promoter
- Landowner
- Agent
- Borough/District resident
- Interest group
- Other
- Parish or Town Council
- Neighbourhood Planning group

Future stages

Do you wish to be notified of future stages in the Minerals Local Plan, including Submission, Examination and Adoption?

(please select one answer)

- Yes No

Part B - Your representations

The Publication Draft Minerals Local Plan consultation seeks the views of local residents, key stakeholders and other interested parties as to whether the Minerals Local Plan is 'sound' and legally compliant.

Soundness

Paragraph 182 of the National Planning Policy Framework sets out the considerations in relation to a plan being considered 'sound'.

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

Legal Compliance

For the Minerals Local Plan to be considered legally compliant, the following needs to be determined:

Minerals Plan Publication Form 2016

- Whether the Minerals Local Plan is detailed in the current Local Development Scheme (LDS) and that the key stages have been followed.
- That community involvement has been carried out in accordance with the current Statement of Community Involvement (SCI).
- Whether the Minerals Local Plan makes satisfactory regard to the Sustainable Community Strategy (SCS).
- That the Minerals Local Plan complies with the Planning and Compulsory Purchase Act 2004 (as amended).
- That the Minerals Local Plan complies with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- That a Sustainability Appraisal Report (SA) is published to accompany the Minerals Local Plan and is adequate.
- That the Habitats Regulations Assessment (HRA) is carried out in accordance with the Conservation of Habitats and Species Regulations (The Habitats Regulations) 2010.
- That the Minerals Local Plan has regard to national planning policy.
- That Section 110 of the Localism Act 2011 (Duty to Co-operate) has been complied with.

The Statement of Community Involvement, Local Development Scheme, Sustainable Community Strategy, Sustainability Appraisal and Habitats Regulations Assessment are available via the Council's website (www.warwickshire.gov.uk/mdf).

Representations received at this stage may not result in changes to the document but will be recorded and considered alongside the Minerals Local Plan at Examination by the appointed Inspector.

Representations must primarily be on the basis of the 'soundness' of the Minerals Local Plan or its legal compliance. If you wish to make a representation with a view to making a change to the Minerals Local Plan you should make it clear exactly what you want to be changed and the reason(s) for this change. Your representation should include information and supporting evidence justifying the suggested change.

1. To which part of the Minerals Local Plan does this representation relate?

Please submit a separate comment for each representation.

Paragraph:

Policy number:

Policies map element:

Minerals Plan Publication Form 2016

2. Do you consider the Minerals Local Plan to be legally compliant?

(please select one answer)

Yes No

3. Do you consider the Publication Minerals Local Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5.

(please select one answer)

Yes No

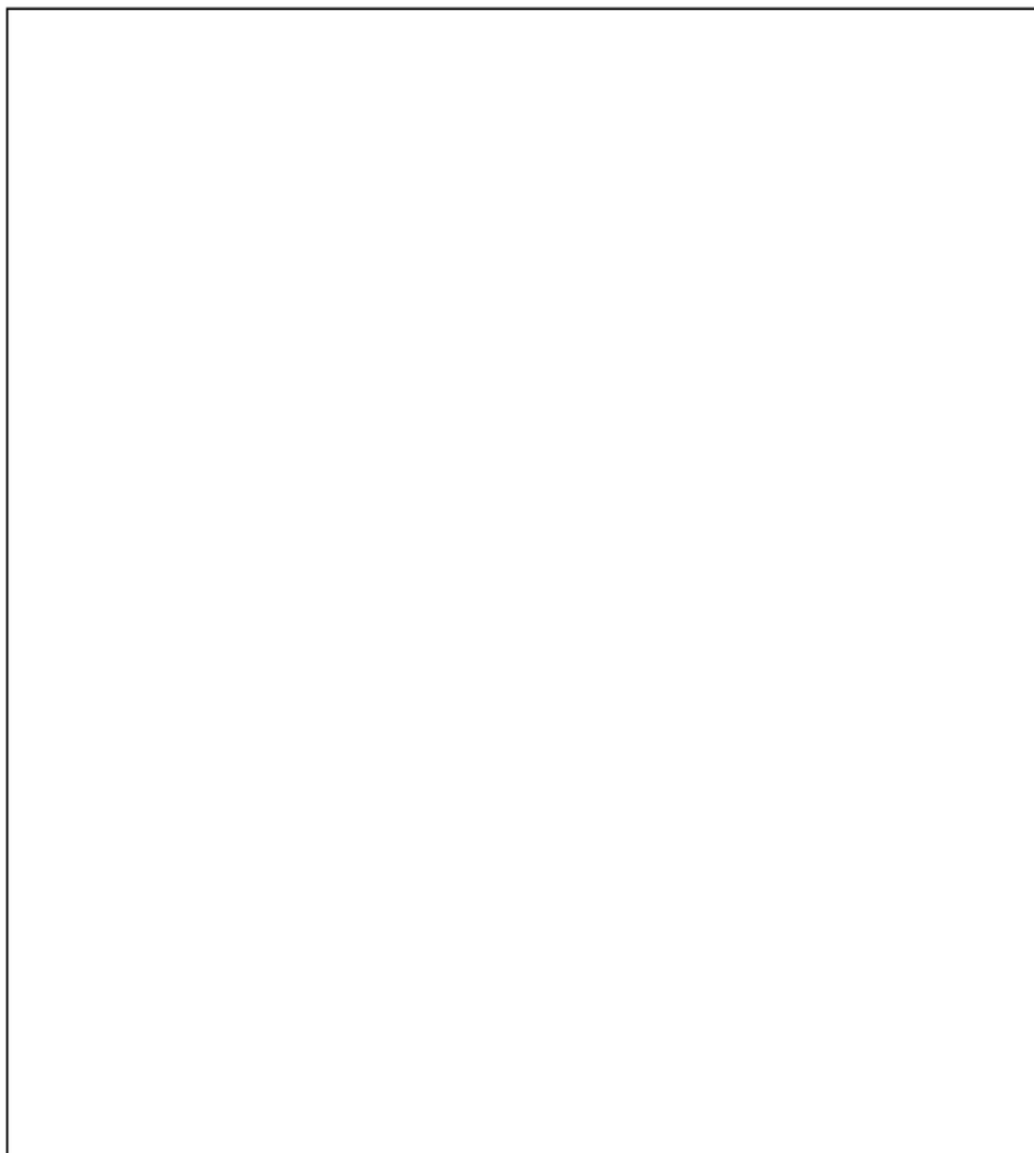
4. Do you consider the Minerals Local Plan is 'unsound' because it is not:

(please select all that apply)

1. Positively prepared
2. Justified
3. Effective
4. Consistent with national planning policy

Minerals Plan Publication Form 2016

5. If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so. Please ensure you are as precise as possible. If you wish to support the legal compliance or 'soundness' of the Minerals Local Plan, please also use this box to provide your comments.

A large, empty rectangular box with a thin black border, intended for the user to provide detailed comments regarding the Minerals Local Plan's legal compliance or soundness.

Minerals Plan Publication Form 2016

6. Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'. You will need to say why this change will make the Minerals Local Plan legally compliant or 'sound'. Where relevant, please include proposed revised wording of any policy or text.

Minerals Plan Publication Form 2016

7. Duty to Co-operate

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters (Planning Policy Guidance).

Please note that any non compliance with duty to co-operate is incapable of modification at examination.

7. Do you consider the Minerals Local Plan complies with the Duty to Co-operate?

(please select one answer)

Yes No

Minerals Plan Publication Form 2016

Duty to Co-Operate Comply

Please be as precise as possible.

Please give details of why you consider the Minerals Local Plan complies with the duty to co-operate.

Minerals Plan Publication Form 2016

Duty to Co-Operate Fail

Please be as precise as possible.

Please give details of why you consider the Minerals Local Plan fails to comply with the duty to co-operate.

Please note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

After this stage, further representations will only be at the request of the appointed Inspector, based on matters and issues he/she identifies for examination.

Minerals Plan Publication Form 2016

8. If your representation is seeking to make a change to the Minerals Local Plan, do you consider it necessary to participate in the oral part of the examination?

(please select all that apply)

No, I do not wish to participate at the oral examination *Yes, I do wish to participate at the oral examination*

9. If you do wish to participate at the oral part of the examination, please outline why you consider this to be necessary.

Please note the appointed Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.



APPENDIX 2 - WARWICKSHIRE
MINERALS PLAN
SAND AND GRAVEL TOPIC PAPER



**WARWICKSHIRE COUNTY COUNCIL PLANNING POLICY
TEAM**

SEPTEMBER 2017

*Working for
Warwickshire*

Contents

	Page No
<u>Executive Summary</u>	3
1. Sand and Gravel: an introduction.....	4
2. Warwickshire sand and gravel production.....	8
3. National and Local Minerals Planning Policy.....	13
4. Warwickshire LAA - The Current Situation (Permitted Reserves, Landbanks, Sales of Sand and Gravel / Imports and Exports.....	16
5. Warwickshire's Local Plan Requirement.....	21
6. Future Sand and Gravel Requirement.....	30
7. Conclusion	
 <u>Appendices</u>	 35
1. Sand and Gravel sites in Warwickshire with permitted reserves in 2016	35
2. Minerals Infrastructure in Warwickshire – Aggregate Minerals	36
3. Aggregate recycling sites in the county (2016)	41
4. Warwickshire Minerals Plan - Sand and Gravel Requirements (Warks 2017).....	42
5. Warwickshire Aggregates Planning Applications since 2009.....	43
6. Map of Sand and Gravel Sites in Warwickshire.....	44

Sand and Gravel in Warwickshire

Executive Summary

The purpose of this paper is to explain in greater detail the situation regarding sand and gravel working in the county in respect of where the mineral is sourced, how the material is processed, the end uses of sand and gravel, how much is required to be planned for and how the plan requirement totals have been calculated. The paper is produced in response to comments during the last consultation that the way the plan requirement had been calculated appeared not to be fully translated from the Local Aggregates Assessment 2016 in to the Plan itself and also that the figures for sand and gravel production were much too high.

Consequently, the paper looks at where the mineral sites and production plants are located in relation to the geology of the county. It then goes on to summarise the national and local minerals policy situation in the county before looking at the situation within the county in respect of permitted reserves, landbanks and sales and imports.

It concludes that:

- there is high demand for sand and gravel. The authorities in Warwickshire are planning for very large housing and associated infrastructure projects all over the county especially in and around the main towns of Warwick, Leamington and Rugby during the next 15 years.
- there will be an increasing need for sand and gravel sites in the county to supply the materials to enable this economic growth to take place.
- the plan must as far as possible create the conditions to encourage economic growth by positive planning and not by artificially restricting supply.

However, the local picture for sand and gravel sites is very complicated and requires further explanation – important points to note include

- that for some time there has been little interest from the larger operators in the minerals industry to promote new sites in the county and the situation is likely to continue.
- We are planning for sand and gravel extraction in the context of a 10 years sales average which is dropping rapidly over time and will continue to fall further without the allocation of sufficient new sites. We cannot rely on sales of crushed rock and recycled aggregates and increasing imports from other areas.
- one of the main supply issues in meeting the 10 year average is that nearly 70% of the county's permitted reserves are tied up in one site at Brinklow Quarry, east of Coventry and that has significant implications for productive

capacity in the county and the ability to respond to changing economic and supply conditions.

- Whilst reserves at Brinklow appear healthy only permitted reserves that are available and that can be delivered in the plan period can be counted in the calculations towards the overall plan requirement. (Brinklow, like most quarries, is constrained by planning conditions on how much can be produced per annum).
- recycled aggregates are an important element in meeting some lower specification construction demand.
- the conclusion of this paper is that we will seek to attain the latest 10 year rolling average of sand and gravel and take account of other relevant local information as required by the National Planning Policy Framework (NPPF). The 3 year average is an indication that there is no requirement to increase provision above the latest 10 year average.

1. Sand and Gravel – An Introduction

Sand and gravel is one of the main types of aggregate minerals, along with crushed rock, which are mainly used as bulk minerals in the construction industry. Sand is a hard residual mineral quartz. Sand and gravel is defined on the basis of particle size rather than composition. Gravel, sometimes known as coarse aggregate, is between 4mm and 80mm in particle size and is mainly used in concrete manufacture. Sand comprises particles that are less than 4mm but greater than 0.063mm and are mainly used as fine aggregate. Anything below the lower level is classed as silt and is usually discarded by the minerals industry although sometimes it can be used as a horticultural sand or to secure restoration of a site.

1.1 The Geology of Sand and Gravel in Warwickshire

1.1.1 Land-won sand and gravel

Sand and gravel resources can be classified into two major categories depending on their age and geology:

- superficial, or 'drift' deposits, and
- bedrock, or 'solid' deposits – there are no bedrock deposits in Warwickshire.

1.1.2 Superficial deposits

These comprise all those sand and gravel sediments laid down during the last two million years. They mainly comprise **river sands and gravels** which take the form of extensive spreads that occur along the floors of major river valleys, generally beneath alluvium, and as river terraces flanking the valley sides. River terraces are the dissected, or eroded, remnants of earlier abandoned river floodplains. Such deposits are found in the south of the county especially along the River Avon and its tributaries. Consequently, such resources of sand and gravel are focussed on

specific areas to the south of Warwick around Charlecote, Wasperton and Barford and west of Stratford and around Bidford on Avon and Salford Priors. Deposit thickness varies from less than 1m to maximum values of around 10m. Sand to gravel ratios are variable, but river deposits typically are relatively clean with lower fines content (silt and clay) than glacial deposits. The largest producing area in the county in the 1980's centred on the terraces of the River Tame in north-west Warwickshire with nearby Glacial deposits around Coleshill. These deposits have almost all become worked out in recent years apart from an area around Lea Marston.

The other major group of resources are **glaciofluvial sands and gravels**. These deposits were associated with glacial action and laid down by the glacial meltwaters issuing from, or flowing on top, within and beneath, ice sheets and glaciers. The deposits are commonly associated with till (boulder clay), and may exhibit complex relationships, occurring as sheet or delta-like layers above till deposits, or as elongate, irregular lenses within the till sequence. As a result, the distribution of glaciofluvial deposits is less predictable in geographical extent.

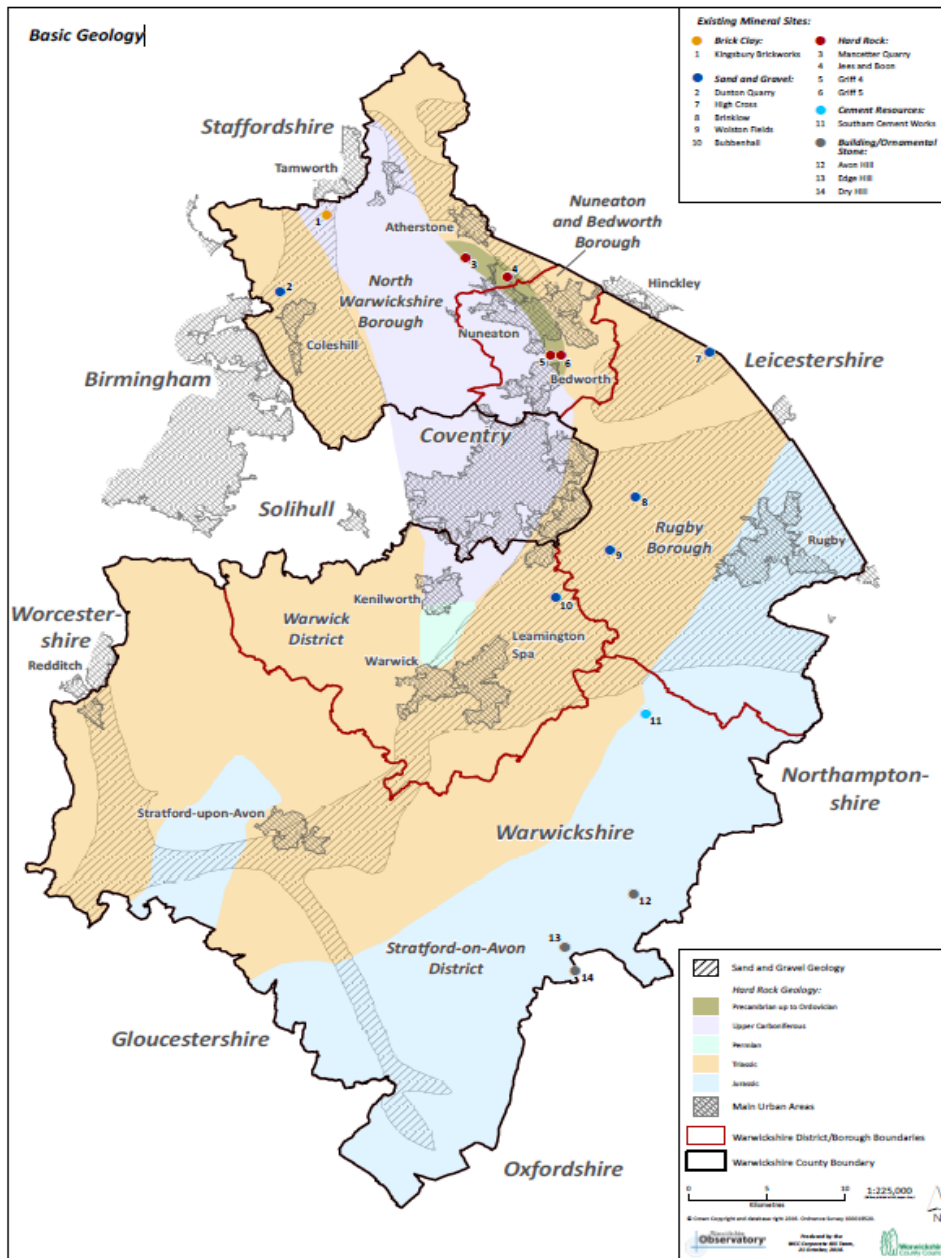


Fig 2: Warwickshire's Geology and Mineral Sites

than river sand and gravel deposits. They may also exhibit considerable lateral variations in thickness, composition and particle size distribution, generally contain more fines (silt and clay) and frequently contain a larger amount of over-sized materials. Glacio fluvial deposits are common to the Rugby area to the south east of Coventry. They are spread more widely than the river terrace deposits but may be more variable in quality.

1.1.3 Typical Extraction processes

The high water table level at some sand and gravel quarries especially in the river terrace deposits means that active workings have to be pumped, to enable dry

screen extraction. Wet extraction under the water is also possible, but is a less efficient process.

The extraction process starts with the stripping of soils and sometimes overburden, which are then stored on site and often used for screening and bunding during the process before being returned to the void. Then the exposed sand and gravel can easily be excavated by hydraulic excavators, which either load direct onto dumptrucks or feed on to conveyors before being processed.

The processing plant can either be fixed on site or off site for satellite operations or mobile. The plant itself enables a series of screening and washing operations to grade and sort the mineral into the required sizes of sand and gravel. Waste 'fines' (i.e. fine sand or silt, clay) which on average make up between 5-10% of the deposit are pumped into silt ponds. Silt ponds are normally allowed to dry out to permit reclamation, although once full they can be re-excavated to provide extra capacity or sold as a product. Processed materials are then stockpiled by type until required for sale. Sometimes sites used materials from other sites for blending purposes to create a wider range of products.

1.1.4 Uses of Sand Gravel

Sand and gravel extraction cannot be looked at in isolation from the markets and products that they are added to, in the manufacture of building materials. Nationally and locally, the main use of sand and gravel is for concrete (67% of the total sand and gravel sold). Other uses for sand include mortar and for gravel include drainage layers or construction fill.

Sand is also used in a number of other ways to make, mortar and asphalt as well as for use in brick making, landscaping, agriculture and many other industrial processes such as glass making. Gravel has a number of uses, including road construction, drainage, water and effluent filtration and pipe bedding. It can also be used for decorative purposes on landscaping projects or for domestic properties for instance in the construction of driveways.

Concrete is made from a mixture of water, cement, coarse aggregate (natural gravel, crushed limestone or other hard rock) and fine aggregate (generally quartz sand, but limestone sand and other crushed rock fines are also used). The water and cement form the paste binder, whilst the aggregate forms an inert filler. Fine and coarse aggregate are added either separately or as a combined 'all in' aggregate. The properties of the aggregate used, influence the mix proportions and the performance of the concrete. Particle size, form and shape are important. For example, finer sand sizes require more cement, which has additional cost implications as cement is the most expensive component of concrete.

2. Warwickshire: Sand and Gravel Production

2.1 Existing Sites and supply arrangements

There are three sites producing sand and gravel in the county; Wolston Fields and Brinklow and a third one at High Cross has recently recommenced operations at a very low output level having been dormant for many years. However, when calculating future requirements only those sites active at the time of the annual surveys can be counted. All surveys carry a 12 month time lag and the last survey relates to sales between 1.1.16 and 31.12.16 so only two sites were operational – Brinklow and Wolston Fields.

The material from Wolston is processed off site at Bubbenhall but operations are scheduled for completion within the next few years whilst Brinklow has recently received permission to extend its working until 2046. In addition there are remaining permitted reserves at Bubbenhall Quarry and Dunton Quarry but these are constrained and only involve modest amounts.

The NPPF sets out a number of options available to mineral planning authorities to supply the sand and gravel it requires and these are:

- land won resources
- marine resources
- recycled aggregates
- secondary aggregates
- imports and exports

In Warwickshire the current supply options are recycled aggregates, imports and land won resources due to the lack of secondary aggregate sources and the absence of marine aggregates or access to marine sources. While recycled aggregates will continue to play a part in the supply of certain construction materials reliance will continue to be on imports and to a large part land won resources in the county through the granting of planning permission on specific sand and gravel sites and maintaining adequate landbanks for sand and gravel.

2.2 Operators

The mineral operators currently operating in the county are Hansons with Smith's Concrete at Wolston Fields and Bubbenhall. They produce sand and gravel for concrete manufacturing. The site at Brinklow is run independently by the Aston family and supplies sand and gravel to the general market. Both sites are close to the centre of the county in Rugby Borough and in close proximity to Coventry which is the likely destination of much of the material if not used within Warwickshire itself.



Fig 3 Excavation of sand and gravel beneath overburden at Brinklow Quarry

Tarmac Trading Ltd now has a presence in the county but only in terms of resources to be worked as an extension to Shawell Quarry in Leicestershire. The LAA identified that many sites have become exhausted or closed for commercial reasons in the last 10 years in Warwickshire. This has seen the loss of many of the larger companies that used to produce sand and gravel aggregate in the county such as Cemex.



Fig 4: Recently restored quarry for nature conservation at Bubbenhall

Except for Tarmac Trading Ltd larger operators have not sought to progress sites through the current Minerals Plan process. This has been left to individual

landowners and their agents, including the County Council itself, which owns various small holdings with some sand and gravel resource. The larger companies do not appear keen to progress sites through the plan process possibly because of costs of drilling, higher land values, the existence of other operational sites elsewhere and possibly also because of variable quality of proven resources to meet particular needs when compared to the thicker deposits in counties like Staffordshire. A smaller operator (SE Davis) with off-site processing plant has proposals to either use mobile plant to extract mineral from some of the smaller sites or to extract the material and take it to their processing operation in Astwood Bank in Worcestershire, just outside the county boundary. However, such proposals have yet to emerge as specific planning applications.

2.3 Warwickshire Minerals Infrastructure

The main types of infrastructure connected with sand and gravel production in the county are set out below

2.3.1 Fixed Processing Plants

There are currently only four sites in the county with fixed processing plant and the planning consents for two of the four sites are scheduled to expire in 2021. A further site is expected to close around 2021 due to landownership constraints.

2.3.2 Concrete Batching Plants

Concrete batching plants are simply equipment on a site, which are used to mix various materials to produce concrete. These materials comprise water, air, admixtures, sand, aggregate (rocks, gravel, etc.), fly ash, silica fume, slag, and cement. There are two main types of concrete plants: Dry mix plants and Wet mix plants. Dry Mix Plants are those which dispense pre-weighed loads of sand and gravel on to trucks, which then have specific volumes of water added and then the concrete is mixed on the truck whilst being transported to the particular site. Wet mix plants are those which mix the materials and produce concrete from a central production point, which is then loaded on to lorries. The mix is agitated en-route to the site.

The county has a well - developed network of concrete production plants. There are 14 concrete batching plants in the county. These have traditionally been located either in quarries or on industrial estates but are mainly on industrial estates now. These plants are listed in Appendix 2.

2.3.3 Asphalt Plants

An asphalt plant is a plant used for the manufacture of asphalt, macadam and other forms of coated roadstone, sometimes collectively known as blacktop or asphalt concrete. Sand is used in the production process.

The manufacture of coated roadstone demands the combination of a number of aggregates, sand and a filler (such as stone dust), in the correct proportions, heated, and finally coated with a binder, usually bitumen based or, in some cases, tar. The temperature of the finished product must be sufficient to be workable after transport to the final destination. A temperature in the range of 100 to 200 degrees Celsius is normal.

Recycled materials can be added to the asphalt mix but the quality of Asphalt starts reducing once the percentage of recycled asphalt increases beyond 20%.

There are 3 asphalt plants in the county again sited in existing or former quarries.

2.3.4 Mortar Plants

Dry Mix Mortar is produced in specially designed dry mix mortar plants in which binders and aggregate are mixed in the appropriate way and are transported to construction site in bags or silos and need only be mixed with water prior to use.

It is composed of a thick mixture of water, sand, and cement. The water is used to hydrate the cement and hold the mix together. The water to cement ratio is higher in mortar than in concrete in order to form an extra strong bonding element.

There are two mortar plants in the county at Brinklow and Bubbenhall Quarries.

2.3.5 Warwickshire Recycled Aggregates

Recycled aggregates comprise construction, demolition and excavation waste such as brick, stone, concrete and asphalt which have been reprocessed to provide products for the construction industry to re-use. Traditionally, much of the material was recycled by mobile plant on construction sites but recently there has been an increase in the number of new sites associated with live or exhausted quarries. This is certainly the case in Warwickshire with several recent permissions at former quarries which are linked for the completion of the restoration of the former quarries and the life of the site. It is apparent that recycling of aggregates is becoming as important in the county as the production of primary aggregate production.

Currently there are 9 recycled aggregates sites in the county – (See Appendix 3).

In recent years, construction and demolition (c&d) waste recycling figures have not been fully monitored because of the difficulty in getting returns from operators and

the number of temporary sites with mobile plant. In addition, there are also issues regarding the accuracy of the returns and the extent of the number of exempt sites.

Monitoring work carried out for the adopted Waste Core Strategy looked at permitted capacity at such sites and when added to recent permissions gives a total of 830,250 tonnes of capacity per annum. This is helpful but the absence of actual sales and production figures and their uses limits their overall usefulness in determining future supply requirements. However, after 2013 the AWP survey the authority has tried harder to focus on recycled and secondary materials and from 9 monitoring forms sent out to operators, figures from individual operators and from the Waste Data Interrogator, produced a total of 575,388 tonnes of construction and demolition waste material recycled for 2013. This is an increase in the total figure for 2012 which had a figure of 524184 tonnes. Recent permissions at Griff IV Quarry (a former hard rock quarry), Griff Clara and at the former Middleton Hall Quarry have added 100,000 tonnes of capacity since the start of 2012. Whilst Dunton Quarry (a former sand and gravel quarry) has permission to operate until 2021.

In regard to the Publication consultation, it was noted that many respondents wished to see a proportion of the plan requirement of sand and gravel, replaced by the provision of recycled aggregates. In recent Local Plan Examinations such an approach was not considered by the Secretary of State to be sound, for various reasons. This includes the fact that the quality of such material can be variable, survey figures for quantifying the material is not always reliable, and most of the sites have temporary permissions and therefore future supplies over the plan period cannot be guaranteed.

However, we did consider what the contribution could look like in practice and what the implications could be. The largest aggregate recycling site is at Dunton Landfill in the north of the county which can produce up to 500,000 tonnes of recycled aggregates per annum. It is estimated that on average around 650,000 tonnes mtpa could be produced in the county as a whole. Almost all of these sites are in the north of the county and the majority of these only have temporary permissions.

We looked at the potential to replace some primary aggregate with recycled aggregate in the plan calculations. The annual production of recycled aggregate is approximately 650,000 tonnes per annum. This is higher than the primary aggregate 10 year sales average of 508,000 tonnes per annum. Using such a methodology would mean that there would be no primary aggregate requirement at all, but this approach could not be implemented in practice, as it would be considered inherently unsound.

To ensure that such sites could make provision for a steady and adequate supply over the plan period, the only way such supply could be guaranteed would be to ensure that all the sites are given permanent permissions, sources of supply are maintained and there are markets available for the products available for sale. The

issue of permanent permissions is one which would not be popular in some areas; whilst recycling aggregates is a very sustainable way of producing aggregate, there can be associated problems with such uses where they are close to housing. Equally sites located on former quarries may delay restoration and completion of works well beyond timeframes agreed with local communities. Recycled aggregates are usually situated on industrial estates and in active or former quarries. So, whilst it might be an attractive proposition to substitute part of the primary aggregates production to recycled aggregate sites, it could be just moving the potential problem to other communities, exacerbating the current geographical imbalance of sites and not providing the range of products and specifications required by the construction market

This approach would be very unlikely to be supported by other Mineral Planning Authorities and the minerals industry because of the lack of supply guarantees required and the confirmation that actual substitution of materials is taking place in the market. It reduces the size of the requirement but does not eliminate it, which is where many respondents wish to go in terms of sustainability. For others this may work but for Warwickshire given its particular circumstances in terms of material supplies, geographical distribution and site specific issues and inability to fully substitute for a full range of construction materials now and in the future, it is very unlikely to work and if it does not work and cannot be delivered it will be found unsound. Plans are required to be evidence based and the evidence available to the Mineral Planning Authority is that this scenario will not work and will not be found sound.

3. National and Local Planning Minerals Planning Policy

3.1 National Policy

3.1.1. National Planning Policy Framework (NPPF)

Minerals Policy is governed at a national level through the National Planning Policy Framework (NPPF) which was adopted in 2012.

The main driver is the recognition that minerals are essential to our sustainable economic growth and quality of life and that it is important to provide a sufficient and supply of material to provide the infrastructure, buildings, energy and goods that the country needs. Account needs to be taken of the contribution recycled aggregates can make before consideration of primary aggregates.

Mineral Planning Authorities need to plan for a “steady and adequate supply of aggregates” in a number of ways but primarily by “preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data

and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources and imports)”.

MPA’s also are required to participate in and take advice from the Aggregate Working Party. They should make provision of land won and other elements of their LAA in the Plan in the form of “specific sites, preferred areas and areas of search and locational criteria as appropriate.”

Landbanks should be the principal indicator of aggregate minerals supply and for sand and gravel MPA’s should make provision for a landbank of at least 7 years, although longer periods might be appropriate to take account of local factors that might affect supply. One of these factors (that is an issue in the county) is that large landbanks should not be tied up in very few sites, which can stifle competition.

Further definition of the way in which the NPPF should be interpreted is given through the national online Planning Practice Guidance.

3.1.2 Planning Practice Guidance

Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):

1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;
2. Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or
3. Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

Guidance states that it is preferable for MPA’s to seek to designate Specific Sites as a priority in minerals plans as it provides the necessary certainty on when and where development may take place.

The guidance lists a large number of individual factors that must be taken in to account when considering mineral proposals. It also explains that separation distances/ buffer zones may be appropriate in specific circumstances where it is clear that, based on site specific assessments and other forms of mitigation measures (such as working scheme design and landscaping) a certain distance is required between the boundary of the minerals extraction area and occupied residential property.

It goes on to state that any proposed separation distance should be established on a site-specific basis and should be effective, properly justified, and reasonable.

The PPG reaffirms an established pillar of minerals planning which is the continuation of the Managed Aggregate Supply System (MASS) which seeks to ensure that all MPA's contribute locally and nationally where required to ensuring a steady and adequate supply of minerals. It sees the production of LAA's as the main way of providing this at a local level and so the PPG sets out further details regarding how LAA's should work in practice. They should contain 3 elements;

- a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information;
- an analysis of all aggregate supply options, as indicated by landbanks, mineral plan allocations and capacity data eg marine licences for marine aggregate extraction, recycled aggregates and the potential throughputs from wharves. Supply should also look at secondary aggregates and imports and exports to and from the MPA area.
- an assessment of the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation. It should conclude if there is a shortage or a surplus of supply and, if the former, how this is being addressed.

Based on relevant local information future supply considerations should be considered in addition to the 10 year average to take account of large infrastructure projects and major housing and employment growth. Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.

In addition the LAA, should also take account of the latest national and sub-national guidelines published by the government which are the National and regional guidelines for aggregates provision in England 2005 to 2020 - they seek to provide an indication of the total amount of aggregate provision that the mineral planning authorities, collectively within each Aggregate Working Party, should aim to provide. These guidelines were published in 2009 and will expire in three years' time; they rely on data which preceded the economic downturn and were published pre-recession and within a different policy context. Recent Examinations in Public have placed little weight on the guidelines for these reasons.

4. Warwickshire LAA - The Current Situation – Permitted Reserves/ Landbanks and Sales of Sand and Gravel/ Imports and Exports

4.1 Warwickshire’s Permitted Reserves

At 1st January 2017 Warwickshire had Permitted Reserves for sand and gravel of 3.288 million tonnes which equated to a landbank of 6.47 years. These reserves were tied up in several sites; High Cross Quarry, Brinklow Quarry, Dunton Quarry and Wolston Fields all in the east and north of the county. There are no quarries in Stratford or Warwick Districts at present.

In 2016 a planning application was approved subject to the signing of a legal agreement at one of the two existing quarries in the county at Brinklow Quarry for an additional 3.4 million tonnes of sand and gravel. The Section 106 agreement was recently signed in June 2017 and the planning permission issued on 6th July 2017. This means that the additional reserve can be counted towards the permitted reserves in the county and the landbank when determining planning applications only. In the case of the Minerals Local Plan only those reserves capable of being used in the plan period 2017 – 2032 can be relied upon and that is 1.363 million tonnes out of the 3.4 million tonnes permitted*¹. While for development management purposes the permitted reserves now sits at 6.688 million tonnes which equates to a landbank of 13 years’ worth of material (see Table 1) in terms of the plan the actual level of permitted reserves which can be relied upon is 4.65 million tonnes giving a landbank of 9.3 years.

The situation regarding reserves and landbank may look healthier than in previous years, but it should be recognised that the annual landbank figures up to 2013 were calculated using the Sub Regional Apportionment Figure of 1.043 million tonnes derived from the AWP and based on a sub-division of a national figure rather than the 0.508 million figure we now use from the latest LAA. Consequently, when the NPPF came in to place and reliance had to be placed on the 10 year average figure , the figure was much lower because the 10 year average was always much lower than the figure agreed by the AWP. Hence the landbank rose considerably in 2013.

The length of the landbank which is measured in years is determined by dividing the figure for the stock of permitted reserves in the county by the annual demand rate which is the 10 year average.

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Reserves	5.00	4.76	3.95	3.12	4.51	4.33	4.96	4.44	3.869	6.688
Landbank	4.8	4.56	3.78	2.99	4.33	4.15	7.2	7.0	6.75	13.16

¹ Figures based on Brinklow Quarry producing 170,000 tonnes per annum (based on submitted figures for Planning Application No RBC/16CM004)

A second planning application has also been submitted for a western extension to Shawell Quarry which although the quarry is located in Leicestershire, there is 1.1 million tonnes of sand and gravel in Warwickshire. This application has not been determined yet but most of the tonnage has already been factored in to the plan requirement calculations because it was one of the site specific allocations.

	2017 LAA (2016 Figures)	2016 LAA (2015 Figures)	Compared to previous LAA
Sales	0.332 mt	0.322 mt	▲ 0.010mt
P Reserves	6.688 mt	3.869 mt	▲ 2.8 mt
Landbank	13 .16 years	6.75 years	▲ 6.41 yrs
10 Year Average	0.508 mt	0.573 mt	▼ 0.065mt
3 Year Average	0.311 mt	0.270 mt	▲ 0.041mt

4.2 Warwickshire’s Sand and Gravel Sales – Demand Factors

The NPPF* states at Para 145 that;

Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- *preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);*

There is no guidance on which 10 year rolling average should be used to guide the preparation of a local plan although the NPPG (ID 27 – 062) says that an LAA should contain a forecast of demand for aggregates based on both the rolling average of 10 years sales data and other relevant local information.

Warwickshire in preparing its local plan has rolled the plan forward using a rolling average determined from the latest survey information in the latest published LAA. At the moment the authority is able to produce a draft LAA in the same year that the survey returns are available. For example, the Preferred Options and Policy document (draft plan) was based on LAA 2015 (survey returns 2014) and the Publication consultation document (final draft plan) on LAA 2016 (survey returns 2015).

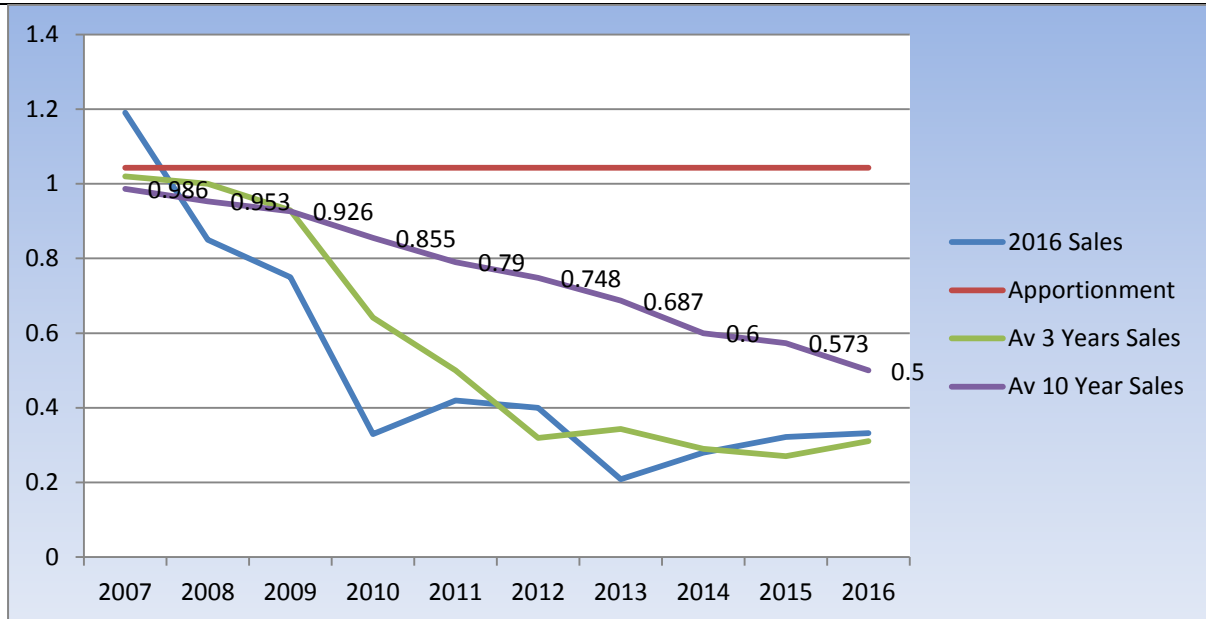
Based on LAA 2016 during the years 2007 – 2015 there was a continuous year on year decline in the 10 year average from 0.986mt to 0.573mt and a similar decline in the 3 year average for the years 2012 – 2015. Sales peaked at 1.19mt in 2007 before falling sharply until 2010 and then levelling out at over 0.3mt per annum. The average sales for the last six years of the current ten year period are 0.327mt which is just above the actual sales for 2015. When you add in the fact that the 3 year average for 2015 was for the first time below the actual sales in that year it is clear that an annual review of the impact of the 10 year average is warranted at the moment. Moreover, it could be argued that the first four years sales from the current ten year period are distorting the overall average. While demand is unlikely to decrease in the future at the moment there are no signs of a significant increase in demand being converted into a sizeable increase in sales, production capacity and new sites in the county.

From Table 2 it can be seen that by taking the 10 year average as the starting point that it is falling again from 2016 to 2017. In Figure 5 below over 10 years it can be seen just how far the sales have dropped since 2007 when production was at 1 million tonnes in the county, whereas the 2017 sales figure is now 300,000 tonnes and has been around that amount for the last 6 years.

Para 064 of Minerals Planning Practice Guidance* elaborates on this:

Local Aggregate Assessments must also consider other relevant local information in addition to the 10 year rolling supply, which seeks to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.

Figure 5: Sand and Gravel – Observed 10 years past sales and 10 year and 3 year averages compared to apportionment (2007-2016).



Looking at the 3 year average it is clear that the most recent figure only confirms the general decreasing trend in demand in the county and suggests that there is no logical reason to increase the plan requirement above the 10 year average. At the same time it would be dangerous to suggest a lower figure than the 10 year average as there is a large amount of development proposed in and around the county. The figures should cater for future growth; it may be that there is a lag in the minerals industry whereby companies are waiting for particular opportunities and so to restrict production at too low a figure could cause supply problems in the future. There is already some indication that Warwickshire is becoming even more reliant on aggregates' imports especially in terms of crushed rock.

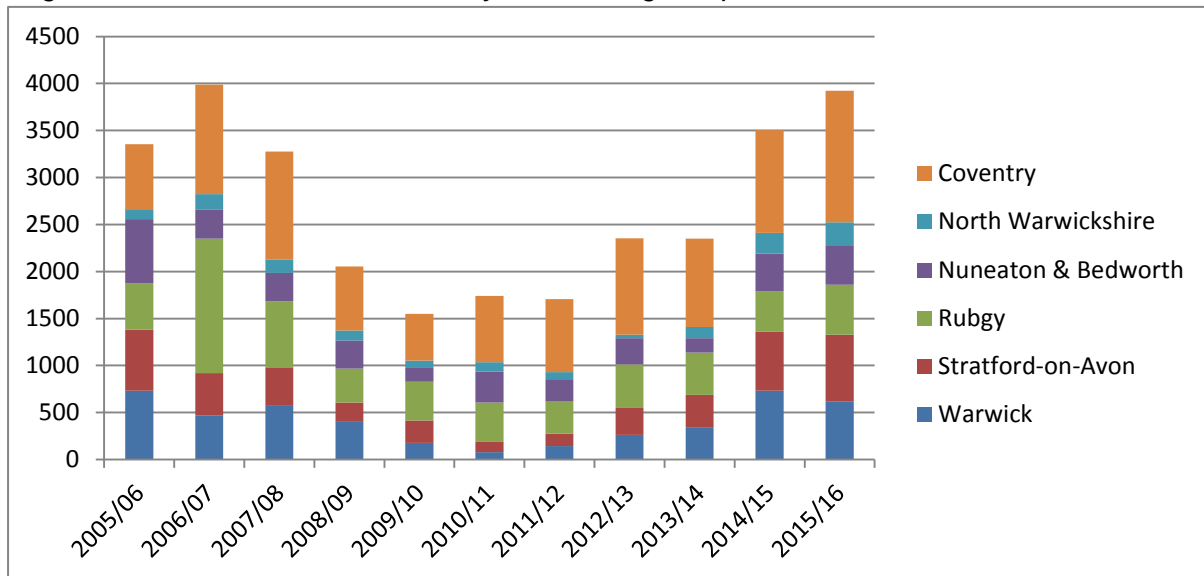
4.3 Warwickshire's Growth – Demand Factors

Whilst there is no definitive method of measuring demand for sand and gravel one possible way is to use housing growth as a proxy for demand. Employment and infrastructure are also other indicators of demand. If the economy is growing, housing, employment and infrastructure projects will be coming forward for implementation at a fast rate.

Similarly, such economic growth requires an increase in the supply of building materials including particularly sand and gravel. Hence, the housing figures in Figure 6 are a direct contrast to the downward trend for sand and gravel sales; housing growth effectively halted in 2008 and was in a major decline for at least 6 years during the recession as one would expect. However, the downward trend was reversed in 2013 and growth has continued up to pre-recession levels. By contrast

sand and gravel production has not followed the housing demand trajectory. Whilst pre-recession sand and gravel sales were at 1 million tonnes during the recession sales they fell dramatically down to 300000 tonnes rather than returning to much higher figures when the recession ended. Interestingly, sales have continued to flatline at 300000 tonnes.

Figure 6: Warwickshire and Coventry net housing completions 2005 - 2016



The reasons for this can be summarised as:

1. The recession has killed off short term demand and therefore also reduced the need for large quantities of sand and gravel
2. Several large sites all closed at the same time around 2012
3. When the sites closed a number of the larger operators moved out of the county and have not returned
4. Moreover there have been very few planning applications submitted between 2007 and 2016 and two of the most recent have been seeking planning permission to continue operating in the county.

4.4 Imports and Exports of Sand and Gravel

Sales of aggregates, specifically sand and gravel and crushed rock, are carried out each year and reported through the Aggregates Working Party (the West Midlands AWP). Approximately every 4 years a more detailed survey is carried out which goes beyond just pure sales and reserves figures; it seeks to describe where all aggregates are produced and where they are sold to in the UK. The last survey was the 2014 survey and the one before that was in 2009.

Sales in 2014 amounted to 0.280 million tonnes. However consumption (use) of sand and gravel in the county was 0.475 million tonnes so that means about 200,000

tonnes was imported. Almost all of the sand and gravel produced in the county was consumed in the county.

In addition crushed rock can replace sand and gravel for some uses. Warwickshire only has one operational crushed rock site which according to the latest planning application information produces between 300,000 – 400,000 tonnes per annum. Yet Warwickshire consumed more than double that amount (875,000 tonnes). The vast majority was produced in Leicestershire (60-70%) while at least (20-30%) was produced in Warwickshire itself. Very small amounts were produced in other counties and imported to the county.

In 2009 Warwickshire was an exporter of sand and gravel and crushed rock. Now it is increasingly reliant on imports. These figures confirm that there is major demand in the county and that this demand needs to be planned for and met within the county as far as possible where there are available sites which have adequate reserves of mineral and which are environmentally acceptable.

5. Warwickshire's Plan Requirement

5.1 Factors behind the Plan Requirement

In order to calculate the plan provision there are a number of issues which need to be assessed and determined and they are:

- The duration of the plan period;
- An agreed demand forecast for aggregates based on both the rolling average of 10 –years sales (annual rate of demand) data and other relevant local information;
- The level of permitted reserves including any reassessment of reserves and limitations on consented reserves and site closures;
- Consented mineral infrastructure;
- The landbank requirement;
- Any new planning approvals or planning applications in the pipeline;
- Any uncommitted allocations in a previously adopted minerals local plan; and
- Productive capacity.

The call for sites issued in 2009 and 2014 generated more interest in potential sites from developers/landowners including the County Council. These sites have been assessed on several occasions and some are being promoted as allocations in the Minerals Local Plan. The draft plan should therefore provide some encouragement and some certainty for the minerals industry in bringing sites forward for development in the right location to meet future demand.

The 2016 Publication document proposed 8 sites to provide enough sand and gravel to meet the plan requirement. Respondents to the Publication consultation have asked for more clarity on how the authority has calculated the final figure and what factors have been taken into account. Appendix 4 shows how the plan requirement was worked out.

Effectively, we consider that the plan must start from the position of having at least a 7 year landbank; the NPPF states *that “Minerals planning authorities should plan for a steady and adequate supply of aggregates by (amongst other things) making provision for the maintenance of landbanks of at least 7 years for sand and gravel”*.

Landbanks of aggregate mineral reserves are basically a set of sites with planning permission to work aggregates (a stock of permitted reserves). They are a key tool in providing a steady and adequate supply of land won aggregates. The NPPG says that they are an essential component of planning decision making (ID 27 – 082). Paragraph 145 says that landbanks can be used as an indicator of the security of aggregate minerals supply and an indicator of additional provision that needs to be made, that they need to be maintained for at least 7 years for sand and gravel, that they should not stifle competition and that separate landbanks may be needed for aggregate materials with a distinct and separate market.

The NPPG says that aggregate landbanks should be recalculated each year and the length of the landbank period is determined by the sum of all the permitted reserves divided by the annual rate of future demand which is the 10 year average.

The LAA 2016 says that the current landbank of permitted reserves in the county is 6.75 years which is just below the 7 years required by paragraph 145 in the NPPF. However that landbank is based on just two working sites and three sites which are inactive. One of the sites contains the bulk of the permitted reserves having recently been granted permission for a northerly extension and the other working site is due to complete extraction well before the end of the plan period.

If a plan is to demonstrate an adequate and steady supply of aggregates for the life of the plan period then it is the opinion of the county council that it must be able to show each year that it has a stock of permitted reserves sufficient for at least a 7 year landbank for sand and gravel to be provided. This means that the plan needs to have a 7 year landbank at the beginning, throughout and at the end of the plan period irrespective of whether there is no actual guidance given to that effect.

Reliance on the annual monitoring of the plan during the plan period or an early review of the plan before the end of the period is considered not to be providing for the longer term as required by paragraph 157 of the NPPF. Equally it reduces the certainty that the industry require when making important investment decisions for example, new greenfield sites which require a long lead in time to develop and make operational especially if new processing plant is required and value added products are to be produced. It also does not provide the longer term certainty that local

communities require about the duration and transport and environmental impacts of mineral extraction in their locality.

By planning at the outset to maintain appropriate landbanks through the plan process the mineral local plan is able to adsorb short term and also long term increases in demand especially in the case of Warwickshire which has seen sales fall quite rapidly during the recession and then levelling over a number of years out at a much lower level than the pre-recession period.

The current working sites are located in a relatively small area to the east of Coventry and generally to the north of the county. Compared with the historical distribution of sites over the past decade there has always been a site in the south of the county to meet demand in that location. There has been a heavy dependence on sites in the north west of the county but the resources in that locality have almost been worked out. The current sites well placed to meet any market need in Coventry and Rugby (assuming sales follows local geography rather than pure commercial reasoning) but are some distance from others area when growth and demand are expected such as in Stratford upon Avon district. One of the working sites has a limitation on vehicle numbers and routes and the other uses off site processing facilities which has a limited life.

From the information supplied by the promoters of both allocated and rejected sites there appear to be no major limitations on the nature, type and qualities of the sand and gravel available in the county. The construction materials derived from sand and gravel deposits are capable of being produced in the county. Both coarse and fine aggregates, are available in the county and concrete remains an important product which is capable of local manufacture to meet local demand.

Notwithstanding these issues there is a current vulnerability with the landbank for sand and gravel due to the low number of operational sites with permitted reserves which can maintain productive capacity in the county for the immediately foreseeable future.

Consequently, the landbank figure is added on to the plan requirement. The NPPF also requires that MPA's must plan for a steady and adequate supply of aggregates by:

- *ensuring that large landbanks bound up in very few sites do not stifle competition; and*
- *calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.*

Since the Publication consultation we have produced a new Local Aggregate Assessment for 2017. From the figures in Table 2 it can be seen that the landbank

has been greatly increased in 2016/17 which could suggest that the plan requirement should be lower if the full landbank is included in the calculation. Consequently, we need to look behind the figures.

The situation in the county is that there are five sites with permitted reserves – see Appendix 1. Over 70% of the permitted reserves are now tied up in one site which is Brinklow to the east of Coventry.

We also need to take in to account that apart from Brinklow there is only two other sites currently in operation. Brinklow's productive capacity has been assessed at 170,000 tonnes per annum as stipulated in the Environmental Statement for the recent planning approval for an extra 3.4 million tonnes and this is further limited by the fact that there are strict controls in regard to lorry movements so that it cannot produce larger quantities of sand and gravel within the plan period. Consequently, it is likely to produce 2,550,000 million tonnes (as at 1.1.17) in the plan period. This means that 2.038 million tonnes of reserve (for production years 2033 – 2046) cannot be counted in the plan requirement as the reserves will only be able to be extracted in the next plan period. High Cross has only just recommenced working but at very modest levels and is subject to an undetermined planning application to continue working the current reserve beyond the expiry date to 2044. If permission is refused the reserve would be lost and would need to be accounted for in the plan requirements. Equally if permission is granted then only that element which can be delivered in the plan period could be counted for plan making purposes.

5.2 Calculating the Plan Requirement (See Appendix 4)

To show in more detail how we have worked out the new plan requirement using the latest figures, we have used a template which is attached in Appendix 4. Firstly, based only on the available reserves in the plan period, the permitted reserves in the plan period have been calculated as 6.688 mt minus 2.037 (excluded from the total Brinklow reserves). This is approximately 4.651 million tonnes.

The landbank (which is always referred to in number of years) is the reserves figure (4.651) divided by the 10 year average (0.508) = 9.3 years.

The plan requirement is based on the total number of years of the plan ie 15 years from now. This figure is multiplied by the latest 10 year average (0.5). Therefore 15 years multiplied by 0.508 mt = 7.5mt. Comments from objectors at Publication stage suggest the methodology of including a landbank throughout the plan period as part of the plan calculation is unsound, but we do not agree with that argument, as it is considered unsound not to plan to maintain at least a 7 year landbank through the plan period. In addition, we consider it could be unsound to count recycled aggregates in the equation for the plan requirement. However, this does not mean

that any such proposed sites could not be encouraged, in accordance with the principles of the Waste Hierarchy.

In the NPPF it says “so far as practicable, take account of the contribution that substitute or secondary and recycled materials and mineral waste would make to the supply of materials..” The NPPF acknowledges that in certain circumstances it may not be possible for these types of materials to make a contribution to supply because they do not exist, they are not capable of being worked due to environmental and planning constraints, or they are uneconomic to be worked due to technical problems.

In the case of Warwickshire they are currently few sources of secondary aggregates. These are usually sourced as a bi-product from industrial processes. Some imported incinerator bottom ash is processed in the county but there is no longer any coal working, there are no power stations nor steel works, nor any incinerators within the county and it is uneconomic to transport slate or china clay wastes from Wales and the South West.

There are sites with the capacity to produce construction materials from construction, demolition and excavation wastes but some of these are subject to time limited consents, planning restrictions and are closely linked to the restoration of former mineral workings some in the Green Belt.

Clearly recycled aggregates produced in the county make a contribution to the supply of materials but they are limited largely by the scale of construction and demolition activity within or in the vicinity of the county and the type and quantity of feedstock materials available from that source of recycling. The aggregate materials produced generally vary in quality and cannot meet all specifications: for higher specifications such as load bearing concrete, use of high quality land-won aggregates is usually the only practicable option.

As has been said above, the NPPF states that the plan must maintain at least a 7 year landbank throughout the plan period, so we have assumed that we start the plan with a seven year landbank in place. This is calculated as 7 years multiplied by 0.508 (10 Year Average) = 3.556. Therefore, the total plan requirement is 7.620 + 3.556 = 11.176 mt over the whole plan period. This calculation is set out in Appendix 4.

Taking in to account the existing reserves of 3.288mt plus the new available reserves (in the plan period) at Brinklow, which is 1.363mt = 4.651mt. This figure is subtracted from the plan requirement of 11.176 mt. Finally, this leaves us with a plan requirement figure of 6.525 mt. (11.176 - 4.65 = 6.525mt)

The summary is that we need to provide 6.525 million tonnes over the plan period. This is lower than the total calculated last year in the Publication consultation which

was over 8 million tonnes. This reduction in the total is inevitable as each year the plan is delayed it brings down the 10 year sales average (see Figure 2).

Currently we have eight site specific allocations that could provide 8.48 million tonnes. This means that currently once the calculation is completed (8.48 – 6.525) there is an apparent overprovision of 1.955 mt. “Apparent” because there may be local factors which suggest that sites may not come forward for one reason or another such as planning and infrastructure requirements, changes to local markets and local demand, existing sites may close or become mothballed and not be replaced easily or as swiftly or changes to landowner requirements and preferences.

The issue we now have is to decide whether we keep the over provision because of other factors or reduce the number of sites and revise the draft plan.

5.3 Analysis of the Plan Requirement Figure

5.3.1 Options

Having assessed the plan requirement based on the calculations using the 10 year average, we have to look at the local relevant information and factors as to justifying whatever figure we use as the final figure to take forward to submission of the plan. They are described as Option A and Option B.

Option A

The relevant local information which suggests that we build in an overprovision of 1.955mt and aim to provide 8.48mt to stimulate the market which includes the following reasons:

In view of the need to take account of any reassessment of reserves at sites, the required 7 + year landbank to be provided throughout the plan period and any contingency for the fragility of the current productive capacity in the county, the likely impact of future processing plant closures, the expiration of planning consents for mineral infrastructure, the lack of investment in new or replacement sites, the apparent reshaping of the local minerals industry in response to the recession, the very low number of continuing operational sites, the possible geographical disparity between future growth and existing quarries and the need to minimise reliance on imports, there is some justification for providing for additional provision in the plan.

*Government policy on productive capacity can be found in paragraph 145 which requires the maintenance of landbanks of at least 7 years for sand and gravel while ensuring that the capacity of operations to supply a wide range of materials is not compromised. The NPPG at paragraph ID 27 – 084 says that there is no maximum

landbank level and sets out four reasons why an application for mineral extraction may come forward where there exists an adequate landbank.

These are:

- Significant future increases in demand that can be forecast with reasonable certainty;
- The location of the consented reserves is inappropriately located relative to the main market areas;
- The nature, type and qualities of the aggregates such as its suitability for a particular use within a distinct and separate market: and
- Known constraints on the availability of consented reserves that might limit output the plan period.

These reasons reflect the wording in paragraph 26 in the now withdrawn Guidance on the Managed Aggregate Supply System (October 2012) and similar wording in the withdrawn 2006 Planning Practice Guide (paragraphs 72-74) which dealt in particular with productive capacity and both documents, were for the purposes of dealing with planning applications and planning appeals until March 2014 when the NPPG came online, still in force.

In the opinion of the County Council therefore productive capacity is still relevant and can be taken into account when planning for the future supply of aggregates and in assessing the adequacy of the landbanks for sand and gravel.

There have been a number of site closures over the past decade due to the lack of planned reserves and the failure to secure planned reserves. Sites have also ceased working relying instead on the processing of imported materials. There also have been sites which have reserves but remained inactive.

The recession has also shaped operators commercial decisions about future patterns of supply, investment in existing, new and replacement sites and responses to demand for construction products and services. This is particularly true of the “major” operators who have almost left the county leaving only local businesses to meet current demands. The wishes of local landowners have also played a part in determining when and if sites come forward.

In the LAA 2016 there were only two sites producing sand and gravel at Brinklow and Wolston Fields. Since the publication of the LAA extraction has recommenced at High Cross quarry in the north of the county although at a very modest rate and the time period set out in the relevant planning consent has expired and a planning application is currently before the authority seeking to extend the time period for a further 26 years. Brinklow quarry has also now received planning permission for a further 3.4million tonnes of materials through a northern extension to the existing site.

The new planning permission for Brinklow quarry covers all existing and permitted operations and places limits on vehicle movements in and out of the site, hours of operation for both plant operations and associated vehicle movements, the extraction of clay each year and placed a limit of 30 years on mineral extraction. The permission is subject to a legal agreement which generally restricts the routing of HGVs to avoid Brinklow village. The approved ES assessed sand and gravel extraction at an average production rate of 170,000 tonnes per annum but no planning conditions were imposed restricting output from the site or noise limits or that all extracted sand and gravel must be processed through the mortar plant. Although the preference of the operator was to increase building sand production from the site it is a site of mixed sand and gravel resources with lenses of clay interspersed. The site also contains permitted plant for the recycling of inert wastes and facilities for the composting of green wastes allowing the operator to produce a wide range of materials from the site to meet a number of different markets including construction.

The reserves at Wolston are removed for off- site processing at Bubbenhall quarry a few miles to the south of the site. The planning permission at Wolston is subject to a number of planning conditions controlling time limits on extraction and restoration to 8 years from commencement, imposing a phasing plan, limiting extraction to no more than 900,000 tonnes, setting out hours of operation and noise limits, removing permitted development rights and defining separation distances to residential properties. The off- site processing plant at Bubbenhall is likely to cease operation in 2021 due to the need to complete landfilling on the site on time.

A planning application has been submitted to extract sand and gravel from the proposed allocations in Warwickshire in the draft MLP 2016 -17 (Sites 3 and 32) at Shawell Quarry as part of a joint scheme to work minerals in both Warwickshire and Leicestershire using the existing plant and access in the neighbouring county. If permitted the site would provide additional permitted reserves of 1.1million tonnes for Warwickshire but worked at rates of 350 - 600,000 tonnes per annum would only provide very short term increase in productive capacity of over 2 – 3 years during the early part of the plan period. Depending on timing that may simply replace some of the production from Wolston which is due to close well before the end of the plan period and therefore not help in sustaining the capacity likely to be needed over the life of the plan to meet current demand let alone any future increases in economic activity in the county.*

- Future demand for sand and gravel is likely to be very large given the extent of new development planned in the county including large scale housing schemes around the main towns, the Warwick Gateway development and other large scale employment sites in the county plus potential demand from HS2 in future years even though demand is predicted to be met from outside the county.

- There are only two producing sites at present and 70% of sand and gravel permitted reserves are tied up in one major site in the county which has a cap on production limits controlled by conditions.
- When Wolston Fields Quarry closes within two or three years there will be no quarries producing concreting sand in the county. Brinklow Quarry only has a mortar plant and produces building sand for the general construction market.
- The county should strive to be self-sufficient and not rely on imports of sand and gravel in the future to meet the higher figure. The county may run out of concreting sand.

Option B

Alternatively there is a case for reducing the Plan requirement figure to 2017 levels i.e. to a figure of 6.525 million tonnes based also on the relevant local information and factors:

- The three years average has fallen to 0.311mtpa whereas the 10 year average is 0.5mtpa and there appears to be no sign of a significant uplift in production or developments to meet future demand. The plan provides for known levels of growth in terms of housing, employment and infrastructure. Some weight, therefore, must be placed on the most recent trends.
- The 2017 figures incorporates the required landbank provision
- Planning approval of the proposed western extension to Shawell Quarry would provide additional productive capacity albeit short term
- With the development of more sophisticated mobile processing plant and smaller sites the need to rely on the existence of fixed plant to process materials in the county may diminish
- Depending on the location of existing facilities and markets imports will continue to make a contribution to the county's consumption of mineral resources
- Apart from Hansons and Smith's Concrete and Tarmac Trading Ltd, none of the major operators have engaged in the Minerals Plan Consultation process in terms of promoting sites either at Preferred Options Stage or Publication Stage suggesting that Warwickshire is no longer attractive for sand and gravel production on a large scale.
- The response of Landowners to the plan has been mixed. Very few have responded to the rejection of their nominated sites and in one case the landowner has withdrawn a site which appeared to be a reasonable site for progression in the plan.
- Given these factors the county may not be physically able or desirable to deliver a higher figure any longer.

It should be noted that the figures are based on the 10 year average which is dropping further. Next year the average will be lower still. The implications for agreeing each option are clear.

If Option A is pursued, it means that the plan figures stand as they did in 2016 and it means that the Plan will proceed to Submission on the basis that there will be an element of over provision but this can be justified because of a number of factors including having sufficient productive capacity to deal with the large internal construction demand from within the county. Whilst the 2016 ten year average has fallen, it takes account of an extra year of growth pre-recession to balance the years of low demand and is a fair and reasonable response to the current sustained period of low production.

If Option B is pursued it will involve agreeing lower plan requirement figures based on the (2017) 10 year average. This would mean that we would not be able to proceed to Submission stage as the figures would be different to the ones consulted on at Publication stage. It would mean revising the plan and consulting again at Publication stage based on the lower figures and it would mean re-assessing the number of Site specific allocations required including any sites which were previously rejected and subject to responses to the latest consultation such as Site no 12.

Whichever option is chosen it will be the agreed plan requirement figure that is taken forward to the Examination in Public.

6.0 Future Sand and Gravel Sites

The preparation of this minerals local plan has focussed on sites nominated by landowners and the minerals industry and the ability of those sites and promoters to deliver the sand and gravel production the county requires to meet future economic demands. This is different to independently assessing the whole resource area to determine areas where working was potentially possible without the commercial knowledge of whether the site was viable, attractive or of interest to the industry or suitable for the market or likely to come forward as a planning application.

The plan requirement figure will be delivered by the specific sites proposed in the plan rather than by defining preferred areas or areas of search due to the need to offer up some level of certainty to both local communities and the minerals industry on where future mineral working in the county will be acceptable in planning terms. Eight sites were taken through the consultation process to this stage. There is no change to the status of the 8 sites which were consulted on at

the Publication stage; all the sites are still available and the owners still wish to see the sites included in the plan. The sites have been thoroughly assessed.

No	Site	Tonnage mt	Borough/District	Landowner interest
Site 1	Bourton on Dunsmore	1.15	Rugby	Site available
Site 2	Lawford Heath	2.0	Rugby	Site available
Site 3	Shawell Quarry	0.97	Rugby	Planning application submitted for 1.1 million tonnes
Site 4	Wasperton	1.8	Warwick	Site available
Site 5	Glebe Farm	0.3	Warwick	Site available
Site 6	Coney Grey Farm	0.4	Rugby	Site available
Site 7	Salford Priors	0.8	Stratford	Site available
Site 9	Lea Marston	1.06	N. Warks	Site available
	Total	8.48		

Table 3: Current sites in the Warwickshire Minerals Plan

The sites were assessed as part of the process carried out in 2015 for the Preferred Options Consultation. The assessment can be viewed in the “Minerals Plan – Site Assessment and Methodology for Allocating Sand and Gravel Sites – October 2015”.

The sites were reassessed for the Publication stage and this assessment can be viewed in the Site Identification and Assessment Methodology for Allocating Sand & Gravel site – November 2016

The initial sieving process used a number of factors which each site had to comply with. These were:

- Site availability
- Proven mineral resources
- Adequate potential tonnage
- Suitable access and routing arrangements
- HS2 Safeguarding Zone
- Biodiversity Value
- Geological Value
- Heritage Assets

The next step was the completion of more detailed site assessments for all sites that were not excluded after the initial assessment. This provided the necessary information to enable the selection of the preferred sites against a number of land use and planning policy constraints / information which had the potential to affect any allocation.

These can be summarised as

- Biodiversity Value and Legally Protected Species;
- Geodiversity Value;
- Natural Features not subject to statutory protection;
- Heritage Assets;
- Built Character;
- Landscape Character;
- Air Quality;
- Agricultural Land;
- Green Belt;
- Water Quality;
- Compatibility with Neighbouring Uses;
- Flood Risk;
- Flood Alleviation;
- Public Rights of Way;
- Highways Capacity;
- Use of Non-Road Transport Network;
- Airport Safeguarding Zones;
- Coal Referral Areas;
- Economic benefits

These were then assessed against a Sustainability Appraisal which looked at each of the criteria against social, economic and environmental sustainability objectives.

One of the major factors was that there should be a geographical spread of sites throughout the county to utilise existing mineral infrastructure, serve different market areas, reduce transport distances and use main transport routes and to ensure that quarries are not located too remotely from existing urban areas and proposed areas of major development such as the main towns in the county ie Leamington, Rugby, Warwick, Atherstone and Stratford.

In terms of the site specific allocations there are sites in 4 of the 5 boroughs and districts; the only borough that does not have a site proposed is Nuneaton. It should be noted that whilst sand and gravel is widespread throughout the county the most economically viable areas for extraction are focussed on the areas highlighted in the section 1 of this document; which is where the main sites in the plan are proposed.

External Factors

The map set out below shows the location and distribution of mineral infrastructure in adjoining areas near to the county boundary with Warwickshire. This would be useful if adjoining authorities were considering co-vergent mineral resources, market areas, development pressures and environmental and transport constraints when planning for future supply arrangements.

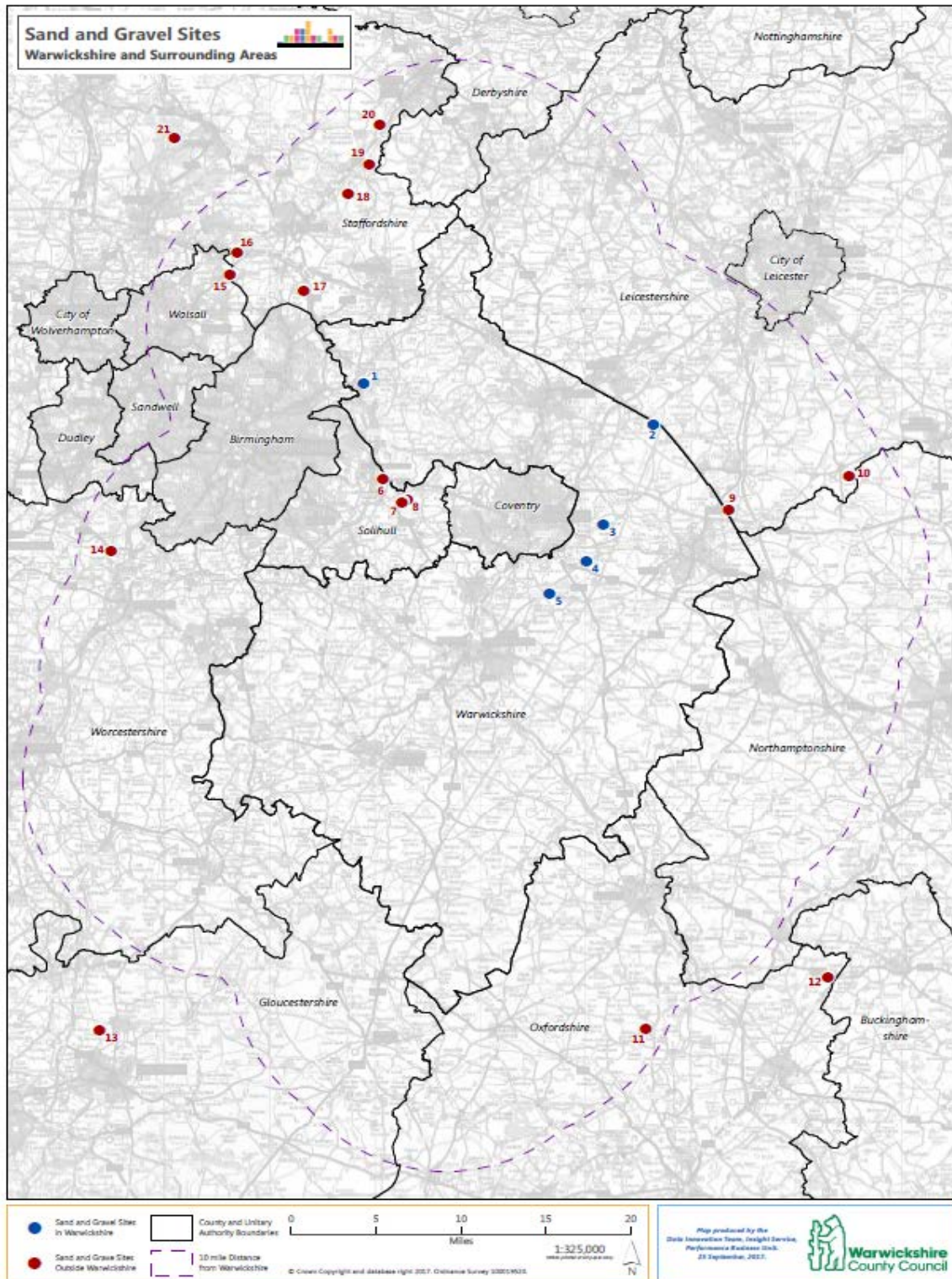


Fig 7 – Warwickshire and surrounding areas – sand and gravel sites

For the county there is only the specific area around Shawell Quarry which offers up any potential for cross border planning of future minerals supply. The expectation of the NPPF is that each authority should plan for its material requirements in the first instance before relying on imports from adjoining authorities or relying on others to sites near the border to serve a larger catchment area covering one or more mineral planning authorities.

It is interesting to note that in the south of the county there are few sand and gravel sites either inside or outside the county within other Mineral Planning Authorities. Most of the active sites in counties such as Northamptonshire, Gloucestershire and Worcestershire and Oxfordshire are located to the south of their own counties. This reinforces the fact that there is little cross boundary movement in the south of the county.

7.0 Conclusion

The Topic Paper reveals a complicated picture for sand and gravel production in an area that has changed considerably even in the last 10 years. One factor remains the same, which is that the most economically viable sand and gravel is contained in relatively small geological areas to the west of Rugby and along the River Avon terraces near Warwick and Stratford.

Warwickshire up till 2007 was a one of the main sand and gravel producers in the West Midlands Region supplying 10% of the regional requirements. Then, for a number of reasons production declined rapidly the larger mineral operators stopped working in the county and sites which closed were not replaced by new sites. Now production is very low and there appears little chance of production increasing substantially in the near future due to the very low number of sites and the constraints under which those sites have to operate.

The Plan proposes sites to come forward which will meet local construction demand and provide a steady and adequate supply of sand and gravel to meet the demands of the construction industry in the county and help support economic growth in the county and sub-region.

The plan process has been influenced by two factors since the last consultation 1) a further fall in the 10 year average in one year and 2) the addition to the landbank of a large quantity of reserves from a new permission at Brinklow. These factors affect the overall plan requirement figure.

Based upon the figures and information available to the authority and the results of the last consultation on the publication plan we have produced two options. Firstly, we can proceed to Submission using the higher (2016) 10 year average figures in the plan and allocate more resource than is needed to seek to redress the large falls in production and other factors which could potentially restrict future supplies

The second option is to plan for a reduction in the total plan requirement to 6.525 million tonnes based on the 2017 (10) year average. This would mean repeating the Publication Stage of the plan with the new figures. This would also require a further site assessment, preparation of a revised Sustainability Appraisal and Habitats Regulation Assessment.

We have investigated the principle of recycled aggregates as a substitute for sand and gravel. This is largely in response to respondents who feel strongly that the authority should rely more heavily on its recycled aggregates capacity and its ability to provide materials which can realistically substitute for products produced from primary aggregate source such as land won sand and gravel.

We concluded that in practice this would lead to problems regarding the soundness of the plan because it would not be accepted practice by the industry to substitute recycled aggregates for primary aggregates inside the 10 year average. It could also lead to objections from other Mineral Planning Authorities, that the supply of recycled materials cannot be guaranteed or deliverable in the plan period and as such would increase pressure on them to make up any shortfall. However, the use of recycled aggregates should be encouraged in line with the Waste Hierarchy wherever they can make a contribution to the construction industry. The conclusion is that the contribution made by recycled aggregates is one of the relevant factors which show that Plan requirement need not be increased above the 10 years sales average (0.508mtpa).

APPENDICES

Appendix 1

<i>Sand and Gravel sites in Warwickshire with permitted reserves in 2016</i>			
Site	Operator	Active?	Comments
Brinklow Quarry	Aston Family	Yes	Ongoing production – recent large extension granted in 2017
Bubbenhall Quarry	Hansons/ Smith's Concrete	Yes for processing not for extraction	Minimal reserves left – site now used to process material from Wolston Fields Quarry.
Wolston Fields Quarry	Hansons /Smith's Concrete	Yes	Approved in 2014 – Work started on site in 2015.
High Cross Quarry	KSD	Yes	Recently recommenced operations but at a very low level. New planning application currently under consideration to continue working until 2044
Dunton Landfill	KSD	Yes for landfill not mineral extraction	Small reserve maintained – main focus now on aggregates recycling.

Appendix 2.

Minerals Infrastructure in Warwickshire – Aggregate Minerals

Type	Site Name	Address	Tel.No.	Status
Fixed Processing Plants				
	Bubbenhall (Smiths Concrete)	Waverley Wood Farm, Weston Lane, Coventry CV8 3BN	01295 753800	Operational for imported materials until 2021 when landowner requires removal of the plant
	Brinklow Quarry	Highwood Farm, Coventry Road, Brinklow, Rugby, CV23 0NJ		Operational
	Ling Hall Quarry (Breedon)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH		Operational for imported materials
	Dunton Quarry (KSD Recycled Aggregates)	Lichfield Road, Curdworth, Sutton Coldfield, B76 0BB		Operational for recycled and imported materials until 2021 when planning permission expires
Mobile Processing Plant				
	High Cross Quarry			Operational
Asphalt Plants				
	Mancetter Quarry (Lafarge)	Quarry Lane, Mancetter, Atherstone,		There are two plants on site. Operational for

	Tarmac)	Warks, CV9 2RF		both on site and imported materials
	Ling Hall Quarry (Breedon)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH		Operational for imported materials
	Griff IV Quarry (Midland Quarry Products)	Gypsy Lane Nuneaton CV10 7PH		Operational until 2032 using imported materials
Concrete Batching Plants				
1	Ling Hall Quarry (Breedon)(1 st Mix)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH	0845 413 5208	Operational for imported materials
2	Bubbenhall Quarry (Smith Concrete)	Waverley Wood Farm, Weston Lane, Coventry CV8 3BN	01295 753800	Operational for imported materials
3	Atherstone Airfield (Smith Concrete)	Atherstone Airfield, Atherstone on Stour, Warwickshire, CV23 8NJ		
4	Coventry Concrete Plant (Cemex)	Bayton Road, Exhall, Coventry, Warks, CV7 9EJ	02476 360416	
5	Brandon (Coventry Concrete Plant – Breedon formerly Lafarge Readymix Ltd)	Brandon Lane, Willenhall Coventry CV3 3GW	01332 694000	
6	Dunton Quarry (KSD Recycled Aggregates)	Lichfield Road, Curdworth, Sutton		Operational for both recycled and imported

		Coldfield,B76 0BB		materials
7	Cemex Rugby RMC Plant	Orchard Road Industrial Estate, Dunchurch, Rugby, Warks CV23 9LN	01788 521885 0345 155 1835	
8	Dunchurch (Tarmac Topmix Ltd Ace Mini Mix)	Dunchurch Trading Estate, London Road, Dunchurch, Rugby, CV23 9LN	01902 382803	
9	Warwick (Smiths Concrete)	Budbrooke Industrial Estate, Budbrooke Road, Warwick CV34 5XH	01295 753800	
10	Bedworth (Hanson)	Bayton Road, Exhall, Coventry, West Mids. CV7 9PH	0330 123 0690	
11	Cemex Rugby RMC Plant	Rugby Cement Plant, Lawford Rd, Rugby CV21 2RY	0345 155 1835	
12	Aggregate Industries	Highway Point, Gorse Lane, Coleshill B46 1JU	0121 753 6420	
13	The Rock Solid Concrete Company (Mixer Hire Ltd)	Unit 89 Bayton Road Exhall Coventry CV7 9QN	024 7601 4749	
14?	Warwickshire	Bayton Road	024 7636 0808	

	Mini Mix	Exhall Coventry CV7 9EJ		
Bagging Plants Aggregates	Bubbenhall Quarry (Smiths Concrete)			Facility to bag aggregates relocated to Hanson's Nuneaton site.
	Tarmac Nuneaton Packed Products	Mancetter Road, Hartshill, Nuneaton, Warks, CV10 ORT	0333 003 4868	Operational
	Hanson Packed Products, Nuneaton	Griff Clara Industrial Estate, Off St Davids, Nuneaton, CV10 7PP	0330 123 2074	
Concrete Products				
Blocks	Hanson Thermolite (Forterra)	Canton Lane, Hams Hall Distribution Park, Coleshill, Birmingham, B46 1AQ	01675 468000	
Mortar Plants				
	Brinklow Quarry (Premier Mortars Ltd)	Coventry Road Brinklow Rugby CV23 ONJ	02476 454293	Operational
	Bubbenhall Quarry (Smith Concrete)			Plant not operational
Rail served	None			

Facilities and Plant				
Water served Facilities and Plant	None			

Appendix 3

<i>Aggregate recycling sites in the county (2016)</i>					
Site number	Site name	Operator	Permitted Capacity (tpa)	Date of permission	Time Limited?
1	ABS, Tuttle Hill, Nuneaton	ABS	Unlimited – (Transfer)	October 1992	No
2	Hammonds Bayton Road, Bedworth	Hammonds	30,250	Originally approved in 1999	No
3	Brinklow Quarry, Highwood Farm, Brinklow	Mrs J Aston	45,000	February 2007	Required to cease at end of the mineral operation
4	Canalside Yard, Napton	Jordan Contracts Midlands Ltd	Unlimited	Sept 2004	No
5	Coleshill Quarry, Coleshill	Cemex/ Weavers Hill Aggregates	90,000	Sept 2011 (Renewal of permission)	20.09.14
6	Dunton Quarry, Curdworth	KSD	500,000*	May 2012 (Renewal of permission)	31.12.21
7	MAC Griff Clara	MAC Contracting	75,000	July 2012	No
8	Griff IV Quarry, Nuneaton	WCL Quarries Ltd	25,000	October 2012 (subject to S106)	31.12.32
9	Middleton Hall Quarry,	Parkstone /Hanson Aggregates	65,000	May 2012	31.12.22

*Unlimited capacity for planning. Figure refers to EA Licenses.

Appendix 4

Warwickshire Minerals Local Plan 2016 – 17

Sand and Gravel Plan Requirements 2017

	The Annual Landbank	
1	Permitted reserves as at 1.1.17	3.288
2	Annual rate of future demand (latest 10 year average)	0.508
3	Life of actual landbank (in years) at 1.1.17 (1 ÷ 2)	6.47 years
	The Plan Requirements	
4	Local Plan Period 1.1.17 – 1.1.32 (15 x 0.508)	7.620
5	7 year landbank (7 x 0.508)	3.556
6	TOTAL (4 + 5)	11.176
	Existing Provision	
7.	Permitted reserves at 1.1.17	3.288
8	Reassessment of Permitted Reserves since 1.1.17	0
9	New Grants of permission since 1.1.17 Brinklow Quarry – 3.4mt (1.363 mt during and 2.037 mt beyond the Plan period)	1.363
10	Contribution from unpermitted Saved MLP Allocations (PAs/AoS)	0
11	TOTAL (7 + 9 +10 - 8)	4.651
	Final Requirements and Plan provision	
12	(6-11)	6.525
13	The Plan provision (see 12 above)	6.525
14	Sum total of the estimated reserves in the Allocations in the Plan	8.480
15	Under provision (13 exceeds 14) or Over provision (14 exceeds 13)	Over 1.955

Notes

1. The annual landbank is the landbank which is recalculated each year and used for development management purposes.
2. Annual rate of demand is the rolling ten year average (chosen baseline or latest) derived from the latest published LAA.
3. The reassessment of permitted reserves may increase or decrease the level of reserves.
4. The available tonnage from new grants of permission is determined by calculating the anticipated annual production for the remainder of the plan period.
5. NPPF para 145 says provision should take the form of (allocations) specific sites, preferred area and/or areas of search and locational criteria.

WCC August 2017

Appendix 5

Warwickshire Aggregates Planning Applications since 2009

Site	Material	Tonnes submitted /approved	Planning App Number	Date Registered	Date Approved
Shawell Quarry	S and G*	Sub. 1.1mt	RBC/16CM004	19.01.17	Under consideration
Brinklow Quarry, Rugby	S and G	App.3,400,000	RBC/16CM015	03.02.16	Approved 6.7.17
High Cross Quarry	S and G	Sub.1,600,000	RBC/15CM019	20.06.16	Under consideration
Mancetter Quarry	Crushed Rock	App.2,000,000	NWB/14CM034	29.09.14	Aug 2015
Wolston Fields Quarry	S and G	App. 900,000	RBC/12CM018	14.05.12	06.02.14
Marsh Farm Quarry	S and G	App.500,000	S/09/CM018	22.07.09	May 2010

*S and G – Sand and Gravel

Appendix 6

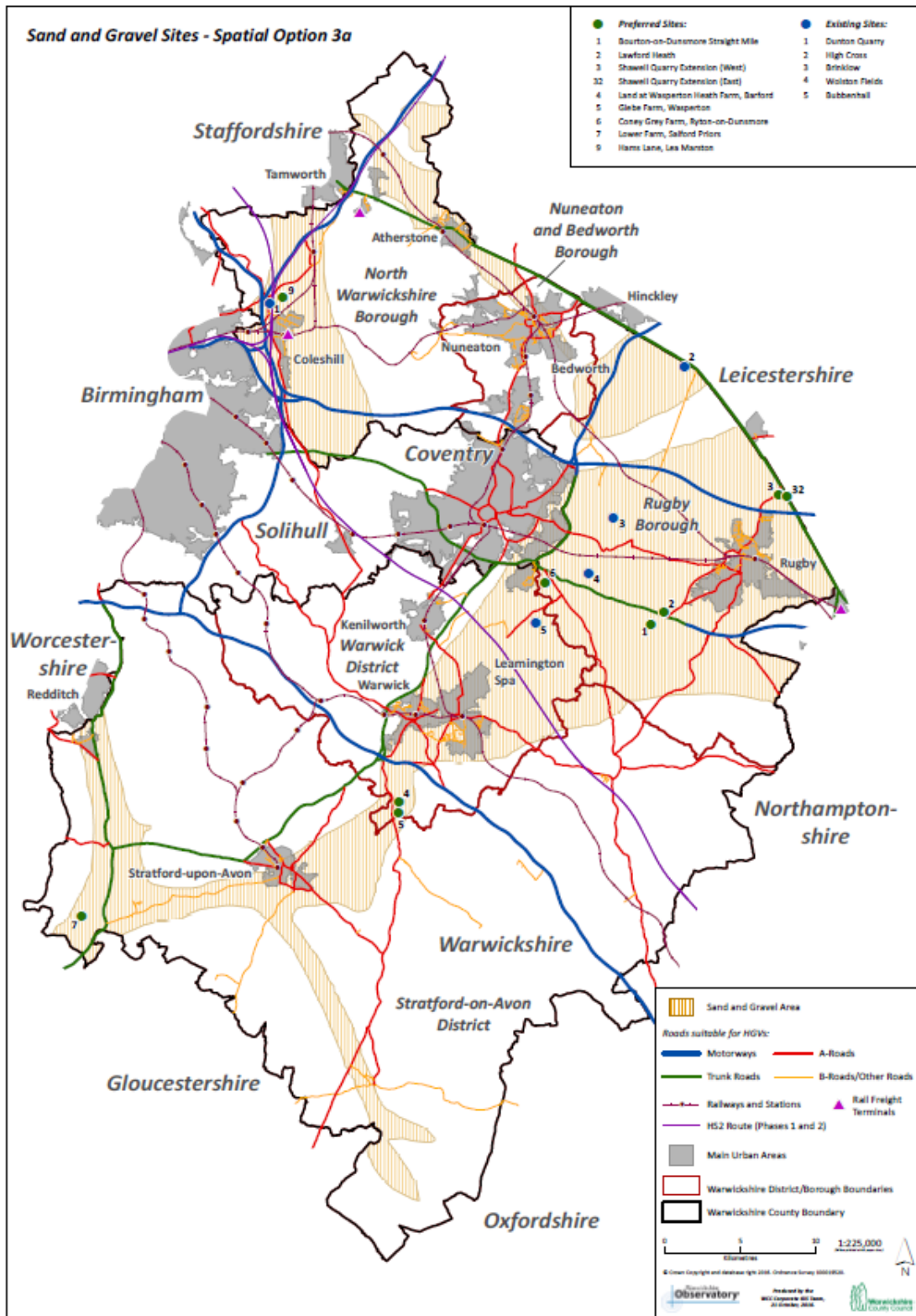


Fig 8 Existing Sand and Gravel Sites in Context

