

# Cabinet

## Agenda

Tuesday 24 July 2018

**The Cabinet will meet at SHIRE HALL, WARWICK on Tuesday 24 July 2018 at 13.45.**

Please note that this meeting will be filmed for live broadcast on the internet. By entering the meeting room and using the public seating area you are consenting to being filmed. All recording will be undertaken in accordance with the Council's Standing Orders.

The agenda will be:

### **1. General**

#### **1) Apologies for absence**

#### **2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests**

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with.
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

#### **3) Minutes of the meeting held on the 14 June 2018**

To approve the minutes of the meeting held on 14 June 2018.

#### **4) Public Speaking**

To note any requests to speak in accordance with the Council's Public Speaking Scheme (see footnote to this agenda).

**2. Warwickshire Minerals Plan – Proposed Submission (Section 20) and Further Publication Consultation (Regulations 19 and 35)**

This report seeks approval from Cabinet for the Pre-submission draft of the Minerals Plan and asks that it recommends that the Council approves the submission of the proposed Minerals Plan to the Secretary of State for independent examination.

In addition it seeks Cabinet approval to amend the Minerals and Waste Development Scheme. This is a statutory document which sets out what development plan documents a local planning authority intends to produce and when.

Cabinet Portfolio Holder: Councillor Jeff Clarke

**3. Bermuda Connectivity**

This report seeks approval for the Bermuda Connectivity scheme following a recent consultation exercise.

Cabinet Portfolio Holder: Councillor Jeff Clarke

**4. Education and Learning (Schools) Capital Programme 2018/19 and Approval of Statutory Proposals**

This report recommends proposals for allocating resources in the Education and Learning (Schools) Capital Programme to specific projects. Some of the proposals include funding from developer contributions.

Cabinet Portfolio Holder: Councillor Colin Hayfield

**5. Authorisation to Establish a Framework for Alternative Education Provision**

This report seeks approval to proceed with an appropriate procurement process for the provision of an Alternative Education Provider Framework.

Cabinet Portfolio Holder: Councillor Colin Hayfield

**6. Warwickshire Youth Justice Service Strategic Plan 2018-2019**

The annual Youth Justice Service Strategic Plan and its submission to the Youth Justice Board for England and Wales (YJB) is a statutory requirement under the Crime and Disorder Act 1998. This report presents the plan for 2018/19.

Cabinet Portfolio Holder: Councillor Andy Crump

## **7. Annual Governance Statement**

This report presents the Annual Governance Statement for 2017/18 for consideration.

Cabinet Portfolio Holder: Councillor Kam Kaur

## **8. Audit & Standards Committee Annual Report 2017/18**

Cabinet is asked to approve the annual report for consideration by Council.

Cabinet Portfolio Holder: Councillor Kam Kaur

## **9. Award of contracts for S278 works in connection with the Link Road to Houlton, Rugby**

This report asks Cabinet to approve the award of the two contracts to Galliford Try plc:

- Rugby Radio Station Link Road S278 Works Butlers Leap Junction;
- Rugby Radio Station Link Road S278 Works Hillmorton Lane Junction and The Kent

subject to the approval of Council on 26 July 2018 to the addition of this scheme to the 2018/2019 capital programme.

Cabinet Portfolio Holder: Councillor Peter Butlin

## **10. Any Urgent Items**

Any other items the Chair considers are urgent

## **11. Reports Containing Confidential or Exempt Information**

To consider passing the following resolution:

‘That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972’.

### **EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)**

## **12. Exempt Minutes of Cabinet 14 June 2018**

To consider and agree the exempt minutes from the 14 June 2018 meeting

## **13. Residential Services for Children**

This report asks that Cabinet approves proceeding with an appropriate procurement process to secure block contract provision of Children's Residential Services including

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emergency/short stay placements.

Cabinet Portfolio Holder: Councillor Jeff Morgan

**14. Property Rationalisation Programme Montague Road**

This report concerns the disposal of a site in Warwick.

Cabinet Portfolio Holder: Councillor Peter Butlin

**15. Property Services Review and Facilities Management and Construction Delivery Model**

The purpose of this report is to build on the findings of the soft market testing and propose the case for addressing the financial challenges for the service based on a 5 year financial modelling approach.

Cabinet Portfolio Holder: Councillor Peter Butlin

**16. Proposed Operating Model and Leadership Team Structure**

Cabinet Portfolio Holders: Councillors Izzi Seccombe and Kam Kaur

**David Carter  
Joint Managing Director  
Warwickshire County Council  
July 2018**



## **Cabinet Membership and Portfolio Responsibilities**

Councillor Izzi Seccombe OBE (**Leader of the Council and Chair of Cabinet**)  
[cllrmsseccombe@warwickshire.gov.uk](mailto:cllrmsseccombe@warwickshire.gov.uk)

Councillor Peter Butlin (**Deputy Leader, Finance**)  
[cllrbutlin@warwickshire.gov.uk](mailto:cllrbutlin@warwickshire.gov.uk)

Councillor Les Caborn (**Adult Social Care and Health**)  
[cllrcaborn@warwickshire.gov.uk](mailto:cllrcaborn@warwickshire.gov.uk)

Councillor Jeff Clarke (**Transport & Planning**)  
[cllrclarke@warwickshire.gov.uk](mailto:cllrclarke@warwickshire.gov.uk)

Councillor Colin Hayfield (**Education and Learning**)  
[cllrhayfield@warwickshire.gov.uk](mailto:cllrhayfield@warwickshire.gov.uk)

Councillor Kam Kaur (**Customer and Transformation**)  
[cllrkaur@warwickshire.gov.uk](mailto:cllrkaur@warwickshire.gov.uk)

Councillor Jeff Morgan (**Children's Services**)  
[cllrmorgan@warwickshire.gov.uk](mailto:cllrmorgan@warwickshire.gov.uk)

Councillor David Reilly (**Environment and Heritage & Culture**)  
[cllrreilly@warwickshire.gov.uk](mailto:cllrreilly@warwickshire.gov.uk)

Councillor Howard Roberts (**Fire and Community Safety**)  
[cllrroberts@warwickshire.gov.uk](mailto:cllrroberts@warwickshire.gov.uk)

### **Non-voting Invitees -**

Councillor Jerry Roodhouse (**Leader of the Liberal Democrat Group**),  
[cllrroodhouse@warwickshire.gov.uk](mailto:cllrroodhouse@warwickshire.gov.uk)

Councillor Richard Chattaway (**Leader of the Labour Group**)  
[cllrchattaway@warwickshire.gov.uk](mailto:cllrchattaway@warwickshire.gov.uk)

or their representatives.

### **Public Speaking**

Any member of the public who is resident or who works in Warwickshire may speak at the meeting for up to three minutes on any item on the agenda for this meeting. This can be in the form of a statement or a question. If you wish to speak please notify Paul Williams (see below) in writing at least two clear working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders (Standing Order 34).

**General Enquiries:** Please contact Paul Williams, Democratic Services Team Leader

Tel 01926 418196 or email: [paulwilliamscl@warwickshire.gov.uk](mailto:paulwilliamscl@warwickshire.gov.uk)

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All public papers are available at [www.warwickshire.gov.uk/cmis](http://www.warwickshire.gov.uk/cmis)

**Minutes of the meeting of the Cabinet  
held on 14 June 2018**

**Present:**

**Cabinet Members:**

Councillors	Izzi Seccombe OBE	Leader of Council and Chair of Cabinet
	Les Caborn	Adult Social Care & Health
	Jeff Clarke	Transport & Planning
	Colin Hayfield	Education and Learning
	Kam Kaur	Customer & Transformation
	Jeff Morgan	Children's Services
	Dave Reilly	Environment and Heritage & Culture

**Non-Voting Invitees:**

Councillor Richard Chattaway	Leader of the Labour Group
Councillor Jerry Roodhouse	Leader of the Liberal Democrat Group

**Other Councillors:**

Councillors Bell, Boad, Falp, Kondakor, Olnier, O'Rourke, Parsons, Phillips, Redford, Simpson-Vince, Webb

**Public attendance:** Three

**1. General**

**(1) Apologies for absence**

Apologies for absence were received from Councillors Peter Butlin (Deputy Leader (Finance and Property) and Andy Crump (Fire and Rescue and Community Safety)

**(2) Members' Disclosures of Pecuniary and Non-Pecuniary Interests**

None

Before considering the minutes of the 10 May 2018 meeting of Cabinet Councillor Izzi Seccombe (Leader of the Council and Chair of Cabinet) made the following announcements.

- i. From Monday 11 June 2018 Councillor Andy Crump had replaced Councillor Howard Roberts as Portfolio Holder for Fire & Rescue and Community Safety. Councillor Roberts has been experiencing a period of ill health. Members and officers joined in wishing Councillor Roberts a rapid recovery.
- ii. The week beginning Monday 11 June was "Carers Week". To support this display stands had been erected in the Shire Hall ante chamber and front lobby. Cabinet was reminded that it is important not only to support carers but to encourage those who may be undertaking a caring role to come forward and seek support. A carer's conference was scheduled to be held in Warwick on Friday 15 June 2018 and display stands will be set up in Nuneaton and Leamington Spa libraries on Saturday 16 June 2018.

- iii. The OVO Energy Women's Cycle Race was due to visit Warwickshire on Friday 15 June 2018. This would be the third time a stage of the race has been held in Warwickshire. It was noted that Warwickshire is the first county to see both the men's and women's visit in the same year. (Stage 4 of the men's race will visit Warwickshire on Wednesday 5 September 2018).

### **(3) Minutes of the meeting held on 10 May 2018 and Matters Arising**

The minutes for the meeting held on 10 May 2018 were agreed as an accurate record and signed by the Chair. There were no matters arising.

### **(4) Public Speaking**

Councillor Izzi Seccombe welcomed Thomas Thickbroom (Chair of the Warwickshire Youth Parliament) to the meeting. Thomas Thickbroom addressed Cabinet in support of the Warwickshire Education Strategy (Item 3 on the published agenda). He stated that the Youth Parliament had endorsed the entire strategy and singled out policy WE4 for particular commendation. This policy which focuses on a "curriculum for life" was welcomed as it seeks to prepare young people for the world beyond school, offering the life skills they will require to make informed choices and find employment. Cabinet thanked Thomas Thickbroom for his contribution and the Youth Parliament for its assistance in developing the strategy.

Councillor Bill Lewis (Rugby Borough Council) was welcomed to the meeting to address members on agenda item 4 – Education Sufficiency Strategy 2018 to 2023. Councillor Lewis asked eight questions:

- i. You, the Cabinet, approved the 2016 Sufficiency Strategy in June 2017. You are now considering the 2018 Sufficiency Strategy. What happened to the 2017 Sufficiency Strategy?
- ii. Rugby Borough Councillors were invited to a meeting to discuss the 2016 Sufficiency Strategy – why did this not happen this year?
- iii. Last time I came to Cabinet you decided that very morning to defer consideration of the 2017 Sufficiency Strategy to allow for consultation on the Education Strategy. What were the consultation responses which persuaded you to make such fundamental changes to the Sufficiency Strategy?
- iv. My ward has a deficiency of 20 hectares of open space. In March 2016 you decided to make that worse by taking away four hectares and in November 2016 you dismissed building on the Coton Park East site because you said it was not available in the proposed timescale. Now we know it is available why do you continue to give a low priority to the site?
- v. In May 2017 the Cabinet members for Administration wrote to one of my constituents dismissing the possibility of expanding existing schools and said "the only available option therefore is for additional schools...". During the Rugby local plan examination in public the county council said that excess demand in the North of Rugby might be met by expanding Ashlawn School and Rugby Free Secondary School. When was this change agreed?
- vi. In addition, what impact would this change of policy have on air quality and congestion at the Rugby Gyrotray?

- vii. Haven't the county council's views been unduly influenced by Education Facilities Management?
- viii. Now everyone agrees that a site is readily available in the North of Rugby would it not be better for both educational choice and quality of life to take the government's money and build there where pupils can walk and cycle to school?

Councillor Lewis was thanked for attending and asking his questions.

Clerk's Note – At this point it was agreed to consider the agenda out of sequence. Item 8 GP Services Task and Finish Group, was considered as the first substantive item. These minutes record the meeting in the order as set out in the published agenda.

## **2. One Organisational Plan Year End Progress Report: April 2017-March 2018**

Councillor Kam Kaur introduced the published report focusing on performance against the two key OOP 2020 outcomes. Members' attention was drawn to the commentary on pages 4 to 6 of the report explaining performance against outcome 1 – "Warwickshire's communities and individuals are supported to be safe, healthy and independent". Performance against this outcome is red. In particular Councillor Kaur referenced children looked after where although positive progress is being made in reducing numbers the target for reductions has not been met. In addition increasing demand for adult social care has meant that none of the 6 key business measures in this area have been met. A number of Fire and Rescue targets have not been met including that seeking a reduction in the number of incidents attended. Councillor Kam Kaur stated that one of the reasons that targets are not being met is a general increase in demand for services.

Members asked a series of questions regarding sickness absence levels that are higher than the national average for public and private sector employees and for the extent of capital slippage to which it was suggested that over optimistic timescales should be recalibrated to make them more realistic.

Concerning the failure to meet targets in children's services the high incidence of self-harm in certain parts of the county was singled out as requiring attention.

The use of benchmarking against national trends was challenged as being of little practical use. It was suggested that it is preferable to measure and address county-wide trends and to hold conversations regarding the social fabric of the County.

Members expressed concern that targets are consistently being missed in certain key business measures. Matters, it was suggested need to be seen to be improving with Portfolio Holders being more clearly accountable for performance.

Regarding concerns over slippage Councillor Izzi Seccombe stated that this is always a risk especially when external funding is concerned. The point raised concerning the adoption of realistic timeframes would be taken on board.

Regarding absence management Cabinet was reminded that the Staff and Pensions Committee monitor and seek to manage this. Occupational Health therapists work with staff to maintain their health.

Councillor Izzi Seccombe concluded by agreeing that missed targets are regrettable and that action continued to be needed to address this issue.

## **Resolved**

That Cabinet:

- 1) Notes the progress on the delivery of the One Organisational Plan 2020 at the end of March 2018 as summarised in Sections 1 to 6 of the report and detailed in Appendix A of the report;
- 2) Notes explanations for business unit spending variances in Appendix A of the report;
- 3) Notes the 2017-18 revenue and capital outturn position, the cumulative performance against the savings plan, performance against the Key Business Measures (Background Annexes A to R) and the level of reserves held by the Authority (Appendix B);
- 4) Approves the use of £4.130 million of reserves to support spending in 2018/19 as outlined in Table 3 of the report;
- 5) Notes the approach to funding business unit overspends in 2017/18 as outlined in section 5.4 of the report;
- 6) Notes the management of significant risks as outlined in Section 2.7 of the report; and
- 7) Notes the key achievements of the OOP 2020 at the end of 2017-18 and focus areas of improvement in 2018-19 as summarised in section 2.6 of the report.

### **3. Education Strategy: Consultation Findings and Proposed Strategy Documents**

Councillor Colin Hayfield expressed his pleasure at introducing the Education Strategy to members. Its concise nature and breadth of relevance to schools, parents and pupils were particularly welcomed. Although almost every secondary school in the county is now an academy the strategy provides an overall approach that promotes the Warwickshire family of schools. Councillor Hayfield echoed the points made earlier by Thomas Thickbroom regarding the curriculum for life adding that he wished to continue to work closely with the Youth Parliament on this area to avoid being restricted by the tight principally academic curriculum as set by government.

Members questioned how easy it will be to deliver the strategy when the County Council has less control over the funding available to it.

Concerning Policy WE2 (d) it was suggested that requests for needs assessments can take a very long time to be processed. This serves to undermine the 20 week target for referral following the assessment. This issue was acknowledged by

Cabinet but it was added that SEND is one of several elements of the strategy and issues in one area should not diminish the value of the strategy as a whole.

## **Resolved**

That Cabinet:

- 1) Notes the outcomes of the consultation process; and
- 2) Recommends to Council:
  - (a) that the Education Strategy in Appendices 1-6 of the report be approved; and
  - (b) that Cabinet approves an annual update on the implementation of the Education Strategy, with the delivery plan and contextual documents being dynamic documents which are updated on an ongoing basis throughout the year.

## **4. Education Sufficiency Strategy 2018-2023**

Councillor Colin Hayfield emphasised the need to ensure that there are sufficient places for children in Warwickshire's schools. Cabinet was informed that over the next 15 years it is expected that 25 to 30 new schools will be required to accommodate an additional 30000 pupils. This will require the Council to ensure adequate funding from the EFSA and via Section 106 monies.

The value of the infant/junior school model was explored and it was recognised that in the case of the two Telford Schools in Leamington amalgamation would result in a very large primary school of 600 to 700 pupils.

Continuing delays with the provision of a new school in Weddington, Nuneaton were referenced. It was noted that a delay of one year can cause serious issues for pupils who can find themselves at a school much further away from their homes. Officers were asked to ensure that councillors are kept informed of progress with school developments especially if delays in progress seem probable.

Returning to the questions raised by Councillor Bill Lewis earlier in the meeting it was noted that land acquisition can be an issue when identifying where schools should be located. It was suggested that as part of a joined up approach to planning developers should be encouraged to consider donating land for new schools.

Section 106, it was suggested, is flawed as a wide range of parties usually seek a share of it. Housing development can bring challenges as the area it is in can, a few years after completion, lead to a bulge in pupil numbers. The County Council is often left to manage that bulge through the location of temporary classrooms at already busy schools. This carries a cost that the County Council must bear.

In concluding Councillor Colin Hayfield acknowledged the issues presented by bulge classes and the need to fund temporary accommodation. He agreed to provide a response to Councillor Bill Lewis' questions and offered to work with officers from Education and Learning to arrange seminars for members in each of the five district/borough areas to review pressures for school places.

## **Resolved**

That Cabinet recommends that Council approves the Education Sufficiency Strategy for the academic years 2018-2023.

### **5. WCC Fair Access Protocol for Secondary Schools**

Councillor Colin Hayfield summarised the published report emphasising the need to locate places for pupils in-year. Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group suggested that that on occasions schools will be reluctant to take certain pupils despite the protocol. Whilst it was noted that those pupils can bring a significant amount of money with them Councillor Hayfield agreed to establish the position on whether a school can opt out in certain circumstances.

## **Resolved**

That Cabinet agrees the WCC Fair Access Protocol for Secondary Schools.

### **6. Capital Investment Fund 2018-19 Quarter 1 Report: Lawford Road/Addison Road Rugby, Casualty Reduction Scheme**

Following a brief introduction to this report by Councillor Izzi Seccombe, Councillor Maggie O'Rourke (the local member) expressed her support for the scheme and requested Cabinet support for it. This was duly given.

## **Resolved**

That Cabinet:

- 1) Approve the addition of the Lawford Road/Addison Road Casualty Reduction Scheme to the capital programme at a cost of £0.847 million, split as £0.678 million in 2018/19 and £0.169 million in 2019/20;
- 2) Approve the allocation of £0.783 million of Capital Investment Fund (CIF) to fund the scheme, with the remaining £0.064 million coming from Members' delegated Budgets and to be used preferentially ahead of CIF funding in 2018/19;
- 3) Agree that any funding above the level approved needed to meet risks and contingencies is found from the existing resources of the Transport and Economy Business Unit; and
- 4) Agree that funding allocated to the project will be reduced on a £ for £ basis if alternative sources of funding become available.

### **7. Transformation Update**

Councillor Kam Kaur introduced the published report.

Councillor Richard Chattaway thanked Cabinet and officers for the recent briefing he had received on this matter. Whilst he was generally supportive of the project he reminded Cabinet that he would challenge in a positive way any elements he did not agree with.

It was noted that the project to date appeared to be focusing on structure and not on outcomes. In response the meeting was told that outcomes will be based on meeting customers' needs. It is recognised that one size does not fit all and that the customer journey will vary depending on that person's requirements.

Clarification was sought on the use of the term accountability. The answer given was that this is to ensure that officers acknowledge that they have a fundamental role in ensuring a satisfactory outcome for the customer.

### **Resolved**

That Cabinet endorses the proposed future direction, the planned activity and the design principles for the Council's transformation programme, as set out in the report.

## **8. GP Services Task and Finish Group**

Councillor Les Caborn (Portfolio Holder for Adult Social Care and Health) introduced this item before handing over to Councillor Wallace Redford (Chair of the Adult Social Care and Health Overview and Scrutiny Committee) and Councillor Margaret Bell (Chair of the Task and Finish Group).

Councillor Redford provided the background to the review stating that forecast and current development is leading to increasing demand for GP services which are themselves experiencing a reduction in provision. Councillor Bell summarised the key findings of the review and its recommendations as set out in the report.

Councillor Caborn thanked and commended the task and finish group for its efforts before expressing his support for the recommendations contained in the report.

Having acknowledged that the planning system could do more to support the co-ordination of development of GP practices it was agreed that the report should be sent to all Warwickshire MPs for their information.

Cabinet was informed that the NHS continues to use very old technology to plan GP provision. This is aggravated by a national shortage of GPs and long lead in times for trained GPs and the construction of new surgeries.

Whilst it was acknowledged that the County Council has little influence over government policy regarding GPs the meeting recognised that the Council does work with community pharmacies. It was considered that the Health and Wellbeing Board should review how it can assist in this area.

NHS England manages both capital and revenue allocations and consequently the Clinical Commissioning Groups can have little influence on this so far as the development of GP practices is concerned. It has proved difficult to get NHS England to discuss matters such as GP provision but there was hope that an



upcoming meeting with the NHS England regional lead would provide an opportunity to do so..

Investment is required in the prevention agenda thus reducing demand for GPs.

In summing up Cabinet again congratulated members and officers on their efforts. The overall sense was that as GP practices are autonomous business the ability to directly influence their decisions is limited. Nevertheless it is important to ensure that MPs are aware of the Council's concerns.

### **Resolved**

That Cabinet:

- 1) Notes the report of the GP Services Task and Finish Group, as approved by the Adult Social Care and Health Overview and Scrutiny Committee;
- 2) Welcomes and supports the recommendations shown in Section 2 of the report, particularly those which concern lobbying the Government and recommendations made for actions by the County Council;
- 3) Confirms its decisions to the Adult Social Care and Health Overview and Scrutiny Committee in order that implementation of agreed actions can be monitored; and
- 4) Notes that the Warwickshire Health and Wellbeing Board will also be invited to consider and respond to the issues for the wider Coventry and Warwickshire health 'system'.

## **9. The Prevention Concordat for Better Mental Health**

Councillor Les Caborn explained the purpose of the concordat adding that the County Council is already heavily committed to meeting the needs of people with mental health issues. It was agreed that Councillor Caborn would be the signatory for the County Council with Councillor Izzi Seccombe the signatory for the Health and Wellbeing Board.

### **Resolved**

That Warwickshire County Council signs up to the Prevention Concordat for Better Mental Health, as set out in the application form in the appendix of the report.

## **10. Any Urgent Items**

None

## **11. Reports Containing Confidential or Exempt Information**

### **Resolved**

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt

information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

**EXEMPT ITEMS FOR DISCUSSION IN PRIVATE (PURPLE PAPERS)**

**12. Transforming Nuneaton Programme: Vicarage Street CPO**

**Resolved**

Cabinet agreed the recommendations as set out in the exempt minutes.

**13. Disposal of Land at Europa Way**

**Resolved**

Cabinet agreed the recommendations as set out in the exempt minutes.

The meeting rose at 3.35pm.

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Chair

## Cabinet

24 July 2018

### **Warwickshire Minerals Plan – Proposed Submission (Section 20) and Further Publication Consultation (Regulations 19 and 35)**

#### **Recommendations**

That Cabinet:

- (1) recommends that Council approve the submission of the proposed Minerals Plan to the Secretary of State for independent examination; and
- (2) subject to such approval approves the revised Minerals and Waste Development Scheme set out in Appendix 3.

#### **1.0 Background**

- 1.1 Warwickshire County Council is the Mineral Planning Authority for Warwickshire and 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. This approach should ensure that the plan is sound and legally compliant.

#### **2.0 Plan Submission Process**

- 2.1 This report seeks approval from Cabinet for the Pre-submission draft of the Minerals Plan and asks that it recommends that the Council approves the

submission of the proposed Minerals Plan to the Secretary of State for independent examination. Prior to submission, the pre-submission draft will go out to public consultation for a period of 6 weeks from September 2018. This is a further “Publication” consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Since the first Regulation 19 consultation carried out between December 2016 and February 2017, the Plan requirements have significantly changed due to the most recent 10 year sales average from the Local Aggregates Assessment (LAA) 2017. The data showed a reduction in sand and gravel requirements from 8.48 million tonnes (mt) to 6.525 mt, which is an over provision of 1.955 mt.

- 2.2 The purpose of the consultation is therefore to allow further representations to be made on the proposed Plan before submission to the Secretary of State and subsequent consideration at an examination in public. An updated Summary of Consultation from the previous Publication Consultation is attached in Appendix 2.
- 2.3 The report also seeks Cabinet approval to amend the Minerals and Waste Development Scheme. This is a statutory document which sets out what development plan documents a local planning authority intends to produce and when. Cabinet is asked to approve a revised Scheme to update the timetable leading to adoption of the Minerals Local Plan.

### **3.0 Revised Publication Warwickshire Minerals Plan (2018)**

- 3.1 Previously, at the last consultation (Publication) stage in December 2016 – February 2017, it was proposed that 8 sites would be allocated in the Minerals Plan to provide a figure of 8.48 mt of sand and gravel over the plan period of 15 years.
- 3.2 In October 2017, Officers re-evaluated the overall sand and gravel provision figures through the production of the latest LAA. This overall figure based on the ten year sales average is now 6.525 mt. Consequently, as the average is now much lower, it is now proposed that two sites from the original 8 sites (9 pieces of land) should be removed. Sites at Salford Priors (Site 7) and Glebe Farm (Site 5) are no longer required in the plan to deliver a new total of 6.525 mt. By excluding the two sites, the total amount of capacity of the remaining sites total is 7.51 mt. This means that the plan would be able to deliver the plan requirement with a surplus of 0.985 mt which will provide a degree of flexibility should one of the sites not come forward as expected and/or there is an increase in sales in response to changes in the local economy.
- 3.3 The decision to remove sites is based on a number of factors that have been taken into account including:

- Comments from the previous Regulation 19 Consultation in 2017 (see Appendix 2)
  - Maintaining annual production during the plan period
  - Deliverability of the Sites for development
  - Scale of the Sites – larger sites mean fewer sites are required
  - Continuation of the past pattern of geographical distribution across the county
  - Geographical Location of the sites in relation to new housing and employment growth areas
  - Assessment of environmental constraints and potential impacts
- 3.4 To provide less than the 6.525 mt and reduce the number of sites further is not a viable option because officers consider that this approach would make the plan unsound. The Plan could be challenged because any shortfall would have to be made up by imports from outside the county. This would be likely to generate objections from the minerals industry whereas the preferred approach is more likely to be supported as being sound and legally compliant by other Mineral Planning Authorities and the minerals industry.
- 3.5 Failure to provide sufficient sites/tonnage may trigger unwanted planning applications/planning appeals from the minerals industry in potentially unsustainable and unacceptable locations.
- 3.6 Throughout the preparation of the Minerals Plan and its consultation, the County Council has sought to limit the potential environmental impact of sand and gravel sites. Where possible, sites have been reduced in size, to enable larger buffer zones between the developments and sensitive receptors such as housing, and outline schemes submitted to enable the Council to decide whether the site was acceptable in planning terms as an allocation in the local plan. Allocated Sites can only be implemented through the submission and granting of a specific planning permission so each site will be subject to further detailed consideration at the planning application stage. Specifically, Site 1 (Bourton on Dunsmore) the site size was reduced and tonnage reduced from 2.25 mt to 1.15 mt, at Site 2 (Lawford Heath) the site was reduced and tonnage reduced from 2.47 mt to 2.0 mt and at Site 4 (Wasperton) the site has been reduced from the north to increase the distance away from the village of Barford. This is in addition to the two sites which are currently proposed to now be removed from the plan (Site 5 Glebe Farm and Site 7 Salford Priors). Site 8 (Bidford on Avon) was previously removed at the Preferred Options Consultation stage. One of the proposed sites at Shawell Quarry (site 3/32) is the subject of a current planning application. Moreover, Site 6 (Coney Grey Farm) offers the prospect of adjacent land being restored as part of the proposals.
- 3.7 It should also be recognised that when the current process of consultation started at the Options Stage (2015) over 30 sites had been submitted in to the

process for consideration but the majority were rejected on the grounds of unacceptable environmental impacts, lack of proven availability or deliverability or lack of potential resource. Therefore, the selection process has been rigorous and has sought to only include sites that are needed to provide the plan requirement figure. The plan requirement figure itself has fallen from 10.31 million tonnes to 6.525 million tonnes since the start of the plan process.

3.8 The site evaluations and consultation processes have refined the sites down to the final 6 sites remaining in the plan, listed below:

- Site 1 – Bourton on Dunsmore
- Site 2 – Lawford Heath
- Site 3 – Shawell Quarry
- Site 4 – Wasperton
- Site 6 – Coney Grey Farm
- Site 9 – Hams Lane

3.9 It is considered that these are able to deliver the required tonnage of sand and gravel over the plan period for the next 15 years.

3.10 Appendix 1 is a revised version of the plan which Officers believe is ready for consultation purposes and which includes all the changes that are considered to be necessary to accommodate the removal of the two sites from the plan and to respond to the last consultation.

#### **4.0 Timescales and Next Steps**

4.1 Once approved the revised version of the plan can be made ready for consultation and publication. Authority is sought to enable officers to undertake this work and proceed to publication (with any corrections of typographical errors) in accordance with Regulations 19 and 35 of the 2012 Regulations.

4.2 Following this Publication Consultation, the next stage of the plan will be to consider the responses made, and any changes in circumstances which may have arisen, and determine if any changes are required to make the plan legally compliant and sound. It is common that minor modifications are identified at this stage, i.e. changes such as updated references or clearer language which do not materially affect the substance of the policies themselves. It is proposed that authority be delegated to the Joint Managing Director (Communities) in consultation with the Portfolio Holder for Transport and Planning to identify such changes and, if they are the only changes required, to submit the plan together with a list of the suggested minor modifications for consideration by the Inspector at the EIP. If more substantial

changes are thought to be necessary, they will need to be considered by Cabinet and Council.

- 4.3 Following submission, an Examination in Public will take place which includes a hearing that gives respondents the opportunity to put their cases in front of an independent Inspector. Depending on responses to this latest consultation an examination in public could take place at the end of 2019
- 4.4 It is expected that the Plan will be adopted in the latter part of 2020. The timetable is summarised in the Minerals and Waste Development Scheme in see Appendix 3.
- 4.5 There will be costs associated with the next stage (preparation of consultation and consulting) of the process which will be in the region of £62,500; this information is based on the previous consultation (Publication 2016). Costs will be met from within the Transport and Economy business unit's existing approved revenue budget. There will also be costs associated with the Examination in Public.

#### **Appendix 1 – Minerals Plan Publication (2018) Document**

#### **Appendix 2 – Updated Summary of Consultation**

#### **Appendix 3 – Minerals and Waste Development Scheme**

### **Background papers**

None

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

Councillors Reilly, Shilton, Cockburn, Dirveiks, Fradgley

# **Warwickshire Minerals Plan Publication Consultation 2018**

**Warwickshire County Council**



## Foreword

We are pleased to introduce Warwickshire County Council's (WCC) Minerals Plan. This document sets out the preferred strategy, sites and policies for the extraction of minerals in support of sustainable economic development over the next 15 years.

Minerals are critical in supporting the development of sustainable communities and economic growth. It is critical that a sufficient supply of material is maintained in order to support the provision of houses, roads, energy and the infrastructure required in Warwickshire into the future.

The sand and gravel sites put forward as preferred sites within the plan are in locations as accessible as possible to the main areas of projected development and growth. This approach limits environmental impacts and more effectively contributes to the infrastructure requirements within these areas.

The National Planning Policy Framework (NPPF) requires that WCC as a Mineral Planning Authority to maintain at least a seven year land-bank for sand and gravel throughout the plan period.

This Minerals Plan is the product of consultation and engagement with residents, the minerals industry and other businesses as well as community and environmental groups. By working closely with stakeholders and using the most up to date research and guidance, we have produced a realistic plan that sets out six allocations for the extraction of 6.525 million tonnes of minerals for the duration of the plan period.

This document is a significant step towards ensuring the county's minerals needs are met in the most sustainable way, by balancing all economic, social and environmental factors.



Cllr Jeff Clark  
Cabinet Portfolio Holder for Transport and Planning



Monica Fogarty  
Joint Managing Director (Communities)

## **1 Introduction**

The Warwickshire Minerals Plan (which was formerly called the 'Minerals Core Strategy') is a Development Plan Document which sets out the spatial strategy, vision, objectives and policies for guiding minerals development in the County for a 15 year period from 2018. It also provides the framework for minerals development management including implementation and monitoring so that any new planning applications submitted will be assessed against the most up to date policies which accord with the most recent Government guidance.

### **What have we done so far?**

Work commenced on the Minerals Core Strategy in 2006/2007. During 2008/09, there was a major amendment to the scope of Warwickshire's Minerals Core Strategy, which meant that instead of moving forward to the submission stage, it was agreed with Government Office for the West Midlands that the Issues and Options would be revisited. The Council consulted on the 'Minerals Core Strategy - Revised Spatial Options' document in February 2009. This set out three strategy options for locating new minerals development, 19 key issues and policy principles and 27 potential minerals sites submitted to the Council for possible allocation in the plan. The 27 sites were submitted by operators, landowners or developers following the Council's 'call for sites' in late 2008. The site submissions covered a variety of different mineral types (including sand and gravel, cement clay/limestone, shallow coal and Etruria marl brick clay). They were all included in the document and no decisions were made on the sites as views were sought on the submissions before more detailed analysis of the sites was undertaken.

The Council considered all the responses received and were working towards the next consultation when Central Government wrote to all Waste Planning Authorities advising that waste plans should be produced as soon as possible to ensure compliance with European legislation. Consequently, in 2010, the Council prioritised the progression of the waste plan. The Warwickshire Waste Core Strategy was adopted in July 2013 which then enabled the Council to restart work on the Minerals Plan. Following a second request for sites in 2013 the Council consulted on the Minerals Plan Preferred Options and Policies between October 2015 and January 2016, which put forward sites for sand and gravel only. Feedback during the consultation with communities and stakeholders had been taken into account which included further assessment of the sites.

The previous consultation, carried out in December 2016 and February 2017 related to the 2016 Publication (Pre-Submission Draft) Plan. In light of the feedback received and revised 2017 LAA (including a Topic Paper), the Council felt it appropriate to review the Plan based on revised sand and gravel requirements to better reflect the current and future growth requirements for Warwickshire. Following on from the review of sites, this Plan, the 2018 Publication (Pre-Submission Draft) Plan is the subject of this current consultation.

### **Where are we now?**

The National Planning Policy Framework (NPPF) and supporting technical guidance was issued in March 2012. The Government has also produced updated planning policy guidance in what is now known as Planning Practice Guidance. This provides guidance on the planning for mineral extraction in plan making and the planning application process. The Council needs to ensure that its policies,

strategy and proposals accord with this guidance in order for the plan to be found sound. The NPPF and the Planning Practice Guidance replace the former Minerals Planning Guidance Notes and Statements.

Government guidance requires that Mineral Planning Authorities (MPAs) should plan for a steady and adequate supply of minerals including the provision of certain amounts of 'aggregates' i.e. sand and gravel and crushed rock. The Government issued a revised aggregates apportionment for the West Midlands region in June 2009 and requested that the then West Midlands Regional Assembly (WMRA) should apportion amounts to individual MPAs, taking into account advice from the Regional Aggregates Working Party (RAWP) and the MPAs. Although the WMRA chose a preferred methodology for calculating the apportionments, the RAWP and the majority of the MPAs did not agree with the recommendation. In March 2010, the WMRA and all other Regional Planning Bodies were abolished as part of the Government's Localism agenda and the proposed apportionments were never formally adopted.

Since that time, the Government has produced the National Planning Policy Framework. This requires that MPAs should prepare an annual Local Aggregate Assessment (LAA) based on a rolling average of 10 years past sales' and other relevant local information and an assessment of all supply options (including marine dredged, secondary and recycled aggregates sources and to present it to the West Midlands Aggregate Working Party (WMAWP) for comment. The Council has produced four LAAs, summary below:

- The first LAA was adopted on 24th June 2014,
- Consulted on the second LAA in October 2015
- The third LAA was signed off by the WMAWP on 6th October 2016 and was the basis for the 2016 Publication (Pre-Submission Draft) Plan
- The Council's latest consultation, the subject of this current stage of the Plan, is the 2018 Publication (Pre-Submission Draft) Plan and is supported by the 2017 LAA

### **Sand and gravel provision in Warwickshire**

The National Planning Policy Framework states that MPAs should make provision for a sand and gravel landbank of at least 7 years of permitted reserves. Warwickshire's landbank currently stands at 13 years based on calculations within the most recent LAA (2017). A number of sites have closed since 2008 and until recently only one new site at Wolston Fields has been put forward by the industry and that started operating in late 2014. However, planning approval has now been given to extend the existing Brinklow Quarry to provide an extra 3.4 million tonnes and work restarted at High Cross Quarry in 2017

### **Crushed rock provision in Warwickshire**

The National Planning Policy Framework requires that MPAs should maintain a crushed rock landbank of at least 10 years. Warwickshire's crushed rock landbank remains healthy at 29.18 years with a 25,680,700 tonnes reserve at December 2013. However, there is only one quarry producing crushed rock and much of the County's landbank is provided by other permitted sites which are dormant and not currently operational. The mineral resource area for crushed rock in the county is very limited and subject to a number of constraints but is safeguarded as a mineral safeguarding

area (MSA). A map showing the extent of the MSA is appended to this plan. The plan contains policies against which proposals for future working of the mineral resource area will be considered.

### **Provision of other minerals in the County**

There are also landbank requirements for cement (15 years) and brick clay (25 years) which are relevant to Warwickshire. However, there is only one site for each of these minerals; Rugby for cement and Kingsbury Brickworks for clay. Rugby relies on imported limestone (chalk slurry) piped from Kensworth (Bedfordshire) from outside Warwickshire and clay from within the county at Southam Quarry. Rugby has sufficient reserves of all the major raw materials required to produce cement during the plan period. Kingsbury Brickworks currently has a 25 year landbank of permitted reserves sufficient to meet its future needs. The long term needs of both plant sites depends more on mineral safeguarding than finding new sites. For this reason the future planning of all minerals other than sand and gravel will be addressed through the policies in this Plan rather than site allocations.

### **Underground Coal Gasification (UCG) and Fracking**

Underground Coal Gasification is a separate process to fracking and involves the burning of coal seams underground and using the resulting gas to produce energy. The Coal Authority is responsible for issuing licences granting the right to access the coal, but no UCG operations can take place until the applicant has secured all other necessary rights and permissions. This would include securing the necessary permission from Warwickshire County Council as the Mineral Planning Authority. This Plan contains a policy to ensure that UCG proposals can be adequately assessed.

Fracking is a process whereby the rock is fractured by injecting water at high pressure which forces gases through pipes above the surface. This Plan addresses the issue through a policy. However, it should be noted that the geology within Warwickshire may not be conducive to enabling fracking as there are no major shale deposits in the County. No operator has expressed any interest in fracking in the County at the current time.

## 2 Policy Context

### National Minerals Planning Policy

### National Planning Policy Framework

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It replaced all previous Planning Policy Statements/ Guidance Notes and Minerals Policy Statements/ Guidance Notes.

The key policy messages are that when preparing plans authorities should:

- Identify and include policies for extraction of mineral resources of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction;
- So far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- Define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;
- Safeguard: - existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and existing planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.
- Set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place;
- Set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip-and-quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
- When developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
- Put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding and conserving the long term potential of

the best and most versatile agricultural land, geodiversity, biodiversity, nature woodland, the historic environment, recreation and soil resources).

### **Minerals Planning Practice Guidance**

The Guidance advises on planning for mineral extraction in plan making and the application process. It explains what minerals are and why permission is required to extract minerals. It sets out how minerals can be safeguarded from non-mineral development, and how local authorities can identify suitable locations for mineral development and how they can plan for mineral extraction.

Mineral Planning Authorities are encouraged to plan for minerals extraction using Ordnance Survey-based proposals maps and relevant evidence provided by the minerals industry and other appropriate bodies.

This approach will allow mineral planning authorities to highlight areas where mineral extraction is expected to take place, as well as managing potentially conflicting objectives for use of land.

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 - these 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.

### **Local Planning**

#### **Warwickshire Minerals Local Plan (adopted 1995)**

The Minerals Local Plan was adopted in February 1995 and remained in effect until September 2007. Thereafter, only certain policies were saved to form part of the statutory development plan for Warwickshire. The saved policies remain in effect until the new Minerals Plan is adopted.

#### **Warwickshire Waste Core Strategy (adopted 2013)**

The Warwickshire Waste Core Strategy was adopted at the meeting of Full Council on the 9th July 2013. Once adopted, these policies became part of the statutory development plan for Warwickshire, replacing the saved policies of the Warwickshire Waste Local Plan 1999.

#### **Warwickshire Local Transport Plan (WLTP)**

The Warwickshire Transport Plan sets out how the County and its partners intend to improve transport and accessibility, as well as outlining longer term improvement schemes in the County for the period up to 2026. The County's existing Local Transport Plan (LTP3) came into effect on the 1st

April 2011. The Minerals Development Framework will need to accord with the policies and principles of the LTP3.

### **District and Borough Local Plans and Neighbourhood Planning**

These provide the planning policy context at a local level. In the same way as the Minerals and Waste Local Plans are being replaced by new Local Plans, each district and borough in Warwickshire is in the process of producing new Local Plans.

Communities now have new powers to shape development through neighbourhood planning, which is a new right introduced through the Localism Act 2011. A Neighbourhood Development Plan can set out a vision for an area and planning policies for the use and development of land. It will form part of the statutory planning framework for the area, and the policies and proposals contained within the neighbourhood plan will be used in the determination of planning applications.

### **Planning Policy summary**

The national and local plans, policies and guidance set out above form the context for the Minerals Plan. In applying these policies, plans and guidance to produce this Plan, it is important to have a thorough understanding of the local context. The next chapters will provide a spatial portrait of the County's characteristics as well as a broad overview of Warwickshire's mineral context.

### 3 Spatial Portrait

#### Locational Context

Warwickshire lies to the south and east of the West Midlands conurbation and has established strong sub-regional links with the adjoining authorities of Coventry and Solihull and wider linkages with different parts of the West Midlands. The location of the County also means that it also has economic links with the East Midlands and the South East.

Warwickshire is bounded to the North West by the West Midlands Metropolitan conurbation and Staffordshire, Leicestershire to the north east, Northamptonshire to the east, Worcestershire to the west, and Oxfordshire to the south and Gloucestershire to the south west. Despite the focus of population within the main towns of the County, a significant part of Warwickshire is rural in nature with the majority of people living in the north and central areas of the County.

Warwickshire is a two tier local authority and has five district/borough areas:

- North Warwickshire Borough
- Nuneaton and Bedworth Borough
- Rugby Borough
- Stratford-on-Avon District
- Warwick District

#### Population

In 2015/2016 Warwickshire was home to 556,750 people according to the latest population figures from the 2016 estimate (ONS) s. There had been a 20% increase in the annual number of births in Warwickshire during the last 10 years. Population sizes within the districts and main settlements are shown in Table 3.1 and Table 3.2, but the largest towns in Warwickshire as of 2011 are Nuneaton (pop 82,000), Rugby (72,100), Leamington Spa (49,600) and Bedworth (37,200).

Across Warwickshire, as a whole the highest rates of projected population growth are in the groups aged 65 and over. The rate of growth increases with age, with the oldest age group (those aged 85 and over) projected to increase by more than 40% between 2011 and -2021.

Districts	Population
North Warwickshire	63,229
Nuneaton and Bedworth	127,019
Rugby	103,815
Stratford-upon-Avon	123,670



Warwick	140,411
Warwickshire	556,750

Table 3.2 The population of the main settlements in Warwickshire

	Mid 2002 Ward Estimates 2012	Mid 2012 Ward Estimates	% change 2002 - 2012
Alcester	6,000	6,000	0.0
Atherstone and Mancetter	10,900	11,000	+0.9
Bedworth	34,700	37,300	+7.5
Coleshill	6,300	6,500	+3.2
Kenilworth	23,300	23,300	0.0
Leamington Spa	45,800	50,500	+10.3
Nuneaton	78,500	82,400	+5.0
Polesworth	7,000	7,000	0.0
Rugby	61,700	72,600	+17.7
Shipston-on-Stour	4,500	5,100	+13.3
Southam	6,500	6,600	+1.5
Stratford-upon-Avon	22,300	27,600	+23.8
Studley	6,000	5,800	-3.3
Warwick	26,100	30,300	+16.1
Wellesbourne	7,000	6,800	-2.9
Whitnash	8,200	8,900	+8.1

Notes: Mid 2011 ward population estimates are the most recent population estimates available. The

definition of Bedworth used here includes the wards of Bede, Exhall, Heath, Poplar, Slough but not Bulkington ward, which has a population of 6,000. All figures are rounded to the nearest 100.

Source: Warwickshire Observatory; National Statistics mid-year population estimates for 2012 wards, ([www.statistics.gov.uk](http://www.statistics.gov.uk)) © Crown Copyright 2014.

## **Employment and Training**

The market towns of northern and eastern Warwickshire were industrialised in the nineteenth century and include Atherstone, Bedworth, Nuneaton and Rugby. Major industries include (or included) coal mining, textiles, engineering and cement production, but heavy industry has been in decline, being replaced by distribution centres, light to medium industry and services. The prosperous towns of central, southern and western Warwickshire include Leamington Spa, Stratford upon Avon, Kenilworth, Alcester and Warwick which sustain light to medium industries, services and tourism as major employment sectors.

Whilst the sub-region retains its traditional links with manufacturing (particularly the motor industry), it has experienced significant growth in the service sector economy over the last 20 years. The completion of the M40 in the early 1990s and improved rail services between the West Midlands and London has resulted in the creation of jobs in the area.

The number of people who are claiming Job Seekers Allowance in Warwickshire is below the national and regional levels. At borough and district level, the proportion of residents claiming such benefits ranges from very low in Stratford-on-Avon District (6% ) to fairly high in Nuneaton and Bedworth Borough (7% although this was as high as 8% in 2010). In the twelve months from June 2013 -2014, all districts have experienced a fall in their claimant count rate, with reductions in North Warwickshire Borough, Stratford-on-Avon District and Warwick District all exceeding 40%.

Long term unemployment remains a concern in the county; in June 2014, some 1.320 residents had been unemployed for 12 months or more. As the data visualization at the start of this section shows, total unemployment and youth unemployment have returned to levels experienced before the downturn, however long term unemployment has yet to return to levels witnessed a decade ago. One half of those long- term unemployment in the county reside in Nuneaton & Bedworth Borough Council compared to just one fifth in June 2002. This is due to the number of long term unemployment in Nuneaton & Bedworth Borough increasing at a faster rate compared to the rest of the county.

Over one in five (21.6%) of Warwickshire residents have no formal qualifications. This varies at a local level and when comparing Warwickshire to the national average (England & Wales), the County is positively outperforming. One of the targets for Warwickshire County Council and the Warwickshire Local Enterprise Partnership (which are working on a skills strategy for the sub-region) is to develop the skills of Warwickshire residents.

## **Quality of Life in Warwickshire**

Despite being a prosperous County there are inequalities, with the majority of the less prosperous areas with higher levels of deprivation located in the north of the County in the Boroughs of

Nuneaton and North Warwickshire. However, even in the more prosperous southern districts, pockets of deprivation exist. Higher levels of deprivation are often epitomised by the physical and practical problems of lack of transport and support services and of limited employment opportunities outside the main towns.

The latest English Indices of Multiple Deprivation (IMD 2015) provide the most detailed and comprehensive measure of deprivation and disadvantage to date. They reveal that at a county level, that Warwickshire is ranked 124th out of 152 upper tier authorities in England meaning that it is amongst the 20% least deprived areas in England according to the IMD rank of average score as shown in Table 3.2.

Nuneaton & Bedworth has the highest levels of deprivation in the County, indicated by the highest average Lower Layer Super Output Area (LSOA) score. The Borough ranks as the 111th most deprived Local Authority District (out of the 326 Local Authorities in England). Stratford-on-Avon is the least deprived in Warwickshire with a national rank of 272nd.

Local Authority District	IMD - Rank of average score (out of 326)
North Warwickshire	190
Nuneaton & Bedworth	111
Rugby	240
Stratford-on-Avon	272
Warwick	267

Source: English Indices of Deprivation 2015, Department for Communities & Local Government

Various indicators measured at Super Output level reveal a mixed picture within the County in terms of health and disability, income, employment, crime, educational skills and training and barriers to housing and living environment deprivation. For income deprivation, employment, crime and education the general pattern is that the larger concentrations of deprivation are in Nuneaton and North Warwickshire with only a few isolated pockets in Stratford and Warwick. The picture in relation to "Barriers to Housing and Services" is slightly different with the problem areas particularly in the more prosperous districts of Stratford and Warwick. Housing is less affordable in these areas.

There are eight LSOAs in Warwickshire ranked within the top 10% most deprived LSOAs nationally on the overall IMD 2015. Six of these eight are located in Nuneaton & Bedworth Borough, one within Warwick District and the other within North Warwickshire Borough. This compares with nine LSOAs ranked within the top 10% most deprived LSOAs in the IMD 2010, all of which were located within Nuneaton & Bedworth.

The annual Warwickshire Quality of Life Survey 2014/15 shows that all boroughs and districts have experienced a downward trend in the numbers of people claiming Job Seekers Allowance benefit in the last year. Whilst the health of people across the County is generally above the national average, the performance across a range of indicators between boroughs and districts presents a more varied picture. On a positive note, fear of crime levels have fallen and are currently the lowest seen in the County in ten years. This is mirrored by a fall in recorded crime across the County with just fewer than 10% of fewer crimes being recorded in 2009-10. Serious road casualties have also continued to see a decline in numbers and are half the number experienced ten years ago. Waste disposed of per head of population is still falling and recycling and composting rates are continuing to build on previous improvements.

## **Transport**

Warwickshire lies at the heart of Britain's transport network with several key strategic routes passing through the County including the M6, M6 toll, M40, M42, M45 and M69 along with a number of key trunk routes including the A5, A45, and the A46. The A46 and A444 act as a key route in the North-South corridor from Nuneaton down to Leamington and Warwick and the A46 provides a strategic link between the East Midlands (M1/M69) and the South West (M5). Warwickshire experiences a high level of through road freight traffic movement (M6, M40, M42 and A46).

Warwickshire is well connected by rail with the West Coast Main Line running through the County from the north-west to London and the south east. These are important passenger and freight movements. There are two rail freight terminals in the County, both of which lie in North Warwickshire; Birch Coppice and Hams Hall. The Daventry International Rail Freight Terminal (DIRFT) is also located just beyond the Rugby borough border in Northamptonshire.

There are also plans for a new HS2 high speed rail link through the County. In 2010, the Department for Transport with HS2 Ltd announced the proposed route for the high speed rail link between Birmingham and London Euston. The proposed route is highlighted in Figure 1.1. Whilst the HS2 rail proposals are still at pre-development stage, there may be implications for the emerging Minerals Plan. The HS2 proposals will be closely monitored through future monitoring and taken into account at all stages as the Minerals Plan develops.

There are four canals which run through Warwickshire which form the Warwickshire Ring. The Coventry Canal links Coventry and Fradley Junction just north of Lichfield. It also runs through the towns of Bedworth, Nuneaton, Atherstone, Polesworth and Tamworth. It is navigable for boats up to 21.9m (72ft) length. The Stratford-upon-Avon Canal runs for 25 miles in total, comprising two sections. The southern section starts at the River Avon in Stratford-upon-Avon and stretches north as far as Kingswood Junction near Lapworth, where it is connected to the Grand Union Canal by a short spur. The northern section continues, joining the Worcester and Birmingham Canal at Kings Norton Junction in south Birmingham.

The 135 mile Grand Union Canal links Birmingham and London and enters Warwickshire through the south-east by Braunston Junction near Daventry. It joins up with the Oxford Canal to share a small section. They both head west, travelling between Long Itchington to the north and Southam to the south, before splitting again at Napton Junction. Here the Oxford Canal turns south to travel out of

the County while the Grand Union heads north-west. The Oxford Canal is a 78 mile long narrow canal linking Oxford with Coventry via Banbury and Rugby.

Warwickshire has over 1,750 miles of public rights of way, along with over 100 miles of canal towpaths and a variety of other site based countryside access opportunities, both private and local authority operated. As well as providing a resource for the people of Warwickshire, the network also plays a larger role with several regionally and nationally important long distance promoted routes passing through the county. The settlement pattern and transport infrastructure, together with the existing mineral sites within the County, are shown in Figure 1.1. The County Council's advisory lorry routes are shown in Figure 1.2.

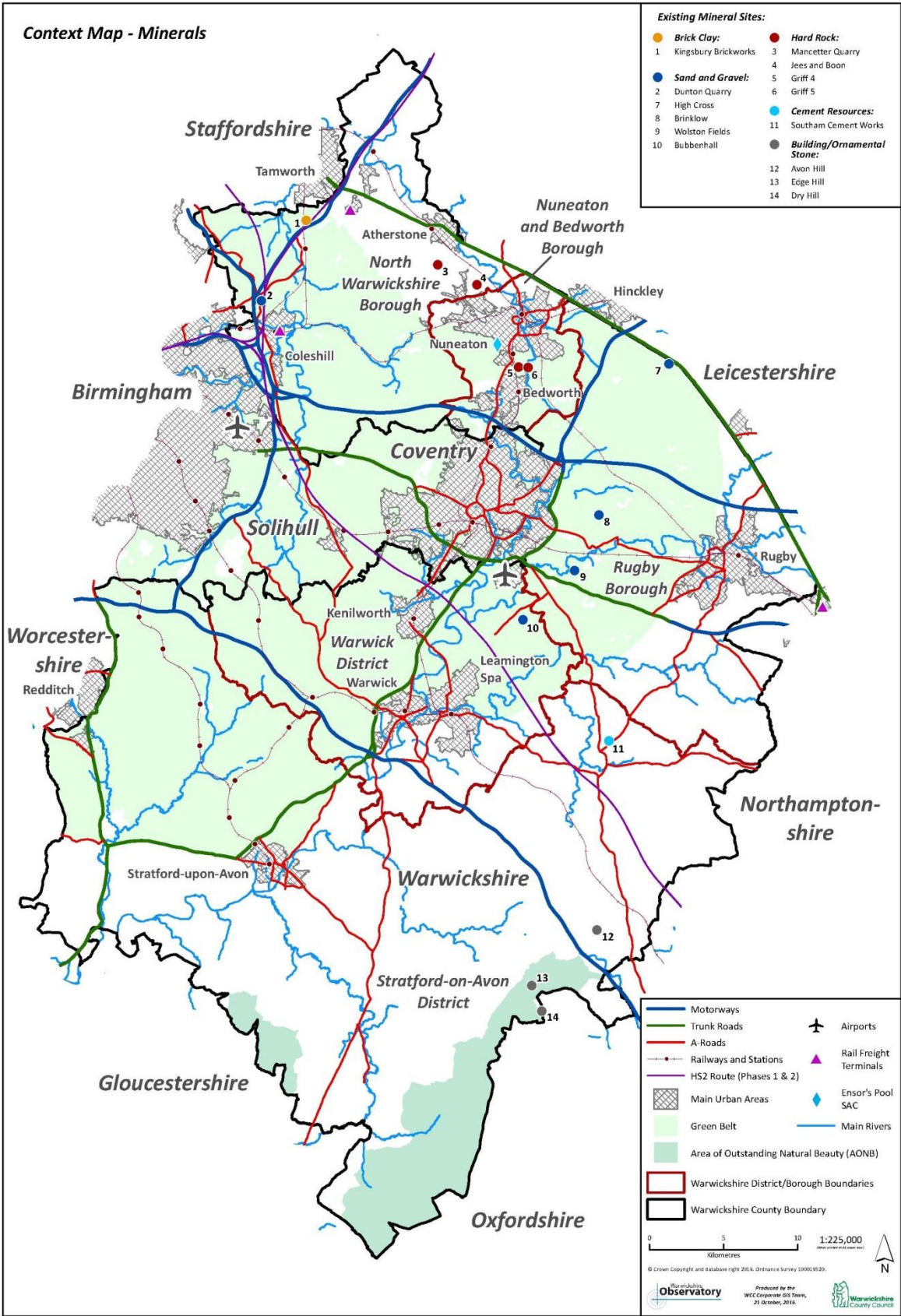


Figure 1.1 Sub-regional context - Minerals



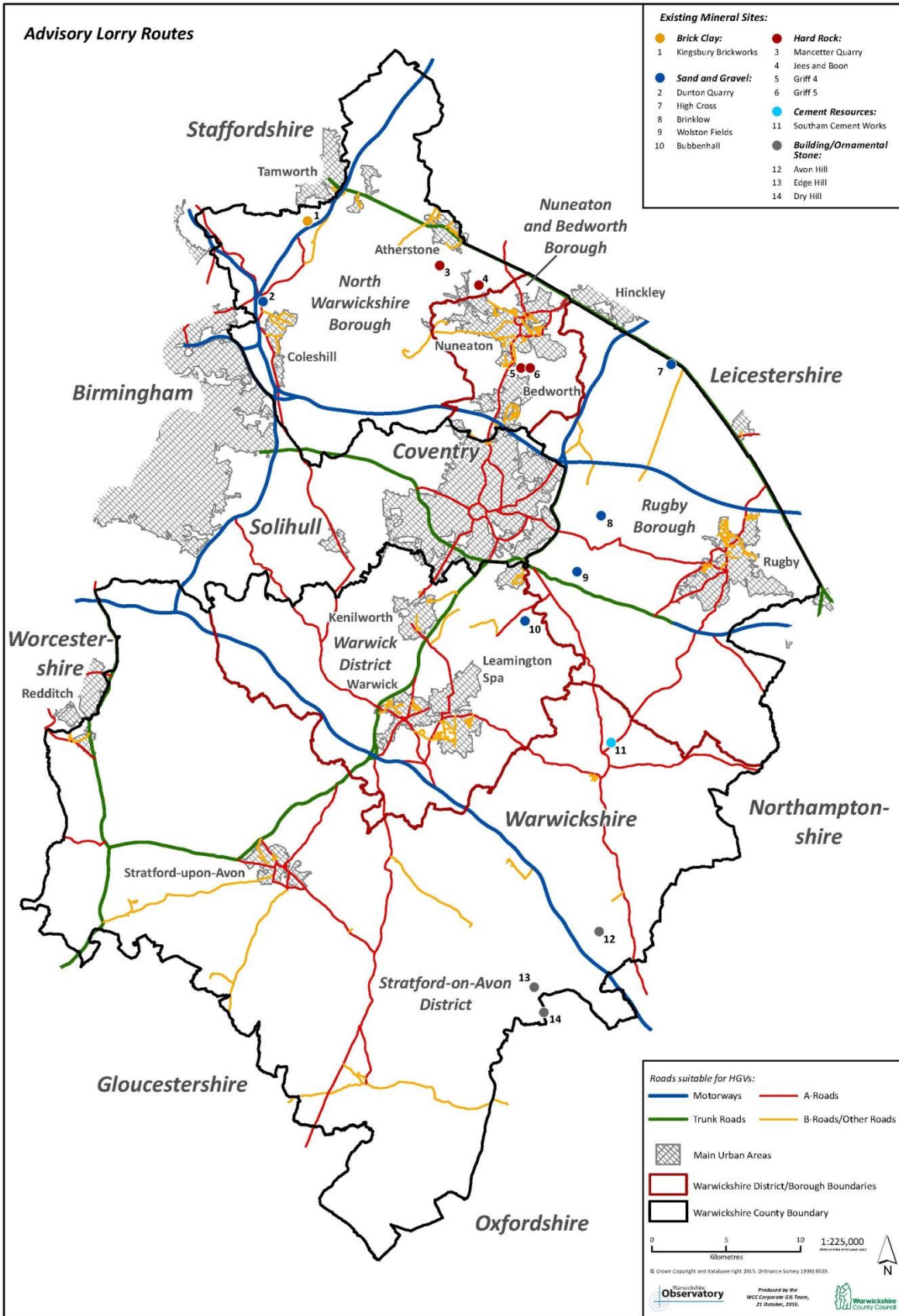


Figure 1.2 Advisory Lorry Routes in Warwickshire

## Environment

Warwickshire has a landscape of considerable variety and complexity, with seven distinct landscape character areas: Arden, Dunsmore, Avon Valley, Feldon, Cotswolds, High Cross Plateau and Mease Lowlands. Part of the Cotswolds character area is designated as an Area of Outstanding Natural Beauty (AONB), a national designation to conserve the natural beauty of landscapes of recognised importance. Warwickshire County Council has produced a set of guidelines designed to offer advice on maintaining diversity and beauty, to conserve the landscapes for future generations and have also produced the Warwickshire, Coventry and Solihull Green Infrastructure Strategy. Furthermore, a large proportion of the County is covered by a swathe of designated Green Belt (depicted in Figure 1.3).

In accordance with Articles 6.3 and 6.4 of the European Habitats Directive, Warwickshire County Council must undertake a Habitats Regulations Assessment (HRA) to assess that its plans or projects, either individually or in combination, do not impact upon the conservation objectives of European designated sites. As Warwickshire is host to a site of European importance (shown on Figure 1.3), and there are sites in proximity of the county, an initial screening assessment has been undertaken. A further assessment has been undertaken and accompanies this plan.

The County has seen a decrease in unimproved grassland as well as a loss of hedgerows and traditionally managed woodland. Warwickshire is one of the two worst hit Counties in England, as flower rich pasture and meadowland has reduced to just a few hundred acres (a 97% loss between the second World War and 1996) and approximately 32% of hedgerows have been lost, both as a result of agricultural intensification. Although there have been isolated successes in halting the loss of Warwickshire's biodiversity, there is a need for appropriate spatial planning to protect and enhance wildlife populations and habitats. Therefore the Plan will seek to support the overarching aim and objectives of the County's Biodiversity Strategy, and seek to protect or enhance the 26 species and 24 habitats set out in the Warwickshire, Coventry and Solihull Biodiversity Action Plan. The Biodiversity Action Plan is informed by the Habitat Biodiversity Audit (HBA), a project led by the Warwickshire Wildlife Trust that seeks to provide up-to-date, accurate and readily accessible ecological data to partners including the County Council. This will provide accurate measurements and monitoring of priority habitats in the County. The Warwickshire Biological Records Centre also provides information on species distribution and ecological sites in the County. This work will provide an important context for the Minerals Plan and will help to shape the proposals and policies contained within it.

The County's Historic Environment Record (HER) has recorded 18,882 Historic Landscape Character Areas (including 4968 Historic Farmstead Records) and 10,470 monuments. Of these monuments, 198 are designated as Scheduled Monuments of national importance. The County also has approximately 6,008 Listed Buildings of historical or architectural interest and 138 Conservation Areas. Furthermore, there are 31 Registered Parks and Gardens and there is 1 Registered Historic Battlefield site at Edgehill. Warwickshire's historic landscape makes a considerable contribution to the County's character and local distinctiveness and the Warwickshire Historic Landscape Characterisation project (in conjunction with the then English Heritage) will further contribute to the understanding of how the County's landscape has developed over time, and its capacity for change,



so that an integrated approach to its sustainable management can be established. There are also a number of National Trust land and properties in the county.

Warwickshire's topography and river drainage pattern means that parts of the County are at particular risk of flooding. In recent years a number of large scale events have occurred across the country. The flooding events of 1998 and 2007 as well as near misses in the winters of 2012/13 and 2013/14, and very recent flooding in February and March 2016, as well as many localised extreme events, indicate flooding is a significant ongoing risk in Warwickshire. This reflects the fact that the County is relatively flat and has numerous watercourses. The most severely and regularly affected areas are all of the reaches of the Leam and Avon and the tributaries of these rivers. Stratford-upon-Avon and Leamington are the main urban areas mostly affected by large scale flooding but many more rural towns and villages have also suffered. Under the Flood and Water Management Act (2010) ('the Act') Warwickshire County Council (WCC) became a Lead Local Flood Authority (LLFA), responsible for managing local flood risk from surface water, groundwater and ordinary watercourses in Warwickshire. One of the new duties placed upon WCC as the LLFA, to assist in the management of local flood risk, is to 'develop, maintain, apply and monitor' a Local Flood Risk Management Strategy. This Local Flood Risk Management Strategy ('the Strategy') provides an overview and assessment of local flood risk in Warwickshire, setting out objectives and measures for how WCC will manage and reduce local flood risk. It covers the county of Warwickshire comprising the five local authorities of North Warwickshire, Nuneaton and Bedworth, Rugby, Stratford upon Avon and Warwick.

In August 2007, Warwickshire County Council, Coventry City Council, Solihull Metropolitan Borough Council and the Districts and Boroughs of Warwickshire commissioned consultants to produce a level 1 Strategic Flood Risk Assessment (SFRA). The outputs from the SFRA provide information to inform the Minerals Plan to ensure that due regard is paid to flood risk in the creation of policies and plans. The SFRA maps all forms of flood risk and uses this as an evidence base to locate new development primarily in low flood risk areas. Areas of 'low' (zone 1), 'medium' (zone 2) and 'high' (zone 3) risk are mapped using data collected from many sources, including the Environment Agency, Warwickshire County Council, Severn Trent Water, the Highways Agency and the Canal and Rivers Trust.

In Warwickshire the latest agricultural land classification information for the county shows that 0.1% of the land is grade 1, 11.9% is grade 2, 74.5% is grade 3, 7.9% is grade 4, and 0.1% is grade 5. Figure 1.4 shows the geographical distribution of the various grades.

Details of the Air Quality Management Areas in the county are shown on Figure 1.5.

Tourism makes a key economic contribution to the Warwickshire economy and the quality of life for the county's resident population. The county has assets with national and international visitor appeal and is a popular destination for day visiting, and indicators suggest opportunities for significant future growth. The total business turnover generated in Warwickshire as a result of tourism is estimated to be £971,315,000 or, turnover of just under £1 billion, and supported 20,800 jobs and 3610 firms (2011).

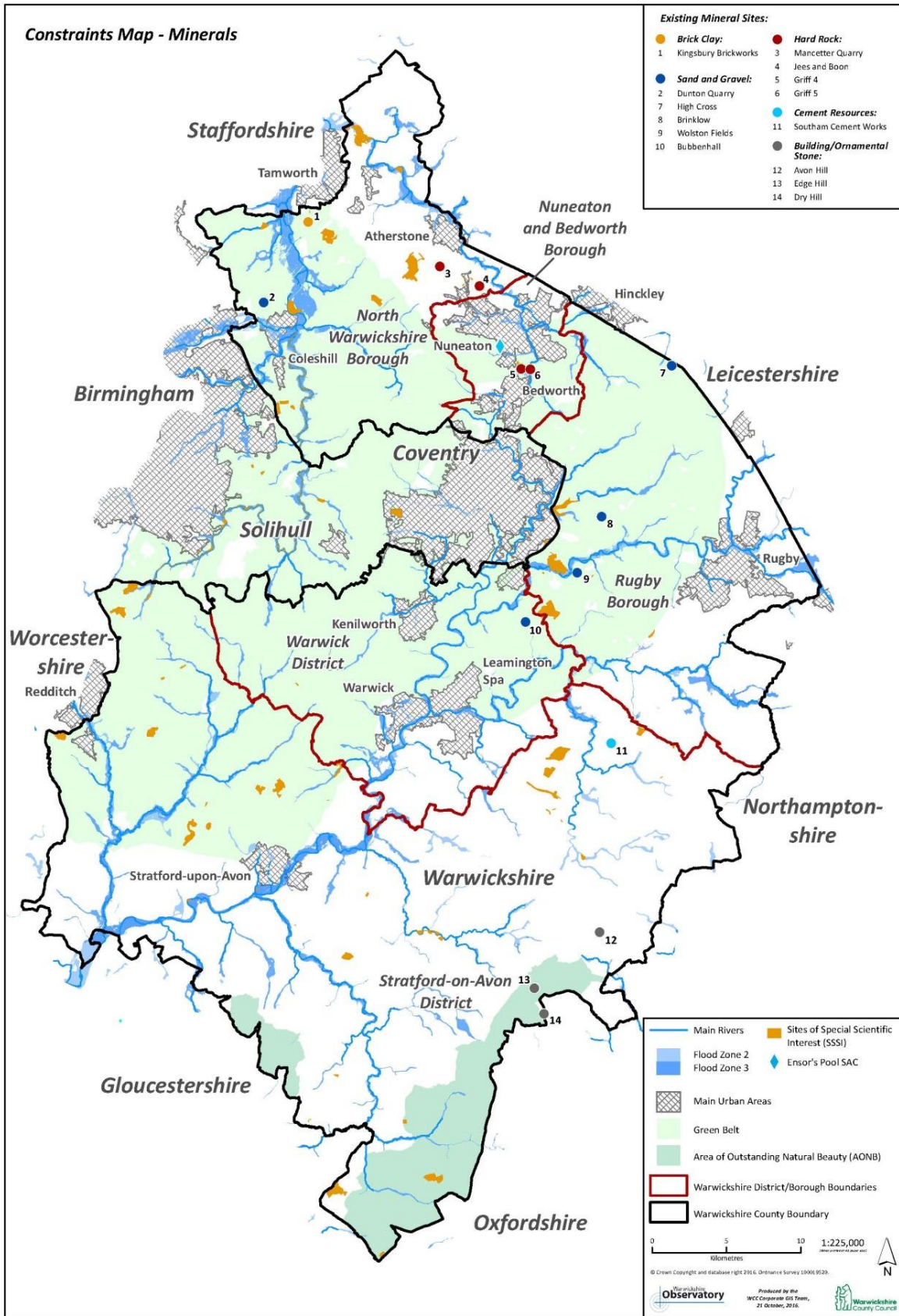


Figure 1.3 Mineral Constraints Map

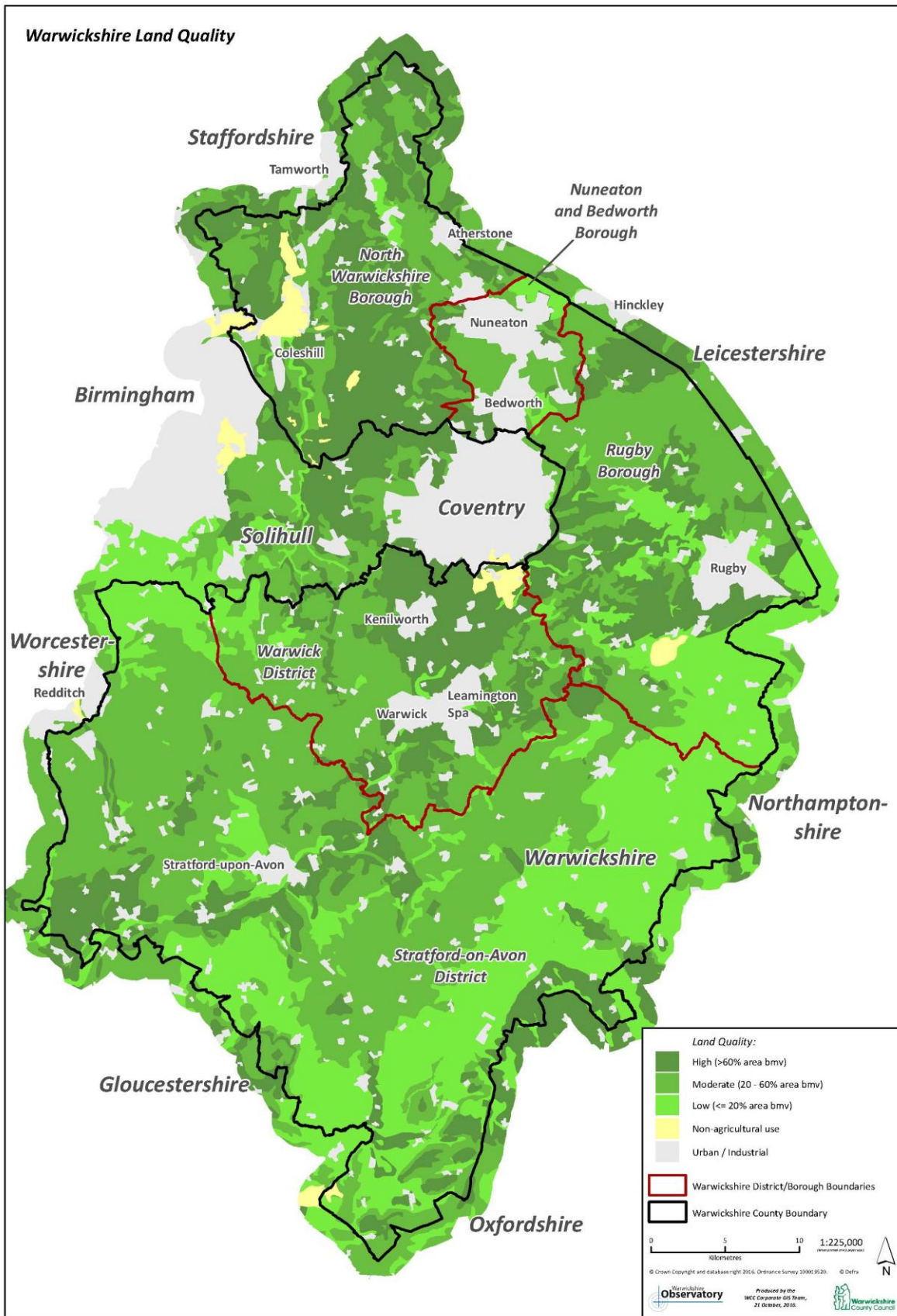


Figure 1.4 Best and Most Versatile Land Plan (Agricultural Land Classification)



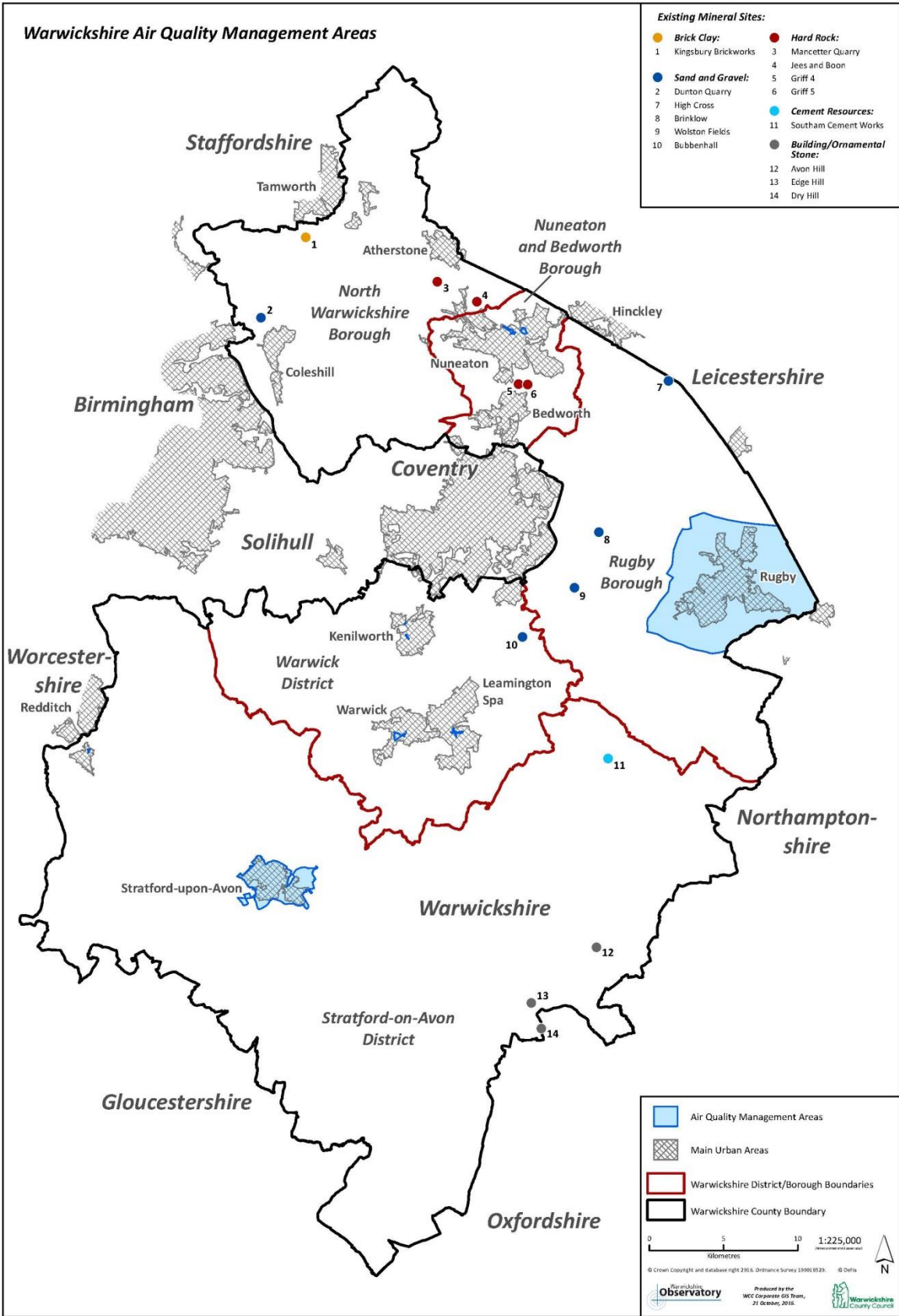


Figure 1.5 Air Quality Management Areas

Since the SFRA was carried out in 2008, some areas have been remodelled, including the Rivers Stour and Leam, Shottery Brook and additional modelling has been undertaken for Southam on the river Itcham and the Pingle Brook. The most recent updates to the SFRA are available on the Environment Agency website.

In addition, when considering the wider implications around hydrology over and the above flooding issues, the Water Cycle Study (WCS) is an important part of the evidence base. A WCS is a more holistic approach than the SFRA as it helps to determine what sustainable water infrastructure is required and where and when it is needed.

The WCS has been carried out at a sub-regional level and covers all the districts within Warwickshire. The existing sub-regional Water Cycle Study is considered adequate to inform the development of the Minerals Plan.

As a co-deliverer of the Water Framework Directive (WFD) 2000/60/EC, Warwickshire County Council needs to ensure that its policies and strategies support the Directive's aspirations and targets. The WFD does not allow for any drop in quality of the water environment, and aims for all waterbodies to achieve 'Good' status by 2015. The Environment Agency have subsequently produced River Basin Management Plans (RBMPs) which assess the current state of the water environment and include measures for protecting and improving the water environment. The RBMPs specify what is required to be undertaken to ensure that Good Status is achieved on schedule.

Whilst the administrative area of Warwickshire covers the three river basins of the Severn, the Humber and the Thames, the majority of the County lies within the Severn River basin. The policies contained within the Minerals Plan will therefore need to help to achieve the aims, objectives, priorities and targets set out in these plans, particularly the Severn RBMP.

To achieve this, while mitigating climate change and the additional development proposed, policy and decision makers need to take a tough stance on the control of water pollution, ensuring betterment from the existing situation is achieved wherever possible, and the risk of contamination of Controlled Waters is minimised in all new developments and redevelopment proposals.

In order to achieve the Spatial Vision we have, in previous consultations, set out a number of objectives, which have been refined during our previous consultation work. These are set in the context of the main objectives for national mineral planning in Chapter 6 of this Plan.

## **4 Minerals Context**

The diverse mineral resources of Warwickshire have been exploited since the first human settlements developed in the County. Today extraction of cement raw materials (clay), building stone, sand and gravel, crushed rock and brick clay still occur and reserves of these minerals still exist. A map of the County's geology with all of the existing mineral sites is shown in Figure 1.6.

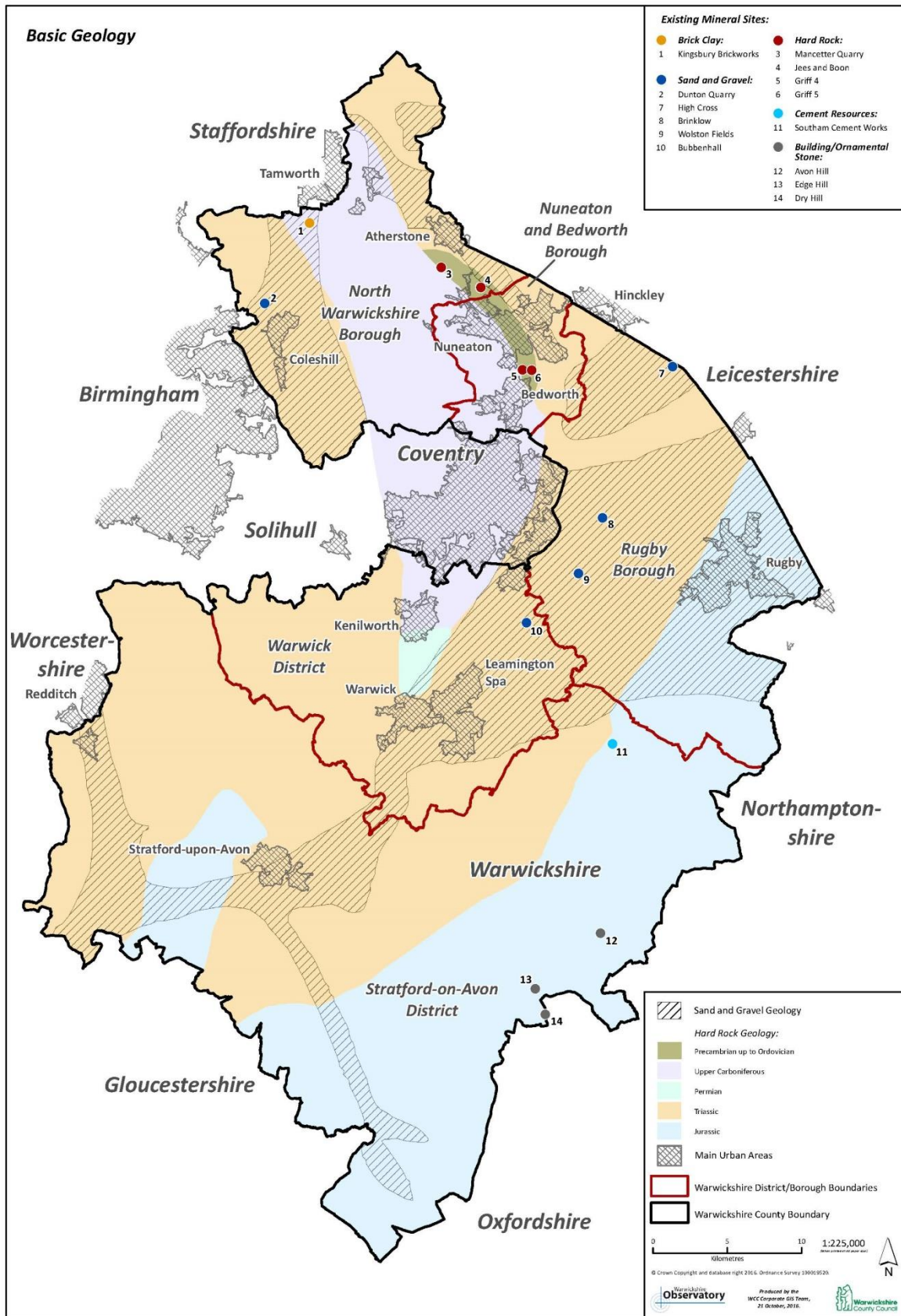


Figure 1.6 Warwickshire’s Geology

## Sand and Gravel

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.

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.

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 1980s 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 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.



## **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 dump trucks 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.

## **Uses of Sand and 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.

## **Existing Sites and supply arrangements**

At present 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. 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. Warwickshire's proximity to the West Midlands Conurbation and increasing demand from within the County has led to a depletion of reserves in recent years.

### **Warwickshire Aggregate Minerals Infrastructure**

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

#### **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.

#### **Concrete Batching Plants**

Concrete batching plants are simply various pieces of 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.

#### **Asphalt Plants**

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

The manufacture of coated road stone 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.

## **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. Further details of all the aggregate minerals infrastructure in the county is available at Appendix 4.

## **Brick Clay**

Historically bricks have been made across Warwickshire wherever suitable clay was found. The use of local clay for the production of bricks has ceased with the exception of the large scale brickworks at Kingsbury which extracts the high quality Etruria Marl which is part of the County's Carboniferous sequence of rocks. However, this is a major plant of regional significance owing to the specialist brick types which are exported around the country.

## **Building Stone**

Historically building stone has been used extensively throughout the county and further information can be found in "A Building Stone Atlas of Warwickshire – published in May 2011. The aesthetic qualities of the stone used impart a distinctive character to the county's historic buildings.

Working of building stone in the county has typically been very intermittent, less intensive, surface related and from small scale (nature and extent) quarries irrespective of whether they are "relic" as described in the NPPF. The minerals industry believes that dimension stone extraction should not be limited to local markets or the heritage sector. The sector should be free to develop new- build markets and should be allowed to operate at higher production if it contributes to economic development. By emphasizing reliance on local markets and small scale operations the industry believes that the authority is being too prescriptive and not recognising the potential for change. The evidence is that the past pattern of working has not changed and the industry is in decline and situation is unlikely to change in the foreseeable future.

There are currently no sites working building stone in the county. Sites at Edge Hill and Dry Hill in the Cotswold AONB and Avon Hill outside the AONB have worked ironstone and limestone but only Edge Hill is currently operational working very small ironstone stockpiles for secondary aggregates prior to completing the final restoration of the site. The location and scale of the sites are reflective of the physical and planning constraints affecting building stone extraction such as the capacity of local roads, amenity considerations and designations and designated assets.

## **Coal**

Coal from the Carboniferous Coal Measures which are exposed at the surface in the north of the County has been exploited since Roman Times. Small scale operations from shallow pits continued until the middle to late 19th century when numerous deep mines began operational in North Warwickshire reflecting an increase in the demand for coal and advances in mining technology. The last deep mine at Daw Mill, near Arley in North Warwickshire closed in 2013 following a huge underground fire. Previously, coal extraction had taken place in the Corley Moor area at a depth of around 800 – 900 metres. The coalfields in Warwickshire are shown on Figure 1.7.

## **Cement Production**

The production of cement has a long history in Warwickshire with extraction of the required minerals (Jurassic Lias limestones and shales) occurring around Southam and Rugby. Current production comes from the one cement plant in Rugby, where locally extracted materials are mixed with chalk slurry transported by pipeline from Bedfordshire.

## **Crushed Rock**

The Precambrian and Ordovician igneous rocks which outcrop around Nuneaton up to Mancetter in North Warwickshire are a vital source of high specification roadstone and aggregates which supply the main road networks of the West Midlands and neighbouring regions.

## **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 and a plan showing the location of the sites is provided in Figure 1.8.

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.

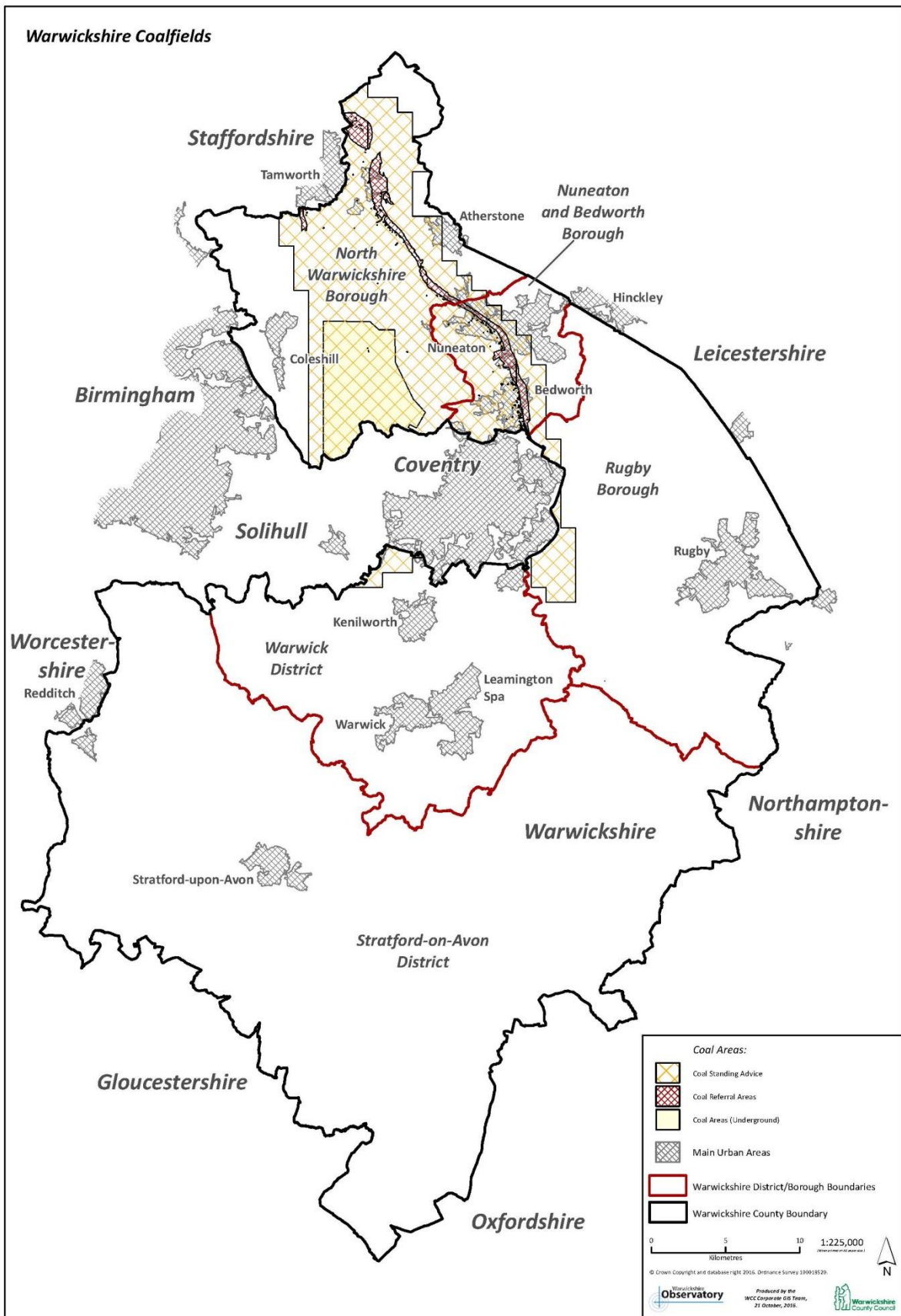


Figure 1.7 Warwickshire Coalfields

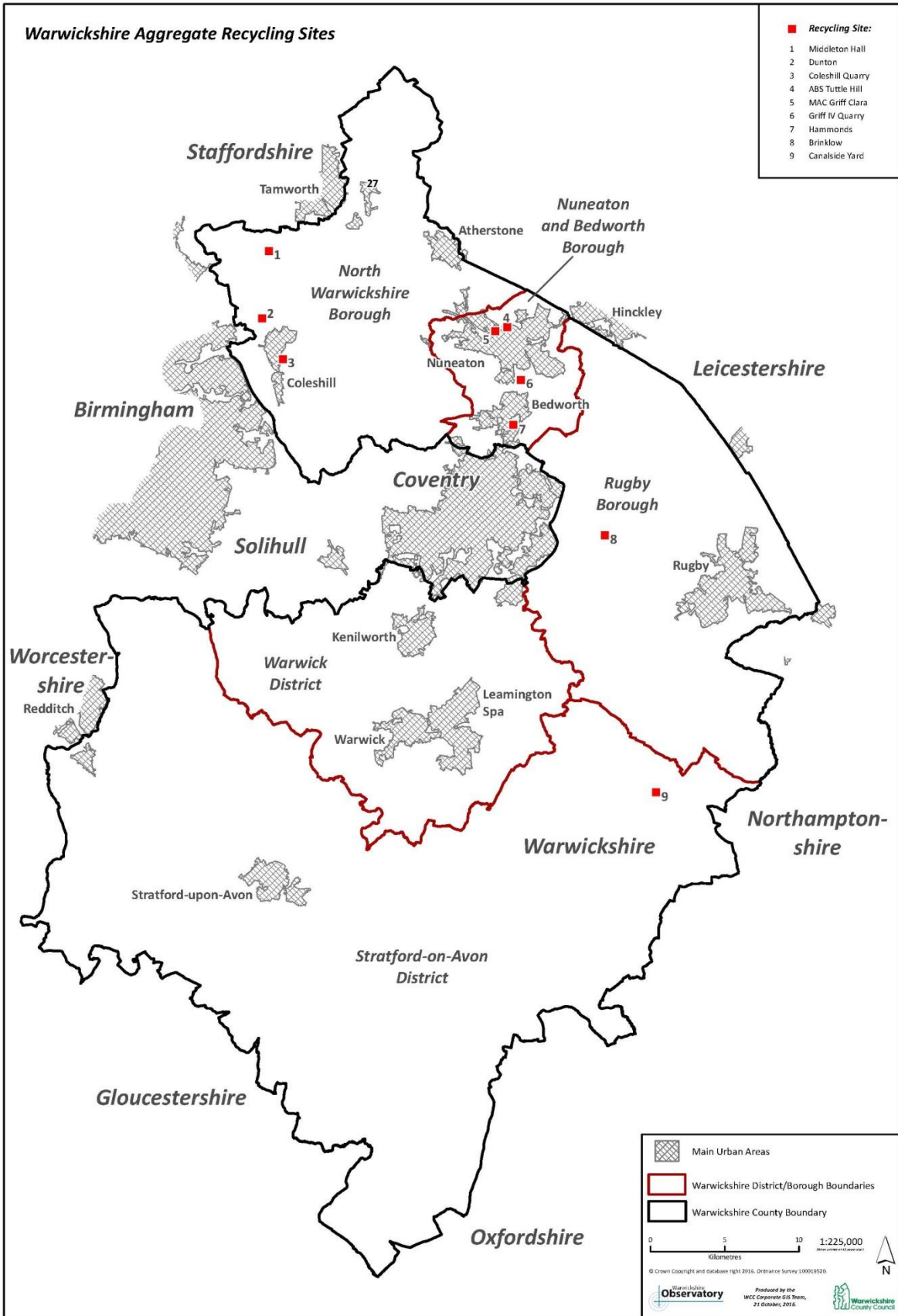


Figure 1.8 Warwickshire Aggregates Recycling Sites

## 5 Key Issues for Minerals in the County

### Key Strategies

#### Demand Strategy

**Meeting the demand for aggregates and other minerals (see Policies MCS1, MCS2 and MCS3).**

#### Warwickshire Local Aggregate Assessment

The NPPF requires the preparation and maintenance of an evidence base (the Local Aggregates Assessment (LAA)) to inform its annual production requirements based on a methodology of a rolling average of the previous 10 years sales and other relevant local information such as levels of planned construction including housebuilding. The 2014 LAA using 2012 data gave a production requirement of 0.751 million tonnes per annum which equates to a figure of 12.241 million tonnes over the 15 year plan period (2017-2032). However, the draft 2015 LAA using 2013 data shows the production requirement down to 0.688 million tonnes and the 15 year plan requirement down to 10.3 million tonnes. The draft 2016 LAA using 2014 data shows production down again to 0.573 million tonnes giving a revised plan requirement of 8.02 million tonnes. This requirement will be met by providing sand and gravel site allocations in this plan as it is not practicable to make future provision through use of secondary and recycled aggregates due to the limitations and constraints on the continuity of supply, use of such materials in the construction market, the temporary nature of sites and the variability of production capacity and sales at existing sites.

The Planning Officers Society and the Mineral Products Association have recently published good practice guidance on LAAs and this advises that the starting point for the LAA should be the latest available 10 year sales, which is the 2016 data. The guidance also emphasises the importance of taking account of other relevant local information. The guidance accepts that there is no currently defined methodology for quantifying and translating aggregates demand from future housebuilding rates. The guidance simply encourages local information to be based on sound evidence which is relevant, adequate, proportionate and up to date. In the consultation on the Preferred Option and Policies document a figure of 10% was added to address any concerns about a low 15 year plan requirement. Based on the draft 2015 LAA the plan requirement was increased from 10.3 million tonnes to 11.6 million tonnes using the 10% addition. However, the 10% addition has not been taken forward and the 2016 LAA figure of 8.02 tonnes has been used to determine the requirements for this plan.

It should be noted that in addition to the ten year past sales assessment Planning Practice Guidance states that Mineral Planning Authorities should also look at average sales over the last three years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply. The latest figures for 2016 show the 3 year average to be much lower than the 10 year average at 0.270 million tonnes so from this measure there is certainly no justification to increase supply above the 10 year sales figure.



### **Issue 1 - Aggregates**

The NPPF states that MPAs should plan for a steady and adequate supply of aggregates through the provision of land won and other elements of their Local Aggregates Assessment and through the maintenance of landbanks of at least 7 years for sand and gravel and 10 years for crushed rock. However, the main issue for this plan to address is the shortfall in sand and gravel. Without adequate sand and gravel there will not be enough aggregate to serve the construction industry in the County and the sub-region. An adequate landbank needs to be maintained throughout the plan period.

### **Other Minerals**

There is no provision required to meet needs for other minerals during the plan period. For those minerals where landbanks are required to be maintained such as for brick clays and cement the resource will be safeguarded and planning applications will be treated on their merits in accordance with the policies in the development plan. The remaining minerals which are not covered by landbanks and /or safeguarding will be addressed by determining planning applications in accordance with the criteria-based policies in this plan.

### **Issue 2 - Future Production**

#### **How to address the decline in sand and gravel production in the county? (See Policy MCS1 and Policy SO)**

It is important that the County delivers aggregates to serve the construction industry in the County and to contribute to the needs of the West Midland Metropolitan Area. However, whilst the construction industry has come out of recession there is a shortage of sites coming forward to provide primary aggregates within the County. Several sites have ceased production leaving the County with currently only 3 active sand and gravel sites and only 1 active crushed rock site. WCC has carried out a further Local Aggregates Assessment and the average production over a period of the last 10 years is now 0.508 million tonnes.

The industry has submitted only a handful of planning applications since 2003 for mineral development some of which were later withdrawn. The question remaining is whether the minerals industry is still interested in extracting sand and gravel in the County, whether it considers the quality of the material in the County to be inferior and not worth extracting for the concrete market, or whether there is better quality material in surrounding areas to serve local markets or whether their existing sites in surrounding areas can deliver the materials the construction industry in Warwickshire needs at a more competitive price.

### **Issue 3 - Mineral Safeguarding and Prior Extraction (see Policies MCS5 and DM10)**

The NPPF states that Mineral Planning Authorities should define Mineral Safeguarding Areas (MSAs) in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development. There is no presumption that any resources defined will be worked. However, where planning applications for non-mineral development are submitted, the relevant district or borough should consult the County Council and where it would be practicable and environmentally feasible to work the mineral, we may seek a mineral assessment to

be carried out prior to determination. In some cases we may insist on prior extraction of the mineral before the non-mineral development is carried out.

Safeguarding extends to ensuring that existing or potential facilities required for the transportation and storage of minerals are also protected. Where there are planned, existing or potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail or inland waterways of minerals, including recycled, secondary and marine-dredged materials, these should be safeguarded. At present there is no bulk transportation of minerals by either rail or inland waterways in Warwickshire and no prospect of different modes of transport becoming available in the foreseeable future. In addition, safeguarding should also be extended to existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

#### **Issue 4 - Avoiding and mitigating the impacts (see Policy DM4)**

Mineral development can have a significant adverse impact on society, the economy and the environment. This could be in a number of different ways including the effect on natural resources (including water, air and soil), biodiversity, geodiversity, archaeology, heritage and cultural assets and their settings, the quality and character of the landscape, adjacent land uses or occupiers, the distinctive character and setting of the County's settlements, and the effect on the openness of the Green Belt. The effects of mineral working can also be cumulative from individual sites and/or a number of sites in a locality.

Generally, when a planning application is submitted for mineral development one or more of these areas could be affected. However, in many situations these can be addressed by the operator or developer avoiding these areas, redirecting the impact and/or proposing adequate mitigation or making compensatory provision where mitigation measures might not be sufficient to offset potential impacts. For instance if there is a potential landscape impact it could be mitigated by redesigning the scheme or creating new features or planting large areas of trees. To ensure that this is provided to an acceptable standard, planning conditions would be attached to any planning permission or planning obligations would be required. If it was considered that the adverse effects were unacceptable and could not be mitigated it could be a reason for refusing the planning application.

#### **Issue 5 - Secondary and Recycled Aggregates (see Policy MCS4)**

Recycled aggregates are aggregates derived from reprocessing materials previously used in construction. Recycled materials include recycled concrete from construction and demolition waste material (C&DW), road planings and railway ballast.

Secondary aggregates are usually by-products of other industrial processes not previously used in construction. Different materials are common to specific areas depending on what the manufacturing process is in that area. In Warwickshire one of the main secondary aggregates is the residual cement kiln ash from the cement manufacturing process at Rugby Cement Works.

The issue regarding recycled and secondary aggregates is ensuring that the maximum amount of this material is reused in the construction process which can then be substituted for primary aggregates.

It is acknowledged that such materials may not be interchangeable or a substitute for primary aggregates and that not all materials can be recycled into aggregates.

However, by recycling more aggregate to a standard whereby it can be re-used in new construction projects, it ensures that less primary aggregate is required and hence fewer quarries are needed. This is more sustainable than relying wholly on primary aggregates. Policies in this plan encourage such uses.

**Issue 6 - Potential shortage of inert fill for restoration to agriculture (see Policies MCS4, DM4 and DM9)**

One problem related to the increase in recycling of aggregate material is that much more material is now being recycled so that there may be less waste material to fill the quarry voids quickly once extraction has been completed. If the economy improves that situation may change. Equally some operators have been able to access suitable resources whilst others have experienced problems. It may take longer for quarries to be restored back to agriculture if that is the proposed end use. This can be a problem for communities which may be left with an un-restored quarry for several years longer than had initially been proposed.

Depending on the site circumstances and design proposals there are a number of solutions which this plan considers are acceptable. First is to encourage the use of low level land restoration so that less fill material is needed to restore sites back to agriculture. Best and most versatile agricultural land can be restored/enhanced using low level land techniques and without having adverse impacts on visual appearance. Second is to focus on restoring part of the site to the best and most versatile agricultural land leaving the remainder to be used for nature conservation and recreational uses. Third is to require the phased working and restoration of sites and fourth is, where land cannot be restored to agriculture, it could be used for flood storage and sustainable urban drainage systems for example.

**Issue 7 - Restoration and potential for promoting Green Infrastructure (see Policies DM3 and DM9)**

There is great competition for land around urban areas from housing and employment uses as well as other land uses. As urban areas increase in size they may be situated close to existing or proposed quarries. As part of restoration mineral workings have the potential to incorporate elements of nature conservation and recreation and green infrastructure. These may be able to be incorporated into the green infrastructure network for boroughs and districts and the county as defined in the Coventry, Solihull, and Warwickshire Sub-Regional Green Infrastructure Strategy. Minerals Plans and District Local Plans need to be “joined up” to ensure that future opportunities are recognised early in the plan process.

**Issue 8 - Restoration for Waste Management Uses (see Policy DM9)**

Increasingly, former mineral sites are becoming used for recycling operations. Sites which may have been infilled with inert waste such as aggregates in order to help prepare them for restoration to agricultural use may also have been given permission for temporary recycling facilities to provide a continuing source of infill material. This has occurred at several locations such as Coleshill, Dunton and Middleton Hall without any adverse impact. Where such uses are demonstrated to be environmentally acceptable, they can help with recycling of inert waste in the County.

### **Issue 9 - Transportation of Minerals (see Policy DM5)**

All transportation of minerals in Warwickshire is currently by road. It is desirable that new quarries are located as close as possible to potential markets which include the major towns in the County and potential large new infrastructure centres. Shorter distances to the markets will reduce travel costs and hence be more sustainable.

Transportation of minerals can be a potential problem if quarries are located away from the main trunk and "A" road system. Generally, mineral extraction sites are not approved if they require lorries to travel through minor roads and centres of population including both towns and villages. Any site submissions with predicted transport/ highway problems will be rejected unless it can be demonstrated that the issues can be satisfactorily mitigated. Although there is no transportation of minerals by canal or rail in the County at present and for the foreseeable future it is a highly sustainable option and should an opportunity arise during the plan period it should be encouraged.

### **Issue 10 - Flooding and flood alleviation (see Policy DM7)**

New Planning Practice Guidance states that local authorities and developers should seek flood risk management opportunities to reduce the overall level of flood risk in the area and beyond. Careful consideration should also be given throughout the lifetime of the mineral extraction to ensure that flood risk is not increased elsewhere. This can be achieved, for instance, through the layout and form of development, including green infrastructure and appropriate application of sustainable drainage systems through safeguarding land for flood risk management.

New mineral developments can help reduce the impact of flooding in some areas where there may be opportunities to restore quarries as flood attenuation and storage areas. This may be in association with other objectives of this plan such as encouraging biodiversity, informal recreation and contributing to the green infrastructure of the county as a whole.

### **Issue 11 - Onshore Oil and Gas, Shale Gas/Oil and Fracking (see Policy MCS9)**

The Department for Communities and Local Government has recently issued planning practice guidance for onshore oil and gas and this includes unconventional hydrocarbons, hydraulic fracturing and coal bed methane. The guidance states that it is likely that Warwickshire County Council would be responsible for assessing planning applications in Warwickshire where planning permission is required. This is a highly contentious national issue and the current situation in Warwickshire is that no proposals have come forward to date. The most recent information that the County Council has received from the British Geological Survey is that, of the main potentially prospective shale gas rocks, none are present in Warwickshire in thicknesses or depths that would be expected to be commercially viable.

However, while shale gas development in Warwickshire may be unlikely in the short term, this is a new technology and the plan must address any potential developments in that industry. Therefore this plan contains Policy MCS 9 to enable any such proposals to be assessed.

### **Issue 12 - Underground Coal Gasification (see Policy MCS10)**

Underground Coal Gasification (UCG) is a separate process to fracking and involves the controlled combustion of coal seams underground and using the resulting gas to produce energy. The Coal Authority is responsible for issuing licences granting the right to access the coal, but no UCG operations can take place until the applicant has secured all other necessary rights and permissions. This would include securing the necessary permission from Warwickshire County Council as the Mineral Planning Authority. A conditional licence application was made to the Coal Authority in May 2013 by Cluff Natural Resources Plc. No decision was made by the Coal Authority and the County Council was told that Cluff would let its applications lapse as it wished to focus on offshore areas where there were larger reserves.

Policy MCS 10 ensures that UCG proposals, if they come forward, can be adequately assessed.

**Issue 13 - Coal (see Policy MCS8)**

Whilst the NPPF gives a general presumption against the extraction of coal there are large coal reserves in the County. There appear to be no plans to reopen Daw Mill Colliery by UK Coal, which closed in 2013 following a major underground fire. Neither does there appear to be any plan to sink another pit head or even return to surface coal extraction in the County. As there are large coal reserves deep underground and on the surface in the north of the County and in the Warwickshire coalfield and there is likely to be a shortage of energy nationally in the short to medium term, there is always going to be the possibility that coal may be considered economically viable to extract in the future (see Fig 1.8). Therefore, Policy MCS 8 provides guidance for the consideration of any such proposal.

## **6 Vision and Objectives**

### **Spatial Vision and Objectives of the Minerals Plan**

The Spatial Vision provides an image of what the County may look like at the end of the plan period (2032). The Vision is as follows:

By the end of the plan period in 2032 Warwickshire will have provided a range of minerals and construction materials to support sustainable economic growth and improve the quality of life in the County. While minerals can only be worked where they are found, minerals sites will have been located as close as possible to the main settlements of Stratford, Warwick, Kenilworth, Leamington, Rugby, Nuneaton, Bedworth and Atherstone to support sustainable development. Minerals will have been safeguarded from non-mineral development and opportunities for prior extraction will have been sought wherever possible.

New quarries will have been located where they are environmentally acceptable or where any adverse impacts will have been mitigated to an acceptable level through good design and the imposition and monitoring of planning conditions and obligations. Mineral sites will have delivered a range of local and strategic restoration benefits.

Recycled and Secondary Aggregates will continue to make a major contribution to the supply of materials to the construction industry in the County and as technology develops will continue to provide a substitute for primary aggregates in new construction projects.

### **Objectives of the Warwickshire Minerals Plan**

The Government's objectives of contributing to the achievement of sustainable development (as defined in Section 39 of the Planning and Compulsory Purchase Act 2004) provide the framework for this plan's objectives.

The following section identifies the key objectives that guide this plan. These objectives have been derived from the National Planning Policy Framework, from knowledge based on minerals planning in the local area and from previous responses to consultation during the preparation of this plan.

The objectives identified to help achieve the Spatial Vision are as follows:

- I. To secure a steady and adequate supply of aggregates and other minerals required to support sustainable economic growth at the national, sub-regional and local level.
- II. To help deliver sustainable mineral development by promoting the prudent use and safeguarding of Warwickshire's mineral resources and help prevent sterilisation of land from non-mineral development.
- III. To promote the use of recycled and/or secondary materials and promote waste minimisation to reduce the overall demand for primary mineral extraction for construction aggregates.
- IV. To protect, conserve and enhance the natural (including controlled water defined in the Water Resources Act 1991) and historic environment and avoid, reduce or mitigate potential adverse effects associated with mineral developments.

- V. To have full regard for the concerns and interests of local communities and protect them from unacceptable adverse impacts including human health from mineral developments.
- VI. To minimise the impact of the movement of bulk materials by road on local communities and where possible encourage the use of alternative modes of transport.
- VII. To ensure mineral sites are restored to a high standard once extraction has ceased, ensure that each site is restored to the most beneficial use(s) and provides restoration benefits including green infrastructure and biodiversity.
- VIII. To promote the use of locally extracted materials to encourage local distinctiveness and reduce transportation distances.
- IX. To reduce the effect of mineral development on the causes of climate change and facilitate adaptation to the effects of climate change.
- X. To ensure the best and most versatile agricultural land is protected or restored to a condition and quality that retains its longer term capability as a high quality resource.

## 7 Spatial Strategy and Preferred Site Options

### Spatial Strategy for Minerals

In the case of all minerals, including sand and gravel, any spatial strategy is constrained by the fact that minerals can only be worked where they naturally occur and some resources are already sterilised by other development.

### Sand and Gravel

1. Sand and gravel are relatively low value/high bulk minerals that are not typically transported far except by rail or canal/river/sea. They need to be widely available to the local building and construction industries. The distribution of sand and gravel supply therefore needs to reflect the existing and planned pattern and rate of development as far as possible given the geological constraints.
2. Warwickshire lies to the south and east of the West Midlands conurbation and has established strong sub-regional links with the adjoining authorities of Coventry and Solihull and wider linkages with different parts of the West Midlands. The majority of the people live in the north and central areas of the County.
3. The main focus for development is in and around the main settlements of Nuneaton, Rugby, Leamington Spa, Bedworth, Warwick, Stratford upon Avon and Kenilworth and to a lesser extent to small settlements and rural areas as well. The Plan area also exports sand and gravel to the adjoining urban areas of Coventry, Solihull and Birmingham.
4. Sand and gravel resources in the County 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.
5. The superficial deposits in Warwickshire mainly comprise river sands and gravels and 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 been worked out in recent years apart from an area around Lea Marston.
6. The other major group of resources in Warwickshire are glaciofluvial sands and gravels and they are less predictable in geographical extent 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.



7. While the geographical and geological distribution of sand and gravel resources will largely shape the spatial approach other factors have also had an important bearing in choosing the final spatial strategy such as:
  - Maintaining the spatial distribution of sites across the county;
  - Maintaining annual production rates through a suite of sites until 2032;
  - The need to be close to existing and planned development and growth to maintain local deliveries;
  - Within a locality where working has taken place or planned in the past; and
  - Focusing on larger sites where possible to minimise the spread of impacts across a large number of local communities.
  
8. The chosen spatial strategy has been subject to a sustainability appraisal details of which can be found in the accompanying 2018 Sustainability Report and is shown in the Plan on Figure 1.9.

## **Other Minerals**

In terms of other minerals (brick clays, crushed rock, cement materials and building stone) the existing sites and facilities (shown on Figure 1.6) reflect the limited outcrop of the specific mineral resources and uses and therefore will continue to be the spatial approach during the plan period. There are no plans to allocate sites for these or any other minerals including coal and therefore, any planning applications for new mineral sites and/or facilities or extensions to sites will be assessed through the policies in this plan. Any known mineral resources will be safeguarded from non-mineral development in accordance with the policies in the plan.

## **Site Selection and Preferred Site Options for Sand and Gravel.**

### **Site Selection Process**

At the Preferred Option and Policies stage the plan requirements were 11.33 million tonnes to be delivered by 2032 for which 9 allocations were made. The plan requirements changed as a result of declining sales and also the grant of planning permission for new reserves and one of the landowners withdrew a potential allocation. Therefore, at the first Publication Consultation stage on the plan 8 allocations were required to deliver 8.022 million tonnes. Following a further decline in sales, this plan requires only 6.525 million tonnes which can be delivered through 6 allocations.

The site selection process used in identifying potential site allocations is described in detail in the Site Identification and Assessment Methodology for Allocating Sand and Gravel Sites 2018 (SIAM 2018). This process has gone through a number of iterations and refinements during the plan preparation as the requirements have changed, new information and evidence has become available and the consultations carried on the emerging plan. The results of the assessment process are reported in SIAM 2018 and the performance of the possible preferred sites in the SA Report 2018.

In summary at the Preferred Option and Policies stage there were 30 sites nominated for allocation in the plan. They were all processed and assessed through a four step process even though for some nominations there was insufficient information and viable resources could not be confirmed.

The four steps were:

- Step 1 Site Nominations
- Step 2 Initial Assessments and Appraisal of Sites
- Step 3 Detailed Site Assessments
- Step 4 Selection of Preferred Sites

The Council felt it would be prudent to take all the sites through the process to help speed up the process, provide certainty for all interested parties and to minimise costs and abortive work.

Through this process 21 sites were rejected and 9 sites selected. Two further sites were nominated at the consultation on the Preferred Option and Policies stage and they were taken through the same process.

At the Publication Consultation stage the assessment process was re-run and 24 sites were rejected and 8 sites selected. This plan has seen a further assessment process run which has led to 26 sites being rejected and 6 sites selected.

For this plan the assessment process up to Step 3 (the detailed assessment stage) has identified the following sites as being potential allocations:

- Site 1 Bourton
- Site 2 Lawford Heath
- Sites 3/32 Shawell Quarry
- Site 4 Wasperton
- Site 6 Coney Grey Farm
- Site 9 Lea Marston
- Site 22 Brinklow Quarry (south)
- Site 23 Barnwell's Barn Farm, Lawford Heath.

The Council then considered these sites at the Step 4 stage in terms of their spatial strategy alignment and final deliverability checklist of application of constraints on viability, production during the plan period and site availability. None of the sites failed the spatial strategy alignment test but the following sites did not pass the final deliverability checklist test and therefore were not selected:

- Site 22 Brinklow Quarry (south) – production could not be provided during the plan period
- Site 23 Barnwell's Barn Farm ( south) – the application of constraints made this part of the site unviable
- Site 23 Barnwell's Barn Farm (north) – the site was no longer available as it was required to deliver a new housing and employment allocation in the Rugby local plan.

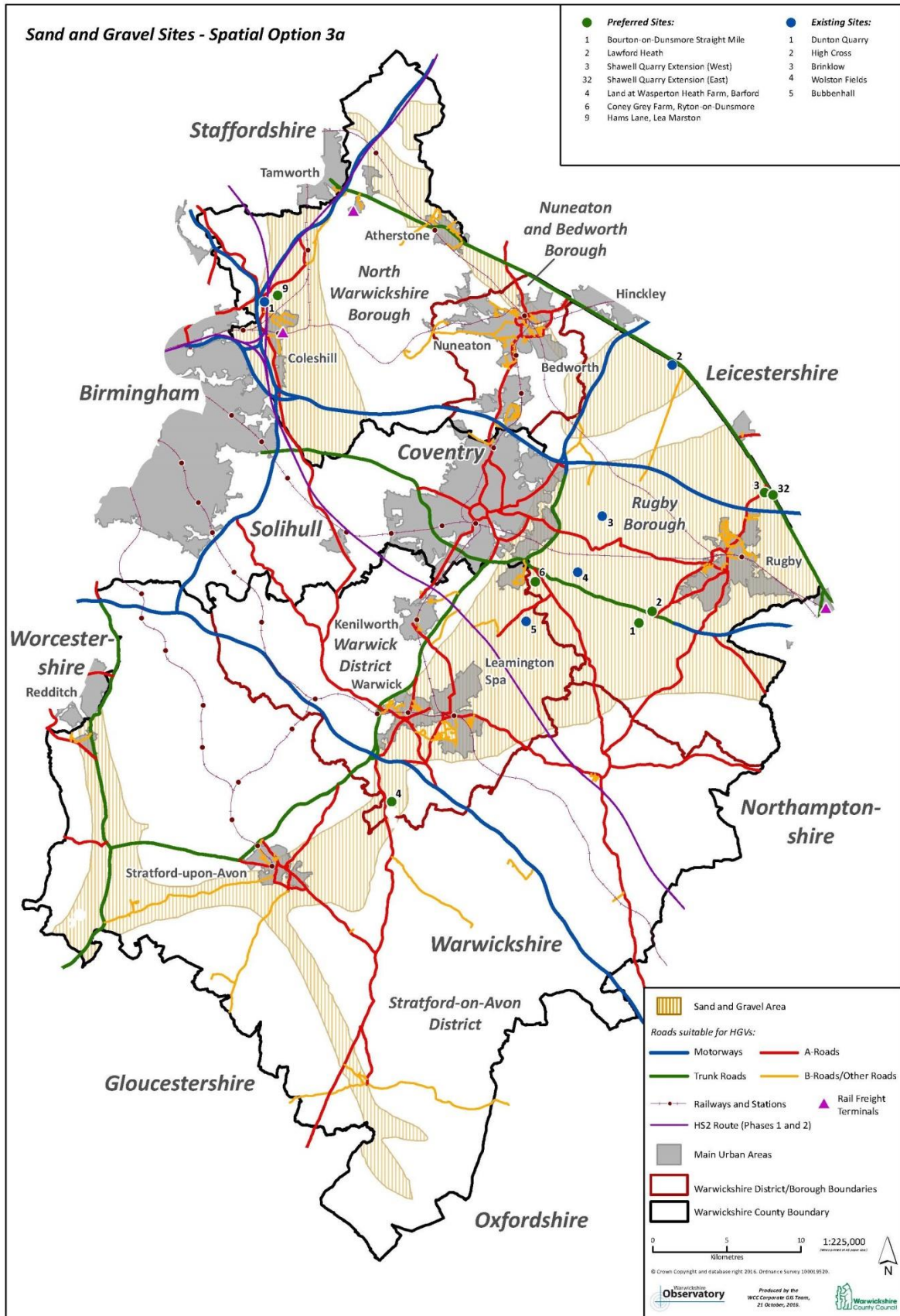


Figure 1.9 Sand and Gravel Sites – Spatial Option 3a

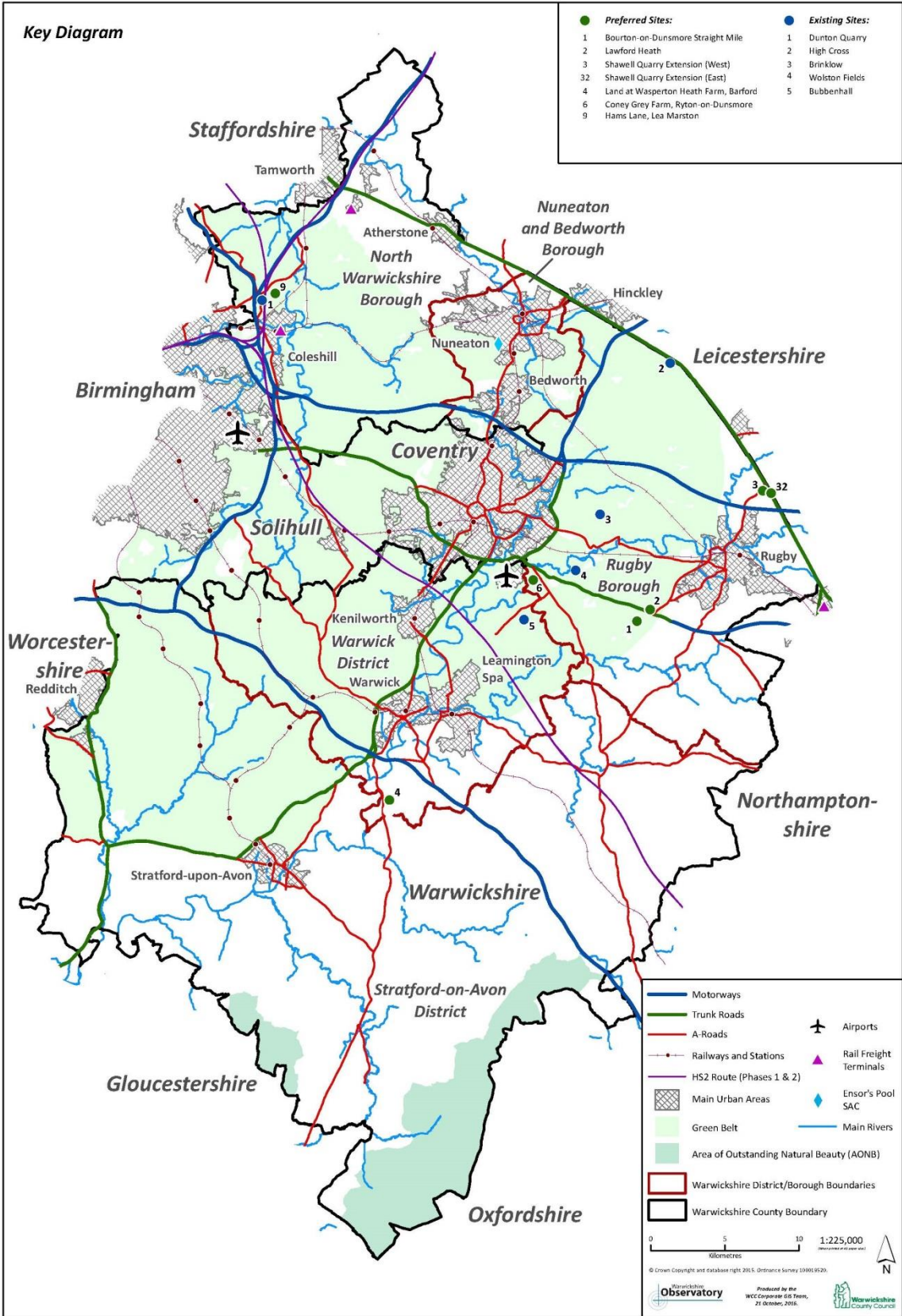


Figure 1.10 Key Diagram

## Mineral Sites to be Allocated and Preferred Site Options

The plan requirements (objectively assessed needs) derived from the Local Aggregates Assessment (LAA) 2017 are that 6.525 million tonnes of sand and gravel is required to maintain the predicted rate of annual production throughout the plan period 2017 – 2032. The Council have chosen to meet the specified needs in full and not to rely upon imports from adjoining areas.

In order to provide sufficient resources to maintain the predicted rate of annual production of sand and gravel throughout the plan period to 2032, the Council needs to allocate a number of mineral sites both large and small. In the plan sites have been categorised as follows:

- Small - 0.3 – 0.5 million tonnes
- Medium - 0.5 – 1 million tonnes
- Large - 1 - 2 million tonnes
- Very large - 2 million tonnes +

This categorisation reflects mineral working in the County which has been and continues to be characterised by a limited range of sites producing up to 250,000 + tonnes per annum.

Thirty two sites were assessed and a key feature of the sites submitted for consideration has been the variety of promoters and potential developers and the ways of developing sites. Of the 32 sites submitted 6 have been selected for allocation and they are shown on Figure 1.10.

The allocation of a site does not mean that planning permission will be automatically granted for all the land defined on the individual site plans or that all of the estimated tonnages will be delivered. Preparation of planning applications may see tonnages increase or decrease because of better information derived from such things as detailed drilling, planning requirements having to be met or compliance with policies in the development plan.

Details of the six allocations are set out in Policy SO below and subsequent specific site allocation policies.

The tonnages shown in the policy reflect the information provided by the promoter including their views on possible annual production. Where a range in production has been suggested the Council have selected the lowest figure for the purposes of selection and allocation to ensure deliverability. Annual production could rise or fall depending upon the market conditions existing during the life of the plan.

### Policy SO - Overarching Policy - Mineral Sites to be Allocated

To meet the demand for sand and gravel in the County during and up to the end of the plan period (2032) of 6.525 million tonnes the following sites are allocated for mineral development, as identified on the Key Diagram Figure 1.10 and individual site plans Figures 1.11 – 1.16.

Table 7.1 Mineral Sites to be Allocated

Reference	Site	Tonnage (mt)
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Site 1	Bourton on Dunsmore	1.15
Site 2	Lawford Heath	2.0
Site 3/32	Shawell Quarry	1.1
Site 4	Wasperton	1.8
Site 6	Coney Grey Farm, Ryton	0.4
Site 9	Hams Lane, Lea Marston	1.06
Total		7.51

### **Site Allocation Policies**

The following Policies S1, S2, S3, S4, S6, and S9 set out requirements for the acceptable development of each of the allocated sites and they have been allocated because it is considered likely that those requirements can be met. However, these requirements concern matters which are apparent at the time of plan preparation and nothing should be taken as precluding the possibility that, other planning objections will need to be addressed in order for the development of allocated sites to be made acceptable.

The allocated sites will be delivered through the granting of specific planning permission(s). The preparation of planning applications to work and restore the sites will be informed by the site allocation policies and the normal development management processes and procedures. Developers are encouraged to discuss their proposals informally with the Council before submitting a planning application. The Council offers a pre-application advice service which will help developers in the preparation of their proposals and subsequent planning application documentation. An Environmental Impact Assessment may need to be submitted and important issues will need to be addressed in the planning application.

A number of issues are common to all forms of mineral development such as for example ecology and landscape. Where site specific issues have been raised during consultation on the plan and need to be addressed at the local plan stage then these have been set out in the reasoned justification for the site allocation policy. Such matters however will be considered again at the planning application stage when more detailed proposals are available.

### **Site 1 Bourton on Dunsmore (serving Rugby and Coventry development needs)**

#### **Background to Allocation**

This is a new site consisting of 29 hectares which is much smaller than the submitted site (110 hectares) amended by the landowners at the draft plan stage and reflects the Council's view of what can be realistically delivered in the plan period.



## Site Description

The site is relatively flat comprising two parcels of land to the south of the A45 lying either side of the Straight Mile (B4453). It is currently in agricultural use comprising medium to large hedged fields. To the north of the site lies agricultural land with properties fronting onto the A 45 (west bound) beyond and to south of the site lies agricultural land with the villages of Bourton-on-Dunsmore (over 500m) and Draycote (1km) beyond. To the west lie agricultural land and an industrial estate beyond. To the east and north east of the southern parcel lie Bernhard's Landscapes Ltd and Rugby Wyevale Garden Centre with the A45/A4071/B4453 junction beyond housing a Travelodge, McDonald's and a service station.

## Site Development and Indicative Working Proposals

The site has the potential to release 1.15 million tonnes of sand and gravel during the plan period to serve the markets of Rugby and Coventry. It would partly replace mineral extraction which has ceased at nearby Ling Hall Quarry, even though the processing of imported minerals continues at Ling Hall

It could be developed in phases and by working the land north of the Straight Mile first. This would allow important hedgerows and hedgerow trees to be protected and advance planting to take place and be established to reduce any impacts from mineral working. The southern parcel could then be worked to minimise any potential impacts on the north side of Bourton on Dunsmore Village. The site could be restored to agriculture using imported inert fill and nature conservation uses including some wetland and marsh habitat to enhance biodiversity. Opportunities to create habitat linkages with existing green infrastructure corridors should be pursued and the restoration design should provide for possible flood alleviation measures.

The Straight Mile is likely to be able to accommodate an increase in HGV use. Improvements may be required to the junction of A4071 and B4453 however this will be addressed at the planning application stage through a Transport Assessment.

Later development of the site (years 2022- 2032) would provide increased production capacity in the county at an estimated rate of 150,000 tonnes per annum and help to minimize the potential cumulative effects of working both Sites 1 and 2 and the restoration and continued operation of Ling Hall Quarry which lies to the north of the A45 at Lawford Heath.

## Key Issues

Key Issues affecting the site are set out below. They are based on an assessment of the site at the time this plan was written and therefore if circumstances change or new information becomes available prior to the site coming forward through a planning application, any new issues will also need to be taken into account.

- Biodiversity

Draycote Meadows SSSI lies 500 metres to the south east of the site. Extraction of sand and gravel is unlikely to cause harm to the SSSI, but provision of suitable measures to protect and where possible

enhance the special features of Draycote Meadows will be required. Any hydrological and water quality issues associated with the SSSI will need to be addressed at the planning application stage. A protected species survey of the site will be required.

- Flood Risk and Water Resources

The site lies within flood risk zone 1 (low risk of flooding) and therefore is unlikely to exacerbate any potential local flooding. However, a Flood Risk Assessment will be required at the planning application stage which will need to demonstrate that throughout the working and restoration of the site mineral working will not cause an increase in flood risk both within and beyond the new site boundary.

The site falls within the River Leam catchment and the River Leam is used for drinking water supply. Safeguards to alleviate any pollution risk to the River Leam will be required at the planning application stage. There are also water abstractions licensed in the vicinity of the site and there will be a need to demonstrate at the planning application stage that no derogation of water will occur as a result of the proposed development.

- Green Belt

The site is located inside the Green Belt. At the planning application stage there will be a need to demonstrate that any processing plant erected will not impact on the openness of the Green Belt.

- Amenity

Both Bernhard's Landscapes Ltd and Rugby Wyevale Garden Centre are separated by existing vegetation, roads and buildings/structures from the site. However, the nature, extent, operation and monitoring of dust suppression measures will need to be addressed at the planning application stage to minimise any potential adverse impacts on these businesses. An Environmental Management Plan will be required at the planning application stage.

- Landscape

The site falls within the Dunsmore Plateau Farmlands landscape character type, which in this area, is characterised by a broad flat summit which falls away steeply along its northern and southern margins. The site is relatively flat, forming part of the summit, and is intensively farmed. However, it still retains its historic geometric pattern of medium to large scale hedged fields. Hedgerows, including roadside hedgerows, are becoming increasingly gappy. Road visual impact should be minimal providing the existing hedgerow network and screen planting is gapped up and retained throughout the working phases. Safeguarding existing hedgerows and mature hedgerow trees coupled with advanced planting and the phased working and restoration of the site should minimise any potential adverse landscape and visual impacts.

#### **Site Allocation Policy: Policy S1 - Allocation at Site 1 Bourton on Dunsmore**

Land at Bourton on Dunsmore shown on Figure 1.11 is allocated for sand and gravel working subject to the following requirements:

- suitable access onto Straight Mile (B4453) for minerals and inert fill;



- improvements may be required to the junction of A4071 and B4453;
- all HGVs to travel via A45 and northern end of B4453 ;
- tunnel/ conveyor under Straight Mile;
- phased working and progressive restoration to agriculture and nature conservation uses;
- advance tree and hedgerow planting;
- preparation of an Environmental Management Plan for the site;
- all soils to be stored on site for future use in the restoration of the site;
- mobile plant to be located so as to reduce impact on the openness of the Green Belt;
- the provision of suitable measures to protect and where appropriate enhance the special features of Draycote Meadows SSSI;
- no derogation of water abstractions in the vicinity of the site;
- Provision of safeguards to alleviate any pollution risk to the River Leam.

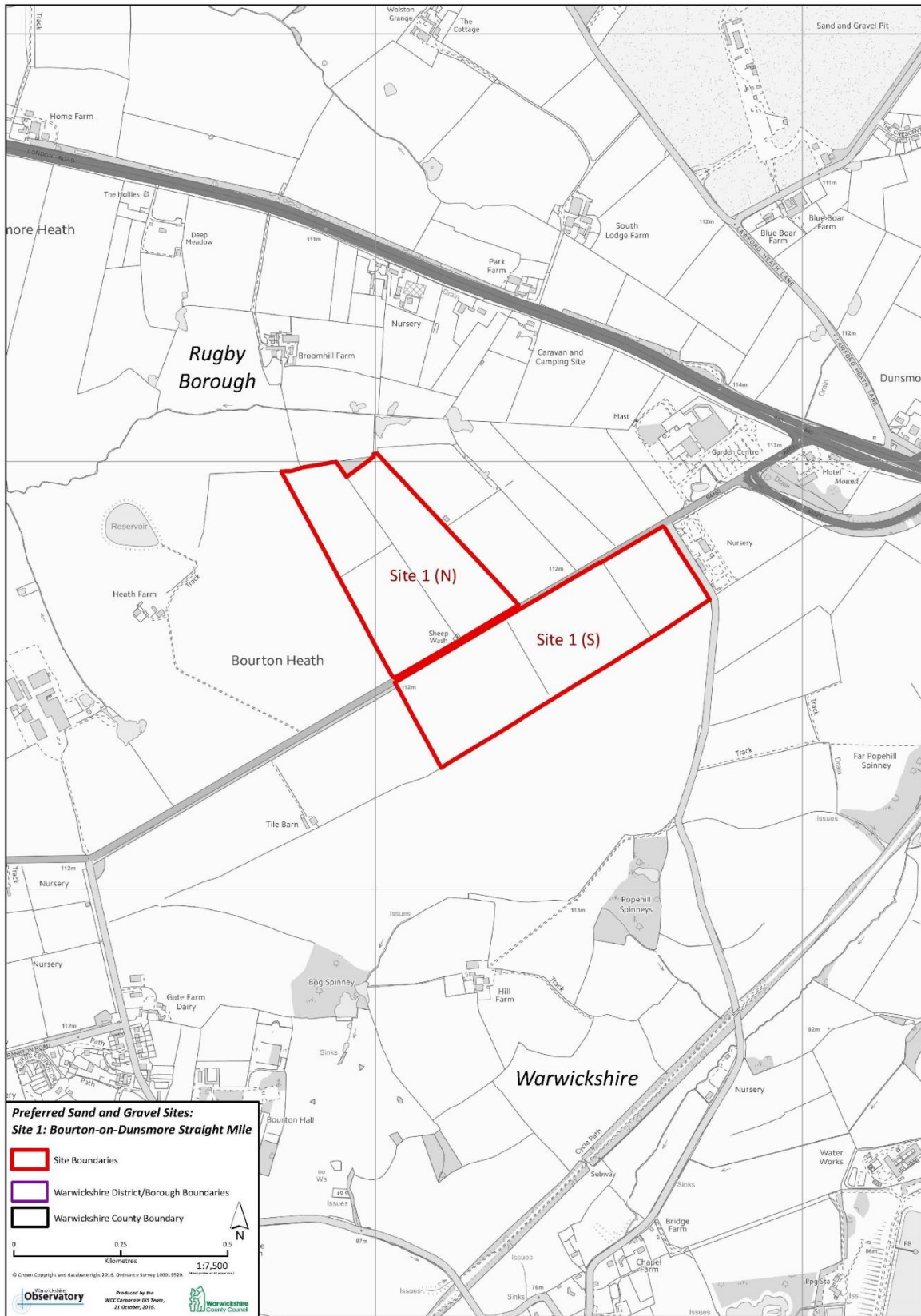


Figure 1.11 Site 1 Bourton on Dunsmore

**Site 2 - Lawford Heath (serving Rugby and Coventry development needs)**

### Background to Allocation

This is a new site of 61.7 hectares comprising two parcels of land lying either side of Lawford Heath Lane, north of the A45 at Lawford Heath. The promoter has reduced the size of the site from 113 hectares (2.47 million tonnes) to reduce the risk of working close to potentially sensitive receptors such as at Wolston Grange Care Home, The Crescent and The Ryelands.

### Site Description

The two parcels of land which comprise the site are currently in agricultural use comprising medium to large hedged fields. According to the approved Minerals Local Plan 1995 (page 8, paragraph 4.5 b) Buffer Zones) a settlement is defined as a cohesive group of 10 or more dwellings) nearby and it has good access to Coalpit Lane and the local highway network.

There are a number of properties bordering the western boundary of the western parcel of land including Park Farm, South Lodge Farm, Wolston Grange Care Home, North Lodge Farm, The Cottage, Wolston Grange Cottage, North Lodge and a cattery. The eastern parcel is bordered by Blue Boar Farms buildings to the north and south-west. To the north of the site lies agricultural land and restored areas of the Ling Hall Quarry complex, to the east lies Ling Hall Quarry and agricultural land, to the south A45 (east bound) and the junction of the A45/A4071/B4453 and to the west agricultural land with the A45 beyond.

### Site Development and Indicative Working Proposals

The promoter has submitted plans showing 3 resource blocks which could be worked covering an area of 42 ha. These resource blocks have the potential to release 2.0 million tonnes of sand and gravel during the plan period to serve the markets of Rugby and Coventry. It would partly replace mineral extraction which has ceased at nearby Ling Hall Quarry even though the processing of imported minerals continues at the quarry.

If the site is worked as a standalone site, then access to Coalpit Lane will require the road to be improved. However this will be addressed at the planning application stage through a Transport Assessment.

The site could be developed in phases, which would allow important hedgerows and hedgerow trees to be protected, to reduce any impacts from mineral working. The majority of the site would be restored to agriculture using imported inert fill and by slightly lowering the level of the land leaving the opportunity to provide some nature conservation interest (small water bodies). Opportunities to create habitat linkages with existing green infrastructure corridors should be pursued as part of the restoration of the site. Public Right Of Way R164 within the site would have to be temporarily diverted during the development of the site.

Early development of the site would provide increased production capacity in the County at an estimated rate of 200,000 tonnes per annum potentially avoiding any cumulative impacts such as, on the local highway network from the future operation of Site 1. The opportunity to work the site back to the existing Ling Hall processing plant should be explored although it is acknowledged that it may be possible to locate a small mobile processing plant on the resource blocks to the south of Lawford Heath Lane.

## Key Issues

Key Issues affecting the site are set out below. They are based on an assessment of the site at the time this plan was written and therefore if circumstances change or new information becomes available prior to the site coming forward through a planning application, any new issues will also need to be taken into account.

- Biodiversity

Draycote Meadows SSSI lies 1km to the south east of the site. Extraction of sand and gravel is unlikely to cause harm to the SSSI, but provision of suitable measures to protect and where possible, enhance the special features of Draycote Meadows will be required. Any hydrological and water quality issues associated with the SSSI will need to be addressed at the planning application stage. A protected species survey of the site will be required. One of the tributaries of the River Avon Local Wildlife Site lies to the west of the site and terminates at a pond lying on the western boundary of the western parcel. The pond will not be worked as part of these proposals.

- Water Resources

There are water abstractions licensed in the vicinity of the site and there will be a need to demonstrate at the planning application stage that no derogation of water will occur as a result of the proposed development.

- Green Belt

The site is located inside the Green Belt. At the planning application stage there will be a need to demonstrate that any processing plant erected will not impact on the openness of the Green Belt.

- Amenity

There are a number of properties bordering the western boundary of the western parcel of land including Park Farm, South Lodge Farm, Wolston Grange Care Home, North Lodge Farm, The Cottage, Wolston Grange Cottage, North Lodge and a cattery. The eastern parcel is bordered by Blue Boar Farms buildings to the north and south-west. The provision of a buffer zone of a minimum of 100 metres from these properties would minimise any potential adverse impacts from such things as noise and dust. The suitability of this buffer zone will be reviewed at the planning application stage. In addition, an Environmental Management Plan will be required at the planning application stage.

- Landscape

The site falls within the Dunsmore Plateau Farmlands landscape character type which in this area is characterised by a broad flat summit which falls away steeply along its northern and southern margins. The site is relatively flat, forming part of the summit, and is intensively farmed. However, it still retains its historic geometric pattern of medium to large scale hedged fields. Hedgerows, including roadside hedgerows, are becoming increasingly gappy. Road visual impact should be minimal providing the existing hedgerow network and screen planting is gapped up and retained throughout the working phases. Safeguarding existing woodland blocks, hedgerows and mature hedgerow trees coupled with advanced planting and the phased working and restoration of the site should minimise any potential adverse landscape and visual impacts.

- Listed Building

Park Farmhouse on the A45 which is a Grade II listed building lies adjacent to the southern boundary of the western parcel. There is likely to be no harm to the significance of the setting of this designated heritage asset because of the proposed 100m stand-off, strong existing vegetation around the curtilage of the building restricting views, the lack of public access, the building's orientation of north to south, its location on the A45, working will only take place to the east of the building, the building is separated from the site by an existing farm access to South Lodge Farm, working in this location would be temporary and the site would be restored to its existing agricultural use.

### **Policy S2 - Allocation at Site 2 Lawford Heath**

Land at Lawford Heath shown on Figure 1.12 is allocated for sand and gravel working subject to the following requirements:

- if worked as a standalone site then any access required on Coalpit Lane will require improvements to the Lane including road widening and resurfacing;
- all HGVs to travel via A45 and eastern end of Coalpit Lane;
- phased working and progressive restoration to agriculture and nature conservation uses and protection of ancient small leaved lime tree;
- a minimum stand-off of 100m from individual properties - Park Farm, Blue Boar Farms, South Lodge Farm, North Lodge Farm, Wolston Grange Care Home, The Cottage, Wolston Grange Cottage, North Lodge and the Grange Cattery;
- explore the opportunity to work the site back to Ling Hall Quarry plant site by overland conveyor;
- provision of suitable measures to protect and where appropriate enhance the special features of Draycote Meadows SSSI and protect a tributary of River Avon LWS and its pond in the western parcel;
- an archaeological evaluation of the site including the Scheduled Ancient Monument lying to the east of Coalpit Lane;
- the need to maintain the setting and structural integrity of the listed building at Park Farm;
- preparation of an Environmental Management Plan for the site;
- all soils to be stored for future use in the restoration of the site;
- if worked as a standalone site small mobile plant to be located so as to reduce impact on the openness of the Green Belt;
- no derogation of water abstractions in the vicinity of the site.

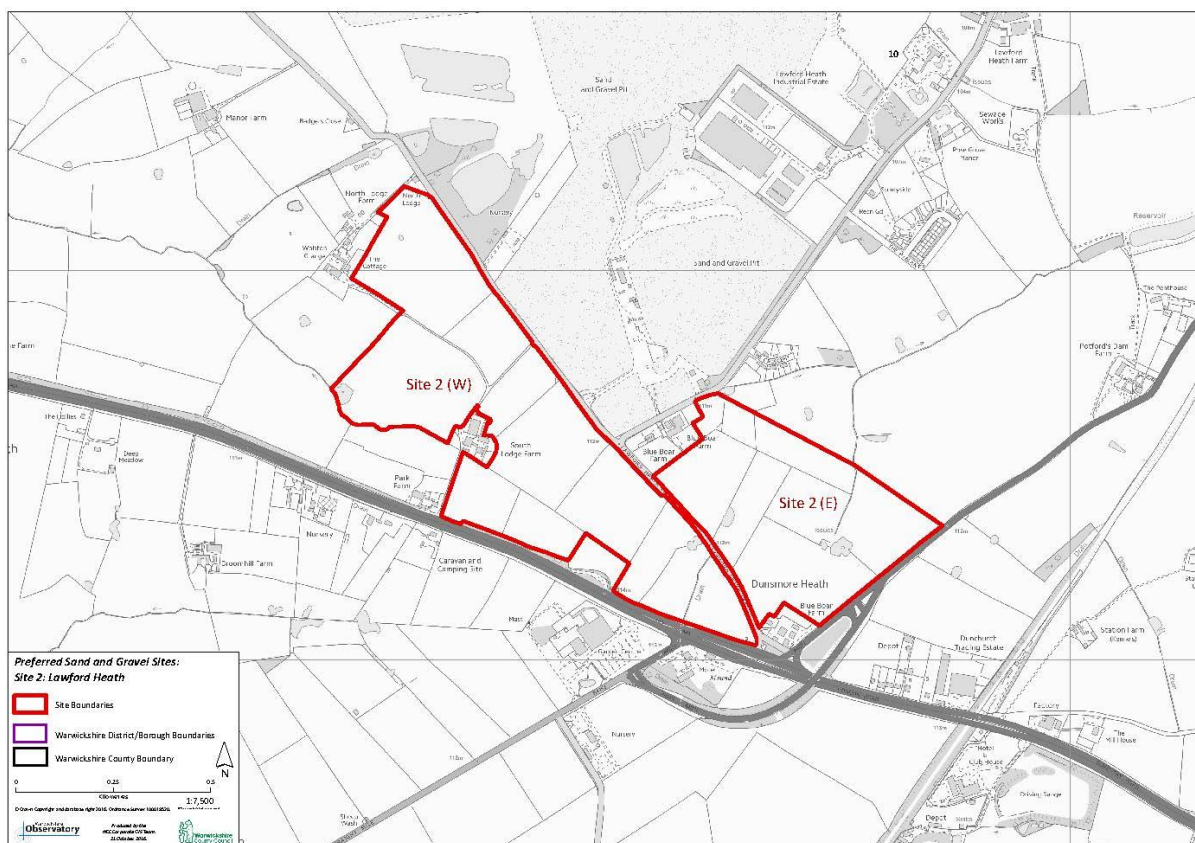


Figure 1.12 Site 2 Lawford Heath

### **Site 3/32 - Shawell Quarry (serving Rugby and Nuneaton development needs)**

#### **Background to Allocation**

Site 32 which is a small strip of land within Warwickshire to the east of the A5 forms part of a draft allocation in the Leicestershire County Council Minerals Local Plan and was added to Site 3 at the first publication stage as a further extension to Shawell Quarry.

#### **Site Description**

There are two sites; one is a 33 hectare extension (Site 3) to the existing Shawell Quarry (in Leicestershire) to the west of the A5 and south of the A426 at the junction of the A5/A426 and the other a small strip of land east of the A5 (Site 32).

The site west of the A5 is currently in agricultural use comprising medium to large hedged fields in a very open landscape. The strip of land to the east of the A5 is also in agricultural use comprising a large field well screened from the A5. Site 3 is bounded by the A426 to the North West with agricultural fields beyond. To the north at the junction of the A426/A5 and on its south western and eastern approaches there are a small number of properties and businesses. To the north east beyond the A426/A5 junction lies agricultural fields and Shawell Quarry. To the east beyond the A5 is agricultural fields and the Shawell Quarry complex and to the south the site is bounded by woodland and agriculture with Coton House and grounds beyond. Site 32 is bounded to the west by A5, to the

south by Shawell Quarry, to the east by agriculture and the quarry complex and to the north by agriculture. The nearest settlement is Churchover located approximately 1.6km to the west of the site. The quarry has good access to the local highway network and in close proximity to the junction of the M6 and the M1 motorways.

#### Site Development and Indicative Working Proposals

Both sites would be worked back to the existing processing plant at Shawell Quarry using an overland conveyor. Both sites could be developed in phases which would allow important hedgerows to be protected to reduce any impacts from mineral working. Advance planting at the junction of the A5/A426 would help minimise any impacts on the properties on the north side of the A426 from the working of Site 3 west of the A5. Both sites would be restored to agriculture without infilling by lowering the level of the land. However, there may be opportunities to provide ecological enhancements to the restoration of the sites. PROW R64x within Site 3 would have to be temporarily diverted during the development of the site.

The two sites have the potential to release 1.1 (revised figure based on further information) million tonnes of sand and gravel during the plan period to serve the markets of Rugby and Nuneaton. The early development of the sites (years 2017-2021) would provide increased production capacity in the County at an estimated rate of 300,000 tonnes per annum.

#### Key Issues

Key Issues affecting the site are set out below. They are based on an assessment of the site at the time this plan was written and therefore if circumstances change or new information becomes available prior to the site coming forward through a planning application, any new issues will also need to be taken into account.

- Landscape

The sites fall within the High Cross Plateau landscape character type which is characterised by a large scale, rolling landscape with wide views. The sites themselves are relatively flat and intensively farmed. Road visual impact should be minimal providing the existing hedgerow network and screen planting is retained. Advanced hedgerow planting, allowing hedgerows to grow taller and providing a small block of woodland planting immediately south of the roundabout to screen the properties north of Site 3 and the phased working and restoration of the sites should minimise any potential adverse landscape and visual impacts.

#### **Policy S3 - Allocation at Sites 3/32 Shawell Quarry**

Land at Shawell Quarry comprising two sites shown on Figure 1.13 is allocated for sand and gravel working subject to the following requirements:

- both sites being worked back by overland conveyor to Shawell Quarry;
- phased working and progressive restoration to agriculture on both sites;
- a minimum stand-off of 100m from individual properties on north side of A426 at the junction of A5/A426 for Site 3;
- advance tree planting at the junction of A5/A426 for Site 3;

- 30m stand off from Coton Spinney and Newton Spinney for Site 3;
- the provision of suitable measures to protect and where appropriate enhance the special features of interest of Cave's Inn Pits SSSI (Both sites);
- the provision of suitable measures to protect the watercourse running along the southern boundary of Site 3;
- provision for the retention of Bridleway X27 (as currently diverted) and X28, and Footpaths X18 and X30 (Site 32);
- appropriate management of non-designated heritage assets (Site 32);
- retained hedgerows should incorporate an element of traditional hedgerow management, where not already being so managed (Site 32);
- retention of the woodland belt between the current extraction area and Rugby Road (A426) (Site 32);
- restoration proposals which reflect the objectives of the Lutterworth Lowlands local landscape and Leicestershire Vales national landscape character areas, and provide the best balance of enhancing biodiversity and preserve the best and most versatile soil resources (Site 32);
- restoration to include woodland to link existing woodland areas between Gibbet Lane and the A5 (Site 32):
- restoration to include provision of improved public access, particularly between Gibbet Lane and the A5 (Site 32);
- restoration to be achieved without the importation of inert waste for both sites;
- preparation of an Environmental Management Plan for both sites;
- assessment of potential for and impact upon significant archaeological remains, including evidence associated with the Tripontium (Caves Inn) Roman settlement for both sites.



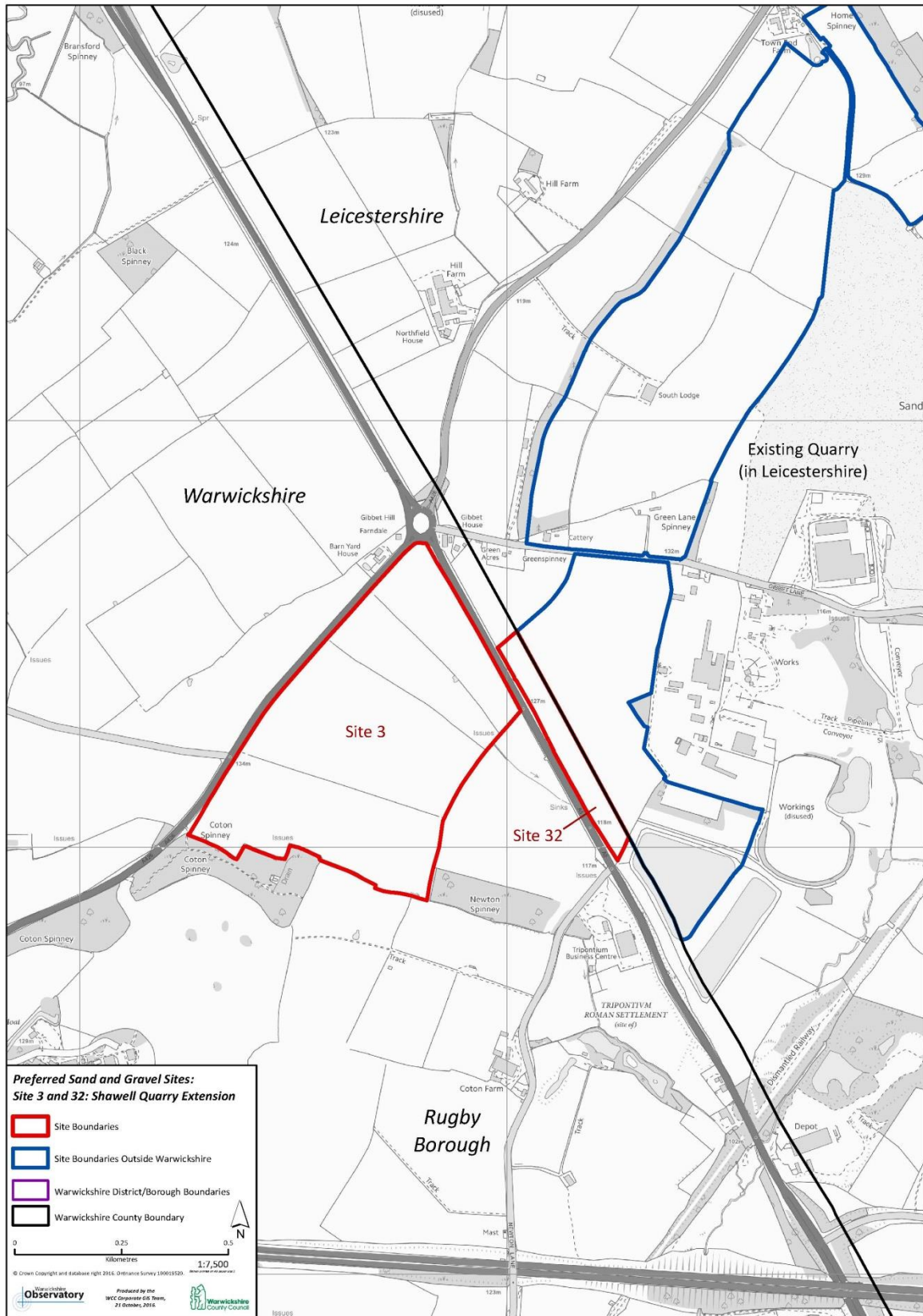


Figure 1.13 Site 3/32 Shawell Quarry

## **Site 4 - Wasperton (serving Warwick, Leamington and Stratford upon Avon development needs)**

### **Background to Allocation**

This site was promoted through the Revised Spatial Options in 2009 and the Preferred Option and Policies in 2015.

The boundary of the 2015 site has been amended by the promoter at the draft plan stage to take working further away from Barford Village. Working would take place to the east of Wasperton and Holloway Farm some 350m from the edge of the village.

Pioneer Aggregates submitted a planning application (Ref: W825/871438) for the extraction and processing of sand and gravel on 90.5 ha of land at Wasperton Hill Farm, Wasperton near Barford on 11 December 1987. The planning application was refused by the County Council on 8<sup>th</sup> April 1988.

Pioneer appealed against the County Council's decision and the Secretary of State following receipt of a report of his inspector allowed the appeal subject to conditions on 13<sup>th</sup> November 1989. The tenant farmer applied to the High Court to have the decision quashed but the application was dismissed. The tenant then applied to the Court of Appeal and in a judgement dated 16<sup>th</sup> October 1992 the Court of Appeal allowed the appeal and quashed the decision on the basis that the decision was not within the powers of the Act and was not based on adequate reasoning. It did not say that mineral extraction could not take place at Wasperton at that time or even in the future. Following the Court of Appeal decision the Secretary of State re-determined the appeal and dismissed it in a letter dated 21<sup>st</sup> December 1993. The re-determined appeal (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.

### **Site Description**

The site lies 6 kms (4 miles) south of Warwick and about 350m south of the southern edge of Barford Village and covers an area of 85 hectares.

The A429, Warwick to Cirencester principal road, runs north to south along the site's western boundary. This road bypasses the western side of Barford to a large roundabout junction (Longbridge J15) with the M40 motorway. There are three existing agricultural accesses off the A429 to the site; two at the northern end to connect Wasperton Farm and Holloway Farm to the main highway and one at the southern end which provides access to Marlpit Cottages.

The site is an approximately level area of some 85ha of arable farmland part of Wasperton Hill Farm of which approximately 50% is best and most versatile. The land is laid out in several large fields and parts of fields, divided by hedgerows. There are some hedgerow trees and small plantations.

The land has a northern boundary to Wasperton Lane, a narrow country lane running eastwards from Wellesbourne Road the main road running through Barford Village to the B4087. The majority of Barford Village lies to the north of the lane along Wellesbourne Road and along Church Street/High Street road running to the north east.

There is a long western boundary to the site along the A429. On the other side of the A429 lies the small settlement of Wasperton the majority of which is a designated Conservation Area. The nearest house in Wasperton to the site is Wasperton House which is a listed building.

Land to the south of the site is flat and mainly open farmland. About 200m to the south of Site 4, the Threlford Brook runs westwards and south - westward towards Charlecote and the River Avon.

Immediately to the north – west of the site there is a roughly triangular area of level arable farmland, part of Wasperton Hill Farm, bounded by A429 and Wellesbourne Road to the west, the southern edge of Barford and Wasperton Lane to the north, and the site to the east and south.

A large part of Barford Village is a designated Conservation Area. The main exclusions being the business properties and Bremridge Close housing estate along and off Wellesbourne Road and the post war housing estates at the south east corner of the village; Sandy Way and Dugard Place

There are no buildings within the site.

To the north east of the site, farmland rises gently away from the site towards Hareway lane, a narrow country lane running eastwards from the A452 Banbury Road. To the east of the site, agricultural land rises gently away from the site.

One public right of way runs across the site. Bridleway W101A traverses the access track from the A429, past Marl Pit Cottages towards Heathcote Farm. Another right of way runs close to the site's southern boundary along the access track to Glebe Farm and Seven Elms. To the east of the site, Footpath 101 runs south-west from Wasperton lane, close to Wasperton Hill Farm to Heathcote Farm.

#### Site Development and Indicative Working Proposals

The site covers an area of 85 ha and is owned by The President and Scholars of St John Baptist College in the University of Oxford. According to the promoters mineral extraction would be limited to 70ha of the site.

The site has been drilled and an assessment has been provided of the likely tonnage to be released from working. The site has the potential to release 1.8 million tonnes of sand and gravel during the plan period to serve the markets of Warwick, Leamington and Stratford upon Avon. Annual production has been estimated at 200,000 tonnes per year giving the site a potential life of 9 years. The estimated mineral traffic movements would be 60 a day (30 in and 30 out).

Indicative locations in the middle of the site have been provided for access to the site from A429 and the plant site. Access to the two existing farms Wasperton Farm and Holloway Farm would be maintained during the life of the site.

The site could be developed in phases which would allow important hedgerows to be protected to reduce any impacts from mineral working. The increased stand offs provided by the promoter and advance planting would help minimise any impacts to properties on the south and west side of Barford village on Wasperton Lane and Wellesbourne Road respectively. It would be restored to agriculture using imported inert fill and by carefully managing all the soils on site especially from the

land which is not best and most versatile agricultural land. However, there will be opportunities to provide ecological improvements and enhancements to the restoration of the site creating a new and exciting landscape adjacent to Barford and Wasperton villages. PROW W101a within the site would have to be temporarily diverted during the development of the site.

The early development of the site (years 2017- 2021) would provide increased production capacity in the County at an estimated rate of 200,000 tonnes per annum.

### Key Issues

The Key Issues affecting the site are set out below. They are based on an assessment of the site at the time this plan was written and therefore if circumstances change or new information becomes available prior to the site coming forward through a planning application, any new issues will also need to be taken into account.

- Highways

A number of concerns have been raised about the adequacy of the local highway network to accommodate the development and the potential vehicle routeing and access arrangements. The Highway Authority believe the A429 should be able to accommodate a high volume of traffic and larger vehicles (HGVs) and that it provides an excellent link onto the A46 and M40, and then onto the wider highway network.

The road is described as a “major access road” on the Warwickshire Advisory Lorry Route Map. The Highway Authority’s preference is that one of the existing accesses should be used to access the site subject to suitable improvements. Depending on the number of vehicular trips likely to be generated and the direction of travel a right turn lane may also be necessary. The exact location of the access will be determined at the planning application stage through the submission of a Transport Assessment. Other than local deliveries of sand and gravel to the village (if required) there will be no access to the site through Barford village. The developer advises that the majority of the traffic will travel north via the A429 (Barford Bypass). Wasperton Lane is unsuitable for access to the site.

- Amenity

The proposed mineral working is now 350m from properties in Barford village so there is unlikely to be any adverse impacts from noise and dust. Screening bunds can alleviate noise by acting as a barrier to the transmission of soundwaves and can help capture dust particles. Dust emissions can be reduced by various mitigation measures including good operational management and the design and layout of the site. Properties around the site are already the subject of dust emissions as a result of normal agricultural activities.

A properly operated and managed mineral site is less likely to create any health issues. The nature of the development is that the only activity that might create PM10 or finer dust is crushing and this is a wet process so if these finer dust particles are generated they do not escape. Crushing will only take place occasionally on Site 4 well away from any properties. A health impact assessment will be undertaken as part of an environmental assessment at the planning application stage. This assessment will consider the health and morbidity of local residents.

- Agricultural Land

There is unlikely to be any irreversible or permanent loss of Best and Most Versatile (Grades 1, 2 and 3a) agricultural land because only 58% of the site is BMV and the remaining 42% is Grade 3b and 3c. The ALC survey provided by the developer does not show any Grade 1 land on the site.

- Listed Buildings

Although there are potentially five listed buildings around Site 4 which could be affected by mineral working (Forge Cottage, Wasperton House, Seven Elms, Wasperton Hill House, and Wasperton Farmhouse) a heritage report submitted by objectors only focusses on three properties – Seven Elms, Wasperton Hill House, and Wasperton House. There was no visibility between Wasperton House and the site, no association and the intervening distance was also a factor. There was also no visibility and association between Forge Cottage and the site and views were limited by the topography.

Seven Elms is a Grade II listed building and lies at its nearest point 55m from the southern boundary (north east of the asset) of Site 4. There is likely to be no harm to the significance of the setting of this designated heritage asset because it is no longer a farm house and has been subject to change, there is a building and vegetation between the site and the asset which limits views in a north easterly direction, the proposed 100m stand- off from the asset, the intervening distances to the site's southern boundary ( 200m to the north west and 400m to the west of the asset), working in this location would be temporary and subject to other mitigation measures and the site would be restored to its existing agricultural use.

Wasperton Farmhouse is a Grade II listed building and lies at its nearest point 70m from the northern boundary (south of the asset) of Site 4. There is likely to be no harm to the significance of the setting of this designated heritage asset because of the proposed 100m stand- off from the asset, the lack of working proposed to the north and west of the asset retaining its existing agricultural land use, working to the south would be screened by existing vegetation and working to the east screened by an existing building and vegetation, the lack of public access to the site with the main road over 300m to the west and no public footpaths nearby, working in this location would be temporary and subject to other mitigation measures and the site would be restored to its existing agricultural use.

Wasperton Hill House is a Grade II listed building and lies 650m to the east of Site 4. There is likely to be no harm to the significance of the setting of this designated heritage asset because of the significant intervening distances to the site's eastern boundary, working would be temporary and subject to other mitigation measures and the site would be restored to its existing agricultural use.

- Conservation Areas

There are significant physical barriers between Barford and Wasperton Conservation Areas and the site due to the presence of property, land and roads which mean that neither the areas nor their settings will be harmed by mineral working.

- Restoration

The proposal to restore most of the area back to agriculture including all the BMV land with suitable inert material is acceptable in planning terms. The promoter believes that the volumes of inert wastes needed are relatively modest and should be available over the period of the development to return the land back to original levels making the prospect of lowering the land unlikely.

A good restoration scheme supported by planning conditions and regular monitoring by the mineral 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.

- Landscape

The site falls within the River Avon Valley. The majority of the site lies within the Terraced Farmlands landscape character type while land to the west lies in the River Meadowlands landscape character type. The Terraced Farmlands is typified by a large scale geometric field pattern and is relatively flat, and intensively farmed. The land to the north of Wasperton Lane gently rises to the north and the land 650m beyond the eastern boundary also rises eastwards to the B 4087. At over 1 km to the west of the site beyond the River Avon the land rises to the A46 beyond. With the stand offs to The Forge Cottage, Wasperton Farm, Holloway Farm, Glebe Farm and Seven Elms and Seven Elms Barn, safeguarding and where possible strengthening existing hedgerows and mature hedgerow trees coupled with advanced tree and hedgerow planting on the north western and eastern boundaries, no loss of agricultural land and the phased working and restoration of the site to agriculture should minimise any potential adverse landscape and visual impacts.

A hedgerow regulations assessment and landscape and visual assessment will be required at the planning application stage. The use of soils for temporary visual (and noise) screening will help reduce impacts and ensure the site is restored to the required standard. There will be no permanent loss of BMV land.

- Ecology

Detailed survey reports and assessments and mitigation plans would be needed to fully determine the likely impacts of the proposals on the key ecological receptors (protected species and habitats) and determine any necessary avoidance, mitigation and compensation measures required. The scope of such surveys and assessments and plans would be dependent on the proposals and would be determined at the planning application stage.

#### **Policy S4 - Allocation at Site 4, Wasperton**

Land at Wasperton shown on Figure 1.14 is allocated for sand and gravel working subject to the following requirements:

- suitable access onto Wellesbourne Road (A429);
- no access onto Wasperton Lane;
- phased working and progressive restoration to agriculture and nature conservation uses;

- a minimum stand-off of 100m from The Forge Cottage, Wasperton Farm house, Holloway Farm house, Glebe Farm house and Seven Elms and Seven Elms Barn ;
- advance tree and hedgerow planting on the north western and eastern boundaries of the site;
- safeguarding and where possible strengthening existing hedgerows and hedgerow trees;
- the provision of suitable measures to protect the length of watercourse (River Avon and tributaries Local Wildlife Site) running along the northern boundary and partly into the site;
- the need to maintain the setting and the structural integrity of Seven Elms and Wasperton Farmhouse and the setting of Wasperton Hill House;
- preparation of an Environmental Management Plan for the site;
- all soils to be stored on site for future use in the restoration of the site;

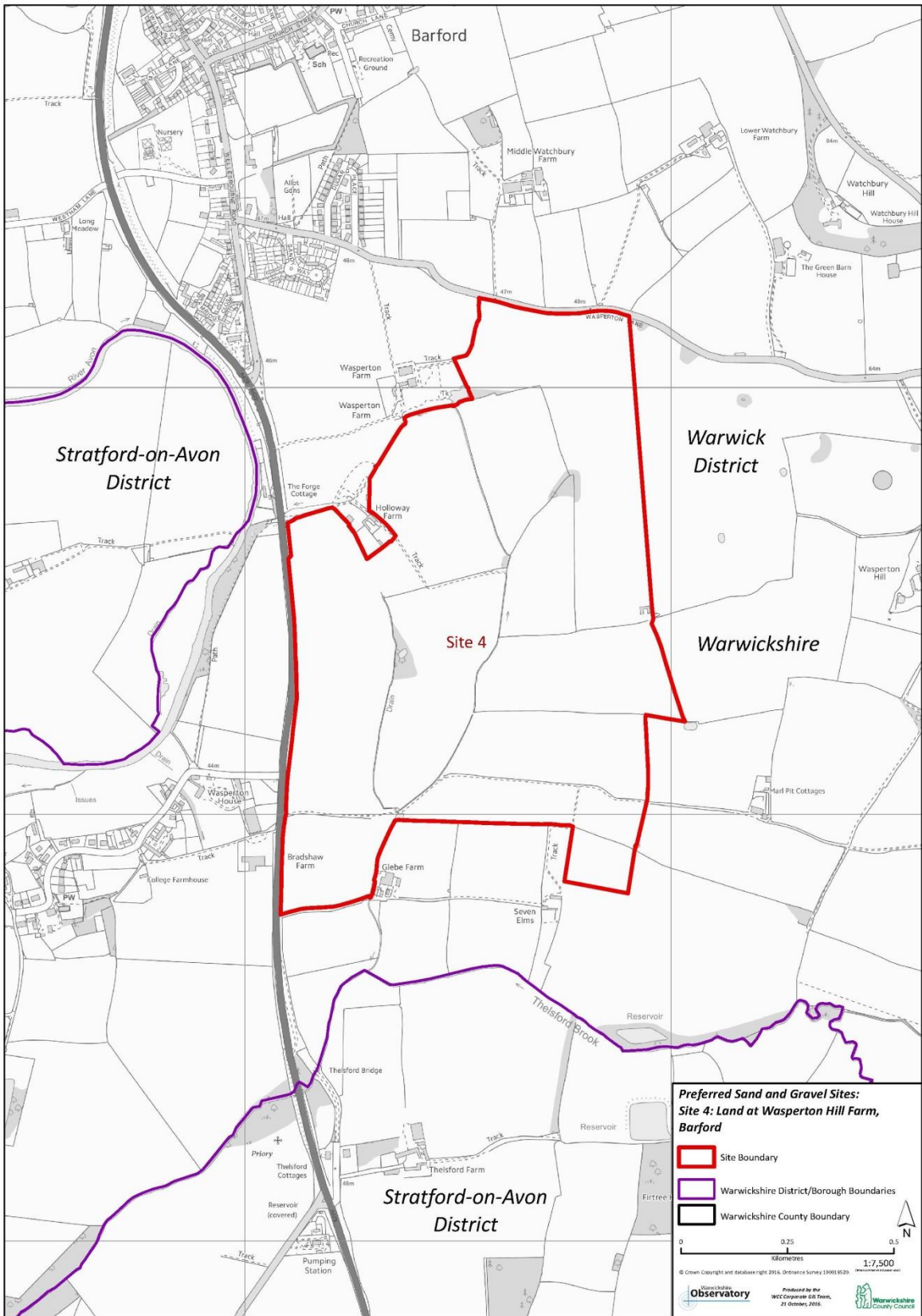


Figure 1.14 Site 4 Land at Wasperton



## **Site 6 - Coney Grey Farm, Ryton (serving Coventry and Kenilworth development needs)**

### Site Description

The site lies east of Middlemarch Industrial Estate beyond the River Avon and to the west of the A423 at Ryton covering an area of 47 hectares. The site comprises medium to large scale mixed farming with hedged field boundaries in the main and a block of woodland to the west. The eastern half of the site has previously been worked and restored to a lower level with imported wastes. The entrance to the site on A423 is part of a new roundabout to serve the new Prologis business park. There are no settlements nearby and the site has direct access to the local highway network. There are farm buildings located in the centre of the site.

To the north of the site lie farmland, a caravan park and residential properties, to the east beyond the A423, an employment park with the A45 beyond. To the south lie farmland, residential and business properties and existing industrial uses. The River Avon forms the western boundary of the site.

### Site Development and Indicative Working Proposals

The previously restored eastern half of the site would benefit from further improvements. This could be achieved by moving soils from the western side of the site to create flood storage/flood alleviation to raise the low level land on the east. Only the centre of the site to the west of the farm buildings which is outside the functional floodplain would be worked. Stand offs and advance planting would help minimise any impacts to properties fronting the eastern half of the site (south and north). It would be restored to agriculture using imported inert fill. There will be opportunities to provide ecological enhancements and flood alleviation as part of the restoration of the site. PROW R152 within the site may have to be temporarily diverted during the development of the site.

It has the potential to release 0.3 - 0.4 million tonnes of sand and gravel during the plan period to serve the markets of Coventry and Kenilworth. Material is likely to be processed off site or on site using small mobile processing plant.

The site would provide a modest increase in production capacity in the County at an estimated rate of 100,000 tonnes per annum.

### Key Issues

Key Issues affecting the site are set out below. They are based on an assessment of the site at the time this plan was written and therefore if circumstances change or new information becomes available prior to the site coming forward through a planning application, any new issues will also need to be taken into account.

- Landscape

The Site lies within the Dunsmore Plateau Fringe landscape type and is characterised by a rather variable open to framed landscape with large arable fields. The River Avon corridor is a special feature within this landscape owing to the nature of the surrounding landform. Safeguarding and strengthening primary linear features (hedgerows, woodland edges' and wooded stream lines) and

advance planting along the northern, eastern and southern boundaries and phased working and restoration should ensure that any potential adverse landscape and visual impacts are minimised.

#### **Policy S6 - Allocation at Site 6 Coney Grey Farm, Ryton**

Land at Coney Grey Farm, Ryton shown on Figure 1.15 is allocated for sand and gravel working subject to the following requirements:

- operating as a satellite site to an existing or planned quarry in the Rugby/Warwick area or operating as a stand- alone site using small mobile processing plant if a suitable location can be found within the site;
- phased working and progressive restoration to agriculture with increased biodiversity and flood storage/flood alleviation. Materials removed from the western side of the site shall be used to restore the land on the eastern side. The restoration plan should have regard to the Dunsmore Living Landscape scheme;
- a minimum stand-off of 100m from individual properties fronting onto the eastern half of the site (north and south);
- advance planting on the roadside boundary and next to properties fronting onto the northern, eastern southern boundaries of the site;
- provision of suitable measures to protect and where appropriate enhance the special features of Brandon Marsh SSSI and Ryton Woods SSSI and protect and enhance the River Avon LWS and Siskin Drive Bird Sanctuary LWS. Protect the watercourse passing through the site and along its southern boundary;
- preparation of an Environmental Management Plan for the site;
- all soils to be stored on site for future use in the restoration of the site.

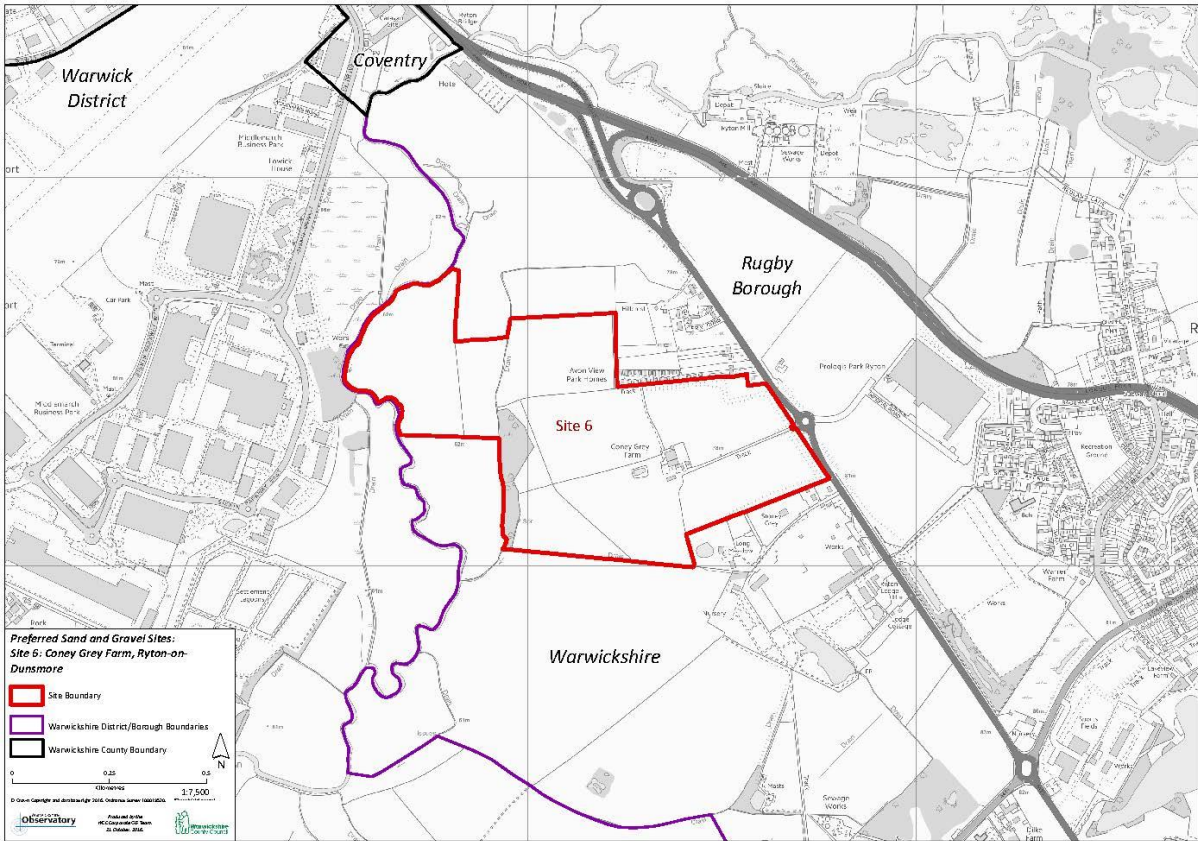


Figure 1.15 Site 6 Coney Grey Farm, Ryton on Dunsmore

## **Site 9 - Hams Lane, Lea Marston (serving North Warwickshire and Birmingham and Solihull development needs)**

### **Site Description**

This site lies to the west of Lea Marston village near to Junction 9 of M42 (Dunton Island) and covers an area of 48 hectares. To the north of the site lies Blackgreaves Farm, residential properties and beyond Blackgreaves Lane, a restaurant, Lea Marston Hotel and leisure centre, to the east Lea Marston village, farmland and woodland with the River Tame and lakes beyond, to the south National Grid electricity transmission assets and farmland and to the west farmland, Dunton Quarry, woodland and Reindeer Park. To the south east beyond the mainline railway from Derby to Birmingham lies Hams Hall distribution park. To the south and west (250m from the safeguarding zone) of the site lies the line (north-south alignment) of the proposed High Speed 2 railway linking Birmingham to London (Phase One route) with land to the north west beyond the A4097 being proposed as a railhead to help with the construction of the new railway (Kingsbury Railhead). To the west and north of the site lies the proposed HS2 Phase 2 route which will provide new rail links to the north and west of England. The site is currently in mainly agricultural use comprising large open hedged fields but parts of the site are also used from time to time for other temporary uses. For example part of the northern end of the site is used by a shooting club. The settlement of Lea Marston lies 200m to the east but the site has good access to the local highway network. There are three overhead pylons on the site which are to be retained.

### **Site Development and Indicative Working Proposals**

The site could be developed in phases which would allow important hedgerows to be protected to reduce any impacts from mineral working. Stand offs would help minimise any impacts to individual properties on Blackgreaves Lane and Reindeer Park off Kingsbury Road. It could be restored to agriculture using imported inert fill. However, there may be opportunities to provide ecological enhancements as part of the restoration of the site particularly in the north east corner and for additional woodland in the north-west corner adjacent to Dunton Wood. Public Rights of Ways M14, M16 and M23 within the site would have to be temporarily diverted during the development of the site.

The site has the potential to release 1.06 million tonnes of sand and gravel during the plan period to serve the markets of North Warwickshire and Birmingham and Solihull. The site could provide new local capacity to replace that lost with the closure of nearby Coleshill Quarry.

The development of the site would provide increased production capacity in the County at an estimated rate of 100,000 tonnes per annum. It would appear sensible to try and work the site in conjunction with the construction of HS2 and the Kingsbury Rail Head to the north. This could provide the opportunity to improve the restoration options (site levels and future uses) for the site and contribute to the Tame Valley Wetlands Partnership Scheme and the Trent and Tame Valleys Futurescape project. The site lies not far from an existing mineral and waste site at Dunton so the opportunity to work the site back to Dunton by overland conveyor ought to be explored. This would negate the need to erect a stand-alone processing plant and provide a new access onto Hams Lane.

The site formed part of the Lea Marston Preferred Area (PA2) in the 1995 Minerals Local Plan for Warwickshire.

### Key Issues

Key Issues affecting the site are set out below. They are based on an assessment of the site at the time this plan was written and therefore if circumstances change or new information becomes available prior to the site coming forward through a planning application, any new issues will also need to be taken into account.

- Amenity

There are properties/buildings bordering the north western boundary of the site accessed from Blackgreaves Lane and buildings at Reindeer Park on the western side south of Dunton Wood. The provision of a buffer zone of a minimum of 100 metres from these properties would minimise any potential adverse impacts from such things as noise and dust. The suitability of this buffer zone will be reviewed at the planning application stage. In addition an Environmental Management Plan will be required at the planning application stage.

- Listed Building

Blackgreaves Farmhouse on Blackgreaves Lane to the north of the site is a Grade II listed building. There is likely to be no harm to the significance of the setting of this designated heritage asset because of the proposed 100m stand-off, the presence of a number of farm buildings and properties between the farmhouse and the site, the building's orientation with front façade facing east, working in this location would be temporary and the site would be restored to its existing agricultural use.

- Biodiversity

Whitacre Heath SSSI lies 650m to the east of the site beyond Hams Lane, mainline railway and the River Tame. Extraction of sand and gravel is unlikely to cause harm to the SSSI, but provision of suitable measures to protect and where possible enhance its special features will be required. Any hydrological and water quality issues associated with the SSSI will need to be addressed at the planning application stage. A protected species survey report, assessment and mitigation plan for the site will be required.

- HS2

The close relationship of the site to HS2 has raised expectations about the possible future land uses including access to the local highway network and restoration to uses and standards following mineral working. These are non-mineral development matters and should be addressed through discussions with the local planning authority. To avoid vehicles passing through Lea Marston village and over non allocated land to other parts of the local highway network the Highway Authority requires vehicles to leave the site and travel south on Hams Lane to Faraday Avenue and then to the A446. There are no justified reasons to include other alternative access routes which are not supported by the Highway Authority and are free from planning and environmental constraints.

- Other Previously Rejected Sites

Some objectors have requested that the site be deleted in favour of other omitted sites and land (Sites 10, 11 and 12 and land to the west of A4097 Kingsbury Road). These sites have been considered on previous occasions and found to be unacceptable in planning terms and not deliverable. The land west of A4097 has not been nominated for allocation and is required for the construction of HS2 including a major railhead. These sites would not release construction materials for the general market during the plan period a key requirement for supplying and meeting future demands for aggregates in the MLP.

- Landscape

The site falls within the Arden Parklands landscape character type which is characterised by medium to large in scale and defined by woodland edges, belts of trees and wooded streamlines. The landform is gently rolling, open in aspect and is intensively farmed. Provision of suitable stand-offs to Dunton Wood and existing properties will significantly reduce the amount of higher ground on the western side of the site which together with advanced hedge tree planting, gapping up hedgerows and providing small blocks of woodland planting and the phased working and restoration of the site should minimise any potential adverse landscape and visual impacts.

#### **Policy S9 - Allocation at Site 9 Hams Lane, Lea Marston**

Land at Hams Lane, Lea Marston shown on Figure 1.16 is allocated for sand and gravel working subject to the following requirements:

- if worked as a stand- alone site suitable access onto Hams Lane and all vehicles turning right to Faraday Avenue. No access through Lea Marston village;
- exploring the opportunity to work the site back to Dunton Quarry by overland conveyor;
- phased working and progressive restoration to agriculture and nature conservation uses;
- a minimum stand- off of 100m from individual properties on Blackgreaves Lane and at Reindeer Park, Kingsbury Road;
- 30m stand off from Dunton Wood;
- additional woodland planting;
- the provision of suitable measures to protect and where appropriate enhance the special features of Whitacre Heath SSSI;
- preparation of an Environmental Management Plan for the site;
- all soils to be stored on site for future use in the restoration of the site;
- if worked as a stand-alone site mobile plant to be located so as to reduce impact on the openness of the Green Belt;
- the working and restoration plan should take into account and contribute to the Tame Valley Wetlands Partnership Scheme and Trent and Tame River Valleys Futurescape project;
- take into account any mitigation approved to minimize the impact of HS2 on Lea Marston village.

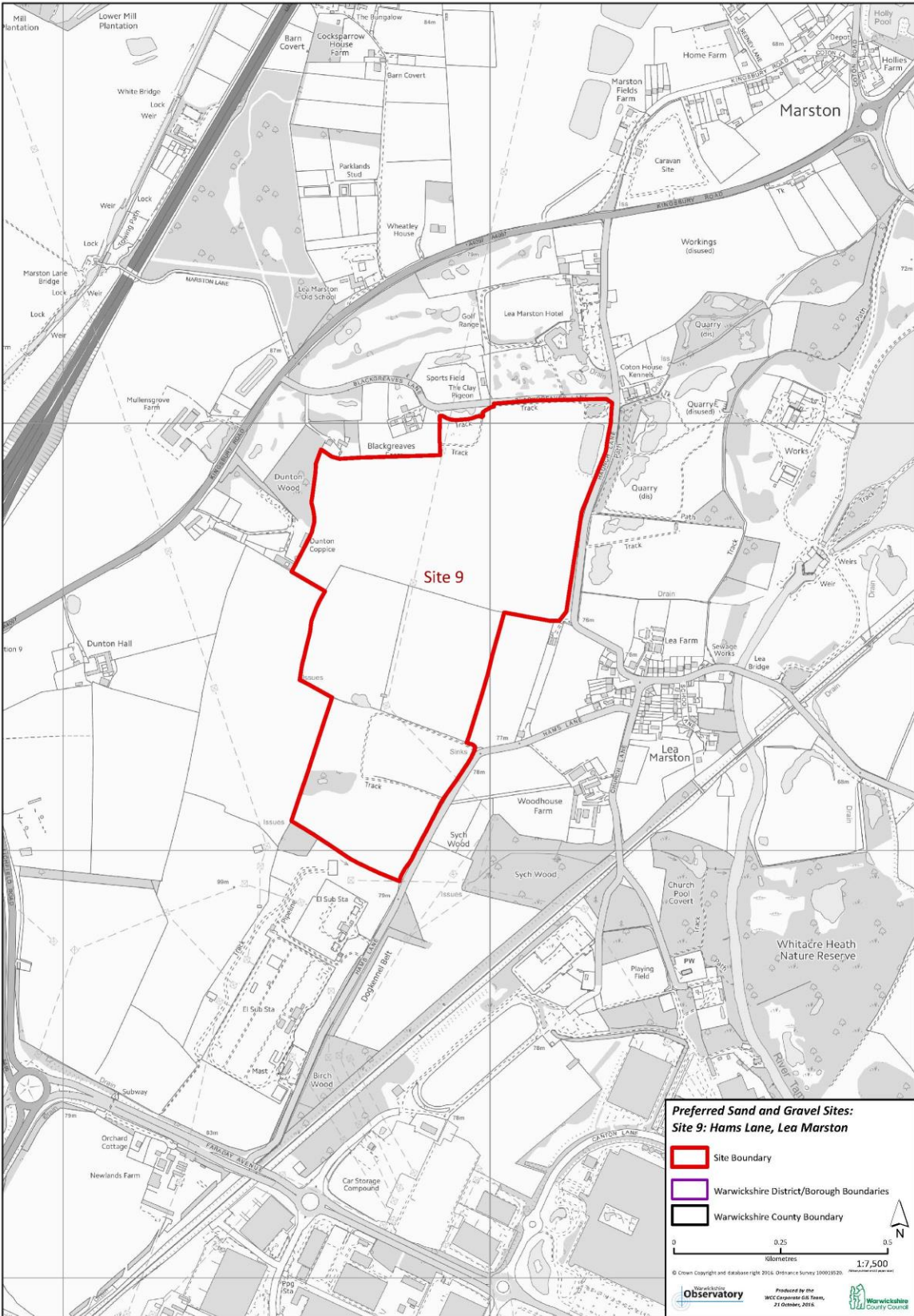


Figure 1.16 Site 9 Hams Lane, Lea Marston



## 8 Core Strategy Policies

### Minerals Core Strategy Policies

#### Policy MCS 1 - Supply of Minerals and Materials

The MPA will maintain a supply of materials from substitute or secondary and recycled materials and mineral waste and will take account of this when considering proposals to extract aggregate minerals in the County at sites other than those allocated in Policy SO.

The MPA will ensure that during the plan period there is a sufficient supply of minerals through Warwickshire's contribution to local and national needs.

The MPA will maintain landbanks of permitted reserves for aggregate minerals and for brick clay.

Any planning application for mineral development will be treated on its merits and assessed against all other relevant Development Plan policies, taking into account the guidance in the National Planning Policy Framework and all other material planning considerations.

The MPA will seek to supplement supplies by taking advantage of unplanned opportunities as they arise such as the extraction of known minerals of local, regional, or national importance prior to, or as part of, non-mineral development.

#### Justification

Minerals are essential to support sustainable economic growth and the quality of life in Warwickshire. It is important therefore that there is a sufficient supply of material to provide the infrastructure, buildings, energy and the goods which the County needs. Warwickshire contains many mineral resources including sand and gravel, hard rock, brick clay, coal; cement raw materials and building stone.

However a significant part of the County is rural in nature and there is a wide variety of landscapes one of which is partly designated nationally as an Area of Outstanding Natural Beauty (AONB) (Cotswolds AONB). The County is also rich in wildlife and habitats and has an important cultural heritage which adds to its character and local distinctiveness. A large proportion of the County is covered by a swathe of designated Green Belt. A key concern is the protection of the countryside from the movement of freight by road and ensuring that quarry traffic avoids rural settlements, environmentally sensitive areas and the use of minor and unsuitable roads. Continuing to maintain a sufficient supply of materials during the plan period will always be constrained by the need to protect the county's natural and built environment and its local communities.

By maximising the use of alternative sources of materials (recycled and secondary materials and mineral wastes) the supply of land won minerals can be managed more sustainably. The maintenance of appropriate land banks of minerals reserves will provide an indicator of continuing security of supplies and when new supplies may be needed.

In order to conserve resources, ensure that resources are used sustainably and the environment and local communities are protected, proposals for new mineral development will be treated strictly on



their merits having regard to the development plan and any other relevant material planning considerations.

### **Policy MCS 2 - Sand and Gravel**

The MPA will ensure that there is a steady and adequate supply of sand and gravel, taking account of the Council's latest landbank figures, based on the latest published annual monitoring and the latest Local Aggregates Assessment (LAA).

Warwickshire's local plan requirement is 6.525 million tonnes to be provided over the 15 year plan period at an average production rate of 0.508 million tonnes per annum. The MPA aims to achieve this production rate from existing permitted reserves, by granting planning permission at the sites allocated by Policy SO and through windfall developments such as the extraction of sand and gravel prior to, or as part of, non-mineral development.

Throughout the plan period the MPA will maintain at least 7 year landbank of permitted reserves.

Proposals for sand and gravel extraction outside the allocated sites will only be supported where the proposal demonstrates that significant operational, transport, environmental and restoration benefits will be provided by working in that location,

#### Justification

Paragraph 145 of the National Planning Policy Framework (NPPF) states that a steady and adequate supply of aggregates should be planned for by taking a number of measures including the preparation of an annual Local Aggregates Assessment, taking account of guidelines on future provision, making provision for land won resources through identified sites or areas or policy criteria, providing appropriate landbanks and granting planning permission for sustainable mineral development.

The latest Local Aggregates Assessment shows a need for 8.022 million tonnes of sand and gravel to be provided over the life of the plan (2017-2032) taking account of future demand for, and supply of, aggregate minerals in the county. To ensure that the annual predicted rate of production is maintained during the plan period eight sites need to be identified and provided for in the plan.

The Council will regularly monitor the performance of the policies and proposals in the plan including the length of the landbank and will seek to ensure that a minimum 7 year landbank for sand and gravel is maintained throughout the plan period subject to appropriate proposals coming forward which are acceptable in planning terms and sustainable. However it needs to be recognised that for nearly ten years the landbank for sand and gravel in the County has been well below national targets. There are a low number of operating sites having small production capacities; a number of quarries have closed with no new replacements; and there have been only a small number of planning applications submitted some of which were withdrawn before being determined. While there may be difficulties in gaining new planning permissions and in recent years the recession may have significantly affected demand for construction materials this does not adequately explain the continuing low level of permitted reserves in the county. Some parts of the local minerals industry have advised that the quality of the resource in Warwickshire is a major factor which will affect the viability of any proposals and limit the number of new planning

applications being submitted. As production in the County has declined the amount of imports has increased from 202,000 in 2005 to 359,000 in 2009 according to the government's four yearly surveys of aggregates.

Designation of a site in the local plan does not guarantee that planning permission will be granted because poorly drafted proposals may produce significant adverse environmental impacts which may not be capable of mitigation and imposition of planning controls through planning conditions. However, the expectation is that a proposal is capable of being formulated and brought forward within the sites set out in Policy SO and is considered likely to be made acceptable in planning terms. Proposals to develop the allocated sites therefore need to be viable, well prepared, carefully designed and capable of being delivered during the life of the plan.

For proposals coming forward outside the designated sites will be one test to be met and that is demonstrating that significant operational, transport, environmental and restoration benefits can be provided by working in that location.

### **Policy MCS 3 - Crushed Rock**

The MPA will ensure that there is a steady and adequate supply of crushed rock, taking account of the Council's latest landbank figures, based on the latest published annual monitoring and the latest Local Aggregates Assessment (LAA). The Council will seek to maintain at least a 10 year landbank for crushed rock.

Proposals for the winning and working of crushed rock will only be supported where the proposal demonstrates that significant operational, transport, environmental and restoration benefits will be provided from working in that location.

Proposals for the working of limestone in the Cotswold AONB for crushed rock provision will be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

#### Justification

There is a regionally important resource of hard rock which is restricted to a narrow outcrop which extends from Bedworth to Nuneaton and Atherstone. The rocks are known to have high polished stone value (PSV) content and are used mainly for road stone and rail ballast.

There is now only one active crushed rock quarry in Warwickshire near Atherstone at Mancetter, although there are other reserves at Griff (V) and Jeas and Boon (now called Hartshill Quarry). Griff quarry has been previously worked but has been left inactive in recent years. Hartshill Quarry has recently reopened.

The current landbank stands at 30.97 years (2016 available data before MPA amalgamation) based on figures reported by the minerals industry which is well above the 10 year landbank requirement set out in the NPPF. At 2016 the permitted reserves stood at 27.26m tonnes which include the 2 million tonnes extension permitted in August 2015 at Mancetter Quarry.

Due to the limited nature of the outcrop and known constraints physical, community, environmental transport and being able to access the resource and the extensive landbanks there are no plans to allocate sites for future working of crushed rock in the County.

Proposals coming forward will need to be able to demonstrate that significant operational, transport, environmental and restoration benefits will be provided from working in that location.

The NPPF says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty such as the Cotswold AONB. The conservation of wildlife and cultural heritage are also important considerations in these areas. For major development such as the working of limestone for crushed rock provision, planning permission will be refused except in exceptional circumstances and where it is in the public interest.

Proposals for mineral working in the Cotswold AONB should include an assessment of the following:

- a) The need for the development, including in terms of national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

However those crushed rock mineral resources which are considered to be locally, regionally or nationally important are shown on the Crushed Rock Mineral Safeguarding Area on Map 14.2 in Appendix 2. The extraction of crushed rock prior to, or as part of, permitted non-mineral development will be sought in accordance with policies in this plan.

#### **Policy MCS 4 - Secondary and Recycled Aggregates**

Proposals for the reception, processing, treatment and distribution of waste materials in order to produce recycled and secondary aggregates will be supported where the proposal will promote the sustainable management of waste in accordance with the principles of the Waste Hierarchy and will facilitate a reduction in the need for primary aggregates.

#### Justification

Recycled aggregates comprise construction, demolition and excavation waste such as brick, stone, concrete and asphalt which have been processed to provide products for the construction industry to re-use. The recycling of aggregates is important in the County and there are 9 operational sites one of which, Dunton Quarry at Curdworth, is a major facility providing materials to the local and regional construction industry. In 2015, 830,250 tonnes of construction and demolition waste material was recycled in the County. Further details of the nine recycling sites in the county are provided in Appendix 5.

New facilities will be supported where they will help deliver sustainable waste management, and facilitate a reduction in the production of primary aggregates.

## **Policy MCS 5 - Safeguarding of Minerals and Minerals Infrastructure (see also Policy DM10)**

Warwickshire's sand and gravel, crushed rock, brick-making clay resources, cement raw materials and building stone will be safeguarded against needless sterilisation by non-minerals development, unless "prior extraction" takes place.

Safeguarded mineral resources are defined by a Mineral Safeguarding Area illustrated on the Maps in Appendix 2. Minerals infrastructure safeguarded in Warwickshire comprises mineral sites, concrete batching plants, mortar plant, asphalt plants, concrete products plant and recycled and secondary aggregates sites shown on Fig 1.9.

Non-mineral development, except for those types of development set out in Appendix 3, shall not normally be permitted if they would unnecessarily sterilise existing and future mineral sites and mineral infrastructure or prejudice or jeopardise their use by creating incompatible land uses nearby.

### Justification

This core strategy policy sets out the key elements of mineral safeguarding in Warwickshire and is supported by development management policy DM 10 which provides further details.

As minerals can only be worked where they are found it is important to safeguard viable mineral resources from needless sterilisation by other development to secure a future long term supply of minerals. National planning policy requires Mineral Planning Authorities (MPAs) to "secure an adequate and steady supply of indigenous minerals" needed to support sustainable growth whilst encouraging the recycling of suitable materials to minimise the requirement for new primary extraction. National planning policy also requires MPAs "to define Minerals Safeguarding Areas (MSA) in order that proven resources are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked, and where appropriate regeneration can be facilitated.

The key safeguarded mineral resources in Warwickshire are sand and gravel, crushed rock, brick-making clay resources, cement raw materials and building stone. These resources have been identified for long term safeguarding beyond the life of this plan and are designated as MSAs and shown illustrated on the Maps in Appendix 2.

The Maps were produced as part of a report produced on behalf of the MPA by the British Geological Survey which mapped the extent of mineral resources in the County, the latest guidance and information about those resources and other data and information available to the MPA. From time to time the MSAs may be reviewed and updated as mineral resources become exhausted or as the result of exploratory or detailed drilling as part of the preparation of planning application for minerals development or a mineral survey and assessment report submitted with a planning application for non-mineral development.

Safeguarding the infrastructure that supports the supply of minerals is just as important as safeguarding mineral resources. Safeguarding minerals infrastructure is a requirement of national planning policy which states that the following should be safeguarded:

- Existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and
- Existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

There are no existing, planned or potential rail heads, rail links to quarries, or bulk transport facilities in the County. There are concrete batching plants, mortar and coated materials plant in the County on existing mineral sites which should provide a degree of protection, particularly those in the Green Belt. However the nine sites providing recycled and secondary aggregate materials in the County (see Figure 1.9) are quite important so for the duration of their life these facilities will be safeguarded in accordance with this policy from non-mineral development if that development would unnecessarily sterilise the sites or prejudice or jeopardise their use by creating incompatible land uses nearby.

The encroachment of incompatible activities around minerals development sites/facilities may create conflict due to either the more sensitive nature of other forms of development or their on-going occupation or usage. This could potentially impose constraints, reducing the viability of future mineral operations. It is the non-minerals developer's responsibility to determine site specific potential impacts, as well as identification and implementation of mitigation measures where necessary. The MPA may advise that development should not be permitted if it would constrain the effective operation of existing sites or sites allocated for future mineral development.

The MPA believes that the best way of achieving the level of control required is to apply this policy and DM 10 to consultations received from the local planning authorities on a case by case basis. A buffer zone approach would be difficult to substantiate as there are already other planning controls in place and determining the extent of the buffer zone required would have to be done on a case by case to reflect the nature and extent of the site/facilities and the potential for encroachment of incompatible development. Furthermore there are only three sand and gravel sites operating in the county and they are all in the Green Belt where development is restricted. Most of the remaining existing minerals infrastructure is either in the Green Belt or in existing industrial areas.

In order to avoid unnecessary consultations by other local planning authorities, Appendix 3 lists types of applications for proposed non-mineral developments which in the opinion of the Council are unlikely to conflict with the aims of Policy MCS5 and are excepted from its scope.

### **Policy MCS 6 - Brick Clay**

The MPA will maintain at least 25 years' permitted reserves of brick clay to support capital investment required for new or existing plant for brick manufacturing and the maintenance and improvement of existing plant and equipment by permitting new or extended sites and by permitting extraction prior to, or as part of, non-mineral development.

a) Proposals for brick clay extraction will be supported where the proposal:

b) supports capital investment required for new or existing plant for brick manufacturing and the maintenance and improvement of existing plant and equipment; and

c) provides for the extraction of premium brick clays such as those from the Etruria Formation or other clay raw materials with equivalent physical characteristics;

d) and in addition the proposal either:

i) enables the continuation of appropriate blends to be made: or

ii) provides raw materials released from the working of other minerals: or

iii) provides raw materials which can be utilised at an existing plant or for an environmental project where the raw materials is required to meet specific technical requirements and those materials cannot be supplied from any other location.

Proposals for the long term stockpiling of clays released through the extraction of other minerals or prior extraction will be supported if the proposals:

a) are practicable and environmentally feasible; and

b) will not have any unacceptable adverse impacts.

### Justification

The NPPF says that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment of at least 25 years for brick clay. It also says that mineral planning authorities should take account of the provision of brick clay from a number of different sources to enable appropriate blends to be made.

Clay raw materials are used to create bricks, tiles, and pipes, provide engineering fill and create products with particular physical and aesthetic qualities. Such qualities are mostly the direct result of the physical characteristics of the raw material and which may be available in only a few locations. Clays worked in the Etruria Formation for example allow higher quality products to be manufactured such as engineering bricks, facing brick and slips, pavers, roof and floor tiles and the Staffordshire Blue brick use for engineering purposes and valued for its aesthetic qualities.

The only brickworks operating in the County is at Kingsbury, which supplies a range of brick products to local and regional markets from on-site marls and clays. Provision of clay and marl from the quarry is also known to support clay product manufacturing at a site in Walsall. The MPA intends to monitor the supply of clays to works outside the County as part of on-going co-operation with other mineral planning authorities.

Clays are also worked at Southam and are transported to Rugby for use in the production of cement

These facilities currently have access to sufficient materials to meet future needs. However, proposals for extensions to existing or new marl/clay quarries to meet future needs will be supported if the requirements of this and other policies in the plan are met.

However those brick-making clay resources which are considered to be locally, regionally or nationally important are shown on the Brick Clay Mineral Safeguarding Area on Map 14.3 in Appendix 2. The extraction of brick-making clay resources prior to, or as part of, permitted non-mineral development will be sought in accordance with policies in this plan.

## **Policy MCS 7 - Building Stone**

The MPA will support the extraction of building stone from small scale quarries where it can be demonstrated:

- a) there is a need for the material; and
- b) there are no suitable, viable and more sustainable alternative sources available; and
- c) the scale, extent and location of the proposed quarrying are such that adverse impacts upon the environment and amenity can be avoided or adequately mitigated; and
- d) it will positively contribute towards the maintenance of the historic built environment and will encourage local distinctiveness and good quality design; and
- e) any working of minerals for non-building stone purposes will not prejudice the ability to satisfactorily achieve previously approved or acceptable in principle proposals for future site restoration that accord with Policy DM 9.

### Justification

Historically building stone has been used extensively throughout the county and further information can be found in “A Building Stone Atlas of Warwickshire – published in May 2011. The aesthetic qualities of the stone used impart a distinctive character to the county’s historic buildings.

Working of building stone in the county has typically been very intermittent, less intensive, surface related and from small scale (nature and extent) quarries irrespective of whether they are “relic” as described in the NPPF. The minerals industry believes that dimension stone extraction should not be limited to local markets or the heritage sector. The sector should be free to develop new- build markets and should be allowed to operate at higher production if it contributes to economic development. By emphasizing reliance on local markets and small scale operations the industry believes that the authority is being too prescriptive and not recognising the potential for change. The evidence is that the past pattern of working has not changed and the industry is in decline and situation is unlikely to change in the foreseeable future.

There are currently no sites working building stone in the county. Sites at Edge Hill and Dry Hill in the Cotswold AONB and Avon Hill outside the AONB have worked ironstone and limestone but only Edge Hill is currently operational working very small ironstone stockpiles for secondary aggregates prior to completing the final restoration of the site. The location and scale of the sites are reflective of the physical and planning constraints affecting building stone extraction such as the capacity of local roads, amenity considerations and designations and designated assets.

There is at present no demand for additional sites or for building stone to be released for future working. However those building stone mineral resources which are considered to be locally, regionally or nationally important are shown on the Building Stone Mineral Safeguarding Area on Map 14.5 in Appendix 2. The extraction of building stone prior to, or as part of, permitted non-mineral development will be sought in accordance with policies in this plan.

Proposals for future working of building stone outside the Cotswold AONB will therefore be carefully considered against the requirements of this policy. Developers will need to demonstrate a need for the material to repair old buildings and structures and for new construction, that there are no

alternative supplies elsewhere within and outside the county and that any adverse impacts of proposed working are capable of being avoided or adequately mitigated.

Proposals within the Cotswold AONB and which would affect its setting will need to be scrutinised more carefully. The statutory purpose of an AONB is to conserve and enhance the natural beauty of the area of outstanding natural beauty (sect 82 Countryside and Rights of Way Act 2000). Section 85 of the Act places a statutory (legal) duty on the authority to have regard to the purpose of conserving and enhancing the natural beauty of the area when discharging any function (such as plan making) in relation to, or affecting land within, an AONB. Wildlife in the AONB and its cultural heritage are also important factors to be taken into account.

Any quarry proposal comprising major development due its scale and impact will need to clearly demonstrate that there are exceptional circumstances and the proposal is in the public interest, in accordance with the “major development test” in the National Planning Policy Framework.

Quantities of waste rock (non-building stone) can be generated during the extraction of building stone particularly in the initial phases of working. This waste stone may have a potential use as aggregate: the use or disposal of it is an issue which needs to be considered on a case by case basis through a planning application. A particular consideration will be the extent to which the proposal could prejudice the restoration of the site.

#### **Policy MCS 8 - Coal Mining (surface and deep mining)**

Proposals for coal mining will only be approved where the proposal is demonstrated to be environmentally acceptable, or can be made so through planning conditions and obligations. Where this cannot be demonstrated, planning permission will only be granted where the proposal is demonstrated to provide national, local or community benefits that clearly outweigh the adverse impacts arising from the proposal.

In particular, appropriate consideration will need to be given to the proposal's impacts in terms of:

- a) contribution to delivering an indigenous source of energy and securing a diverse energy mix;
- b) disposal of colliery spoil (deep mining);
- c) minimising the nature and extent of surface subsidence (deep mining)
- d) arrangements for the extraction and stockpiling of other minerals (surface mining).

#### **Justification**

Coal from the Carboniferous Coal Measures which are exposed at the surface in the north of the County has been exploited since Roman Times. Small scale operations from shallow pits continued until the middle to late 19th century when numerous deep mines began operation in North Warwickshire reflecting an increase in the demand for coal and advances in mining technology. The last deep mine at Daw Mill, near Arley in North Warwickshire closed in 2013 following a huge underground fire. Previously, coal extraction had taken place in the Corley Moor area at a depth of around 800 – 900 metres.



Whilst the NPPF gives a general presumption against the extraction of coal there are large coal reserves in the County. There are no plans to reopen Daw Mill Colliery and neither does there appear to be any plan to sink another pit head or even return to surface coal extraction in the County. As there are large coal reserves deep underground and on the surface in the north of the County and in the Warwickshire Coalfield and there is likely to be a shortage of energy nationally in the short to medium term, there is always going to be the possibility that coal may be considered economically viable to extract in the future.

The extent of the Warwickshire Coalfield is shown on Fig 1.5. Proposals for future working of coal by conventional underground or surface means will therefore be considered in accordance with the policies in the development plan.

For any coal mining proposals the County Council will have regard to the desirability of the preservation of natural beauty, of the conservation of flora and fauna and geological or physiological features of special interest and of the protection of sites, buildings, structures and objects of architectural, historic or archaeological interest and the extent to which the coal operator has complied with the duty under Section 53 of the Coal Industry Act 1994, to have regard those matters and to mitigate impacts, when preparing any planning application.

#### **Policy MCS 9 - Conventional and unconventional Hydrocarbons**

Planning permission for the exploration and/or appraisal of hydrocarbons will only be supported where it has been demonstrated that:

- a) Well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be assessed; and
- b) The proposed development will not generate unacceptable adverse impacts on the environment, transport systems and local communities; and
- c) Drilling at the proposed location will not generate unacceptable adverse impacts on the integrity of the underlying geological structure; and
- d) Measures will be taken to mitigate to acceptable levels adverse impacts on the environment, transport systems and local communities.

Where proposals for exploration and appraised are permitted, there will be no presumption that long term production from those wells will be permitted.

Planning permission for production of hydrocarbons will only be supported where it is demonstrated that:

- a) The Proposal can adhere to criteria b - d above; and
- b) The further works and surface facilities are justified as being required to manage the output from the well(s), including facilities for the utilization of energy where relevant, and are sited in the least sensitive location from which the target reservoir can be accessed; and
- e) c) There is a full appraisal programme for the hydrocarbon resource; and
- f) d) There is a development framework for the site and an assessment of the proposal's economic impacts.

All proposals should include secure arrangements for full restoration and aftercare for each of the stages of development.

Proposals for the exploration, appraisal and production of shale/oil gas in the Cotswolds AONB will be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

#### Justification

The exploration, appraisal or production of hydrocarbons can only take place in areas where the Department of Energy and Climate Change (DECC) have issued a licence under the Petroleum Act 1998 (Petroleum Licence).

The NPPF says that mineral planning authorities should clearly distinguish between the three phases of development (exploration, appraisal (testing) and production) and address constraints on production and processing within areas that are licensed for oil and gas production and unconventional hydrocarbons

Exploration involves acquiring geological data to establish whether hydrocarbons are present by seismic surveys and drilling and in the case of shale gas hydraulic fracturing. Appraisal follows exploration and is concerned with determining the extent of the deposit or its production characteristics to establish whether it can be economically exploited and will also involve hydraulic fracturing. This can involve further seismic work, longer-term flow tests and the drilling of further wells. The production phase involves the drilling of a number of wells together with the installation of pipelines, erection of processing facilities and temporary storage tanks. For unconventional hydrocarbons exploratory drilling may take considerably longer than drilling for conventional oil and gas and will involve removing water from the coal seam in the case of coalbed methane. Production can last up to 20 years or more. When work ceases the facilities will be dismantled and the sites restored.

Conventional oil and gas are usually located in porous reservoirs of sandstone or limestone. Unconventional oil and gas usually comes from sources such as shale and coal seams which act as reservoirs.

Separate planning permission is required for each phase of hydrocarbon extraction although some initial seismic work may not require express planning permission.

There has only been one application for permission to drill exploratory wells for conventional hydrocarbons and that was near Kingsbury in 2001. The drilling did not confirm the presence of any hydrocarbons and no further work was carried out. Since then no interest has been shown in carrying out exploratory work in the county to search for oil or natural gas deposits. There are no national or local targets for the production of conventional or unconventional hydrocarbons and each proposal within the licence area needs to be considered on its own merits. There are no requirements to safeguard shale gas/oil resources.

The NPPF says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are also important considerations in these areas. For major development such as the exploration, appraisal and

production of hydrocarbons planning permission should be refused except in exceptional circumstances and where it is in the public interest.

Developers should avoid developing proposals within influencing distance of sites designated as being internationally or nationally important for nature conservation. Heritage assets and their settings should also be avoided.

Sites will not be encouraged where access is required to transport plant, machinery and materials for drilling, processing and production through residential areas, sensitive land uses or via roads which are minor or considered unsuitable by the Highway Authority for HGV use.

Normally drilling takes place 24 hours a day, 7 days a week for safety reasons. The ability to directional drill means that access to a reservoir to recover the gas/oil may be secured from distant locations and fewer wells. However, this has the potential to have significant impacts on the residential amenity of properties and communities near to a proposed site.

Particular consideration will be given to the close proximity of any proposed well head to any residential properties and to settlements in the County. The cumulative effects of continuous drilling in one location following exploration or several locations close --by will also be given particular scrutiny.

Proposals for conventional and unconventional hydrocarbon extraction will be considered in accordance with the policies in the development plan.

The Department for Communities and Local Government has issued planning practice guidance for onshore oil and gas and this includes unconventional hydrocarbons, hydraulic fracturing and coal bed methane. The guidance states that it is likely that Warwickshire County Council would be responsible for assessing planning applications in Warwickshire where planning permission is required.

The Government says that shale gas is of national importance and they expect Mineral Planning Authorities to give great weight to the benefits of mineral extraction, including the economy. This includes shale gas exploration and extraction. Mineral plans should reflect that minerals resources can only be worked where they are found and applications must be assessed on a site by site basis and having regard to their context. Plans should not set restrictions or thresholds across their plan area that limits shale development without proper justification.

The situation in Warwickshire is that no proposals have come forward to explore, appraise or produce shale gas/oil to date. The most recent information that the County Council has received from the British Geological Survey is that of the main potentially prospective shale gas rocks, none are present in Warwickshire in thicknesses or depths that would be expected to be commercially viable. Clear geological evidence of the suitability of any source rocks in the county for shale gas/oil extraction will need to be submitted as part of any proposals.

However, while shale gas development in Warwickshire may be unlikely in the short term, the plan must address any potential developments in that industry.

Shale gas is methane found in rocks deep (2,000 -3,000 metres) below the earth's surface which had previously been considered too impermeable to allow economic recovery. Coal bed methane is methane that is extracted from unworked coal seams at shallower depths (150-1,500m).

Hydraulic fracturing or fracking is the process of opening and/or extending existing narrow fractures or creating new ones in gas or oil bearing rock by injecting water, sand and non- hazardous chemical additives, which allows gas or oil to flow into wells to be captured.

The exploration, appraisal or production of unconventional hydrocarbons can only take place in areas where the Department of Energy and Climate Change (DECC) have issued a licence under the Petroleum Act 1998 (Petroleum Licence). At present there are no licence areas in Warwickshire. As a result of the Infrastructure Act 2015 the formal consent of the Secretary of State for Energy and Climate Change is now also required. Consent cannot be issued unless a scheme to provide benefits, financial or otherwise, for the local area is in place, irrespective of planning permission. To grant consent, the Secretary of State must be satisfied that 13 specific conditions on environmental matters and information are met.

### **Policy MCS 10 - Underground Coal Gasification**

Proposals for Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks will only be supported if it is demonstrated that the proposal is environmentally acceptable or can be made so by planning conditions or obligations, and that it provides national, local or community benefits which clearly outweigh the likely adverse impacts so as to justify the grant of planning permission.

#### Justification

Underground Coal Gasification (UCG) is a separate process to fracking involving controlled combustion of coal seams beneath the ground and the recovery of the resulting gases. The coal can be accessed by carefully controlled directional drilling of several wells that penetrate the coal seam for an appropriate distance. Normally two wells are required one to inject steam and air or oxygen to ignite the seam and the other to recover the gas-water vapour mixture (syngas). Syngas is mainly a mixture of methane, hydrogen, carbon monoxide and carbon dioxide. The gas can be utilised in on-site and/or off- site plant to produce energy (via gas combustion), fuels (diesels) and chemical feedstocks (fertilisers).

Any power station that proposes to use gas produced by Underground Coal Gasification will need to demonstrate that it is carbon capture ready before planning permission may be given for the construction of the power station. New power stations that use the gas as a fuel will also be subject to the Emissions Performance Standard. The Standard, introduced through provisions of the Energy Act 2013, recently came into force and places a limit on the amount of carbon dioxide emissions that new fossil fuel power stations can emit.

The Coal Authority is responsible for issuing licences granting the right to access the coal, but no UCG operations can take place until the applicant has secured all other necessary rights and permissions. This would include securing the necessary planning permission from Warwickshire County Council as the Mineral Planning Authority. A Conditional Licence application was made to the Coal Authority in May 2013 by Cluff Natural Resources Plc. No decision was made by the Coal

Authority and the County Council were told that Cluff would let its application lapse as it wished to focus on offshore areas where there were larger reserves.

There are no national or local targets for the production of syngas and the production of energy, other fuels and/or chemical feedstocks from UCG so each proposal needs to be considered on its own merits.

Developers should avoid developing proposals within influencing distance of sites designated as being internationally or nationally important for nature conservation. Heritage assets and their settings should also be avoided.

Sites will not be encouraged where access is required to transport plant, machinery and materials for drilling wells, producing and utilising syngas to produce energy, other fuels and chemical feedstocks, through residential areas, sensitive land uses or via roads which are minor or considered unsuitable by the Highway Authority for HGV use.

Normally drilling the wells takes place 24 hours a day, 7 days a week for safety reasons. The erection and operation of plant to recover and utilise the syngas to produce energy, other fuels and chemical feedstocks has the potential to have significant impacts on the residential amenity of properties and communities near to proposed site. Particular consideration will be given to the close proximity of the proposed wells, gas recovery and utilisation plant to any residential properties and settlements in the County. Proposals for Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks will be considered in accordance with the policies in the development plan.

## **9 Development Management Policies**

### **Development Management and the Planning Application Process**

Warwickshire County Council as the Minerals Planning Authority is responsible for dealing with all planning applications for minerals development in the County. In order to fully consider such proposals, an applicant will need to submit sufficient information for the Council to base its development control decisions.

Pre-application consultation should be undertaken with the Council and other relevant stakeholders to establish what supporting information will be required as part of the planning application, particularly where there may be a need for an Environmental Impact Assessment (EIA) in accordance with the Town and County Planning (Environmental Impact Assessment) Regulations 2011. This will ensure that the environmental impacts of proposed developments are assessed in a systematic way and that planning applications are prepared and processed in an effective and efficient manner.

A screening opinion should be sought from the Council if there is any uncertainty as to whether an EIA is required. Where an EIA is required, operators should seek a scoping opinion from the Council to establish the content and level of detail required for the planning application as part of the pre-application consultation process. Planning applications that fall within the scope of the EIA Regulations will not be determined until a satisfactory Environment Statement (ES) has been submitted and all necessary information has been considered. The Council may need to consult other bodies, such as the Environment Agency and Natural England before an opinion is given.

Warwickshire County Council strongly encourages developers to consult with the local community at the earliest stage of any proposal. This will foster a positive attitude and a high level of co-operation between the minerals industry and the communities they serve.

### **Planning Control**

Planning permissions will usually be subject to a number of planning conditions designed to avoid, reduce and minimise unacceptable adverse amenity impacts of the development. These are imposed, as appropriate, to control the implementation, operation and restoration of the permitted development. Paragraph 206 of the National Planning Policy Framework sets out the six tests for planning conditions which are as follows:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

Where the use of planning conditions to address unacceptable impacts is not possible, developments may be made acceptable in planning terms through the use of planning obligations. These are usually legal agreements (S 106) between the planning authority and those with an interest in a piece of land (i.e. developers) that help to ensure that wider environmental impacts, including those beyond the development boundary, can be resolved and managed.

Government guidance in the NPPF (paragraph 204) states that planning obligations should only be sought where they meet all of the following policy tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Planning obligations can also be used to secure some community benefits from the development – this may consist of infrastructure, landscaping or community facilities, which the developer will agree to provide as part of the proposal. These planning obligations are often only finalised once an application has been approved in principle. The Community Infrastructure Levy Regulations 2010 (Reg. 122) states that planning obligations must meet the following tests in order to be taken into account as a material consideration when determining a planning applicationof:

- a) Necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Where permission is to be granted for a proposal to develop a minerals site, conditions will be imposed, or in appropriate circumstances, agreements entered into to secure any of the following:

- measures to mitigate amenity impacts to acceptable levels - including access/ road improvements, limits on vehicle numbers/movements, limits on outputs, visual intrusion, noise, illumination, odour, dust, and emissions (to air, water or soil), establishment of liaison meetings, etc.
- measures to protect, conserve and enhance ecological, geological, archaeological and other historic assets
- site design - including location, design and size of buildings, plant or structures, disposal and management of overburden and other extracted materials, landscaping, screening, protection of existing trees, hedgerows and shrubbery, flood prevention, protection of the water environment, use of sustainable drainage systems, protection of public rights of way, and where appropriate waste management considerations.
- site operations - including commencement and duration of the permission, materials to be processed and stockpiled , hours of working, vehicle movements, materials and soil management/movements, environmental monitoring/ control regimes, storage/containment of waste, site security etc.
- measures for reinstatement, decommissioning, restoration, aftercare/future management and monitoring of the site to bring it back to a beneficial and appropriate afteruse.

The Community Infrastructure Levy Regulations 2010 allows local authorities to charge developments to ensure that costs incurred in providing necessary infrastructure to support development can be funded (wholly or partly) by owners or developers. Such infrastructure would include, but may not be confined to, roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sport and recreational facilities, open spaces and affordable housing. The charging authorities (i.e. the district and borough councils) wishing to charge a levy will need to produce a charging schedule setting out the levy rates for their area. Where no

charging schedule is in place, existing s106 contributions will continue to be applied where necessary.

### **Temporary permissions**

In some circumstances, the Council may consider it appropriate to grant temporary planning permission for certain development proposals. This may be for operational reasons, or to monitor the impacts of the proposed development including any proposed mitigation before permanent permission is considered. Where the granting of temporary permission is deemed appropriate, the nature and scale of the operation, together with the location of the site, and the nature, extent and delivery of the proposed mitigation will be taken into account to determine the duration of the planning permission.

### **Pollution control matters**

The Environment Agency (EA), as Waste Regulatory Authority, is concerned with controlling the pollution aspects of mining, mining related activities and waste facilities through Environmental Permitting. The EA is required to consult Mineral Planning Authorities when new permit applications are being considered for approval. Where a permit is required for land identified for a waste management use as part of or associated with mineral development and planning permission is required, the planning permission would need to be secured before the EA can grant the permit. The EA also controls certain aspects of the aftercare of mineral sites to prevent pollution such as the discharge of surface and/or ground water from a site. The roles of Mineral Planning Authorities and the EA in the regulation and enforcement of mineral sites are therefore separate but complementary. The Council will therefore need to liaise with the EA and other relevant bodies to ensure that their information and expertise is used for its decision making.

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### **Mining legacy issues**

The Coal Authority has defined Development High Risk Areas in Warwickshire to help planning authorities identify higher risk areas that may be affected by coal mining legacy issues. This may include abandoned coal mines; shallow coal workings (recorded and probable); mine entries; coal seam outcrops; mine gas sites and areas; recorded coal mining related hazards; fissures and previous surface mining sites. The Standing Advice Area is the remainder of the defined coalfield. In this area no known risks have been recorded, and as such presents a lower potential risk to new development proposals, although there may still be unrecorded issues in this area. Further information on these areas, and how mining legacy issues should be addressed, is available at

<https://www.gov.uk/guidance/planning-applications-coalmining-risk> assessments

### **Monitoring and enforcement**

Mineral Planning Authorities have a responsibility for the monitoring of mineral planning permissions and conditions. If problems become apparent through site monitoring or site visits or where problems are drawn to the Council's attention between visits, then the Council will seek to resolve any issues as quickly as possible. Where breaches of planning control take place and there is a potential risk to the environment or communities, the Council will exercise its powers to serve



legal notices to remedy any breaches of planning control. It may use its powers to implement legal action to halt unauthorised development and where necessary, require appropriate remedial work to be carried out. Further details of the County Council's policies on monitoring and enforcement can be obtained from the authority's adopted enforcement plan.

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### **Community liaison**

Although mineral development can provide both economic and environmental benefits for an area, the nature of the facility or its operations can result in concern or anxiety within the local community. Operators of mineral sites will form part of that community, and as such are required to consult and inform members of that community.

Mineral operators and/or developers are strongly encouraged to participate in community liaison meetings, particularly where planning permission for mineral development is sought. Where planning permission has been granted, operators are strongly encouraged to take part in ongoing liaison meetings. Community liaison meetings will provide a valuable forum where the local community is informed of current progress of the site and how operations have complied with conditions attached to any planning permission. They can also provide an opportunity for constructive discussion about any concerns or problems so that they can be resolved to the satisfaction of both the local community and the mineral operator.

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### **Development Management Policies**

The following section provides the Development Management policies for assessing mineral development proposals. The policies should not be read in isolation and proposals will need to demonstrate that they comply with all the other relevant Core Strategy and Development Management policies.

#### **Policy DM 1 - Protection and enhancement of environmental assets and landscapes**

Mineral development should protect, conserve, and where possible enhance, environmental assets and landscapes (the natural environment) by ensuring that there are no unacceptable adverse impacts upon:

- a) the quality and character of the landscape;
- b) natural resources (including water, air and soil resources);
- c) biodiversity;
- d) geodiversity;

Mineral development proposals should demonstrate that nature conservation sites, species, and habitats (an indicative list of sites, species, and habitats is contained in Table 9.1) of international and national importance will be preserved or conserved and, where possible, enhanced. The level of protection to be afforded to the asset will be commensurate with its designation and significance.

Any mineral development proposals which would have adverse effects on the integrity of any European Site (Natura 2000 sites) (either alone or in combination with other plans and projects) will not be permitted unless:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest; and
- c) adequate compensatory measures can be taken to ensure the overall coherence of Natura 2000 is protected.

Proposals should also maintain or, where possible, enhance biodiversity and recognised sites, species, and habitats (an indicative list of sites, species, and habitats is contained in the table below) of sub-regional or local importance. The level of protection to be afforded to the asset will be commensurate with its level of importance and contribution to wider ecological or geological/geomorphological networks.

Planning permission will not be granted for mineral development which will result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the mineral development in that location clearly outweigh the loss.

Mineral development proposals will be supported where they deliver a net gain in biodiversity and contribute to establishing a coherent and resilient ecological network subject to compliance with other policies in the development plan.

Planning permission for major minerals development in a designated AONB will be refused except in exceptional circumstances and where it can be demonstrated that it is in public interest.

## **Justification**

### Landscape

Warwickshire's landscape is varied and complex, although there are seven distinct landscape character areas; Arden, Dunsmore, Avon Valley, Feldon, Cotswolds, High Cross Plateau and Mease Lowlands. Part of the Cotswolds character area is designated as an Area of Outstanding Natural Beauty (AONB), a national designation to conserve the natural beauty of a landscape of recognised importance.

Mineral development can have adverse impacts on environmental assets and landscapes of international, national and local importance. Proposals for mineral development should protect and where possible enhance the quality and character of the countryside and valued landscapes. Developers will need to include an assessment of the adverse impacts upon local landscape character and that of adjacent areas that is appropriate to the scale and nature of the proposed development. Proposals should be designed having taken account of any relevant local landscape character assessments, guidelines (the latest Warwickshire Landscape Guidelines are available at <http://www.warwickshire.gov.uk/landscapeguidelines>) or design codes.

Designated Areas of Outstanding Natural Beauty (AONB) have the highest status of protection in relation to landscape and scenic beauty. For proposals that lie within or in close proximity to the

Cotswolds AONB, the development must preserve the quality and character of the area and comply with the necessary policies of the Cotswolds AONB Management Plan. Planning permission for major minerals development in a designated AONB will be refused except in exceptional circumstances and where it can be demonstrated that it is in public interest.

### Trees

Section 197 of The Town and Country Planning Act 1990 places a general duty on local planning authorities to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. The County Council values the important contribution that trees, hedgerows and woodland make to the environment. Developers are required to identify trees, woodland or hedgerows that may potentially be affected as part of a minerals proposal. Removal of trees, woodland or hedgerows should be avoided where possible. Areas identified for woodland conservation or enhancement and trees covered by Tree Preservation Orders (TPOs) will be afforded particular protection. A tree survey will often be required for proposals affecting trees or proposals to fell trees. Where trees, hedgerows or woodland are intended to be lost as part of a proposal, appropriate compensatory planting should be provided as part of the development. The County Council will support new woodland creation where this expands tree cover in the county.

### Soil Resources

The NPPF states that the planning system should protect and enhance valued soils and prevent the adverse effects of unacceptable levels of pollution. This is because soil is an essential finite resource that provides for the growing of foods, timber and other crops, acts as a store for carbon and water, a reservoir for biodiversity and a buffer against pollution.

The soils in Warwickshire are valued as a finite multi-functional resource, which underpins the county's well-being and prosperity. Decisions made about mineral development and restoration will take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystems they deliver. An important consideration will be the permanency of the impact on the soils especially the most potentially productive soil on site from the proposed mineral development. A soil survey and agricultural land classification must be carried out as part of the preparation of mineral development proposals.

Measures must be taken to protect, conserve and manage soil resources during mineral working and prevent soil from being adversely affected by pollution.

### Ecology and Geology

The Minerals Local Plan needs to safeguard Warwickshire's rich biodiversity and geodiversity. The NPPF states that local planning authorities should set out the strategic priorities for their area including strategic policies which deliver climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape. Areas and features of designated international, national and local importance need to be identified and protected. Proposals will also need to seek to maximise opportunities for enhancement or improvement where possible.

The Mineral Planning Authority has a statutory duty under the Natural Environment and Rural Communities Act (2006) to have regard to the purpose of conserving biodiversity in exercising its functions.

Warwickshire is host to one site of international ecological importance; Ensor's Pool Special Area of Conservation, although there are 4 other designated sites within 15km of the Warwickshire boundary. These sites are afforded specific statutory protection, as set out in Circular 06/2005 (Biodiversity and Geological Conservation). In accordance with Articles 6.3 and 6.4 of the European Habitats Directive, where proposals may impact upon internationally designated sites, developers must undertake an appropriate assessment to demonstrate that the proposal, either alone, or in combination with other plans, policies or programmes would not have a significant adverse impact upon the integrity of such sites. Where a proposal may have adverse effects on the integrity of a site or sites designated as of international importance for nature conservation, planning permission will only be permitted where it is demonstrated there are no suitable alternatives and there are imperative reasons of overriding public interest. Any future planning applications that lie within a 2km buffer of the Natural England River Mease Catchment Risk Zone (based on the DMRB guidance) or a 3km buffer of Ensor's Pool (on the recommendation of the Environment Agency) should be considered for a project level HRA when further details of the precise scheme and proposals are made available for consideration of LSE on these SACs. Given the potential for any planning application within 3km of Ensor's Pool to also have in-combination LSE with the current submission version of the Nuneaton and Bedworth Plan 2015, any project level HRA for an application within 3km of Ensor's Pool should consider these in-combination effects against the version of the Nuneaton and Bedworth Plan available at the time of the planning application.

Nationally designated sites such as SSSIs are afforded high protection. There are currently 62 SSSIs within the County, with 20 of these designated for reasons of geological interest. Where a proposed development is likely to have an adverse effect on a SSSI (either individually or in combination with other developments), planning permission will not normally be granted. Where an adverse effect on the site's notified special interest features is likely, planning permission will only be granted where the benefits of the development at that site clearly outweigh the likely impacts on the site and its qualifying features, and any broader impacts on the national network of SSSIs. Where necessary, conditions and/or planning obligations will be used to mitigate the harmful effects of the development and, where possible, to ensure the conservation and enhancement of biological and geological/geomorphological assets.

Sites of designated sub-regional or local importance do not carry the weight of statutory protection. However, they can still play a valuable role in contributing to the biodiversity and geodiversity of an area, as well as improving environmental quality and contributing to climate change adaptation and mitigation. Where a mineral proposal may have an adverse impact upon any locally designated assets, measures should be implemented to reduce any adverse impact to an acceptable level (further guidance is set out in Circular 06/2005). In certain circumstances, there may be other material considerations or factors that may bring wider benefits that may override the preservation of the asset. Where significant adverse impacts on ecological assets cannot be avoided or appropriately mitigated, a developer would need to provide at least replacement habitats on, or in close proximity to the site, that as a minimum provide an equal benefit to those lost or affected. Such measures may include provision of new areas for biodiversity, or enhancing existing areas.

Biodiversity Offsetting has been adopted by the Coventry, Solihull and Warwickshire local authorities as a mechanism to compensate for residual loss to biodiversity resulting from a development after avoidance and mitigation measures have been implemented. It is intended that the mechanism will be used to protect, enhance and create a network of biodiversity assets identified in the sub-regional Green Infrastructure Strategy. Every development application is expected to submit a Biodiversity Impact Assessment calculation which demonstrates how no net loss to biodiversity can be achieved.

Planning permission will not be granted where mineral developments would result in the loss or deterioration of irreplaceable habitats (i.e. an ancient semi-natural woodland or the loss of aged or veteran trees) unless the need for, or benefits of the development in that location clearly outweighs the loss.

Mineral proposals should support the overarching aim and objectives of the County's Biodiversity Strategy and protect or enhance the priority species and habitats identified in the Warwickshire, Coventry and Solihull Biodiversity Action Plan. The ecological data held by the Warwickshire Biological Records Centre and the data collected as part of the Habitat Biodiversity Audit will provide a valuable evidence base for informing development control decision making. Mineral development should be designed:

- to improve the quality of priority habitats both within and outside sites where possible
- to increase the size of priority habitat areas where possible
- to create new areas of priority habitat where possible
- to enhance ecological connections between, or to join up, areas of priority habitat through the use of corridors, 'stepping stones' or other features
- Mineral development proposals should also support the overarching aim and objectives of any Local Geodiversity Action Plans covering the County. Where mineral proposals may provide opportunities for geological recording or potential for geo-conservation (e.g. retention of geological exposures during operations and on restoration or sites with temporary exposures during mineral extraction or engineering works), appropriate consultation should be undertaken with the County's Keeper of Geology (details available at [www.warwickshire.gov.uk/museum](http://www.warwickshire.gov.uk/museum)).

	Sites designated for their nature conservation or geological/ geomorphological importance	Habitats	Species
International	Ramsar Natura 2000 (Special Areas of Conservation, Special Protection Areas)	Any internationally designated habitats	Any internationally protected species European protected species

National	National Nature Reserves Sites of Special Scientific Interest (SSSI)	Ancient Semi-Natural Woodland National BAP Habitats	National BAP species Notable and protected species identified under Section 41 of the Natural Environment and Rural Communities Act 2006
Local	Local Nature Reserves Local Wildlife Sites Local Geological Sites	Local BAP Habitats	Local BAP Species Species identified on local rare, endangered and vulnerable lists

## **Policy DM 2 - Warwickshire's Historic Environment & Heritage Assets**

To safeguard the importance of Warwickshire's historic environment, mineral development should seek to conserve, and, where appropriate, enhance the significance of affected heritage assets and their settings (an indicative list of heritage assets is contained in the table below). This includes all heritage assets such as historic buildings, conservation areas, historic parks and gardens, archaeology and important landscapes and townscapes.

Applications affecting the significance of a heritage asset will be required to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation.

Warwickshire Historic Environment Record should be used to inform future mineral development including potential conservation and enhancement measures.

Great weight will be given to the conservation of Warwickshire's heritage assets. Any harm to the significance of a heritage asset must be justified. Proposals will be weighed against any associated public benefits; whether it has been demonstrated that all reasonable efforts have been made to conserve the asset or mitigate the extent of the harm; and whether the works proposed are the minimum required to secure the future of the asset.

Scheduled monuments and other designated archaeological sites of equivalent importance should be preserved in situ. Substantial harm or loss should be wholly exceptional and planning consent will be refused unless that substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In these situations, provision should be made for excavation and recording with an appropriate assessment and evaluation. An appropriate publication/ curation of findings will be expected to be provided.

### **Justification**

#### Heritage and Cultural Assets

The NPPF outlines that the historic environment and heritage assets should be conserved for the benefit of present and future generations. It sets out that applicants should identify all heritage assets that may be affected by a proposed development.

The Mineral Planning Authority has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special regard to the desirability of preserving the setting of a listed building (S.66) and for special regard to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area (S.72).

The County's Historic Environment Record available at <http://timetrail.warwickshire.gov.uk/> should be consulted as a minimum and where heritage assets and their settings may be affected, applicants should undertake an appropriate assessment of the significance of the impact. In assessing the impacts, the level of detail will need to be proportionate to the significance of the asset with appropriate expertise sought where necessary.

Where the development is likely to have a significant adverse effect on heritage or cultural assets of designated national importance or their settings planning permission will not be granted unless it is demonstrated through an appropriate assessment that the asset is adequately preserved, conserved or protected, or that any adverse impacts are adequately mitigated, or there is an overriding reason of national importance for the development to take place in that location that outweighs the adverse impacts on the asset.

Where an application site includes, or is considered to have the potential to include heritage assets with archaeological interest, applicants should submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation. This information together with an assessment of the impact of the proposal should be set out in the application. It should detail the sources that have been considered and the expertise that has been consulted.

Type of designation	Heritage and cultural assets
International	World Heritage Sites Any heritage assets of international significance
National	Registered Historic Battlefields Registered Historic Parks and Gardens Scheduled Ancient Monuments Listed Buildings Conservation Areas
Local	Historic environment and heritage assets recorded on the County's Historic Environment Record and local lists

In certain situations quarrying activity could have a potential impact on groundwater flows and the chemistry of preserved organic and paleo-environmental remains. Where groundwater levels are lowered as a result of excavation this may result in the possible degradation of remains through dewatering, whilst increasing groundwater levels and the effects of rewetting could also be harmful. Developers of new sites and proposed extensions to existing sites will be expected to address these issues as part of the preparation of a planning application to work minerals through appropriate surveys and assessments and by changes to the design and operation of the scheme of working and restoration

Where the development is likely to have an adverse impact on important archaeological remains, planning permission will not be granted unless the nature and significance of the remains have been ascertained through an appropriate assessment and where adverse impacts are anticipated, adequate provision for preservation in situ, excavation or recording of the interest has been made in accordance with the significance of the asset.

### **Policy DM 3 - Green Infrastructure**

Proposals for minerals development will only be granted where proposals do not compromise the integrity of strategic and local green infrastructure assets in connecting locations of natural and cultural heritage, green spaces, or biodiversity or other environmental interest in urban and rural areas.

The design and layout of and the operation and restoration of new mineral sites and the restoration of existing mineral sites should take account of, and provide opportunities to create, maintain and enhance green infrastructure provision, and improve accessibility to these assets. Where new green infrastructure assets are to be created details of the arrangements for the long term management of the asset will need to be provided prior to the determination of any planning application.

### **Justification**

#### Green Infrastructure

Paragraph 114 of the National Planning Policy Framework (NPPF) says that local planning authorities should set out a strategic approach in their local plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (GI)

The Planning Practice Guidance which supports the NPPF says that green infrastructure is a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Green infrastructure provides multiple benefits including ecosystem services, at a range of scales, derived from natural systems and processes, for the individual, for society, the economy and the environment.

Paragraph 117 of the NPPF says that planning policies should:

- a) Plan for biodiversity at a landscape scale across local authority boundaries;



b) Identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation.

The Warwickshire, Coventry & Solihull Sub-Regional Green Infrastructure Strategy takes an overarching, strategic approach to the definition and assessment of provision of strategic GI assets and has identified sub regional green infrastructure assets to enable decision makers to plan for landscape scale ecological networks at a local scale. The District and Borough Councils in Warwickshire have through the preparation of their local plans also identified GI assets which should be protected and areas where new GI assets should be provided. Sensitive mineral development could support the implementation of both strategic and local initiatives set out in the development plan for Warwickshire.

Mineral development has the potential if it is not carefully planned, operated and managed to compromise existing and proposed GI assets by carrying out development which would lead to the loss or deterioration of Warwickshire's natural capital and ecosystem services it provides through intensive and long term environmental disturbance.

Equally, mineral development has the potential to provide new GI assets during the operation and restoration of the site which could increase both the extent and quality of local GI networks. Green infrastructure requires sustainable management and maintenance arrangements to be put in place if it is to provide benefits and services in the long term and ensure operations deliver biodiversity net gains. The protection, enhancement and creation of green infrastructure should be considered at an early stage of a mineral development proposal. Planning conditions and planning obligations will be required to secure and fund new and existing GI assets both on site and, if necessary, offsite.

A large proportion of the County is covered by a swathe of designated Green Belt which is part of the County's GI. The fundamental aim of designating Green Belt is to prevent urban sprawl by keeping land permanently open. The NPPF states that there is a presumption against 'inappropriate development' and such development should not be approved, except in 'very special circumstances' where other considerations clearly outweigh the harm to the Green Belt. In the case of mineral extraction the NPPF says that this form of development is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The Courts have held that when considering the effect of the development on the openness of the Green Belt consideration should be given to not only spatial impacts but also visual impact. Green Belt policies as articulated in district and borough development plans will apply to minerals proposals.

#### **Policy DM 4 - Health, Economy and Amenity - Minimising the Impacts of Mineral Development**

Planning permission will not be granted for mineral development proposals which will have unacceptable adverse impacts on local communities (including adjacent land uses or occupiers ) or their environment (including open spaces, sports and other recreational assets) , or on the economy (including tourism), either individually or cumulatively with other existing or proposed developments through any of the following:

- a) noise
- b) lighting/illumination
- c) vibration/blast vibration
- d) visual intrusion
- e) public health
- f) dust
- g) emissions to air and odours
- h) contamination of land
- i) water pollution
- j) road traffic
- k) loss of best and most versatile agricultural land
- l) land instability
- m) flooding

Mineral development should be undertaken in close consultation with local communities in order to address any valid local concerns raised by the proposals.

### **Justification**

Mineral development can generate concerns from local communities relating to adverse impacts on health, local amenity and the economic viability of local businesses. The health and quality of life of local communities, and the activities of local businesses, will need to be safeguarded where they may be impacted by mineral development. There are measures that can be implemented that can seek to control certain impacts of mineral developments and their operations. However, planning permission will not be granted where specific, objectively proven impacts are demonstrated to have an unacceptable adverse impact on the viability of a nearby business, local amenity or the health of local communities. In terms of personal safety and perception of safety it is recommended that a contact point is made available to the local community by the site operators to provide a source of reassurance relating to any aspect of the mineral development and its operations.

Warwickshire is host to many important open spaces, sports, tourism assets and other recreational assets. Their existence, amenity and use will need to be safeguarded when planning mineral development.

Proposals will need to demonstrate that there will be no unacceptable adverse impact on open spaces, sports and recreational assets, particularly those identified in District Local Plans/Development Frameworks as of specific importance. Proposals should be appropriately designed to reduce adverse impacts as far as possible. Where a mineral development would result in an unacceptable adverse impact on any open spaces, sports, and recreational assets, appropriate mitigation and/or compensatory measures will need to be implemented to offset the adverse impacts. In assessing impacts upon such assets, the findings of relevant green infrastructure or open space, recreation and sports/playing field studies should be considered, with a particular focus on existing provision and identified future needs in terms of quantity, quality and accessibility. Several mineral developments on a site, or several in close proximity to one another, can result in an unacceptable total adverse impact on the environment or affected communities. Where mineral development is proposed on, or in proximity to another development, the cumulative impacts of all

developments in the locality must be taken into account. The types of impacts that may affect health, economic aspects and amenity are addressed below.

### Noise

Mineral development are likely to produce noise from mineral extraction operations, movement and replacement of soils, material production processes, vehicles and heavy machinery, including reversing alarms, as well as from ancillary development and the transportation of material to and from mineral sites. Noise impacts should be appropriately mitigated to an acceptable level and informed by a noise assessment by an independent acoustician. Proposals should be designed to minimise, mitigate or remove noise at the source. Noise limits will be set at noise sensitive properties to protect amenity taking into account the nature, duration and type of activities/operations proposed and whether they are temporary or continuous.

### Lighting/Illumination

Mineral development can produce light pollution, particularly where operations take place at night. Unacceptable levels of light pollution can have an adverse effect on the environment and the quality of life of local communities. Lighting or illumination impacts will need to be controlled to an acceptable level, with a lighting assessment undertaken where necessary that takes account of issues such as positioning, height, alignment, light intensity and period of use. Where necessary, the Council will use controls at the planning application stage to minimise any potential unacceptable adverse impacts but unacceptable adverse impacts can be limited by good design.

### Vibration/Blast Vibration

Vibration is often linked with blasting at mineral sites particularly those producing crushed rock. There are three effects associated with blasting; namely, ground vibration, air overpressure and projected rock particles (fly rock). The extent of the disturbance is dependent on the type and quantity of explosives, degree of confinement, the distance to the nearest buildings, the geology and topography of the site and atmospheric conditions.

Proposals should aim to minimise vibration from blasting by using other forms of extraction techniques or by the careful design of the quarry, and controlling the number of blasts and quantity of explosives. Suitable limits and controls may need to be imposed to protect surrounding areas

### Visual Intrusion

Mineral proposals will need to ensure that any visual impacts of the development are not of an unacceptable level. Visual impact is normally assessed from publicly accessible viewpoints of the development site. In assessing visual impact, all component parts of the development should be considered e.g. the quarry design and measures to screen the site, layout of the site, access routes, height and design of built structures and landforms, ancillary plant and infrastructure such as fences, and proposals for restoring the site to an appropriate after use.. Where necessary, proposals will need to demonstrate through a suitable assessment that any unacceptable adverse visual impacts of the development upon the amenity of local land uses and users and the general landscape are, or have been made to be, acceptable.

### Public Health, Dust and Emissions to air and odours

Mineral development can impact upon local air quality through emissions (both from on-site operations and vehicle movements on and off-site), dust and in some circumstances odour. Air quality in Warwickshire is generally good, although there are localised air quality problems caused by road transport where levels of nitrogen dioxide and particles have exceeded pollutant levels. Subsequently, nine Air Quality Management Areas (AQMAs) have been declared in the County, although an AQMA is Henley-in-Arden in Stratford District is likely to be declared in the future.

Where necessary, proposals will need to demonstrate through a suitable assessment that any such impacts are of an acceptable impact. The Council will work closely with regulatory partners in the assessment of planning applications (and submitted assessments where necessary) and the imposition of conditions on planning permissions where required.

Mineral development can have an impact upon climate change through the production of greenhouse gas emissions therefore, proposals should make provision to reduce greenhouse gas emissions and impacts upon climate change.

### Contamination of Land

It is possible in some circumstances for mineral operations and activities to contaminate land particularly where waste management operations and activities are also involved and this is an important issue that needs to be addressed. Measures should be taken to prevent the mobilisation and migration of contaminants on and off the site and to control emissions to water and land. Proposals for mineral operations and activities that would lead to unacceptable levels of contamination on and/or off site as part of the operation, restoration or aftercare of that development will not be permitted.

### Best and most versatile agricultural land

The NPPF defines 'best and most versatile' agricultural land as land of grades 1 (Excellent), 2 (Very good) and 3a (Good) of the MAFF Agricultural Land Classification (ALC) system. The guidance says that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. It adds that where significant development of agricultural land is demonstrated to be necessary local planning authorities should seek to use of areas of poor quality land in preference to that of higher quality.

The latest ALC information indicates that 0.1% of land in the County is grade 1, 11.9% is grade 2, 74.5% is grade 3, 7.9% is grade 4 and 0.1% is grade 5. However, these statistics were created before the sub-division of grade 3 into 3a and 3b. Subsequently, the appropriate consultation should be undertaken with Natural England where necessary to establish the exact grade of the agricultural land to be affected (see Natural England Technical Information Note TIN 049).

Development (irreversible or permanent loss) on 'best and most versatile' agricultural land will only be permitted where it is demonstrated as part of the planning application that the development of the land outweighs the economic and other benefits of retaining the agricultural land. In determining whether proposals will lead to permanent or irreversible loss the Council will wish to see applicants carry out a rigorous sifting process addressing the following considerations the

availability of suitable alternative sites on lower quality land and where only sites on higher quality land are available whether all options for reinstatement without loss of quality have been considered. The Council will take into account whether there is overriding need for the development which could not be reasonably met from an alternative environmentally acceptable site, whether the safeguarding of high quality land as a natural resource is outweighed by other sustainability factors, and the appropriate and deliverable reclamation scheme will deliver very significant environmental or community benefits which may otherwise not readily be achievable in the absence of the scheme. In all cases, a detailed agricultural land assessment will need to be produced and submitted with the planning application.

### Land instability

The NPPF seeks to ensure that unstable land is sufficiently taken into account in the planning process and outlines the ways in which land instability, either natural or man-made, should be treated when planning applications are to be considered.

Mineral development can cause the following land instability problems which could have environmental consequences:

- differential settlement of quarry backfill which will impact upon future after uses;
- mining subsidence;
- tip and quarry slope stability particularly in old colliery waste tips.

Mineral development should not create land instability both on and off site and during and after completion of mining operations. Any minerals won and worked or released by underground methods should ensure that adequate precautions are taken to avoid, minimise subsidence problems on the ground surface.

Mineral waste tips must be designed, constructed, operated and maintained so that instability or movement likely to cause risk to the health and safety of any person is avoided.

Developers are strongly encouraged to engage in pre-application consultation with the planning authority so that land stability issues can be discussed at the outset and resolved where necessary prior to the registration of the application.

The Coal Authority has defined Development High Risk Areas in Warwickshire to help identify higher risk areas that may be affected by coal mining legacy issues. The Standing Advice Area is the remainder of the defined coalfield. In this area no known risks have been recorded, and as such presents a lower potential risk to new development proposals, although there may still be unrecorded issues in this area. Further information on these areas, and how mining legacy issues should be addressed, is available at <https://www.gov.uk/guidance/planning-applications-coalmining-risk-assessments> The prior removal of minerals, where practicable and environmentally feasible, can remove or treat land instability problems both on site and on adjoining land.

### Economy

The NPPF recognises that minerals are essential to support sustainable growth and out way of life through the provision of materials for infrastructure, buildings, energy and goods. Sand and gravel operations provide a wide range of construction materials for local markets such as for new and existing housing and the provision of new roads. Aggregate producing companies come in many sizes from multinationals that operate globally to family firms working locally and they also provide employment and goods and services that can contribute to the local economy.

However, mineral operations and the transport of minerals can cause adverse environmental impacts and these impacts can sometimes affect the operation and use of local business premises if not managed properly. Such impacts can include increased noise, dust and vibration and contamination and pollution of water and land and also disruption and congestion on local roads.

### **Policy DM 5 - Sustainable Transportation**

Developers must demonstrate that a proposal facilitates sustainable transportation by:

- a) considering alternatives to road transport;
- b) minimising transportation distances;
- c) minimising the production of carbon emissions; and
- d) Where road is the only viable method of transportation, demonstrating that there is no unacceptable adverse impact on the safety, capacity and use of the highway network.

Where appropriate, applications for mineral development will need to be accompanied by a Transport Assessment which demonstrates that:

- the proposed development has direct access or environmentally acceptable links to the routes set out on the Warwickshire Advisory Lorry Route Map and the strategic highway network;
- the proposal seeks to keep the transportation of minerals, mineral derived products and wastes to a minimum;
- the highway network is able and suitable to accommodate the additional number of movements;
- the proposal (either alone, or in combination with other developments) will not result in an unacceptable detrimental impact on road safety;
- the proposal has adequate arrangements for parking, loading/unloading and vehicle movements within the site;
- the proposed access arrangements are safe and convenient for users;
- the transportation of minerals, mineral derived products and wastes (either alone, or in combination with other developments) will not result in an unacceptable impact on national and/or local environmental designations, the environment or noise sensitive local communities
- any proposed lorry routeing arrangements can be managed and enforced; and
- any necessary mitigation or compensatory works directly related to the development have been identified and that provision has been made for the carrying out of the works and their funding.

## Justification

The NPPF says that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. It also says that mineral planning authorities should ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health from traffic.

The majority of mineral, mineral derived products and wastes movements are currently by road which can have an adverse impact on local communities and the environment through noise, vibration, air pollution, carbon emissions, visual intrusion, highway/public safety and impacts upon local amenity. Where proposed developments are likely to have impacts on the transport network, applicants are strongly encouraged to engage with the appropriate transport authorities at the earliest possible stages of development. This will ensure that developments can be designed to avoid impacts at the outset, or to consider mitigation measures at the earliest possible stages. Such transport authorities may include the following (as appropriate): the Highways England the county Highways Authority, and the Warwickshire Police Road Safety Unit, Network Rail; or Canal and Rivers Trust.

The Warwickshire Advisory Lorry Route Map available at <https://apps.warwickshire.gov.uk/api/documents/WCCC-764-38> sets out the best available routes for heavy goods vehicles to use. Sites will not be encouraged where access is required through residential areas, sensitive land uses or via roads which are minor or considered unsuitable by the Highway Authority for HGV use.

A comprehensive Transport Assessment (TA) will need to be submitted with a planning application where a development is likely to have significant transport and related environmental impacts. The TA should identify the measures that will be taken to adequately mitigate or overcome the anticipated transport impacts of the proposal, and improve accessibility and safety for all travel modes. Where a development will have relatively limited transport implications, a Transport Statement may be appropriate. This will be the case where a proposed development is expected to generate relatively low numbers of trips or traffic flows, with minor transport impacts.

Applicants are strongly encouraged to undertake pre-application discussions with the relevant Highway Authority (Highways England is the responsible highway authority for trunk roads and trunk motorways and the County Council is the highway authority for all other roads in Warwickshire) to establish whether a TA is required, and if so, the scope of the assessment required to consider the transport and related environmental impacts of the proposed development.

The TA should include routing, on-site and off-site parking, hours/days of movement, driving conduct and complaints procedures and where appropriate anticipated traffic impact on the Strategic Road Network including any necessary mitigation. TAs should be incorporated into pre-application discussions and/or planning agreements and as part of the mitigation measures where necessary. Many impacts of transporting minerals, mineral derived wastes can be controlled through the use of appropriate conditions attached to a planning permission. However, developers will be encouraged to consider routing restrictions controllable by agreement to ensure the potential transport impacts of mineral development are minimised.

Where the road network is not adequate for the amount or type of movements, legal agreements will be sought to achieve appropriate improvements to mitigate the adverse impacts. Routing agreements will also be used where necessary to ensure that adequate/appropriate routes are used to prevent unacceptable adverse impacts upon local communities. Restrictions on the number/type of movements or outputs/sales may also be applied where necessary where road network improvements may have an unacceptable adverse impact on areas of designated landscape importance e.g. the Cotswold AONB or Conservation Areas or other environmentally sensitive areas.

Where minerals, mineral derived products and wastes are to be transported to or from the site, Lorries should be sheeted or netted to prevent the deposit of materials on the public highway. Operators should also encourage drivers not to arrive at the sites before the start of operations, as this can often cause significant disturbance to local residents at an early time of the day.

The NPPF advises that applicants are encouraged to submit travel plans for developments where there are likely to be significant transport implications from certain types of development. Travel plans help to raise awareness of the impacts of travel decisions, and they can help to deliver sustainable transport objectives through facilitating reductions in car usage, increasing use of public transport, reducing traffic speeds, improving road safety and providing environmentally friendly transportation of materials. Where travel plans are to be submitted alongside a planning application, they should be produced in consultation with the relevant highway authority and local transport providers.

The Warwickshire Local Transport Plan 3 (LTP3) provides information on how the County Council and its partners intend to improve transport and accessibility in Warwickshire for the period up to 2026. The LTP3 provides an important transport context for the Minerals Local Plan and applicants may find that the study and the supporting evidence may help when producing transport information for a planning application.

### **Policy DM 6 - Public Rights of Way and Recreational Highways**

Mineral development proposals will only be granted where it is demonstrated that there will be no unacceptable adverse impact upon public rights of way and recreational highways, unless suitable permanent diversions or alternative routes are provided. Temporary diversions or alternatives may be required during construction or restoration works.

#### **Justification**

##### Public Rights of Way and Recreational Highways

Public Rights of Way (PRoWs) are public highways that are protected by law and include footpaths, bridleways, restricted byways and byways open to all traffic (BOAT). The 'Definitive Map and Statement of Public Rights of Way' (DMS) is a legal document and sets out conclusive evidence of these routes. However, checks should be undertaken with the Warwickshire County Council Rights of Way Team to confirm the location and true widths of PRoWs as some additional routes may not be shown on the published version of the DMS.



Recreational highways are unclassified roads (UCRs) with an unsealed surface in the County which form valuable links in the recreational highway network. Because they are highways recreational UCRs are managed in the same way as the rights of way network but mainly for recreational use.

A PRoW or recreational unclassified road (UCR) will be affected by mineral development where it:

- a) crosses or is adjacent to an application site
- b) is to be used for site access (whether temporary or permanent)
- c) Will be crossed by an access road (whether temporary or permanent).

Applicants are required to identify all relevant PRoWs that may be affected by the development following the appropriate consultation with the Warwickshire County Council Rights of Way Team. Where mineral development is likely to affect a PRoW, the Rights of Way Team should be consulted at the earliest opportunity as part of any pre - application discussions. Where a PRoW may be adversely impacted during the development, suitable diversions or alternative routes (which are not inconvenient to users) should be provided. Where appropriate, new mineral development should protect and enhance Public Rights of Way and access. Proposals should seek to comply with the policies set out in the Council's latest Rights of Way Improvement Plan (Rights of Way and Recreational Highway Strategy 2011 -2026) available at [www.warwickshire.gov.uk/rowip](http://www.warwickshire.gov.uk/rowip) (ROWIP).

Enhancement may be achieved by improvements to the network through practical works on existing routes, contributions to longer term management of affected routes, new paths or upgraded paths or cycle tracks particularly those providing better and/or additional links to the network or provision of promotional materials Providing greater and better access to the countryside in general may also be considered as an enhancement.

### **Policy DM 7 - Flood Risk and Water Quality**

Planning permission will not be granted unless it can be demonstrated that the development will not increase the risk of flooding elsewhere throughout the lifetime of the development. Ancillary activities such as processing, vehicle handling, and stockpiling and any noise/amenity bunds must not be located in the functional floodplain Zone 3b. A restoration plan must be provided and every opportunity to reduce flood risk management must be taken.

Planning permission will not be granted where mineral development proposals would have an unacceptable adverse impact on water quality or achieving the targets of the Water Framework Directive.

### **Justification**

#### Water and Flood Risk

Climate change is likely to lead to increased and new risks of flooding within the lifetime of planned developments. Mineral development needs to be appropriately planned and designed to avoid, reduce and where necessary manage flood risk. However, the restoration of existing and new mineral workings in flood risk areas to increase flood water storage and enhance the natural environment can sometimes be beneficial.

The County's updated Strategic Flood Risk Assessment (SFRA) and the Local Flood Risk Management Strategy and Surface Water Management Plan should be consulted as part of the preparation of any planning application for mineral development as it provides the basis of the Sequential Test through providing information on the probability of flooding, taking into account other sources of flooding and the impacts of climate change.

An appropriate Site Specific Flood Risk Assessment is required for all planning application proposals that lie within flood zones 2 and 3, and proposals of over 1 hectare in Flood Zone 1, in accordance with national guidance. Where new development may be vulnerable to flooding, the development should be designed to be appropriately flood resistant and resilient, with safe access and egress during flood events. National guidance says mineral workings can be large and may afford opportunities for applying the sequential approach at the site level. It may be possible to locate ancillary facilities such as processing plant and offices in areas at lowest flood risk. Sequential working and restoration can be designed to reduce flood risk by providing flood storage and attenuation.

Proposals for minerals development should seek to use water efficiently during the lifetime of the operation to avoid water shortages and environmental degradation. If water is required for on-site mineral processing and the intention is to source it from groundwater or surface water then an abstraction licence will be required from the Environment Agency. An abstraction licence may also be required for dewatering sites to win and work any minerals.

Minerals development should maximise opportunities to reduce the causes and impacts of flooding, both on and off site, through incorporating measures such as Sustainable Drainage Systems (SuDS). The use of SuDS such as ponds, reed beds and other landscape features that help to reduce flood risk, improve water quality and increase biodiversity will be supported.

Ancillary activities such as processing, vehicle handling, and stockpiling and any noise/amenity bunds must not be located in the floodplain. A restoration plan must be provided and every opportunity to reduce flood risk management must be taken e.g. local bunding, increasing the capacity of lakes left in restored workings to act as controlled flood storage.

#### Water Quality

The County Council is a co-deliverer of the Water Framework Directive. The Water Framework Directive sets a target of aiming to achieve at least Good Status<sup>1</sup> in all water bodies by 2015. Water quality will be a significant planning concern if mineral workings indirectly affect water bodies. Mineral development activities can potentially have an adverse impact on ground and surface water quality unless they are appropriately planned, designed and monitored throughout the life of the development. Under the Pollution Control regime, the Environment Agency is responsible for regulating mineral development activities to ensure that water quality meets set standards to prevent harm to the environment or human health.

New proposals should include an assessment of how the proposed development would affect a relevant water body in a river basin management plan and how the impacts will be mitigated. The impacts may include sub-water table working, the replacement of natural permeable materials with

potentially poor quality and lower permeability imported materials and the storage and use of hazardous substances. Any assessment should therefore focus on the following elements:

- a) Identifying where there might be impacts on water bodies;
- b) Seek options to reduce impacts on water bodies;
- c) Require all practicable mitigation;
- d) Prevent deterioration of current water body status;
- e) Take listed measures in river basin management plan (RBMP) into account;
- f) Consider alternative development options that would avoid or reduce impacts on water bodies;
- g) Seek opportunities to improve water bodies;
- h) Consider objectives in RBMP's for protected areas;
- i) It should be noted that water bodies include surface watercourses and underground aquifers.

Proposals for mineral development will only be permitted where it can be demonstrated that provision has been made to protect and where appropriate, enhance ground and surface water. Where mineral development may have an unacceptable adverse impact on surface or groundwater quality, planning permission will not be granted.

#### **Policy DM 8 - Aviation Safeguarding**

Planning permission will not be granted for mineral development proposals where they would have an unacceptable adverse impact on aviation safety.

#### **Justification**

Civil and military aerodromes and technical sites must be safeguarded in accordance with the Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002. This seeks to ensure that their operation and development are not inhibited by:

- buildings, structures, erections or works which infringe protected surfaces, obscure runway approach lights or have the potential to impair the performance of aerodrome navigation aids, radio aids or telecommunication systems;
- lighting which has the potential to distract pilots; or
- developments which have the potential to increase the number of birds or the bird hazard risk such as the restoration of mineral workings by infilling with wastes

Where mineral development proposals are located within 13km of officially safeguarded civil aerodromes, 8 miles of military aerodromes or delineated safeguard areas for NATS Technical Sites, the appropriate consultation must be undertaken in accordance with Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002. In the event that the mineral development results in unacceptable adverse impacts on aviation safety planning permission should not be granted. Policy DM 9 - Reinstatement, reclamation, restoration and aftercare Planning permission for mineral development will not be granted unless satisfactory provision has been made for high quality restoration and aftercare of the site, for the steps to be taken to bring the land up to the required standard for the intended after use and for the future

management of its after use including securing and making as safe as possible the site when mineral operations cease ; and unless it has been demonstrated that the site will be reclaimed at the earliest opportunity y.

In determining planning applications the Council will take into account the extent to which the proposals can deliver additional restoration benefits to the local community and the environment such as net gains in biodiversity.

### **Justification**

The Minerals Local Plan seeks to ensure that the highest possible standards of restoration which contributes to achieving local and national objectives are delivered at the earliest opportunity in Warwickshire.

Planning permission will not be granted unless satisfactory information is submitted to demonstrate that provision will be made for high quality restoration and/or aftercare of a site and where necessary and appropriate long term management of its intended after use. For uses of land such as nature conservation the level of aftercare and future management will be higher and will be required for a longer period of time. Such extended aftercare will be secured by a planning obligation secured before planning permission is granted.

Restoration schemes should be produced to take account of the unique characteristics of the site to clearly demonstrate that the overall objectives of the scheme are practically achievable. This will include (as appropriate):

- a) the intended after use;
- b) phasing;
- c) storage and management of soils/overburden;
- d) filling operations (if required);
- e) final landform and levels;
- f) vegetation establishment;
- g) removal of site infrastructure;
- h) landscaping and tree planting;
- i) provision of surface features; and
- j) Aftercare and long term management and monitoring.

For mineral extraction sites where expected extraction is likely to last for many years it may prove beneficial for the principles of the restoration or after-use to be established at the planning application stage, rather than detailed schemes drawn up at the outset. This is because there may be technological/operational innovation or policy changes over the period of operation. In these cases, a more flexible approach may lead to a restoration proposal that is both beneficial and deliverable. This is particularly important for large sites and areas where workings are concentrated such as in river valleys.

Restoration of sites should normally be undertaken in phases (progressive) to minimise local disturbance and impacts and to minimise the area of land required at any one time by the mineral working. Where proposals come forward to restore a site to lower than original levels consideration will be given to the landscape impacts of the proposed final restored level and whether it is

appropriate in the local landscape. However it is recognized that Best and Most Versatile agricultural land can be restored/enhanced using low level land techniques and without having adverse impacts on visual appearance. By focussing on restoring part of the site to the best and most versatile agricultural land the remainder can be left for nature conservation and recreational uses.

Carefully prepared and designed mineral development proposals offer the opportunity to provide restoration benefits to the local community and the environment through such things as net gains in biodiversity, green infrastructure and additional woodland planting. The Council will support proposals for the development of bio-secure sites for the possible re- introduction of white clawed crayfish.

Extensions to mineral workings either laterally or by deepening can provide opportunities to delay the restoration of an existing site creating the potential for significant environmental harm. Extensions to existing mineral working will not be permitted unless it can be demonstrated that the majority of the existing site cannot be restored to its intended after use(s) due to practical or technical reasons.

It is recognised that the mineral developments can pose a risk to safety after their working life has ended so it is important that sites are secured and made as safe as possible when mineral operations cease.

#### **Policy DM 10 - Mineral Safeguarding (see also Policy MCS 5)**

Non-mineral development, except for those types of development set out in Appendix 3, will not be permitted if it would needlessly sterilise unnecessarily sterilise important mineral resources or would prejudice or jeopardise the use of existing mineral sites or existing and future mineral infrastructure unless:

- a) the prospective developer has produced evidence prior to the determination of the planning application that clearly demonstrates that the mineral concerned is no longer of any value, or potential value or the minerals infrastructure is no longer needed; or
- b) it would be inappropriate to extract mineral resources at that location, with regard to the other policies in the Plan: or
- c) it can be clearly demonstrated that the mineral will be extracted prior to the development taking place; or
- d) the non-mineral development is of a temporary nature and can be completed and the site restored before the mineral needs to be extracted; or
- or
- e) the merits of the development clearly outweigh the need for safeguarding.

Proposals for the extraction of minerals prior to, or as part of, non-mineral development will be supported where:

- a) it is practicable and will not result in the approved non-mineral development being incapable of implementation and development; and
- b) it is environmentally feasible; and

- c) it can be carried out without any unacceptable adverse impacts; and
- d) it can be carried out within a reasonable timescale: and
- e) proposals are submitted which clearly demonstrate that the site will be restored should the approved non-mineral development be delayed or not implemented.

### **Justification**

This policy sets out how non-mineral development proposals will be assessed with regard to the safeguarding of existing and future mineral sites and mineral infrastructure in Warwickshire and where proposals for prior extraction of minerals will be supported.

Other forms of development (new and/or redevelopment) may impact on minerals development, either through surface development sterilising mineral resources or encroachment of incompatible development affecting the operational viability of the minerals development. As such the existence of existing and future mineral sites and minerals infrastructure should be taken into consideration with regard to the determination of proposals for other forms of development.

Warwickshire contains many mineral resources including sand and gravel, hard rock, brick-making clay, coal; cement raw materials and building stone. The NPPF states that Mineral Planning Authorities (MPAs) should define Minerals Safeguarding Areas (MSAs) in their Local Plans to ensure that mineral resources are adequately and effectively considered in land use planning decisions so that they are not needlessly sterilised. Mineral safeguarding helps to protect Warwickshire's viable mineral resources. Minerals are non-renewable resource that can only be worked where they are found.

Non-mineral developers are required to check whether proposals lie within the County Council's delineated MSA, available at [www.warwickshire.gov.uk/msa](http://www.warwickshire.gov.uk/msa) before submitting any planning application for non-mineral development to the relevant local planning authority. The MSAs have been prepared on the basis of the best information available. They were produced as part of a report produced on behalf of the MPA by the British Geological Survey which mapped the extent of mineral resources in the County, the latest guidance and information about those resources and other data and information available to the MPA. From time to time the MSAs may be reviewed and updated as mineral resources become exhausted or as the result of exploratory or detailed drilling as part of the preparation of planning application for minerals development or a mineral survey and assessment report submitted with a planning application for non-mineral development.

There will be occasions where the resource extends beyond the mapped information so developers should always check to see if there is any further up to data available.

### **Consultation Process.**

The local planning authority (LPA) will consult the MPA on the non-mineral development planning application and not determine the planning application until it has given the MPA the opportunity to consider the implications for safeguarding the mineral resource and/or mineral infrastructure. The LPA may involve the MPA in pre-application discussions where the opportunity to discuss safeguarding issues can be addressed in the non-mineral development planning application.

Proposals for non-mineral development within a MSA except for those types of development described in Appendix 3 in the Plan must demonstrate that the sterilisation of mineral resources of local, regional or national importance will not occur as a result of the development, and that the development would not pose a serious hindrance to future winning and working of minerals. In the case of mineral infrastructure the non-mineral development must demonstrate that it will not constrain or hinder the existing and potential use of the infrastructure site. In order to avoid unnecessary consultations by other local planning authorities, Appendix 3 lists types of applications for proposed non –mineral developments which in the opinion of the Council are unlikely to conflict with the aims of Policy MCS5 and are excepted from its scope.

The non- minerals developer should carry out a mineral assessment as part of the preparation of their planning application and submit it to the County Council at the same time as submitting to the local planning authority to minimise any delays. The assessment should include site specific geological survey data to establish the existence or otherwise of a mineral resource of economic importance (such as nature, extent, type, quantity of the reserve and overburden to reserve ratio). When determining the extent of the resource that could be removed the emphasis should be on a sequential approach starting with the full removal of the mineral resource before moving then onto limited or partial removal and finally incidental removal. Consideration should be given to both the use of the resource within the development and release to the wider market. By changing the design of the non-mineral development it may be possible to increase the amount of resources which can be released and not sterilised.

The MPA will consider the mineral assessment report and determine if sterilisation is likely to occur and whether prior extraction is likely to meet the requirements set out in this Policy. The MPA may consult the local minerals industry as part of its assessment work or seek independent expert advice as appropriate. In the case of minerals infrastructure the MPA will determine if the non-mineral development is likely to constrain or hinder the existing and potential use of the infrastructure site. As part of this process the County Council may consult the operator/landowner of the relevant infrastructure site affected and will take account any comments they may make before finalising and submitting their views to the relevant LPA.

If the MPA determines that sterilization is not likely to occur then it will notify the relevant LPA before they determine the non-mineral development proposals. If the MPA believes that sterilisation is likely to occur and prior extraction of all or most of the affected resource is feasible then the MPA will object to the non-mineral development before determination.

The MPA will seek the submission of a separate planning application for prior extraction of the full mineral resource and will notify the relevant LPA and non-mineral developer accordingly. For all other prior extraction proposals (limited or partial or incidental) the MPA will seek the imposition of a planning condition on the non-mineral development permission requiring the submission and approval of a scheme of mineral removal or Construction Management Plan.

The MPA will determine the planning application for prior extraction in accordance with policies in this plan. In the case of mineral infrastructure the County Council will seek in the first instance an amendment to the non-mineral development to prevent any constraint or hindrance of the existing and potential use of the infrastructure site. If that is not possible then the County Council will object

to the non-mineral development and notify the local planning authority and the developer accordingly.

Prior extraction will be supported where it is practicable, where it will not prevent the non-mineral development taking place, is environmentally feasible, will not cause any unacceptable adverse impacts, can be carried out within a reasonable timescale and if the non-mineral development is delayed the worked out site can be beneficially restored.

#### **Policy DM 11 - Carbon Emissions and Resource Efficiency**

Mineral development that reduces overall carbon emissions and improves resource efficiency during construction, operation and restoration will be supported subject to compliance with other policies in the development plan.

#### **Justification**

The mineral sector must make a contribution to meeting carbon reduction targets set out in the UK Low Carbon Transition Plan and the Strategy for Sustainable Construction. Mineral development must be carried out in such a way that reduce embodied and operational carbon emissions associated both with site/plant and transportation of materials and products during the life cycle of the development (construction, operation and restoration). Promotion of renewable and carbon energy and energy efficiency are key to achieving this.

Resource efficiency is about getting the most out of the finite resources and minimizing waste; this also brings benefits in terms of carbon emissions reduction. Planning applications for mineral development must demonstrate how Carbon Emissions and Resource Efficiency are to be achieved.

#### **Policy DM 12 - Overall Assessment of Proposals**

Proposals should clearly demonstrate that any adverse impacts have been considered under the following mitigation hierarchy:

Level 1 avoided; or

Level 2 satisfactorily mitigated where all avoidance has been implemented as far as possible; or

Level 3 adequately compensated for either onsite or offsite (as a last resort where any adverse impacts cannot be avoided or satisfactorily mitigated).

All opportunities to satisfy Stage 1 and Stage 2 should be exhausted before proceeding to the next stage.

#### **Justification**

As part of the County Council's overall assessment of the suitability of the proposals it will determine if they can clearly demonstrate that any adverse impacts have been considered against the mitigation hierarchy set out in this policy.



## 10 Implementation

As the Minerals Planning Authority, Warwickshire County Council will play a leading role in implementing the policies of this Minerals Plan in a variety of ways. This will include:

- a) determining planning applications in accordance with the Development Plan, government policy and guidance and other material considerations;
- b) attaching conditions to planning permissions where appropriate;
- c) seeking planning obligations or legal agreements with developers where necessary;
- d) enforcing breaches of planning control where necessary;
- e) encouraging co-operation and dialogue between the minerals industry and communities by facilitating consultation and participating in liaison meetings;
- f) consulting and engaging a wide range of stakeholders including other County Council departments, District and Borough Councils, Parish Councils, adjoining Minerals Planning Authorities, the West Midlands Aggregate Working Party, the Environment Agency, Natural England, English Heritage, the Health and Safety Executive, DEFRA, the Highways Agency and other interest groups;
- g) working collaboratively with the minerals industry and issuing advice, guidance or supplementary policy documents where required.

### Monitoring

Warwickshire County Council has a legal duty to monitor policy implementation as part of its Annual Monitoring Report (AMR). The table below provides a proposed monitoring framework to assess the implementation of the policies by establishing performance indicators, targets and possible sources of information. In reviewing policy implementation on an annual basis (as a minimum), it will allow the Council to gather information to shape future policy formulation and decision making, to examine the effectiveness of its policies and, where necessary, to identify policy changes or interventions.

Table 10.1				
Policy	Objectives Achieved	Performance Indicator	Target	Information Source
S0 S1 - S9	i	1. Amount of sand and gravel permitted. 2. Number of sites producing sand and gravel. 3. Permissions within Allocated Sites or	. Planned level of provision met. 2. Planned production levels maintained during plan period. 3. All sites permitted	1. Planning Applications/Annual Monitoring Report(AMR) 2. Aggregates Working Party (AWP) Annual Surveys/Annual Mineral Raised Inquiry (AMRI) returns/Local Aggregates

		outside allocated sites.	during plan period	Assessment (LAA). 3. Planning Applications/AMR
MCS1	i	<p>1. Amount of recycled and secondary aggregates produced.</p> <p>2. Sales of sand and gravel comparing with rolling 10 and 3 years sales averages.</p> <p>3. Reserves of sand and gravel, crushed rock and clay</p>	<p>1. Sales of recycled and secondary aggregates</p> <p>2. Sales of sand and gravel to meet planned level of provision.</p> <p>3. Maintain landbanks of permitted reserves – Sand Gravel - 7 years. Crushed Rock - 10 years and 25 years for Brick Clay</p>	1/2/3. AWP Annual Surveys/LAA
MCS2	i	<p>1. Sales of sand and gravel.</p> <p>2. Reserves of sand and gravel.</p> <p>3. Permissions within Allocated Sites.</p> <p>4. Number of sites permitted outside allocated sites.</p>	<p>1. Planned level of provision met.</p> <p>2. Sand and Gravel landbank - 7 years.</p> <p>3. All sites permitted during plan period.</p> <p>4. No permissions granted unless the material planning benefits outweigh the material planning objections.</p>	<p>1/2 AWP Annual Surveys/LAA</p> <p>3/4. Planning Applications/AMR</p>
MCS3	i	<p>1. Sales of crushed rock.</p> <p>2. Reserves of crushed rock.</p> <p>3. Permissions granted.</p>	<p>1. Planned level of provision met.</p> <p>2. Crushed rock landbank - 10 years</p> <p>3. No permissions in the Cotswold AONB</p>	<p>1/3. Planning Applications/AMR</p> <p>2. AWP Annual Surveys/LAA</p>

MCS4	iii	<p>1. Number of proposals granted</p> <p>2. Amount of new capacity provided.</p>	1/2. All proposals in line with policy.	1. Planning Applications/AMR
MCS5	ii	<p>1. Extent of MSAs sterilised by non - mineral development.</p> <p>2. Number of objections made by WCC to proposals which sterilise mineral resources of economic importance.</p> <p>3. Number of mineral infrastructure sites adversely affected by non -mineral development</p>	<p>1/2. No sterilisation of mineral resources contrary to requirements of policy.</p> <p>3. No loss of minerals infrastructure sites contrary to requirements to policy.</p>	1/2/3. Planning Consultations/AMR
MCS6	i, viii	<p>1. Production of clay</p> <p>2. Reserves of Clay</p> <p>3. Permissions for long term stockpiling of clays</p> <p>4. Supplies to works outside the county</p>	<p>1. Planned level of provision met</p> <p>2. Clay landbank – 25 years</p> <p>3. No target</p> <p>4. No target</p>	<p>1/2. Annual survey by WCC/AMR.</p> <p>3. Planning Applications/AMR</p> <p>4. Monitoring surveys with other MPAs</p>
MCS7	i, viii	1. Approved proposals meet criteria	1. All proposals in line with policy.	1. Planning Applications/AMR
MCS8	i	1. Approved proposals meet criteria	1. All proposals in line with policy.	1. Planning Applications/AMR
MCS9	i	1. Approved proposals meet criteria	1. All proposals in line with policy.	1. Planning Applications/AMR
MCS10	i	1. Approved proposals meet criteria	1. All proposals in line with policy.	1. Planning Applications/AMR

DM1, DM2, DM3	iv, v	<p>1. Approved proposals meet environmental criteria.</p> <p>2. Mineral development carried out in close consultation with local communities.</p> <p>3. Number of Site Liaison Committees</p>	<p>1. All proposals in line with policy.</p> <p>2. All proposals subject to early consultation with local communities.</p> <p>3. No target</p>	<p>1/2. Planning Applications.</p> <p>3. AMR</p>
DM4	v, x	<p>1. Approved proposals meet environmental criteria.</p> <p>2. Number of applications refused due to adverse health, amenity, economic or environmental effects</p>	<p>1. All proposals in line with policy.</p> <p>2. All proposals accompanied by Transport Assessment where appropriate</p>	<p>1/2 Planning applications/AMR</p>
DM5	vi	<p>1. Approved proposals meet criteria.</p> <p>2. Number of Transport Assessments submitted.</p>	<p>1. All proposals in line with policy.</p>	<p>1/2 Planning Applications/AMR</p>
DM6	iv, v	<p>1. Approved proposals meet criteria.</p> <p>2. Length of public rights of way/recreational highways lost and/or created</p>	<p>1. All proposals in line with policy.</p> <p>2. No loss of public rights of way/recreational highways.</p>	<p>1/2 Planning Applications/AMR</p>
DM7	ix	<p>1. Approved proposals meet criteria</p>	<p>1. All proposals in line with policy.</p>	<p>1. Planning Applications/AMR</p>
DM8	iv, v	<p>1. Approved proposals meet criteria</p>	<p>1. All proposals in line with policy.</p>	<p>1. Planning Applications/AMR</p>

DM9	vii	1. Approved proposals meet criteria	1. All proposals in line with policy.	1. Planning Applications/AMR
DM10	ii	1. Extent of MSAs sterilised by non - mineral development. 2. Number of objections made by WCC to proposals which sterilise mineral resources of economic importance.	1/2. No sterilisation of mineral resources contrary to requirements of policy.	1/2. Planning Consultations/AMR
DM11	ix	1. Approved proposals meet criteria	1. All proposals in line with policy.	1. Planning Applications/AMR
DM12	iv, v, vi, vii, viii, ix, x	1. Approved proposals meet criteria	1. All proposals in line with policy.	1. Planning Applications/AMR

## 11 Glossary

Term of reference	Abbreviation (where used)	Definition
Aftercare		The management and treatment of land for a set period of time immediately following the completed restoration of mineral workings to ensure the land is returned to the required environmental standard.
After-use		The ultimate use after mineral working for agriculture, forestry, amenity (including nature conservation and country parks) industrial or other development.
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.
Areas of Search		Areas of Search are designated sites which have mineral potential but for which there hasn't been the detailed investigation to prove the quality of the deposit. Therefore industry is encouraged to assess the economic viability. These areas have been examined against environmental constraints and their identification confers a general presumption in favour of proposals for extraction within them.
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.

		<p>Some examples</p> <p>of biodiversity include; meadows full of wild flowers, hedgerows full of</p> <p>Blossom and woods filled with birdsong.</p>
Biodiversity Action Plan	BAP	<p>UK and Local action plans to identify, conserve and protect existing biological diversity and to enhance it where possible. Action plans for the most threatened species and habitats have been set out to aid recovery, and reporting rounds show how the UKBAP has contributed to the UK's progress towards the significant reduction of biodiversity loss called for by the Convention on Biological Diversity.</p>
Borrow Pit		<p>A temporary and usually small scale mineral extraction operation specifically to supply mineral to a major construction project nearby.</p>
Buffer Zones		<p>These are areas drawn around settlements or properties in which mineral development is prohibited. The purpose of these zones is to protect settlements from disruption caused by the working of the minerals. They can also apply to an area around existing workings where non-mineral development may be prohibited which would adversely affect the operation of the existing mineral workings.</p>
Carboniferous		<p>A division of geological time from around 360-290 million years ago.</p>
Clay		<p>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.</p>
Construction and Demolition Waste	C and D Waste	<p>Waste arising from construction, repair, maintenance and demolition of buildings and structures, including roads. It consists mostly of brick, concrete, hardcore, sub-soil and top-soil, but can also contain quantities of timber, metal, plastics and occasionally hazardous waste materials.</p>
Coal		<p>Combustible mineral formed from organic matter (mostly plant material). A fossil fuel most commonly used in energy production.</p>

Crushed rock		Naturally occurring rock which is crushed into a series of required sizes to produce an aggregate.
Department for Communities and Local Government	DCLG	Government department with national responsibility for housing, urban regeneration, local government and planning.
Department for the Environment Food and Rural Affairs	DEFRA	Government department with national responsibility for sustainable waste management.
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.
Development Plan Documents	DPDs	These outline the key development goals of the Local Development Framework. These are documents that have been subject to rigorous community involvement, consultation and independent examination. Once adopted, development control decisions must be made in accordance with the DPDs, unless material considerations indicate otherwise.
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
Greenfield Land		Undeveloped or vacant land not included in the definition of 'previously developed land'.
Hazardous Waste		Broadly any waste on the European Hazardous Waste list that has one or more of fourteen hazardous properties.
Inspector's report		This will be produced by the Planning Inspector following the Independent Examination and may contain binding recommendations for the Council to consider. The report will then be subject to an internal QA process in the Inspectorate before dispatch. The Local Planning Authority then has two weeks to carry out the fact check.
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 Biodiversity		Non-statutory plan developed through partnership working and seeking to identify local priorities and to determine the

Action Plan		contribution they can make to the delivery of the national Species and Habitat Action Plan targets.
Local Development Document	LDD	A document that forms part of the Local Development Framework. Can either be a Development Plan Document or a Supplementary Planning Document.
Local Development Framework	LDF	LDF is the term used to describe a group of documents produced by the Local Planning Authority detailing: Development Plan Documents, Supplementary Planning Documents, Statement of Community Involvement, Local Development Scheme, Authority Monitoring Reports
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		Development consisting of the winning and working of minerals or involving the depositing of mineral waste.
Mineral Exploration		Ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral. .
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 have yet to be assessed or is not yet economic.
Mineral Safeguarding 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 and Waste Development Scheme	MWDS	A project plan and timetable for the preparation of the Minerals and Waste Development Frameworks and all of its constituent documents.
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.
Office of the Deputy Prime Minister	ODPM	Former government department with responsibility for planning and local government. The responsibilities of the ODPM transferred to the DCLG on 5th May 2006.
Permitted Reserves		Mineral deposits with the benefit of planning permission for extraction.
Planning and Compulsory Purchase Act 2004	PCPA	An Act to make provision relating to Spatial Development and town and country planning; and the compulsory acquisition.
Planning Inspectorate	PINS	The Government agency responsible for scheduling independent examinations. PINS employ planning inspectors who sit on independent examinations.
Preferred Area		Area containing mineral resources, which can be identified with a high degree of certainty and where the principle of extraction has been established. These areas must be subject to extensive consultation before they are formally delineated.

Previously Developed Land	PDL	Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural and forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built up and rural settings. The definition includes defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures. The definition excludes land and buildings that are currently in use for agricultural and forestry purposes and land built up areas which has not been developed previously (e.g. parks, recreation grounds and allotments even though these may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can be reasonably considered as part of the natural surroundings), and where there is a clear reason that could out-weigh the re-use of the site such as its contribution to nature conservation or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment.
Primary Aggregates		Material extracted or produced from natural occurring mineral deposits used as an aggregate.
Proposals Map		Illustrates the policies and proposals in the development plan documents and any saved policies that are included in the local development framework.
Public Consultation		A process through which the public is informed about proposals by the planning authority or developer and invited to submit comments.
Polished Stone Value	PSV	This is a value given to an individual aggregate, found by subjecting the aggregate to a standard polishing process and then testing the aggregate with the Portable Skid Resistance Tester. Aggregate that has a PSV value (over 60) is regarded as a High Skid Resistant Aggregate. High PSV stone is used for the production of asphalt, for road surfacing.

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.
Ramsar Site		Internationally important sites designated under the Convention on Wetlands of International importance especially as water fowl habitat, Ramsar 1971.
Reclamation		The process of returning an area to an acceptable environmental condition 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.
Regionally Important Geological Site	RIG	A non-statutory regionally important geological or geomorphological site (basically relating to rocks, the Earth's structure and landform).
Registered Parks and Gardens		Gardens, grounds and other planned open spaces, such as town squares. The emphasis of the register is on 'designed' landscapes, rather than on planting or botanical importance. Historic parks and gardens are a fragile and finite resource: they can easily be damaged beyond repair or lost forever.
Restoration		Following the completion of the winning and working of minerals the use of subsoil and/or topsoil and/or soil making materials to return the land to an acceptable environmental condition to enable the resumption of a former land use or for a new use.
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.
Rural Areas		The rural areas of the county are those outside of the built up areas of Nuneaton, Bedworth, Rugby, Kenilworth, Leamington Spa, Warwick and Stratford-upon-Avon, Atherstone,

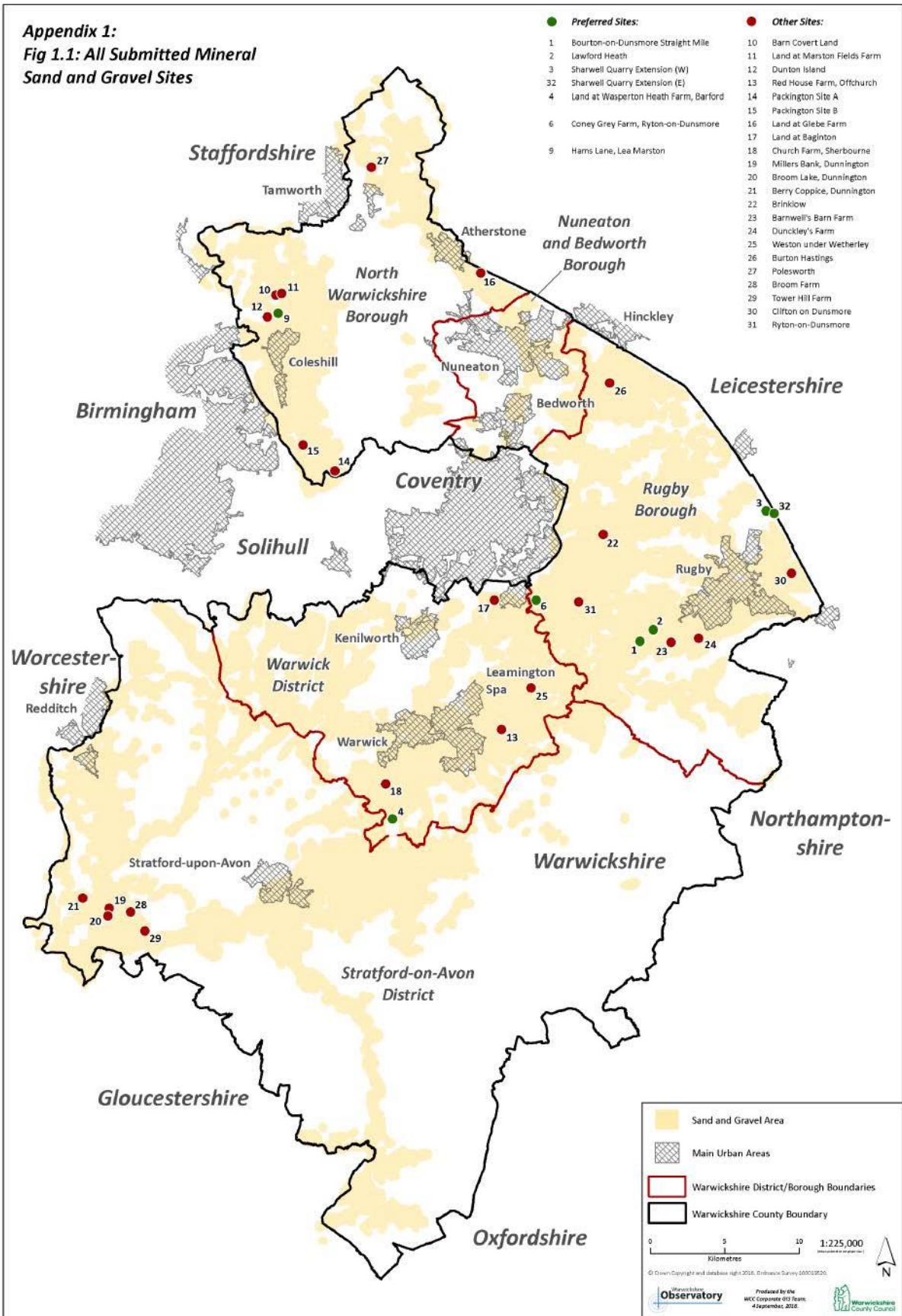
		Polesworth/Dordon and not 'Hams Hall'.
Sand and Gravel		A finely divided rock, comprising of particles or granules that range in size from 0.063 to 2mm for sand, and up to 64mm for gravel. It is used as an important aggregate mineral.
Saved Plan/Policies		Under the Planning Compulsory Purchase Act (2004) the Minerals and Waste Local Plans for Warwickshire have been 'saved' for a period of three years (until September 2007). Selected policies within these plans have been further 'saved' beyond September 2007, but will be progressively replaced by the emerging DPDs within the new MWDF.
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.
Sites of Special Scientific Interest	SSSIs	A site statutorily protected for its nature conservation, geological or scientific value designated under the Wildlife and Countryside Act 1981 (as amended).
Special Area of Conservation	SAC	Candidate and proposed: designated with the intention to protect habitats of threatened species of wildlife, under the European Community Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora.
Special Landscape Areas	SLA	An area recognised as being of County level landscape importance. A non-statutory landscape designation, Special Landscape Areas frequently border Areas of Outstanding Natural Beauty, protecting the landscape settings of these statutorily designated areas.
Special Protection Area	SPA	Internationally important sites designated under Council Directive 79/403/EEC on the Conservation of Wild Birds 1979.
Strategic Environmental Assessment (SEA)	SEA	Local Planning Authorities must comply with European Union Directive 2001/42/EC which requires a high level, strategic assessment of local development documents (DPDs and, where appropriate SPDs) and other local programmes (e.g. the Local

		Transport Plan and the Municipal Waste Management Strategy) that are likely to have significant effects on the environment.
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.
Strategic Flood Risk Assessment	SFRA	An assessment which identifies the main risks to a development site from flooding and recommends mitigation measures to reduce the impact of flooding to the site and surrounding area.
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.
Sustainable Mineral Extraction		Means using mineral resources efficiently, so as to carry out mineral working only where it is needed, ensuring that there is sufficient balance between the economic, social, and environmental goals of sustainable development.
Waste Local Plan	WLP	A statutory detailed land use plan, produced by the County Council. Its purpose is to set out specific land use policies in relation to waste management development in the County. The policies are applied to planning applications for waste disposal facilities, such as landfill sites, incinerators and recycling depots.





Appendix 1: Minerals Sites Submission Plans



## **Appendix 2: Minerals Safeguarding Plans**

Warwickshire County Council commissioned the British Geological Survey (BGS) to delineate its Mineral Safeguarding Areas (MSAs).

We have produced MSAs for all the main minerals in the county; these are for sand and gravel, crushed rock, coal, building stone, brick clay and cement raw materials.

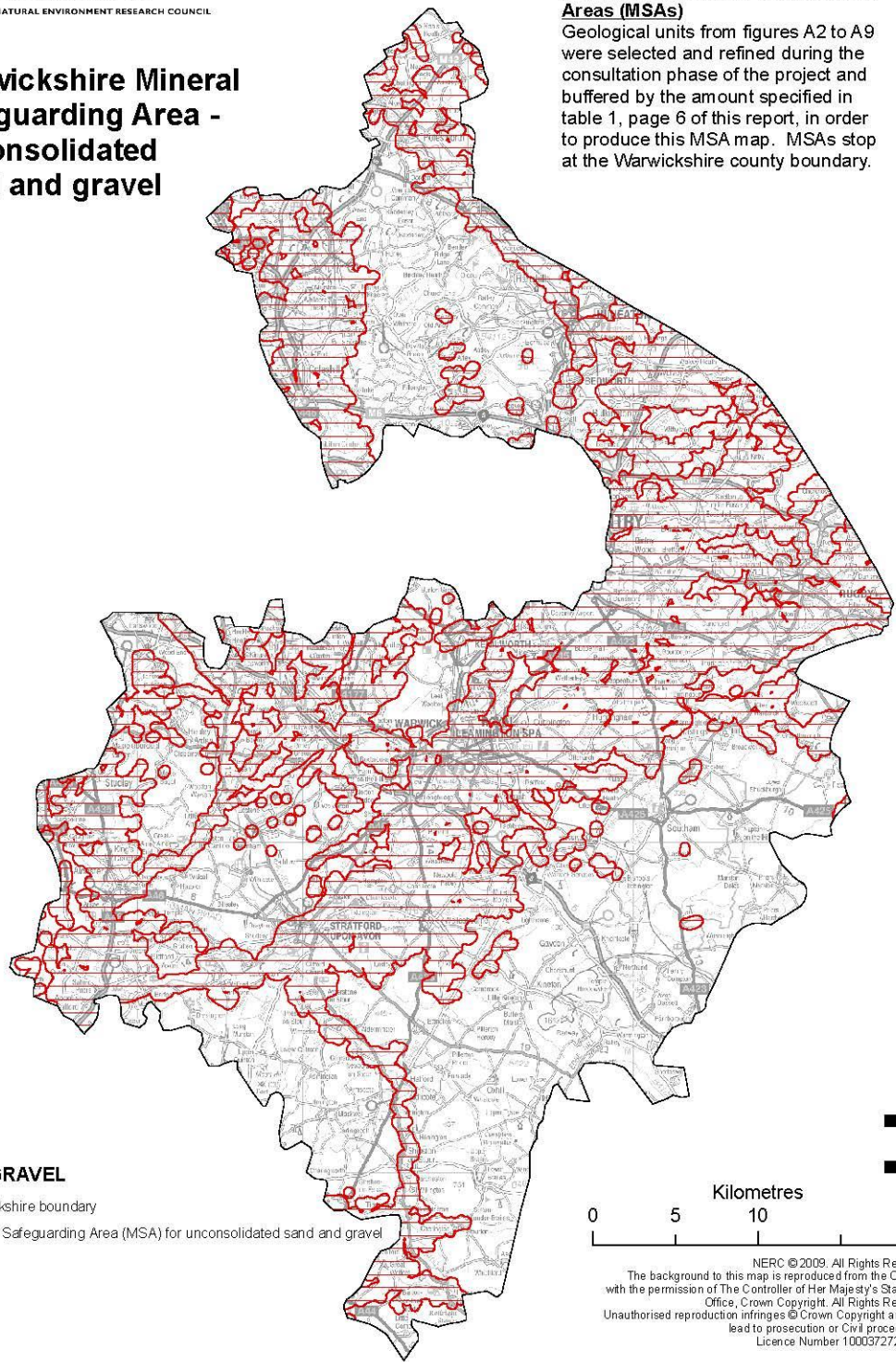
These are all shown below. They are also shown on a composite map.



## Warwickshire Mineral Safeguarding Area - Unconsolidated sand and gravel

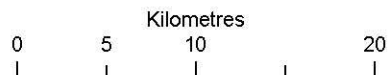
### Warwickshire Mineral Safeguarding Areas (MSAs)

Geological units from figures A2 to A9 were selected and refined during the consultation phase of the project and buffered by the amount specified in table 1, page 6 of this report, in order to produce this MSA map. MSAs stop at the Warwickshire county boundary.



#### SAND & GRAVEL

- Warwickshire boundary
- Mineral Safeguarding Area (MSA) for unconsolidated sand and gravel



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**Figure A10: Warwickshire MSA - Unconsolidated sand and gravel**





**British Geological Survey**  
NATURAL ENVIRONMENT RESEARCH COUNCIL

## Warwickshire - Crushed rock

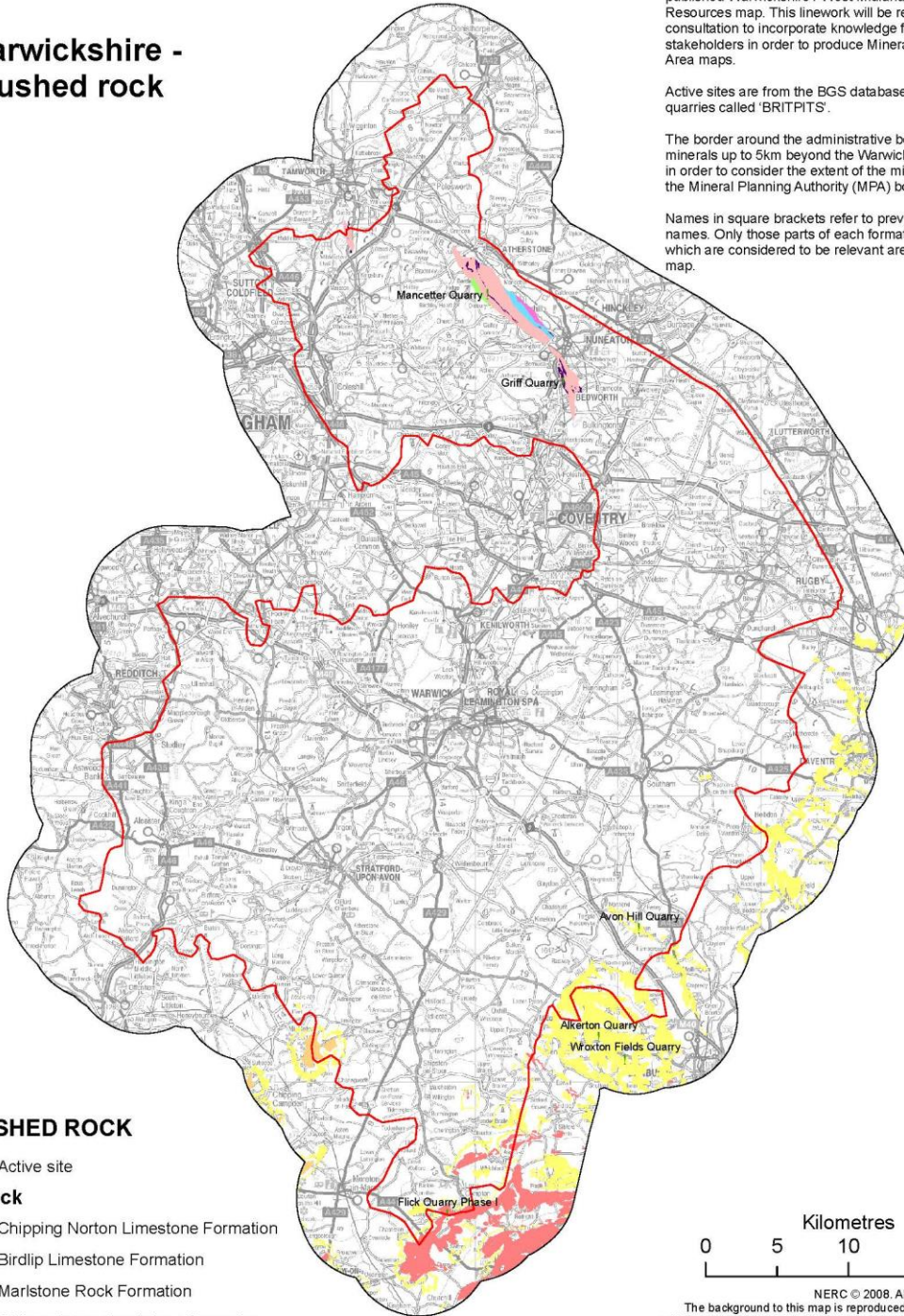
### Consultation phase maps

These maps are part of the consultation phase of the "Delineating Warwickshire Mineral Safeguarding Areas" project. They show geological units from the 'BGS DiGMapGB-50' geological linework and the 1999 published Warwickshire / West Midlands Mineral Resources map. This linework will be refined through consultation to incorporate knowledge from stakeholders in order to produce Mineral Safeguarding Area maps.

Active sites are from the BGS database of active quarries called 'BRITPITS'.

The border around the administrative boundary shows minerals up to 5km beyond the Warwickshire boundary in order to consider the extent of the minerals straddling the Mineral Planning Authority (MPA) boundary.

Names in square brackets refer to previously used names. Only those parts of each formation or group which are considered to be relevant are shown on the map.

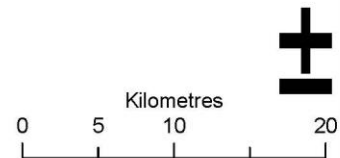


### CRUSHED ROCK

! Active site

### Bedrock

- Chipping Norton Limestone Formation
- Birdlip Limestone Formation
- Marlstone Rock Formation
- Oldbury Farm Sandstone Formation
- Midlands Minor Intrusive Suite (hosted by Stockingford Shale Group) [Diorite sills]
- Stockingford Shale Group (hosts Midlands Minor Intrusive Suite)
- Hartshill Sandstone Formation [Hartshill Quartzite]
- Caldecote Volcanic Formation [Charnian volcanics and minor intrusives]



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**Figure A3: Warwickshire - Crushed rock**



## Warwickshire Mineral Safeguarding Area - Brick clay

### Warwickshire Mineral Safeguarding Areas (MSAs)

Geological units from figures A2 to A9 were selected and refined during the consultation phase of the project and buffered by the amount specified in table 1, page 6 of this report, in order to produce this MSA map. MSAs stop at the Warwickshire county boundary.

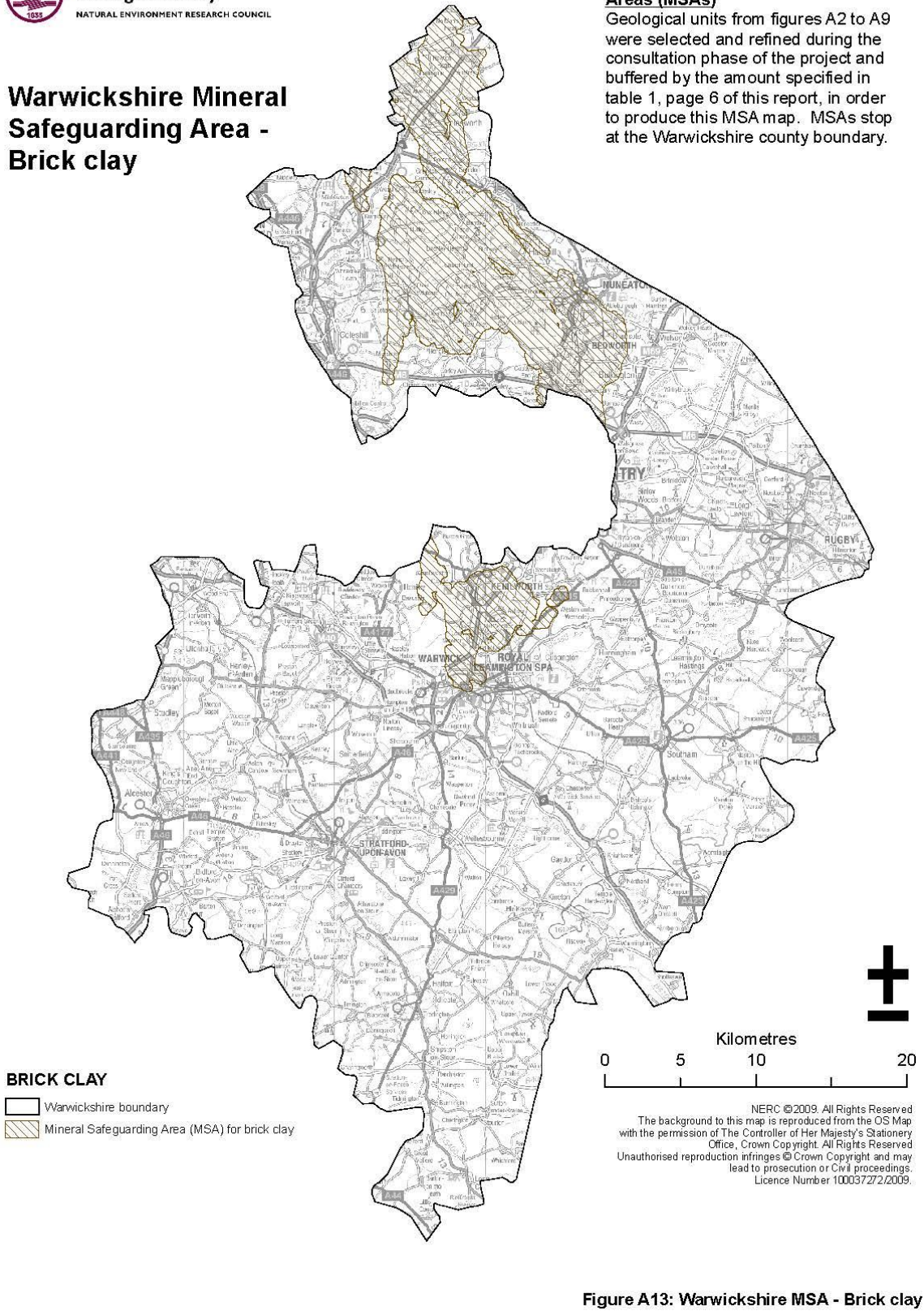


Figure A13: Warwickshire MSA - Brick clay





## Warwickshire Mineral Safeguarding Area - Cement raw materials

### Warwickshire Mineral Safeguarding Areas (MSAs)

Geological units from figures A2 to A9 were selected and refined during the consultation phase of the project and buffered by the amount specified in table 1, page 6 of this report, in order to produce this MSA map. MSAs stop at the Warwickshire county boundary.

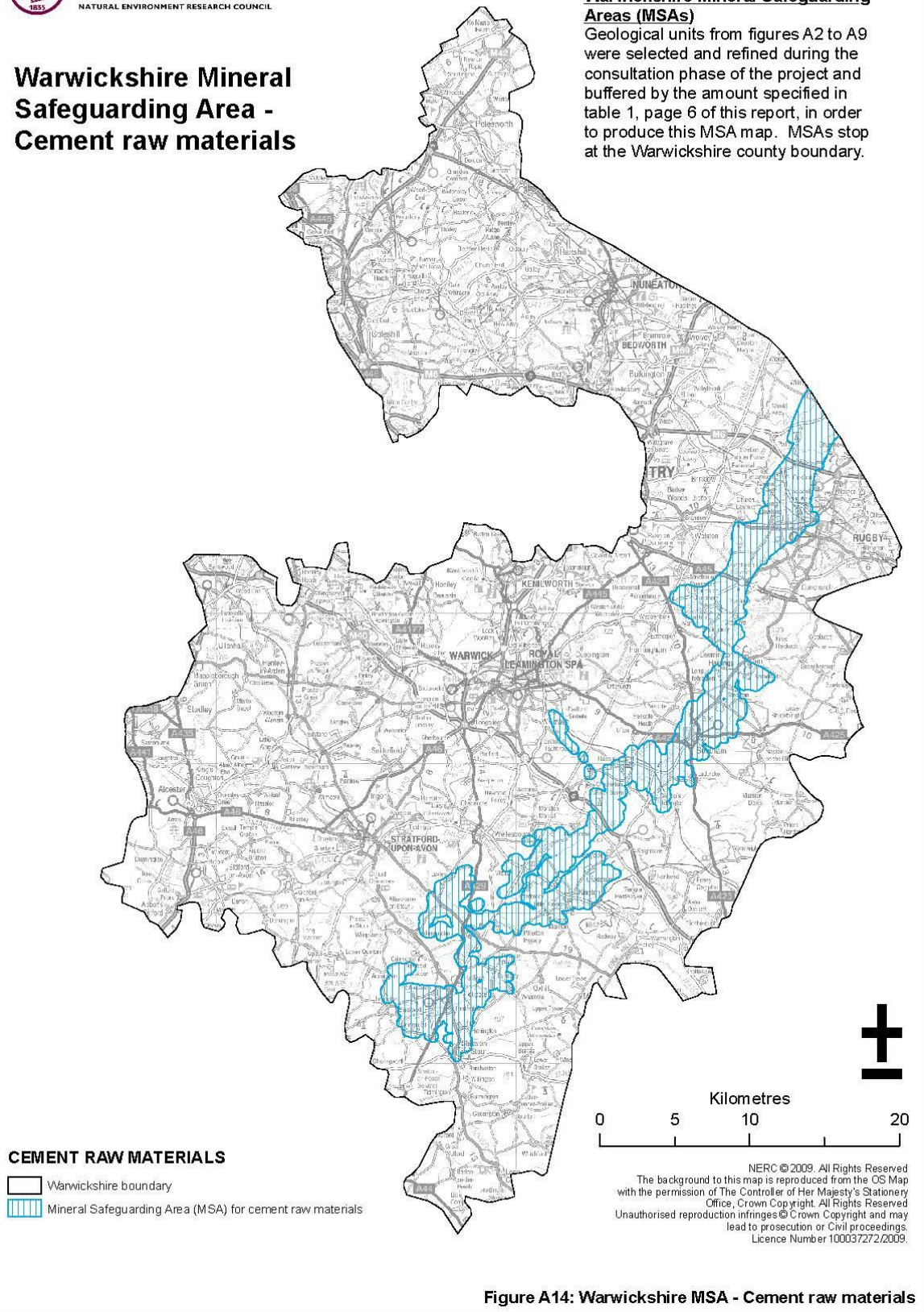


Figure A14: Warwickshire MSA - Cement raw materials



**British Geological Survey**  
NATURAL ENVIRONMENT RESEARCH COUNCIL

## Warwickshire Mineral Safeguarding Area - Building stone

### Warwickshire Mineral Safeguarding Areas (MSAs)

Geological units from figures A2 to A9 were selected and refined during the consultation phase of the project and buffered by the amount specified in table 1, page 6 of this report, in order to produce this MSA map. MSAs stop at the Warwickshire county boundary.

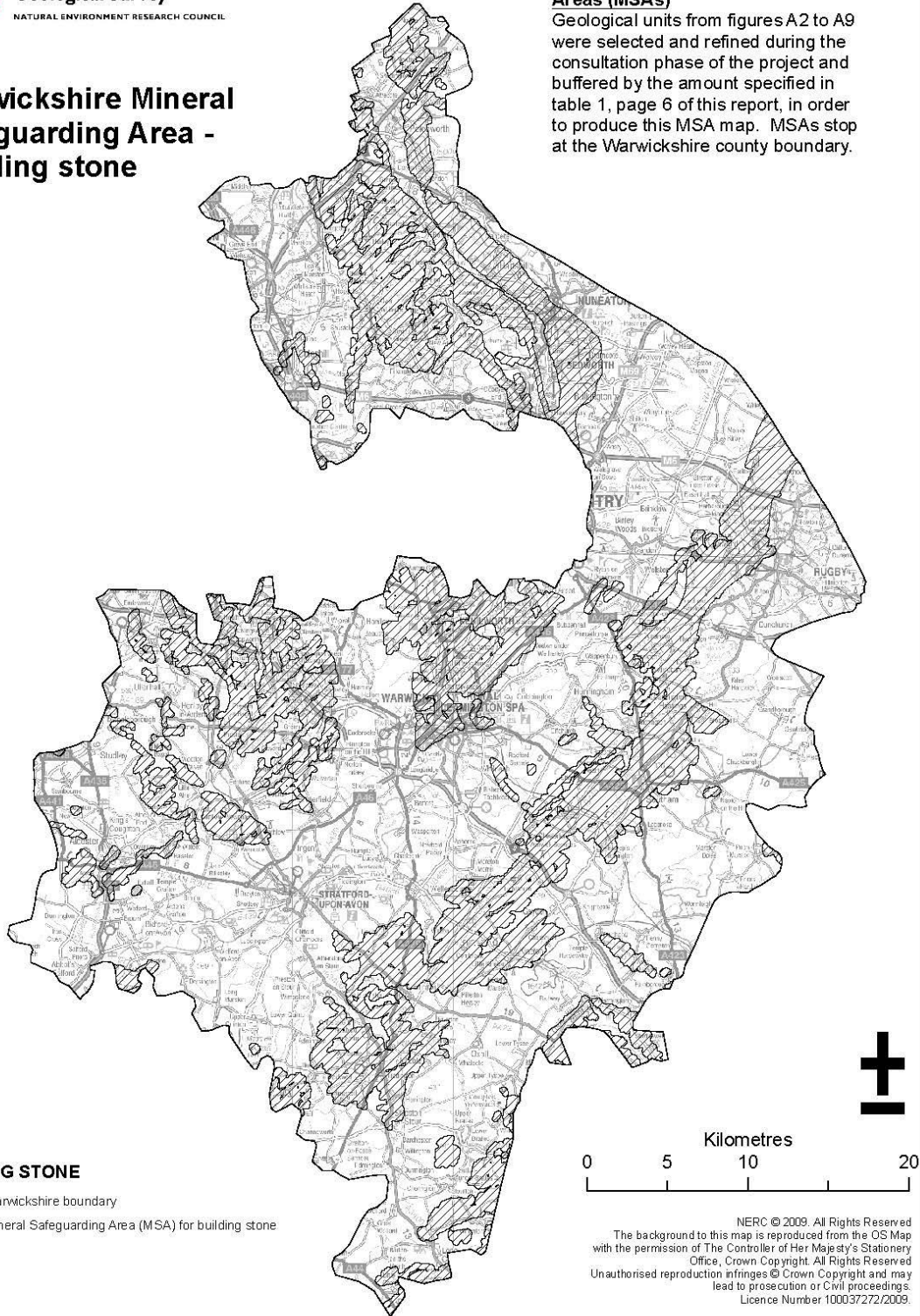


Figure A15: Warwickshire MSA - Building stone



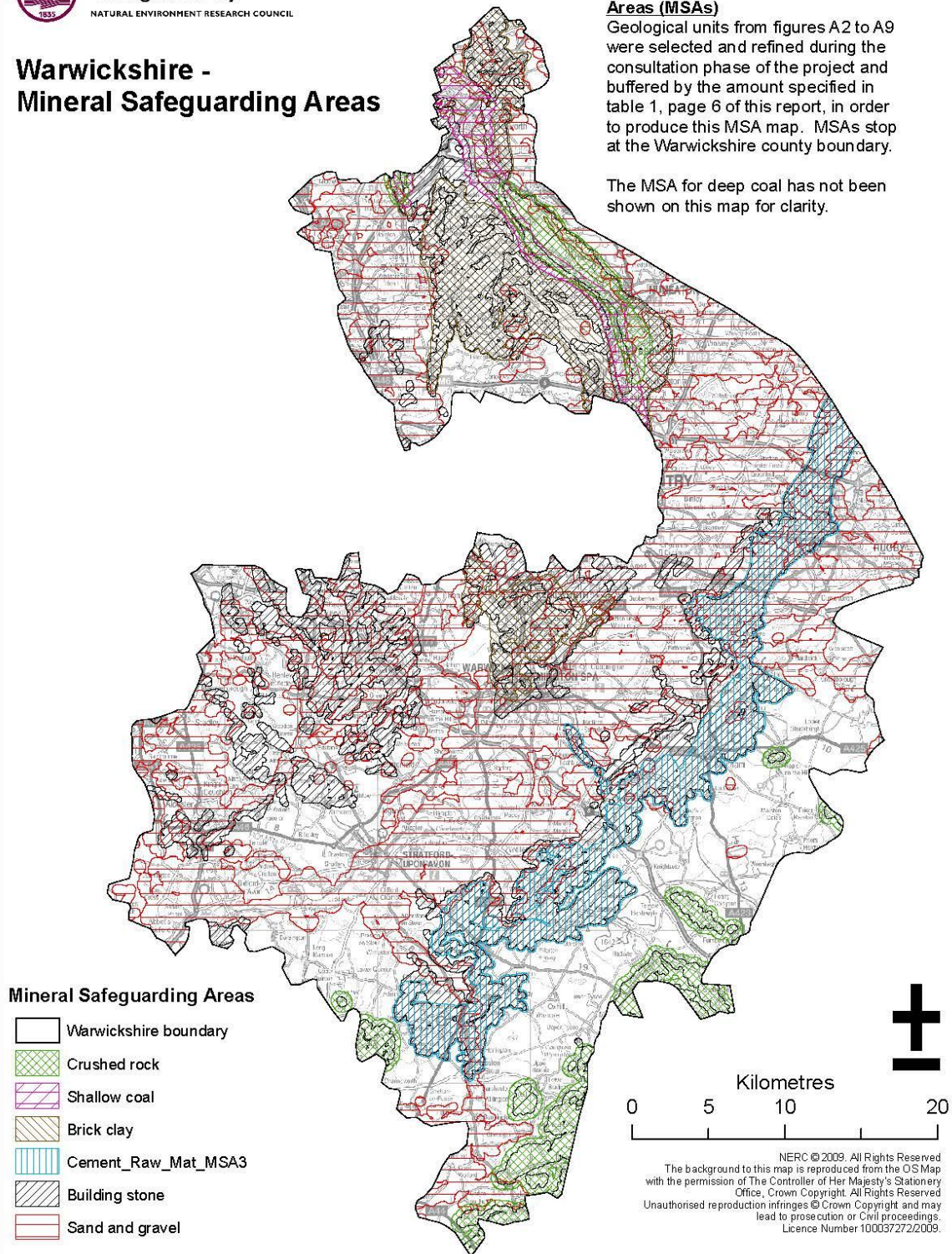


## Warwickshire - Mineral Safeguarding Areas

### Warwickshire Mineral Safeguarding Areas (MSAs)

Geological units from figures A2 to A9 were selected and refined during the consultation phase of the project and buffered by the amount specified in table 1, page 6 of this report, in order to produce this MSA map. MSAs stop at the Warwickshire county boundary.

The MSA for deep coal has not been shown on this map for clarity.



**Figure A16: Warwickshire MSAs**



### **Appendix 3: Exemptions Criteria for Mineral Safeguarding**

Supporting information for Policies MCS5 and DM10 Safeguarding of Minerals and Minerals Infrastructure

#### Exemptions Criteria

1. Applications for householder development;
2. Applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;
3. Applications that are in accordance with the development plan where the assessment of the site options took account of potential mineral sterilisation;
4. Application for minor development;
5. Applications for advertisement consent;
6. Applications for reserved matters after outline consent has been granted;
7. Prior notifications (telecoms, forestry, agriculture, demolition);
8. Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLPUD);
9. Applications for works to trees;
10. Applications for temporary planning permission;
11. Applications for listed building consent;
12. Applications for non-compliance of conditions where this relates to non-mineral issues.

Appendix 4:- Minerals Infrastructure in Warwickshire – Aggregate Minerals

Type	Site Name	Address	Tel.No.	Status
Fixed Processing Plants				
Grid Ref SP3627171436	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
SP4227878442	Brinklow Quarry	Highwood Farm, Coventry Road, Brinklow, Rugby, CV23 0NJ		Operational
SP4427273444	Ling Hall Quarry (Breedon)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH		Operational for imported materials
SP1829393418	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				
SP4628888446	High Cross Quarry			Operational
Asphalt Plants				
SP3029595430	Mancetter Quarry (Lafarge Tarmac)	Quarry Lane, Mancetter, Atherstone, Warks, CV9 2RF		There are two plants on site. Operational for both on site and imported materials

SP4427273444	Ling Hall Quarry (Breedon)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH		Operational for imported materials
SP3628888800	Griff IV Quarry (Midland Quarry Products)	Gypsy Lane Nuneaton CV10 7PH		Operational until 2032 using imported materials
Concrete Batching Plants				
1 SP4427273444	Ling Hall Quarry (Breedon)( 1 <sup>st</sup> Mix)	Coalpit Lane, Lawford Heath, Warks, CV23 9HH	0845 413 5208	Operational for imported materials
2 SP3627171436	Bubbenhall Quarry (Smith Concrete)	Waverley Wood Farm, Weston Lane, Coventry CV8 3BN	01295 753800	Operational for imported materials
3 SP2125151421	Atherstone Airfield (Smith Concrete)	Atherstone Airfield, Atherstone on Stour, Warwickshire, CV23 8NJ		
4 SP3580085200	Coventry Concrete Plant (Cemex)	Bayton Road, Exhall, Coventry, Warks, CV7 9EJ	02476 360416	
5 SP3860075700	Brandon (Coventry Concrete Plant – Breedon formerly Lafarge Readymix Ltd)	Brandon Lane, Willenhall Coventry CV3 3GW	01332 694000	
6 SP1829393418	Dunton Quarry (KSD Recycled Aggregates)	Lichfield Road, Curdworth, Sutton Coldfield, B76 0BB		Operational for both recycled and imported materials
7 SP4570071900	Cemex Rugby RMC Plant	Orchard Road Industrial Estate, Dunchurch, Rugby, Warks CV23 9LN	01788 521885 0345 155 1835	
8	Dunchurch (Tarmac	Dunchurch Trading Estate,	01902 382803	Now closed.

SP4560071900	Topmix Ltd (Ace Mini Mix)	London Road, Dunchurch, Rugby, CV23 9LN		
9 SP2720065400	Warwick (Smiths Concrete)	Budbrooke Industrial Estate, Budbrooke Road, Warwick CV34 5XH	01295 753800	
10 SP3550085300	Bedworth (Hanson)	Bayton Road, Exhall, Coventry, West Mids. CV7 9PH	0330 123 0690	
11 SP3580085200	Cemex Rugby RMC Plant	Rugby Cement Plant, Lawford Rd, Rugby CV21 2RY	0345 155 1835	
12 SP1970090900	Aggregate Industries	Highway Point, Gorse Lane, Coleshill B46 1JU	0121 753 6420	
13 SP3530085300	The Rock Solid Concrete Company (Mixer Hire Ltd)	Unit 89 Bayton Road Exhall Coventry CV7 9QN	024 7601 4749	
Bagging Plants Aggregates SP3627171436	Bubbenhall Quarry (Smiths Concrete)			Facility to bag aggregates relocated to Hanson's Nuneaton site.
SP3355094750	Tarmac Nuneaton Packed Products	Mancetter Road, Hartshill, Nuneaton, Warks, CV10 ORT	0333 003 4868	Operational
SP3490089000	Hanson Packed Products, Nuneaton	Griff Clara Industrial Estate, Off St Davids, Nuneaton, CV10 7PP	0330 123 2074	
Concrete Products - Blocks				
SP2050092400	Hanson Thermolite (Forterra)	Canton Lane, Hams Hall Distribution Park, Coleshill,	01675 468000	

		Birmingham, B46 1AQ		
Mortar Plants				
SP4227878442	Brinklow Quarry (Premier Mortars Ltd)	Coventry Road Brinklow Rugby CV23 ONJ	02476 454293	Operational
SP 3627171436	Bubbenhall Quarry (Smith Concrete)			Plant not operational
Rail served Facilities and Plant	None			
Water served Facilities and Plant	None			

#### **Appendix 5 – Recycling Sites**

<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 2**

# **Summary of Consultation (Updated)**

## **Warwickshire Minerals Plan (Publication Stage 2016)**

**JULY 2018**

*Working for  
Warwickshire*

## **Contents**

<b>Executive Summary</b>	<b>2</b>
<b>Section 1: Introduction</b>	<b>3</b>
<b>Section 2: Responses received</b>	<b>8</b>
<b>Section 3: Soundness &amp; legal compliance</b>	<b>11</b>
<b>Section 4: Comments on how the plan could be changed</b>	<b>31</b>
<b>Section 5: The Duty to Cooperate</b>	<b>33</b>
<b>Section 6: Attendance at examination</b>	<b>35</b>
<b>Section 7: Conclusion</b>	<b>37</b>
<b><i>Appendices</i></b>	
<b>Appendix 1: Glossary</b>	<b>38</b>
<b>Appendix 2: The Questionnaire Form</b>	



## 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. The report was first presented to Cabinet in October 2017 and has been updated following Cabinet's decision to reduce the plan requirements in line with the Local Aggregate Assessment 2017 and to review the sites to be allocated to meet the new lower requirements.

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 consultation on the Preferred Option and Policies 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

As agreed at October 2016 Cabinet, the Warwickshire Minerals Plan would be published in accordance with Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. 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”*. The report was first presented to Cabinet in October 2017 and has been updated following Cabinet’s decision to reduce the overall plan requirement for sand and gravel in line with the Local Aggregate Assessment 2017 and to review the sites to be allocated to meet the new lower requirements.

Consultation on the Publication Plan (Pre Submission Draft) 2016 was held between Friday 9<sup>th</sup> December 2016 and Friday 3<sup>rd</sup> 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"> <li>● Positively prepared</li> <li>● Justified</li> <li>● Effective</li> <li>● Consistent with national planning</li> </ul>	<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>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	<p>This includes a summary of the key points of this report and how it relates to the aims of the consultation.</p>

Appendices – Attached separately to this document	n/a	<i>Appendix 1: Glossary</i> - this gives a definition of the technical words used in this report  <i>Appendix 2: The Questionnaire Form</i> - this is a copy of the questionnaire form which was used for the consultation
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**Table 2: Report structure in context to the questionnaire**

## Section 2: Responses received

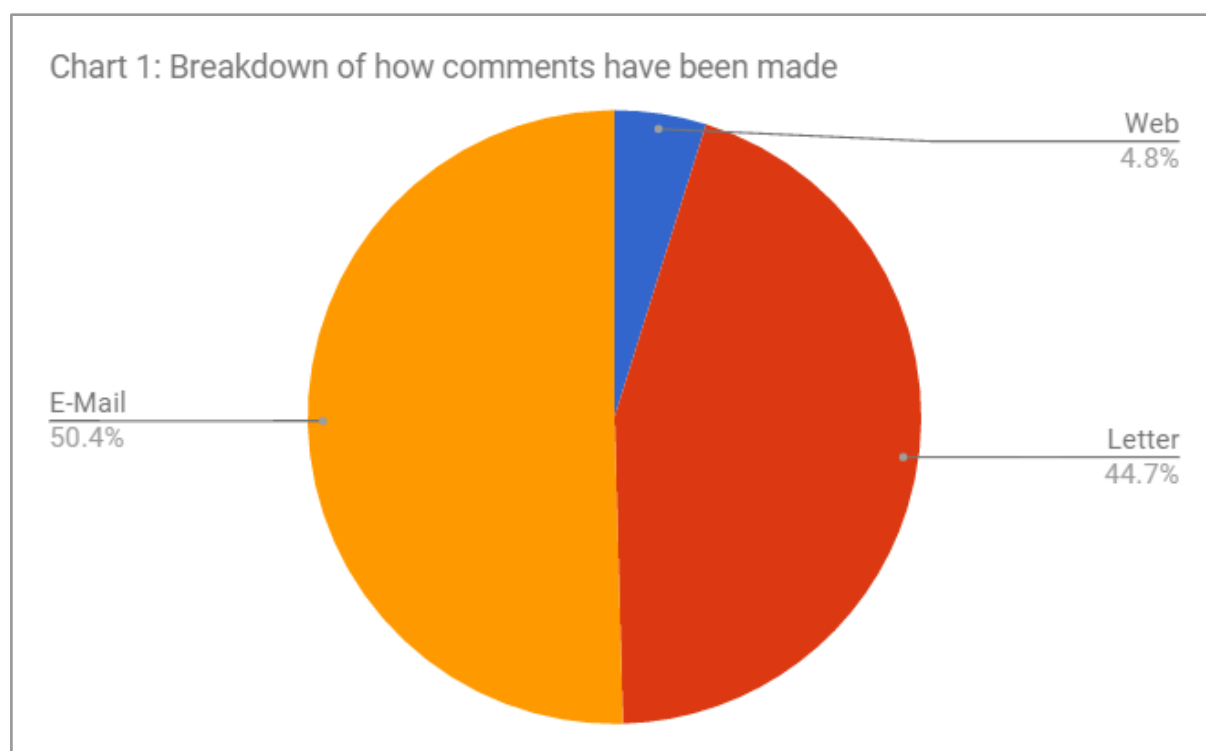
### Introduction

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.

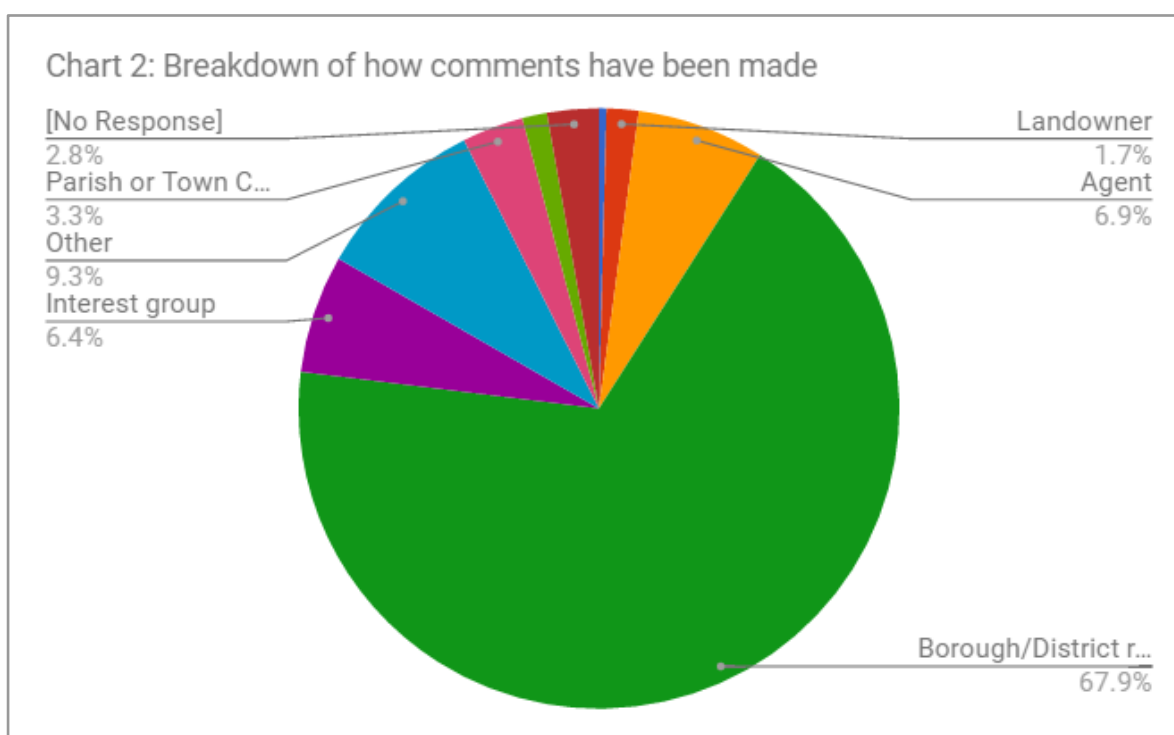
A total of 16 representations have not provided a name and address and there have been 12 late responses. A hard copy of these representations will be made available for the Planning Inspector, should he or she wish to view them at a future Examination in Public (EIP). These representations have not 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:

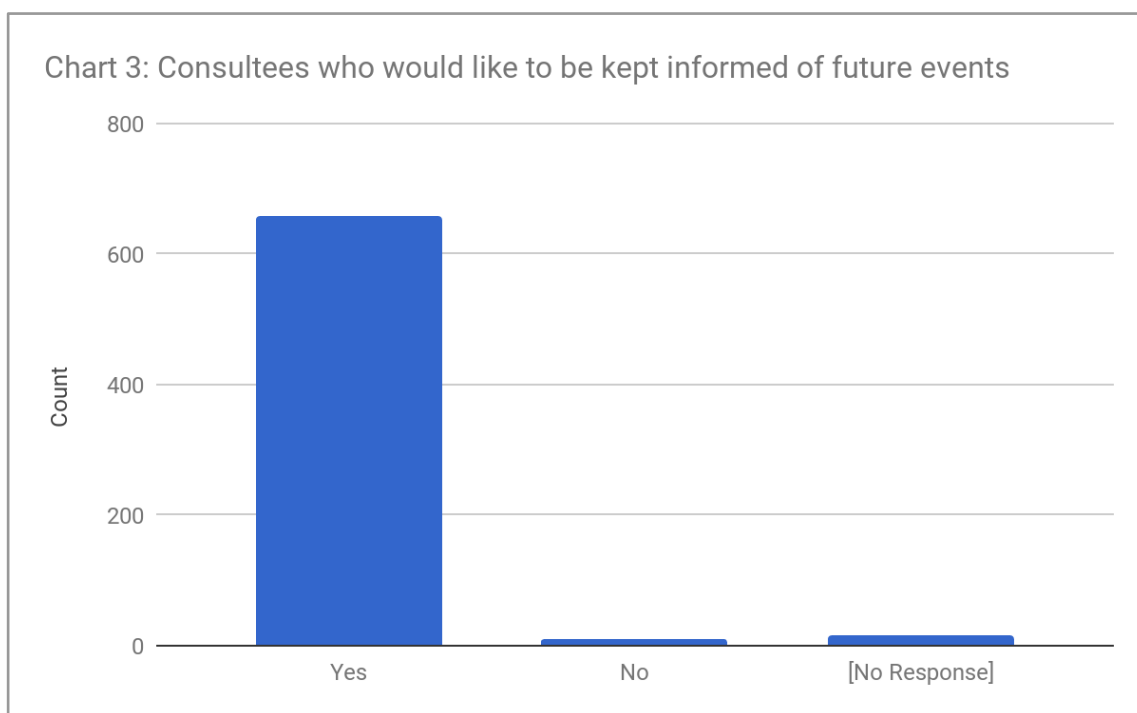
- ***Please indicate your interest in the plan? and,***
- ***Do you wish to be notified of future stages of the plan?***

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<sup>1</sup>

### 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 clear. 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.

<sup>1</sup> Since the consultation, the General Data Protection Regulations has come into force which requires WCC to contact all consultees and confirm whether they wish to remain on the policy database, (link to further information about privacy and GDPR: [www.warwickshire.gov.uk/privacy](http://www.warwickshire.gov.uk/privacy)).

## 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.

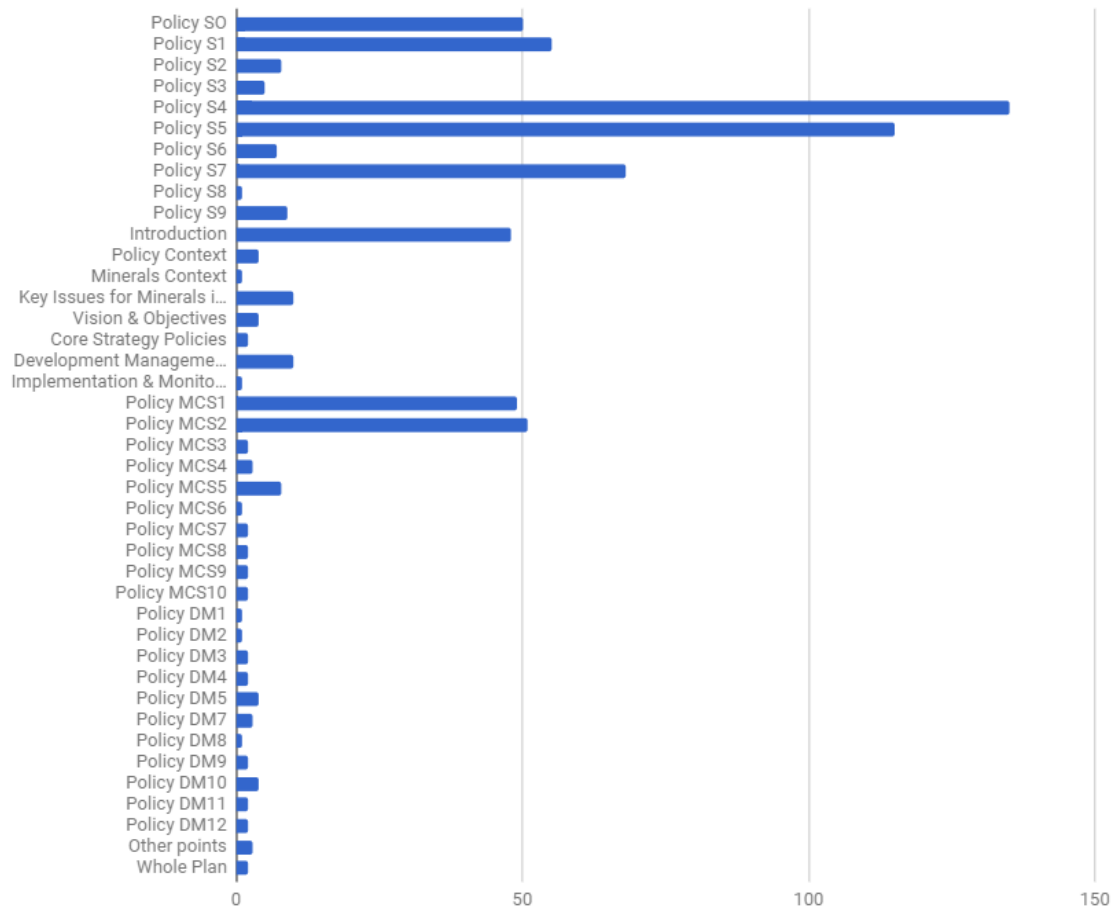
In Section 7 of the plan Policy SO (received 50 comments) provides the overarching policy for the allocation of sand and gravel sites within the County to meet future requirements. As shown in Chart 4, a large number of representations have also been made on the individual site allocation policies. Policy 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)

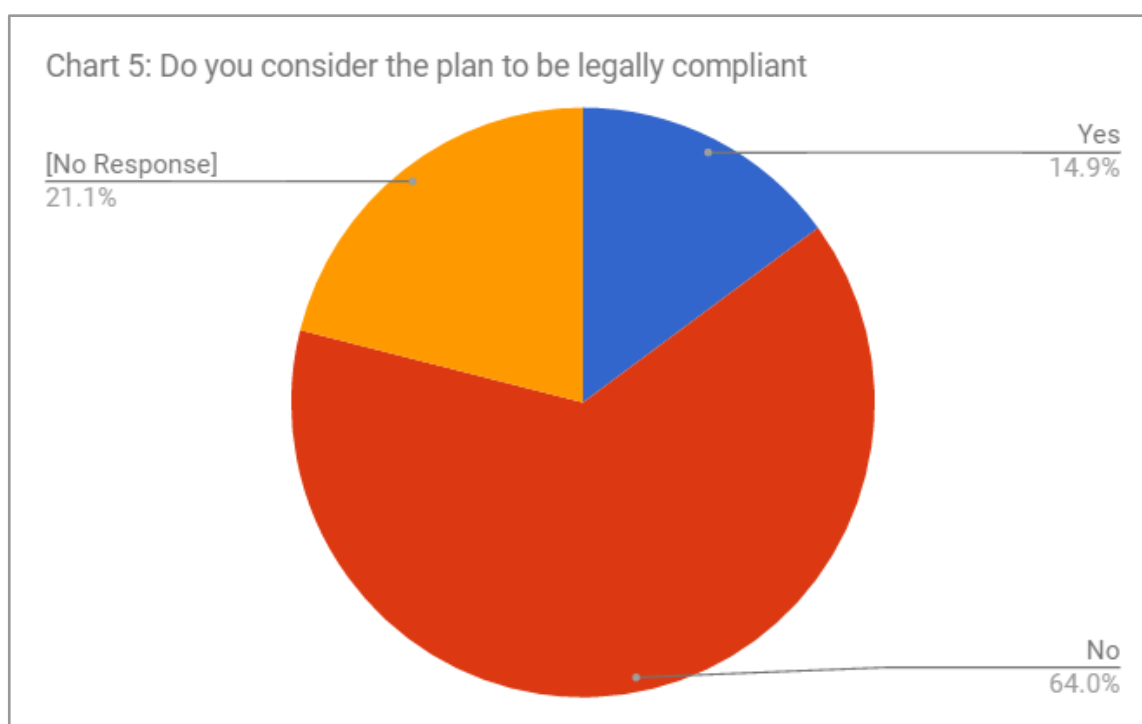
- Policy S2 Allocation at Site 2 Lawford Heath (8 comments)
- Policy S3 Allocation at Sites 3/32 Shawell Quarry (5 comments)
- Policy S4 Allocation at Site 4 Wasperton (135 comments)
- Policy S5 Allocation at Site 5 Glebe Farm, Wasperton (115 comments) Policy S6 Allocation at Site 6 Coney Grey Farm, 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)

Chart 4: Representations in relation to the plan



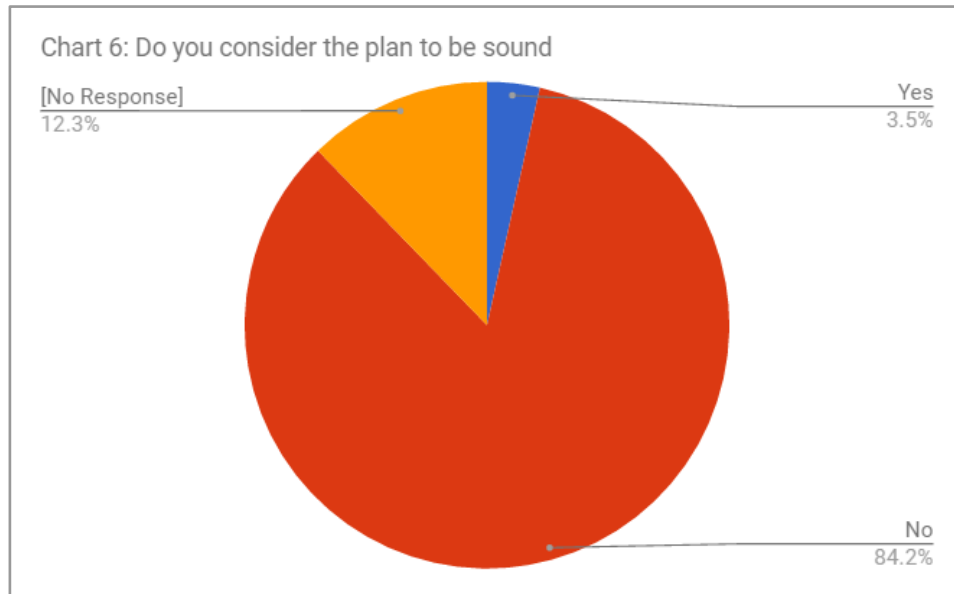
**Question 2: Do you consider the Plan to be legally compliant?**

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**

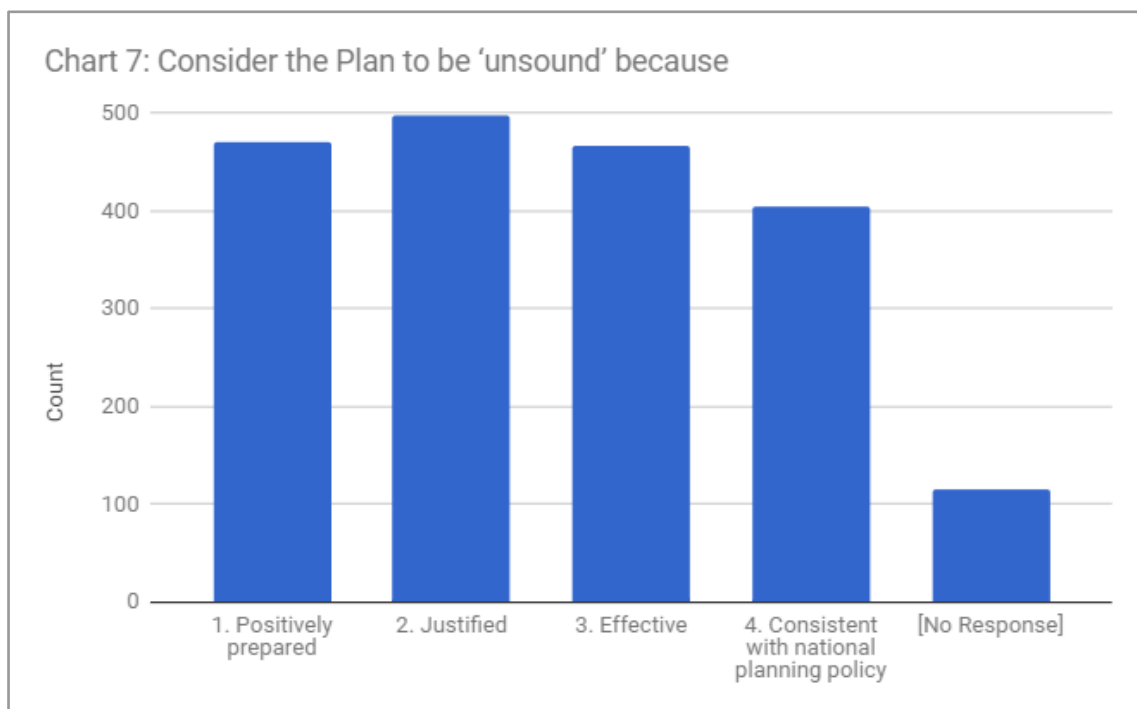
The test of 'soundness' relates to four areas: Positively prepared, Justified, Effective and Consistent with national policy. Consultees were asked if they considered the Plan to be 'sound'. Chart 6 shows the results of those respondents that answered the question, 84.2% felt that the Plan was not sound, 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** – *A separate Topic Paper prepared by Officers 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.*

There were comments that the site should be restored to wetlands due to an unacceptable risk of flooding to local villages to the south east (Draycote for example) and the 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. While the geographical and geological distribution of sand and gravel resources will largely shape the spatial approach other factors have also had an important bearing in choosing the final spatial strategy such as:*

- *Maintaining the spatial distribution of sites across the county;*
- *Maintaining annual production rates through a suite of sites until 2032;*



- *The need to be close to existing and planned development and growth to maintain local deliveries;*
- *Within a locality where working has taken place or planned in the past; and*
- *Focusing on larger sites where possible to minimise the spread of impacts across a large number of local communities.*

*The chosen spatial strategy has been subject to a sustainability appraisal details of which can be found in the 2018 Sustainability Report and is shown in the Plan on Figure 1.9.*

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 or reassessed 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 and property values 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.*

Some 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 350m away from Barford Village which will significantly help minimise any potential health impacts. In national planning 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** - *Pioneer Aggregates submitted a planning application (Ref: W825/871438) for the extraction and processing of sand and gravel on 90.5 ha of land at Wasperton Hill Farm, Wasperton near Barford on 11 December 1987. The planning application was refused by the County Council on 8<sup>th</sup> April 1988.*

*Pioneer appealed against the County Council's decision and the Secretary of State following receipt of a report of his inspector allowed the appeal subject to conditions on 13<sup>th</sup> November 1989. The tenant farmer applied to the High Court to have the decision quashed but they dismissed the application. The tenant then applied to the Court of Appeal and in a judgement dated 16<sup>th</sup> October 1992 the Court of Appeal allowed the appeal and quashed the decision on the basis that the decision was not within the powers of the Act and was not based on adequate reasoning. It did not say that mineral extraction could not take place at Wasperton at that time or even in the future. Following the Court of Appeal decision the Secretary of State re-determined the appeal and dismissed it in a letter dated 21<sup>st</sup> December 1993. The re-determined appeal (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. The site has been the subject of several assessments and reassessments in the light of comments made during the plan process.*

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** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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.

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** – *This site is now recommended in the revised Publication Plan 2018 for deletion.*

#### 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** – *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 will 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** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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

**Officer observations** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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

**Officer observations** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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

**Officer observations** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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

**Officer observations** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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

**Officer observations** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

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** - *This site is now recommended in the revised Publication Plan 2018 for deletion.*

Respondents felt that Plan may be 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** – *This site is now recommended for deletion in the revised Publication Plan 2018.*

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 the Kingsbury Road 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 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. Proposals to change the use of the site after restoration should be pursued through the borough council's local plan.*

### **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 a separate 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? .*

#### 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 a separate 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 clear 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** - *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 Dunton Quarry 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** – *This policy has been reviewed and re drafted.*

#### 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 has been acknowledged. .*

#### 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 has been reviewed and re-drafted.*

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 is reasonable but changes have been made to the wording in the reasoned justification to clarify matters.*

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 policy change is acceptable . . .*

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 has been made..*

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 needs no 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 and requires no further changes..

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 has been 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** – The policy has been revised and updated

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 wording and supporting text have been revised. .

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 has not been changed***

**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 has been justified then it has been made***

## 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 stage 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** – A separate Topic Paper has addressed comments relating to plan requirements.

Reference made to the 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

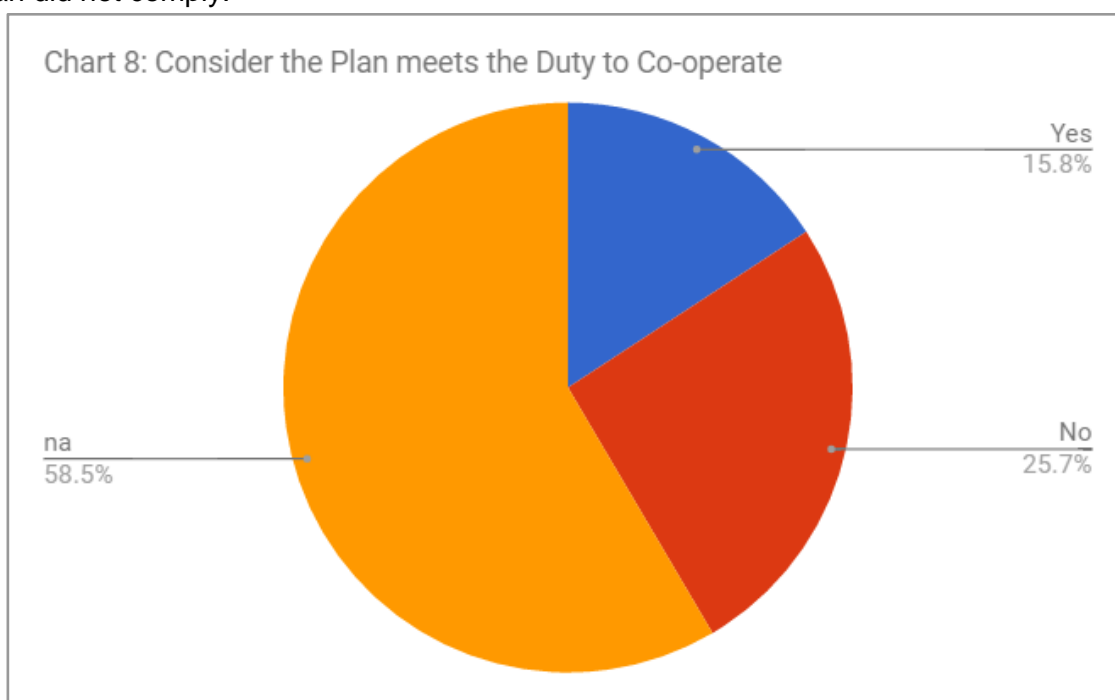
The Duty to Co-operate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Respondents were asked if the Plan complies with the Duty to Co-operate and to provide reasoning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



Responses included:

- 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

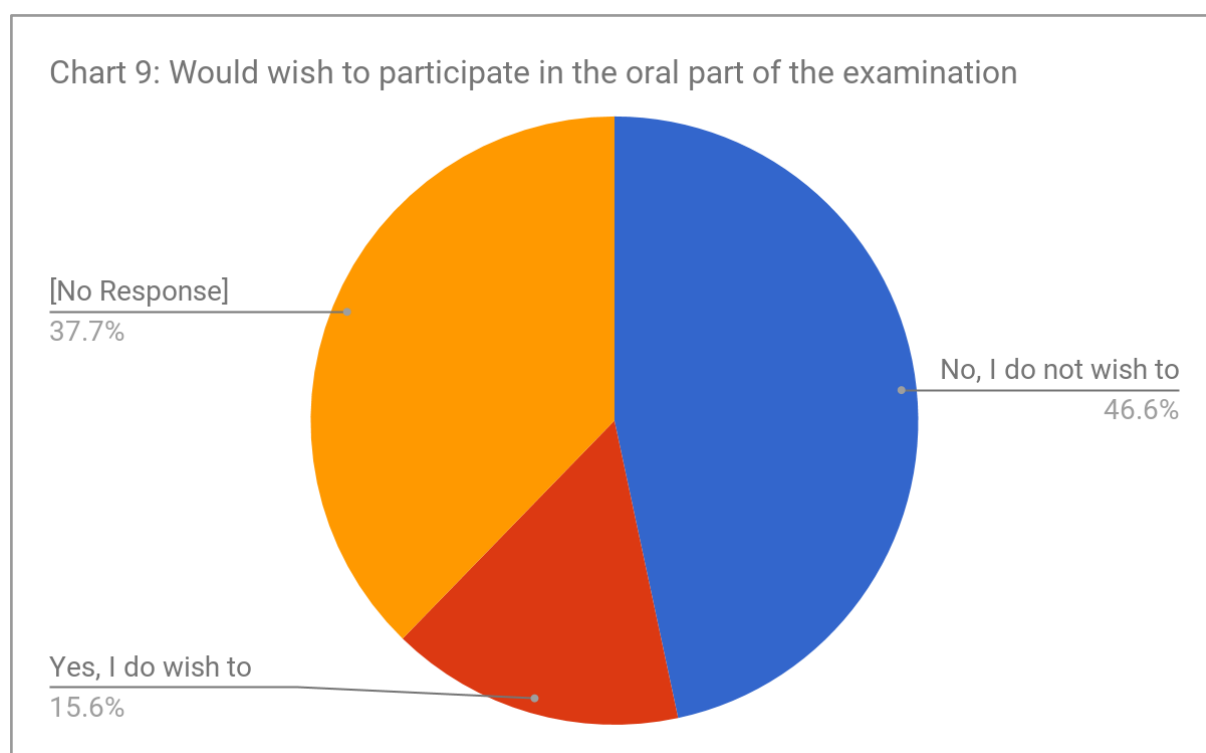
This section reports on those that showed an interest in attending the oral sessions of the examination. It also sets out the reasons as to why respondents have requested attendance:

- *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 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. However, comments have also been helpful to understand concerns raised by local communities and how these can be addressed going forward.

The Topic Paper that accompanied the Cabinet Report (October 2017Cabinet) addressed those issues relating to recycled aggregates and the plan requirements for sand and gravel. Additionally, the 2017 Local Aggregates Assessment identified a potential overprovision of sand and gravel and as a consequence requested the sites be reviewed. The number of sites required to meet the plan requirements has reduced requiring that sites have been removed from the Plan: consequently the deletion of Site 5 (Glebe Farm, Wasperton) and Site 7 (Salford Priors) has been recommended.

## Appendix 1: Glossary

<b>Term of reference</b>	<b>Definition</b>
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](http://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 .....

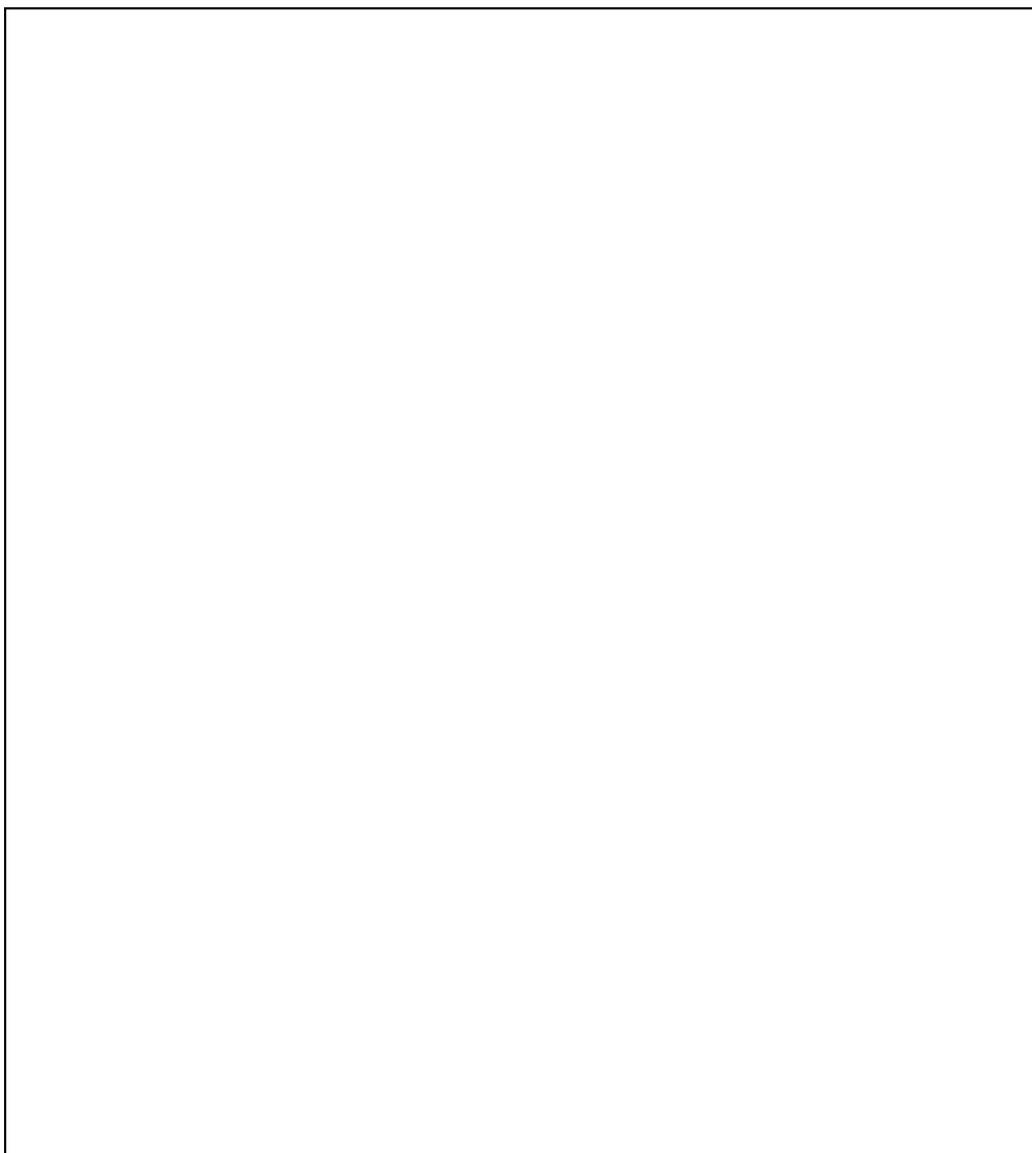
**4. Do you consider the Minerals Local Plan is 'unsound' because it is not:**

*(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 3

### Revised Minerals and Waste Development Scheme 24.07.18

#### Warwickshire Minerals Plan

Publication Plan Consultation	September/October 2018
Closure of Consultation	October/November 2018
Submission of Plan	Spring 2019
Examination in Public	Summer 2019
Inspectors Report	Autumn/Winter 2019
Plan Adopted	Spring 2020

#### Warwickshire Waste Plan

Preparatory work to commence in later 2018 on the review of the Waste Core Strategy.

## Cabinet

24 July 2018

### Bermuda Connectivity

#### Recommendations

Cabinet is recommended to:

- (1) Approve the Bermuda Connectivity Scheme as proposed in this report including the modifications detailed in paragraph 4.2;
- (2) Recommend that Council approve the addition of £1 million of further expenditure to the Capital Programme, to be fully funded by a capital grant contribution from the Coventry and Warwickshire Local Enterprise Partnership, and the addition of to the Programme of £4.198million from the Capital Investment Fund to deliver Bermuda Connectivity at a cost of £8.900million with the commitment that any further alternative sources of funding secured for the scheme result in a £ for £ reduction in the Capital Investment Fund's contribution and that any further scheme cost increases are met from the Transport and Economy Business Unit's existing revenue resources;
- (3) Subject to Council approving the recommended changes to the Capital Programme to authorise:
  - (i) The Joint Managing Director (Communities) to finalise the design of the Scheme (including making minor modifications to the scheme as described in this report), and procure contractors for delivery, on terms and conditions acceptable to the Joint Managing Director (Resources), and to take all steps required to implement the scheme including the submission of applications for planning permission and any other consents and approvals;
  - (ii) The Joint Managing Director (Resources) to acquire by agreement the land required for the implementation of the scheme; and
  - (iii) The Joint Managing Directors to determine jointly whether the compulsory acquisition of interests in any such land that cannot be acquired by agreement is justified pursuant to sections 239, 240, 246 and 250 of the Highways Act 1980 and Section 2 of the Acquisition of Land Act 1981 and, if they so determine, to make any compulsory purchase order(s) for the purpose of acquiring such interests in exercise of that power and to take any steps required to secure the confirmation of such order(s) and acquire such interests (whether by agreement or in exercise of such order(s)) including the determination of compensation and agreement of terms for the withdrawal of objections (including where appropriate the exclusion of

land or new rights from the order(s)) and any other incidental or consequential arrangements.

## **1.0 Details of the Bermuda Connectivity Scheme**

1.1 Bermuda Connectivity delivers additional capacity and improved connectivity in Nuneaton by creating a new 1.3 mile link between West Nuneaton and Griff Roundabout via the existing Bermuda Bridge over the A444. The Scheme is expected to deliver the following range of benefits:-

- Reduced journey times for local residents on a number of routes in the West Nuneaton area;
- Reduced congestion in parts of the town centre, thus improving links onto the A444 in Nuneaton in other parts of the town;
- Enhanced accessibility to local businesses, amenities and residential areas, particularly in Bermuda and adjoining areas;
- Improved connectivity to Bermuda Park rail station, which will soon be served by more frequent trains to Coventry;
- An improved environment for cyclists and pedestrians; and
- Support further economic growth in Nuneaton by enhancing access to employment sites and residential areas.

1.2 The Scheme was awarded £3.202million from the WCC Growth Fund in October 2014, alongside a grant secured in December 2014 by Nuneaton and Bedworth Borough Council (NBBC) from the CWLEP of £0.500million. These met the estimated £3.702million original cost of the Scheme, which had a Benefit Cost Ratio (BCR) of 5.9 based solely on a WebTAG transport scheme appraisal (travel time savings) endorsed by the Department for Transport (DfT). Preliminary design proposals were produced in collaboration with local WCC Members, which included additional components aimed at reducing the potential negative impacts of the Scheme. The preliminary design proposals were subject to a consultation and the responses were considered by WCC Cabinet who endorsed the progression of the Scheme onto detailed design stage in November 2015. In acknowledgement of the additional components and potential further revisions as an outcome of the consultation, WCC Cabinet was informed that the updated Scheme would cost £5.939million and have a reduced BCR of 5.0 based solely on a WebTAG appraisal.

1.3 The detailed design process identified that the Scheme conflicted with existing infrastructure and hazardous contaminated land. Initially, detailed design was carried out in accordance to Design Manual for Roads and Bridges (DMRB) highway standards, which is deemed more applicable to higher speed roads rather than the 30mph roads forming the Bermuda Connectivity link. However, adhering to DMRB design standards yielded additional pressure on the budget by further increasing land uptake and construction costs. The cost estimate after the initial completion of detailed design of the Scheme presented to Cabinet in 2015 increased to £14.608 million, which exceeded budget tolerance and was not deemed acceptable.

- 1.4 Subsequently, a Value Engineering Assessment (VEA) was carried out in order to ensure Best Value in regard to use of the public purse to fund the Scheme. The objective of the assessment was to ascertain the feasibility and cost of delivering a revised Scheme. The emphasis of the revision was to ascertain the practicalities, costs and risks associated with delivering a Scheme which would enable the opening of the Bermuda link route without the full range of additional components proposed in 2015. The VEA identified that if revisions were made to the Scheme, the cost estimate would reduce from £14.683million to £8.900million. This represented an approximate 40% reduction in cost.
- 1.5 WCC Members were involved in updating the Scheme which can be viewed in the aesthetic layout drawings accompanying this report as a Background Paper (copies of all the Background Papers are published digitally with the agenda and paper copies are available in Members' rooms). The table below details the cost estimate for the updated Scheme:

<b>Element</b>	<b>Projected Cost £m</b>
Development of Design and Other Support Costs	1.800
Preliminaries	0.500
Service Diversions	1.000
Earthworks	1.000
Pavement Reconstruction	0.700
Land (including Acquisition, Stamp Duty and other Associated Charges)	0.100
Other Costs (including Traffic Signal Improvements, Drainage and Fencing)	1.400
Specific Contingency	1.700
External Support for Procurement and Management of the Construction Contract	0.200
General Contingency	0.500
<b>Total</b>	<b>8.900</b>

- 1.6 The updated Scheme was presented to the local community in the form of a consultation in order to receive feedback and consider possible amendments. Details of how the consultation was promoted in order to raise awareness and engagement are detailed in Table 1 at Appendix A of this report.

## **2.0 The Consultation Process**

- 2.1 The consultation was held during a 5 week period (Tuesday 15 May 2018 – Monday 18 June 2018) seeking to engage with local residents in and around West Nuneaton, who were given an opportunity to participate in the consultation through the measures detailed at Appendix B in this report. The consultation allowed local residents to express their views and concerns.
- 2.2 In line with the County Council's transformation journey, the content of the consultation adopted a Digital First approach, and therefore, was primarily

available online via the “Ask Warwickshire” consultation and the Scheme web pages. The digital approach was supported by the distribution of a consultation pamphlet to approximately 30,000 properties in the west Nuneaton area. The pamphlet directed people to the online “Ask Warwickshire” consultation website to complete and submit a survey form. All online material including the survey form could be printed off for anyone who still required a paper copy of the information. A telephone number and e-mail address were printed on the distributed consultation pamphlet and the two respective web pages, for respondents to direct further queries and also request paper copies of the survey form.

- 2.3 NBBC officers were briefed in preparation for start of the consultation. Posters promoting the consultation and relevant material were displayed at both Nuneaton and Bedworth Libraries. The poster also promoted the use of the telephone number and e-mail address to request paper copies of the survey form. In total, four requests for paper copies of the survey form were received during the consultation. While not many, this number is in line with other recent consultations carried out by the County Council where the demand for paper copies has been low.
- 2.4 Requests for additional information to be made available as part of the consultation, and also the submission of Information Requests under the Environmental Information Regulations (EIR) arose during the consultation. In response, further information was made available on the “Ask Warwickshire” consultation website and the Scheme web page. Requests for further information which were not met only where they concerned information classified as currently incomplete, confidential or commercially sensitive.
- 2.5 In respect to the survey forms, the survey software tracked Internet Protocol (IP) addresses. There are many good reasons why multiple survey responses may be submitted under the same IP address. For example responses submitted by multiple users on library computers or two people living in a household who each wish to take part in the consultation. Responses using the same IP address were not automatically discounted. However, checks were carried out on all survey responses to ensure no deliberate duplication. No responses were deleted.

### **3.0 Key Outcomes of the Consultation**

- 3.1 The following items were submitted during the consultation:-
  - 333 survey forms all submitted online;
  - 29 e-mails regarding the Scheme;
  - 2 written letters of objection; and
  - 15 Information Requests regarding the Scheme.
- 3.2 A total of 75% of the respondents stated that they live in the area where the Scheme is located. Further analysis identified that 39% of the respondents live in the Bermuda residential area and 29% live in the Stockingford residential area. This represents a combined total of 68% of the overall respondents as demonstrated in Chart 1 at Appendix C of this report.

- 3.3 The key outcomes of the consultation are as follows:
- 65% of the respondents either completely agreed or partly agreed that traffic congestion in West Nuneaton cause problems in their day to day activities as demonstrated in Chart 2 at Appendix C of this report; however
  - 64% of the respondents do not support the proposed new highway link via Bermuda Bridge, as demonstrated in Chart 3 at Appendix C of this report.
- 3.4 The outcome of the consultation reinforces the strong level of opposition towards the Scheme from local residents, who primarily live in the area where the Scheme is situated. This is a similar outcome to the original consultation carried out during the preliminary design stage in 2015.
- 3.5 The key themes expressed within the feedback provided by respondents during the consultation can be seen at Table 2 Appendix D of this report.

#### 4.0 Proposed Revisions to Scheme Following Consultation

- 4.1 In response to the feedback received during the consultation a number of key areas of concern have been recorded. County Council officers have considered these concerns which are summarised in the table below:

Key Area of Concern	County Council Officer Response
Safety, including traffic calming and crossings	The detailed design of the revised Scheme has been subject to a Road Safety Audit (Stage 2) which carefully considered all safety issues including the removal of mitigation. Notwithstanding this, in response to the feedback received a revision to the scheme is proposed as detailed in paragraph 4.2.
Congestion / Rat Runs	If the Scheme is delivered the predicted volume of traffic flow would increase noticeably on the link route via Bermuda Bridge. There may also be minor increases on some adjoining local roads. However, it is not predicted that the minor traffic flow increase on adjoining roads would have a severe impact on local residents. Further details on the projected traffic impacts of the Scheme are provided in section 6.
Environmental Impacts	It is anticipated that the Scheme is unlikely to have any significant impacts on the local environment or nearby properties, with the exception of noise impacts. Further details of the projected environmental impacts of the Scheme are provided in section 6 and Appendix G.
Parking, including Tenlons Rd and businesses	The Scheme would involve the displacement of on-street parking along the link route. Parking surveys have been carried out to identify whether or not this



	can be absorbed by available capacity on nearby streets. In response to the feedback received a revision to the scheme is proposed as detailed in paragraph 4.2.
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- 4.2 The proposed changes to the revised Scheme in response to feedback provided during the consultation are detailed in the table below. The cost of delivering the changes is estimated at £0.070million and would be absorbed within the existing budget under the General Contingency element (£0.500million). The cost of the Scheme would remain at £8.900million:

Proposed Revisions to the Scheme as an Outcome of the Consultation	
Proposal	Purpose
Relax the permanent double yellow parking restrictions along entire route, e.g. alter to no parking between (0600 – 2000)	Enable on-street parking at certain times, e.g. evenings
Provision of bollards on the southern foot way where Bermuda Road meets The Bridleway (adjacent to No. 117 Bermuda Road)	Provide protective barrier between carriageway and residential properties
Vehicle restraint measures at the Heath End Road / Bermuda Road junction, e.g. barriers on foot way	Measure to deter large vehicles from encroaching onto the footway when carrying out turning manoeuvres
Examine the feasibility of providing additional traffic calming islands on Bermuda Road, and implement if deliverable	Measure(s) to contribute towards controlling reduce vehicle speed and providing additional pedestrian / cycle crossing points

- 4.3 Officers will closely monitor the impacts of the Scheme in order to identify and consider any potential issues that may arise.

## 5.0 Benefits of the Scheme (Independent Evaluation)

- 5.1 The DfT's WebTAG transport scheme appraisal concluded that the updated Scheme has a purely transport related BCR of 3.9 which still represents good value for money according to the DfT's WebTAG appraisal model. Details of this BCR calculation are provided at Appendix E of this report.
- 5.2 Furthermore, the wider economic benefits the Scheme would support include unlocking potential underdeveloped and/or underutilised employment sites, with agglomeration impacts on local economies and labour market effects. The outcome of an independent study carried out to estimate these effects increased the total BCR to 7.0. A detail of the wider economic benefits summary is provided at Appendix F of this report.

## 6.0 Projected Impacts of the Scheme

6.1 The Scheme has been tested in the 2017 Nuneaton and Bedworth Borough Wide Area Traffic Model that includes the latest validated NBBC Borough Plan scenarios. The updated traffic model findings (opening year 2022) demonstrate that the Scheme would have the following key impacts:

- The Traffic Model forecasts that on average 4,103 vehicle journeys will cross Bermuda Bridge per day (including weekends);
- Local traffic originating from the Bermuda residential area will be primary users of the link route over Bermuda Bridge, i.e. have a journey origin and destination along/off Bermuda Road. This explains why the projected increase in traffic flow on Bermuda Road / The Bridleway does not resonate into a similar level of increased traffic flows in neighbouring areas, e.g. Stockingford;
- This localised usage will have a positive impact on journey times on other radial routes in Nuneaton, e.g. A444 between town centre and Griff Roundabout, Heath End Road between Bermuda Road - Bull Ring and Queens Road by freeing up capacity as an outcome of the additional Bermuda Bridge highway link;
- Journey times between the residential areas in the west of Nuneaton (e.g. Stockingford, Heath End and Galley Common) and the Town Centre (in both directions) also reduce significantly following the inclusion of the Bermuda Bridge highway link; and
- Analysis of the impact of HGVs in the local area highlight no increase in the number of HGVs using the northern section of Bermuda Road, and therefore, no increase in HGVs passing the residential properties in this area.

6.2 The Traffic Model estimates that if the Scheme is implemented more traffic will use Bermuda Road, Tenlons Road, Shillingstone Drive and St George's Way. In contrast, Heath End Road to the east of Bermuda Road and A444 to the north of Griff Roundabout experience reductions in traffic during both the morning and evening peak hour. The reduction in vehicles is most prominent in the evening peak hour. On the more local roads, including The Raywoods and Radley Drive, there are some minor increases in traffic flows during the morning and evening peak hour; however, it is not considered that these increases would result in a severe impact on local residents.

6.3 The key environmental considerations are air quality and noise impacts. The environmental impact review of the Scheme found that it would not have a significant adverse effect on air quality even on the roads experiencing an increase in traffic, but it is projected that residential properties at certain locations will be adversely impacted by increased noise levels. An overall environmental summary of the Scheme is provided in Table 3 at Appendix G of this report.

6.4 Appendix K summarises the changes between the 2015 scheme approved by Cabinet and the current scheme following the VEA. In broad terms, the environmental and transportation benefits of the original scheme for the wider network are maintained but there is a reduction in the ameliorations and

enhancements provided for local residents, pedestrians and cyclists and, whilst the impact on air quality remains similar and not significant, the impacts of noise will be greater for some residents.

- 6.5 The scheme has been the subject of an Equalities Impact Assessment (EqIA), a Health Impact Assessment (HIA) and a Stage 2 Road Safety Audit (RSA2). The EqIA does not identify any differential impacts on groups with protected characteristics but, together with the HIA, identifies the potential for improvements in health and well-being in areas suffering from relative social and health disadvantages (particularly the Wembrook ward) which will benefit from reductions in traffic and congestion. The HIA does, however, recommend that noise levels are monitored on the parts of the route which will experience an increase in traffic and noise and that mitigation measures (such as triple glazing) be considered. Provision has been made in the project budget for mitigation and a mitigation scheme will be prepared for submission with the planning application which will be guided by the aims of the Noise Policy Statement for England to avoid significant adverse impacts on health and quality of life and to mitigate and minimise lesser adverse impacts. Other recommendations in the HIA relating to monitoring air quality, the quality of pedestrian and cycle facilities, traffic calming and lighting have been or will be incorporated into the scheme. The RSA2 addresses design issues that could affect people with mobility problems. These three documents are available as Background Papers.

## **7.0 The Proposed Arbury Estate Link Road (A444 – Walsingham Drive - Heath End Road)**

- 7.1 Officers are aware of the local aspiration for the development of an Arbury Estate Link Road, which was also raised by a number of respondents during the consultation. However, taking all matters into consideration there is an extremely strong case for supporting the merits of delivering the Bermuda Connectivity Scheme at this time. The potential Arbury Estate Link Road is classified as highway mitigation that will not come into fruition in the short or medium term. The Strategic Transport Assessment (STA) for the NBBC Borough Plan is clear that Bermuda Connectivity is viewed as highway mitigation required in the early years of the Borough Plan.
- 7.2 Bermuda Connectivity is a multi-faceted Scheme which would provide a number of directly attributable strategic benefits over and above reducing journey times and addressing congestion on the A444 corridor. These include enhancing access to the Bermuda residential area and a wide range of local businesses, supporting further development in the Bermuda area, providing improved connectivity to Bermuda Park rail station and improved local pedestrian and cycling infrastructure.

## **8.0 The Evidence Base**

- 8.1 The traffic, environmental and economic impacts of the Scheme have been vigorously evaluated using industry standard methodologies. This includes the

2017 Nuneaton and Bedworth Borough Wide Area Traffic Model, supported by on-site surveys and assessments carried with appropriate levels of diligence and checking. An independent evaluation of the wider economic benefits derived by the Scheme has also been undertaken. These provide a reliable and consistent evidence base enabling WCC Members and senior officers to make balanced and informed decisions on the future of the Scheme.

8.2 Whilst not yet finalised, the following studies have progressed to the point where a high degree of confidence can be placed on their conclusions:

- Noise Assessment (forms part of the Environmental Assessment Review);
- Environmental Assessment Review (which includes the Noise Assessment) to be included in the planning application;
- Transport Assessment (to be included in the planning application);
- Traffic Modelling Data used to test the impacts of the scheme; and
- Updated Health Impact Assessment (to be included in the planning application).

These studies will be finalised for submission with the planning application.

## **9. Capital Investment Fund - Evaluation by the CIF Panel**

9.1 A total of £3.702million was originally secured for the Scheme. However, the projected cost of the Scheme stands at £8.900million. A bid has been made to the Capital Investment Fund (CIF) to request a further £4.198million to make up the funding, alongside a further £1.000million grant from the Coventry and Warwickshire Local Economic Partnership (CWLEP) awarded to the County Council. The grant is conditional upon match funding being secured from WCC by the end of July 2018.

9.2 As part of the 2018/19 budget, Council approved the roll forward of the unspent budget for the Capital Investment Fund (CIF) as well as a further allocation of £58.252million remains to be allocated over the next two years. Of this, £26.567million is notionally held for seven priority schemes. One of those priority schemes is Bermuda Connectivity, and this report makes recommendations to support the usage of £4.198million of this total on this Scheme.

9.3 The CIF panel considered the bid in late 2017. This was before the consultation in spring 2018. However, the proposed revisions have no material impact on the scheme as originally was submitted to the panel. The panel scored Bermuda Connectivity at 70.3 out of 100. Therefore, after considering the updated Scheme and responses to the consultation, if Cabinet is minded to support progression of the Scheme, Corporate Board recommends that Members approve the allocation of the requested funding. The scores awarded in each section were as follows:

- Alignment with the organisation's strategic objectives (15% weighting): 4 out of 5;

- Financial viability (30% weighting): 3.5 out of 5;
- Strategic investment/Economic growth (as a scheme planned to deliver these specific objectives, 45% weighting): 3.3 out of 5; and
- Political social and environmental impact (10% weighting): 3.8 out of 5.

9.4 In reaching its conclusions, the Panel made a number of points, which are summarised in Appendix H of this report. For clarity, these have not been edited to take account of the consultation; the final point has however been acted upon by carrying out the consultation as described in section 2.

## **10. The Next Steps to Progress the Scheme**

10.1 If WCC Cabinet and full Council decide to authorise the allocation of the funding, the key milestones will be as follows:

- Submission of the planning application to the County Council covering the elements of the Scheme which require consent – August 2018;
- Complete land acquisition with the aim of reaching voluntary agreement with each landowner – October 2018;
- NBBC to claim the £0.500million contribution from the CWLEP and transfer the grant to the County Council – December 2018;
- Finalise procurement of the construction works and award contract – January 2019; and
- Commencement of construction works – March 2019.

## **11. Land Acquisition**

11.1 Small sections of third party land will be required in order to deliver elements of the Scheme. Voluntary negotiations with the landowners have been undertaken and it is hoped that all sections of land can be acquired on this basis. Details of the land requirement are provided in Table 4 at Appendix I of this report. However, it is possible that voluntary acquisition will not prove possible and in this case it will be necessary to consider compulsory purchase.

11.2 There are 12 parcels of third party land currently identified as required for the scheme. None of these parcels comprise residential premises and it is not considered that any of the acquisitions would prejudice the viability of the business currently occupying the land. However, the compulsory acquisition of land is not to be undertaken lightly. Careful consideration would have to be given on a case by case basis in the circumstances prevailing at the time as to whether such an interference could be justified. In view of this, it is recommended that authority be delegated to the Joint Managing Directors to decide whether powers of compulsory acquisition should be exercised and, if so, to decide how and to make the necessary order or orders and do everything necessary to acquire the relevant land in a timely manner. This would include conducting any proceedings in case they were required because of objections to the orders or to resolve valuation disputes and making any compromise agreements required to bring such proceedings to a satisfactory conclusion.

11.3 Plans detailing the extent of the small sections of land required for the Scheme are provided at Appendix J of this report.

## 12. Financial Risks and Mitigation

12.1 If the Scheme does not proceed to implementation stage, the actual scheme development costs incurred to date total £1.429million. This cost would be deemed abortive and need to be funded from the revenue budget of the sponsoring Business Unit, in this case Transport and Economy.

12.2 An agreement between CWLEP and NBBC is in place regarding the £0.500million contribution to the Scheme. The funding will be transferred to the County Council under a separate agreement between NBBC and WCC. If the Scheme is not progressed onto implementation stage, the Borough Council will be asked to arrange the termination of its agreements with CWLEP and the County Council.

12.3 If the Scheme is not progressed onto implementation stage, officers will make formal arrangements with the CWLEP to return the £1.000million grant contribution.

12.4 If the Scheme is progressed onto implementation stage, the Transport Development Fund revenue budget will be used to cover the cost of commissioning surveys and assessments monitoring the impact of the Scheme after opening. It is estimated that this work would cost in the region of £0.060 million over a 12 month period after Scheme opening.

## Background papers

1. Aesthetic Layout Details of the Updated Bermuda Connectivity Scheme:
  - Drawing No.514769-ATK-BCP-DR-D-121; and
  - Drawing No.514769-ATK-BCP-DR-D-122.
2. Consultation Report produced by SYSTRA (June 2018)
3. Equalities Impact Assessment / Analysis (Bermuda Connection) – July 2018
4. Health Impact Assessment (Bermuda Connection) – July 2018
5. Road Safety Audit Stage 2 (including Designers Responses) - Dec 2017

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Environment		
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The report was circulated to the following members prior to publication:

Local Member(s): Cllr Clare Golby (Arbury)  
Other Members: Cllr Bill Olnier (Nuneaton Abbey)  
Cllr Caroline Phillips (Stockingford)

## Appendix A

<b>Table 1: Measures Promoting the Consultation (Bermuda Connectivity)</b>	
<b><u>Channel</u></b>	<b><u>Detail</u></b>
Ask Warwickshire	→ Dedicated consultation webpage (providing full information, survey link and link to previous consultation)
<a href="https://www.warwickshire.gov.uk/bermudaconnection">https://www.warwickshire.gov.uk/bermudaconnection</a>	→ Dedicated Scheme webpage
Information Leaflet	<ul style="list-style-type: none"> <li>→ Circulation to circa 30,000 properties in West Nuneaton area</li> <li>→ Made available at Nuneaton Town Hall following a request from NBBC Customer Services Team</li> </ul>
Email (outbound)	<ul style="list-style-type: none"> <li>→ Town and Parish Council database contacts in and around Nuneaton and North Warwickshire</li> <li>→ Local Businesses via Warwickshire Means Business webpage via WCC Economy and Skills Team</li> <li>→ Consultation E-Alert sent to 390 Gov.Delivery subscribers</li> </ul>
Email (inbound)	→ Dedicated email address set up to provide an opportunity for people to respond via email
Paper Surveys	<ul style="list-style-type: none"> <li>→ Copies of surveys made available on request via WCC Customer Services.</li> <li>→ Copies of surveys made available at Nuneaton Town Hall</li> </ul>
Social Media	<ul style="list-style-type: none"> <li>→ <u>Warwickshire County Council Facebook</u></li> <li>→ <u>Warwickshire County Council Twitter (12,500 followers)</u></li> <li>→ Twitter activity on the consultation created 1,139 impressions with 1.1% level of engagement and 10 clicks through to the consultation via the link.</li> <li>→ Tweets / Direct messages sent to Coventry City Council Twitter and Nuneaton Memories Twitter.</li> <li>→ Retweet Requests - Coventry and Warwickshire Chamber of Commerce</li> <li>→ WCC Localities &amp; Partnerships (Northern Area ) Team asked to engage with Local Community Groups</li> </ul>
Face to face	<ul style="list-style-type: none"> <li>→ Meetings with WCC Members - Briefing Meeting with Cabinet Portfolio Holder and Local County Councillor</li> <li>→ Meetings with District / Borough Members - Promoted in a Presentation to NBBC Members on the NBBC Borough Plan and Supporting Highway Mitigation</li> </ul>



Newsletters	<ul style="list-style-type: none"> <li>→ Re: Member (59 - Warwickshire County Council Members)</li> <li>→ Your Warwickshire (Local MPs)</li> <li>→ Warwickshire Weekly News (Public) May 17</li> </ul>
Media relations	<ul style="list-style-type: none"> <li>→ Initial News release plus follow up(s): Nuneaton News, Coventry Evening Telegraph, Tamworth Herald and local radio stations (BBC Coventry and Warwickshire, )</li> <li>→ Presence on WCC news page</li> </ul>
Verbal briefings	<ul style="list-style-type: none"> <li>→ Briefing meetings with relevant WCC County Councillors.</li> <li>→ Engagement with NBBC officers in regard to environmental issues covered in the consultation material</li> </ul>
Other channels to target audiences	<ul style="list-style-type: none"> <li>→ Briefing note about the consultation circulated to local businesses and stakeholders</li> <li>→ Briefing to Customer Services (including Face to Face contact (libraries / One Stop shops)</li> <li>→ Briefing to Community Development Team (North)</li> <li>→ Posters and relevant documents were made available at both Nuneaton and Bedworth Libraries.</li> </ul>

## Appendix B

### Details of the Consultation Measures

#### Post

A consultation pamphlet was distributed to approximately 30,000 properties in the West Nuneaton area, similar to what took place during the initial consultation carried out in 2015.

The consultation pamphlet did not contain a Response Form, but directed recipients to the online “Ask Warwickshire” consultation website to complete their response. This is in line with the identified trend and preference for respondents to complete and submit WCC consultation response forms online. An email address and telephone number were provided for people to access further information and assistance.

#### Online “Ask Warwickshire” Consultation Website

This contained a high level of detail regarding the updated Scheme and also a survey form for respondents to complete and submit.

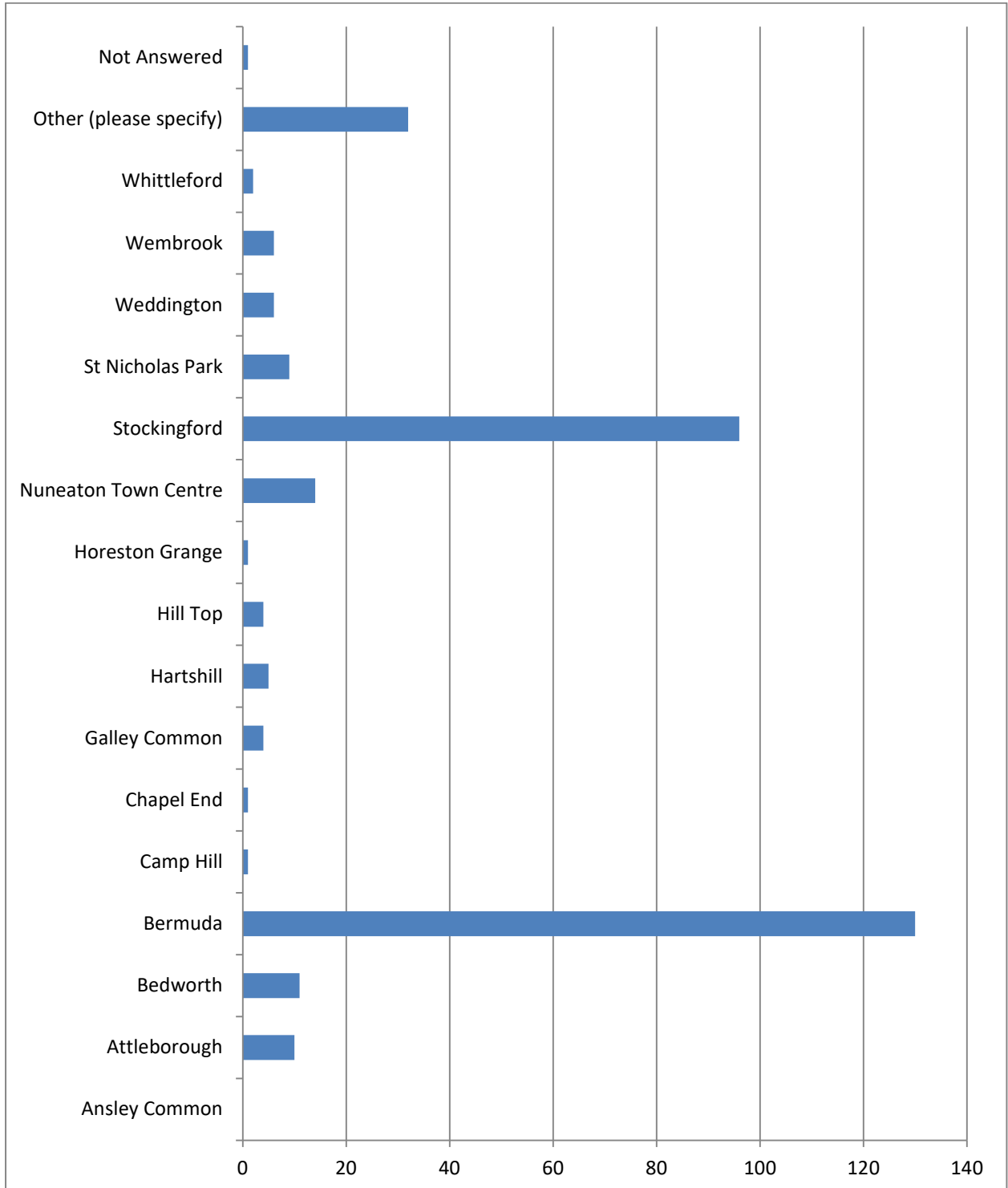
#### Online Scheme Web Page

Information in the consultation pamphlet was also presented on Scheme web page plus additional information. A link to the “Ask Warwickshire” Consultation website was in place allowing participants to complete and submit a survey form. Standard wording directing people to contact the WCC Customer Services telephone number was also in place enabling people to request to be sent paper copies of the survey form.

## Appendix C Analysis of Consultation Responses

Chart 1: Analysis of Survey Forms:

Total Number of Responses to Question 3  
In which residential area do you live?



## Chart 2: Analysis of Survey Forms:

### Total Number of Responses to Question 4

To what extent do you agree or disagree that traffic congestion in West Nuneaton causes problems in your day to day activities?

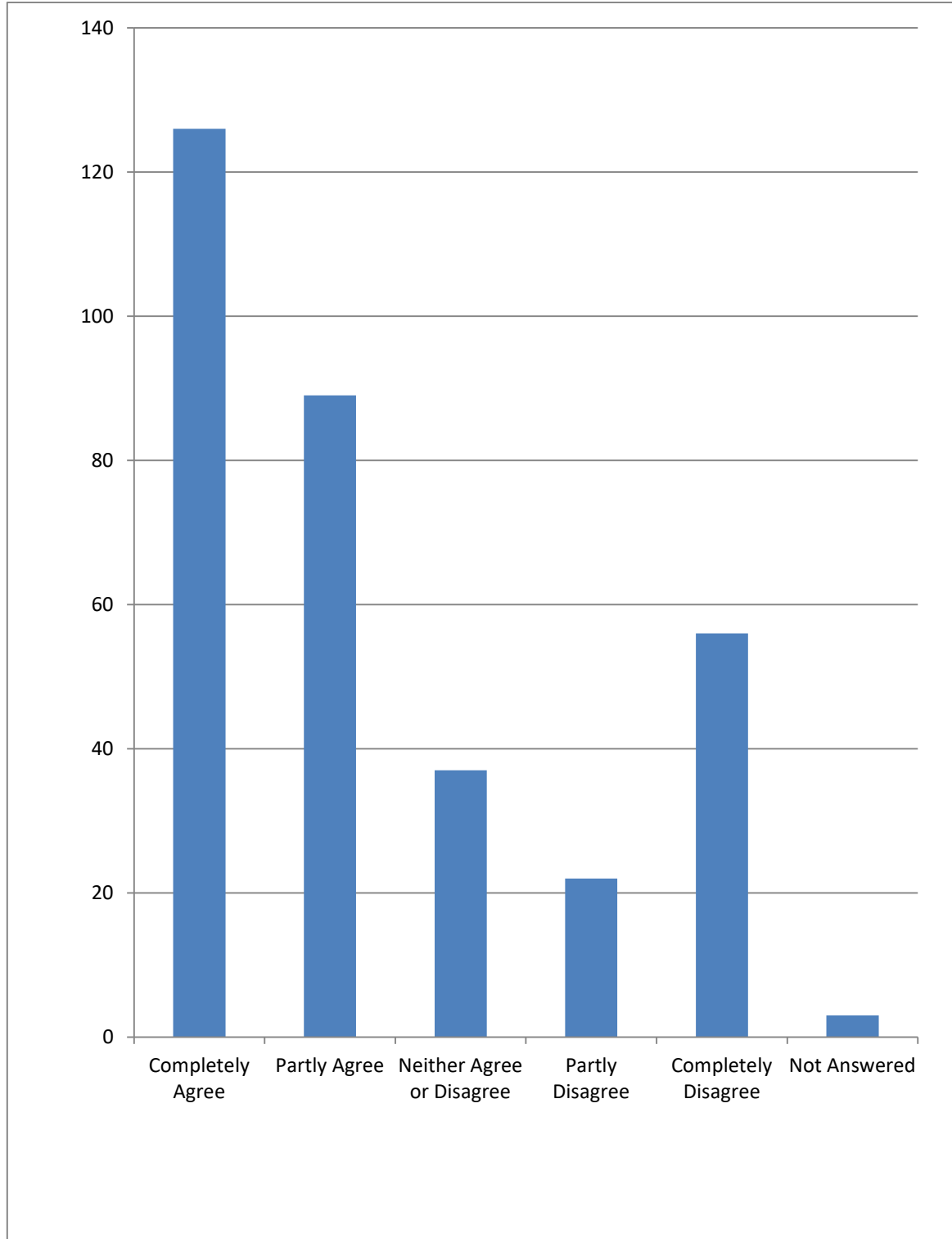
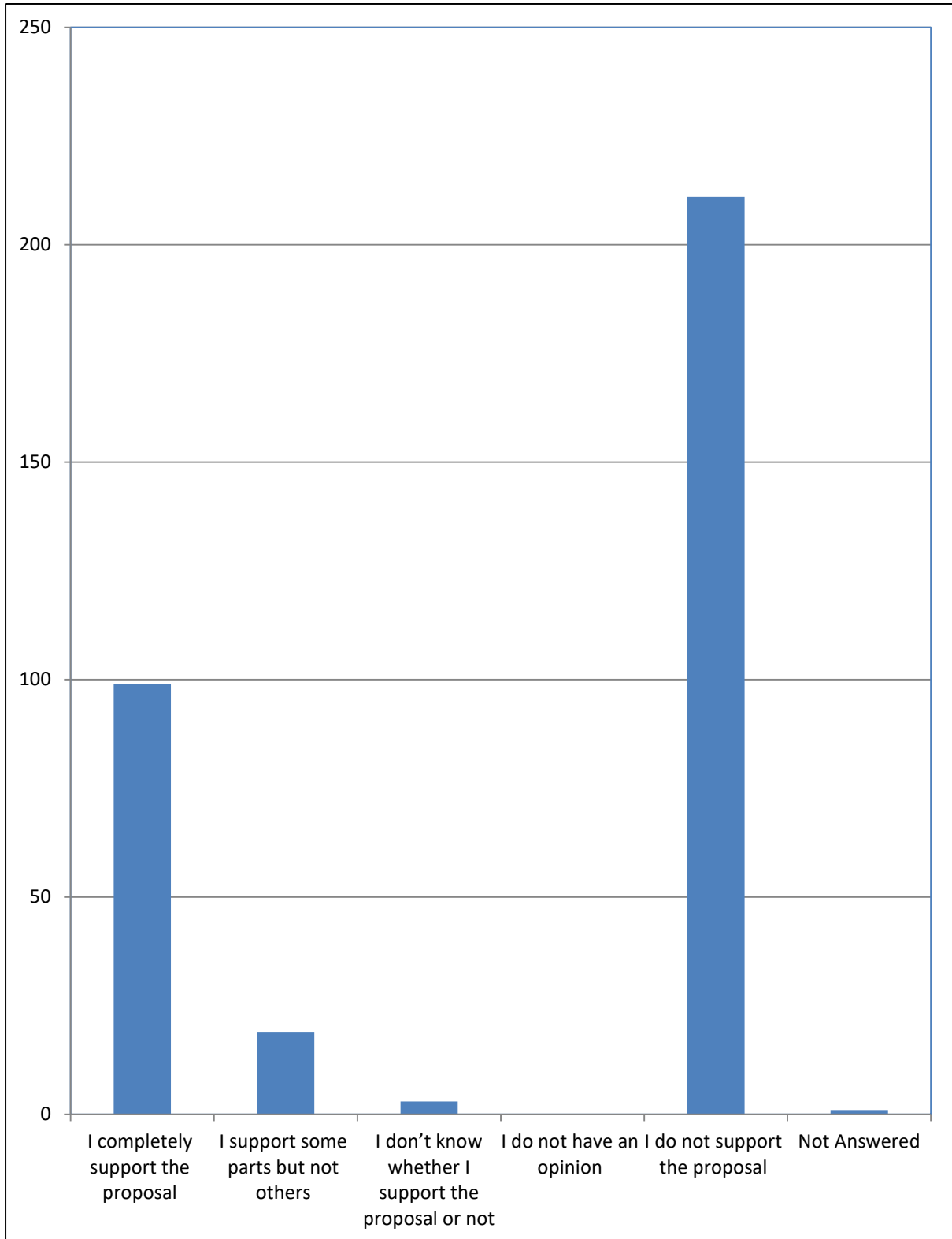


Chart 3: Analysis of Survey Forms:

Total Number of Responses to Question 5

Please select the statement below which best suits how you feel about the proposed new highway link.



## Appendix D

### General Consultation Responses

<b>Table 2: Common Themes Expressed by Respondents during the Consultation</b>	
<b>Theme</b>	<b>Comments</b>
Key themes relating to impacts on residents	<ul style="list-style-type: none"> <li>• Plan is unfair on local residents who will suffer increased disruption, traffic noise, damage, pollution and decreased house values / quiet residential neighbourhood;</li> <li>• Consider the adverse impact - noise, vibration, air quality, health impact on local residents;</li> <li>• Parking issues will be created for residents and their visitors in Bermuda Street and other local residential streets, includes comments made about current parking on Tenlons Rd; and</li> <li>• May result in 'rat run' roads being created in residential streets for road users trying to dodge the traffic (specific issue for Shillingstone Drive, Tenlons Road, The Raywoods, Radley Drive, Cornish Crescent and Orkney Close).</li> </ul>
Key themes relating to impacts on the local area	<ul style="list-style-type: none"> <li>• Concerns that parking restrictions proposed will lead to hospital staff and visitors parking in residential streets;</li> <li>• Scheme needs to / does not take into account the additional impact of new housing developments - increase in population;</li> <li>• Concern over speeding / traffic increases in the residential areas which will increase with removal of on street parking and risk to children living/playing in the area; and</li> <li>• The scheme splits the community from community assets (park, community centre etc.) and does not provide sufficient safety features / crossings - will impact on users being able to access services;</li> <li>• General negative impact upon a residential neighbourhood - suitability of high volumes of traffic on residential street and quality of life;</li> <li>• Limitation of the rail station offer will limit benefits claimed - lack of parking, no park and ride, limited train frequency with delays in plans to improve, low footfall and question whether people will use the rail station; and</li> <li>• Direct impact on businesses - access for staff and customers, parking issues, health and safety issues relating to the premises and access.</li> </ul>
Key themes relating to the	<ul style="list-style-type: none"> <li>• Concerns about safety in general (lack of safe crossings, removal of traffic lights, dangerous 90</li> </ul>

<p>design proposals</p>	<p>degree turn, concern about safety in relation to increased traffic in area used by chemical distribution vehicles, narrowing of footpaths, - speeding vehicles);</p> <ul style="list-style-type: none"> <li>• Safety / crossings are compromised along a school route / routes heavily used by children and other pedestrians - there is a lack of traffic calming and safe crossing opportunities/measures in the proposal;</li> <li>• Respondents are unhappy with and concerned about the removal of safety features which had been in the original proposal;</li> <li>• HGV movements that will be created raise safety concerns and will negatively impact on residents and other road users;</li> <li>• Specific comments raised about junctions;</li> <li>• Comments in relation to speeding and traffic calming measures;</li> <li>• Specific comments raised about areas of congestion which will be created;</li> <li>• Comments on impact of proposal on cyclists and pedestrians;</li> <li>• Residential streets cannot cope - narrow roads, difficulty of access, parking/delivery blockages, need to reverse. Redesign of roads needed/widening/lines of sight;</li> <li>• Queries and comments relating to the bridge suitability for what is proposed;</li> <li>• Queries raised regarding the modelling / projections used to develop the scheme, including comments that there are things missing / inaccuracies in the plans and documentation; and</li> <li>• Comments on (objections to) the design standards used - not appropriate standard.</li> </ul>
<p>Key themes relating to the overall scheme</p>	<ul style="list-style-type: none"> <li>• Suggestions to compliment / extend the scheme to generate further benefit;</li> <li>• The proposed scheme is not value for money - will cost too much / waste money / doing things on the cheap;</li> <li>• Views that the proposed scheme is not a 'strategic' solution. Need longer term sustainable traffic management plans;</li> <li>• Other, better options are available - range of specific comments made (e.g. look at alternative traffic flows / road layouts);</li> <li>• Scheme is merely a cut down version of the original proposals which were rejected;</li> <li>• Supportive comments - including that the proposal is needed to relieve gridlocked town / roads and reduce journey times;</li> <li>• Views that this will shift the problem not solve it; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Objections in principal to diverting heavy traffic through a residential area.</li> </ul>
Comments on the consultation process	<ul style="list-style-type: none"> <li>• Concerns over consultation being primarily online;</li> <li>• Not clear on distributed leaflet that paper copies were available;</li> <li>• Issue with documents only being available online;</li> <li>• Specific comments on documentation / information made available not being sufficient (e.g. comments that documents are not clear enough / text is too small / ineffective assessment report); and</li> <li>• Lack of engagement / public meetings / publicity.</li> </ul>



# Technical note

<b>Project:</b>	Bermuda Connectivity Project	<b>To:</b>	Warwickshire County Council
<b>Subject:</b>	Economic Appraisal Update	<b>From:</b>	Atkins
<b>Date:</b>	6 Dec 2017	<b>cc:</b>	

## Introduction

This technical note has been prepared following a request by Warwickshire County Council to update the economic appraisal of journey time benefits for the Bermuda Connectivity Project. The economic appraisal was previously undertaken in 2014 and the results were reported in the *Bermuda Connectivity Project Capital Growth Fund Business Case, Warwickshire County Council, September 2014*.

Since 2014 there has been some changes that necessitate an update of the economic appraisal. The main changes affecting the appraisal are summarised below:

- The scheme costs have changed following a value engineering exercise which de-scoped the scheme resulting in a reduction in scheme costs by 30% to 35%.
- The Paramics Microsimulation model has been updated, with new survey data. It now takes account of the latest Local Plan committed and highly likely developments or Local Plan aspirations.
- WebTAG values of time and fuel have been updated.

The purpose of this technical note is to outline the process undertaken to update the economic appraisal, detail the assumptions used, followed by reporting of the appraisal results.

## Methodology and Assumptions

The economic appraisal was calculated using a spreadsheet model that uses forecast changes in journey times in different time periods to produce an economic benefit. Outputs from the Paramics traffic model of Nuneaton were input into the spreadsheet model to generate a monetary impact over the 60 years life of the scheme. These were then compared against the construction costs and maintenance costs on a consistent basis to generate a BCR (benefit to cost ratio) for the scheme.

The main limitation of the appraisal is that the only benefits which have been monetised are those arising from journey time savings. Other potential benefit streams have not been included (e.g. safety, vehicle operating costs, journey time reliability, air quality, noise, greenhouse gases).

A summary of the method used and the underlying assumptions for each stage of the appraisal is shown in Table 1.

*Table 1. Summary of Method and Assumptions*

Appraisal Element		Method / Assumptions
Input	Traffic Modelling	Vectos provided the following information from the Paramics model: <ul style="list-style-type: none"> <li>• Network wide Car, LGV and HGV vehicle hour changes for the with and without scheme situation.</li> <li>• This was provided for the AM (0700-1000) and PM (1600-1900) peak periods a 2022 and 2031 modelled year.                             <ul style="list-style-type: none"> <li>• The 2022 modelled year is from the 'Reference Case' model</li> <li>• The 2031 modelled year is from the 'Local Plan' model which includes development associated with the Local Plan (in both the 'with' and 'without' Bermuda model runs.</li> </ul> </li> </ul>
	Scheme Costs	<ul style="list-style-type: none"> <li>• These were provided by F&amp;G in September 2017.</li> </ul>

## Technical note

Appraisal Element		Method / Assumptions
		<ul style="list-style-type: none"> <li>WebTAG states that sunk costs should be excluded from the economic appraisal. The following line items were therefore removed from the costs included in the economic appraisal:               <ul style="list-style-type: none"> <li>WCC internal charges as notified on 23<sup>rd</sup> August 2017</li> <li>Capital costs incurred thus far (up to 16<sup>th</sup> August 2017).</li> <li>Future design commitments (inc. Atkins, SLC Rail and Business Case Refresh).</li> <li>Future Compensation Claims Assessment Report</li> <li>Updated Scheme Costs (as of 11<sup>th</sup> October 2016)</li> <li>Japanese Knotweed screening measures (as of 11<sup>th</sup> October 2016)</li> </ul> </li> <li>Note that the contingency figure of £500,000 has been included in the economic appraisal.</li> <li>The spend profile has been assumed to be as follows:               <ul style="list-style-type: none"> <li>2017 – 20%</li> <li>2018 – 40%</li> <li>2019 – 40%</li> </ul> </li> <li>Optimism bias of 3% has been applied to the scheme costs. This is consistent with WebTAG guidance<sup>1</sup> for a local authority scheme at 'Stage 3 – Full Business Case'</li> </ul>
	Maintenance Costs	<ul style="list-style-type: none"> <li>Assumed to be the same as the 2014 economic appraisal (£37,500 per annum over 60 years).</li> <li>Construction inflation has been applied to the maintenance costs over the period 2017 to 2022 using the BCIS (Building Costing Information Service) rates with the GDP Deflator applied for the remainder of the appraisal period.</li> </ul>
Process	Opening Year	<ul style="list-style-type: none"> <li>An opening year of 2019 has been assumed.</li> </ul>
	Economic Parameters	<ul style="list-style-type: none"> <li>Economic Parameters have been taken from the WebTAG Data Book dated October 2017 Released v1.8.2</li> </ul>
	Appraisal Period	<ul style="list-style-type: none"> <li>A 60-year appraisal has been undertaken in line with WebTAG guidance.</li> </ul>
Outputs	Presentation of results	<ul style="list-style-type: none"> <li>The results have been presented in 2010 market prices discounted to 2010 (in line with WebTAG guidance).</li> </ul>

<sup>1</sup> WebTAG Unit A1.2: Scheme Costs, July 2017.

# Technical note

## Appraisal Results

The economic appraisal results are detailed in Table 2.

Table 2. Bermuda Economic Appraisal Results

Bermuda Connection Economic Appraisal		2010 market prices discounted to 2010
Present Value of Costs (PVC)	Construction Costs	£6.864m
	Maintenance Costs	£1.320m
	Total PVC	£8,185m
Present Value of Benefits (PVB)	AM Peak Journey Time Benefits	£19,514m
	PM Peak Journey Time Benefits	£12,594m
	Total Journey Time PVB	£32,468m
Net Present Value (NPV)		£24,283m
Benefit to Cost Ratio (BCR)		3.9

The journey time benefits are mainly generated by savings made in the AM peak period. No account was taken of any changes outside of these time periods, but in reality it is likely that there will be additional benefits during these non-peak times of the day.

Based on DfT Value for Money guidance<sup>2</sup> a BCR of 3.9 represents 'High Value for Money'.

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/630704/value-for-money-framework.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630704/value-for-money-framework.pdf)

## Appendix F

# 1. Assessing Wider Economic Benefits

## Getting West Nuneaton Moving: Bermuda Connection

- 1.1 As part of developing an updated economic case for WCC, Regeneris Consulting have reviewed the role the Bermuda Connection project could play in facilitating the development of sites in the Nuneaton area.

### Analysis of Sites

- 1.2 We have reviewed the development capacity of those current and future employment areas in the immediate vicinity of the scheme and in areas where congestion will be improved by the scheme. These areas include a proposed employment site from the Emerging Borough Plan (EMP1)<sup>1</sup> and a number of existing employment areas with vacant plots. The following table outlines these sites.

Site	Total Plot Size (sqm)
Empty plot in existing North Caldwell employment site	6,300
Site in the north end of the Bermuda Industrial Estate	8,100
Largely empty plot on the East side of Hazell Way industrial site	8,400
Bermuda 208 currently being marketed within Bermuda Park	43,800
Proposed Local Plan site EMP 1 (Faultlands site)	260,000

Source: Regeneris Consulting; Consultations with WCC

- 1.3 An assumed split of 50% Industrial (B2/B1(c)) and 50% Storage & Distribution (B8) uses has been applied to all sites (with the exception of Bermuda 208 which is assumed to be 75% Storage & Distribution and 25% Office as this is the split that is currently being marketed for the site). The 50/50 split is based on a review of current occupier activity at the Bermuda Industrial Park.<sup>2</sup>
- 1.4 To convert plot sizes into the appropriate floorspace measure we have applied the following assumptions:
- a plot ratio of 35% to convert employment sites to gross external area based on Regeneris' s analysis of suitable benchmarks
  - a ratio of 95% to convert external areas to internal areas based on the latest HCA Employment Densities Guidance
  - a ratio of 85% to convert gross areas to net internal areas based on the latest HCA Employment Densities Guidance.

<sup>1</sup> Planning Application Reference - 034901 (Planning)

<sup>2</sup> Based on visual observation during a site visit as we do not have definitive data on all occupiers

### Gross Potential Impacts

- 1.5 To convert floorspace into Full Time Equivalent (FTE) Jobs we have used average floorspace per employee by use class from the latest HCA Employment Densities Guide (2015). This provides the estimate of gross jobs on site once fully developed.
- 1.6 GVA impact is estimated using estimates of GVA per employee (ie full and part time) from the Coventry and Warwickshire LEP Business Case Guidance. These have then been converted to GVA per FTE using data from the ONS Business Register and Employment Survey (BRES). The GVA per FTE assumed for each use class is as follows<sup>3</sup>:
  - Industrial - £65,100 (Manufacturing)
  - Storage & Distribution - £42,800 (Distribution, Transport, Accommodation and Food)
- 1.7 Each site is allocated a likely start date and an estimated build out period based on consultations with Warwickshire County Council and other stakeholders (landowners/agents) which allows us to stagger the impacts. The following assumptions have been applied to account for the timing of impacts:
  - a one year delay from development to impacts
  - GVA benefits are discounted at a rate of 3.5% in line with HM Treasury Green Book guidance
  - a persistence of 5 years for the GVA impact associated with jobs, in line with guidance on transport schemes (note: this is a conservative assumption and the actual persistence of benefits could be significantly longer).

### Net Impacts

- 1.8 To account for any displacement at the LEP level of other business activity we have applied a rate of displacement based on additionality guidance from the Department of Business Innovation & Skills that was used in the previous work for the C&WLEP in assessing the potential role of transport schemes in supporting the Strategic Economic Plan (in 2014). The displacement factors assumed are as follows:
  - Storage and Distribution - 60%
  - Industrial - 40%
- 1.9 To account for multiplier effects we have assumed a multiplier of 1.25 which is also based on the previous Regeneris work done to support the 2014 C&WLEP SEP.

### Net Attributable Impacts

- 1.10 The hardest factor to assess is the contributory role of the proposed transport scheme to the development of additional employment activity around the scheme

<sup>3</sup> This is the lowest available breakdown of these industries at LEP level, using SIC07 sector groups C and GHI



(ie the sites in Table 1.1). There are various factors to take into consideration:

- 1) There is evidence of reasonably robust demand for sites in the area, demonstrated by relatively high levels of occupancy.
  - 2) Work for WCC in 2015 in reviewing the proposed major site allocations in the emerging Borough Plan identified the need for a package of mitigation measures to ensure unacceptable levels of congestion did not arise in the future. These schemes can be thought of as a necessary package to support the increased population and employment in the Borough<sup>4</sup>.
- 1.11 The employment and GVA impacts from the development of the identified sites are not directly contingent on the Bermuda Connection scheme, given the overall package of A444 corridor improvements are a key part of the wider plans to support Nuneaton's growth. Warwickshire County Council has modelled the impacts of planned growth on congestion in the Borough.<sup>5</sup> The assessment makes clear that although all projects within the planned A444 corridor improvements are not specifically necessary for development, some form of improvements will need to come forward to enable the wider plans for growth.
- 1.12 To allow for the fact that the Bermuda Connection project can only be considered as having a share of the overall transport supporting impact on the identified employment sites, we have taken the updated capital costs of the project as a proportion of the updated total cost of all transport improvements identified in the strategic transport assessment.<sup>6</sup>
- 1.13 This leads to a suggested attribution factor of around 10%. In other words, the Bermuda Connection scheme is assumed to account for 10% of the overall role that transport improvements in the A444 Corridor make in allowing for the future development of the sites in Table 1.1. This is not a perfect measure of attribution as ideally this would be based on the relative share of contribution to reducing/avoiding congestion. However, in the absence of more detailed information, we consider that cost is a reasonable proxy for the share of this scheme in the overall package.
- 1.14 This approach also assumes that it is necessary to see transport improvement to allow economic growth to take place. Again, this is not clear cut. It is quite possible that at least some of the development takes place without any highways or other transport improvements. In this case the modelling suggests that there would be an unacceptable increase in congestion in Nuneaton. We do not know for certain but this is likely to have an adverse impact on business performance and location decisions of businesses, offsetting the positive contribution from new site development. However, it is possible that WCC could make completion of the package of improvements a necessary precondition before the approval is

<sup>4</sup> Vectos, Nuneaton & Bedworth Borough Council Strategic Transport Assessment Modelling Report, 2015

<sup>5</sup> ibid

<sup>6</sup> The scheme costs identified in the August 2015 Vectos Assessment have been updated by WCC officers.

given for sites that would contribute to congestion in and around the A444 Corridor.

#### Housing

- 1.15 In addition to the jobs and GVA generated by the project, there is also a housing site, HSG3 (575 dwellings) that has been identified in the emerging local plan process, adjacent to the EMP 1 employment site.<sup>7</sup> Given the housing site is adjacent to EMP 1, we have used the same method to calculate the impact that is attributable to the project. We estimate that the scheme could enable around 58 housing starts.

#### Summary of Impacts

- 1.16 Below is a summary of impacts:

Table 1.2 Impact Summary of Potential Impacts from the Bermuda Connection project (Rounded)			
Effect	Jobs	GVA Total Present Value	Housing Starts
Gross development potential	2,440	£510m	575
Net of displacement	1,300	£280m	–
Net attributable to the transport scheme	130	£28m	58
Net attributable - after multiplier effects	160	£35m	–

Source: Regeneris Consulting Calculations

<sup>7</sup> Planning Application Reference - 035037 (Planning)

## Appendix G

<b>Table 3: Bermuda Connectivity – Summary of Environmental Effects</b>	
<b>Subject</b>	<b>Summary</b>
Air Quality	<p>An air quality assessment has been undertaken to consider the potential effects resulting from changes to air quality during the construction and operational phases, including considering the impact (of changes in vehicles /numbers) on nitrogen oxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) levels. A series of sites have been selected as ‘representative’ of the places where human health might be affected, these ‘receptors’ are within 200m of affected roads. They include 20 residential properties, a school and a children’s centre. During construction of the Scheme there is the potential for dust emissions to be caused. These could have a short term adverse impact at nearby receptors if no mitigation is put in place. However, the Scheme will include ‘control measures’ and these will be set out in a ‘Construction Environmental Management Plan’ (CEMP). With these control measures in place the construction works should not have a significant effect on human health.</p> <p>Once the Scheme is constructed and operational, the impact on NO<sub>2</sub> concentrations at the human health receptors is expected to be ‘negligible to slight’. The impact on concentrations (very small particulates) is expected to be ‘negligible’ in all cases. These concentration levels of both NO<sub>2</sub> and PM<sub>10</sub> would mean that the local air would continue to satisfy statutory ‘quality’ limits. Therefore, it predicted that the Scheme would not have a significant effect on air quality.</p>
Noise and Vibration	<p>A baseline survey and assessment has established the existing ambient noise levels. The anticipated vehicle movements have been used to model the likely changes in the day time and night time noise levels at a number of noise sensitive receptor locations (homes along and adjacent to the route).</p> <p>The construction phase of the scheme has the potential to generate noise which may have a short term adverse impact at nearby sensitive receptors, particularly if there is no appropriate mitigation. However, the scheme will include mitigation measures to minimise noise and vibration. As a consequence the construction works should not have a significant effect on residents living along the route.</p> <p>Once constructed it is predicted that the reopening of the road and the bridge will result in an increase in the noise experienced in both the properties and gardens of a number of properties. The nature of the impact has been modelled using predicted traffic levels and this indicates those properties which may experience an increase in noise and the level of that increase over a 15 year period following the opening of the scheme. This assessment indicates that 266</p>



	<p>properties may experience increases in noise between 'minor adverse' and 'major adverse' if no mitigation takes place. The assessment indicates that the scale of the increase is likely to be as follows: Minor adverse (3dB-5dB increase) impacts at 126 properties, moderate adverse (5dB-10dB increase) impacts at 51 properties and major adverse (more than 10dB increase) impacts at 79 properties. Without mitigation, noise increases are capable of having impacts on health and quality of life. Whether they do depends on existing levels of environmental noise and whether the increase takes a property above relevant thresholds or affects a property which already experiences environmental noise above a relevant threshold. In the event that no mitigation took place, it is possible that residents of 105 properties could experience 'adverse' impacts and residents at 6 properties could experience 'significant adverse' impacts. Work has, therefore, been commissioned to prepare a mitigation scheme for submission with the planning application which will set out the approach to mitigation, which will be guided by the aims of the DEFRA Noise Policy Statement for England 2010 to avoid significant adverse impacts on health and quality of life and to mitigate and minimise lesser adverse impacts.</p>
Cultural Heritage	<p>A desk based assessment has concluded that given the majority of highway works proposed will take place on land which has previously been developed, disturbed or used (including the area previously used for landfill), it is anticipated that disturbance of any buried remains are likely to have already occurred. Any archaeological remains which might be encountered, are therefore, likely to be incidental and of only local interest. The potential effects of the Scheme on cultural heritage are anticipated to be minimal.</p>
Arboriculture	<p>All trees which have potential to be affected by the Scheme have been surveyed. No protected trees are proposed to be removed as consequence of the Scheme. A small number of trees and scrub are expected to be lost as a consequence of the Scheme, including areas parallel to the railway line. The proposed Scheme includes mitigation planting.</p>
Ecology	<p>An Extended Phase 1 Habitat Survey was undertaken for the Site. This was supplemented with further surveys of specific species, including bats. The surveys have confirmed that no protected species or designated sites will be adversely impacted by the Scheme.</p>
Landscape and Visual Amenity	<p>Desk based studies and site survey work has shown that the visibility of the site is limited in extent due to the very flat topography, built up nature of the industrial areas and intervening mature vegetation. The majority of the locations where views of the site are available are restricted to short range views, thereby limiting the overall number of potential receptors. Medium range views are very limited in number due to the amount of intervening element such as road embankments and vegetation, generally occurring only where the viewpoint is elevated due to the topography and with limited intervening vegetation. Long range views of the site are only available from the higher areas to the</p>

	<p>west of the site.</p> <p>The assessment has concluded that the changes to the landscape will be modest as the road largely already exists. The impact for most residents is negligible but for those closest to the Scheme (e.g. Tenlons Road and The Bridleway) which face onto the road, the impact will be 'minor adverse' when the Scheme is first implemented. However this would be mitigated in part as vegetation becomes established.</p>
Ground Conditions	<p>Site investigations and desk study information has confirmed that some of the land adjacent to the Scheme is former landfill which may contain hazardous materials. The design of the Scheme is such that the impact on this land is minimal and will be required for construction purposes only. It is therefore anticipated that any risks to human health and water resources can be controlled and managed. This will be through the implementation of a CEMP.</p>

Water Environment	The Flood Risk Assessment has concluded that the construction of the Scheme will not increase the risk of flooding to residential or other properties. Small areas of the Scheme are already at risk from certain forms of flooding and so the Scheme has been designed to ensure this risk is not increased. The Hydrological Assessment has concluded that the Scheme can be constructed in ways that will protect and safeguard the underground groundwater resources and functioning of existing surface drainage features (e.g. drains and ponds).
Transport Assessment	The Transport Assessment for the Scheme demonstrates that overall the Scheme results in an improvement to the local network in terms of reducing congestion and journey times. The Transport Assessment for the Scheme also demonstrates that the Scheme provides improvements to sustainable transport infrastructure and enhanced connectivity with public transport. Furthermore, a Road Safety Audit has informed the design of the Scheme and in so doing will ensure that the risk of accidents is minimised.

## Appendix H

### Capital Infrastructure Fund Panel Evaluation

#### 1. Evaluation by the Panel

- 1.1. The Panel has scored the scheme at 70.3/100 and so are recommending to Corporate Board that they support the allocation of the requested funding. The scores awarded in each section are:
- Alignment with the organisation's strategic objectives (15% weighting): 4/5;
  - Financial viability (30% weighting): 3.5/5;
  - Strategic investment/Economic growth (as a scheme planned to deliver these specific objectives, 45% weighting): 3.3/5; and
  - Political social and environmental impact (10% weighting): 3.8/5.
- 1.2. In reaching its conclusions, the Panel made the following points:
- The bid has been presented, and assessed, as a new scheme in totality so that the benefits from the scheme are those to be gained from the entire capital cost rather than just the additional funding now requested. Costs incurred to date on the scheme are of the order of £1.400million. If the further funding were not now agreed this cost would largely need to revert to revenue budgets. This is however approximately balanced by the ongoing revenue maintenance cost of the completed works if the scheme progresses;
  - The scheme fits well with the Council's economic growth priority and with detailed elements of the Local Transport Plan. As part of the Nuneaton programme of schemes it fits well with the stated priorities of relevant partners such as Nuneaton and Bedworth Borough Council and the Coventry and Warwickshire LEP, and the support of the latter body is reflected in the awarding of CWLEP grant to the scheme. The Panel would have preferred however that the bid included a fuller description of how this scheme fits into the overall programme in Nuneaton to better assess its dependencies and context;
  - Whilst the scheme costs have increased significantly since the allocation of the Growth Fund budget, the figures have been subject to a reasonable degree of scrutiny and rigour. However, the risk of overspend remains and there is only a relatively small general contingency of £0.5million within the total cost estimate;
  - The bid is well supported by external analysis covering the potential outcomes in terms of reduced traffic times and wider economic benefits relating to development of employment areas in the vicinity of the scheme. These indicate significant potential benefit-to-cost ratios (3.9 for travel time; 7.0 with wider economic impacts) though the report does not comment on how actual achievement of these benefits will be measured after the construction scheme completes. There is also no discussion of what steps, if any, the wider Council or its partners will take to support the realisation of these benefits beyond the construction work. A significant portion of the benefits will only be realised if other

parties, including landowners and businesses, engage with the opportunities the scheme will create;

- The Panel had concerns that potential downsides of the project may be underplayed; there is no apparent cost evaluated for the disruption caused by the works, and it was not clear how the findings of the Equality Impact Assessment relating to increased traffic volume, noise and disruption had been considered or represented;
- The Panel felt that the bid's risk identification was reasonably complete but noted that few or no attempts were made to quantify impact or likelihood of those risks materialising. There were also relatively few risk mitigation suggestions made;
- When approved in October 2014, the scheme included a car park for the Bermuda Park rail station and a resulting revenue income of £80,000 p.a. to the Council. However, the scheme's redesign now excludes the car park, with the bid noting that an alternative proposal will be progressed and funded separately. This loss of income figure is (reasonably) not included in the revenue costs of the scheme; and
- The bid makes mention of "strong local opposition". Whilst the scheme has been substantially redesigned it is not clear whether any consultation has been carried out which could inform Members and officers of the likely reaction of the community to the latest plans. Furthermore, no detail is provided of future steps of this nature, which may be considered prudent to mitigate the risk of delays and extra costs caused by possible opposition.

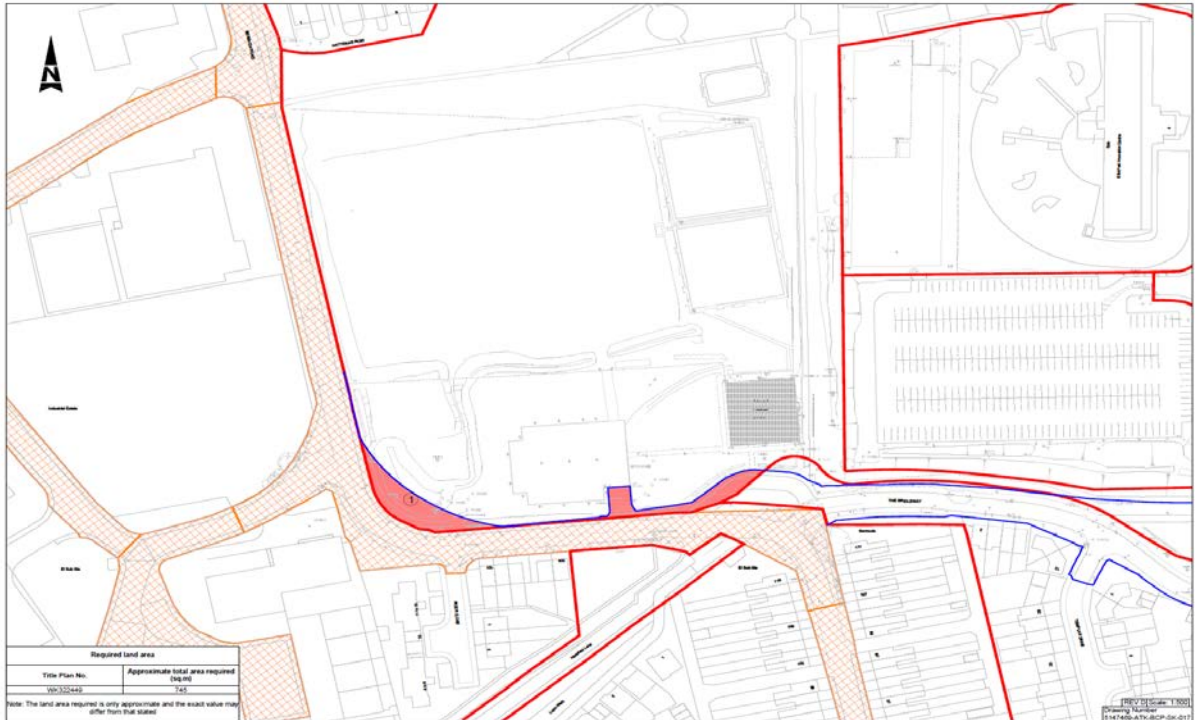
## Appendix I

Table 4: Getting West Nuneaton Moving: Bermuda Connection Sections of Land Required to Deliver the Scheme		
Plot No.	Section of Land	Land Registry No
1	Land within the site of the Bermuda Phoenix Centre	WK322449
2	Land to the front of the Bermuda Phoenix Centre	Unregistered Land 1
3	Land forming part of The Bridleway and Templar Drive	WK322449
4	Land between Knights Road and Bermuda Bridge Embankment, Part of Elliot Park	WK465081
5	Land to the front of Samuel Ryder House	WK483538
6	Embankment Land on Western Side of Bermuda Bridge	WK322449
7	Land adjoining St Georges Way and A444, Nuneaton (Embankment Land on Eastern Side of Bermuda Bridge)	
8	Land on St Georges Way (Adjacent to Embankment on Eastern Side of Bermuda Bridge)	WK258979
9	Land to the North of the Embankment Land on the Eastern Side of Bermuda Bridge	
10	Land to the South of the Embankment Land on the Eastern Side of Bermuda Bridge	
11	Land to the South of the Embankment Land on the Eastern Side of Bermuda Bridge	
12	Land on St Georges Way to the East of Bermuda Bridge, adjacent to Univar	

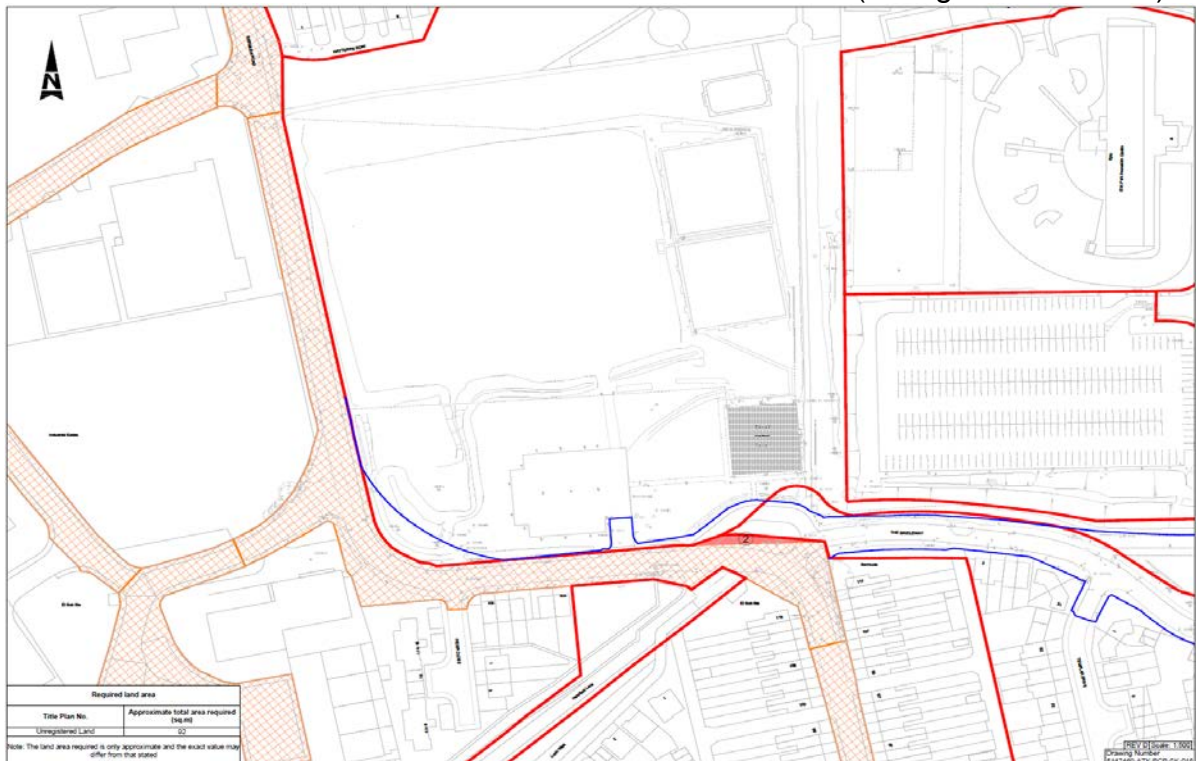
# Appendix J

## Bermuda Connectivity Plans - Sections of Land Required to Deliver Scheme

Plot 1 - Land within the site of the Bermuda Phoenix Centre (WK322449)

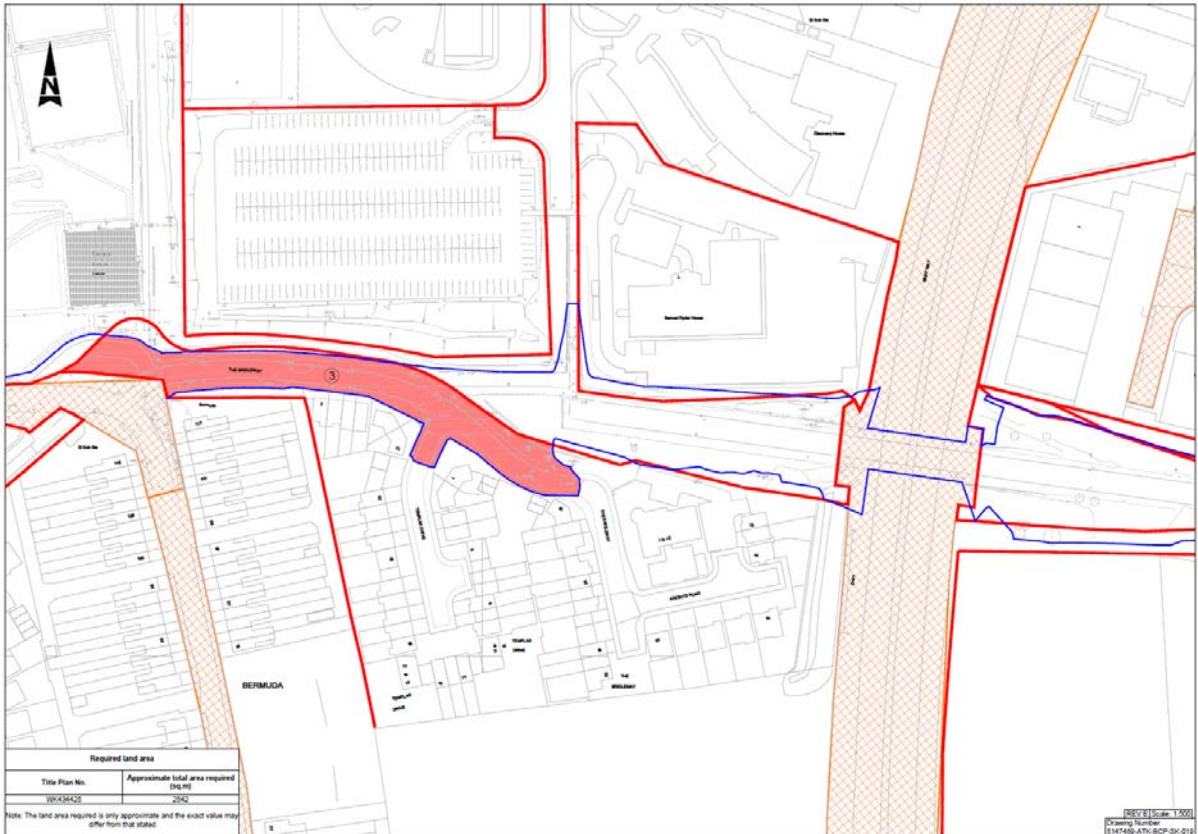


Plot 2 - Land to the front of the Bermuda Phoenix Centre (Unregistered Land 1)

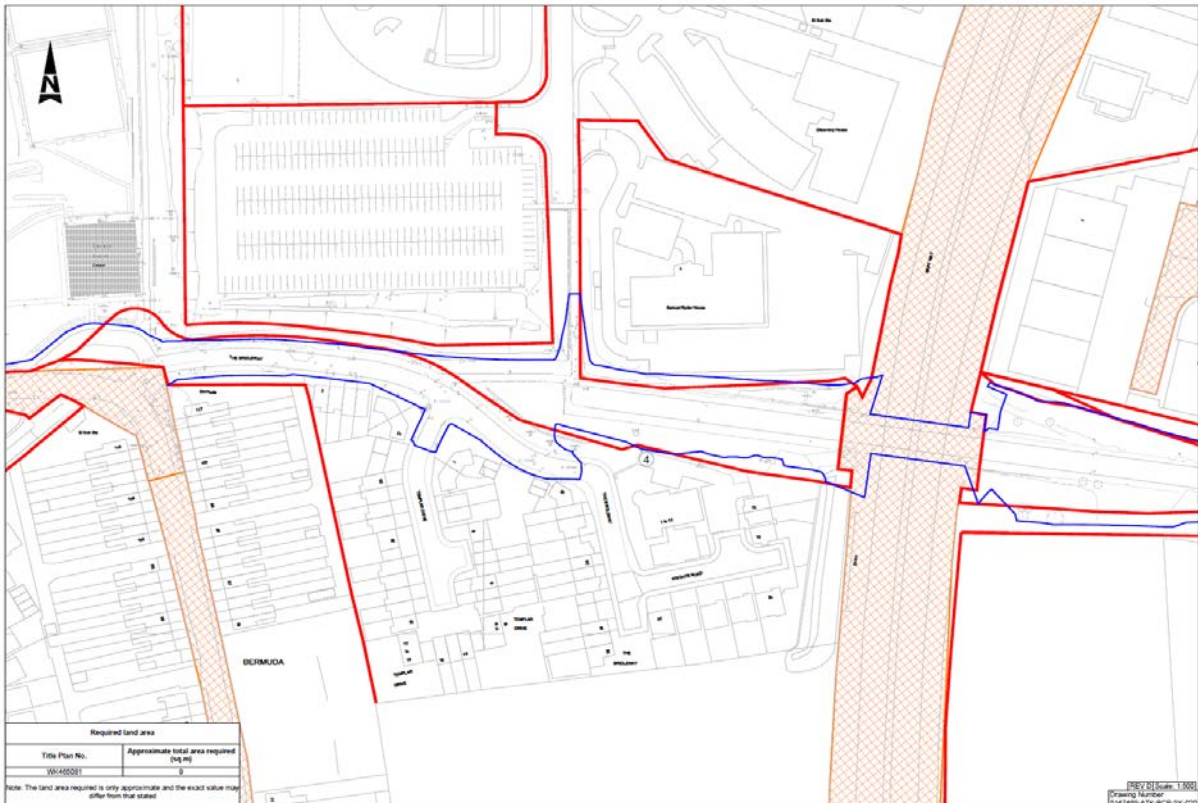




Plot 3 - Land forming part of The Bridleway and Templar Drive (WK322449)

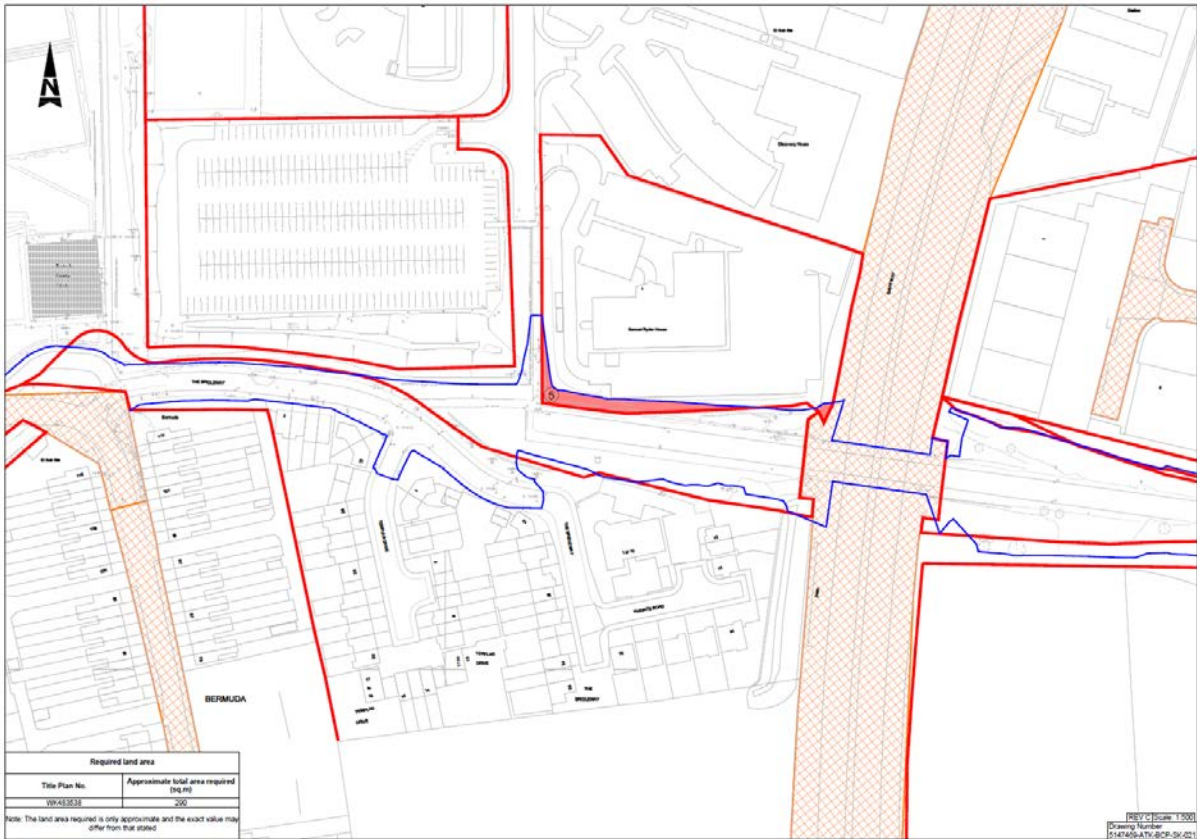


Plot 4 - Land between Knights Road and Bermuda Bridge Embankment, Part of Elliot Park (WK465081)

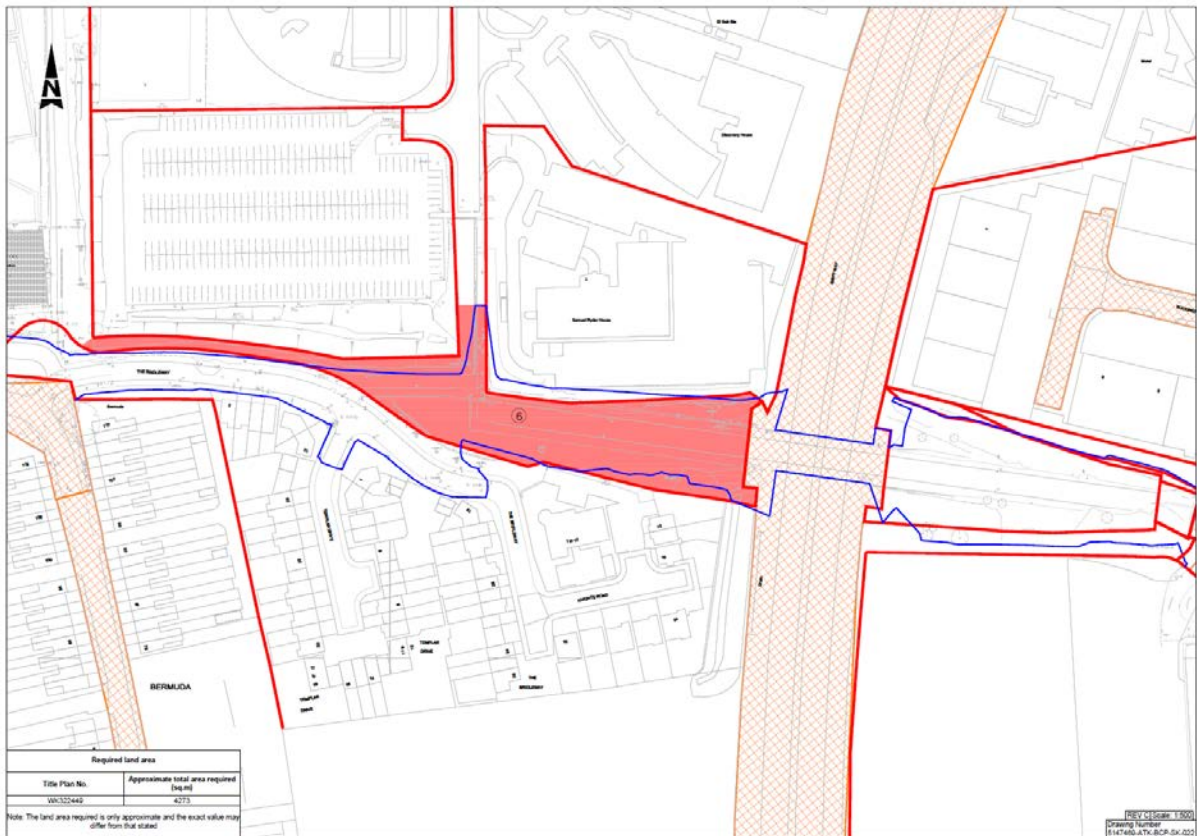




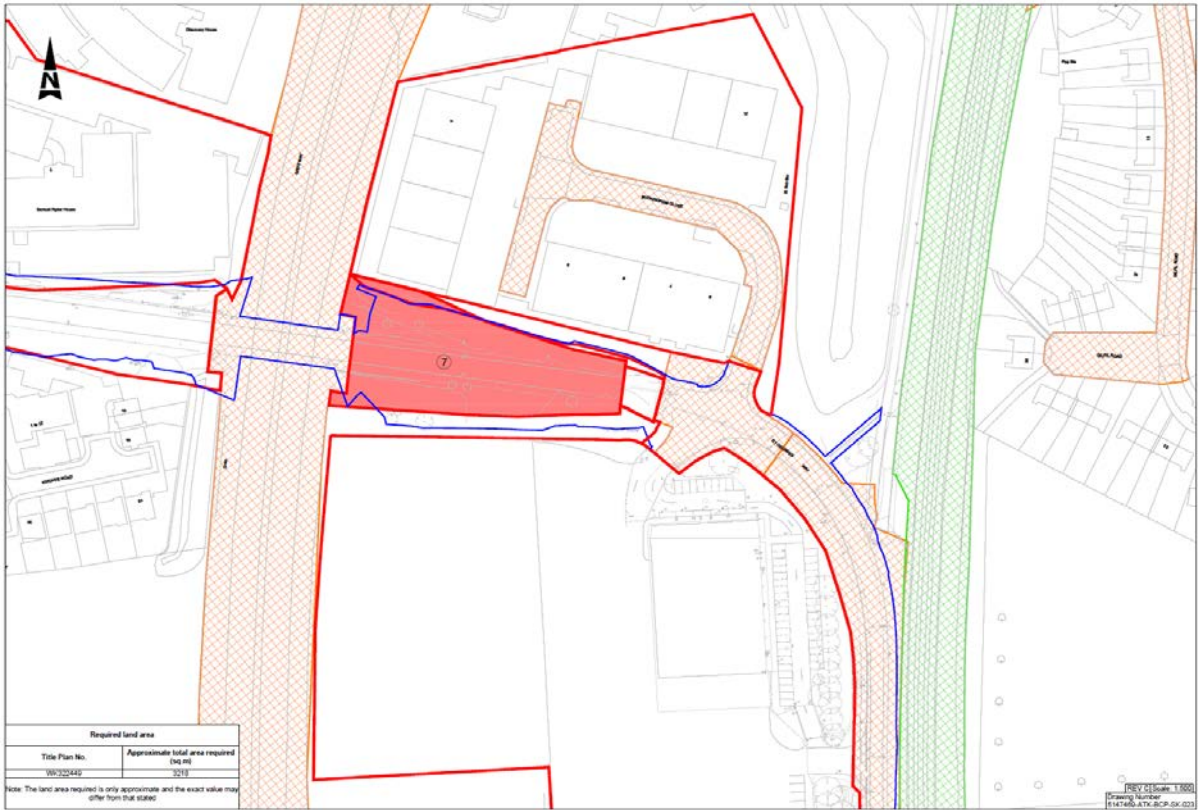
Plot 5 - Land to the front of Samuel Ryder House (WK483538)



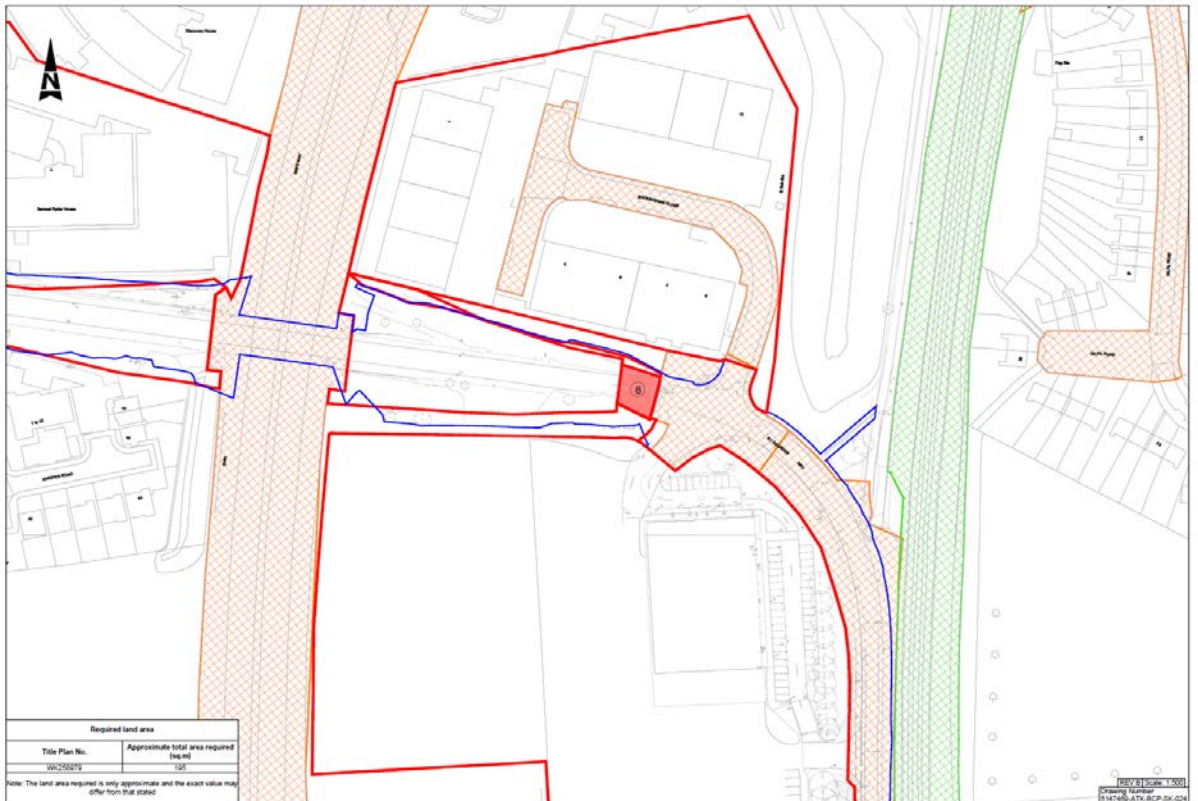
Plot 6 - Embankment Land on Western Side of Bermuda Bridge (WK322449)



Plot 7 - Land adjoining St Georges Way and A444, Nuneaton (Embankment Land on Eastern Side of Bermuda Bridge) (WK322449)

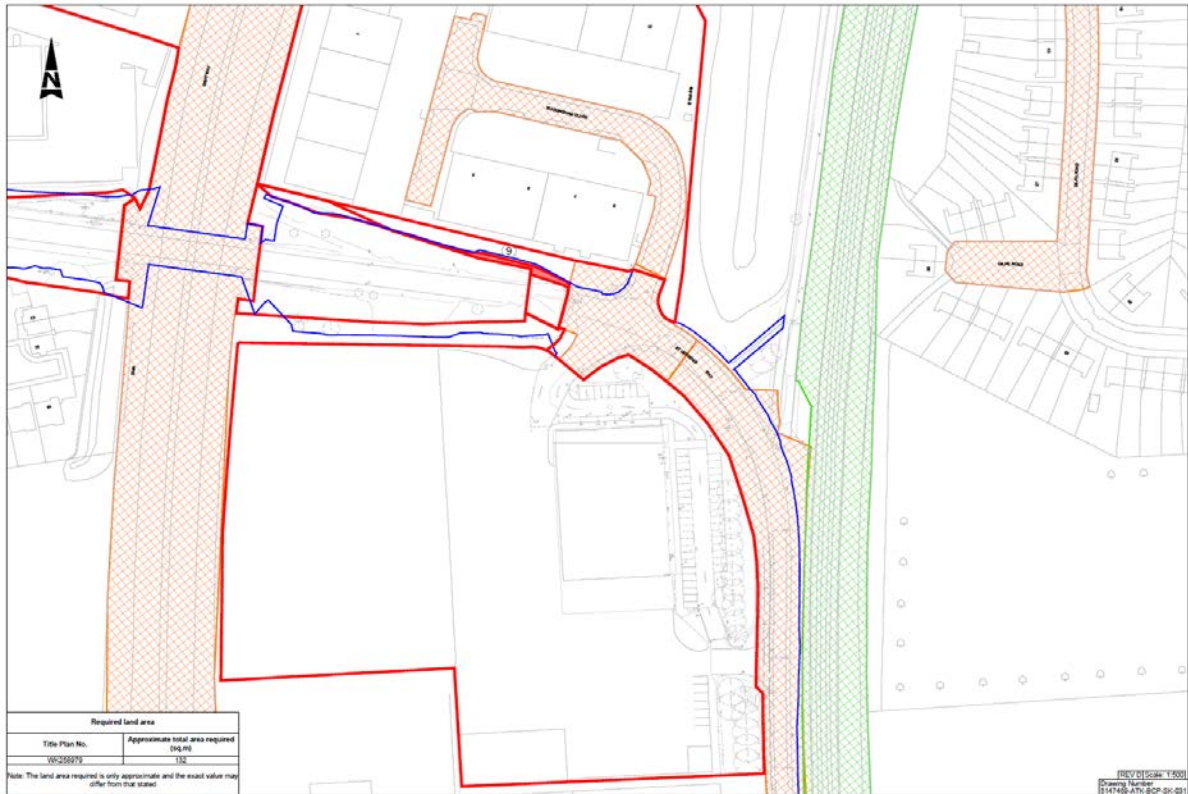


Plot 8 - Land on St Georges Way (Adjacent to Embankment on Eastern Side of Bermuda Bridge) (WK258979)

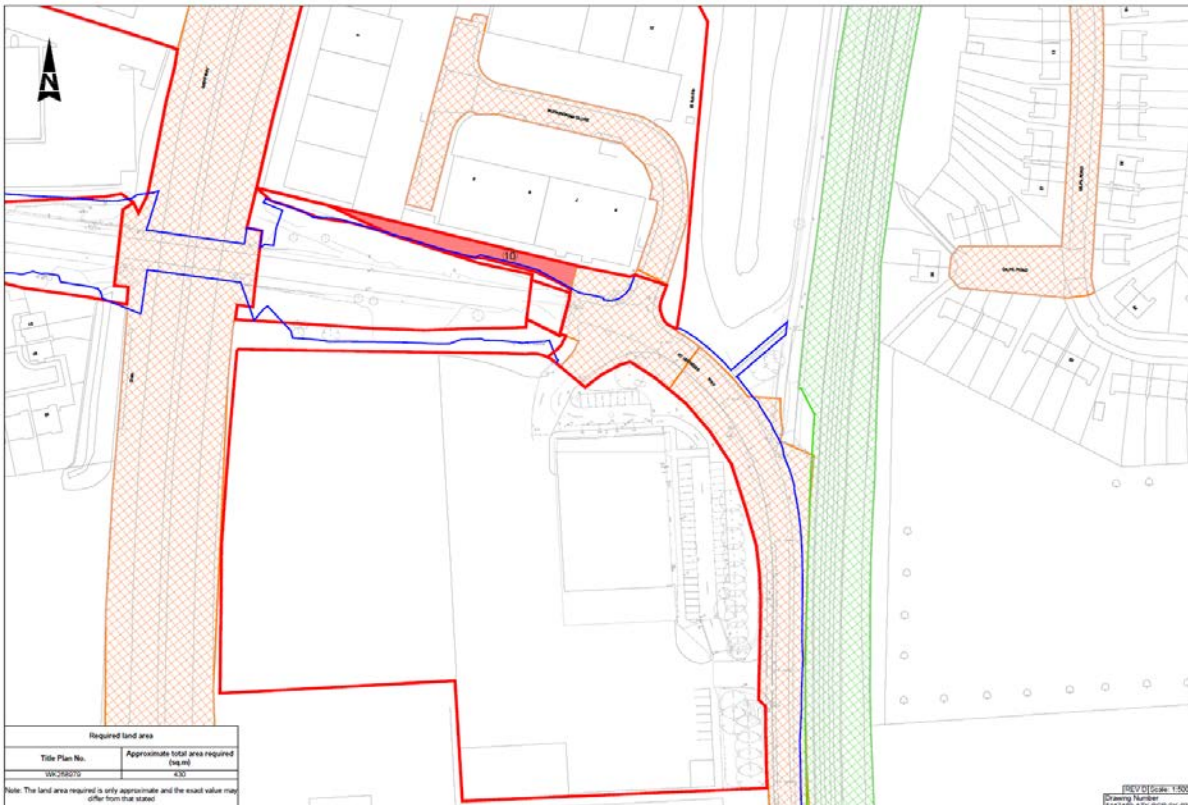




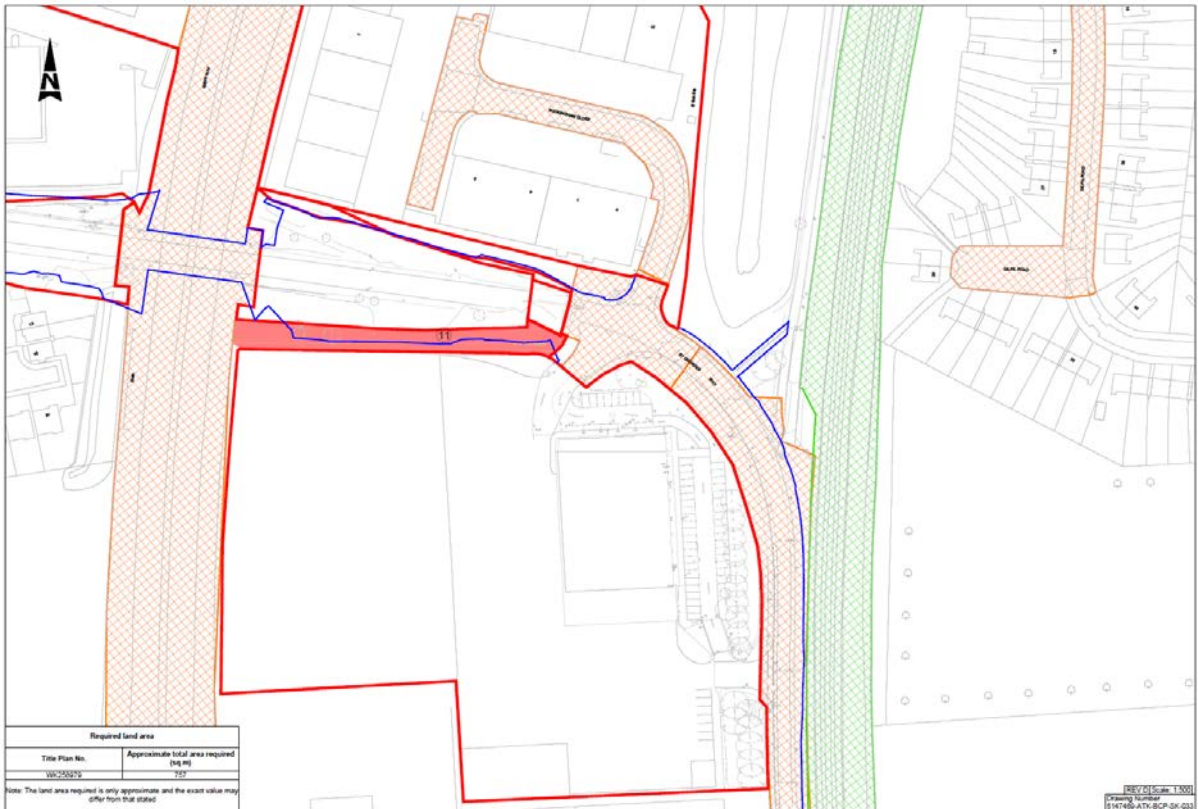
Plot 9 - Land to the North of the Embankment Land on the Eastern Side of Bermuda Bridge (WK258979)



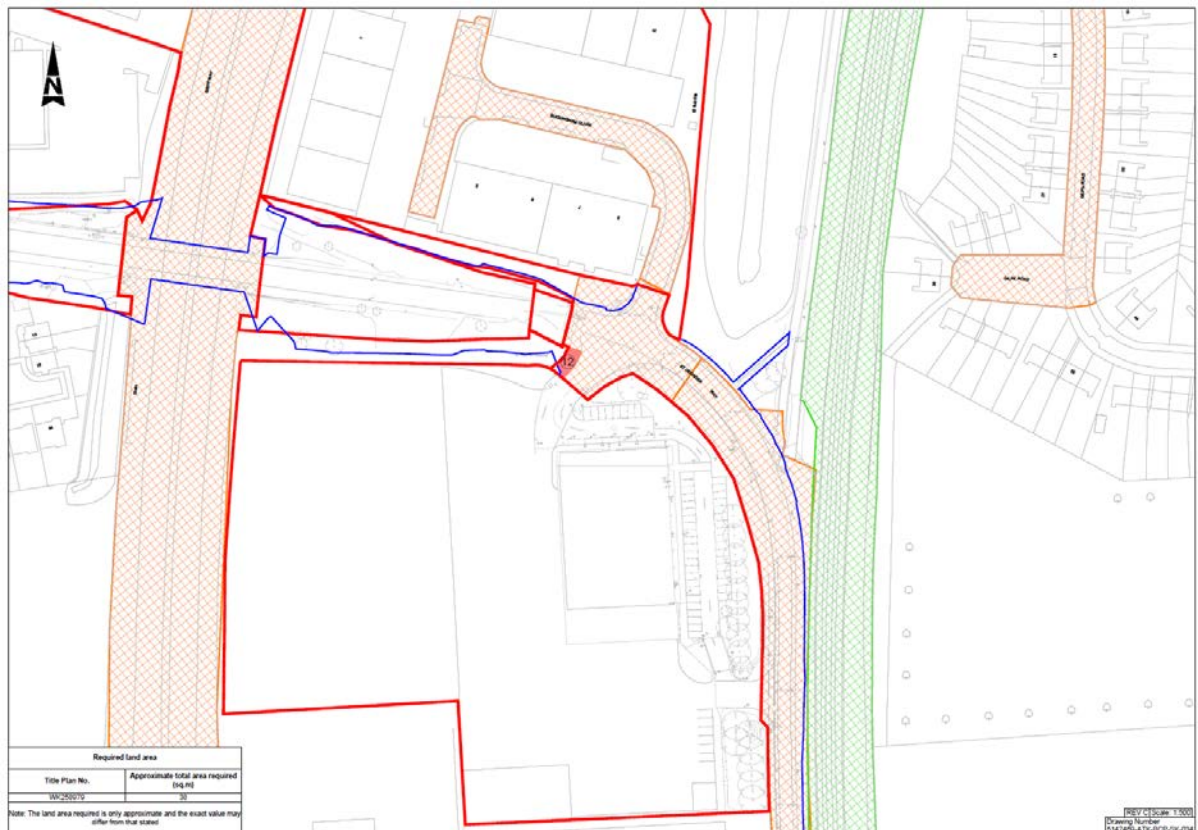
Plot 10 - Land to the North of the Embankment Land on the Eastern Side of Bermuda Bridge (WK258979)



Plot 11 - Land to the South of the Embankment Land on the Eastern Side of Bermuda Bridge (WK258979)



Plot 12 - Land on St Georges Way to the East of Bermuda Bridge, adjacent to Univar (WK258979)



## Appendix K

Table 1: Bermuda Connectivity – Summary of Revisions to the Scheme	
Preliminary Design and Consultation Scheme (2015)	Revised Scheme 2018 (post Detailed Design)
Improvement of the existing Bermuda Bridge, connection to the local highway network and opening to all traffic and road users	No change
Enhancements to the Heath End Road / Bermuda Road / Hare and Hounds Lane Junction Improvements (signalisation)	These enhancements have been removed from Scheme
Provision of a Shared Use Pedestrian / Cycleway off St Georges Way running along Bermuda Bridge – The Bridleway – Bermuda Road ending at the Junction with Sargasso Lane	Provision of an Shortened Shared Pedestrian / Cycle off St Georges Way running between St George’s Way – Bermuda Bridge – The Bridleway only
Enhancements to the Shared Use Cycle / Pedestrian Link between Bermuda Bridge / The Bridleway to Barling Way for access to George Eliot Hospital	This component has received Section 106 developer contribution funding and will be delivered separately
Provision of a Car Parking for Bermuda Park Rail Station	This component has received Section 106 developer contribution funding and will be delivered separately
Enhancement of the signalised Heath End Road / Tenlons Road Junction	No change
<p>Realigning Sections of Bermuda Road and The Bridleway:</p> <ul style="list-style-type: none"> <li>• Realigning a large section of the southern part of the highway on Bermuda Road further away from residential properties in order to reduce the impact of the scheme;</li> <li>• Extent of new highway has increased from approximately 30m to 250m; and</li> <li>• An existing attenuation pond off Bermuda Road to be relocated.</li> </ul>	Minor improvements to the bend on the southern section of Bermuda Road
Reconfiguration of the existing bus turning area on The Bridleway	Removal of the bus turning area on The Bridleway
Enhancements to the Heath End Road / The Raywoods Junction (signalisation)	This enhancement has been removed from the Scheme
<p>St Georges Way:</p> <p>Provision of a new Toucan crossing on St Georges Way to enhance pedestrian connectivity between the proposed off-</p>	This enhancement has been removed from the Scheme

street car park and Bermuda Park Rail Station	
Shared Pedestrian and Cycle Crossings: Additional uncontrolled crossings provided on Bermuda Road, The Bridleway and St Georges Way	Series of traffic calming islands located at southern end of Bermuda Road, The Bridleway and St Georges Way on approach to Bermuda Bridge
Bermuda Road Improvements: <ul style="list-style-type: none"> <li>• Provision of a mini-roundabout at the junction with Tenlons Road; and</li> <li>• Provision of a series of off-road parking bays and a single elongated off-road parking bay for local residents / visitors.</li> </ul>	Bermuda Road Improvements: <ul style="list-style-type: none"> <li>• Provision of a speed hump (traffic calming) on the approach to the bend on the southern section Bermuda Road; and</li> <li>• Provision of a raised table / uncontrolled crossing on Bermuda Road.</li> </ul>
Tenlons Road Improvements: Provision of 5 car parking bays for commercial properties	This enhancement has been removed from the Scheme
Double Yellow Line Parking Restrictions along entire route	No change
Street Lighting Improvements:  Complete renewal of street lighting across the site including Bermuda Bridge (82 no. lighting columns in total)	Street Lighting Improvements: <ul style="list-style-type: none"> <li>• Complete renewal of street lighting on Bermuda Bridge only; and</li> <li>• New street lighting on Bermuda Road adjacent to the raised table / uncontrolled crossing only.</li> </ul>

## Cabinet

24 July 2018

### Education and Learning (Schools) Capital Programme 2018/19 and Approval of Statutory Proposals

#### Recommendations

That Cabinet agrees:

- 1) To the request to carry out the following consultations (as outlined in Section 3):
  - To expand Boughton Leigh Infant School, Rugby, from 3 forms of entry to 4 forms of entry
  - To extend the age range at Brownsover Infant School, Rugby, from 3 to 7 years old to 3 to 11 years old
- 2) To approve the following proposal for prescribed alterations (as outlined in Section 4):
  - The reconfiguration and refurbishment of classrooms at Exhall Grange School to enable the increase in places for learners with SEND
- 3) To approve the sum of £1,934,013 to be added to the capital programme to deliver the schemes outlined in Section 4 and the feasibility work outlined in Section 3.
- 4) To approve the proposal to relocate Lighthorne Heath Primary School as outlined in Section 4.
- 5) Subject to the approval of recommendation 1 and 3 above, that the Joint Managing Director (Communities) is authorised to invite tenders and enter into the appropriate contracts on terms and conditions acceptable to the Joint Managing Director (Resources), or (where the scheme is school-led) to make the necessary funding arrangements for these schemes.



## 1. Key Issues

- 1.1. This report recommends proposals for allocating resources in the Education and Learning (Schools) Capital Programme to specific projects set out in section 4. Some of the proposals include funding from developer contributions.
- 1.2. Warwickshire's Education Strategy 2018-2023 has been revised outlining the priorities for the next five years. The Education Sufficiency Strategy has been reworked to align with these priorities; maximising opportunities to secure sufficient childcare, working with commissioners to increase the number of places for learners with SEND in Warwickshire special and mainstream settings, and planning and responding to the growth in school places whilst working to ensure all learners enjoy a high quality learning experience.
- 1.3. The overall numbers of primary school children will continue to grow over the next five years, as larger year groups work their way through, before beginning to stabilise although the impact of planned new housing in some areas will offset this.
- 1.4. Overall numbers in secondary schools have been growing since September 2015 as larger cohorts transfer from primary schools, currently expecting to peak in September 2022 to correspond with the Reception peak seven years earlier.
- 1.5. Where appropriate, and where economies of scale allow, expansions and building works will address other factors such as encouraging infant and junior to become primary, addressing pre-school requirements in an area, providing specialist SEN provision, and addressing any outstanding DDA requirements.
- 1.6. The increased birth rate has seen an associated rise in the number of children with special educational needs and we already secure places for a significant number of pupils at establishments outside the county. The housing demand will bring further increase in demand for SEND provision.
- 1.7. Formal consultation is required on proposals that would permanently increase the capacity of a maintained school by:
  - (a) more than 30 pupils; and
  - (b) by 25% or 200 pupils (whichever is the lesser)
- 1.8. Proposals to increase the number of pupils admitted at schools across a wide area of Warwickshire are explained within this report.
- 1.9. Whilst the issue of sufficiency of provision has to take priority, it is important to ensure that schools that are not expanding are able to continue to operate within their existing accommodation. Details of proposed schemes to make improvements



to existing schools are set out below. It is also important to recognise that whilst we are committed to offering good or outstanding places and invest in these schools; we are also committed to investing in schools struggling with improvements where the investment addresses capacity, education delivery, half forms to whole forms of entry and defects.

- 1.10. In November 2017 and February 2018 Cabinet approved schemes to increase the number of special school places across the County; however, the need for further projects is required to meet demand and reduce the need for out of area placements. These projects will help ensure there is sufficient provision of the right type meeting the appropriate levels of need within Warwickshire; thereby reducing both the cost and need to send pupils to out of county placements.
- 1.11. The current available funding is set out in Section 2.

## 2. Available Funding

- 2.1. Allocations of grant funding from the Department for Education were notified to the authority in February 2016. Allocations are paid annually and are not available for expenditure until the start of the financial year within which they are received.
- 2.2. To ensure school places are available when needed it is sometimes necessary to temporarily fund capital spend from DfE Capital Grant in advance of the S106 developer contribution funds available for a project being received. Once the S106 contributions are received the DfE Grant funding can be released back into the capital programme. There is currently no grant funding released in this way to report.

### 2.3. Breakdown of available funds

Balance of unallocated capital funds	£3,093,653
Release of temporary funding back into the capital programme (see paragraph 2.2)	£0
Developer funding	£222,013
DfE Special Provision Fund	£424,524
<b>Total</b>	<b>£3,740,190</b>

### **3. Consultation Request**

**3.1.** Cabinet is asked to approve the following request to consult:

#### **3.2. Boughton Leigh and Brownsover area reorganisation**

There is currently a mismatch of infant and junior places in the Boughton Leigh and Brownsover area of North Rugby. 150 infant places, made up of 60 places at Brownsover Community School and 90 places at Boughton Leigh Infant School feed into 120 available year 3 places at Boughton Leigh Junior School.

To date this shortfall in junior places has been managed through a combination of lower infant cohorts, capacity in other primary schools in Rugby town and temporary bulge classes in other primary schools. However, this shortfall creates a greater level of uncertainty not only for the local authority when planning for the sufficiency of pupils places in the area, but also for pupils and families when transferring from year 2 to year 3.

In order to address this mismatch the following 'prescribed alterations' are proposed at the following schools:

**Brownsover Community School:** To extend the age range from 3 to 7 years to 3 to 11 years reorganising the school from a 2FE infant school to a 1FE primary school. This proposal will create the Key Stage 2 capacity required and allow pupils to benefit from the continuity of teaching and learning that primary provision provides.

**Boughton Leigh Infant School:** To expand the school from 3FE to 4FE. This will replace the infant capacity lost from extending Brownsover Community School to a 1FE primary school and create a more uniform link between Boughton Leigh Infant School and Boughton Leigh Junior School.

There are currently developer funds from a development in the north of Rugby available towards feasibility for primary education. It is proposed to allocate these funds towards feasibility work on these proposed changes.

**Cabinet approval is sought to carry out a consultation on the proposed changes at Brownsover Community School and Boughton Leigh Infant School.**

**Cabinet approval to allocate developer funding for feasibility £9,125**

## **4. Proposals for 2018/ 2019 Capital Programme**

**4.1.** It is requested that Cabinet approve the following capital projects to be added to the capital programme:

### **4.2. Exhall Grange School and Science College, Ash Green**

In February 2018 Cabinet gave approval to consult on increasing the number of places for learners with special educational needs and disabilities (SEND) at Exhall Grange School.

This school provides a County-wide service for pupils ranging in age from 2 to 19 years. The school meets the needs of pupils with a visual impairment, physical disabilities, complex medical needs and social communication difficulties including autism, who are able to access the national curriculum. As the school provides a service across the County this expansion would be of benefit to a wide range of areas.

The proposal is to create approximately 44 additional places for learners with SEND; exact numbers will be dependent on the individual needs of the pupils placed.

Exhall Grange School has in the last year taken possession of parts of its accommodation that have been let out to third party organisations for a number of years. This provides an opportunity for the school to change how the whole site is configured and to provide significant benefits to existing learners as well as to provide space for an increase in numbers. The school faces pressure on school places (particularly in post-16) and now feels it has the capacity to accommodate an increase in the numbers on site.

The estimated total cost of these works is £490,000. It is proposed to fund this through a combination of school reserves and capital from the Special Provision Fund that has been provided to all English local authorities by the Department for Education for the development of specialist provision between 2018 and 2021.

A consultation was carried out between 4<sup>th</sup> May 2018 and 8<sup>th</sup> June 2018. There were 11 responses in total to the consultation. Over half of the respondents (6 responses) agreed with the proposal, one respondent disagreed with the proposal and the remaining four responses neither agreed or disagree with the proposal.

There were several concerns raised in the consultation primarily relating to staffing capacity to accommodate the additional pupils, funding and the whether the needs of the additional pupils would differ to those currently on roll at the school.

In terms of addressing these concerns, any additional pupils attending Exhall Grange School as a result of the proposed expansion will be funded at the same level as the

existing pupils, according to Warwickshire's special school funding matrix and as such will be sufficiently funded to provide appropriate staffing to meet their needs. The LA has made good quality provision for pupils displaying challenging behaviours in other schools and as such needs of any new pupils on the Exhall Grange site are unlikely to exhibit any more 'behavioural problems' than the school currently works so well to support.

A breakdown of responses is included in Appendix 2

It is proposed to allocate:

<b>DfE Special Provision Fund</b>	<b>£340,000</b>
<b>Other contribution</b>	<b>£150,000</b>
<b>Total cost</b>	<b>£490,000</b>

#### **4.3. Water Orton Primary School relocation**

Members will be aware that as part of the proposed route of HS2 it will be necessary to relocate Water Orton Primary School and that a negotiated package of compensation was agreed with the promoters of HS2.

In April 2016 cabinet gave approval for the allocation of education capital resources totalling £2,000,000 towards the total anticipated project cost of £5,500,000. The settlement with HS2 includes the provision of a site for a new school and a contribution of £3,500,000 towards the cost of the replacement school.

Given the passage of time between approval of resources and the final agreement with HS2 completing there has been a rise in the base cost for the replacement school building in line with inflation costs. As such current cost plans for the project anticipate a total of £5,750,000.

The settlement to be received from HS2 will be indexed and is expected to cover some, if not all, of this shortfall. However, in the interim it is proposed to allocate funds from Education and Learning capital resources to cover the shortfall in order to provide financial assurance to the project.

The additional funding required is £250,000

It is proposed to allocate:

<b>Education capital resources</b>	<b>£250,000</b>
------------------------------------	-----------------

#### **4.4. Early Years provision in Wellesbourne and surrounding area**

There are currently no vacant Early Years places available in Wellesbourne and the surrounding area and the full year impact of the 30 hours introduction has still to be accommodated.

The increase in demand is likely to be due to a combination of factors including new housing in Wellesbourne, the introduction of 30 hours funded childcare for working parents from September 2017 (increased from 15 hours), and the closure of two nearby Early Years providers.

The area is in need of additional full day care places for 2, 3 and 4 year olds. Any new places must be flexible to meet the needs of working families and be offered as more than just term-time only models.

In order to meet this shortfall in Early Years places, there is a proposal to add capacity to the Seedlings Nursery that operates from Warwick HRI site on the outskirts of Wellesbourne. It offers 43 places for children aged 0-4 at any one time and has 73 children attending each week. The nursery holds a lease from the University of Warwick and is situated on land that is covenanted for use for education/training only.

The proposed scheme would install a modular building within the large outdoor space included in the leased area. This will allow the nursery to offer a further 24 places for pre school children aged 3-4 which will be available all year.

S106 funding has been identified from development in the Barford area. The Warwick HRI site is 2.2 miles away from the Barford development which is within the 3 miles stipulated in the S106 agreement. Early years provision in Barford is also full and this scheme would relieve pressure on places in Barford also.

The owner of Seedlings Nursery would be delivering the project, with the support of the University, and is able to contribute towards 25% of the cost of the building and would also cover the cost of additional resources. There would be a requirement from the nursery to sign a grant agreement if funding is given, so that we are assured of the delivery of the places for an agreed period.

It is proposed to allocate:

**Developer Funding            £120,000**

#### **4.5. Welford-on-Avon Primary School, Stratford-on-Avon**

In March 2017 Cabinet gave funding approval of £1.5million for improvements and extension to the School Hall and Early Years provision at the school in order to alleviate pressure on the school's communal facilities brought about by increased pupil numbers from housing development.

Since approval in March 2017, the cost plan for the project has been received indicating a shortfall in the funding available for the project. A number of factors have contributed to increasing the cost of the project with these primarily focusing around higher than anticipated site construction costs and a variation in the scope of the project to allow the accommodation of a Resourced Provision for SEND learners.

The project encompasses a new school hall, refurbishment of the existing Early Years building to better meet the demand for childcare in the area and, in addition to that outlined in the March 2017 Cabinet, the relocation of the maintained nursery from within the school building to a self-contained modular unit. The relocation of the nursery will then make available an area in the school in which a Resource Provision for SEND learners can be located.

The additional funding required is £272,000

It is proposed to allocate:

**Education capital resources      £272,000**

#### **4.6. Harbury C of E Primary School, Stratford on Avon**

In order to ensure to Harbury C of E Primary School has the flexibility to accommodate additional pupil numbers, should there be a requirement in future years, it is proposed for work to be undertaken to improve two existing shared areas within the school, one supporting KS1 and one supporting KS2.

In addition there is the opportunity to develop the current inclusion provision through nurture room/library/intervention space should funds allow.

The works proposed are as follows:

- To develop the existing shared space in KS1 to provide a flexible learning space capable accommodating a full class of 30 KS1 pupils, including revamping the existing toilets and external doors/ cloaks area.

- To develop the existing computer suite and science and technology room to provide a flexible learning space capable accommodating a full class of 30 KS2 pupils.

It is proposed to allocate:

**Developer Funding**                      **£92,888**

#### **4.7. The Polesworth School, North Warwickshire**

The Polesworth School has successfully secured funding from the Education and Skills Funding Agency (ESFA) to replace some of their existing buildings through the Priority School Building Programme 2 (PSBP2).

However, the PSBP will only replace capacity in line with the school's current Published Admission Number (PAN) and not the schools current intake of children or number on roll which is higher. A reduction in capacity would coincide with the start of the proposed growth in the Polesworth area that is currently outlined in North Warwickshire Borough Council's Draft Local Plan.

Discussions have taken place between the ESFA, The Polesworth School, and the County Council to facilitate the replacement of existing capacity to ensure the school can continue to operate at their current capacity.

The current funds assigned to the project by the ESFA are approximately £4.5million. In order to address the shortfall in capacity, additional funds are required totalling approximately £1.2million. The County Council have been asked to make a contribution towards this shortfall.

It is proposed to allocate:

**Education capital resources**                      **£200,000**

#### **4.8. Michael Drayton Junior School, North Warwickshire**

In November 2017 Cabinet gave funding approval of £1.5million for the expansion of Michael Drayton Junior School from 4FE to 5FE which would incorporate 4 new classrooms, a hall extension, extended staff room and group spaces.

Despite a lengthy exercise to reduce the amount of floor area being added and bring costs down additional funding is required to ensure adequate provision is made for an additional

form of entry. The additional costs also include a temporary classroom to accommodate the new intake for approximately 6 months whilst the building work is underway which was not accounted for in the original budget.

The additional funding required is £350,000

It is proposed to allocate:

**Education capital resources     £350,000**

#### **4.9.     Removal of temporary classrooms blockheader**

There are temporary classrooms unfit for use, and in situ on school sites, which are blocking the progression of school projects or presenting a health and safety risk. It is proposed that a block of money is approved to remove temporary accommodation at school sites that are presenting immediate issues.

It is proposed to allocate:

**Education capital resources     £150,000**

#### **4.10.     Relocation of Lighthorne Heath Primary School as part of the Primary Education proposals for the Gaydon Lighthorne Heath Development**

As part of the permitted 3000 home development on land at Gaydon/Lighthorne Heath (GLH) education land has been secured on the development site for the provision of primary school places.

Instead of opening new provision, it is proposed by Education and Learning to relocate and subsequently expand Lighthorne Heath Primary School.

This proposal has the full support of the school's governing body. Lighthorne Heath Primary School has a Published Admission Number of 13 and 44 children on roll; therefore operating at less than half of its current capacity. This under capacity creates a significant financial challenge on the school budget and available resources. The relocation of the school to aid subsequent expansion would not only build on the facilities currently available to pupils but also ensure the financial viability of this small school.

The distance between the current school site and the development site is under two miles therefore a statutory process under the Prescribed Alterations Arrangements does not need to be undertaken to relocate the school.



During the pre planning, planning and post approval stages of the GLH development, the school and WCC have been open regarding the preferred option to relocate Lighthorne Heath Primary School on to GLH site.

The school has reported minimal comments and queries regarding the re location of the school with comments and concerns over the last two to three years focused primarily around the relocation of the school from one community to another and the safe access to the school on the new site from Lighthorne Heath. In addressing some of these concerns, as part of establishing a physical and community link between Lighthorne Heath and the new development, pedestrian access across the main highway will be incorporated into the overall access plan for the development.

In order to formalise the proposal for primary education on the GLH development, Cabinet is requested to agree the proposal to relocate Lighthorne Heath Primary School onto the GLH development.

The allocation of funds to construct the new primary school on GLH and the results of the statutory process to expand Lighthorne Heath Primary School will be the subject of a future Cabinet report.

## 5. Finance

- 5.1. Details of currently available capital funding are listed in section 2 of the report. This available funding is a total of **£3,740,190**.
- 5.2. The project costs outlined within this report total **£1,934,013**, of which £222,013 is from developer funding, £1,222,000 is from Education capital resources, £340,000 is from the DfE Special Provision Fund, and £150,000 relates to external funding sources.
- 5.3. This leaves a balance of **£1,871,653** for future education capital projects. All future capital projects would be subject to a separate report to Cabinet.
- 5.4. There is balance of **£84,524** remaining from the DfE Special Provision Fund.
- 5.5. See **Appendix 1** for breakdown of income and expenditure.

## 6. Revenue Implications

- 6.1. Where schools are expanding at the request of the Local Authority, there is often a revenue implication in that additional teaching staff are required in the September but the schools budget does not reflect this until the following April. The Schools Forum

have agreed a policy to provide interim funding to schools to account for this and resources are provided from within the Dedicated Schools Grant (DSG). The schools noted in this report for expansion will be included in the relevant DSG budgets presented to the Forum for approval. However, it should be noted that the additional revenue costs associated with school expansions do put additional pressure on the DSG budgets which can contribute to DSG overspends.

## 7. Timescales associated with the decision and next steps

7.1. The Government is reviewing the responsibilities of local authorities in relation to children, although responsibility for ensuring every child has a school place and ensuring the needs of vulnerable learners are met are expected to remain. Any implications for the proposals in this report that may arise as further details of these future proposals emerge will be brought back to Elected Members.

## 8. Background papers

8.1. None

	<b>Name</b>	<b>Contact Information</b>
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## Appendices

Appendix 1 – Finance Breakdown

Appendix 2 – Consultation responses for Exhall Grange School and Science College

Appendix 3 – EQIA

This report was circulated to the following members prior to publication:

Elected Member(s):  
Cllr Colin Hayfield  
Cllr Jeff Morgan  
Cllr Yousef Dahmash  
Cllr Chris Williams  
Cllr Corinne Davies  
Cllr Jerry Roodhouse

## Appendix 1

<b>Basic Need (18/19 figure)</b>		£2,967,964			
Previous Balance (17/18)		£23,689			
Transfer back to the pot at Outturn 17/18		£102,000			
Q1 forecast changes to Basic Need Pot		£0			
S106 funding used instead of Basic Need		£0			
	Subtotal	£3,093,653			
<b>Projects in Cabinet Report</b>	<b>Total cost</b>	<b>Basic Need C2110</b>	<b>S106 C2070</b>	<b>DfE Special Provision Fund</b>	<b>Other</b>
Harbury C of E Primary School	£92,888		£92,888		
Seedlings Nursery (HRI Site, Warwick)	£120,000		£120,000		
Boughton Leigh/Brownsover Feasibility	£9,125		£9,125		
Welford on Avon Primary School	£272,000	£272,000			
Exhall Grange School	£490,000			£340,000	£150,000
Michael Drayton Junior School	£350,000	£350,000			
The Polesworth School PSBP2	£200,000	£200,000			
Temporary Classroom Removal	£150,000	£150,000			
Water Orton Additional Funding	£250,000	£250,000			
<b>Total project cost</b>	<b>£1,934,013</b>	<b>£1,222,000</b>	<b>£222,013</b>	<b>£340,000</b>	<b>£150,000</b>
	<b>Current Surplus/ (Deficit)</b>	<b>£1,871,653</b>		<b>£84,524</b>	

## Appendix 2

### Exhall Grange School consultation responses (Responses are included as written by the consultee)

Please add any additional comments relating to the proposal below	WCC Comment
<p>We are concerned that there will be adequate and appropriate staffing for the extra pupils. Also we are concerned that there will be too much emphasis on children with behavioural problems.</p>	<p>Any additional pupils attending Exhall Grange School as a result of the proposed expansion will be funded at the same level as the existing pupils, according to Warwickshire's special school funding matrix and as such will be sufficiently funded to provide appropriate staffing to meet their needs. The LA has made good quality provision for pupils displaying challenging behaviours in other schools and as such needs of any new pupils on the Exhall Grange site are unlikely to exhibit any more 'behavioural problems' than the school currently works so well to support.</p>
<p>If extra places come with extra staffing and not bigger class size I welcome this However the quality of learning will be at risk if more staff do not come with the proposal</p>	<p>The proposed expansion will attract additional funding and therefore provide for additional staffing and will not stretch existing resources nor impact on the educational offer to current pupils.</p>
<p>I am very much aware of the need for additional special school places and would every child to have the same quality of education my child has. I do have a few concerns:</p> <p>It appears that the pupil group in question is not quite the same as those currently on roll. In particular there seems to be significant scope for behavioural difficulties. This is a group of children that Exhall has traditionally not had on roll due to the physical vulnerability of children such as my son and many of his fellow pupils. I am concerned to see this changed and wonder if there is not more mileage in increasing the capacity of the soon to be built new special school near me here in Rugby and other similar schools more focused on behavioural difficulties.</p> <p>Secondly I am concerned that in these times when the government is not supporting schools as it ought and funding is inadequate that the school spends significantly out of its reserves.</p> <p>Thirdly I know from my son's class teacher that she has insufficient support in class to allow each pupil to have all the support they need and she often appears overwhelmed (while very competent indeed). More should be done to support the pupils already in the school rather than stretching resources further. I am sure new staff will be put in place, but it never covers everything.</p>	<p>As stated above the needs of any new pupils will be unlikely to exhibit any more 'behavioural problems' than the school currently supports and there will be no risks arising to existing learners as a result of the expansion. The LA is working with existing special schools across the County to expand capacity, so the proposed expansion of Exhall Grange should not be viewed in isolation.</p> <p>As stated above, the resourcing for the additional pupils will be at the same level as for existing pupils, so these proposals will not increase pressure on current resources.</p>

<p>Just wondering will be there extra staff employed to accommodate the extra places because it will probably mean 3 to 4 places per year group which does not sound a lot but is when it comes to Specialist Education.</p> <p>Another issue is that Specialist Occupational Sensory Integration Therapy is based in the South of Warwickshire in Stratford. Parents have to travel 50 to 60 miles to take their children there, it takes 3 hours out of their school day!</p> <p>Wouldn't it be better to have a classroom sized sensory integration therapy room at Exhall Grange School to meet the needs of children with sensory processing disorders in the north of county.</p> <p>This sensory based approach would truly bring the school in 21st century, like other schools in the country and help children achieve their true potential. Children in the north would get parity with their southern counterparts and this would be fairer for all children. Thank you.</p>	<p>The issue being raised relates to a health service, so whilst the observation and suggestion may be valid, these are funded by local Clinical Commissioning Groups who take responsibility for health services. The expansion of the school is funded through resources provided by the Department for Education and these resources could not be diverted to fund development of new health provision. Warwickshire faces increasing demand for school places across both mainstream and special schools and as such there must be a focus on ensuring there are enough school places to meet the needs of the County's growing population in the coming years.</p> <p>Having said that we certainly recognise the need for education, health and care commissioners to be as joined-up as possible and this suggestion will be passed on to the Joint Commissioning Board for consideration.</p>
<p>I have no real objections to increasing the numbers at the school as they have the buildings to accommodate the proposed expansion. My concerns are the number of teaching staff specially qualified to teach the VI &amp; Blind students plus the rehabilitation services being able to meet the current demands. Will these services be expanded to meet the new demands of increased student numbers when already they have seen cut backs over the last few years. I have a strong feelings regarding the compromised VI services at the school</p>	<p>As has been stated above the level of resourcing for any additional pupils will be at the same level as for existing pupils so these proposals will not increase pressure on current resources. How these resources are deployed will be dependent on the needs of pupils coming into the school and will be for the school's senior leadership to determine. It would be inappropriate to comment on all individual specialisms required at this stage in the process other than to say that the school will retain its VI specialism and will also recognise and invest in the skills required to meet the needs of all learners attending the school.</p>

1) Remodelling of Canterbury Block - This currently houses the family Liason department and IT Technician - will there be space for them in the new model as important teams within the school

2) Relocation of toy library, sensory rm to building 9 - currently no toilet facilities within B9 so may need to be added particularly if dining area is to be included. Also where are the music department moving to as they are currently in B9

3) Learning pod relocated to bungalow - currently the base for the caretaking and maintenance staff. Where will they be housed?

4) Increase of 24 primary places and 20 sixth form places - assuming pupils stay on to secondary, this will have a knock on effect on classroom space and teaching staff within secondary. Extra sixth form will also have an effect on teaching timetables and groups within secondary as it is secondary staff who staff these groups. Has the extra accommodation within secondary and staff requirements been considered. Capital funds may have been identified for the refurbishment but what about funding for staff, resources and secondary classroom provision. The proposal talks of a 'moderate' increase in numbers but 44 out of the 200 currently on roll is nearly 25% increase to start with, rising to more if all new primary pupils stay into secondary.

Points 1-3 - All current staffing and services impacted by the proposals will be provided with suitable accommodation within the school. The plans have been carefully developed and individual staff impacted have been considered as part of the process. Proposals will be shared and discussed with individual staff as the process develops and a number of options remain open which are interdependent on each other: Unfortunately, this means it is impossible to share the final position at this stage.

Point 4 - this is incorrect. The plans are not for expansion by 24 primary places - the phase of the expansion was not specified in the proposals. There are particular issues to address in the primary block regarding toileting, but the capacity being added (including that within Building 9) will be flexible and will be used for both primary as well as secondary phases.

## Cabinet

24 July 2018

### Authorisation to Establish a Framework for Alternative Education Provision.

#### Recommendations

That Cabinet:

1. approves proceeding with an appropriate procurement process for the provision of an Alternative Education Provider Framework.
2. approves and authorises the Joint Managing Director (Communities) to enter into all relevant contracts for the provision of an Alternative Education Provider Framework on terms and conditions acceptable to the Joint Managing Director(Resources).

#### 1.0 Key Issues

##### 1.1 Background:

After the closure of Warwickshire's Pupil Referral Unit (PRU) in 2012 a new approach to preventing permanent exclusions from schools was adopted. Four secondary Area Behaviour Partnerships (ABPs) were set up to enable secondary schools to work collaboratively to support the education of young people permanently excluded from school or at risk of permanent exclusion.

- 1.2 Since September 2011 Dedicated Schools Grant (DSG) funding has been delegated to the four ABPs for the purpose of investing in early intervention and to purchase individual packages of alternative education provision for young people permanently excluded or at risk of permanent exclusion.
- 1.3 In March 2012, Cabinet authorised a competitive tender for alternative education provision. 23 providers successfully joined the framework and as a condition of the devolved funding to the ABPs they were to commission only those providers listed on the framework.
- 1.4 In August 2015 the framework contract was decommissioned in order to allow for a free market, as at that time the contract was perceived to be too restrictive as it did not enable new providers to join and prices were fixed at a set rate. The ABPs and secondary schools were provided with guidance and support from Warwickshire County Council as to how to commissioning alternative provision (AP) in a free market.



- 1.5 Concerns with the current free market arrangement:  
By law any AP setting, not maintained by a local authority or non-maintained special school which caters full-time for five or more children of compulsory school age must be registered with the Department for Education (DfE) and be inspected by Ofsted. Approximately 24 providers currently work with Warwickshire secondary schools and the four ABPs. Of the 24 one is registered with the DfE as an independent school/ AP setting, three are general further education colleges, one is an 'out of county' PRU and 19 are unregistered independent providers.
- 1.6 Since 2015 the cost of provision has increased yet the quality of provision offered varies.
- 1.7 Quality assurance checks are not taking place systematically.

## **2.0 Options and Proposal**

- 2.1 Commence a competitive tender process to establish a framework for alternative education provision for children who are at high risk of or have been permanently excluded.
- 2.2 A framework contract will provide a list of approved providers from whom schools, the Area Behaviour Partnerships and WCC can commission provision. We will build into the procurement process the flexibility for new providers to join the framework at a set point(s) each year.
- 2.3 Feedback received from the four Area Behaviour Partnerships and secondary head teachers strongly recommends re-introducing a framework contract of alternative education providers to ensure high quality and consistent contracting arrangements and to assure ourselves that the provision is delivered by high quality staff with suitable training, experience and safeguarding checks.
- 2.4 A framework contract will:
- help deliver better outcomes for children who are at risk of permanent exclusion or who have been permanently excluded from school
  - strengthen and improve the quality of provision
  - ensure consistency of contracting arrangements and compliance with procurement rules
  - ensure robust performance monitoring arrangements are in place
  - strengthen accountability
  - where appropriate, require providers to register with the Department for Education
  - ensure appropriate safety and safeguarding checks
  - provide better value for money
  - support partnership working with schools.

2.5 The framework will be for two years with the option to extend for further periods up to 24 months at the discretion of the Council based on satisfactory performance. It is anticipated that up to £1 million will be spent on alternative provision packages for secondary aged pupils per year. The framework will not guarantee any provider that they will be selected to purchase alternative provision.

### 3.0 Financial Implications

3.1 Services delivered using the new framework contract will be delivered from within existing approved revenue budgets.

### 4.0 Timescales associated with the decision and next steps

4.1 The competitive tender process is scheduled to start at the beginning of August 2018 with provision available from January 2019.

### Background papers

None

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The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: Councillors Hayfield, Dahmash, Morgan, Williams, Davies, Roodhouse

## Cabinet

24 July 2018

### Warwickshire Youth Justice Service Strategic Plan 2018/19

#### Recommendation

That Cabinet endorses the Warwickshire Youth Justice Service Strategic Plan 2018/19 for adoption by Warwickshire County Council.

#### 1. Introduction

- 1.1 The annual Youth Justice Strategic Plan and its submission to the Youth Justice Board for England and Wales (YJB) is a statutory requirement under the Crime and Disorder Act 1998. Funding from the YJB to youth offending teams is reliant on this submission and the current format was introduced in 2009.
- 1.2 This plan reflects on the work of the Warwickshire Youth Justice Service (WYJS) throughout last year and performance against the 2017/18 national indicators.
- 1.3 The Plan outlines the governance and funding arrangements for WYJS and highlights the social return on investment of £12.85 for every £1 spent, as a result of WYJS service delivery.
- 1.4 The plan introduces the national objectives and local priorities for WYJS for 2018/19. The key strategic priorities are to improve outcomes for:
  - Children and young people supervised by the service,
  - Victims of offences committed by children in Warwickshire,
  - Parents and families of young people who have offended,
  - Warwickshire local communities.

#### 2. Proposal

- 2.1 The Plan will be implemented throughout 2018/19.
- 2.2 Cabinet is asked to endorse the Warwickshire Youth Justice Service Strategic Plan 2018/19 for adoption by Warwickshire County Council.

#### 3. Timescales associated with the decision/Next steps

- 3.1 The objectives within the plan will be reviewed by the WYJS throughout the year on a quarterly basis and performance shared with WYJS Chief Officers' Board, the Warwickshire Safer Partnership Board and the Health & Wellbeing Board.

3.2 If Cabinet approves the recommendation the Strategic Plan will be presented for adoption to Warwickshire County Council.

## Background Papers

None

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

Councillors Boad, Cockburn, Singh Birdi, Crump, Shilton, Timms, Fradgley, O'Rourke, Dirveiks

*Working in partnership to support children, families and victims; to prevent offending and reduce re-offending, to build a safer and stronger community.*

Warwickshire Youth Justice Service



# Warwickshire Youth Justice Service Strategic Plan

April 2018 to March 2019



Securing better outcomes for children and young people with special education needs in the youth justice system



	<b>CONTENTS</b>	<b>Page</b>
<b>1</b>	<b>THE NATIONAL AND LOCAL CONTEXT OF YOUTH JUSTICE</b>	<b>3-12</b>
	<b>(i) GOVERNANCE</b>	<b>3-5</b>
	<b>(ii) FINANCIAL RESOURCES</b>	<b>6</b>
	<b>(iii) ORGANISATIONAL STRUCTURE &amp; STAFFING</b>	<b>7-8</b>
	<b>(iv) PERFORMANCE OVERVIEW</b>	<b>9-12</b>
<b>2</b>	<b>STRATEGIC AIMS &amp; PRIORITIES OF WARWICKSHIRE YOUTH JUSTICE SERVICE</b>	<b>13</b>
	<b>(i) IMPROVE OUTCOMES FOR CHILDREN</b>	<b>14-16</b>
	<b>(ii) IMPROVE OUTCOMES FOR VICTIMS OF YOUTH CRIME</b>	<b>17</b>
	<b>(iii) IMPROVE OUTCOMES FOR PARENTS &amp; FAMILIES</b>	<b>18</b>
	<b>(iv) IMPROVE OUTCOMES FOR THE COMMUNITY</b>	<b>19</b>
<b>3</b>	<b>WORKFORCE DEVELOPMENT</b>	<b>20</b>
<b>4</b>	<b>TECHNOLOGY</b>	<b>21</b>
<b>5</b>	<b>RISK ASSESSMENT</b>	<b>22</b>
<b>6</b>	<b>REVIEW AND SIGN OFF</b>	<b>23-24</b>
<b>7</b>	<b>GLOSSARY</b>	<b>25</b>

## 1. THE NATIONAL AND LOCAL CONTEXT OF YOUTH JUSTICE

### (i) GOVERNANCE

Warwickshire Youth Justice Service (WYJS) delivers services to children aged 10 -17 years (and in some cases beyond) involved in the youth criminal justice system. It also provides services to the families of these children and the victims of the crimes committed. It is a statutory multi-agency youth offending team (YOT) as directed by section 39(1) of the Crime & Disorder Act 1998 and is responsible for supervising all court orders imposed on children, whether served in the community or in custody, and out of court disposals imposed by the police.

The engagement of all statutory partners ensures that YOTs are locally designed and deliver a youth justice provision which meets the needs of the local community. The statutory WYJS Chief Officers are:

- Joint Managing Director of the local authority and Strategic Director for the Communities Group,
- Director of Public Health,
- Chief Constable of Warwickshire Police,
- Head of National Probation Service (NPS) Midlands Division Coventry Solihull and Warwickshire Cluster.

The Youth Justice Board for England & Wales (YJB) guidance 'Sustaining the Success' issued in 2004 restated the governance arrangements for YOTs and reinforced the fact that additional partners could be recruited to the "joint strategic effort " of youth justice provision.

YOT Management Boards are required to provide strategic direction to the YOT Manager and monitor the work of the YOT to ensure it meets its statutory aim of preventing offending by children. In Warwickshire this board is named the WYJS Chief Officers' Board and consists of:

- Joint Managing Director of the local authority and Strategic Director for the Communities Group,
- Deputy Director of Public Health,
- Assistant Chief Constable of Warwickshire Police,
- Head of Service, National Probation Service (NPS) Midlands Division; Coventry, Solihull and Warwickshire Cluster.
- Strategic Director for People Group, as the Director of Children's Services,
- Deputy Police & Crime Commissioner
- Designated representative of the three Clinical Commissioning Groups in Warwickshire.

The Board is currently chaired by the Deputy Director of Public Health and the Head of the Midland Business Area for the Youth Justice Board for England attends, providing a national perspective for chief officers to consider.

**The current WYJS Manager is retiring on 31st July, 2018 and the service has successfully appointed a successor who commences on 6th August.**

WYJS is hosted by the local authority which provides infrastructure support such as finance and IT&C: it is located within the Communities Group of the authority. Scrutiny of the service is achieved through regular reporting by the WYJS Manager to elected members, Overview & Scrutiny Committees for Children & Young People and Communities. The WYJS Manager is a full and active member of the Warwickshire Safeguarding Children Board, the Warwickshire Safer Partnership Board and the MAPPA Strategic Management Board, ensuring the WYJS is held to account for its' work in safeguarding children and protecting the public.

Human resources are managed by the WYJS Manager in partnership with the relevant employing body. A number of key posts within the service, including the WYJS Manager, are funded by the partnership to support effective multi-agency collaboration and oversight. In addition to this the YJB grant supports the employment of posts required to support effective practice, such as the information officers and educational psychologists.

YOTs are unique in their positioning between justice and welfare services and are key in terms of reminding partners that children who offend should be viewed as children first and offender second. As chair of the Local Criminal Justice Board (LCJB) and the Warwickshire Justice Strategic Board (which manages the multi-agency Justice Centres), the WYJS Manager is able to restate this principle influencing local policies with partners such as the courts and the Crown Prosecution Service.

WYJS ensures that partners include the aims and objectives of WYJS in their strategic planning and managers within the service engage partners to consider areas of commonality in order to agree shared objectives. WYJS is actively engaged in the plans of:

- Warwickshire Health & Wellbeing Board
- Warwickshire Justice Strategic Board (including the LCJB)
- Warwickshire County Council's One Organisational Plan and Children's Transformation Board
- Warwickshire's Joint Strategic Commissioning Board
- Warwickshire Safeguarding Children Board
- Warwickshire's Police & Crime Commissioner.

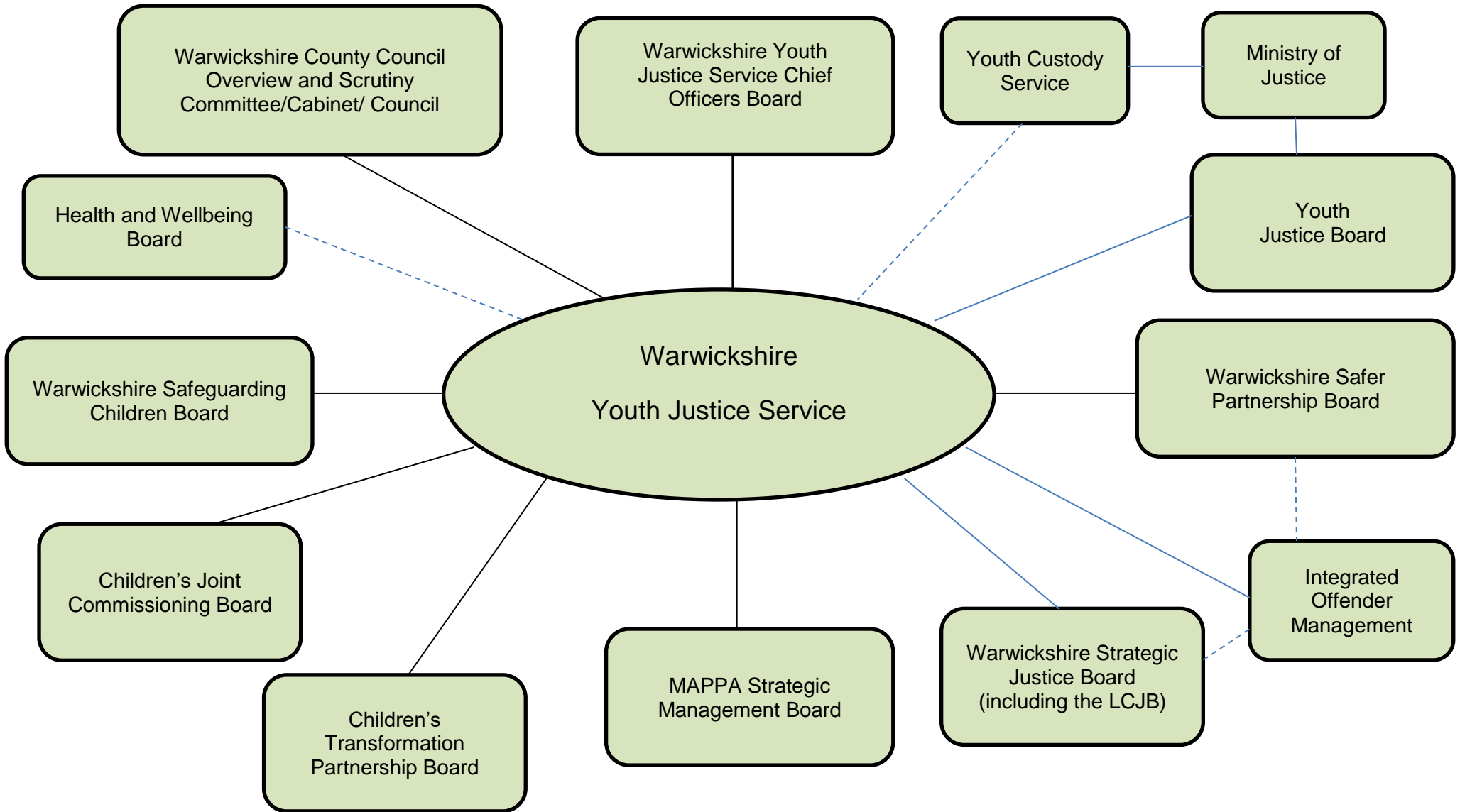
The work of WYJS also contributes to:

- Joint Strategic Needs Assessment (JSNA),
- Warwickshire Community Safety Agreement,
- MAPPA Strategy,

Nationally the WYJS is well respected and the WYJS manager has continued as Chair of the Association of YOT Managers (AYM) during 2017/18. The AYM represents almost all YOTs in England and following the publication of the report 'Review of the Youth Justice System' undertaken by Charlie Taylor, now Chair of the YJB, and the government response to this review, the WYJS Manager has led on work with the YJB, Ministry of Justice (MoJ) and the new Youth Custody Service, ensuring the Policy Unit leading on the MoJ transformation programme understand the diversity of local provision and the reasons why this should be maintained in order to ensure YOTs are effective in delivering against their stated aims. Leading on such national developments has meant that Warwickshire has continued to be recognized as best practice.



The following chart shows the governance of the WYJS and its relationship with partners.



## (ii) FINANCIAL RESOURCES – WYJS Budgetary Sources 2018/19

Agency	Staffing Costs	Other Delegated Funds	Total (£000)
Police	170	0	170
Local Authority	1,047	496	1,543
Public Health	98	5	103
Warwickshire Police & Crime Commissioner (PCC)	28	12	40
National Probation Service (NPS)	67.5	7.5	75
Youth Justice Board (YJB)	351	76	427
OTHER – European Social Fund	20	0	20
<b>TOTAL</b>	<b>1,781.5</b>	<b>596.5</b>	<b>2,378</b>

Public Health funding is also committed at the same level as previous years; however the contribution of £98,000 for staffing of health posts in WYJS is now an in-kind contribution where Public Health pay the amount directly into the new children and young people's emotional well-being and mental health contract 'Rise'. There is a £5k cash contribution from Public Health to WYJS.

In 2018/19 the WYJS Manager has been successful in achieving grants once again from the PCC for substance misuse interventions, and from the European Social Fund (ESF) for enabling children to access education and employment.

*WYJS undertakes such a calculation each year and can demonstrate a saving to society of £12.85 for every £1 spent on delivering the service, using Ministry of Justice and Home Office methodologies for measuring the social return on investment. This measurement takes into account the cost of crime to victims, and communities.*

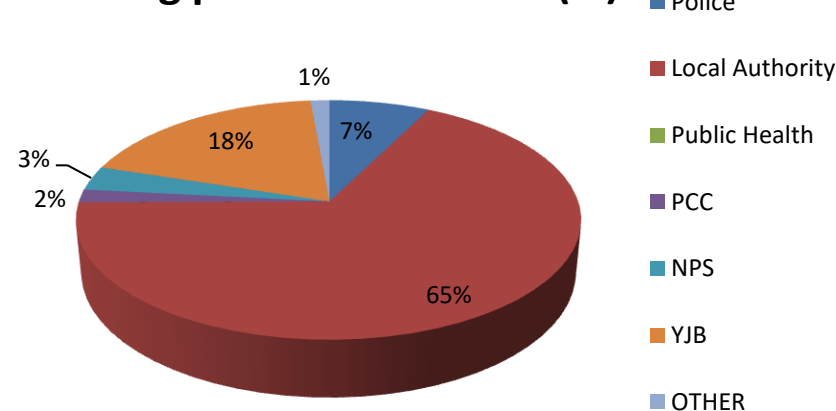
### Changes in Partnership Funding:

The local authority has retained funding at the same level as 2017/18, with inflation of 2% added to inflationary elements. As the only agency increasing funds for inflation the local authority is gradually increasing its proportional funding to WYJS.

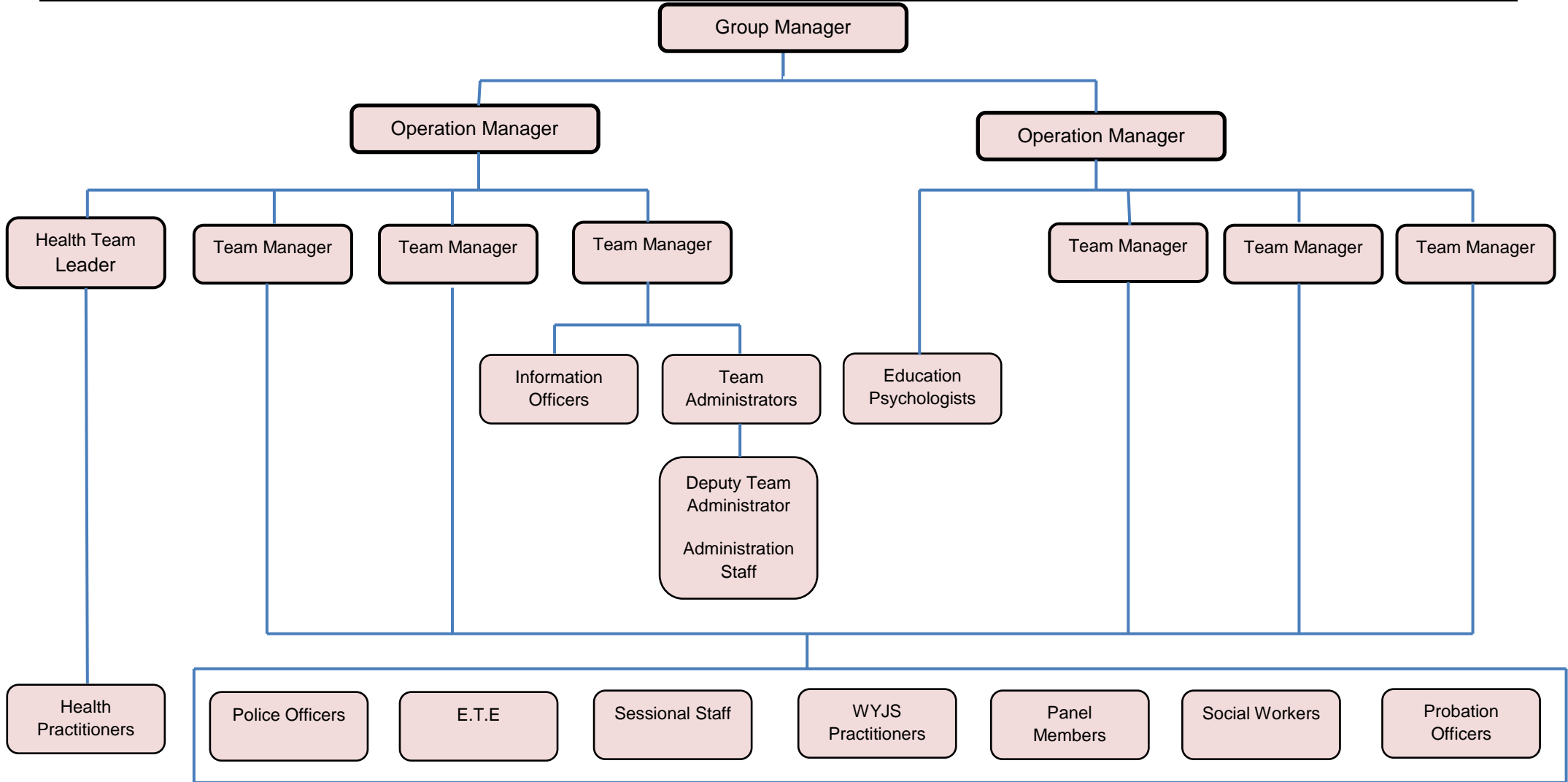
NPS has reviewed workload in WYJS and increased its contribution to the service by 0.5 FTE probation officer and the related cash element (£2.5k), this however remains a reduction on the previous contribution prior to the Ministry of Justice Transforming Rehabilitation Strategy.

The Police and YJB have committed funds at the same level as previous years, amounting to a gap in funding associated with inflationary costs to the service.

### Funding provision to WYJS (%)

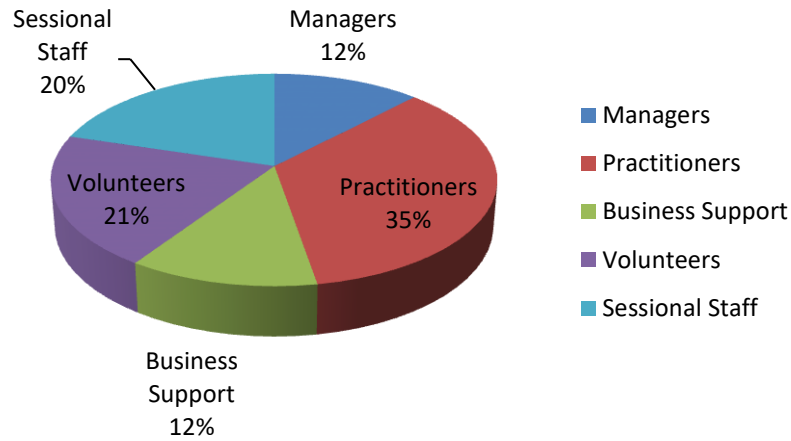


**(iii) ORGANISATIONAL STRUCTURE & STAFFING**

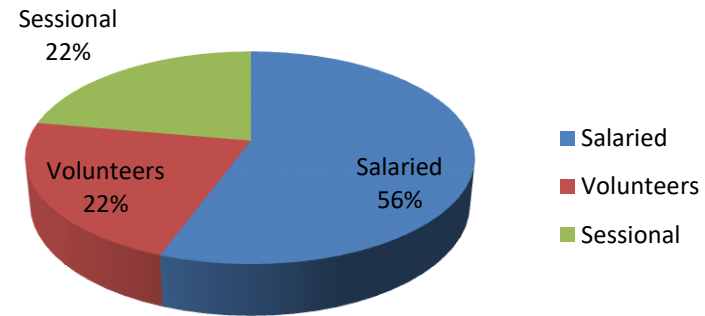


**(iii) ORGANISATIONAL STRUCTURE & STAFFING**

**Chart 1 WYJS Structure by Role**



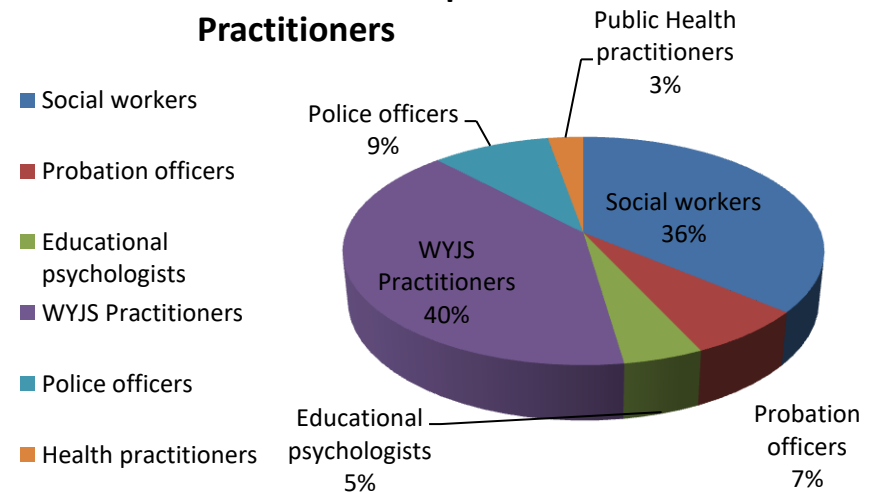
**Chart 2 Staffing Type**



**"You can't underestimate the benefits of working in a multi-agency team – we can do so much more for a young person".**

WYJS Practitioner

**Chart 3 Professional Discipline of Practitioners**



#### (iv) PERFORMANCE OVERVIEW – 2017/18

WYJS continues to be a high performing youth offending service delivering high quality and effective practice to children who offend; their parents and victims of youth crime. During 2017/18 the WYJS has once again be subject to external review and has been nationally recognised for this best practice.



**Securing better outcomes for children and young people with special education needs in the youth justice system**

A significant number of children who offend have special educational needs and disabilities (SEND). In 2017/18 Achievement for All, the Association of YOT Managers and Metropolitan University of Manchester 'SEND Project' (funded by the Department of Education) benchmarked professional practice against quality standards in 50 area partnerships spanning 56 Local Authorities; WYJS was able to evidence best practice and received the Quality Mark for SEND and the highest award for 'practice within and beyond the service', the Quality Lead.

Already a nationally accredited service for restorative justice practice, two practitioners within WYJS achieved the Accredited Practitioner Qualification from the National Restorative Justice Council.

Due to the expertise within WYJS a team manager was seconded to Warwickshire Police to the position of Restorative Justice (RJ) Coordinator and received a commendation for work with victims; helping train over 80 police officers and developing the Warwickshire Police offer of restorative justice to victims of crime at all stages of the criminal justice process.



#### **Performance against national objectives:**

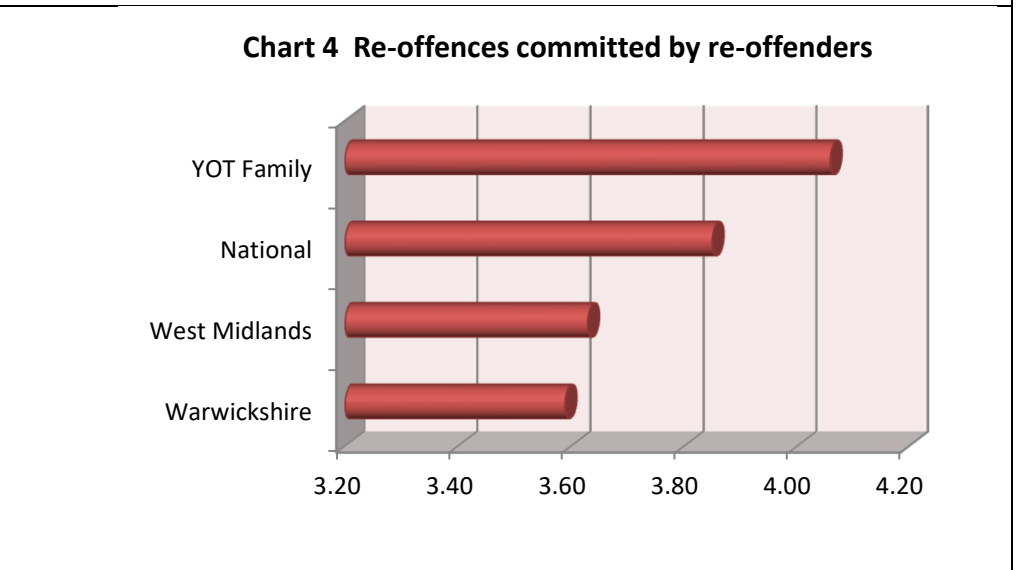
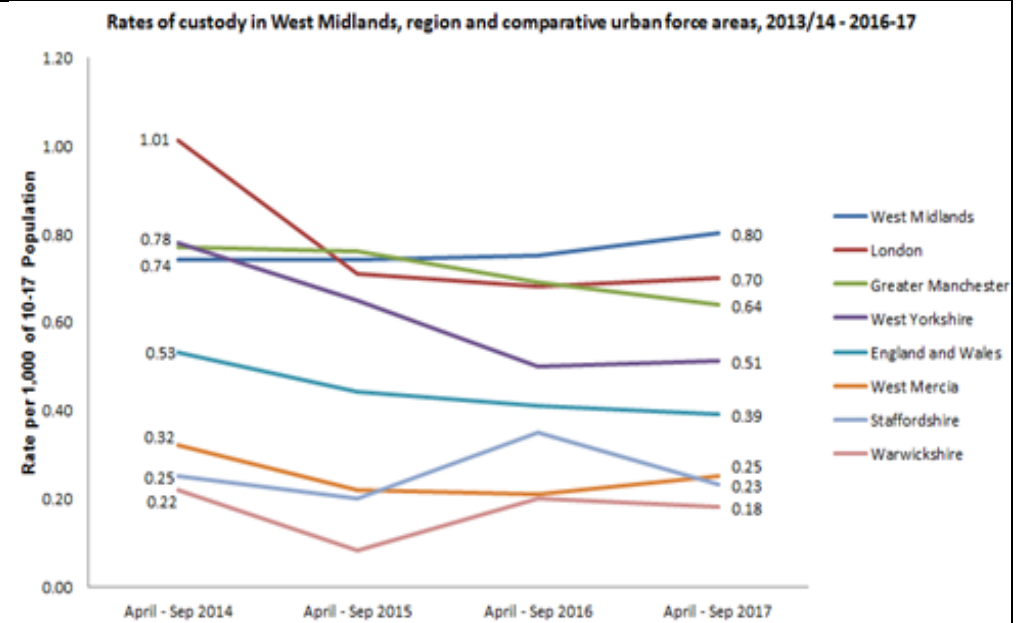
In 2017/18 WYJS continued to perform excellently against national performance indicators, reducing:

- the rate per 100,000 of 10–17 population of 'first time entrants' to the criminal justice system (FTEs) from 180 in 2016/17 to 125,
- the need for custodial sentences for children who offend, reducing from 9 in 2016/17 to 7,
- the rate of re-offending reduced from 35.76% in 2016/17 to 33.23%.

Compared to other YOTs WYJS continues to perform well, particularly with regard to reducing custody. This is a particularly important achievement in light of failings in the secure estate in terms of safeguarding and support of children in their care. In her role as Chair of the AYM the WYJS Manager has been working with the new Youth Custody Service in helping it achieve positive steps in its reform programme with regard to these issues.

Reductions in FTEs since 2007/8 was initially greater in Warwickshire than other areas, due to the effectiveness of WYJS partnership working. As a result the rate of decline is now greater in other YOTs where initial progress was not made. In November 2017 an arrest diversion scheme was introduced by WYJS in partnership with Warwickshire Police to support FTE reduction, diverting all minor first time offenders into a programme of intervention to help them avoid continued offending. In April 2017 the offence of sexual communication with a child came into force and children were at risk of criminalisation due to sexting (texting sexual images of themselves to peers). WYJS has worked with the police and children's services to ensure these children do not enter the criminal justice system, offering them education instead regarding their behaviour.

WYJS outperforms the West Midlands region, the YOT Family and the national average in the number of children who re-offend. However, these children commit a greater number of re-offences. This persistency was predicted, due to the fact that only children with complex and entrenched needs are now entering the criminal justice system in Warwickshire. Their supervision within the community, rather than spending considerable periods in custody provides real opportunities for the practitioners within the service to address those identified needs; far better than secure establishments are able to. Nevertheless, where public protection is required custodial sentences are imposed and supported by WYJS supervision in custody and on licence in the community.



## **Performance against local objectives:**

In addition to the achievements against the national objectives WYJS has been successful in delivering against the local objectives for 2017/18, to improve outcomes for children who offend, their families and the victims of youth crime are evidenced in the improved outcomes for each of these groups, this despite the ongoing closure of youth courts in the purpose built Justice Centres in Warwickshire with youth hearings taking place in Coventry.

**Improving the lives of children who offend** was achieved through comprehensive assessments and targeted interventions that address the issues which contribute to offending (desistance factors). These include lack of appropriate education, training, employment and accommodation, substance misuse, health difficulties and social factors such as peer influence.

147 children received support for substance misuse, 28 of these were referred to the specialist substance misuse service Compass, for more intensive support; 7 were supported by WYJS through Drug Treatment and Testing requirements attached to their court order. 82.8% of children provided with a substance misuse intervention by WYJS completed their orders successfully.

96 children received support from WYJS health practitioners for mental and emotional health difficulties. The severity of these difficulties is assessed and in 2017/18 showed once again that children who offend are suffering from mental health issues more complex than those found in the general child and adolescent mental health services.

**Improving outcomes for parents and families of offenders** was achieved through the provision of individual support programmes for parents and through the delivery of programmes such as systemic training for effective parenting (STEPS). All parents are assessed for the level and type of support they require.

***“They helped me to find somewhere to live”***

*97.2% of children supervised by WYJS were found suitable accommodation, no child was homeless.*

***“I needed advice because I was struggling for money and my YOT worker took me to talk to someone***

72% of children aged 10-16 years who offended were assisted by WYJS in receiving 25 hours or more education per week. Of those aged 16 years and above, 61% received 16 hours or more education, training or employment.

***“Thank you all for your help, I don’t know and don’t really want to know where I would’ve been if you guys didn’t help me!”***



**Improving outcomes for victims of youth crime**

has been achieved in 2017/18 through the further development of restorative justice practice within the service. As a result of this 2 WYJS practitioners have received the Accredited Practice Qualification from the National Restorative Justice Council. 72% of victims were provided with an opportunity to participate in a restorative intervention; all victims reported satisfaction with the service offered.



**Improving outcomes for the community** - WYJS works to support the community, providing opportunities through engagement of members of the community as panel member volunteers who help determine the intervention plan for children subject to referral orders.

Victims are also invited to these panels where they can discuss the offence with the child and their family and agree an activity that enable the child to repair some of the harm experienced by the victim.

**“In his final panel he presented as a completely different child. He is now working full time – very happily, he is much more communicative, confident. in a mature adult way”**

On the right is a picture of a bird house being built by a young boy who later provided this to a vulnerable person within the local community.

**“I really enjoyed the allotment. I felt good about myself helping the elderly gentleman and it makes you sympathise for him and think again about breaking into an allotment”**

In addition community projects are undertaken where members of the community are either offended against or wish to provide opportunities to children who have offended to repair harm.





## 2. STRATEGIC AIMS AND PRIORITIES 2018-19

WYJS will deliver against the national objectives for youth offending teams, set by the Youth Justice Board for England and Wales - Reducing the number of first time entrants to the youth criminal justice system, reducing re-offending by children supervised by WYJS and reducing the use of custody where a community sentence is appropriate.

WYJS will also deliver against identified local objectives based on analysis of offending patterns of children in Warwickshire, to improve outcomes for:

### **Children supervised by WYJS, through the provision of:**

- Interventions, based on comprehensive assessments, that safeguard children, support them within their family and enable participation in education and employment,
- Credible community programmes that reduce the likelihood of reoffending and the need for custodial remands and sentences,
- Robust public protection, and safeguarding arrangements, including interventions to prevent offending, radicalisation and extremist behaviours,

### **Victims by:**

- Ensuring restorative justice is available throughout the duration of the child's statutory order,
- Providing all victims with equal access to restorative justice if they request it.

### **Parents and families, through the provision of :**

- Interventions based on assessments that take account of the needs of the whole family
- Support to improve their parenting and life skills

### **The community by:**

- Providing opportunities for unpaid work projects and reparation activity that improves the local environment
- Enabling children supervised by WYJS to become better engaged within their community.

### **To support these strategic priorities we will:**

- Ensure that the best interests of the community and victims are central to the work delivered with children and their families,
- Develop the skills of our workforce through training, supervision, appraisal and effective performance management,
- Ensure that the voice of the children who offend, their families and victims help inform our evaluation of interventions delivered,
- Ensure effective partnership working with partners in the criminal justice system and wider children's services.

## (i) IMPROVE OUTCOMES FOR CHILDREN

### **Interventions based on comprehensive assessments**

In order to achieve this WYJS ensure children who offend, their parents and, where willing, the victims of the crimes committed are actively engaged in the assessment enabling an intervention to be provided that meet the needs of the child whilst providing support to enable them to avoid future offending. This approach is used to support interventions to both divert children from the criminal justice system and to support them whilst on police or court disposals. In order to achieve this WYJS will actively engage the child and parent, and where compliance is problematic identify potential barriers and adopt proactive solutions to overcome them. WYJS will ensure all contact with a victim complies with the Victim's Code.

### **Credible community programmes will be delivered to reduce the likelihood of re-offending and custodial remands or sentences:**

A wide range of group work and one to one programmes are utilised within WYJS to support children to cease offending, these include:

- Step-Up, an accredited 8 week programme that challenges unhealthy views of masculinity and relationships with the aim of reducing violence
- AIM assessment and interventions to address harmful sexual behaviour,
- IMPACT and Streetwise resource programmes that support improvements in thinking and behaviour and challenge attitudes to offending,
- Fatal Four, a powerful road safety campaign aimed at children, delivered in partnership with Warwickshire Police and Warwickshire Fire and Rescue Service
- Giving Back Project, WYJS has supported the 'NHS Ex-Armed Forces Project' and the 'Bendrigg Trust' in developing a residential activity for disadvantaged children. Children supervised by WYJS can access this activity to improve confidence; communication; and help children manage anxiety and anger.

In order to enable a child to reduce the likelihood of them re-offending WYJS practitioners support them in developing positive improvements in factors which contribute to committing offences (desistance factors):

- Education, training or employment (ETE) In 2018/19 15-17 year olds will be supported by a WYJS practitioner part funded by the European Social Fund in order to achieve ETE. Due to the significant number of children in the criminal justice system with SEND WYJS will continue to purchase educational psychology sessions from the county council to support these children with engaging in ETE.
- Substance Misuse WYJS practitioners assess the level of misuse by children and provide Tier 1 and 2 interventions to help them reduce this misuse. Where relevant referrals are made to 'Compass' a service which provides targeted and specialist interventions for children aged up to 18 years who are affected by their own, or another's substance misuse. WYJS hosts staff from Compass in both Warwickshire Justice Centres in order to support Compass practitioners contact with the children who are often difficult to engage.
- Health WYJS health practitioners, seconded from Rise (a partnership between Coventry and Warwickshire Mind and Coventry and Warwickshire NHS Partnership Trust providing emotional well-being and mental health services for children in Coventry and Warwickshire) work with children supervised by WYJS to identify and address any health concerns, enabling the child to then address other factors that lead to them offending.

Where the potential for a custodial remand or sentence is identified, WYJS provides packages of support to maintain the child in the community. The provision of the Bail, Remand and Intensive Care and Support Service, commissioned by WYJS from Barnardo's, provides intensive fostering and support to children at risk of custodial remand or sentence. These carers also provide support for children posing a significant risk of re-offending, as part of a residential requirement for those on youth rehabilitation orders and post custodial supervision. In some cases courts determine that a child poses a significant risk to others and a remand to youth detention accommodation is made, in these cases WYJS assesses the most appropriate type of placement in the secure estate and advises the Youth Custody Service (YCS) of this, in most cases this assessment is supported and a placement agreed, with the most vulnerable of children placed in either a local authority secure children's home (LASCH) or a secure training centre (STC), as opposed to a young offender institution (YOI). The cost of this accommodation is met by WYJS and the cost is both significant and unpredictable, dependant on the seriousness of the offence committed and number of children involved in the offence.

Enriched case management (ECM) of cases was introduced in 2017/18 following action learning research undertaken by WYJS and Dr. Alex Chard, the findings of the research demonstrated a high level of adverse childhood experiences children and resultant trauma evident in children supervised by WYJS and ECM provides a responsive approach to management of children presenting with such difficulties.

**Robust public protection, and safeguarding arrangements**, including interventions to prevent offending, radicalisation and extremist behaviours, will be delivered through a range of WYJS interventions and through multi-agency partnership arrangements, such as integrated offender management, the Channel Panel programme and multi-agency arrangements for public protection and domestic abuse (MAPPA and MARAC). Located within the two Justice Centres in Warwickshire, WYJS is well placed to respond quickly to the needs of children who offend and victims, and to support criminal justice partners with whom the service is co-located.

WYJS engagement in partnership working is comprehensive; arrangements with the local authority, district councils and the police will continue to be developed to ensure that civil injunctions and criminal behaviour orders are pursued where such disposals are required.

Safeguarding of children supervised by the service is managed through a variety of means, not least the enriched case management approach which enables WYJS practitioners to address the child's offending whilst taking account of the deep-rooted causes for their behaviour, working at the child's pace as they commence their journey to overcome the adversities they have experienced. WYJS will work with partners involved in the child's care to understand and engage in this approach in order to ensure all parties work in the most effective way and achieve the desired improvements for and by the child.

WYJS continues to work with partners in the police and the county council to ensure that no child is detained in police custody where a transfer to the community or in the case of serious offending, secure accommodation is required. WYJS has encouraged the Warwickshire County Council to become signatories, alongside Warwickshire Police, to the Concordat on Children In Custody which supports such practice.

In 2018/19 WYJS will continue to work with children's homes in Warwickshire, together with Warwickshire Police to ensure that children looked after by the local authority are not unnecessarily criminalised for behaviour within the home. Restorative justice training is offered to staff within these children's homes to support this, all of which supports the recommendations in the report from the Independent Review chaired by Lord Laming 'In Care, Out of Trouble' (2016).

In order to ensure that WYJS is alert to factors that can contribute to offending by children and trends in patterns of offending by children, WYJS undertakes quarterly review of performance, considering all offending in Warwickshire and WYJS response and effectiveness in reducing re-offending. In addition to this work with children in police custody enables practitioners to 'uncover' influences on a child that have resulted in them being arrested. Through this active reflection and engagement with children some emerging themes have been identified by WYJS where other agencies have not:

Modern slavery – like other areas of the country children in Warwickshire are being exploited sexually and for criminal purposes. WYJS continues to be actively engaged with the child sexual exploitation team which was developed as a result of WYJS surfacing this exploitation in Warwickshire. In a similar manner WYJS is now ensuring that children exploited for criminal purposes are being identified as victims of exploitation who need to be safeguarded rather than punished.

County lines – is criminal exploitation and a police term for urban gangs supplying drugs to rural areas. This particular type of exploitation is proving problematic for children from other local authority areas who have crossed the borders into Warwickshire and are arrested. Having identified a child as being exploited in this way WYJS works with the police and the home YOT and safeguarding services to ensure these 'visiting' children are afforded the same safeguards that WYJS would ensure for a Warwickshire child. The WYJS Manager will develop a protocol in 2018/19 for reciprocal management of such cases across the West Midlands YOT region which includes Warwickshire, West Mercia, West Midlands and Staffordshire Police Force Areas.

WYJS risk panels are in place to help identify victims of modern slavery and referrals to the National Referral Mechanism (NRM), a process by which people who may be victims of modern slavery are identified and supported by the UK government. Such children are deemed vulnerable and should be considered for priority re-housing when assessed by the local authority.

Objectives	Enablers & Resources
Children do not enter the criminal justice system for first time minor offences	Arrest diversion scheme Early identification of children as victims of exploitation
Children are safeguarded and risks posed by them managed effectively throughout their supervision by WYJS.	Comprehensive assessments using AssetPlus and WYJS Health and education assessments Enriched case management approach Safeguarding training of staff Multi-agency arrangements for risk management, safeguarding and identification of child exploitation
Reduction in re-offending	Comprehensive assessments using AssetPlus and WYJS Health and education assessments Effective and targeted interventions which address desistance factors ESF funded ETE provision in WYJS Multi-agency nature of service

## (ii) IMPROVE OUTCOMES FOR VICTIMS

WYJS has a statutory duty to work with victims of youth crime, contacting all victims of offences committed by children who receive a criminal conviction or a youth conditional caution, and providing an opportunity to discuss the impact of the offence on themselves and others and the opportunity to participate in RJ. WYJS also ensures victims are signposted to partners where further support and advice is required.

WYJS aspires to be fully compliant with the 'Victims Code of Practice'. The service conducted a review of its practice and compliance against the Code in 2017 has established a new performance framework.

WYJS is a partner agency in the Warwickshire & West Mercia Restorative Justice Service which was recently awarded its Restorative Service Quality Mark (RSQM) and is active in supporting partners to ensure RJ is delivered to victims at all stages of the criminal justice system. Victims are not denied the opportunity to consider RJ options on the basis of the offence committed against them or because the offender is in prison or living outside of the local area.

The Local Criminal Justice Board maintains oversight of RJ in Warwickshire and sub-groups of this such as the Victim and Witness Forum ensure practice is quality assured.

WYJS has staff trained to offer restorative support to victims of harmful sexual behaviour and domestic abuse and other complex and sensitive cases including between family members.

Objectives	Enablers & Resources
Victims are updated throughout the criminal justice process to ensure that they can make informed decisions and their voice is heard.	WYJS practitioners
Increase awareness of RJ and its effectiveness in reducing re-offending to the retail establishment.	Good news stories Positive feedback from victims
The public is protected through effective management of risk.	Comprehensive assessments and risk management arrangements

### (iii) IMPROVE OUTCOMES FOR PARENTS AND FAMILIES

WYJS undertakes assessments of all parents of children who are subject to a court or police disposal managed by WYJS, in order to determine the level of support they require from the service to help their child to cease offending. Plans resulting from these assessments take account of the diversity and wider familial and social context of the child and family

Meaningful engagement of parents with their child's order is necessary to support the work of WYJS practitioners,. Where an assessment determines parents need support they are offered support and guidance and if necessary parenting programmes to teach them more appropriate and effective parenting techniques.

Parenting orders are not commonly used however, where a parent's behaviour is detrimental to enabling the child to cease offending, WYJS will apply to the court for such an order to be imposed in order for the child to be properly supported in a family environment, reinforcing the parental responsibilities in caring for their child.

In 2017/18, research undertaken within WYJS to further understand the reasons for the complexity of needs in children who offend has led to the development of parenting interventions that utilise the theory of trauma recovery, supporting parents in helping their child to desist from offending whilst keeping them safe. This approach utilises a team around the child approach in delivering enriched case management and offers an opportunity to build stronger relationships between the parent and child.

During 2018/19 WYJS will continue to develop the enriched case management approach to work with children who offend. The views of parents/carers will be sought to aid the review of this methodology and its effectiveness, alongside other performance monitoring methods.

Objectives	Enablers & Resources
Parents are fully engaged in the WYJS intervention plan for their child.	WYJS practitioners Enriched case management approach
Where a child has experienced adverse childhood experiences, parents will be included in the assessment for Enriched Case Management of their child's supervision.	WYJS practitioners Enriched case management approach
The effect of adoption of the Enriched Case Management approach with children who offend will take account of parents and families views.	WYJS practitioners WYJS team manager (Practice and Performance Improvement) WYJS operations manager

#### (iv) IMPROVE OUTCOMES FOR COMMUNITIES IN WARWICKSHIRE

WYJS actively participates in the four community safety partnerships (CSPs) of Warwickshire. These partnerships work together to protect the local communities from crime and to help people living within them feel safer. The CSPs identify issues within the communities and decide how best to address those issues, such as anti-social behaviour, drug or alcohol misuse and re-offending. At a county level, community safety is overseen by the Safer Warwickshire Partnership Board of which the CSPs and the WYJS manager are attendees. This Board formulates and oversees the community safety agreement, setting priorities and plans for partners to work together to deliver against the priorities.

**Supporting children to become better engaged within their local communities** is achieved by engaging children within their own local communities. Children are supported to access local apprenticeships and employment, providing them with opportunities to appreciate being part of a community. Community panel members are members of the community that work with WYJS supporting the planning and oversight of referral orders. This is a unique opportunity for the community to influence work with children who offend, holding them to account for their actions and requiring them to repair the harm they have caused.

**Opportunities for unpaid work and reparation activities** all help children who have offended to improve their local environment. Reparation to the community is undertaken by children on court orders and the WYJS website [www.warwickshire.gov.uk/youthjustice](http://www.warwickshire.gov.uk/youthjustice) offers an opportunity for members of the public to suggest reparation projects. Community panel members also provide suggestions for reparation that support the communities in which they live.

WYJS also provides opportunities for communities to benefit from unpaid work in the community as a result of requirements attached to the court orders of 16 and 17 year olds. In 2017/18 these reparation and unpaid work projects included work with:

- Warwick and Leamington Beekeepers Association,
- George Eliot Hospital,
- Lost the Plot Project in Rugby.

Objectives	Enablers & Resources
Improve local community	Unpaid work projects Reparation activities
Enabling children to gain training and employment opportunities within their local community	ESF grant funding WYJS practitioners Partnership working

### 3. WORKFORCE DEVELOPMENT

Effective practice is achieved when practitioners are equipped with the necessary skills to undertake comprehensive assessments and deliver a range of interventions required to support the diverse needs of the children supervised by the service, parents requiring support and guidance and victims of youth crime. During the past 2 years WYJS has been developing an Enriched Case Management approach to work with children supervised by practitioners as a result of Action Learning Research undertaken on children supported by the service. This research found children supervised by WYJS had suffered significant adverse childhood experiences (ACE) compared to children outside the criminal justice system; many had received services from a number of agencies throughout their childhood, none of which had addressed the trauma resulting from these ACEs. In 2018/19 WYJS will be further embedding this approach into the work of practitioners.

In addition to this a training needs assessment was conducted at the end of 2017/18 to identify further training needs of practitioners with regard to SEND practice, supporting further the work

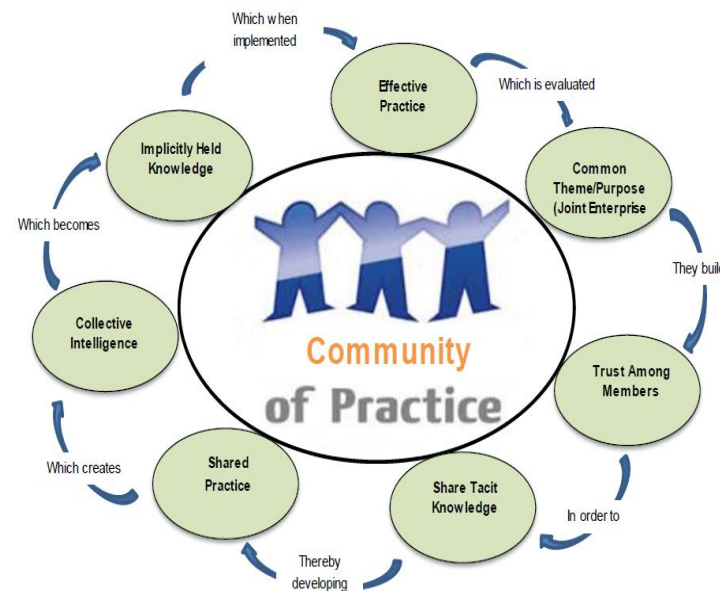
As a result of this educational psychologists within the service will develop further understanding of communication and language disorders, dyslexia and dyspraxia and cognitive and learning impairments, considering working memory and processing speed and its effect on a child's development and behaviour.

In order to enable continuous development of staff WYJS has adopted a 'community of practice' approach to enable practitioners to benefit from reflective practice and shared knowledge.

WYJS has used this approach for other WYJS key areas of practice, such as Harmful Sexual Behaviour work. Children's services have been invited to join the WYJS HSB Community of Practice in order to develop their own emerging HSB interventions. This method of working is now being developed to include other agencies involved in the child's life and will also be used to enhance the approach to parenting work within WYJS.

Management oversight is particularly important in ensuring practice is safe and effective and all managers within WYJS are required to achieve management qualifications. Operations managers within WYJS are trained peer reviewers enabling them to participate as reviewers of other YOTs which expose them to the work of other YOTs and enabling them to identify elements of best practice that can be applied in WYJS.

Team managers are encouraged to train as local assessors for HMI Probation YOT inspections, again exposing them to learning from the inspectorate and from YOTs being inspected.





## 4 TECHNOLOGY

WYJS is heavily reliant on technology to assist in:

- the assessment of children and the management of their orders,
- performance reporting and identification or service improvement and development,
- analysis of trends in youth crime in Warwickshire,
- personnel management,
- staff learning and development, and
- financial management within the service.

As with other organisations WYJS is working toward being 'leaner', whilst at the same time maintaining efficiency in the work undertaken. The service relies on a number of IT solutions due to the multi-agency nature of the service, with police officers, probation officers and health practitioners in the service accessing their own agency systems to enable them to carry out their professional functions to assist in the management of cases within WYJS.

WYJS has however embarked on system integration, where information sharing is permitted, and has used 'hub technology' to assist in this. To date the WYJS case management system is able to access relevant education data required to support case managers in assessment and supervision of children and exploration has commenced for a similar approach to be taken for children's social care and police systems.

WYJS is the first service to effectively manage such interoperability between systems and in achieving this the participating agencies can demonstrate savings resulting from this technology.

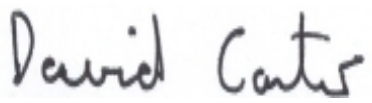



## 5. RISK ASSESSMENT



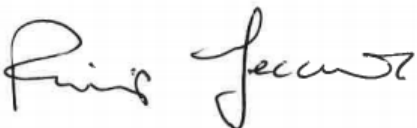

Risks associated with achieving the strategic aims within this plan are identified below with mitigating actions and intended success criteria outlined. The number and type of risks are varied and many are outside the control of the WYJS and its manager.

Risk	Action	Success Criteria
<b>Children</b> <ul style="list-style-type: none"> <li>Changes in policing increases FTEs and recidivism rates</li> <li>Employment opportunities decrease for children in Warwickshire.</li> </ul>	<p>Performance data is used to advise the LCJB with recommendations to the police and CPS to remove this risk</p> <p>WYJS will continue to use the ESF funded post to support children into employment and training, ensuring they are skilled in interviews to support this.</p>	<p>FTE and recidivism rates do not increase.</p> <p>Children supervised by WYJS are able to access employment or training opportunities.</p>
<b>Victims</b> <ul style="list-style-type: none"> <li>Victims choose not to engage with WYJS RJ interventions.</li> </ul>	<p>Publicity to provide the public with positive RJ interventions.</p> <p>Victim volunteers are engaged to support victims who are considering, but concerned about engaging in RJ.</p>	<p>Victims are less fearful.</p> <p>Victims are not re-victimised.</p>
<b>Parents and families</b> <ul style="list-style-type: none"> <li>Parents of children supervised by WYJS require long term support to enable them to better support their child/ren.</li> </ul>	<p>Parents will be referred to Warwickshire's Priority Families for ongoing support. Referrals will be monitored and where they are not accepted this will be reported to chief officers.</p>	<p>Parents and families receive the services they require to support improvement in their ability to support and safeguard their child/ren.</p>
<b>Communities</b> <ul style="list-style-type: none"> <li>Fear of youth crime leads to children becoming inappropriately criminalised.</li> </ul>	<p>WYJS will provide positive news stories to localities .</p> <p>WYJS staff will re-frame communications with members of the public and other agencies to reduce the negative stereotyping of children who offend.</p>	<p>Improved engagement of children in their local community</p> <p>Increased engagement of communities with WYJS for:</p> <ul style="list-style-type: none"> <li>Unpaid work activities</li> <li>Reparation activities.</li> </ul>
<b>WYJS</b> <ul style="list-style-type: none"> <li>Remands to youth detention accommodation increase placing the budget in jeopardy</li> <li>Changes in partner agency practice impacts on WYJS ability to deliver services within budget.</li> </ul>	<p>The WYJS manager monitors this and will report likely overspend to chief officers in order to determine how the shortfall will be met.</p> <p>The WYJS manager will advise the chief officers of the risks posed where no local resolution is possible.</p>	<p>WYJS budget is sufficient to maintain required service provision.</p> <p>Chief officers will negotiate with agencies to remove the risk, or determine how to resource required services delivery.</p>

## 6 REVIEW AND APPROVAL

### Signatories :

Name	Job Title	Date
David Carter	Joint Managing Director of Warwickshire County Council	28.06.18
		
Monica Fogarty	Joint Managing Director of Warwickshire County Council	28.06.18
		
Martin Jelley	Chief Constable Warwickshire Police	25.06.18
		
Helen King (Chair of the Chief Officers' Board)	Deputy Director of Public Health	25.06.18
		

<b>Name</b>	John Linnane	<b>Job Title</b>	Director of Public Health	<b>Date</b>	
					29.06.18
<b>Name</b>	Nigel Minns	<b>Job Title</b>	Strategic Director of People Group: Director of Children's Services	<b>Date</b>	
					28.06.18
<b>Name</b>	Philip Seccombe	<b>Job Title</b>	Police & Crime Commissioner	<b>Date</b>	
					28.06.18
<b>Name</b>	Andy Wade	<b>Job Title</b>	Head of NPS Midlands Division Coventry Solihull and Warwickshire Cluster	<b>Date</b>	
					25.06.18

## 7. GLOSSARY

This is not a definitive or official glossary used by the WYJS; the table is intended for use only in relation to the tables above where, due to the amount of information displayed, some abbreviations have been necessary.

<b>AIM &amp; AIM2</b>	'Assessment, Intervention and Moving on': a programme for children who commit sexually harmful offences
<b>AssetPlus</b>	'AssetPlus' is the assessment framework used with children at all stages of the youth justice system.
<b>AYM</b>	Association of YOT Managers
<b>ESF</b>	European Structural and Fund
<b>ETE</b>	Education, training and employment
<b>FTE</b>	First time entrant (to the youth criminal justice system)
<b>LCJB</b>	Local criminal justice board
<b>MAPPA</b>	Multi-agency public protection arrangements
<b>MARAC</b>	Multi-agency risk assessment conferences
<b>NPS</b>	National Probation Service
<b>PCC</b>	Police & Crime Commissioner
<b>RJ</b>	Restorative justice
<b>WYJS</b>	Warwickshire Youth Justice Service
<b>YJB</b>	Youth Justice Board for England & Wales



## Cabinet

24 July 2018

### Annual Governance Statement 2017/2018

#### Recommendation

That Cabinet endorses the Annual Governance Statement for 2017/18 prior to submission to Council for approval.

#### 1.0 Key Issues

- 1.1 This report presents the Annual Governance Statement (AGS) for 2017/18 for consideration.
- 1.2 The Accounts and Audit Regulations 2015 require the authority to conduct a review, at least once in a year, of the effectiveness of its system of internal control and to prepare an AGS.
- 1.3 The results of the review and resulting AGS was considered and endorsed by the Audit and Standards Committee at its meeting on 24 May. The statement was then provided to External Audit for review. They have requested some additions related to the Pension Fund and pooling arrangements, which are highlighted on the updated draft AGS attached (**Appendix**). These changes will also be considered by the Audit and Standards Committee on 25 July 2018.
- 1.4 The AGS will be submitted, alongside the Council's accounts, to Council for approval on 26 July 2018.

#### Background papers

None

	Name	Contact Information
Report Author	Garry Rollason Internal Audit and Insurance Manager	<a href="mailto:garryrollason@warwickshire.gov.uk">garryrollason@warwickshire.gov.uk</a> Tel: 01926 412679
Head of Service	Sarah Duxbury	01926 412090
Joint Managing Director	David Carter	01926 412564
Portfolio Holder	Cllr Kam Kaur	01926 632679

The report was circulated to the following members prior to publication:

Local Member(s): Not applicable

Other members: Councillors Timms, Kaur, O'Rourke, Boad, Singh Birdi



# Annual Governance Statement

Year ended 31 March 2018

DRAFT

# Annual Governance Statement 2017/18

## Contents

		<u>Page</u>
1	What are we responsible for?	3
2	The aim of the Governance Framework	3
3	The Governance Framework	4
4	Review of Effectiveness	8
5	Governance Issues	9
6	Certification	12

## 1. What are we responsible for?

We are responsible for carrying out our business in line with the law and proper accounting standards, and for using public money economically, efficiently and effectively, and accounting for it properly. We also have a duty under the Local Government Act 1999 to continually review and improve the way we work, while at the same time offering value for money and an efficient and effective service.

To meet our responsibility, we have put in place proper governance arrangements for overseeing what we do. These arrangements are intended to make sure that we do the right things, in the right way, for the right people, in a timely, open and accountable manner. These arrangements consist of all the systems, processes, culture and values which direct and control the way in which we work and through which we account to, engage with and lead our communities.

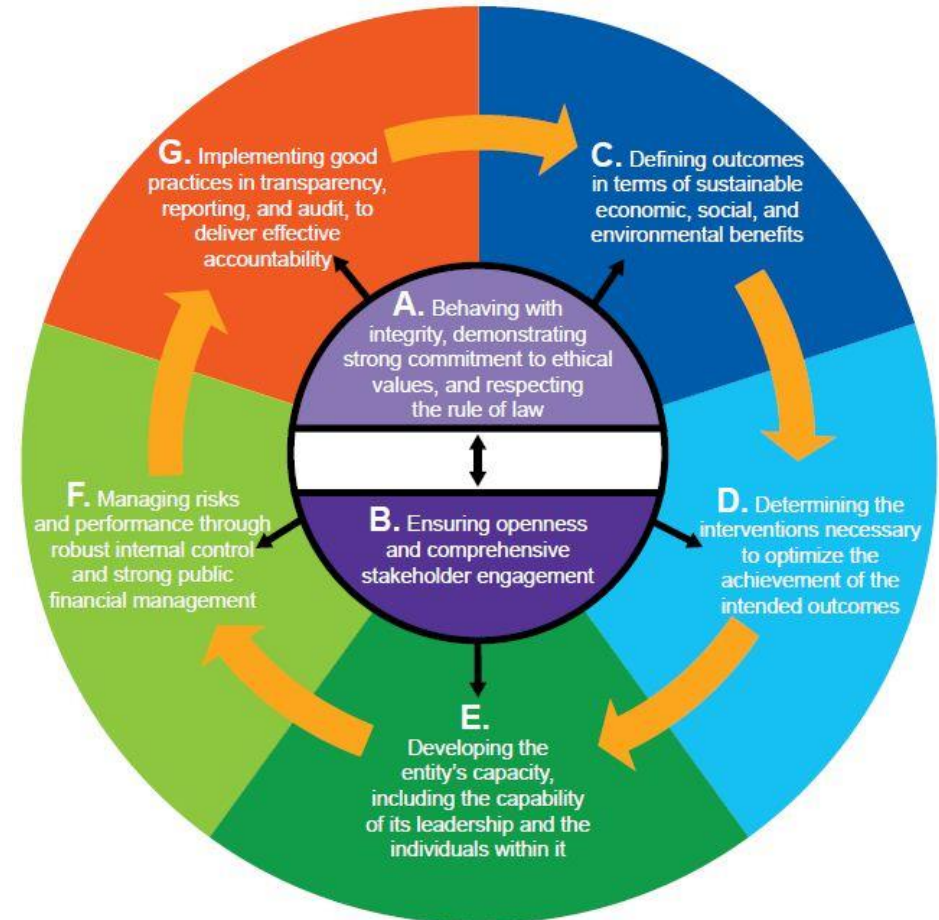
We have approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework *Delivering Good Governance in Local Government (2016)*. Further information is on our website:  
<http://www.warwickshire.gov.uk/corporategovernance>

This statement explains how the Council has complied with its Code of Corporate Governance and also meets the requirements of the Accounts and Audit Regulations 2015. **It also covers the governance control and risk management arrangements of the Warwickshire Local Government Pension Scheme and Firefighters' Pension Scheme.**

## 2. The aim of the governance framework

The framework allows us to monitor how we are achieving our strategic aims and ambitions, and to consider whether they have helped us deliver appropriate services that demonstrate value for money.

The system of internal control is an important part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failing to achieve our policies, aims and objectives, so it can only



offer reasonable assurance and not absolute assurance of effectiveness.

**Figure 1 CIPFA's Principles of Good Governance**

The system of internal control is based on continuing processes designed to:

- identify and prioritise the risks that could prevent us from achieving our policies, aims and objectives;
- assess how likely it is that the identified risks will happen, and what will be the result if they did; and
- manage the risks efficiently, effectively and economically.

The governance framework has been in place at the Council for the year ended 31 March 2018 and up to the date of approval of the Annual Governance Statement and Statement of Accounts.

### 3 The Governance framework

Our code is aligned to the CIPFA/SOLACE Framework Delivering Good Governance in Local Government (2016). A description of the arrangements which we have put in place to secure robust corporate governance are summarised below. The full detail of these arrangements can be found in the Code of Corporate Governance.

#### Core Principle A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

As part of our governance framework we apply six key behaviours which provide a clear framework on the behaviours we should be demonstrating on a day to day basis to support the cultural change and transformation of the organisation. The behaviours are integral to 1:1s and appraisal conversations as well as key to the way we recruit and develop our colleagues. <http://www.warwickshire.gov.uk/ourbehaviours>

We have arrangements in place to provide assurance that our behaviours are being upheld and that members and officers demonstrate high standards of conduct. These include:

- codes of conduct for officers and members (including gifts and hospitality, registering interests, anti-fraud and whistleblowing); and

## Our Behaviours



Figure 2 Warwickshire's Six Key Behaviours

- inclusion of ethical values in policies and procedures for all areas including procurement and partnership working.

<http://www.warwickshire.gov.uk/conduct>

Complaints and compliments help us improve the services we provide to all customers. We have a corporate complaints and feedback procedure to ensure that all complaints are investigated properly and are responded to as quickly as possible.

<http://www.warwickshire.gov.uk/complaints>

We appreciate the diversity of our customers, workforce and the wider Warwickshire community and are committed to Equality and Diversity. This is integral to everything we do including policy development, service delivery and partnership working to ensure we meet the Public Sector Duty as set out in the Equality Act 2010 and that we do not unlawfully discriminate with services we deliver or

commission <http://www.warwickshire.gov.uk/equality>

Our Constitution sets out the conditions to ensure that all officers, key post holders and Members are able to fulfil their responsibilities in accordance with legislative requirements so that we are efficient, transparent, accountable to our citizens and compliant with the law. Roles and responsibilities for individual Members, the Council, Cabinet and senior officers, along with the delegation of statutory powers and executive functions, and protocols on member / officer relations are documented. <http://www.warwickshire.gov.uk/constitution>

### **Core Principle B. Ensuring openness and comprehensive stakeholder engagement**

We have a Consultation and Engagement Framework in place, owned by a lead officer, which provides staff with up to date guidance and tools for planning and conducting consultation activities.

As part of our approach to consultation the Ask Warwickshire website is a portal for consultation exercises taking place within Warwickshire. We use a variety of methods to undertake consultation.

[www.warwickshire.gov.uk/ask](http://www.warwickshire.gov.uk/ask)

We value the contribution from our employees and have an Employee Engagement Strategy in place which sets out how we ensure employees have a voice, managers and leaders are focusing, coaching and developing their people and there is clear communication about where our authority is going. This is supported by bi-annual staff surveys and pulse surveys which measure employee engagement and our direction of travel against a number of staff related measures.

<https://www.warwickshire.gov.uk/employeeengagement>

We actively contribute to and collaborate with partners to promote good governance and achieve the delivery of outcomes through increased joint working and economies of scale. We are members of a number of sub-regional partnerships and groups which have member and / or officer representation. Each partnership has its own governance arrangements in place. <http://www.warwickshire.gov.uk/partnerships>

We are registered as a data controller under the Data Protection Act as we collect and process personal information. We have a named Data Protection officer and have procedures in place that explain how we use and share information and arrangements for members of the public to access information. We have also adopted the model publication scheme produced by the Information Commissioner's Office (ICO), in accordance with the Freedom of Information Act 2000.

<http://www.warwickshire.gov.uk/lists-data-and-information>

### **Core Principle C. Defining outcomes in terms of sustainable economic, social, and environmental benefits**

A Corporate Plan and Medium Term Financial Plan covering the period 2017 – 2020 has been approved in response to the Local Government Finance Settlement and the longer term implications for the authority.

The One Organisational Plan (OOP 2020), approved at Full Council on 2<sup>nd</sup> February 2017, focuses on the redesign of the organisation and the role of local government and public services going forward. It sets out our vision for Warwickshire and the journey the authority will take to deliver this vision and outcomes over the life of the plan.

<http://oop.warwickshire.gov.uk/>

Our core purpose: **'We want to make Warwickshire the best it can be'**

This is supported by two outcomes which will form the focus of our work moving forward:



**Warwickshire's Communities and Individuals are supported to be safe, healthy and independent**



**Warwickshire's economy is vibrant and supported by the right jobs, training, skills and infrastructure**

Figure 3 WCC's Core Purpose and Key Outcomes (OOP-2020)

The development of OOP-2020 was informed by an extensive programme of public consultation which included press, radio and online advertising to increase public awareness and engagement. Let's Talk Roadshows at venues across the county and a web based budget simulator were used to engage with citizens and seek views on what service priorities are. <http://warwickshire.gov.uk/letstalk>

Our business planning is supported by the Insight Service which provides a comprehensive assessment of a range of indicators and trends in local conditions experienced by the residents and communities of Warwickshire. The results of analysis undertaken by the Insight Service and key messages identified contribute to the evidence base supporting our decision making, policy development, creation of OOP-2020, medium term financial plan and detailed business plans. <http://www.warwickshireobservatory.org>

All Business Units have plans in place which correlate with the budget approved by the Council and the key outcomes contained in the One Organisational Plan. Each service plan has Key Performance Indicators which are monitored and included in quarterly performance reports to

Service Management Teams, Overview and Scrutiny committees and Cabinet.

### **Core Principle D. Determining the interventions necessary to optimise the achievement of the intended outcomes**

The One Organisational Plan and the Council's Medium Term Financial Plan are aligned to ensure a joined up approach to delivering the organisational plan outcomes and agreed savings plans. This provides the necessary framework to deliver change management and transformation and to ensure clear line of sight in the delivery of WCC's Core Purpose and Outcomes at strategic, group and business unit levels so that Members and Officers have a clear picture of how well the Organisation is progressing against the delivery of the outcomes set out in the One Organisational Plan. Our outcomes framework includes the following mechanisms:

- Progress against the One Organisational Plan and the delivery of savings is reported to Overview & Scrutiny and Cabinet on a quarterly basis. This information is also available electronically via a Member Dashboard.
- A management information dashboard is in place which provides HR, finance and performance data to Strategic Directors, Heads of Service and third tier managers for their areas of responsibility. This enables managers to interrogate information quickly and efficiently, making key indicators easier to monitor.
- Arrangements are in place to report critical management information on the key aspects of the delivery of the OOP 2020 including finance, projects and performance to Corporate Board on a monthly basis.
- Each Group has arrangements in place for reporting performance to its Group Leadership Team (GLT).
- The Project Hub, an on-line system for monitoring and reporting progress with projects and programmes has been rolled out which improves the delivery and performance of projects and programmes delivered across the Council against corporate objectives.



## **Core Principle E. Developing the entity's capacity, including the capability of its leadership and the individuals within it**

Our Workforce Strategy 2014-18 outlines the current needs of our workforce, setting out aspirations for our workforce and how we will lead, support and develop the people within our business. The Strategy sets the overarching principles which are embedded in detailed Workforce Plans developed at Group and business unit level. This ensures that we have a fit for purpose workforce and that staff resources are deployed most effectively in the delivery of the aims and ambitions as set out in the One Organisational Plan. The strategy is currently being refreshed and a new People Plan is being developed to ensure our workforce meets the needs of the organisation beyond 2018.

To enable our employees to be the best they can be we have a corporate process for annual appraisals, supported by regular 1:1 conversations. This provides the necessary clarity on expectations and behaviour, direction, support and opportunities for growth and development and allows employees and managers to have constructive discussions on performance, progress against outcomes, wellbeing and development. Since April 2017 our corporate appraisal process has been aligned to the Behaviours Framework.

<http://www.warwickshire.gov.uk/gatewaytolearning>

Our Senior Leadership Forums and planned events and workshops aim to share our Transformation plans more widely and build the skills and capabilities needed to successfully deliver those plans.

At the beginning of their term of office, all elected members undertake an induction programme which includes corporate governance training. A member development programme is agreed each year to ensure core development needs of members aligned to their respective roles are met and to take account of new and emerging issues.

## **Core Principle F. Managing risks and performance through robust internal control and strong public financial management**

The One Organisational Plan provides the necessary framework to deliver change management and transformation and to ensure clear line of sight in the delivery of WCC's Core Purpose and Outcomes. The outcomes framework ensures that Members and Officers have a clear picture of how well the Organisation is progressing against the outcomes set out in the Plan as well as the key business outcomes that support and underpin it. These processes are continuing for the delivery of OOP-2020.

We have started work on reviewing how we will operate beyond 2020 to ensure we have strong arrangements in place to deliver future strategic plans and savings, as the authority's financial envelope continues to be constrained and demand for services increases.

Risk management is an integral part of good management and corporate governance and is therefore at the heart of what we do. It is essential to our ability to deliver public services and as a custodian of public funds. Our approach to managing risk is explained in the Risk Management Strategy. <http://www.warwickshire.gov.uk/riskmanagementstrategy>.

Financial Regulations set out our financial management framework for ensuring we make the best use of the money we have available to spend. They outline the financial roles and responsibilities for staff and Members and provide a framework for financial decision-making. Where there are specific statutory powers and duties the Financial Regulations seek to ensure these are complied with, as well as reflecting best professional practice and decision-making.

<https://www.warwickshire.gov.uk/standingorders>

We have adopted the CIPFA Code of Practice for Managing the Risk of fraud and corruption and this has been reflected in our updated anti-fraud policy. <http://www.warwickshire.gov.uk/antifraud>

## **Core Principle G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

We endeavour to always be open and transparent. We have a forward plan which provides information about all of the decisions that the Council has scheduled. Formal agendas, reports and minutes for all committee meetings are published on our website which ensures that people know what decisions the Council is planning to take, and the decisions taken. <http://www.warwickshire.gov.uk/democracy>

Overview and Scrutiny Committees act as a critical friend and hold Cabinet to account for its decisions. The terms of reference for all O&S Committees are defined in the Constitution.

<http://www.warwickshire.gov.uk/scrutiny>

The Audit and Standards Committee has oversight of internal and external audit matters, the council's arrangements for corporate governance and risk management and any other arrangements for the maintenance of probity.

Each year we publish information on our website outlining how we spend Council Tax income.

<http://www.warwickshire.gov.uk/counciltaxspending>

Arrangements are in place to ensure that we fully comply with the requirements of the Public Sector Internal Audit Standards and CIPFA Statement on the Role of the Head of Internal Audit. The Internal Audit and Insurance Manager is designated as the Head of Internal Audit and has regular formal meetings with the Joint Managing Director (Resources), Head of Finance and Head of Law and Governance and does not take any part in any audit of risk management or insurance. Following last year's self-assessment against the Public Sector Internal Audit Standards (PSIAS), an External Quality Assessment of the Internal Audit shared service was completed in February 2018 resulting in positive feedback on the quality of internal audit provided to its clients. <http://www.warwickshire.gov.uk/audit>

## **4. Review of effectiveness**

We have responsibility for conducting, at least annually, a review of the effectiveness of our governance framework including the system of internal control. The review of effectiveness is informed by the work of managers within the Authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by external auditors and other review agencies and inspectorates.

The review of effectiveness was co-ordinated by an evaluation panel consisting of representatives from each group, Internal Audit and chaired by the Internal Audit and Insurance Manager. In carrying out their review, the evaluation panel:

- considered the approach of the Authority to establishing its principal statutory obligations and organisational objectives;
- considered the approach of the Authority to identifying principal risks to the achievement of those obligations and objectives;
- identified the key control frameworks that the Authority has in place to manage its principal risks;
- obtained assurance from managers on the operation of key control frameworks and on the results of relevant external or internal inspection; and
- evaluated the assurances provided and identified gaps.

The evaluation panel took into account the strategic risk register prepared by executive managers and approved by Corporate Board. In addition Heads of Service have confirmed that they have complied with the risk management framework throughout the year. Consideration was also given to the results of reviews carried out by external agencies during the year including the external audit of the accounts. The work of the evaluation panel was scrutinised by the Head of Law and Governance (Monitoring Officer) and the Head of Finance (Section 151 Officer) before being submitted to the Audit and Standards Committee for further scrutiny and reported to Cabinet and Council.

The Authority's governance arrangements have been reviewed and improved throughout 2017/18 in a number of ways including:



- Our Whistleblowing Policy and Counter Fraud, Bribery and Corruption Framework were approved in 2017.
- An audit of pensions' investments including the governance implications of moving to Border to Coast Pension Partnership was included in the 2017/18 internal audit plan and resulted in a substantial opinion.
- Council meetings have been web-streamed and a web based election results system introduced, improving transparency of decision making and public accessibility.
- We have responded to Ofsted's inspection of our Children's Services in May 2017, resulting in an overall grade of "requires improvement", with a 12 point action plan owned at senior management level.
- We implemented a new Adult Case File Audit Tool in People Group in July 2017.
- We continued to consult with staff, service users and stakeholders on our Transformation Programme for Adult and Children's Services.
- A new customer centred Quality Assurance Framework for our Commissioned Adult and Children's Services called "See, Hear, Act" was launched in November 2017 with a full week of public events and promotional activity in the community and with providers and service users.
- LGA Early Help Peer Review was undertaken in November 2017, resulting in an Early Help Action Plan setting out a number of key activities to clarify Early Help services so that they are agreed and understood by WCC and its partners and ensure that there are appropriate governance arrangements for partnership engagement.
- In April 2017, we took part in and completed a Self-Assessment of Adult Services as part of the annual sector led improvement programme run by ADASS (Association of directors of adult social services in England).
- We completed a Self-Assessment of Mental Health Services commissioned by West Midlands Regional ADASS Group during the summer of 2017.

The results of Internal Audit work were reported to the Audit and Standards Committee throughout the year and the individual reviews feed into the overall Internal Audit Annual Report. The Committee has also considered in greater detail areas where limited assurance opinions have been provided including Contract Management and Pre-

Employment checks and the wider implications of a fraud case in respect of Direct Payment controls. This report concludes that the Authority's control environment provides substantial assurance that the significant risks facing the Authority are addressed. The internal audit findings, including those with a limited assurance opinion, were duly considered in the preparation of this statement.

## 5. Governance issues

We have not experienced any significant governance failures during the last year and our arrangements continue to be regarded as fit for purpose in accordance with the governance framework. However, the matters listed below have been identified as major challenges for the Authority. These governance challenges are reflected in the organisation's strategic risk register and have accompanying actions. The risk register highlights the actions taken and successes achieved in addressing the challenges of the past twelve months. A prime purpose of the governance framework is to minimise the occurrence of strategic risks and to ensure that any such risks arising are highlighted so that appropriate mitigating action can be taken. We are satisfied that the challenges identified are addressed by corporate business plans and that the actions identified in those plans will address the issues highlighted in our review of effectiveness. The following paragraphs summarise the risks contained in the strategic risk register.

### **Government policies, new legislation, austerity measures and demographic pressures present challenges on service delivery.**

The outlook for Local Government remains demanding with a number of central government policies combined with the national economic situation presenting significant challenges to us. Statements from the Treasury continue to reiterate that the period of austerity for public services will continue for some years and we need to maintain a watching brief of government statements to identify potential policies which may have a significant impact for local government. Planned changes to arrangements for the retention of business rates are also an area of risk for us as it increases uncertainty about future funding. There

continues to be a large amount of uncertainty arising from the United Kingdom's withdrawal from the European Union. We do not yet have a full understanding of how this will impact on changes to laws, budgets, grants and the devolution agenda.

We have produced a new One Organisational Plan for the period 2017-2020 which identifies savings of £67m during this period. These financial pressures mean that the organisation faces a significant challenge to meet its aims and objectives. The savings and transformation plans that are in place are challenging and will result in a significant impact on services that we provide to the public. The major focus for us in the coming year is to:

- As part of the transformation programme, continue to provide clarity about our priorities based on an analysis of need and budget plans.
- Ensure the effective use of all funds allocated to the Council's Transformation Programme to support delivery of OOP-2020 and help manage the impact of changes to services that we provide to the public and the effect this may have on partners, other authorities and the voluntary sector.
- Continue to monitor the implementation of savings and project plans and ensure that revenue and capital budgets are managed in a clear and prudent manner.
- Continue to ensure that good governance, sound project and partnership management and standards of control are in place and adhered to during the transformation process to ensure that risks are managed and we achieve the best outcomes.
- Participate in national and sub-regional working groups to support and influence the development of the Business Rates Retention system.
- As administrator of the Warwickshire Pension Fund, continue to work with Border to Coast Pension Partnership on the implementation of the revised asset pooling requirements.
- Continue to explore and engage in the debate around the implication of national policy direction on local public service delivery and what it may mean for Warwickshire.
- Work with our key partners to engage pro-actively with the UK Government as discussions surrounding Brexit continue.

## **Continuing pressure on Adult Social Services and Health.**

There continues to be a number of pressures that have a fundamental impact on the funding and provision of adult social care services in Warwickshire. Inflation and demographic pressures, combined with the impact of the national living wage, means that demand and costs for providing adult social care continue to rise. In addition market pressures on providers increases the risk that they either leave the market or that services provided fail to meet minimum statutory requirements.

We have taken action to address pressures and increasing demand on adult social care services by utilising, for the 2<sup>nd</sup> year, the 2% Adult Social Care Levy as part of our budget setting. We have also been allocated over £17 million extra for adult social care over 3 years - £8.3m in 2017/18, £6.3m in 2018/19 and £3.1m in 2019/20.

During the next year we will continue to shape and commission our services and will have a focus on the following:

- Stronger integration with our health partners and strengthening the role of the Community and Voluntary sector.
- Shaping the provision and quality of commissioned services for our most vulnerable looked after children and young people.
- Progressing the review and transformation of the "customer journey" for children and adult services with customers and carers at its heart.
- Further evolve our approach to commissioning and delivering high quality services with providers ensuring that we minimise the risk of market failures.

## **Safeguarding Children and Vulnerable Adults in our community - inability to take action to avoid abuse, injury or death.**

In light of high profile safeguarding cases at a national level, we cannot be complacent about protecting children and vulnerable adults from harm.

Responding to ever increasing levels of referrals against the backdrop of financial austerity requires careful judgements to be made both in terms of managing our exposure to risk and the associated increase in costs.

Following the Ofsted Inspection of Children's Services and the Peer Review in 2017 we have an Action Plan in place which will drive forward required improvements in 2018.

We now have an established Multi-Agency Safeguarding Hub (MASH) in partnership with Warwickshire Police, NHS and other key partner agencies. This allows us to work more closely with our partners to provide a more co-ordinated and consistent response to safeguarding concerns about children, young people and adults.

The Warwickshire Safeguarding Adults Board (WSAB) has implemented a programme of regular multi-agency audits.

We continue to develop our safeguarding arrangements and over the next year will maintain a recruitment and retention campaign to increase our Social Work resources. In doing so, we will reduce caseloads, work more effectively with families in the community and reduce the number of looked after children.

### **Failure to maintain the security of personal or protected data and protect our systems from disruption as result of cybercrime.**

Information security is a key issue for all public sector organisations in the light of well publicised data losses and cyber security incidents affecting many public bodies. A robust process for investigating incidents is in place and we continue to protect our systems and data of our staff and customers. We ensure that data is stored securely, legally and in accordance with Council policy. We have reviewed our information security guidance as a method of increasing overall awareness, and signposting staff to our array of more detailed advice and guidance in this arena. To improve awareness, and ensure that all members of staff understand their information security responsibilities, we require staff to undertake e-learning and formally accept their

responsibilities. We have continued to review and improve our information governance processes across the Council and have introduced routine compliance reporting to Corporate Board. We are delivering a corporate cross cutting project to prepare all business areas and third parties for compliance with the General Data Protection Regulation (GDPR) ahead of its introduction in May 2018. Along with all other organisations we have seen an increase in the number of attacks on Warwickshire websites and systems arising from hacking, denial of service, ransomware and phishing. In response, we continue to review and develop our network and information security arrangements and invest in those resources.

### **The ability to secure economic growth in Warwickshire.**

We are a member of The Coventry and Warwickshire Local Enterprise Partnership (CWLEP) which is a key driver for creating a successful, thriving economy within Coventry and Warwickshire. CWLEP has secured funding from the Government's Local Growth Fund for a number of projects and we will continue to undertake work in this area to identify and submit further projects in order to seek future funding and monitor the delivery of existing projects to review the benefits on our local economy. We will continue to:

- Support the CWLEP Growth Hub in assisting SMEs and work to help the Hub become self-financing.
- Contribute to CWLEP sub-group work looking at the impact of Brexit on skills, employment and infrastructure in Coventry and Warwickshire.
- Continue to work with our partners to develop the Skills for Employment programme to improve the employability skills and attributes of young people.
- Apply the National Living Wage and expand our Apprenticeship Scheme, as a leading regional employer.

At a wider, regional level the West Midlands Combined Authority (WMCA) has been established with the challenge to create jobs, enhance skills, develop prosperity and drive economic growth. The

Council has joined WMCA as a non-constituent member and continues to play a full part in the development of the Authority, actively engaging with regards to transport, planning, housing and economic development.

### **Inability to keep our communities safe from harm.**

There are many challenges on the horizon nationally and locally for the services we provide that keep our communities safe. This particularly includes the Fire and Rescue Service, highways maintenance and corporate arrangements for business continuity, and we recognise that we need to become even more flexible if we are to meet our current and emerging challenges. During the course of the next year we will have a focus on the following areas:

- Develop and deliver an annual action plan as part of the Integrated Risk Management Plan (2017 - 2020) for the Fire & Rescue Service
- Continue to review and test our business continuity and emergency plans.
- Moving forward our collaborative arrangements with West Midlands Fire & Rescue Service.

## **6. Certification**

We propose over the coming year to continue to manage the risks detailed above and further enhance our governance arrangements. We are satisfied that the risks we have identified are addressed by the detailed action plans included in corporate business plans and the corporate risk register, and that the actions identified will address the need for improvements that were highlighted in our review of effectiveness. These are monitored and reported to members and Corporate Board as part of the corporate performance management framework. We will monitor their implementation and operation as part of our next annual review.

.....  
David Carter  
Joint Managing Director  
Head of Paid Service

.....  
Councillor Izzi Seccombe  
Leader of the Council

## **Cabinet**

**24 July 2018**

### **Audit & Standards Committee Annual Report 2017/18**

#### **Recommendation**

That Cabinet approves the Audit and Standards Annual Report 2017/18 before submission to Council.

#### **1.0 Background**

- 1.1 The Audit and Standards Committee has agreed that at the end of each municipal year an annual report is to be produced to highlight the activity undertaken by the Committee during the course of the year.
- 1.2 The Annual Report 2017/18 (Appendix) includes the details of the work undertaken by the Committee during 2017/18 in order to provide assurance that the Council has in place robust systems of internal control and to ensure that high standards of conduct are promoted in the way that the business of the Council is conducted.
- 1.3 Following the County Council elections that took place in May 2017, the Audit and Standards Committee membership during 2017/18 is as follows:
  - John Bridgeman CBE (Independent member and Chair)
  - Bob Meacham OBE (Independent member and Vice-Chair)
  - Councillor Parminder Singh Birdi (Conservative)
  - Councillor Mark Cargill (Conservative)
  - Councillor Andy Crump (Conservative)
  - Councillor Bill Gifford (Liberal Democrat)
  - Councillor John Holland (Labour)
  - Councillor Jill Simpson-Vince (Conservative)

#### **2.0 Timescales associated with the decision and next steps**

- 2.1 After consideration by Cabinet the annual report will be presented to the Audit and Standards Committee on 25 July and Council on 26 July. .

## Background papers

None

	<b>Name</b>	<b>Contact Information</b>
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# Warwickshire County Council Audit & Standards Committee Annual Report 2017-18



This annual report summarises the work undertaken by the Audit and Standards Committee during the financial year 2017/18. It is intended to highlight the role that the Committee plays in promoting good governance across the organisation and to provide assurance that there is a mechanism in place to review the Council's internal controls and systems on an ongoing basis.

# Contents

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**Audit & Standards Committee Background - Page 1**

**Audit & Standards Committee Activity 2017/18 - Page 2**

**Looking Forward - Page 5**



# What does the Committee do?

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The Committee plays a vital role overseeing the Council's governance framework to ensure residents are getting good quality services and value for money. It provides independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the Council's financial reporting and governance processes.

Meetings of the Committee are open to the public. Details of future meetings can be found on the Council's website.

# Who is on the Committee?

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## **The membership during the municipal year 2017/18 was:**

**John Bridgeman CBE** - (Independent member and Chair)

**Bob Meacham OBE** - (Independent member and Vice-Chair)

**Councillor Parminder Singh Birdi** - (Conservative)

**Councillor Mark Cargill** - (Conservative)

**Councillor Andy Crump** - (Conservative)

**Councillor Bill Gifford** - (Liberal Democrat)

**Councillor John Holland** - (Labour)

**Councillor Jill Simpson-Vince** - (Conservative)

The Chair of the Committee would wish to place on record his thanks to all the members, past and present, who have served on the Committee and have contributed to the important work undertaken by the Committee.

The Internal Audit and Insurance Manager, Chief Finance Officer and the Monitoring Officer attend Committee meetings to provide information and ongoing assurance in relation to the Council's internal controls and systems. Representatives from Grant Thornton, the Council's external auditors also attend meetings to report on the Council's financial statements and value for money arrangements.

# What did the Committee do during 2017/18?

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The Committee met four times during 2017/18 to consider a wide variety of reports about different aspects of the Council's governance framework. Overall the Committee has been successful in:

- Maintaining a comprehensive overview of internal control and governance
- Focusing attention on services or areas where there are internal control or performance issues
- Maintaining an overview of the Council's anti-fraud arrangements
- Updating and simplifying the Council's policies on Whistleblowing and Anti-Fraud

The highlights from the various areas of activity over the year are described in the following paragraphs.

## Good Governance

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This annual report summarises the work undertaken by the Audit and Standards Committee during the financial year 2017/18. It is intended to highlight the role that the Committee plays in promoting good governance across the organisation and to provide assurance that there is a mechanism in place to review the Council's internal controls and systems on an ongoing basis.

- ➔ The Internal Audit and Insurance Manager gave his opinion for 2017/18 that the Council's control environment provides substantial assurance and that the significant risks facing the Authority are addressed. This means that overall the Council has robust systems of control and is managing risks effectively.
- ➔ External Auditors gave an unqualified opinion in relation to the Council's accounts and those of the Pension Fund
- ➔ The Committee members were able to draw on their knowledge of how the assurance systems had operated in practice during the course of the year in order to contribute to the 2016/17 Annual Governance Statement, which was subsequently approved by full Council.

➡ The External Auditors confirmed that "the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources". The overall criterion applied is that; "in all significant respects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people". The three sub criteria for assessment to be able to give a conclusion overall are:

- Informed decision making
- Sustainable resource deployment
- Working with partners and other third parties

➡ An independent external quality assessment of the Internal Audit Service was undertaken during the year. The Committee was pleased to be advised that the external assessor considered that the internal service complies with the expectations of the Public Sector Internal Audit Standards and out performs other audit services in local government.

### **Embedding Ethical Standards**

In November 2017 a 'Do the Right Thing' week hosted on the Council's intranet showed that 93% of respondents felt that the Council encourages high standards of conduct. The Committee plays an active and ongoing role in considering a number of probity and standards related policy developments within the Council.

In March 2018, the Committee was asked to consider the consultation on the review of local government ethical standards being undertaken by the Committee of Standards in Public Life. Throughout the ensuing discussions, the Committee highlighted the importance of transparency and upholding the laws of natural justice in order that fair process and protection is available to all parties.

### **Whistleblowing**

The Committee considered an updated Whistleblowing Policy following the introduction of the statutory Duty of Candour which applies to the County Council (as a provider of care services). The revised policy was adopted in June 2017.

### **Countering Fraud and Corruption**

At its September 2017 meeting the Committee commented on an updated Counter Fraud, Bribery and Corruption framework for the Council. The updated policy was approved by Cabinet later in September 2017.

In considering the internal audit progress reports over the course of the year, the Committee confirmed its support for the Council's approach of zero tolerance to fraud.

### **Internal Audit**

Internal audit carries out reviews throughout the year on the effectiveness of the Council's governance and internal control arrangements, including risk management and anti-fraud arrangements. During the year the Committee;

- ➡ approved the Audit Strategy which identified topics to be audited during the year, taking into account the strategic risks facing the Council;
- ➡ received regular Internal Audit Progress reports which enabled the Committee members to have an in depth understanding of the outcomes of the audit work carried out and seek assurance as to the effectiveness of the internal control arrangements. In particular the Committee was able to probe in detail those audits which had resulted in a 'limited' audit opinion;
- ➡ received twice during the year a report summarising the progress being made by the Council on implementing internal audit recommendations. The Committee expressed a particular interest in this area and was pleased to be advised that by the latter part of the year, there had been a significant improvement in the implementation of audit recommendations;
- ➡ approved an updated Audit Charter which sets out the role and responsibilities of internal audit and had been updated to reflect changes in professional standards

### **External Audit**

The Committee considers reports on the work of the external auditors on a regular basis, including their proposed Audit Plan. The Committee also receives the External Auditor's independent audit findings for the year. The external auditors attend all Audit and Standards Committee meetings.

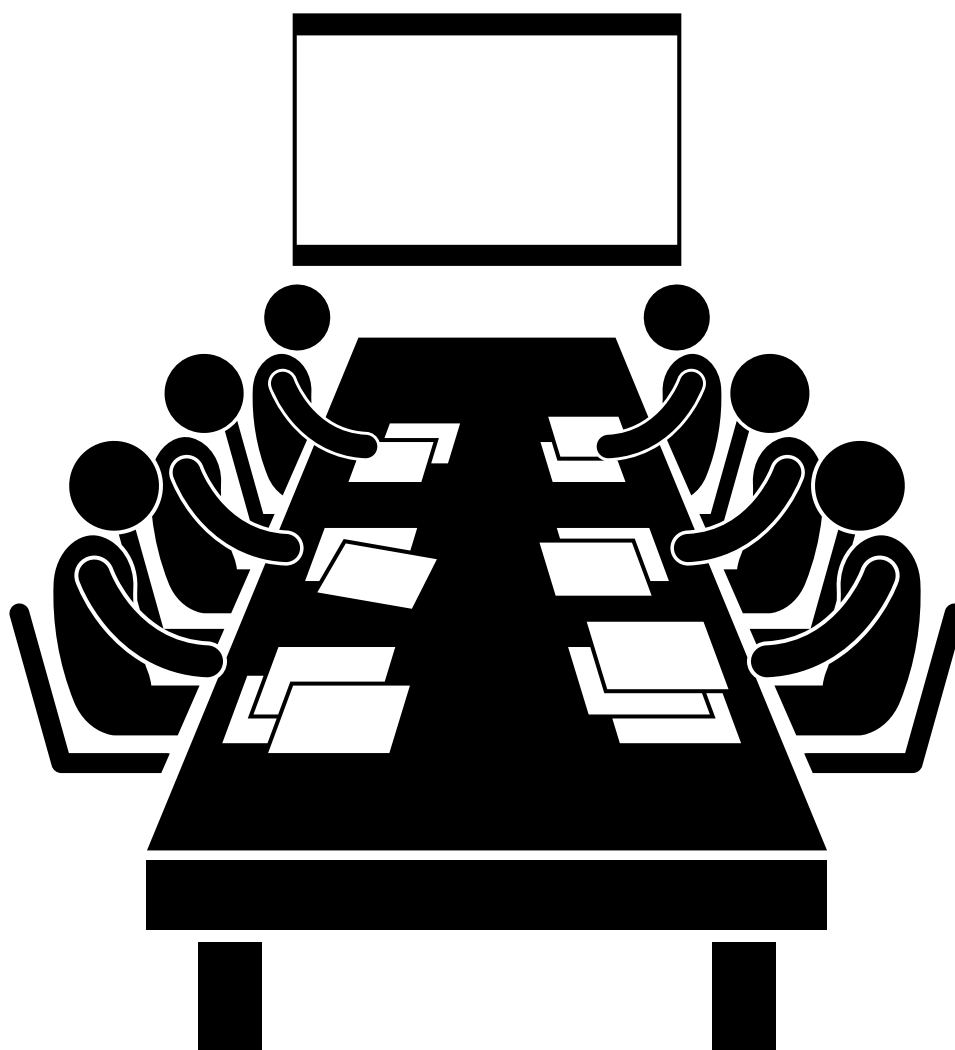
Members also regularly consider emerging national issues and developments which are brought to their attention by the external auditors. This is undertaken primarily to seek assurance that the authority is aware of and considering these issues. Issues brought to the attention of members during 2017/18 included business rate retention and health and social care integration.

# Looking Forward

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The Committee's work programme over the coming year will continue to focus on supporting good governance and strong financial management. The Committee is committed to taking a proactive role in assessing the adequacy of the risk management framework, the internal control environment and the integrity of the Council's systems and processes.

It is hoped that this Annual Report helps to demonstrate to Warwickshire residents and stakeholders the contribution that the Committee makes to the Council's overall governance and provides assurance in relation to the Council's systems of control.



## Cabinet

24 July 2018

### Award of contracts for S278 works in connection with the Link Road to Houlton, Rugby

#### Recommendation

Cabinet approves the award of the following contracts to Galliford Try plc:

- Rugby Radio Station Link Road S278 Works Butlers Leap Junction;
- Rugby Radio Station Link Road S278 Works Hillmorton Lane Junction and The Kent (subject to the approval of Council to the addition of this scheme to the 2018/2019 capital programme).

#### 1.0 Key Issues

- 1.1 On 21 March 2017 Council gave approval to include Section 278 highway improvement schemes associated with the Link Road to Houlton, Rugby, to the 2017/ 2018 capital programme. The estimated cost, including works and fees, was £2.7m.
- 1.2 Three highway improvements were referred to in that report:
  - The alteration to the existing traffic signal controlled junction at Clifton Road / Butlers Leap;
  - New traffic signal controlled junction at Hillmorton Lane / Link Road to Houlton; and
  - New traffic signals at the bridge on The Kent with associated footway improvements.
- 1.3 The S278 works are required as part of the planning consent given by Rugby Borough Council for an urban extension to Rugby (known as Houlton) for up to 6200 dwellings and a mix of retail, commercial, employment and community uses. Planning permission was granted on 21 May 2014 (ref: R11/0699).
- 1.4 Subsequently Warwickshire County Council and the Developer (Urban and Civic, acting on behalf of SUE GP LLP) have progressed on the basis of two packages of work and, consequently, two separate S278 agreements: (1) Clifton Road / Butlers Leap; (2) Hillmorton Lane / Link Road and The Kent.
- 1.5 The Developer requested that Warwickshire County Council enter into contracts with Galliford Try plc (who are on the appropriate lot of the Framework) for the works so that the same contractor could be used for both the S278 and S38 (link road construction) works, giving them value for money and eliminating the risks of interfacing between different contractors on this high value and high profile scheme. An Exemption to the guiding principle in

Contract Standing Orders of contracts being let through a competitive process was approved on 27 July 2017.

- 1.6 Galliford Try plc was duly invited to submit their quotations for these two packages of works and they returned their tenders on 06 July 2018. The combined value of the works is approximately £5.6m and the increase is due to a change in the scope of the works since the scheme was added to the capital programme in March 2017.
- 1.7 The approval of Council on 26 July 2018 has been requested to add an additional scheme to the capital programme in respect of the works on Hillmorton Lane and The Kent. The existing (21 March 2017) capital programme entry will be specific to the works at Clifton Road / Butlers Leap only. There is no financial risk to Warwickshire County Council as S278 schemes are fully funded by the Developer's contribution which is ring-fenced for the works specified. For Developer funded schemes, there are no alternative uses for the contribution and it does not affect the overall level of available capital resources.

## 2.0 Proposal

- 2.1 Cabinet is requested to approve the award of the two contracts to Galliford Try plc:
- Rugby Radio Station Link Road S278 Works Butlers Leap Junction;
  - Rugby Radio Station Link Road S278 Works Hillmorton Lane Junction and The Kent – subject to the approval of Council on 26 July 2018 to the addition of this scheme to the 2018/2019 capital programme.
- 2.2 If the recommendation is not approved, the Developer will be unable to meet its planning obligations.

## 3.0 Timescales associated with the decision and next steps

- 3.1 Subject to Cabinet and Council's approvals, the contracts will be awarded to Galliford Try plc at the earliest possible date and works will commence in accordance with the contractor's approved programme.

## Background papers

None

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