

**County Council  
26 July 2018**

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

**Recommendations**

That Council:

- (1) approves the proposed Warwickshire Minerals Plan set out in Appendix 1 for submission to the Secretary of State for independent examination in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”);
- (2) authorises the Joint Managing Director (Communities) to:
  - (a) publish the proposed Plan (with any corrections of typographical errors) in accordance with Regulations 19 and 35 of the 2012 Regulations;
  - (b) determine following the end of the publication period and in consultation with the Portfolio Holder for Transport and Planning and the Joint Managing Director (Resources) whether main modifications should be proposed or any other circumstances require further consideration by Cabinet and Council;
  - (c) provided that no such further consideration is required prepare the materials required for submission to the Secretary of State and submit the Plan to the Secretary of State;
  - (d) take all administrative and other steps which she considers necessary or desirable for the conduct of the Examination in Public and to enable Council to adopt a sound and compliant Plan (including for the avoidance of doubt proposing modifications following consultation with the Portfolio Holder for Transport and Planning and the Joint Managing Director (Resources) that (taken together) do not materially affect the policies set out in the Plan).

## **1. Background**

- 1.1 Warwickshire County Council is the Mineral Planning Authority for Warwickshire and it has a statutory duty to produce the county's Minerals Plan. The Minerals Plan sets out the spatial strategy, allocated sites, the 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 should plan for a steady and adequate supply of minerals including the provision of aggregates (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. Plan Submission Process**

- 2.1 This report seeks approval to submit the proposed Warwickshire Minerals Plan as set out in Appendix 1 to the Secretary of State for Independent examination. This will follow consultation on the pre-submission draft 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 a fall in the most recent 10 year sales average from the Local Aggregates Assessment (LAA) 2017. The total plan requirement of sand and gravel in the plan period has fallen from 8.48 million tonnes to 6.525 mt, which would have been an over provision of 1.955 mt. Consequently, a further consultation of the plan based on the lower plan requirement for sand and gravel is required.
- 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 'Submission' plan document is intended to be the final version of the plan before examination. The statutory process envisages that only changes (here referred to as "main modifications" can be made between the end of Publication Consultation and submission to the Secretary of State. If there are further changes to the plan required, they will be forwarded with the submitted plan for the Inspector at the Public Examination. Full Council is therefore

asked to, firstly, delegate authority to the Joint Managing Director (Communities) to determine following the end of the publication period and in consultation with the Portfolio Holder for Transport and Planning and Joint Managing Director (Resources) whether main modifications should be proposed. Secondly, provided there are no other circumstances that require further consideration by either Cabinet or Council, to prepare the materials required for submission and to submit the Plan to the Secretary of State.

The Plan is being considered by Cabinet on 24 July 2018.

### 3.0 Next Steps

- 3.1 Once the Publication consultation has been completed and a delegated decision made on whether any changes are required to the Plan to make it legally compliant and sound it will be submitted to the Secretary of State. The Secretary of State will then appoint an Inspector to determine by way of independent Examination whether or not the Minerals Plan (and any submitted changes to it) is sound and legally compliant. This Examination is provisionally planned for the end of 2019.
- 3.2 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.

#### 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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