



Summary of Consultation (Updated)

Warwickshire Minerals Plan (Publication Stage 2016)

JULY 2018

*Working for
Warwickshire*

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

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

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

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

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

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

Purpose of the consultation

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

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

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

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

Table 1: Consultations undertaken for the minerals local plan

Structure of this report

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

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

<p>Appendices – Attached separately to this document</p>	<p>n/a</p>	<p><i>Appendix 1: Glossary</i> - this gives a definition of the technical words used in this report</p> <p><i>Appendix 2: The Questionnaire Form</i> - this is a copy of the questionnaire form which was used for the consultation</p>
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Table 2: Report structure in context to the questionnaire

Section 2: Responses received

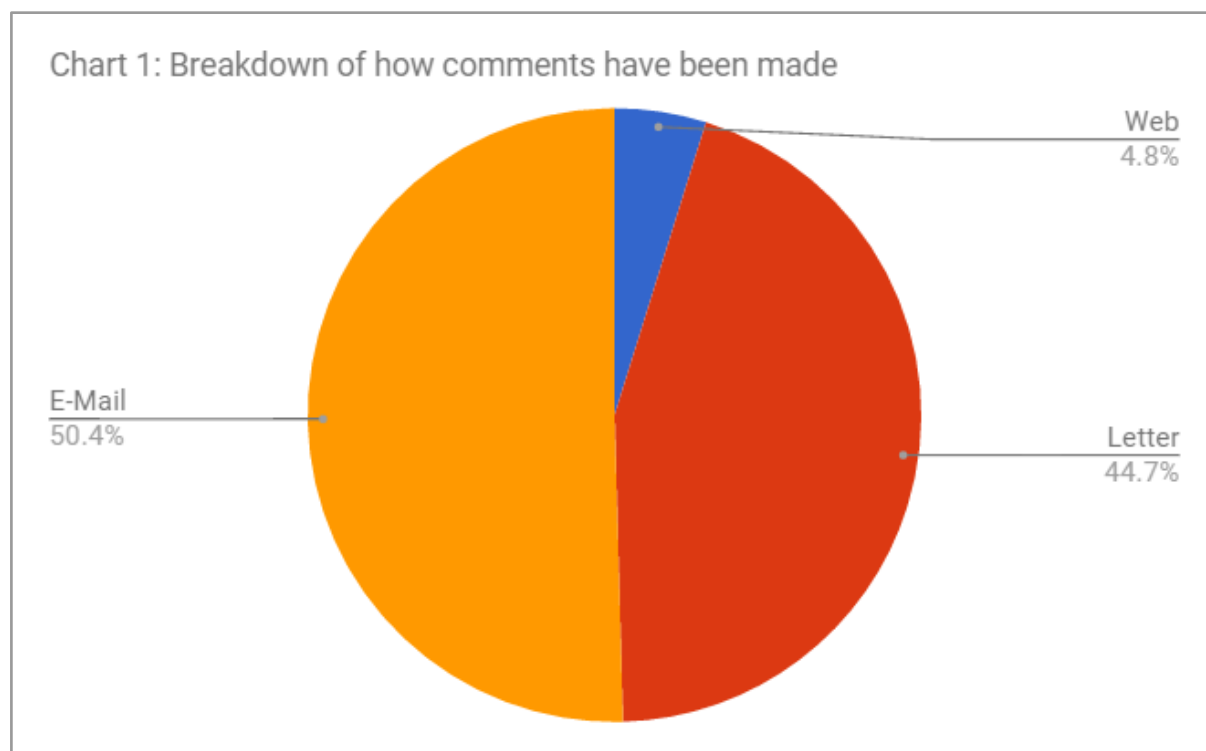
Introduction

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.

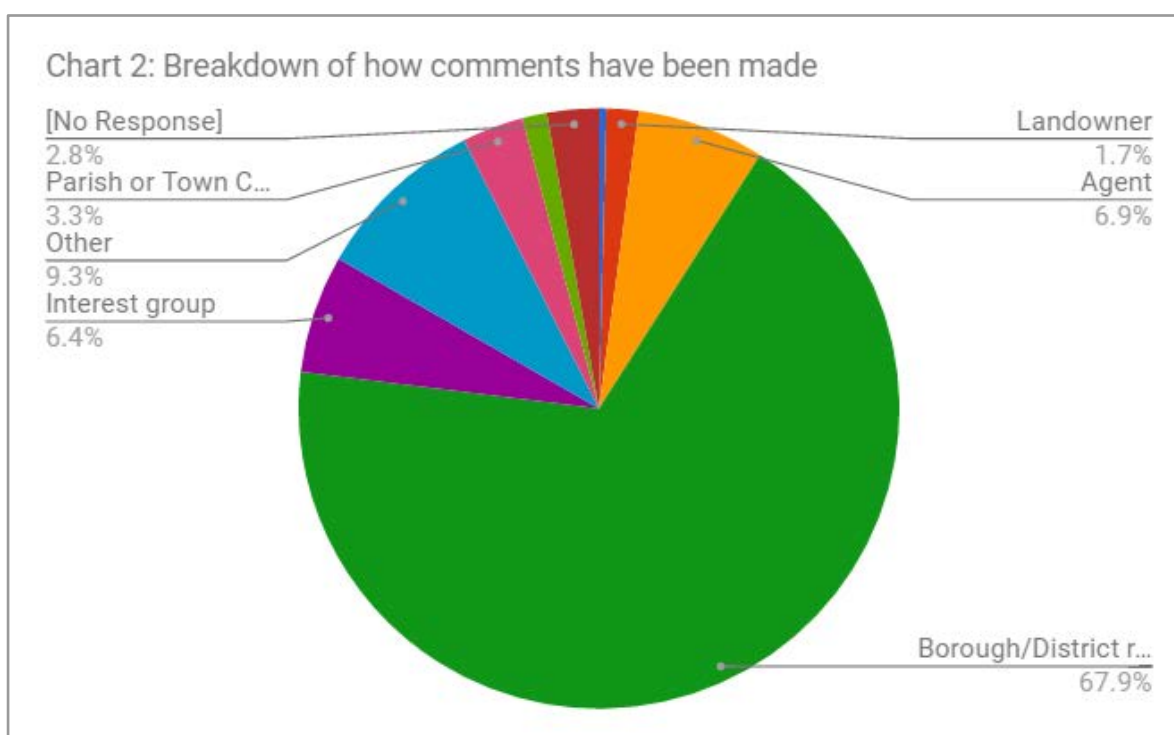
A total of 16 representations have not provided a name and address and there have been 12 late responses. A hard copy of these representations will be made available for the Planning Inspector, should he or she wish to view them at a future Examination in Public (EIP). These representations have not 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

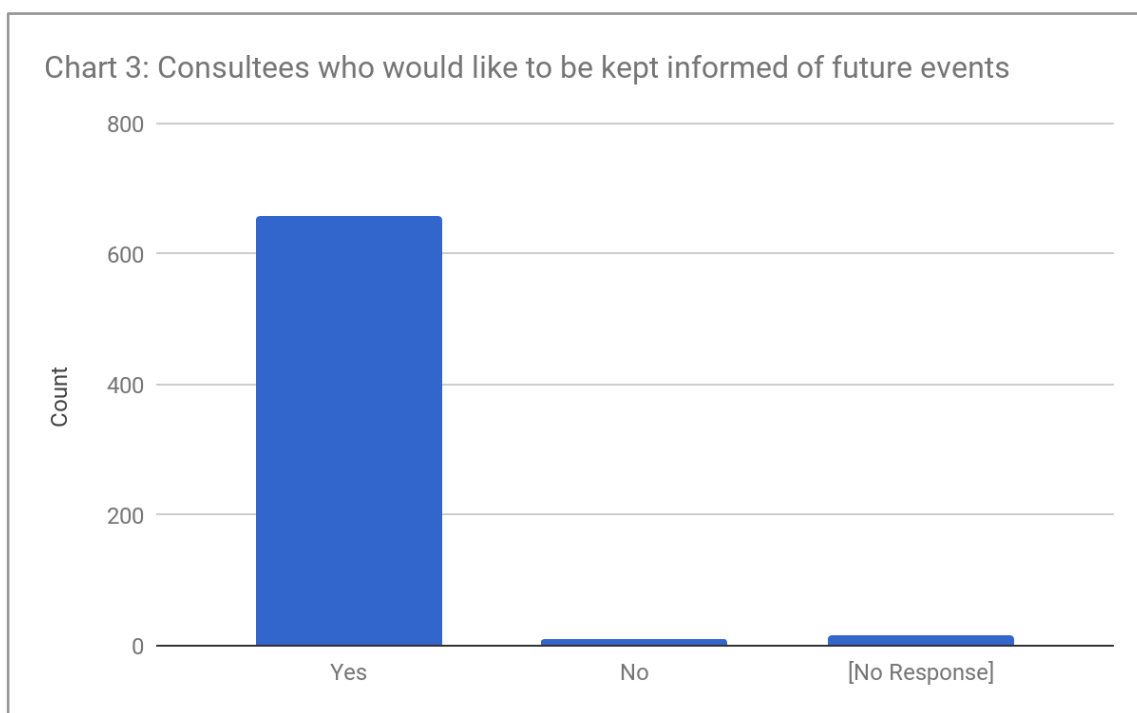
Part A of the questionnaire used for the consultation contained two questions:

- ***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 events¹

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.

¹ 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).

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.

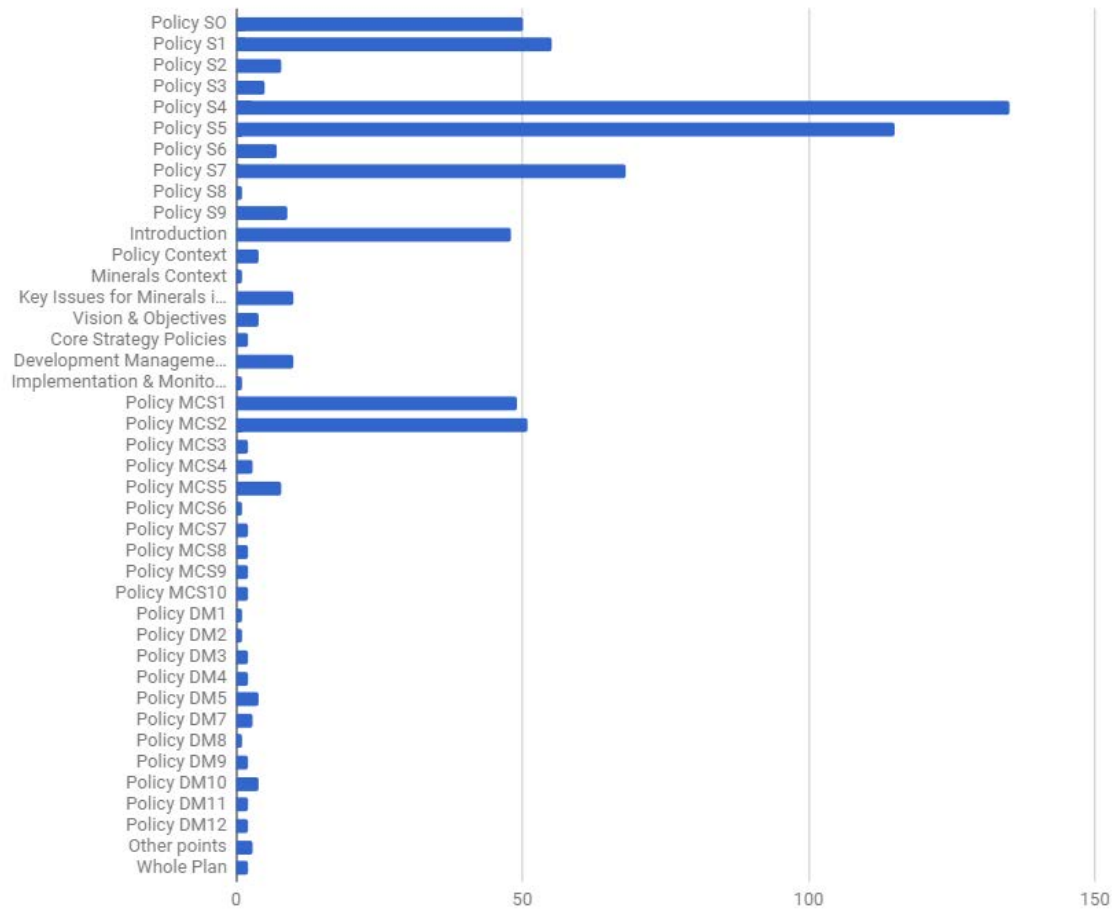
In Section 7 of the plan Policy SO (received 50 comments) provides the overarching policy for the allocation of sand and gravel sites within the County to meet future requirements. As shown in Chart 4, a large number of representations have also been made on the individual site allocation policies. Policy 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)

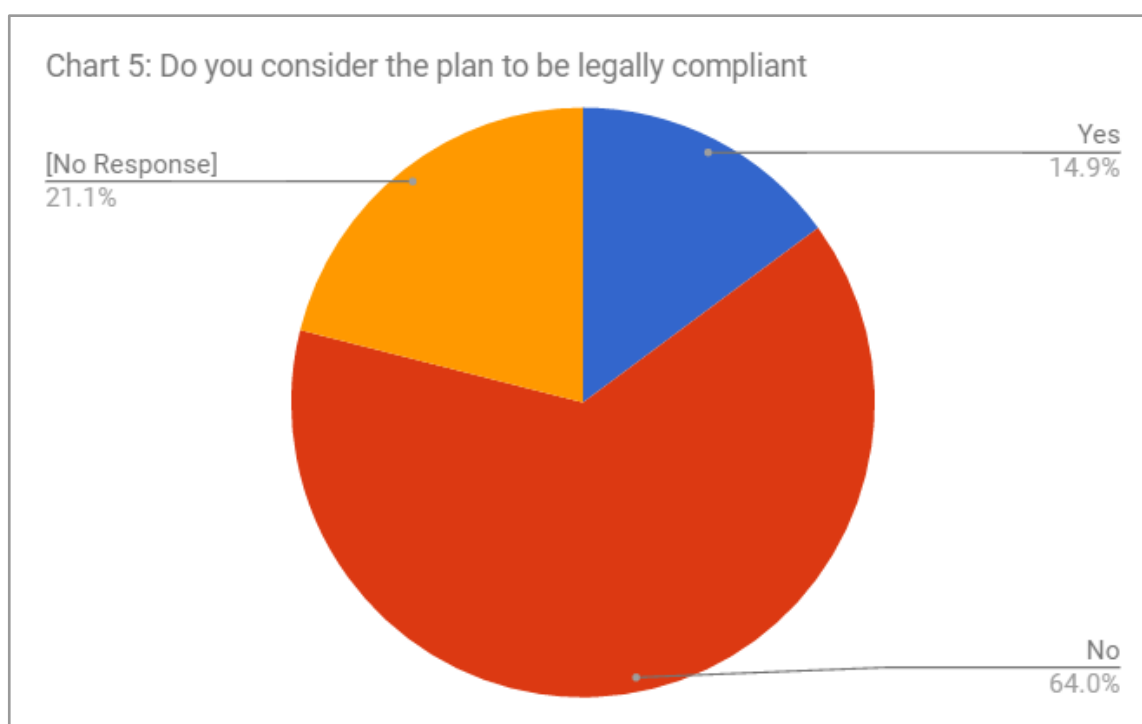
- Policy S2 Allocation at Site 2 Lawford Heath (8 comments)
- Policy S3 Allocation at Sites 3/32 Shawell Quarry (5 comments)
- Policy S4 Allocation at Site 4 Wasperton (135 comments)
- Policy S5 Allocation at Site 5 Glebe Farm, Wasperton (115 comments) Policy S6 Allocation at Site 6 Coney Grey Farm, 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



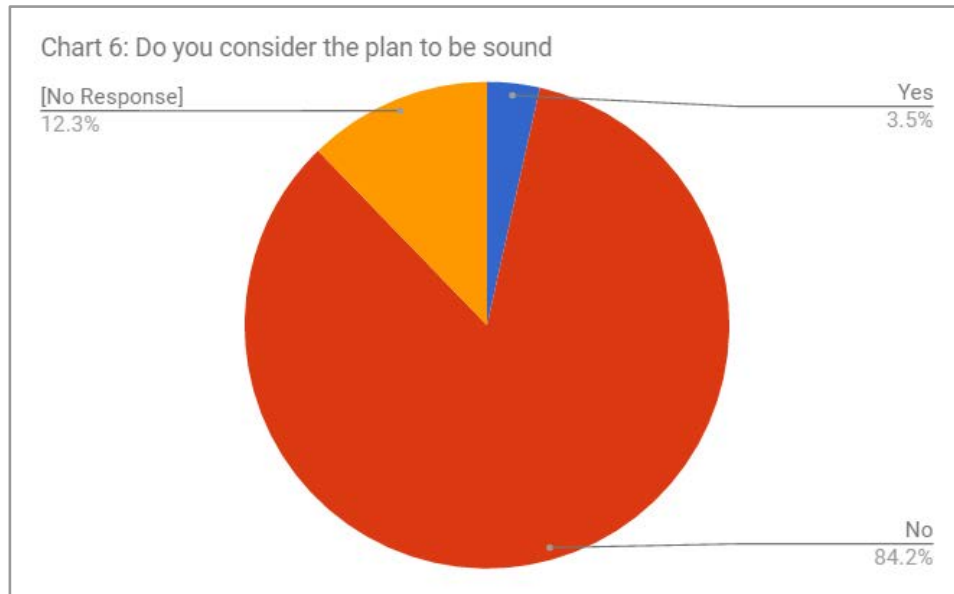
Question 2: Do you consider the Plan to be legally compliant?

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

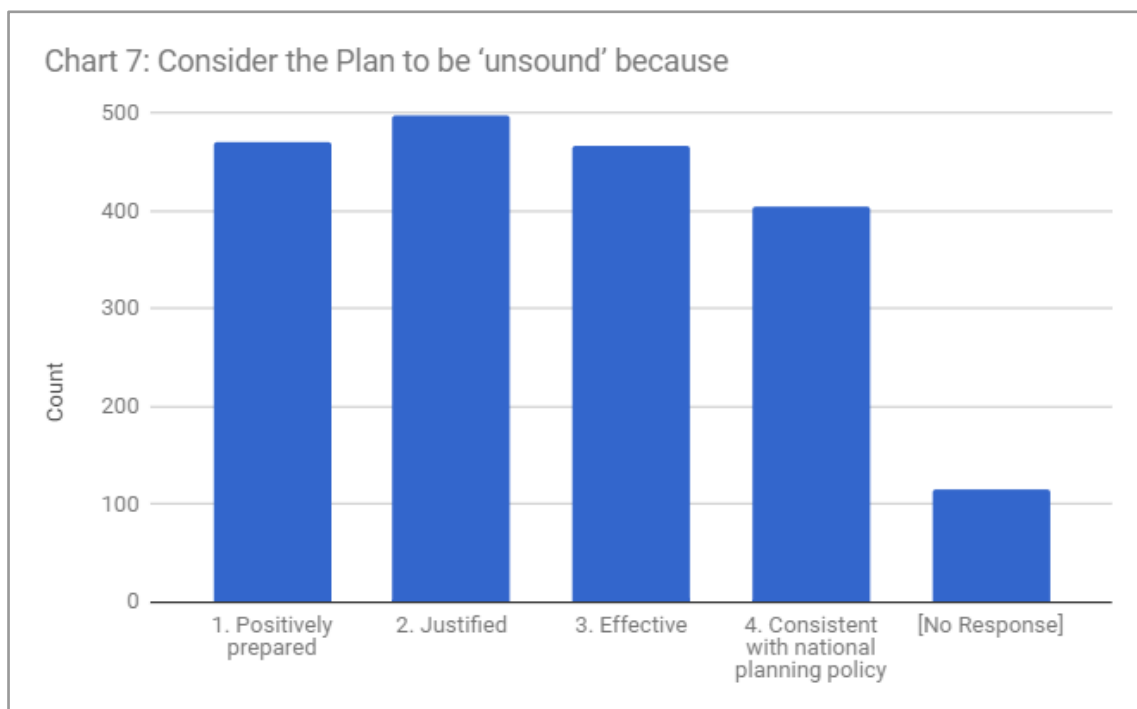
The test of 'soundness' relates to four areas: Positively prepared, Justified, Effective and Consistent with national policy. Consultees were asked if they considered the Plan to be 'sound'. Chart 6 shows the results of those respondents that answered the question, 84.2% felt that the Plan was not sound, 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 8th 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 13th 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 16th 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 21st 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

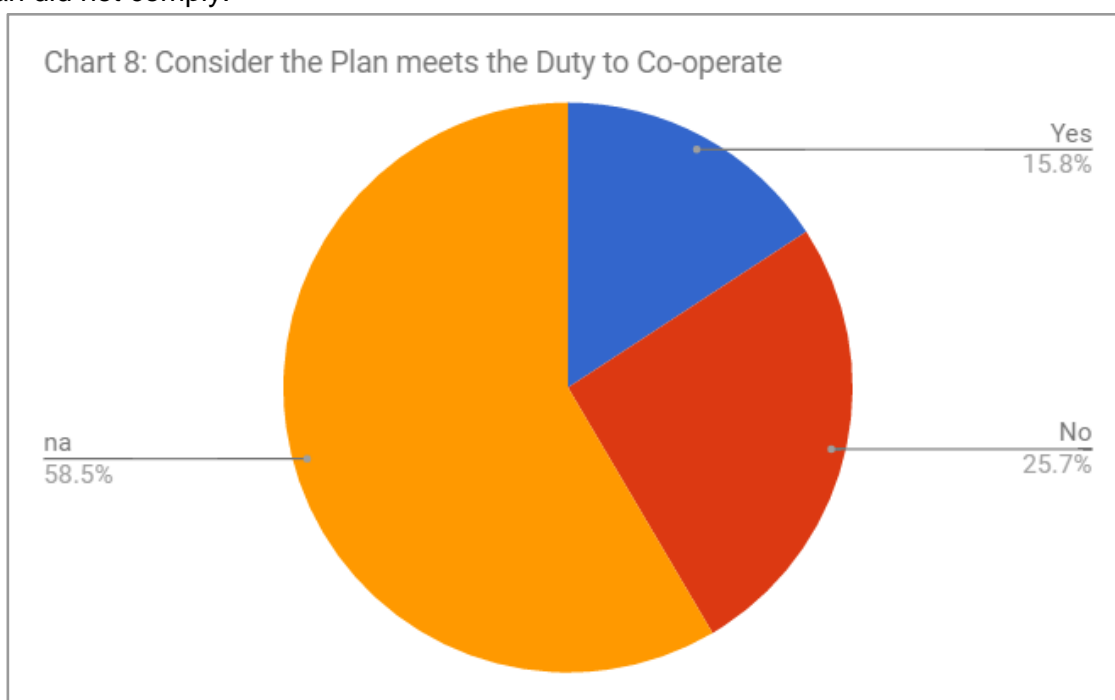
The Duty to Co-operate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Respondents were asked if the Plan complies with the Duty to Co-operate and to provide reasoning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

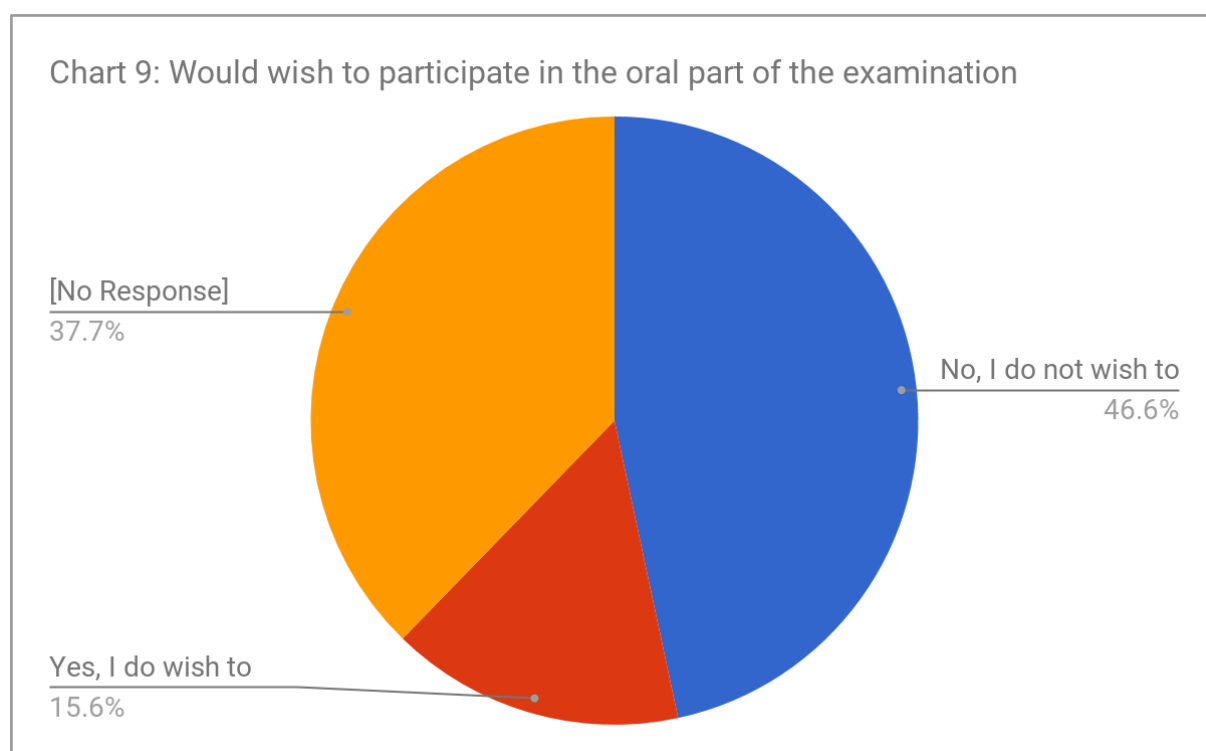
This section reports on those that showed an interest in attending the oral sessions of the examination. It also sets out the reasons as to why respondents have requested attendance:

- *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

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

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

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

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

Appendix 2: The Questionnaire Form

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

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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:

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

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

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

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

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

Please submit a separate comment for each representation.

Paragraph:

Policy number:

Policies map element:

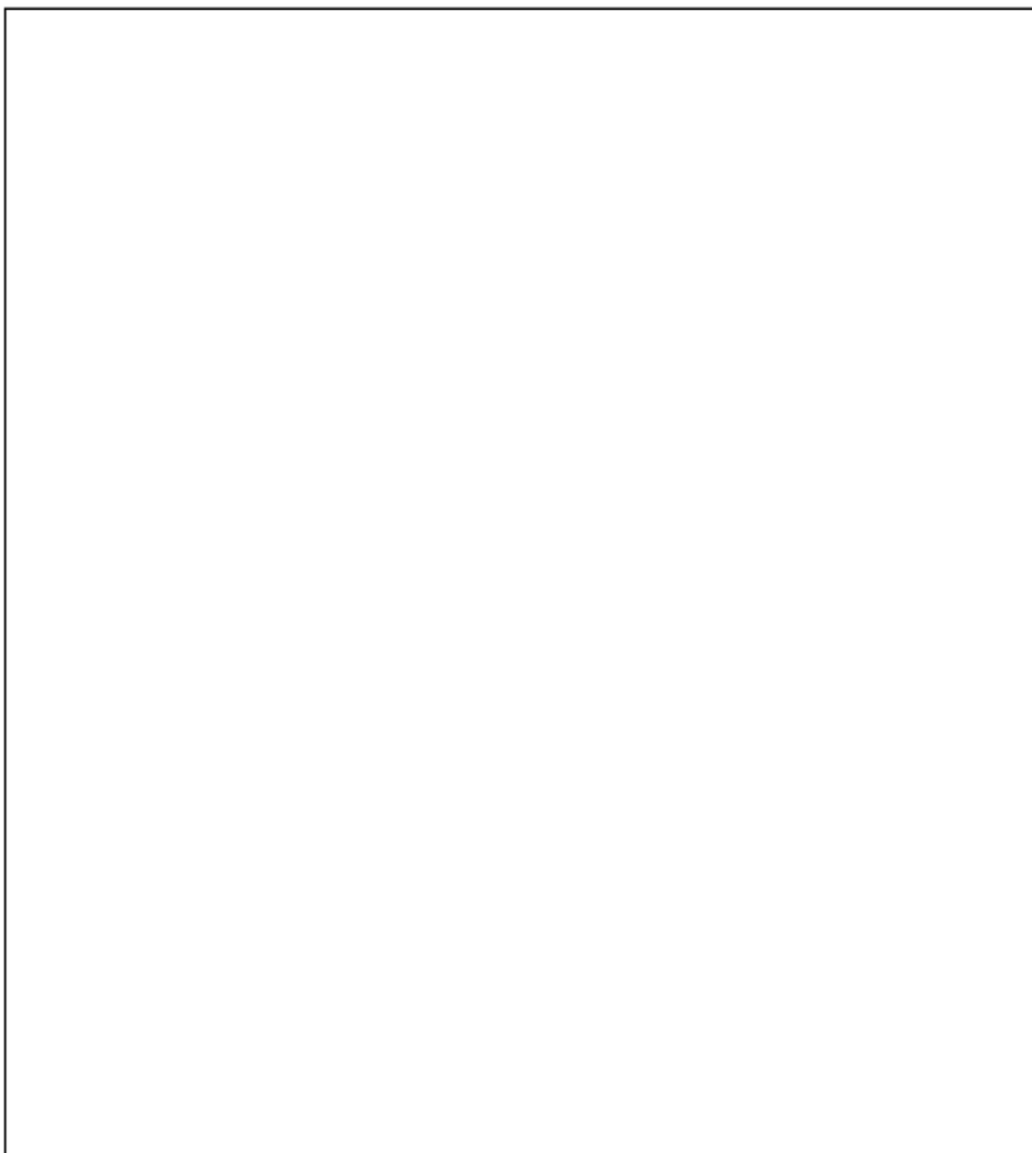
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2. Do you consider the Minerals Local Plan to be legally compliant?*(please select one answer)*Yes No **3. Do you consider the Publication Minerals Local Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 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

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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.

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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.

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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

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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.

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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.

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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.