

Cabinet

14 October 2021

Submission to the EIP Inspector of Proposed Modifications to the submitted Minerals Plan 2018 and Next Steps towards Adoption

Recommendation(s)

That Cabinet:

authorises the Strategic Director for Communities in consultation with the Portfolio Holder for Transport and Planning to:

- (1) propose draft Main Modifications to the submitted Warwickshire Minerals Plan to the Inspector and carry out any necessary public consultation on them;
- (2) take any other steps which he considers necessary or desirable to assist the Inspector to conclude his Examination and to enable Council to adopt a sound and compliant Plan (including making any further decisions as proposed modifications).
- (3) Submit the Proposed Plan (together with any recommended modifications) to Council for a decision on adoption.

1. Key Issues

- 1.1 The Minerals Plan was submitted for Examination in November 2019 following Cabinet and Council approval in July 2018 and a second Publication Consultation. At that stage only minor modifications could be foreseen to be required after the Examination. However, as part of the preparations for the Examination Officers had prepared some proposed changes to the wording of the plan to address issues raised following the publication consultation and to address questions raised by the Inspector prior to the Examination Hearings.
- 1.2 Hearings originally planned for June 2020 were delayed due to Covid-19 restrictions and eventually took place online in October 2020. At the hearings a number of matters were flagged up by the Inspector where the Council was required to consider further changes. The Inspector issued a post hearing note (Appendix 1) in which he requested that the Council carry out additional work before proceeding further and then set out the steps to be taken to consult on any proposed modifications to the submitted plan. It was

recognised that this work could also indicate that further changes could be required over and above those already submitted.

- 1.3 The Inspector's note contained three Matters for Consideration by the Council based on the concerns of participants that the chosen spatial option (Option 3a) has not been sufficiently evidenced, the basis for the calculation of the sand and gravel requirements may be outdated and a perceived lack of rigour in the assessment of some impacts relating to some of the sites. The Inspector believed that the participants concerns may have some degree of merit and therefore the Council needed to decide whether the submitted Plan could be made sound with modifications.
- 1.4 In response Officers and its consultants have carried out further work on the three matters raised. The conclusions were that the chosen spatial option delivering the plan requirements from a range of sites distributed throughout the county is the right one and that draft modifications can be made to support that view. The calculation is right to deliver the expected future growth including the ambitious plans of government to increase the level of housing in the county and elsewhere. Officers felt that the assessments were sound but there was scope to improve the level and depth of information and evidence and to present additional documents.
- 1.5 The post hearing work has taken some time to complete due to the nature and extent of the issues raised, and the need to involve the Council's independent consultants in the preparation of additional documents. In addition, there has been a need to consider the implications of the recently revised National Planning Policy Framework (July 2021) and to prepare a detailed response to the Inspector. This work has now been completed.
- 1.6 The next stage in the examination is for the Council to bring all these changes together and to separate out potential "Main Modifications" (MMs) from "Additional or Minor Modifications" (AMs) and to propose MMs to the Inspector before consulting on them publicly (see Summary details in Appendix 2). MMs are changes which materially affect the policies set out in the submitted Plan whilst AMs do not affect the substance of the policies. The MMs address matters that were identified as issues or changes in circumstances since the Plan was submitted and comments arising from further Sustainability Appraisal and Habitats Regulations Assessments.
- 1.7 The proposed MMs add more detailed policy requirements, in light of the further work requested by the Inspector and to bring the Plan up to date. They will not alter the extent of the 6 site allocations nor change the plan requirement for aggregates, but they will strengthen the policy requirements which seek to mitigate impacts on the environment and communities.
- 1.8 This report has been brought because the delegations given to officers and the Portfolio Holder in July 2018 do not authorise officers to propose modifications which materially affect the policies in the Plan.

- 1.9 The next stage is for the Inspector to check these proposed MMs and supporting documents, before requesting that the Council carry out public consultation on them, on his behalf, without prejudice to his final recommendations. He will then review any consultation responses before finalising his report and recommendations to the Council, confirming whether the Plan is sound and the final schedule of required MMs. This last stage closes his examination of the Plan. As part of his examination of the Plan, the Inspector may ask for further work outside the scope of the previous Council resolution. Therefore, Officers also request authorisation to carry out any further tasks required to advance the examination.
- 1.10 Members will ultimately approve the Inspector's final MMs and the adoption of the Plan at a future Full Council meeting. This report seeks a more extensive delegation than that given in 2018 in order to expedite the process leading to a report to Council and avoid further delays in the process leading to adoption of the Plan.

2 Options and Proposal

- 2.1 The Council has the following options to:
- (a) propose modifications (both main and minor) to the Inspector for subsequent consultation;
 - (b) not to propose main modifications but to rely on minor modifications covered by the 2018 Cabinet and Full Council delegation.
- 2.2 If the Council choose Option (b) then from the discussions held at Examination Hearings the Inspector is unlikely to confirm that the submitted plan is sound and the plan would have to be withdrawn and resubmitted incurring additional financial expenditure and generating lengthy delays and uncertainty for our local communities. The recommendation from Officers is therefore to proceed with Option (a).

3 Financial Implications

- 3.1 The preparation of the proposed modifications and their consideration by the Inspector and the final public consultation are all covered by the Infrastructure and Sustainable Communities existing approved revenue budget for 2021/2022.

4 Environmental Implications

- 4.1 The Council is required to prepare and adopt a Minerals Plan for the county in accordance with legislation and national policy. The Plan includes a strategy for supplying the minerals the county and others need to provide the infrastructure, buildings, energy, and goods required for the next 10-15 years. It also includes a spatial dimension for the distribution of sand and gravel sites

across the county to meet the demand for Planned Growth in the county and elsewhere.

- 4.2 Minerals are a finite resource and can only be worked where they are found but there are adverse impacts arising from working and processing them on people, environment and transport and our climate. The Plan has sought to avoid and /or minimise the environmental implications for the county through the preparation of sustainable strategies supported by robust policies and independent assessments and careful selection of future sites. The Plan includes policies and measures to respond to net zero carbon emissions reflecting the delicate balance between the need for materials from natural resources and the impact on those resources both now and in the future.

5 Timescales associated with the decision and next steps

- 5.1 If Cabinet approves this report, then the consultation could commence in early November and will last for 8 rather than 6 weeks at the request of the Inspector. This is due to the number of modifications and supporting documents such as a revised Sustainability Appraisal and Habitats Regulations Assessment required as part of the consultation.
- 5.2 However, the Inspector will need to check these proposed MMs and supporting documents before requesting that the Council carry out public consultation on them, on his behalf, without prejudice to his final recommendations.
- 5.3 In early 2022 he will then review any consultation responses before finalising his report and recommendations to the Council, confirming whether the Plan is sound and the final schedule of required MMs. This last stage closes his examination of the Plan. Now his report is likely to be available in Spring 2022 when the plan can be put forward for adoption.

Appendices

1. PSD 18 Inspector's Post Hearing Note
2. Summarised Description of the Proposed Modifications

Background Papers

1. Draft Schedule of Proposed Modifications
2. Report and Minutes of Full Council 26th July 2018
2. Submitted Minerals Local Plan 2018

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The report was circulated to the following members prior to publication:

Local Member(s): None

Other members: None