

Examination of the Warwickshire Minerals Plan 2018

Post Hearing Advice – Main Modifications and Related Matters

Introduction

1. During the hearing sessions a number of potential main modifications (MMs) were discussed. Although some of these were provided in draft before the commencement of the hearing sessions (PSD16), there were many potential main modifications that arose during the course of discussions that related to most of the Main Matters discussed throughout the hearing sessions.
2. I understand that the Council has kept a running list of all of these and is currently working on a full draft. This note relates to the potential main modifications, both those contained in the draft schedule and arising in the hearing sessions that were discussed, but not confirmed, in those sessions. It also relates to matters that the Council should carefully consider and to the administrative arrangements relating to all potential main modifications. This is the position that I outlined to the Council in the final hearing session on 21 October 2020.
3. I am not inviting any comments about the contents of this note.

Matters for Consideration

4. During the hearing sessions, and in submitted statements, participants raised concerns that the spatial option chosen for sand and gravel extraction (Option 3a) was not sufficiently evidenced in the plan with regard to the location of sites in relation to future aggregate demand relative to planned growth. Participants also considered that the justification for pursuing Option 3a, as opposed to Option 1, was weak and insufficiently justified in the Plan and in the supporting documents.
5. In addition, concerns were expressed that the basis for the calculation of sand and gravel requirements over the Plan period may be outdated and potentially erroneous. The Plan was also considered to place an unnecessary and unquantified demand requirement for sand and gravel to be supplied to Coventry against a background of a recently adopted Local Plan that did not demonstrate a supply requirement from Warwickshire.
6. Whilst some of the background evidence and assessment methodology relating to the Sustainability Appraisal and the Site Assessment Methodology for allocating sand and gravel sites 2018 (SIAM) were made available prior to the hearing sessions, participants were concerned that there was a perceived lack of rigour in the assessment of some impacts in both documents that subsequently informed the content of the Plan.
7. Without prejudice to my eventual conclusion on the soundness of the Plan, the concerns raised by participants do appear to have some degree of basis. Consequently, the Council should carefully consider whether these concerns,

where appropriate, are capable of being addressed by the use of main modifications to the Submission Plan.

8. Should the outcome of those deliberations suggest that the above concerns are capable of being addressed as main modifications to the Plan then the guidance below is applicable.

Process

9. The Council should now prepare a consolidated schedule of all the potential main modifications, including those in response to the matters above and others identified during the hearing sessions. In doing so, the Council should also consider the need for any other consequential changes that might be required in connection with any potential main modifications.
10. I will need to see the draft schedule and may have comments on it. Although I will make no comment on matters of soundness, I will also need to agree the final version of the schedule before it is made available for public consultation.
11. The schedule should take the form of a numbered list of main modifications with changes shown by means of strikethrough to show deleted text and new text shown in bold or underlined (or both). It should also include a column that briefly explains the reasons for the main modifications to assist consultees. For clarity, it is best to group all the changes to a single policy together as one main modification.
12. Notwithstanding the Council's consideration of the issues identified above, it does appear that there are likely to be a considerable number of potential main modifications. In order to ensure that these can easily be understood and the effect on the content of the Plan demonstrated, the Council may wish to consider whether an amended version of the Submission Plan that contains all of the proposed main modifications should be produced and made available on the examination website.
13. The Council should also ensure that they have met the requirements for sustainability appraisal and Habitats Regulation Assessment (HRA) by producing addenda to the Sustainability Appraisal (SA) and HRA of the Submitted Plan in relation to the potential main modifications, where necessary and as appropriate. I will need to see a draft of any addenda, or confirmation that the proposed main modifications have been assessed and do not necessitate any addition or modification to the existing SA or HRA. The addenda should be published as part of the public consultation.
14. The Council may also wish to prepare a list of proposed additional minor modifications. Any additional minor modifications are a matter solely for the Council. If the Council intends to make any additional minor modifications these should be set out in a separate document from the main modifications. If the Council intends to publicise or consult on any additional minor modifications it should be made clear that such changes are not a matter for the Inspector.

15. Advice on the required consultation on the proposed MMs is provided in Examining Local Plans Procedural Practice (in particular, see paragraphs 5.24 to 5.28). Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan. In addition, it should also be made clear that the main modifications are put forward without prejudice to the Inspectors' final conclusions. The Council will need to consider the most appropriate methodology for the consultation in light of any relevant Government Guidance relating to the Covid-19 pandemic that may be applicable at the time.
16. The Procedural Practice also states that the general expectation is that issues raised on the consultation of the draft MMs will be considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

Consideration of potential main modifications

17. In accordance with the provisions of section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended), the Council has formally confirmed that it wishes the Inspector to recommend any such main modifications that are necessary to make the Plan sound and legally compliant.
18. The views I have expressed in the hearing sessions and in this note on potential main modifications are based on the evidence before me, including the discussion that took place at the hearing sessions. However, my final conclusions on soundness and legal compliance will be provided in the report which I will produce after the consultation on the potential main modifications has been completed.
19. In reaching my conclusions, I will take into account any representations made in response to the consultation. Consequently, any views I expressed during the hearing sessions and in this note about soundness and the potential main modifications which may be necessary to achieve a sound plan could alter following the consultation process.
20. Should the Council consider that the matters identified above are capable of being addressed as main modifications to the Plan, it would be helpful if an indicative time frame could be provided when the draft main modifications are likely to be submitted to me.
21. Should any interested parties require any clarification on the content of this note then this should be made via the Programme Officer.

Stephen Normington
INSPECTOR