

# County Council

19 July 2022

## Adoption of the Warwickshire Minerals Local Plan 2018-2032

### Recommendation

That Council resolve to:

- (1) adopt the Mineral Local Plan 2018- 2032 and its Policies Map, with all the Main Modifications recommended by the Examination Inspector and the Minor Modifications proposed by the Strategic Director for Communities, as a development plan document in accordance with section 23(5) of the Planning and Compulsory Purchase Act 2004; and
- (2) authorise the Strategic Director for Communities to take the steps required by Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and any other steps consequential upon or necessary to give effect to the adoption including making the formatting, cartographical and typographical corrections described in paragraph 5.4 to the final Plan to be placed on deposit).

### 1. Key Issues

- 1.1 The Warwickshire Minerals Plan was submitted for Examination in November 2019 following Cabinet and Council approval in July 2018 after two rounds of Consultation on the Publication Plan, the final one being in May 2019.
- 1.2 The Examination Hearings took place online, in October 2020, following delays to the original June date due to Covid-19 restrictions.
- 1.3 At the hearings, following extensive discussion on all sides, 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 in which he requested that the Council carry out additional work on these specific matters before proceeding further with the proposed Main Modifications (MMs) consultation. This work was completed satisfactorily, and officers moved on to the final stage of the plan; the MMs. Cabinet resolved to approve consultation of the MMs at the Cabinet meeting on 14<sup>th</sup> October 2021. The Consultation ran from the 5<sup>th</sup> November 2021 to 7<sup>th</sup> January 2022.
- 1.4 The MMs are changes which materially affect the substance of the policies within the Plan. The MMs address matters that were identified as issues or changes in circumstances since the Plan was submitted, as well as comments

arising from further updates to the Sustainability Appraisal and Habitats Regulations Assessments. The proposed MMs added more detailed policy requirements, in light of the further work requested by the Inspector and were required to bring the Plan up to date with the latest changes in national policy. The changes did not alter the 6 site allocations for sand and gravel working nor change the total Plan requirement for aggregates, but they focussed on strengthening the policy requirements, which seek to mitigate impacts on the environment and communities.

- 1.5 In addition to the MMs the Council was also required to produce a list of other additional modifications which do not materially affect the Plan policies (“Minor Modifications”). Minor Modifications typically correct typographical errors or clarify and update explanatory text. The Minor Modifications were consulted on as part of the MM Consultation. Consequently, Officers proceeded to collate all the changes to the Plan since the Hearings and to produce a schedule of MMs and another schedule of Minor Modifications which together would form the basis of the Modifications Consultation. The MMs were submitted to the Inspector along with the supporting documents including updates to the Sustainability Appraisal and Habitats Regulations Assessment. The Inspector checked the 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. Consultation on the MMs was subsequently carried out for a period of 8 weeks finishing on 7<sup>th</sup> January.
- 1.6 Following the Modifications Consultation, the Council fed back all the comments received from stakeholders to the Inspector. Having scrutinised the comments, the Inspector requested the Council to respond to further specific questions in light of the comments received.
- 1.7 The Inspector, having reviewed both the public responses and the Council’s further responses, then produced a final draft report of his findings and sent this back to the Council for fact checking. The Council completed the fact check and the Inspector produced his final report in June 2022 which confirms that the Plan is sound, subject to the final agreed Schedule of MMs. This last stage closes his examination of the Plan.

## **2 Options and Proposal**

- 2.1 This is the final stage of the Warwickshire Minerals Plan Examination process. In approving this report Cabinet will recommend that Full Council adopts the Minerals Plan and Policies Map, including all the MMs, together with any Minor Modifications.
- 2.2 The Council, as the Local Planning Authority for Minerals and Waste in Warwickshire, is required to prepare and adopt a Minerals Plan for the county in accordance with legislation and national policy. The new Minerals Plan will replace the 1995 Minerals Local Plan and associated Saved Policies. Once adopted the Plan will form part of the Development Plan for the County, sitting

alongside the Waste Core Strategy and all the other adopted Borough and District Plans and will be used to determine any minerals related planning applications in the county.

### **3. Financial Implications**

- 3.1 The preparation of the proposed MMs 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 2022/ 2023.

### **4. Environmental Implications**

- 4.1 The Warwickshire Minerals 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 6 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 the goal of 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 Where an Inspector recommends that a Plan can be adopted with MMs, the planning authority may adopt the Plan with those MMs and also any Minor Modifications that it chooses to make. If the authority wishes to reject any of the MMs or wishes to make more MMs than those recommended by the Inspector, it cannot adopt the Plan and must restart the plan-making process.
- 5.2 In the case of the Warwickshire Minerals Plan, your officers are satisfied that the MMs recommended by the Inspector are justified, that they improve the Plan and that they are necessary to make it sound. Therefore, Cabinet was asked to recommend that Council adopt the Plan with the recommended MMs.
- 5.3 A clean copy of the Minerals Local Plan incorporating the MMs and the Minor Modifications is Appendix 1 to this report and the Inspector's Report is contained in Appendices 2 and 3. In addition, there is a link to a copy of the Plan showing the MMs as tracked changes.
- 5.4 The Plan requires to be converted to a different format to ready it for formal

publication and this work involves checking formatting and final typographical proofing. This proofing work is not yet complete. In addition, it is necessary to make the following technical changes to plans to give effect to approved Modifications:

- (i) delete Figure 1.2 (an HGV route map) which a Modification to the text explains is no longer extant;
- (ii) adding new settlement labels to Figure 1.9 to reflect Modifications to the List of Main Settlements;
- (iii) showing the boundary of the HS2 Safeguarding Area to Figure 1.16 (which shows the site of the Lea Marston allocation);
- (iv) replacing the Mineral Safeguarding Area (“MSA”) Maps in Appendix 2 of the Plan to resolve minor cartographical conflicts and to show the MSA boundaries on the allocation maps for Shawell Quarry
- (v) remove the reference to “Griff 5” on four county context plans because the planning permission has expired for this site.

The link which has been provided is to a version of the Plan which will show these technical changes as they are added. A delegation is sought to enable the Strategic Director for Communities to complete this work if any remains outstanding after Council meets.

- 5.5 Subject to the Warwickshire Minerals Plan being adopted, then officers will proceed with the adoption process which requires that a copy of the Plan, an Adoption Statement and the Sustainability Appraisal are made available after adoption.
- 5.6 Under Section 113 of the Planning and Compulsory Purchase Act 2004 there is period whereby any aggrieved person may apply to the High Court for leave to challenge the Plan on the ground that the document is not within the powers provided in Part 2 of the Act or that a procedural requirement has not been complied with. Any such application must be made within 6 weeks beginning on the day the Plan is adopted. The Council believes that it has fully complied with all legal obligations through each stage of the plan process. The Inspector’s report states that the Plan, with the MMs, complies with the relevant legislation, including the Equalities Act and the Duty to Cooperate, and with the National Planning Policy Framework and requirements as to Sustainability Appraisal and Habitat Regulations Assessment.

## Appendices

- 1. The Minerals Local Plan with Modifications  
<https://warwickshire-consult.objective.co.uk/file/6030247>
- 2. The Inspector’s Report  
<https://warwickshire-consult.objective.co.uk/file/6029399>

3. Inspector's Recommended Modifications  
<https://warwickshire-consult.objective.co.uk/file/6029493>

## Background Papers

1. Cabinet Report October 2021
2. Links to latest Sustainability Appraisal update following MMs Consultation  
<https://warwickshire-consult.objective.co.uk/file/5925466>  
<https://warwickshire-consult.objective.co.uk/file/5925472>  
<https://warwickshire-consult.objective.co.uk/file/5925465>
3. Links to latest Habitat Regulations Assessment update following MMs Consultation  
<https://warwickshire-consult.objective.co.uk/file/5925467>  
<https://warwickshire-consult.objective.co.uk/file/5925466>
4. Plan to be adopted – Track Changed Version  
<https://warwickshire-consult.objective.co.uk/file/6029450>
5. Summary of Consultation Responses (Modifications Consultation)  
<https://warwickshire-consult.objective.co.uk/file/5985689>

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

Local Member(s): None

Other members: Chair of OSC - Councillor Jeff Clarke