

APPENDIX 2

Summarised Description of Proposed Modifications to be Submitted to EIP Inspector

The Plan comprises a number of Chapters and set out below are the Chapter headings and details of the proposed changes. The Changes will take the form of either Main Modifications or Additional Modifications. The Inspector at the EIP wishes only to see the Main Modifications as these will form the basis of a forthcoming consultation.

Since the EIP in October 2020 the Government has issued a revised NPPF. Some of the changes made in the revision need to be reflected in the Plan.

Chapter 1 – Introduction – The changes here are updates and would be additional modifications.

Chapter 2 – Policy Context – explains where the Plan fits in with the NPPF and other plans. The change here is an update.

Chapter 3- Spatial Portrait – This is a description of the key assets and characteristics of the county which form the evidence on which policies and proposals can be formulated. The inspector has asked for further information on Planned Growth in the county to justify our approach to site selection and distribution in the county. This is being treated as Main Modifications. There are other changes in terms of updates on transport, flooding and the Habitats Regulations Assessment carried out to accompany this plan.

Chapter 4 – Minerals Context – This gives details of the minerals present and produced in the county and needs to be updated to reflect decisions taken by the authority on such sites as Kingsbury Brickworks.

Chapter 5 – Key Issues for Minerals in the County- During the preparation of the Plan 13 issues have been raised which need to be addressed by the policies and proposals. Some of these need to be updated or expanded/clarified to reflect the current position. These are being treated as Main modifications.

Chapter 6 – Vision and Objectives - As a result of the work required on Planned Growth and the preferred Spatial Option following the EIP some changes are needed to the list of “main settlements” in the Vision to reflect the current adopted plans of the Boroughs and Districts. There were also representations made that the Council were not acknowledging the need to contribute towards the planned growth plans of areas adjoining the county such as in the West Midlands conurbation. The county already exports materials to other areas and as done so for many years and accepts that its sites will need to continue this approach in the future.

Chapter 7 – Spatial Strategy and Preferred Site Options – This chapter gives details of the Council’s preferred locational strategy for sand and gravel sites, how it has assessed and selected the sites and how those sites meet the extra tonnage required over the next 10-15 years. There has been some criticism that the locational strategy lacks justification, and the assessment process lacks rigour. Officers together with its independent consultants have prepare Topic Papers explaining in more detail the evidence we have relied upon to justify our approach and summaries of those document now need to be incorporated into the plan so there are a number of changes here. Links to the revised HRA and updated and revised SA also need to be tied into this chapter.

This chapter also lists the preferred 6 sites and gives details of the specific allocation policies which contain the planning, environmental and transport requirements identified during the plan process to ensure the sites are generally acceptable before they come forward as planning applications to the Council for further refining and testing. As a result of further representations and work some additional requirements on such things as transport and landscape need to be added to the policies.

Chapter 8 – Core Strategy Policies – The original 10 policies reflected mineral specific issues and the general approach of the Council to supplying minerals from the county over the next 10-15 years. National planning policy and planning legislation requires the Council to plan positively indicating where and which scenarios it is likely to support in principle subject to acceptable planning applications. There have been some concerns expressed by the inspector that the Council has not anticipated all future scenarios and therefore does not have in place to deal with them. For example, coping with unforeseen demand, low supplies, and proposals coming forward outside the allocated areas. So, some changes are recommended to policies (and the justification text) MCS 1- 3 which deal with sand and gravel and hard rock supplies in the future to show how the Council could support/supplement future supplies should such situations arise.

Policy MSC4 deals with proposals for recycled aggregates operations. The Inspector was concerned that the assessment process was being left to another document the Waste Core Strategy. In his opinion the Minerals Plan should set out in detail how it is going to deal with all possible developer scenarios and should not leave that for another document. Changes are being proposed to address that concern. MCS 5 deals with the safeguarding of mineral resources and minerals infrastructure. The policy and text explain how the Council carries out its safeguarding responsibilities through the planning process. It needs updating and some further explanation of its operation in practice. There are no changes to MCS 6 which deals with brick clays but some updating of the text is required to deal with a new permission at Kingsbury Brickworks.

Building stone proposals are dealt with in policy MCS 7 and some changes are required to address the revised NPPF. Policies MCS 8 – 10 deals with coal and the various processes used to extract it whether from the surface or beneath the surface and shale oil and gas. National policy has changed significantly because of the climate change emergency making it unlikely that such proposals will come forward in the future. Your Officers believe that it would be still wise to have a policy framework in place but needs amending to reflect these new changes.

The Inspector has queried how the Council will deal with proposals for mineral plant required to process the raw minerals in the county when there is no specific policy so a new policy MCS 11 has been drafted to fill this vacuum building on the wording in the adopted 1995 Minerals Plan.

Chapter 9 – Development Management policies – The Plan has 12 policies to deal with a range of situations and impacts which planning applications will need to be judged against. There is some updating required to deal with changes in national policy and legal cases such as the impact on migratory fish species from the internationally protected designations in the Severn and Humber Estuaries which are linked to the county through the Rivers Avon and Tame respectively. There was also a lot of discussion at the EIP about the low level of information in the plan that would help developers formulate proposals and the public understand how policies would be interpreted by the Council, so changes are proposed. The revised NPPF also requires changes in the areas of AONB policy, biodiversity, trees, and flooding. These changes generally improve and strengthen the suite of policies used to judge and test proposals. For example, in DM 4 developers now must submit a

Community Consultation Statement with their applications to explain how their proposals and their implementation have been informed by consultation with residents.

Chapters 10 and 11 deal with Implementation, Monitoring and the Glossary and some changes are proposed here.

The Plan document is supported by a number of **Appendices** giving further information and some changes are proposed here particularly in terms of explaining how existing policies have been replaced.