

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 25 MAY 2022

ADOPTION OF WORCESTERSHIRE MINERALS LOCAL PLAN

Summary

1. The Cabinet Member for Economy, Infrastructure and Skills and the Strategic Director for Economy and Infrastructure have been invited to the meeting to update the Board on a proposed change to the Council's policy framework. Following independent examination, a new Worcestershire Minerals Local Plan is to be considered by Cabinet and Council for adoption. This will replace the "saved" policies which remain in the last County of Hereford and Worcester Minerals Local (1997).

Background

2. A new Minerals Local Plan for Worcestershire for the period 2018-2036 has been developed under the provisions set out in the Planning and Compulsory Purchase Act 2004 (as amended) and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

3. Once adopted, the new Worcestershire Minerals Local Plan will sit alongside the district Local Plans and the Waste Core Strategy and must be used to determine any minerals-related planning matters in the county. The Minerals Local Plan will be used by Worcestershire County Council's planning officers and Planning and Regulatory Committee to make decisions about planning applications for mineral extraction, processing and restoration. It will also be used by the City, Borough and District Councils to ensure other types of development avoid sterilising mineral resources or negatively impacting on the operation of mineral sites or supporting infrastructure.

4. In outline, the Minerals Local Plan addresses the following matters:

- A 15-year vision and six objectives for the plan.
- A spatial strategy, directing development to five strategic corridors, and setting a preference for development within allocated sites, subject to other policies being met. The spatial strategy also sets green infrastructure priorities for each strategic corridor.
- Policies for the provision being made for each type of mineral, including a policy to encourage the use of substitute, secondary and recycled materials and mineral wastes.
- Criteria-based policies to assess the suitability of proposals (both strategic and non-strategic).
- Minerals safeguarding policies to ensure mineral resources and supporting infrastructure are not sterilised by other development where this should be avoided.

5. The Minerals Local Plan has been subject to multiple rounds of public consultation during its development. It has also been subject to independent examination by

Planning Inspectors appointed by the Secretary of State for Housing, Communities and Local Government¹ to determine whether it is legally compliant and “sound”².

Development of the Minerals Local Plan

6. A number of consultations were undertaken to inform the development of the Minerals Local Plan:

- First Stage consultation under Regulation 18; 9 October 2012 to 11 January 2013
- Second Stage consultation under Regulation 18; 11 November 2013 to 31 January 2014
- Third Stage consultation under Regulation 18; 14 December 2016 to 31 January 2017
- Fourth Stage consultation under Regulation 18; 14 December 2018 to 8 February 2019
- Publication Version under Regulation 19; 19 August 2019 to 30 September 2019.

7. All the consultations were undertaken in accordance with the adopted Worcestershire County Council Statement of Community Involvement. The consultation processes undertaken are set out in a “Consultation Statement” which accompanied the plan when it was submitted for examination.

8. Statutory assessments have also been undertaken to inform and assess the development of the Minerals Local Plan, including Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and Strategic Flood Risk Assessment (SFRA), as well as Equalities and Health Impact Assessments.

9. On 18 July 2019 (minute number 2110), on the recommendation of Cabinet, the Council resolved to consult upon the Publication Version of the Minerals Local Plan and then submit it to the Secretary of State for examination.

Examination of the Minerals Local Plan

10. Following the consultation on the Publication Version of the Minerals Local Plan, it was submitted to the Secretary of State in December 2019 along with the representations which were made during the consultation. Written statements were invited in relation to matters, issues and questions identified by the Inspectors, and examination hearing sessions were held in November and December 2020.

11. Proposed modifications to the plan which the Inspectors indicated were necessary to address issues of soundness were subject to public consultation between August and October 2021, along with supporting assessments. The representations received in response to that consultation were passed to the Inspectors for consideration.

¹ At the time of submitting the Minerals Local Plan. Now the Secretary of State for Levelling Up, Housing and Communities.

² Tests of soundness are set out in the National Planning Policy Framework, and require Local Plans to be positively prepared, justified, effective, and consistent with national policy.

The Inspectors' Report

12. The Planning Inspectorate issued the Inspectors' Report on the examination of the Minerals Local Plan on 6 May 2022 (attached at Appendix 1a and 1b).

13. The Inspectors have taken into account all the representations, the written evidence and the discussions that took place at the examination hearings and identified a number of main issues upon which the soundness of the Plan depends. The report deals with those main issues but does not respond to every point or issue raised by representors, nor does it refer to every policy, policy criterion or land use designation in the Plan.

14. The Inspectors' Report concludes that legal requirements have been met.

15. In considering whether the tests of soundness have been met, the report concludes that the Worcestershire Minerals Local Plan provides an appropriate basis for the planning of minerals for the County, provided that a number of main modifications are made to it (as set out in the Schedule of Main Modifications, attached at Appendix 1b). The recommendation of main modifications is a normal part of the examination process. The Inspectors have taken account of the responses to the consultation on the potential modifications and have made some amendments to the detailed wording of the main modifications where these are necessary for consistency or clarity. Their report states that "none of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken".

16. This means that, if the main modifications are accepted, the plan is 'sound' and can be adopted by the Council.

Adoption of the Minerals Local Plan

17. The 26 May 2022 report to Cabinet (attached at Appendix 2) proposes a recommendation for the Minerals Local Plan (attached at Appendix 3) to be adopted by Worcestershire County Council. As the Inspectors have recommended Main Modifications, under the provisions set out in Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended), the Council may only adopt the Minerals Local Plan if these are included in their entirety. The Council cannot choose to adopt it without those Main Modifications. If the Council did not want to accept the recommended Main Modifications, the only alternative is to resolve to withdraw the plan, modify it, undertake further consultation on it, and resubmit it to the Secretary of State for further examination.

18. However, the Council does have discretion in relation to the Additional Modifications. Additional Modifications are minor alterations which, taken together, do not materially affect the policies that would be set out in the Local Plan. The Additional Modifications aid the clarity and internal consistency of the document. Additional modifications were also published alongside consultation on the Main Modifications, and no comments were received on them. Some further Additional Modifications are required to update specific references to the revised National Planning Policy Framework (see the Schedule of Additional Modifications attached at Appendix 4).

Next steps

19. Delivery and implementation of the plan will be assessed each year through the Council's Authority Monitoring Report. The Council must also review the Minerals Local Plan at least once every 5 years from its adoption date to ensure that policies remain relevant and effectively address the needs of the local community, and to assess whether/when a partial or complete revision of the Minerals Local Plan will be required.

20. The Minerals Local Plan also refers to the development of a Mineral Site Allocations Development Plan Document. This will allocate individual sites for mineral working and set site-specific policies to support the delivery of the Minerals Local Plan. Consultation on a "preferred options" draft of the Mineral Site Allocations Development Plan Document will take place in Spring 2023, and it will then be subject to further consultation and independent examination prior to adoption by Worcestershire County Council.

Purpose of the Meeting

21. The Board is asked to consider whether it wishes to provide any comments on the adoption of the new Worcestershire Minerals Local Plan for consideration by Cabinet at its meeting on 26 May 2022.

Supporting Information

Appendix 1 – (1a) Planning Inspectorate Report on the Examination of the Worcestershire Minerals Local Plan (the "Inspectors' Report") and (1b) Appendix 1: Schedule of Main Modifications

Appendix 2 - Report to Cabinet 26 May 2022 on "Adoption of Worcestershire Minerals Local Plan"

Appendix 3- Proposed final version for adoption: Worcestershire Minerals Local Plan

Appendix 4 - Schedule of Additional Modifications

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

- [Publication Version of the Minerals Local Plan](#)
- [Minerals Local Plan Consultation Statement December 2019](#)
- Sustainability Appraisal
 - [Scoping Report \(first stage consultation\)](#)
 - [Initial Sustainability Appraisal \(second stage consultation\)](#)
 - [Environmental Report \(third stage consultation\)](#)
 - [Minerals Local Plan Fourth Stage Consultation Sustainability Appraisal](#)
 - [Sustainability Appraisal, Appendices and Non-Technical Summary](#)
 - Main Modifications [Addendum](#) and [Addendum Annex](#)
- Habitat Regulations Assessment
 - [Habitats Regulations Assessment Scoping Report \(second stage consultation\)](#)
 - [Habitats Regulation Assessment Record of Assessment \(third stage consultation\)](#)
 - [Habitats Regulation Assessment Record of Assessment \(fourth stage consultation\)](#)
 - [Habitats Regulation Assessment Record of Assessment \(publication version consultation\)](#)
 - [Habitats Regulation Assessment Outline of Record \(publication version consultation\)](#)
 - [Updated Habitats Regulation Assessment – Screening and Appropriate Assessment](#)
- Equality Impact Assessment
 - [Equality Impact Assessment Desktop Screening \(first stage consultation\)](#)
 - [Equality Impact Assessment Relevance Screening \(third stage consultation\)](#)
 - [Equality Impact Assessment Relevance Screening \(fourth stage consultation\)](#)
 - [Equality Impact Assessment Relevance Screening \(publication version consultation\)](#)
 - [Equality Impact Assessment Relevance Screening \(Main Modifications\)](#)
- Health Impact Assessment
 - [Health Impact Assessment \(July 2018\)](#)
 - [Health Impact Assessment Statement \(November 2018\)](#)
 - [Health Impact Assessment Statement \(May 2019\)](#)
 - [Health Impact Assessment Statement \(July 2021\)](#)
- [Agenda for Cabinet on Thursday, 6th June, 2019, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#) (agenda item 5 and Minute 1912)
- [Agenda for Council on Thursday, 18th July, 2019, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#) (agenda item 5 and Minute 2110)

[All agendas and minutes are available on the Council's website here.](#)
