

**COUNCIL**  
**14 JULY 2022**

## **REPORT OF CABINET – MATTERS WHICH REQUIRE A DECISION BY COUNCIL**

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### **Worcestershire Minerals Local Plan**

#### **Recommendation**

- 1. The Cabinet recommends that Council adopts the Worcestershire Minerals Local Plan and Policies Map, with the main modifications recommended by the Inspectors and the additional modifications which are necessary to clarify the plan, but which do not materially affect its policies.**
2. A Minerals Local Plan for Worcestershire has been developed. It has been subject to examination in public by independent Planning Inspectors appointed by the Secretary of State and is proposed to be adopted by the Council under the provisions set out in the Planning and Compulsory Purchase Act 2004 (as amended).
3. Worcestershire County Council is the Local Planning Authority (LPA) for minerals and waste in Worcestershire. The Council adopted the Waste Core Strategy in 2012. The Worcestershire Minerals Local Plan proposed for adoption will replace the saved policies which remain in the last County of Hereford and Worcester Minerals Local (1997). These saved policies have largely been superseded by changes in national planning policy.
4. The Minerals Local Plan being proposed for adoption covers the whole of the county of Worcestershire and, once adopted, will be a Development Plan Document, and form part of the Development Plan for Worcestershire. This means that it 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 planning officers and the 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 do not sterilise mineral resources or negatively impact mineral infrastructure.
5. The Minerals Local Plan must enable a steady and adequate supply of minerals from the county to contribute towards supplying both local and national demand. The majority of mineral working in the county is sand and gravel for the aggregate industry. Brick clay is also worked in the north of the county for brick making, a small amount of silica sand is dug for industrial purposes, and a small amount of brine is extracted for making food-grade salt. There are also building stone, crushed rock and coal deposits in the county which are not currently worked, but the Minerals Local Plan contains policies to enable any planning applications for these minerals to be assessed and determined.

6. 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.

7. Consultation on development of the Plan was carried out in 4 stages between October 2012 and February 2019. All the consultations were undertaken in accordance with the adopted Worcestershire County Council Statement of Community Involvement. The Minerals Local Plan development and consultations have also been accompanied by a series of statutory assessments, including Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and Strategic Flood Risk Assessment (SFRA), plus Equalities and Health Impact Assessments

8. The consultation was followed by the examination of the Plan by the Planning Inspectorate and the Inspectors' report was issued on 6 May.

9. The Inspectors' Report concludes that the duty to co-operate has been met, and that other legal requirements have been complied with.

10. 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. 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".

11. This means that, if the main modifications are accepted, the plan is 'sound' and can be adopted by the Council. The recommendation of main modifications is a normal part of the examination process.

12. The Inspectors' Report summarises the main modifications as follows:

- Emphasising the existence and possible effect of functionally linked land on minerals development<sup>1</sup>;
- Revising the approach to the strategic location of development to more clearly set out the approach to development within and outside of strategic corridors;

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<sup>1</sup> This relates to the potential for minerals development in the county to affect European protected habitat sites beyond the county boundary.

- Revising the mineral supply policies to ensure that they contain targets and the scale of provision required;
- Amending the Development Management policies to provide clarification and consistency with the National Planning Policy Framework (NPPF)<sup>2</sup>;
- Revising the approach to the safeguarding of mineral resources and infrastructure to ensure more safeguarding and to reflect the ‘agent of change’ principle;
- Revising the implementation and monitoring framework to include triggers for targets to ensure a more robust mechanism to assess the effectiveness of the Plan; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

13. The full list of Main Modifications can be found in Appendix 1 of the Inspectors’ Report.

14. As the Inspectors have recommended Main Modifications, 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.

15. 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).

16. The Overview and Scrutiny Performance Board considered the draft Plan at its meeting on 25 May 2022 and whilst a number of questions were dealt with at the meeting it did not have any comments to make.

**Mr S E Geraghty**  
**Chairman**

Appendices (available electronically)

[Report and appendices to the Cabinet meeting on 26 May 2022 \(minute 2098\)](#)

## **Contact Points**

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<sup>2</sup> The National Planning Policy Framework (NPPF) was updated in July 2021, during the course of the examination. Whilst some modifications are necessary to reference the revised NPPF paragraph numbers and wording, none of the NPPF revisions significantly impacted on the scope and content of the Plan and, consequently, the publication of the revised NPPF during the examination did not alter the Inspectors’ recommendations on soundness.

Specific Contact Points for this report

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**Background Papers**

In the opinion of the proper officer (in this case the Assistant Director of Legal and Governance) there are no background papers relating to the subject matter of this report.