

**DRAFT MINERALS LOCAL PLAN FOR GLOUCESTERSHIRE (2018-2032)
FOR PUBLIC CONSULTATION**

Cabinet Date	20th July 2016
Fire, Planning and Infrastructure	Cllr Nigel Moor
Key Decision	Yes
Background Documents	<p>Minerals Core Strategy (MCS): - Issues & Options consultation report (Sept 2006) and sustainability appraisal and technical evidence reports;</p> <p>Minerals Core Strategy (MCS): - Preferred Options consultation report (Jan 2008) and sustainability appraisal and technical evidence reports;</p> <p>Minerals Local Plan: - Site Options & Draft Policy Framework consultation report (June 2014) and sustainability appraisal and technical evidence reports;</p> <p>Minerals Local Plan: - Site Options & Draft Policy Framework Additional Site Option consultation report (Feb 2015) and sustainability appraisal;</p> <p>Local Aggregates Assessment (LAA) annual report series (covering the period 2011 to 2014);</p> <p>Gloucestershire Statement of Community Involvement (SCI) 1st Review (March 2013);</p> <p>Gloucestershire Minerals & Waste Development Scheme (MWDS) 2016 – 2019 (April 2016);</p>
Location/Contact for inspection of Background Documents	<p>Please contact Robin Drake (robin.drake@gloucestershire.gov.uk) with any questions regarding background documents.</p> <p>All previous consultation documents and supporting evidence reports can be obtained from the County Council website at: - http://www.gloucestershire.gov.uk/extra/mcs</p>
Main Consultees	Participants with an interest in the Minerals Local Plan including statutory consultees, the minerals industry, local communities and the general public.
Planned Dates	Subject to Cabinet approval of the documentation the consultation will begin and run for 8 weeks from the end of July / early August 2016.
Divisional Councillor	All divisions
Officer	<p>Kevin Phillips, Team Manager Planning DM & Minerals & Waste Policy. Tel 01452 427979 E-mail: kevin.phillips@gloucestershire.gov.uk</p> <p>Nigel Riglar, Commissioning Director Communities & Infrastructure. Tel 01452 838470. E-mail: nigel.riglar@gloucestershire.gov.uk</p>

Purpose of Report	To seek Cabinet approval of the Draft Minerals Local Plan for Gloucestershire (attached to appendix 1) for public consultation.
Recommendations	That Cabinet approve the Draft Minerals Local Plan for Gloucestershire (attached to appendix 1) for public consultation.
Reasons for recommendations	<p>As Minerals Planning Authority (MPA) for Gloucestershire the County Council has a statutory responsibility for preparing the local development plan for minerals. When adopted this will provide the policy framework for making decisions on planning applications for minerals development such as the working of sand & gravel, limestone and sandstone and also any associated on-site infrastructure including processing plant.</p> <p>The current minerals local plan (which was adopted in 2003) is in need of comprehensive review. It requires updating particularly to bring it fully into line with the National Planning Policy Framework (NPPF). This consultation is an important step in the progression of the new plan towards the formal stages of preparation, which include examination and adoption.</p>
Resource Implications	<p>The Council has established core resources to undertake the preparation of the new Minerals Local Plan or Gloucestershire and associated documents.</p> <p>Some consultancy support has been used for discrete areas of work such as technical advice or support of the sustainability appraisal.</p> <p>Further costs can be expected and the intention is to manage these within existing budgets.</p>

MAIN REPORT CONTENTS

Background

1. The Planning and Compulsory Purchase Act 2004 requires planning authorities to produce local plans. The National Planning Policy Framework (NPPF) (2012) sets out the Government policy on planning matters and emphasises the importance of plans being up to date for the purposes of determining planning applications.
2. For the County Council as the local Minerals Planning Authority (MPA) this means preparing a new Minerals Local Plan to replace the existing Gloucestershire Minerals Local Plan that was adopted in 2003.
3. The new plan is required to undergo several preparation stages culminating in adoption, which is proposed to occur in 2018. The new plan will form part of the local development plan for the entire county and will provide a comprehensive policy framework against which all mineral planning decisions in Gloucestershire will be made up to 2032.

Plan preparation progress so far

4. Evidence gathering and research into preparing a replacement for the Gloucestershire Minerals Local Plan began in 2005. Under Government policy and guidance in place at this time, the new plan was to take the form of several parts or documents collectively known as a Local Development Framework (LDF). It was to comprise of the Gloucestershire Minerals Core Strategy (MCS), site allocations plan; and development management policies document.
5. In 2006 and 2008 two public consultations took place to support the preparation of the MCS. These events considered early issues and options and potential preferred options for developing a vision, objectives and strategic policies. No investigations were carried out at this time into site options for future mineral working. In 2009 the MCS was temporarily halted and resources concentrated upon completion of the Gloucestershire Waste Core Strategy (WCS).
6. Following the successful adoption of the WCS in late 2012, attention returned to the replacement of the Gloucestershire Minerals Local Plan. This initially involved careful consideration of notable reforms to the planning system, which took place following a change of Government in 2010. Of key significance was the desire of the Government to see comprehensive new style 'local plans' that will bring together all of the previous individual elements of an LDF including policies and site allocations. The planning reforms also brought about a new suite of Government policies called the (NPPF) and guidance known as the Planning Practice Guidance (PPG). All new local plans must be in accordance with the policies of the NPPF.
7. In summer 2014 a third round of public consultation was carried out. This sought to re-introduce and review much of the content of the earlier MCS and new and up-to-date evidence aligned to the recent planning reforms. It also incorporated new areas for consideration including candidate site options and a local policy

framework for mineral safeguarding. A total of eighteen candidate site options were put forward. Eight sites for crushed rock aggregate (five in the Forest of Dean and four in the Cotswolds) and ten sites for sand and gravel (eight in the Upper Thames Valley (UTV) and two in the Severn Vale). The candidate sites were illustrated using outline maps and an accompanying table containing site information. The consultation stressed that no prior decision had been taken as to which of the candidate sites should be taken forward into the next stage of the plan.

8. In February 2015 a further targeted consultation took place regarding a single additional candidate site option, which was brought to the attention of the County Council in response to the consultation in summer 2014.

Draft Minerals Local Plan for Gloucestershire (2018-2032) for public consultation

9. The Draft Minerals Local Plan for Gloucestershire (2018-2032) (attached to appendix 1) has sought to address the points raised during the previous rounds of public consultation. It has also taken into account the outcomes of additional technical work and further evidence gathering; specific matters brought to the attention of the MPA during targeted engagement with key stakeholders; changes in circumstances such as the submission of and consideration of planning proposals for future minerals development; and an updated analysis of mineral supply statistics.
10. Structurally, the draft plan has been divided into twelve sections for the purpose of making the plan as user-friendly and navigable as possible. A brief summary of the content of the sections is as follows: -

Sections 1, 2 and 3: Introduction, spatial portrait and drivers for change;

11. The early sections of the draft plan provide the background to minerals planning in Gloucestershire and how this has influenced the preparation of the draft plan. It is here that the county's economically important mineral resources are introduced alongside the potential opportunities and minerals-related challenges that are expected to occur over the coming years.

Sections 4 and 5: Vision and objectives, strategy;

12. This element of the draft plan begins the process of putting in place a policy framework for ensuring when opportunities arise, that these are maximised and that minerals-related challenges, which largely relate to matters of security of mineral supplies, management of constraints and safeguarding important local assets, are efficiently and effectively tackled. It includes a 'vision' or description of the future following the successful implementation of the plan, and seven planning objectives that explain, through targeted actions, how the vision will be achieved. The influence of the objectives can be charted throughout the remainder of the draft plan. An overarching strategy is also provided, which underpins the core policy content.

Sections 6, 7, 8 and 9: Secondary & recycled aggregates, mineral safeguarding, the future supply of minerals, and areas for future aggregate working;

13. These sections of plan are focused on possible impacts and issues related to the different types of development anticipated to occur over the coming years. This includes for both non-minerals development and minerals development incorporating future working and processing. A total of thirteen policies are included across the four relevant sections.
14. In the case of non-minerals development, specific policies are provided in respect of:
 - seeking to maximise the use in construction of recycled & secondary aggregate in preference to primary land-won aggregates;
 - ensuring provision is made to avoid the needless sterilisation of underlying mineral resources (e.g. through supporting the principle of prior-working of minerals); and
 - preventing unreasonable constraints on the capability and capacity of the county's mineral infrastructure due to nearby incompatible development;
15. As part of the safeguarding approach, section 7 also includes the use of Mineral Safeguarding Areas (MSA) and Mineral Consultation Areas (MCA); and the delineation of safeguarding areas around the county's mineral infrastructure sites.
16. Within section 8 the attention shifts towards the management of future mineral working, aimed at facilitating sufficient mineral supplies in a timely and proportionate manner within environmental limits and without unnecessarily affecting local communities. It includes a suite of policies for the future working of crushed rock and sand & gravel aggregates; limestone and sandstone for natural building stone; clay for civil engineering purposes; brick clay; coal and oil & gas.
17. An important national policy requirement (as set out in NPPF) is for local minerals plans to ensure the steady and adequate supply of aggregates. This is achievable through making sure sufficient provision is available to enable the maintenance of appropriate landbanks of permitted reserves. For Gloucestershire, this means that throughout and at the end of plan period there should be a rolling landbank equal to at least 10 years for crushed rock and at least 7 years for sand and gravel. Landbanks are based upon 10-year average sales as detailed within the Local Aggregates Assessment (LAA). The most up to date LAA for the county (the 4th version) was published on 1st July 2016. Data contained within this version of the LAA has been used to support the preparation of the draft plan.
18. The draft plan identifies that a shortfall in provision is expected to occur over the plan period for both crushed rock and sand & gravel; particularly once productive capacity issues have been taken into account. As a result the draft plan has carefully considered the need for potential allocations of land for future aggregate working to ensure both landbanks are capable of being appropriately maintained. For crushed rock the amount of additional resources identified totals 16.486 million tonnes and for sand & gravel it is 14.24 million tonnes. Section 9 of the draft plan details how, in practice, additional provision may be made.

19. Section 9 is an extension to the provision requirements policy for aggregates. It sets out the policy framework for how additional provision for primary aggregates will be made throughout the county. The section is chiefly concerned with the identification of allocations for future working. A total of ten allocations are included in the draft plan and collectively these have the potential to meet the anticipated shortfall in provision over the lifetime of the plan. All of the allocations have previously been consulted upon and represent the most realistically deliverable option available. The ten allocations have emerged following the analysis of nineteen initial candidate site options (see paragraphs 7 and 8):

For future working of crushed rock –

- two allocations in the Cotswold resource area (*Huntsman's and Daglingworth*); and
- three allocations in the Forest of Dean resource area (*Stowe Hill / Clearwell, Drybrook and Stowfield*).

For sand & gravel working –

- four allocations within the UTV resource area (*Manor Farm, Kempsford and land at Kempsford / Whelford; Down Ampney and Fairford*); and
- one allocation in the Severn Vale resource area (*Redpool's Farm, Twyning*)

20. Detailed development requirements for each of the plan's allocations are included along with a site location plan in appendix 6 of the draft plan.

21. In late 2015 the Government issued new Petroleum Exploration and Development licenses (PEDLs) across parts of Gloucestershire allowing consideration to be given to investigating the potential for oil & gas, including through the use of unconventional techniques (e.g. hydraulic fracturing – 'fracking'). As a consequence, the draft plan is required by national policy and advised through planning practice guidance to acknowledge the existence of PEDLs and to provide a local policy framework to address any potential constraints that might arise from oil & gas development (see appendix 1, pages 52 - 57). All PEDL areas are to be delineated on the plan's policies map.

22. In preparing the local policy framework account as been given to restrictions imposed by the PEDLs within Gloucestershire and recent debates held on the issue of 'fracking' by members at Full Council and Environment & Communities Overview and Scrutiny Committee.

Sections 10 and 11: Development management and mineral restoration

23. To complete the draft plan's core policy content, sections 10 and 11 provide a series of twelve policies, which cover the range of matters that need to be considered when determining future applications for minerals development. For section 10 it includes, amongst others, individual policies relating to amenity impacts; minerals transport; flood risk; protecting the water environment; biodiversity and geo-diversity; Green Belt and protecting valued landscapes. Section 11 is exclusively concerned with mineral restoration, aftercare and facilitating beneficial after-uses.

Section 12: Managing and monitoring plan delivery

24. The final section of the draft plan sets out a monitoring schedule that explains how the plan will be monitored to show it is working effectively and is contributing to the delivery of the strategy and plan objectives.

Sustainability Appraisal (SA), Habitats Regulation Assessment (HRA) and Duty-to-Cooperate (DtC)

25. The Draft Minerals Local Plan for Gloucestershire (2018-2032) is subject to sustainability appraisal (SA) requirements – to ensure that policies contained within the draft are consistent with the principles of sustainable development. An SA report is to be published alongside the main consultation document. In addition, a Habitat Regulations Assessment (HRA) report has also been undertaken and will also be made available. This is necessary to determine whether the draft plan is likely to result in a significant effect on any protected European Site designated on the grounds of their habitat and species importance.
26. There is also a legal requirement – known as the Duty-to-Co-operate (DtC) designed to show how during the preparation of local plans co-operation has taken place with a number of prescribed bodies to support the delivery of sustainable development at the cross-border / strategic level. An update report will be made available as part of the plan's supporting evidence in order to demonstrate how relevant DtC matters affecting the draft plan have been addressed since the last consultation.

Next Stages

27. It is vital that the draft plan undergoes further public consultation and that the views of interested parties including local communities are taken into account. Specific provision is made for this under regulation 18 of the Town & County Planning (Local Planning) (England) Regulations 2012, where consultees are invited to inform the MPA of any matters that ought to be included in the plan.
28. It is proposed that the entire draft minerals plan (attached to Appendix 1) will be made available for scrutiny and analysis. Alongside the draft plan, supporting evidence, which is referred to in the document and / or which has influenced its preparation, will also be made available. The County Council web pages will be used to host all relevant publications associated with the draft plan.
29. Following approval of the draft plan by Cabinet, an eight-week consultation period will start. After this time, all responses received will be collated and considered before moving towards preparing the Publication stage.
30. In April 2016, a revised Minerals & Waste Development Scheme (MWDS) 2016 – 2019 was agreed and published. This specifies a timetable for the future plan preparation of minerals (and waste) related planning documents proposed by the County Council. For the Minerals Local Plan for Gloucestershire, it sets out the following programme:

- Publication – Between July and Sept 17 (Q2 – 2017 / 18)
- Submission to Secretary of State – Between Oct and Dec 17 (Q3 – 2017 / 18)
- Independent Examination – Between Oct 17 and Mar 18 (Q3 to Q4 – 2017 / 18)
- Adoption – Between Apr and Sept 18 (Q1 to Q2 – 2018 / 19)

Options

31. In light of the County Council's statutory responsibility to produce a minerals local plan and the importance given to such plans being up to date within Government policy, Cabinet is requested to either approve the draft plan for consultation in its current form or suggest that revisions are made prior to consultation.

Consultation feedback

32. The previous consultation over summer 2014 and in early 2015 generated responses from almost 400 different respondents who made upwards of 3,500 individual comments. A summary report and a comprehensive record of representations received and responses to both consultations are to be made available on the County Council website as part of the proposed consultation on the draft plan.
33. The key issues previously raised by respondents included:
 - the proposed use of the LAA-based approach and productive capacity considerations when identifying future need for aggregates;
 - the potential for other non-Gloucestershire based aggregate resources to be exploited as an alternative approach to making local provision;
 - the acceptability / or otherwise of individual candidate site options for future aggregate working – *including objections and support for the inclusion of individual sites*; and
 - the quality and quantity of the site-specific information used to inform the candidate site options.
34. In terms of the draft plan, subject to its approval for consultation, all comments received will again be considered and taken into account before progressing to the next preparation stage – Publication, where the plan is to be finalised.
35. The Publication version of the plan will require a recommendation from Cabinet to seek approval from Full Council to Publish the plan (for formal representation to be made) followed by submission to the Secretary of State. Responses received to the draft plan will be reported to Cabinet and Full Council at this time.

Risk Assessment

36. The existing Gloucestershire Minerals Local Plan was adopted in 2003 and so did not take into account current national planning policy and guidance (the NPPF and PPG). However, the existing adopted plan has been assessed for NPPF compliance to determine whether policies either generally or partially conform to the NPPF. In addition, all existing plan policies have been subject to a formal review, which took place several years ago as required by the Government at that time.

This sought to decide whether existing plan policies can be used or 'saved' as part of the local development plan until a replacement plan has been prepared. The outcome of this review remains in force today. In summary, parts of the existing adopted plan and the policies contained within it have some influence in determining applications for minerals development

37. Nevertheless, decisions based on the existing adopted plan do have greater risk that they may be subject to appeal and there is an increased likelihood that any defence of council decisions will be unsuccessful. For existing plan policies relating to oil & gas, these were insufficiently up to date to be saved and therefore are of little or no weight in the determination of planning applications for such developments that may arise before a new plan is in place.
38. The lack of up to date allocations for minerals development also generates uncertainty for communities and the minerals industry about the acceptability 'in principle' of sites and creates more pressure on the planning application process. It also increases the likelihood of 'planning by appeal', which takes control away from the County Council and can also have significant resource implications.
39. Progressing the replacement plan will help ensure the County Council has appropriate control of all future minerals development and will provide a clear framework in which to resist unacceptable proposals if they come forward in the future.

Officer Advice

40. That the Cabinet approves the Draft Minerals Local Plan for Gloucestershire (2018-2032) for consultation purposes.

Equalities considerations

41. Cabinet Members should read and consider the Due Regard Statement in order to satisfy themselves as decision makers that due regard has been given. It concludes that the preparation of the draft plan has not identified any specific impacts or concerns for individuals and communities covered by protected characteristics. The policies and the allocation of sites for minerals working to be contained within the plan will have the same (whether positive or negative) impact on all people regardless of issues of equality. All members of the community will also have the opportunity to comment on the proposed forthcoming consultation.

Performance Management/Follow-up

42. This will be undertaken through reports to Lead Cabinet Member, Shadow Member / Group Spokespersons, Environment & Communities Overview and Scrutiny Committee, Cabinet and Member Briefing Sheets as appropriate. It will also be expected to occur through seeking approval of the next stage of the plan's preparation programme.

Report Title	Draft Minerals Local Plan for Gloucestershire (2018-2032) for public consultation
Statutory Authority	<p>The Draft Minerals Local Plan for Gloucestershire has been prepared under a wide range of European Union (EU) Directives, primary legislation and statutory instruments and Government policy and guidance, of which the principal components are as follows: -</p> <ul style="list-style-type: none"> • Coal Industry Act (1994) • Planning & Compulsory Purchase Act 2004 (as amended); • Localism Act 2011; • Infrastructure Act 2015; • Town and Country Planning (Local Planning) (England) Regulations 2012; • Town and Country Planning (General Permitted Development) Order 2015; • The Onshore Hydraulic Fracturing (Protected Areas) Draft Regulations 2015; • National Planning Policy Framework - NPPF (March 2012); • Planning Practice Guidance - PPG (March 2014);
Relevant County Council policy	<p>Once adopted the Minerals Local Plan for Gloucestershire will assist with the delivery of the Council's corporate aim of building a sustainable County. It will also replace in full the previously adopted Gloucestershire Minerals Local Plan (1997 – 2006)</p>
Resource Implications	<p>The preparation of the Minerals Local Plan for Gloucestershire will require appropriate level of resources over the period 2016 to 2018. It will also require further resources beyond 2018 in order to meet the plan's commitments in relation to its implementation, monitoring and review.</p>
Sustainability checklist: Partnerships	<p>The preparation of the Minerals Local Plan for Gloucestershire is reliant upon partnership working. Seeking the views of all potentially interested parties is an integral part of an effective plan. It must involve informal and formal community</p>

Decision Making and Involvement	<p>representation – such as individuals, local action groups, Parish Councils, District Councils and elected County and District members. It must also include statutory bodies and agencies, business community and minerals industry and other non-governmental organisations. The plan also promotes the potential formulation of new partnerships through local mineral liaison groups that can bring together mineral operators, local community representatives and the MPA.</p>
Economy and Employment	<p>These are outlined in the main body of the report.</p> <p>The Minerals Local Plan for Gloucestershire will provide an up-to-date policy framework that will support the local minerals industry to develop and evolve in an effective and efficient manner over the coming years. Minerals are an integral part of the UK economy with mineral products and related services worth around £9 Billion a year. The industry also employs up to 70,000 people directly and indirectly across the country. Specifically within Gloucestershire, it is an important contributor towards the increasingly diverse rural local economy, which includes 700 + plus jobs in more traditional primary services.</p>
Caring for people	<p>The Minerals Local Plan for Gloucestershire will provide an up-to-date policy framework for ensuring that the amenity and quality of life of local communities will be effectively taken into consideration when assessing future mineral proposals. It will also seek to make provision for the much needed supply of construction and other minerals used in the maintenance and development of community infrastructure and services.</p>
Social Value	<p>Not relevant to this cabinet item.</p>
Built Environment	<p>The Minerals Local Plan for Gloucestershire will provide an up-to-date policy framework for ensuring impacts are effectively taken into account with future minerals proposals affecting the county's built-up areas. It will also make provision for a supply of minerals needed for growth – in housing, employment and infrastructure; and for maintaining the high quality and distinctiveness of county's built character as observed in its historic assets and new build developments.</p>
Natural Environment' including Ecology (Biodiversity)	<p>The Minerals Local Plan for Gloucestershire will provide an up-to-date policy framework for assessing impacts from future minerals proposals on the natural environment and ensuring that appropriate safeguards and protections will be put in place. Particular attention is given to local areas that have been designated for their environmental value (e.g. AONBs, SSSIs etc.). It also seeks to promote maximum environmental benefit</p>

Education and Information	<p>from post-mineral extraction activities.</p> <p>The Minerals Local Plan for Gloucestershire is evidence-based and brings together an array of technical assessments, appraisals and policy informed by research. Its publication will provide an appraisal of how and where future mineral-related activities may occur across the county over coming years and identify the issues and opportunities that will need to be scrutinised. The plan will be of value to members of the public with an interest in local minerals matters and more broadly to those studying environmental management-related subjects, social policy commentators and analysts the academic community.</p>
Tackling Climate Change	<p>Carbon Emissions Implications? Neutral</p> <p>Vulnerable to climate change? No</p>
Due Regard Statement	<p>Has a Due Regard Statement been completed? Yes/No</p> <p>Yes - considerations included in main body of report</p> <p>A copy of the full Due Regard Statement can be accessed on GLOSTEXT via http://glostext.gloucestershire.gov.uk/uuCoverPage.aspx?bcr=1</p> <p>Alternatively a hard copy is available for inspection from Jo Moore, Democratic Services Unit, e-mail: jo.moore@gloucestershire.gov.uk.</p>
Human rights Implications	<p>Planning-related decisions can impact on an individual's rights under the Human Rights Act 1998. The planning system allows people to exercise their rights to make formal representations on plans when they are being developed. There are opportunities for views to be made and to be taken into account by the respective planning authority. A strong framework is in place to ensure the protection of people's rights.</p>
Consultation Arrangements	<p>Contained in the main body of the report.</p>