

Environment and Communities Scrutiny Committee	
Report Title:	Emerging Minerals Local Plan for Gloucestershire (2018 – 2032) Progress Report
Meeting Date:	22 nd November 2017
Chairman:	Cllr. Robert Bird
Presenting Officers:	Kevin Phillips Robin Drake
Purpose of Report:	<p>To enable elected members of the Environment and Communities Scrutiny Committee to review current plan making progress with the emerging Minerals Local Plan for Gloucestershire (2018 – 2032). This includes feedback on the public consultation for the draft plan and overview of the consideration given by officers to making significant proposed changes for incorporation into the formal Publication and Submission plan.</p> <p>The Publication plan will be subject to further public scrutiny before being submitted to the Secretary of State prior to an independent examination.</p>
Provisional Dates:	<p>31st January 2018 – Cabinet to consider making a recommendation to Full Council for the approval of the Publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) and to also enable the plan to be subsequently submitted to the Secretary of State;</p> <p>28th March 2018 – County Council to consider the recommendation of Cabinet to approve the Publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) and enable the plan to be subsequently submitted to the Secretary of State for independent examination;</p> <p>April to May 2018 – Following approval of the Publication version of the Minerals Local Plan for Gloucestershire (2018-2032) this will be made available for inspection and allow for representations to be made, which will be presented for consideration alongside the submission of the plan for independent examination;</p> <p>2nd to 3rd Quarter 2018/19 (between Jul and Dec 2018) – Submission to Secretary of State of Minerals Local Plan for Gloucestershire (2018-2032) and possible commencement of the independent examination including any hearing sessions required.</p>

<p>Background documents:</p>	<p>Town and Country Planning (Local Planning) (England) Regulations (2012); http://www.legislation.gov.uk/uksi/2012/767/contents/made</p> <p>Environment and Communities Scrutiny Committee (ECSC) Meeting (13th July 2016) Printed minutes; http://glostext.gloucestershire.gov.uk/ieListDocuments.aspx?CId=673&MId=8226&Ver=4</p> <p>GCC Cabinet Meeting (20th July 2016) Agenda Item 5 and appendix 1: Draft Minerals Local Plan for Gloucestershire (2018 – 2032); http://glostext.gloucestershire.gov.uk/ieListDocuments.aspx?CId=117&MId=8219&Ver=4</p> <p>GCC Full Council Meeting (7th Dec 2016) Agenda item 8: Motion 782; http://glostext.gloucestershire.gov.uk/ieListDocuments.aspx?CId=333&MId=8126&Ver=4</p>
<p>Recommendation:</p>	<p>That Environment and Communities Scrutiny Committee (ECSC) note the report on progress with the emerging Minerals Local Plan for Gloucestershire (2018 – 2032) including the analysis of representations received to the draft plan consultation and proposed significant changes to be considered for incorporation into the Publication version of the plan.</p>

1. Background

Preparing a minerals local plan

- 1.1. The Planning and Compulsory Purchase Act 2004 requires planning authorities to produce local plans. Government policy provided through the National Planning Policy Framework (NPPF) emphasises the importance of local plans being up to date to assist in determining planning applications.
- 1.2. Gloucestershire County Council is the local Minerals Planning Authority (MPA) for the county. This means it must prepare a Minerals Local Plan. It is currently seeking to replace the existing Gloucestershire Minerals Local Plan, which was adopted in 2003.
- 1.3. The new plan must undergo several preparation stages before it can be adopted. Once this has happened it will form part of the local development plan for Gloucestershire and will provide a comprehensive local policy framework against which all mineral planning decisions will be made up to 2032.

Plan making progress so far

- 1.4. Evidence gathering and research into producing a replacement for the adopted Gloucestershire Minerals Local Plan began in 2005. This was followed by two public consultations in 2006 and 2008.

- 1.5. However, in 2009, plan making was temporarily halted as resources were concentrated on preparing the Gloucestershire Waste Core Strategy (WCS). This was adopted in November 2012.
- 1.6. From late 2012, work restarted on replacing the adopted Gloucestershire Minerals Local Plan. Initially, this involved consideration of notable reforms to the planning system, which took place following the election of a new Government in 2010. Key changes included: - a desire for there to be all encompassing new style 'local plans' made up of strategies, detailed policies and plan allocations; and the issuing of a new Government policy document – the NPPF and supporting guidance known as the Planning Practice Guidance (PPG).
- 1.7. During summer 2014, a new round of public consultation took place. This was largely focused on possible candidate allocations for future mineral working. It also introduced options for a local policy approach towards mineral safeguarding.
- 1.8. Between autumn 2014 and summer 2016 a comprehensive draft Minerals Local Plan for Gloucestershire (2018 – 2032) was prepared. The draft plan was approved by Cabinet in July 2016 for public consultation. This occurred between September and November 2016.
- 1.9. The draft Minerals Local Plan for Gloucestershire (2018 – 2032) incorporated an overarching vision, objectives and strategy for how mineral working in the county should take place over the coming years. It headlined 10 candidate allocations for potential aggregate mineral working and a set of detailed development requirements that would need to be met, and a suite of local mineral planning policies for future proposals to be judged against. The plan's policies looked at how possible impacts on local communities and the environment, and site restoration should be dealt with. A policy framework for the working of different mineral types found in Gloucestershire was also provided. Alongside known local mineral resources such as clay, limestone, sand & gravel and sandstone, the draft plan acknowledged the emerging local interest present at that time, for potential onshore oil & gas extraction using unconventional techniques (e.g. hydraulic fracturing 'fracking' and Coal Bed Methane (CBM)). The Cabinet Report of the 20th July 2016 provides a more detailed review of the draft plan's content.
- 1.10. The aim of the draft Minerals Local Plan for Gloucestershire (2018 – 2032) was to bring together and respond to the comments and views expressed during all of the previous consultation events, to reflect upon the outcomes of additional technical work undertaken and commissioned by the Council and take into account updated data analysis and further evidence gathering since 2014.

2. Consultation feedback to the draft Minerals Local Plan for Gloucestershire (2018 – 2032)

Analysis of respondents and responses

- 2.1. Public consultation of the draft Minerals Local Plan for Gloucestershire (2018 – 2032) stimulated responses from 1,067 individuals and different

organisations with an interest in minerals planning in the county. The majority of responses received (76%) arrived electronically either via e-mail or were submitted and uploaded to the council's interactive online consultation webpage. The remaining 261 responses arrived by post as letters or other correspondence such as locally prepared and organised standard forms / questionnaires circulated for signature and submission by local residents.

- 2.2. A total of 2,544 individual representations were made to the draft plan. This is equal to an average of over 2 separate comments per respondent. Representations are related to a series of 80 questions put forward as part of the consultation exercise.
- 2.3. Just over 25% of all representations were concerned with the acceptability or otherwise of the proposed local policy for assessing any future oil & gas developments (draft policy MW06). The overarching strategy of the draft plan accounted for 7% of all representations providing the next highest amount of representations. The policy supporting the use of secondary & recycled aggregates (draft policy SR01) also attracted 175 representations or the equivalent of a little fewer than 7%. In terms of the candidate allocations, the potential for sand & gravel working at Redpool's Farm (allocation 07) (167 individual representations) and crushed rock limestone working as an extension to the existing Stowe Hill / Clearwell quarry complex (allocation 01) (123 individual representations) generated the most amount of attention.

Summary of representations made

- 2.4. The representations relating to draft policy MW06 Oil & Gas encompassed a wide variety of issues, although the vast majority concluded that such developments should not be allowed to take place in the county and that the draft policy is not restrictive enough. Risks to the local environment and the health and well-being of nearby communities resulting from extraction processes and associated transport and the wider climate change implications were cited as key concerns.
- 2.5. In terms of the draft plan's overarching strategy, representations were largely focused on those matters linked to the possibility of allowing oil and gas extraction to take place. However, other noteworthy comments were associated with the overall level and way in which local mineral supplies will be supported over the coming years, the presence and approach to mineral safeguarding and mineral consultation areas, the consideration of climate change, management of potential impacts including cumulative effects, and the way in which the outcome of duty-to-co-operate actions will be assimilated into the plan.
- 2.6. Draft policy SR01 – maximising the use of secondary and recycled aggregates, has stimulated a degree of local interest regarding the prospect of a new local secondary aggregate source. The draft plan's supporting text noted the development of a new Energy-from-Waste (EfW) facility at Javelin Park near Gloucester, which includes a plant capable of producing incinerator bottom ash aggregate (IBAA). Albeit that the theoretical contribution to local aggregate supplies is expected to be

relatively small, concern was raised as to suitability of using IBAA materials in the county.

- 2.7. For candidate allocation 07 – Preferred Area at Redpool’s Farm, Twyning a range of site-specific issues were highlighted. They include risk of adverse impacts upon the health and well-being of neighbouring and nearby residential properties and the economic impact on existing non-minerals commercial premises; local hydrology; biodiversity; landscape; and highway safety. Similar issues were brought forward with candidate allocation 01 – Preferred Area at Stowe Hill / Clearwell, alongside concern about possible harm caused to numerous designations including: - the Wye Valley Area of Outstanding Natural Beauty (AONB), Severn Estuary Special Area of Conservation (SAC); and Slade Brook Site of Special Scientific Interest (SSSI).
- 2.8. In addition, a number of broad themes have been followed through the remaining representations. These are concerned with the draft plan’s approach to making provision for aggregate working to support steady and adequate supplies over the lifetime of the plan and whether sufficient evidence has been presented to show that the Council has undertaken its duty-to-co-operate, particularly in respect of exploring the potential to rely upon supplies of crushed rock aggregate from resources located outside of the county which, according to the respondents, could be less obviously constrained.

3. Overview of the officer responses to representations

Consideration of comments made

- 3.1. Since the end of the consultation in November 2016, officers have scrutinised and reviewed the representations made. A comprehensive responses report and a summary outcomes report is currently being finalised and will be made publicly available following approval by Cabinet. It will form part of the next consultation exercise for the Publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032). These reports will provide an audit trail of how responses have been dealt with and to what extent they have influenced any further changes to the plan.
- 3.2. The comments and concerns raised through the draft plan consultation have resulted in a number of proposed changes being considered by officers and which will be presented to Cabinet. This will occur as part of the consideration to recommend to Full Council the approval of the Publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032).
- 3.3. In relation to the headline issues emerging out the draft plan consultation, the following significant proposed changes have been considered: -
 - The removal of draft policy MW06 Oil & Gas and its supporting text;
 - The expansion of the spatial portrait to explain the current circumstances surrounding the diminished likelihood of oil & gas resources in Gloucestershire being exploited. This follows the abandonment by an interested party of the offer made by Government

to officially take up candidate Petroleum Exploration and Development licences (PEDLs). The spatial portrait will also include a new commitment to instigate a review of the plan if renewed interest is shown in oil & gas extraction in the future through any attempts to acquire new PEDL licences, if these are made available by Government.

- The removal of oil & gas development from the spatial strategy and the introduction of specific references to measures to support climate change mitigation and / or adaption; and
 - The removal of candidate allocation 07 – Preferred Area at Redpool’s Farm, Twyning on the grounds of concern over deliverability and ‘strategic’ fit.
- 3.4. Whilst acknowledging the level of interest and concerns with draft policy SR01 – maximising the use of secondary and recycled aggregates and candidate allocation 01 – Preferred Area at Stowe Hill / Clearwell, no significant changes are to be recommended. However, to better reflect the expectations of the County Council in dealing with any proposals brought forward on allocated areas, a number of the detailed development requirements for candidate allocation 01 – Preferred Area at Stowe Hill / Clearwell, have been re-worked and expanded. This is in addition to the significant development requirements that were already outlined. They include amongst others, matters concerning water resources, flood risk management, landscape impact and highways.
- 3.5. Other more significant proposed changes to the draft plan are also under consideration. These include the conjoining of the draft mineral resource safeguarding policies MS01 – non-minerals development within Mineral Safeguarding Areas (MSAs) and MS02 – non-minerals development within Mineral Consultation Areas (MCAs); and the removal of candidate allocations 06 – Specific Site at Manor Farm, Kempsford; and 09 – Areas of Search at Land between Kempsford and Whelford. The proposed removal of these candidate allocations reflects a change in status and a review of circumstances since the draft plan consultation. Planning permission has now been granted at Manor Farm. Officers have also re-assessed the ‘strategic’ nature and appropriateness of continuing to identify the remaining areas at Land between Kempsford and Whelford as a realistic, achievable and reliable plan allocation.
- 3.6. The significant proposed changes to the plan covering oil & gas extraction have already been subject to scrutiny by members through a cross-party group – the Cabinet Panel: Minerals Local Plan. This group was set up in response to Full Council Motion 782. At the Panel meeting held on 11th September 2017, members supported the proposed changes outlined earlier in this report. The chairman of the Cabinet Panel: Minerals Local Plan (Cllr. Nigel Moor) is due to report the findings of the Panel to Full Council at its meeting on 6th December 2017.

4. Conclusion and Recommendations.

- 4.1 That Environment and Communities Scrutiny Committee (ECSC) note the report on progress with the emerging Minerals Local Plan for Gloucestershire (2018 – 2032) including the analysis of representations received to the draft plan consultation and proposed significant changes to be considered for incorporation into the Publication version of the plan.