

**MINERALS LOCAL PLAN FOR GLOUCESTERSHIRE
NOTIFICATION OF INSPECTOR'S REPORT AND RECOMMENDATION
TO COUNCIL FOR ADOPTION**

Cabinet Date	29 January 2020
Environment and Planning	Cllr. Nigel Moor
Key Decision	Yes
Background Documents	<p>Planning and Compulsory Purchase Act 2004 (as amended) Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and other relevant statutory instruments;</p> <p>Various MLP consultation draft response reports, technical evidence papers, Sustainability Appraisals (SAs) and Habitat Regulation Assessments (HRA).</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 documents relating to the independent examination of the Minerals Local Plan for Gloucestershire can be obtained from the dedicated examination website hosted by the examination programme officer at:- http://www.hwa.uk.com/projects/gloucestershire-minerals-lp-examination/</p> <p>All previous consultation documents and supporting evidence relating to the preparation stages of the plan can be obtained from the County Council website at:- http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-gloucestershire/</p>
Main Consultees	Secretary of State and all bodies and persons who have made representations and / or requested notification of plan preparation stages.

Planned Dates	<p>12th Feb 2020 – County Council to consider the recommendations of Cabinet including the resolution to adopt the Minerals Local Plan for Gloucestershire;</p> <p>Late-Feb 2020 – Adoption of Minerals Local Plan for Gloucestershire;</p> <p>End Feb / Early March 2020 – Publish an adoption statement and a notice of availability of MLP documents for inspection and to notify the Secretary of State and all consultees who have requested notification of plan preparation progress including the adoption of the Minerals Local Plan for Gloucestershire. This is to meet the requirements of Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).</p> <p>April 2020 – Conclusion of High Court six-week challenge period as prescribed under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended). After this period the plan will be part of the statutory development plan for Gloucestershire</p>
Divisional Councillor	All divisions
Officer	<p>Kevin Phillips, Team Manager: Planning Development Management & Minerals & Waste Policy. Tel 01452 427979 E-mail: kevin.phillips@gloucestershire.gov.uk</p> <p>Simon Excell, Lead Commissioner: Strategic Infrastructure. Tel 01452 328487. E-mail: simon.excell@gloucestershire.gov.uk</p>
Purpose of Report	To seek from Cabinet a recommendation to County Council to resolve to adopt the Publication version of the Minerals Local Plan for Gloucestershire incorporating the main modifications recommended within the Inspector’s Report and any additional modifications made by the Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Environment and Planning.
Recommendations	<p>That the Cabinet recommends to County Council to:-</p> <p>A. Note the Inspector’s Report (see Appendix 1) and its recommendations including the incorporation of proposed main modifications to the Minerals Local Plan for Gloucestershire as a prerequisite to the adoption of the Plan;</p> <p>B. Delegate authority to the Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Environment and Planning to finalise additional modifications to the Plan including those published by the Council in July 2019 (see Appendix 2) and any further additional modifications now required;</p> <p>C. Adopt the Minerals Local Plan for Gloucestershire incorporating main and additional modifications (see Appendix 3) as required by Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Environment and Planning in accordance with</p>

	<p>Section 23(3) of the Planning and Compulsory Purchase Act 2004 (as amended); and</p> <p>D. Delegate authority to Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Environment and Planning to complete the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to make the Plan and other documents and information publically available and notify specified persons as soon as reasonably practicable after the Plan is adopted.</p>
<p>Reasons for recommendations</p>	<p>The County Council has a statutory duty to prepare a new Minerals Local Plan for the county to replace the existing Gloucestershire Minerals Local Plan (1997 – 2006) that was adopted in 2003.</p>
<p>Resource Implications</p>	<p>The costs of preparing the adopted version of the Minerals Local Plan for Gloucestershire; notification of the Plan’s adoption; and making it publicly available can be met from the existing revenue budgets for 2019/20 and the use of the Minerals and Waste reserve.</p>

MAIN REPORT CONTENTS

1. Background

- 1.1. The Planning and Compulsory Purchase Act 2004 (as amended) requires planning authorities to prepare and produce local plans. Government policy set out in 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 Minerals Planning Authority (MPA) for the county. This means it must prepare a Minerals Local Plan. The emerging Minerals Local Plan for Gloucestershire will replace in full the Gloucestershire Minerals Local Plan (1997 – 2006), which was adopted in 2003.
- 1.3. The emerging Minerals Local Plan for Gloucestershire must undergo statutory stages of preparation set out within the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Once all relevant stages have been completed, the Plan can be adopted by the County Council. It is only after adoption that the Plan will form part of the statutory development plan for the county and provide a comprehensive local policy framework against which all mineral planning decisions must be made up to the Plan's stated end date which is 2032.

Preparing the Minerals Local Plan for Gloucestershire

Early stages | Pre-Publication (“draft”) and Publication versions of the plan

- 1.4. The County Council has been preparing a replacement minerals local plan for several years. A number of consultation events and exercises have taken place, which have been supported by evidence papers and consultation documents. Numerous opportunities have been given for interested parties to scrutinise and comment upon the aims and objectives for the new Plan, the updated planning strategy, policy options and candidate site allocations for future aggregate working.
- 1.5. At the Cabinet meeting of the 20th July 2016 a comprehensive Pre-publication (“draft”) version of Minerals Local Plan for Gloucestershire was approved for consultation. A review of the Plan's preparation leading up to the full draft document was also presented at that time.
- 1.6. The Pre-publication (“draft”) version of the Minerals Local Plan for Gloucestershire underwent consultation between September and November 2016. It generated 2,544 representations from 1,067 individuals and different organisations.
- 1.7. During 2017 a rigorous assessment of the consultation responses to the Pre-publication (“draft”) version of the Plan was completed. This culminated in the County Council approving a Publication version of the Minerals Local Plan for Gloucestershire on 14th February 2018. The approval followed a recommendation by Cabinet at its meeting on 31st January 2018. In detail, the County Council sought a six-week public inspection period for the Plan and gave delegated authority to the then Commissioning Director: Communities and Infrastructure in consultation with the Cabinet Member for Fire, Planning and Infrastructure to progress the plan to the formal stages. This included

submitting the Plan to the Secretary of State and the carrying out of an Independent examination through a Government appointed Planning Inspector. In accordance with Local Planning Regulations all representations made to the Publication version of the Minerals Local Plan for Gloucestershire were submitted to the Secretary of State alongside the Plan.

- 1.8. The six-week public inspection period for the Publication version of the Minerals Local Plan for Gloucestershire took place between May and July 2018. During this time, a total of 513 representations were made by 43 individuals and organisations.

Formal stages | Submission, Examination and Inspector's Report

- 1.9. The then Commissioning Director: Communities and Infrastructure in consultation with the Cabinet Member for Fire, Planning and Infrastructure submitted the Publication version of the Minerals Local Plan for Gloucestershire to the Secretary of State on 21st December 2018. The submission incorporated a suite of prescribed documents alongside the Plan, deemed necessary to support the Plan's examination. It included: -
- the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) for the Plan;
 - the Council's adopted Statement of Community Involvement (SCI);
 - a Consultation Statement summarising the representations received to the Pre-publication and Publication versions of the Plan, an overview of the main issues raised during the consultations and how they have been considered and taken into account by the County Council;
 - a full suite of the representations received to the Publication version of the Plan; and
 - various evidence papers to support the decisions taken by the County Council within the Plan.
- 1.10. In February 2019, the Planning Inspectorate (PINS) confirmed the appointment of Mr. Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE as the Independent Inspector to lead the Minerals Local Plan for Gloucestershire examination on behalf of the Secretary of State. Following a preliminary review of the submission documents, the Inspector proposed two days of hearing sessions on the 11th and 12th June 2019. The Inspector also issued guidance notes on the examination process and outlined detailed issues and questions that required addressing by the County Council, initially in writing and then through the hearing sessions. Interested parties were also invited to respond to the issues and questions raised both in writing and in person at the hearing sessions.
- 1.11. The purpose of the Independent Examination is to assess whether the Minerals Local Plan for Gloucestershire has met legal and procedural requirements and could be found 'sound'. Paragraph 35 of the National Planning Policy Framework (NPPF 2019) outlines the 4 tests of soundness applicable to the examining of local plans. Plans are 'sound' if they are: -
- positively prepared;
 - justified;
 - effective; and

- consistent with national policy

1.12. Following written and oral submissions to the examination, the County Council wrote to the Inspector on 21st June 2019 to formally request that a schedule of main modifications to the Publication version of the Minerals Local Plan for Gloucestershire be recommended in order to make the Plan capable of adoption. The request accorded with Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).

1.13. On the 24th June 2019 the Inspector issued Post-Hearing Advice to the County Council concerning the carrying out of a further public consultation on a schedule of proposed main modifications to the Publication version of the Minerals Local Plan for Gloucestershire. The public consultation took place between 16th July and 11th September 2019 and included both the schedule of proposed main modifications and addendums to the SA and HRA. The SA and HRA reports reflected the changes proposed through the inclusion of the main modifications. For information, the County Council also published a separate schedule of proposed additional modifications to the Publication version of the Minerals Local Plan for Gloucestershire. Proposed additional modifications do not materially affect the policies set out in the Plan and relate to clarify the supporting text, including updated facts, or making typographical or grammatical revisions to improve the readability of the Plan. The proposed additional modifications were not part of the consultation exercise and were not considered by the Inspector through the examination.

1.14. Twenty-eight individuals and organisations made a total of 103 representations to the proposed schedule of main modifications to the Publication version of the Minerals Local Plan for Gloucestershire. All representations made to the main modifications and the County Council's considerations of them were submitted to the Inspector on 1st October 2019. The County Council also advised the Inspector that it did not seek to recommend any further main modifications to be made at that time

1.15. The Inspector's Report into the examination of the Minerals Local Plan for Gloucestershire was published in January 2020 (see Appendix 1). The report contains conclusions and recommendations with reasons as required by section 20 of the Planning and Compulsory Purchase Act 2004. The report concludes that the Minerals Local Plan for Gloucestershire is sound, capable of adoption and provides an appropriate basis for mineral planning in the county provided that the main modifications consulted on between July and September 2019 are made to the Publication version of the Plan.

1.16. The purposes of the main modifications recommended by the Inspector can be summarised as follows: -

- Revising the strategy in order to ensure it clearly sets out the Plan's approach to making provision for minerals;
- Revising the approach to secondary and recycled aggregates;
- Revising the approach to the safeguarding of mineral resources and infrastructure to reflect a renewed national policy focus on avoiding incompatible land-use known as the 'agent of change' principle;
- Revising the approach to the consideration of mineral development proposals outside of the allocated areas;

- Recognising the economic importance of natural building stone in Gloucestershire and its role in maintaining the character and appearance of the County;
- Amending the Development Management Policies to provide clarification and consistency with the NPPF;
- Revising the guidance in Appendix 4 of the Plan regarding the detailed development requirements to accompany any future planning applications for mineral development within the identified aggregate site allocations; and
- Revising the monitoring framework to provide a more robust mechanism to assess the contribution that secondary and recycled aggregates make to aggregate consumption in the County.

2. Options

2.1. That Cabinet:

- recommends to Council to note the conclusions in the Inspector's Report (See Appendix 1) which include recommendations to incorporate the main modifications consulted upon between July and September 2019 into the Publication version of the Minerals Local Plan for Gloucestershire;
- notes the additional modifications published in July 2019 (see Appendix 2) and recommends to County Council that it delegates authority to the Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Environment and Planning to finalise these additional modifications for inclusion in the plan along with incorporating any further additional modifications now required;
- recommends to County Council to resolve to adopt the Minerals Local Plan for Gloucestershire incorporating both main and finalised additional modifications and publicises the fact (see Appendix 3).

2.2. The only alternative option is for Cabinet not to accept the recommendations set out in the Inspector's Report. Under Sections 22 and 23 of the Planning and Compulsory Purchase Act 2004 (as amended) the County Council can decide not to go forward with adopting the Plan and must notify of its intention to withdraw the Plan from the examination. However, the Secretary of State has default legal powers to direct a local authority to further revise and / or adopt an emerging plan at this time.

3. Risk Assessment

3.1. In the event that the Minerals Local Plan for Gloucestershire is not adopted, the County Council will have no up to date land-use policy framework against which to regulate proposals for future mineral developments in Gloucestershire. The existing saved policies of the adopted plan were prepared sometime ago and under a different plan preparation and legal regime. Such a diminution of local control would going forward leave the County Council with much less influence over the distribution, scale and longevity of future mineral operations. It would also make it heavily reliant upon national policy through the National Planning Policy Framework (NPPF), which is considerably less comprehensive and detailed in its coverage of mineral matters. In addition, the Council would be at heightened risk of the provisions contained under Sections 62A and 62B of the Town and Country Planning Act 1990 (as amended) as it would

effectively be deviating from its legal responsibilities. The above legislation gives central government the power to place local planning authorities into 'Special Measures' if it is considered they have not shown reasonable plan making progress. The key sanction is the removal of control from the Council of plan making and the appointment of an outside Inspector and consultants to produce the local plan. This process would be at the Council's expense with limited input from local Members.

- 3.2. A further risk is contained under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended). This gives any person who is aggrieved by the adoption of a local plan a period of six weeks in which to make a challenge to the high court. Challenges must be in respect of clear legal compliance matters in order to be heard. It is not possible to predict whether any persons will choose to pursue this course of action and whether they would be successful in doing so. Nevertheless, legal compliance of the Minerals Local Plan for Gloucestershire was a matter carefully considered during the examination process and the Inspector concluded that the Plan had met all duties in this regard.

4. Officer Advice

- 4.1. The officer advice is that Cabinet notes the content of the Inspector's Report and acknowledges it as a comprehensive and well-reasoned consideration of the Minerals Local Plan for Gloucestershire which has received appropriate scrutiny of the relevant matters and issues. Officers further advise Cabinet that they agree with the recommendations made by the Inspector concerning the requirement to incorporate main modifications into the Publication version of the Minerals Local Plan for Gloucestershire to ensure it is sound and capable of adoption.
- 4.2. To complete the plan making process, Officers recommend that Cabinet make the necessary recommendations to County Council regarding a resolution to adopt the Publication version of the Minerals Local Plan for Gloucestershire incorporating the main modifications contained in the Inspector's Report and to publicise the fact. In addition, Officers also recommend that additional modifications finalised by the Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Environment and Planning are included as part of the adopted version of the Minerals Local Plan for Gloucestershire. Additional modifications include those published by the Council in July 2019 and any further additional modifications that the Director of Economy, Environment and Infrastructure in consultation with the Cabinet Member for Environment and Planning consider to be necessary at this time.
- 4.3. Officers strongly discourage an alternative course of action involving the withdrawal of the Minerals Local Plan for Gloucestershire from the examination for the purpose of making further materially significant policy revisions. To do so would create considerable uncertainty, incur additional plan-making costs and also risk diminished local influence upon future mineral developments throughout the county for an unknown period of time.

5. Equalities considerations

- 5.1. 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 process of preparing the Minerals Local Plan for Gloucestershire, its examination and adoption has not identified any specific impacts or concerns for individuals and communities covered by protected characteristics. The implications of implementing the policies and allocations for aggregate mineral working contained within the Minerals Local Plan for Gloucestershire will have the same (whether positive or negative) impact on all people regardless of issues of equality. All members of the community have had the opportunity to inspect the emerging Minerals Local Plan for Gloucestershire during the formal stages of submission and examination and to participate in the formal stages including the outcome of incorporating recommended main modifications between July and September 2019.

6. Consultation feedback

6.1. This is contained within the report

7. Performance Management / Follow-up

7.1. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires local planning authorities to carry out a review of their plans every 5 years from adoption to determine whether they are still fit for purpose. Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) also requires local planning authorities to produce Authority Monitoring Reports (AMRs) including information about how policies contained in local plans have performed during the determination of planning applications. The Director of Economy, Environment and Infrastructure will brief the Cabinet Member for Environment and Planning and other Members accordingly in respect of these matters as necessary at the appropriate time.

Report Title	Minerals Local Plan for Gloucestershire – Notification of Inspector’s Report and Recommendation to Council for Adoption
Statutory Authority	<p>The 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> <p>Planning and Compulsory Purchase Act 2004 (as amended)</p> <p>Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)</p> <p>National Planning Policy Framework (NPPF) (2012) and (2019)</p>
Relevant County Council policy	<p>The Minerals Local Plan for Gloucestershire will facilitate the delivery of ‘<i>Looking to the Future</i>’ the County Council’s Strategy through to 2022 by way of contributing to the local policy framework for: - securing the benefits of high quality growth for local people and communities; helping business in Gloucestershire to thrive and grow; connecting the county with the wider world; and safeguarding the county’s natural landscape and environment</p>
<p>Sustainability checklist:</p> <p>Partnerships</p> <p>Decision Making and Involvement</p> <p>Economy and Employment</p>	<p>The preparation of the Minerals Local Plan for Gloucestershire is reliant upon partnership working. The views of interested parties are an integral part of an effective plan. Plan making must involve informal and formal community representation – such as individuals, local action groups, adjacent authorities, Parish Councils, District Councils and elected County and District members. It must also include statutory bodies and agencies, the 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 County Council</p> <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 local policy framework to support both local minerals and construction supply industries to develop and evolve in an</p>

Caring for people	<p>effective and efficient manner over the coming years. The Plan also identifies the potential to support new local apprenticeships.</p> <p>The Minerals Local Plan for Gloucestershire will provide an up-to-date local 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>The Minerals Local Plan for Gloucestershire will provide an up-to-date local policy framework that will headline the necessity for the key elements of 'social value' (e.g. wider social, economic and environmental benefits) to be carefully taken into account.</p>
Built Environment	<p>The Minerals Local Plan for Gloucestershire will provide an up-to-date local policy framework for ensuring impacts on the county's built-up areas are effectively taken into account with future mineral proposals. 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 local 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 local policy framework for assessing impacts from future mineral 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, SSSI's etc.). It also seeks to promote environmental benefit through the process of restoration, aftercare and facilitating beneficial after-uses.</p>
Education and Information	<p>The Minerals Local Plan for Gloucestershire is an invaluable resource in its own right bringing together an array of technical assessments, appraisals and policy informed by research. It provides an appraisal of how and where future mineral-related activities may occur across the county over coming years and identifies 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 that make up the wider academic community.</p>

Tackling Climate Change	Carbon Emissions Implications? Positive / Neutral/ Negative Vulnerable to climate change? Yes / No/ Maybe
Due Regard Statement	Has a Due Regard Statement been completed? Yes /No Yes - considerations included in main body of report A copy of the full Due Regard Statement can be accessed on GLOSTEXT via http://glostext.gloucestershire.gov.uk/uuCoverPage.aspx?bcr=1 Alternatively a hard copy is available for inspection from Jo Moore, Democratic Services Unit, e-mail: jo.moore@gloucestershire.gov.uk .
Human rights Implications	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.
Consultation Arrangements	Contained in the main body of the report.