

**To: Members of the Local Development Framework  
Sub-Committee**

**(Councillors Reilly, Chambers, T Clews, D Humphreys,  
Jarvis and Osborne)**

**For the information of other Members of the Council**

For general enquiries please contact Democratic Services on 01827 719450 or via email – [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk)

For enquiries about specific reports please contact the officer named in the reports.

This document can be made available in large print and electronic accessible formats if requested.

## **LOCAL DEVELOPMENT FRAMEWORK SUB-COMMITTEE**

**1 October 2020**

The Local Development Framework Sub-Committee will meet on Thursday 1 October 2020 at 6.30 pm via Teams. An email invite will be sent to all Members and the meeting will be live streamed on the Council's YouTube channel, accessible from the home page of the Council's website or at <https://www.youtube.com/user/northwarks>

### **AGENDA**

- 1 Apologies for Absence / Members away on official Council business.**
- 2 Disclosable Pecuniary and Non-Pecuniary Interests**

### 3 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. Questions should be submitted by 9.30am two working days prior to the meeting. Participants are restricted to five minutes each.

PLEASE BE AWARE THAT THIS MEETING WILL BE TAKING PLACE REMOTELY.

Members of the public wishing to address the Board must register their intention to do so by 9:30am two working days prior to the meeting. Participants are restricted to five minutes each.

If you wish to put a question to the meeting, please register by email to [democraticservices@northwarks.gov.uk](mailto:democraticservices@northwarks.gov.uk) or telephone 01827 719221/719226.

Once registered to speak, an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so they made need to mute the sound on YouTube when they speak on the phone to prevent feedback).

## **ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)**

### 4 **Local Development Scheme (LDS) October 2020** - Report of the Chief Executive

#### **Summary**

This report brings to Members a revised up to date Local Development Scheme.

The Contact Officer for this report is Dorothy Barratt (719250).

### 5 **Infrastructure Delivery Plan (IDP) Update** – Report of the Chief Executive

#### **Summary**

This report looks at the IDP and then compares the information with some recent planning applications.

The Contact Officer for this report is Dorothy Barratt (01827 719250).

6 **Warwickshire Minerals Plan Update – Statement of Common Ground, Examination Hearing Date – Outstanding Issues – Report of the Chief Executive**

**Summary**

This report updates and informs Members of the Warwickshire County Council's Minerals Plan Examination in Public (EiP).

The Contact Officer for this report is Dorothy Barratt (719250).

7 **Planning Consultations – Report of the Chief Executive**

**Summary**

This report brings to Members attention recent consultations relating to Planning, including the White Paper "*Planning for the Future*".

The Contact Officer for this report is Dorothy Barratt (719250).

8 **Local Plan Progress - Report of the Chief Executive**

**Summary**

The report provides an update on the progress of the Local Plan and the possible timetable to adoption.

The Contact Officer for this report is Dorothy Barratt (719250).

STEVE MAXEY  
Chief Executive

**Agenda Item No 4**

**Local Development Sub-Committee**

**1 October 2020**

**Report of the Chief Executive**

**Local Development Scheme (LDS)  
October 2020**

**1 Summary**

- 1.1 This report brings to Members a revised up to date Local Development Scheme.

<p><b>Recommendation to Executive Board</b></p> <p><b>That the Local Development Scheme is approved.</b></p>
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**2 Consultation**

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

**3 Local Development Scheme**

- 3.1 This report brings to Members an update of the Local Development Scheme (LDS) to reflect the work that is to be carried out and to ensure that the legal process for the production of the documents is adhered to.

- ... 3.2 The revised document is attached as Appendix A. It can be altered / updated at any time.

- 3.3 As can be seen from the revised LDS the main focus of work continues to relate to the progression of a Local Plan incorporating the draft site allocations and the draft development management plans.

- 3.4 One change is the re-introduction of a Gypsy and Traveller Development Plan Document to the work programme to look at site allocations. This work stream was deleted in previous LDS's as the requirement at that time was for 9 residential pitches and 5 transit pitches up to 2028. An updated Needs Assessment has identified further needs for residential pitches up to 2033.

## **4 Report Implications**

### **4.1 Finance and Value for Money Implications**

4.1.1 The costs of the programme of work are funded through the Local Development Framework budget.

### **4.2 Legal and Human Rights Implications**

4.2.1 It is a requirement of the 2004 Act that a Local Development Scheme is prepared that outlines the work programme to produce the various Local Development Documents.

### **4.3 Environment and Sustainability Implications**

4.3.1 Sustainability appraisals are required to accompany all Local Development Documents identified by this Local Development Scheme. Consultants are engaged to work alongside the Forward Planning Team. The Local Development Scheme and the associated plans and documents take into account evidence of housing needs, landscaping appraisal, habitat biodiversity audit and other assessments to inform future development frameworks. All the various assessments help inform a sustainability appraisal.

### **4.4 Equality Implications**

4.4.1 An equality impact assessment has been carried out on the Local Plan which sets out the overarching spatial vision for the Borough over the next 15 years.

### **4.5 Links to Council's Priorities**

4.5.1 The delivery of the Local Development Framework is linked to all of the Council priorities.

The Contact Officer for this report is Dorothy Barratt (719250).

***Local Development  
Scheme  
for  
North Warwickshire***



**North Warwickshire  
Borough Council**

October 2020

## **Introduction**

- 1 The Planning and Compulsory Purchase Act 2004 introduced the requirement for Councils such as North Warwickshire Borough Council to prepare and maintain a Local Development Scheme (LDS). An LDS sets out a timetable for the production of new or revised Development Plan Documents (such as a Local Plan) by the local council.
- 2 It sets out a planning work programme for the Council over a three-year period to 2023. It will be regularly reviewed to keep it up to date. This LDS version supersedes previous versions.

## **What are the current adopted Development Plan Documents for North Warwickshire?**

- 3 The current Development Plan Documents for North Warwickshire are:
  - North Warwickshire Core Strategy (adopted October 2014)
  - Warwickshire Waste Core Strategy (adopted July 2013)
  - Warwickshire Minerals Local Plan
  - Saved policies from the 2006 North Warwickshire Local Plan
  - Arley Neighbourhood Plan
  - Austrey Neighbourhood Plan
  - Coleshill Neighbourhood Plan
  - Fillongley Neighbourhood Plan
  - Hartshill Neighbourhood Plan
  - Mancetter Neighbourhood Plan
- 4 The Statement of Community Involvement was adopted in April 2007 and was updated during the lockdown for the pandemic in order to reflect that depositing of documents was difficult. The document will be reviewed in 2021 to see if it requires updating.
- 5 A further 6 Neighbourhood Plan Areas have been formally designated.
- 6 Consideration of a CIL (Community Infrastructure Levy) charge is ongoing and it is envisaged that if approved a charging schedule would be in place by 2023.

## **What new Development Plan Documents are to be prepared?**

- 7 The Borough Council has been working on the production of a new Local Plan. This document will replace the 2014 Core Strategy and saved policies from the 2006 Local Plan. It is currently at Examination.
- 8 This LDS confirms the updated work programme which is attached as Appendix A. The new Local Plan for North Warwickshire will be adopted as quickly as possible in 2021, following examination by the Planning Inspectorate on behalf of the Secretary of State.
- 9 The needs of the Gypsy & Traveller community have been incorporated into the new Local Plan. However new evidence requires additional sites / pitches being brought forward so a separate development plan document will be prepared.

- 10 The Minerals and Waste Documents are the responsibility of Warwickshire County Council. The County Council is reviewing the Minerals Plan and it is currently at examination. Further information can be found on the County Council's website: [www.warwickshire.gov.uk](http://www.warwickshire.gov.uk).
- 11 As the Local Plan is coming towards adoption the focus of the Forward Planning team will move to the implementation of the Local Plan. A number of Supplementary Planning Documents (SPD's) will be prepared to assist with the interpretation of policy.
- 12 A schedule setting out more detail on the preparation of the new Local Plan is set out below.

**Appendix A**

**Development Plan Document**

<b>Document Title</b>	<b>Subject matter and geographical area</b>	<b>Chain of Conformity</b>	<b>Consultation</b>	<b>Publication of Submission Draft DPD &amp; Public Consultation</b>	<b>Submission and Examination of DPD</b>	<b>Adoption and Publication of DPD</b>	<b>Policies it will replace</b>
<b>North Warwickshire Local Plan</b>	Sets out vision, objectives and strategy for the spatial development of Borough. Lists allocated sites illustrated on an accompanying Policies Map. Sets out policies against which planning applications will be considered. Covers the whole of North Warwickshire Borough Council's administrative area.	NPPF	<u>Growth Options</u> – summer 2016  <u>Regulation 18</u> - Approved for consultation August 2016 Formal consultation - November 2016 to March 2017	<u>Submission version - Regulation 19</u> December 2017 to March 2018	<u>Submission</u> - 22 March 2018  <u>Examination</u> – hearings September 2018; February and April 2019	2021	It will replace:  1. All remaining saved policies from 2006 Local Plan; and, 2. Core Strategy 2014
<b>Gypsy and Travellers DPD</b>	It will look at allocating sites for the Gypsy and Traveller community.	Local Plan and NPPF	Autumn 2021	Early 2022	Mid 2022	Late 2022	N/A

### Supplementary Planning Documents

<b>Document Title</b>	<b>Geographical area</b>	<b>Chain of Conformity</b>	<b>Consultation</b>	<b>Adoption of SPD</b>
<b>Air Quality SPD</b>	Whole Borough	Local Plan	13 June to 24 July 2019	October 2019
<b>Developer Contributions</b>	Whole Borough	Local Plan	Summer 2021	Summer 2022
<b>Residential Design SPD</b>	Whole Borough	Local Plan	January 2021	Spring 2021
<b>Design Principles SPD (Site H7)</b>	Land East of Polesworth and Dordon	Local Plan	March 2021	Late 2021
<b>Design Principles SPD (Site H2)</b>	Land to north-west of Atherstone	Local Plan	Late 2021	Autumn 2022
<b>Shop Fronts SPD</b>	Whole Borough	Local Plan	Autumn 2021	Summer 2022
<b>Bin Storage SPD</b>	Whole Borough	Local Plan	Autumn 2021	Summer 2022
<b>Open Space SPD</b>	Whole Borough	Local Plan	Autumn 2021	Summer 2022

### Further Information Sources

Below are links to websites which will assist should you require further information on LDSs:

- The Planning and Compulsory Purchase Act 2004:  
<http://www.legislation.gov.uk/ukpga/2004/5/contents>
- Neighbourhood Plan Act  
<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>
- The Town and Country Planning (Local Planning) (England) Regulations 2012:  
<http://www.legislation.gov.uk/uksi/2012/767/contents/made>
- Planning Advisory Service:  
<https://www.local.gov.uk/pas>
- Planning Portal:  
<https://www.planningportal.co.uk/>
- Planning Practice Guidance  
<https://www.gov.uk/government/collections/planning-practice-guidance>

## Agenda Item No 5

### Local Development Framework Sub-Committee

1 October 2020

#### Report of the Chief Executive

#### Infrastructure Delivery Plan (IDP) Update

#### 1 Summary

- 1.1 This report looks at the IDP and compares some of the allocated sites with the information from recent planning applications.

#### Recommendation to the Sub-committee

That the report be noted.

#### 2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

#### 3 Introduction

- 3.1 The Infrastructure Delivery Plan (IDP) is a document that sits alongside the emerging Local Plan and sets out the infrastructure requirements for development generally but specifically the housing allocations. The original document can be found at :

[https://www.northwarks.gov.uk/downloads/file/7210/cd04\\_infrastructure\\_delivery\\_plan\\_march\\_2018](https://www.northwarks.gov.uk/downloads/file/7210/cd04_infrastructure_delivery_plan_march_2018). Information on health and education were updated in August 2018 and these can be found in Appendix A to this report.

...

- 3.2 The IDP is a document that is prepared to indicate the amount of infrastructure that is expected on sites at the allocation stage. This is not a prescriptive list however and can change when the detail of the planning application emerges. It is influenced by the final number of dwellings, the type of dwellings, expected age profile on the site as well as viability issues.

#### 4 Section 106

- 4.1 Section 106 legal agreements are normally the way that infrastructure is secured. Attached as Appendix B is the latest S106 information. The agreed amount of money to come forward from sites that have planning permission is set out in the appendix. However, this is not the complete picture as some infrastructure can be delivered through a condition on the planning permission for example, the provision of affordable housing.

...

## 5 Allocated Housing Sites

5.1 Table 1 below shows the proposed allocated housing sites which now have planning permission. It details what was expected when the IDP was prepared with the information from the S106.

**Table 1: Comparison of IDP and Planning Application**

<b>H17</b>	<b>Land off Spon Lane Grendon (former Sparrowdale School site and former recycling centre site)</b>	<b>2.1 ha</b>	<b>Allocated for 60 units PP for 56 units</b>
	<i>IDP</i>	<i>S106</i>	<i>Other</i>
Open Space		216,475	
WCC		192,693	
Early Years and Primary	181,774**		
Secondary	205,141**		
Health – GEH Trust	22,400 (revenue)**		
Health GP	13,908.24 + 1,782.98*		
<b>Total</b>	<b>402,606.22</b>	<b>409,168</b>	

<b>H18</b>	<b>Dairy House Farm (Phase 2), Spon Lane, Grendon</b>	<b>9</b>	<b>Allocated for 120 PP for 120</b>
	<i>IDP (Site not listed in March 2018 IDP)</i>	<i>S106</i>	<i>Other</i>
Open Space		20,000	
Police		14906	
WCC		111,097	
Education			447,494
Early Years and Primary	363,548**		
Secondary	345,894**		
Health			95,221
Pedestrian Crossing			15,876
Health – GEH Trust	0		
			Affordable by condition
<b>Total</b>	<b>709,442</b>	<b>146,003</b>	<b>558,591</b>

Key

\* as at March 2018

\*\* as at August 2018

5.2 It is clear that each site needs to be considered in more detail individually as comparing the numbers from the IDP across to the planning application is not straight forward. Further work will be carried out to monitor the provision of infrastructure.

## **6 Trigger Points for release of Funds**

6.1 Ideally everyone would want all the infrastructure to be delivered upfront. However, in reality this is not possible as the builder needs to have a cash flow to progress the sites. This becomes a much larger issue for the larger allocated sites where major infrastructure is required. There will therefore be trigger points for the release of funds or the provision of the physical infrastructure.

## **7 Next Steps**

7.1 The Borough Council is required to prepared an annual infrastructure funding statement to set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations, although this will not dictate how funds must be spent nor in turn collected.

7.2 The first statement needs to be published by 31 December 2020. It is proposed to take a report to a Board. In addition, it is proposed to produce a further report providing more detail as some infrastructure is provided through conditions and will not be shown in the Infrastructure Funding Statement itself.

The Contact Officer for this report is Dorothy Barratt (719250).

**Infrastructure/Financial Contributions Assessment  
for Secondary and Acute Care – George Eliot  
Hospital Trust – August 2018**

**NORTH WARWICKSHIRE BOROUGH COUNCIL  
LOCAL PLAN EXAMINATION**

**APPENDIX 2**

Infrastructure/Financial Contributions Assessment for Secondary and Acute Care  
George Eliot Hospital Trust – August 2018

		Matters 7 - Appendix			
		Growth Plans		Secondary and Acute Care (George Eliot Hospital Trust)	
	Site Name	Dwellings	Residents per H.H	Revenue Impact	Initial thoughts on secondary / acute care requirements
Atherstone & Mancetter	Land to north-west of Atherstone off Whittington Lane	1282	3077	£ 739,000	Capital Contribution may be requested for this development
	Land at Holly Lane Atherstone (ATH20)	531	1274	£ 306,000	Capital contribution may be requested for this development
	Land off Sheepy Road, (football ground)	46	110	£ 26,500	
	Britannia Mill redevelopment site, Coleshill Rd	54	130	£ 19,900	
	<b>Total</b>	<b>1913</b>	<b>4591</b>	<b>£ 1,091,400</b>	
Polesworth & Dordon	Land to east of Polesworth & Dordon	2000	4800	£ 1,152,000	Capital contribution may be requested for this development
	Land west of Woodpack Farm, Polesworth	32	77	£ 18,500	
	Land off Fairfields Hill, Polesworth	9	22	£ -	
	Former Polesworth Learning Centre, High St, Polesworth	14	34	£ 8,000	
	Land at Windridge Dunns Lane, Dordon	9	22	£ -	
	Former Chapel House site, Dordon	7	17	£ -	
	<b>Total</b>	<b>2071</b>	<b>4970</b>	<b>£ 1,178,500</b>	
Coleshill	Grimstock Hill (COL 1)	12	29	£ 7,000	
	Police station and Leisure Centre site (COL3)	25	60	£ 14,400	
	Land at Blythways (COL6)	27	65	£ 15,500	
	Allotments adjacent to Memorial Park, Coleshill	30	72	£ 17,300	
	<b>Total</b>	<b>94</b>	<b>226</b>	<b>£ 54,200</b>	
Settlements adjoining District Boundary	Land west of Robey's Lane, adjacent Tamworth	1191	2858	£ 687,000	Capital contribution may be requested for this development
	Site at Lindridge Road adj. Langley SUE, Wishaw	141	338	£ 81,200	
	<b>Total</b>	<b>1332</b>	<b>3197</b>	<b>£ 768,200</b>	
Grendon & Baddesley Ensor	Land at Church Farm, Baddesley	47	113	£ 24,800	
	Land north of Grendon Community Hall (former Youth Centre) Boot Hill Grendon	7	17	£ -	
	Former Sparrowdale School site, Spon Lane Grendon	39	94	£ 22,400	
	Former Recycling centre site, Spon Lane Grendon	5	12	£ -	
	<b>Total</b>	<b>98</b>	<b>235</b>	<b>£ 47,200</b>	
Hartshill & Ansley Common	Land between Church Rd and Nuneaton Rd, Hartshill (HAR 3)	400	960	£ 230,600	Capital contribution may be requested for this development
	Land off Coleshill Rd, Ansley Common (ANSCOMM 1)	38	91	£ 21,900	
	Land north of Coleshill Road, Ansley Common	355	852	£ 204,600	Capital contribution may be requested for this development
	Land south of Coleshill Road, Ansley Common	230	552	£ 132,600	Capital contribution may be requested for this development
	<b>Total</b>	<b>1023</b>	<b>2455</b>	<b>£ 589,700</b>	
Kingsbury	Land north of Kingsbury Hall, Kingsbury	41	98	£ 23,600	
Water Orton	Former School redevelopment site (excluding original historic school building)	48	115	£ 27,600	
Ansley	Land at Village Farm, Birmingham Road	12	29	£ 7,000	
	Land rear of Village Hall, Birmingham Road	31	74	£ 17,900	
	<b>Total</b>	<b>43</b>	<b>103</b>	<b>£ 24,900</b>	
Newton Regis	Manor Farm	21	50	£ 12,100	
Shuttington	Land south of Shuttington Village Hall	24	58	£ 13,800	
Warton	Land north of Orton Rd, Warton (part WAR8)	88	211	£ 50,700	
Wood End	Land south of Islington Farm, r/o 115 Tamworth Rd	28	67	£ 16,100	
<b>Total</b>		<b>6824</b>	<b>16378</b>	<b>£ 3,898,000</b>	The Trust has not fully assessed the impact of the new housing capital developments however as the Trust is currently at full capacity in respect of in patient beds, outpatient clinics it is possible that larger developments would be asked to make a capital contribution towards the expansion of A&E facilities, new wards and the expansion of the mortuary.

**Notes**

Household Size: 2.4 per hh (same calculation as education uses and top end of NW's hh projections as need to allow for most flexibility) with the exception of Britannia Mill which is understood to be extra care where a ratio of 1.53 has been applied

Revenue contributions is based on a contribution per house of £576.48. This is composed of 2 elements of gap funding for MRET and premium staffing costs - see equations below.

**Marginal Rate** = Development Population (Dwellings x 2.4) x % Development Activity Rate per head of population per year x Cost per Activity

**Premium Staffing Cost** = Development Population (Dwellings x 2.4) x % Development Activity Rate per head of population per year x Cost per Activity) x % proportion of staff costs x % Agency Premium cap

**NORTH WARWICKSHIRE BOROUGH COUNCIL  
LOCAL PLAN EXAMINATION**

**APPENDICES**

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**Statement on education needs and infrastructure for North  
Warwickshire Borough Local Plan, Warwickshire County Council  
– August 2018**

28 August 2018



## **Statement on education needs and infrastructure**

### **North Warwickshire Borough Local Plan**

Warwickshire County Council has a statutory responsibility under the Education Act 1996 to provide a school place to all of its school-age resident children. This responsibility still remains despite the recent direction of government policy towards giving schools more autonomy. As a result, all schools, including Academies and Free Schools, are considered equally in the County Council's planning of school places.

In addition the Local Authority also has a duty ensure sufficient childcare for children aged 0-4, including free early years provision for eligible young children, and the duty to ensure sufficient and appropriate education for those children with SEND.

It is expected the growth outlined in the emerging North Warwickshire Local Plan for the period 2011-2033 would generate between 2700 and 3800 additional children aged 2 - 18 that would require an early years, school or post 16 place. It should be noted the variance accounts for the difference between those housing allocations in LP39 and the expected windfall to reach the housing requirement up to 2033 as outlined in paragraph 14.7 of the local plan.

It is expected that a combination of both expansion of existing provision and the development of new school provision will be required to ensure this additional need for places is met throughout the lifetime of the Local Plan and beyond.

The education infrastructure requirements expected to ensure sufficient school, early years and post 16 provision are outlined by area within the Infrastructure Delivery Plan. The exact details of the individual projects needed to deliver this additional provision will be area and locality dependant, taking into account the capacity of existing schools, the expected forecast pupil numbers, and the level of housing development proposed in the area and the numbers of associated additional children generated.

Developer contributions will be sought in order to enable the provision of any new the education infrastructure necessary to meet the demands of those additional children generated as a result of development, either towards the expansion of existing provision or the delivery of new provision as appropriate.

North Warwickshire Local Plan Housing Allocations

LP39 Housing Allocations	Dwellings	Estimated Pupil Yield					Possible Income		Education request	Comments
		Early years	Primary	Secondary	Post 16	Early Years and Primary	Secondary and Post 16			
Atherstone & Mancetter	Land at Holy Lane Atherstone - H1	531	20	102	73	15	£1,608,699	£1,530,181	Land and financial contributions	Primary - Financial contributions and land to provide new primary provision on Land of Whitnigton Lane. Secondary - Financial contributions towards additional provision at The Queen Elizabeth School
	Land to north-west of Atherstone off Whitnigton Lane - H2 Land off Sheepy Road, (football ground) - H3 Total	1292	49	247	176	35	£3,863,902	£3,654,336	Financial contributions Financial contributions	
Colehill	Former Leisure Centre site - H4 Land at Bivdways - H5 Allotments adjacent to Memorial Park, Colehill - H6 Total	46	2	9	6	1	£139,360	£132,556	Financial contributions	The relatively small level of growth and the current cross county border movement means that it might not be necessary to increase the current number of school places. This will be kept under review.
	Former Leisure Centre site - H4 Land at Bivdways - H5 Allotments adjacent to Memorial Park, Colehill - H6 Total	25	1	5	3	1	£75,739	£72,042	To be determined To be determined To be determined	
Polesworth & Dordon	Land to east of Polesworth and Dordon H7 Land west of Woodpack Farm, Polesworth - H8 Land off Fairfields Hill, Polesworth - H9 Former Polesworth Learning Centre, High St, Polesworth - H10 Land at Windy Ridge Durris Lane, Dordon - H11 Former Chapel House site, Dordon - H12 Total	2000	77	365	275	55	£6,059,130	£5,763,395	Land and financial contributions Financial contributions Financial contributions Financial contributions Financial contributions Financial contributions	Primary - Financial contributions and land to provide new primary provision on Land East of Polesworth. Secondary - Financial contributions towards additional provision at The Polesworth School
	Land to east of Polesworth and Dordon H7 Land west of Woodpack Farm, Polesworth - H8 Land off Fairfields Hill, Polesworth - H9 Former Polesworth Learning Centre, High St, Polesworth - H10 Land at Windy Ridge Durris Lane, Dordon - H11 Former Chapel House site, Dordon - H12 Total	32	1	6	0	1	£96,946	£17,194	Financial contributions Financial contributions Financial contributions Financial contributions Financial contributions	
Settlements adjoining district Boundary	Land west of Robey's Lane, adjacent Tarnworth - H13 Site at Liontong Road adj. Langley SUE, Wishaw - H14 Total	1270	49	244	175	35	£3,847,548	£3,659,756	Land and financial contributions Financial contributions	Primary - Financial contributions and land to provide new primary provision on Land West of Robey's Lane. Secondary - Financial contributions towards additional provision at The Polesworth School
	Land at Church Farm, Baddesley - H15 Land north of Grendon Community Hall (former Youth Centre) Boot Hill Grendon - H16 Land off Spoon Lane Grendon (former Spawwade School site and former recycling centre site - H17 Dairy House Farm (Phase 2), Spoon Lane, Grendon - H18 Total	141	5	27	19	4	£427,169	£406,319	Financial contributions Financial contributions Financial contributions	
Baddesley Enson / Grendon	Land at Church Farm, Baddesley - H15 Land north of Grendon Community Hall (former Youth Centre) Boot Hill Grendon - H16 Land off Spoon Lane Grendon (former Spawwade School site and former recycling centre site - H17 Dairy House Farm (Phase 2), Spoon Lane, Grendon - H18 Total	47	2	9	6	1	£142,390	£135,440	Financial contributions Financial contributions Financial contributions Financial contributions	The relatively low level of growth means that it might not be necessary to increase the current number of school places at primary. However, this will be kept under review and financial contributions will be requested as necessary. Secondary - Financial contributions towards additional provision at The Polesworth School or The Queen Elizabeth School
	Land between Church Rd and Nuneston Rd, Harshill - H19 Total	120	5	23	17	3	£363,548	£345,804	Financial contributions Financial contributions	
Land between Church Rd and Nuneston Rd, Harshill - H19	400	15	77	55	11	£1,211,806	£1,152,679	Financial contributions	While development in the area does not produce a full form of entry at Primary, given the relation to	

Appendix B

	INFRASTRUCTURE TYPE	LOCATION	LEAD DELIVERY	SOURCE OF FUNDING	COST	Planning Strategy	
						Importance to Strategy	Reason
	<b>TRANSPORT</b>						
1	Traffic Modelling will be needed to assess all sites	Borough Wide	Highways England WCC	Highways England (not committed), Developer contributions		Important	Site specific implications to be considered
2	Improvements to A5	Dordon / Grendon	Highways England WCC	MCLHG	79M	CRITICAL	To facilitate development
3	Improvements to Island at Holly Lane (Atherstone)	Atherstone	Highways England WCC	MCLHG	part of above project	CRITICAL	To facilitate development
4	Improvements to Holly Lane Bridge	Atherstone	Highways England, WCC,	Developer Contributions	TBC	Important	To facilitate development
5	Creation of through road in Dordon/Polesworth as development takes place (first part of road already started)	Dordon/Polesworth	NWBC WCC	Developer		Important	To facilitate development
6	Creation of through road at Church Road- Nuneaton/Camp Hill Rd allocated site	Hartshill	NWBC, Highways England (advisory)	Developer	TBC	Important	To facilitate development
7	Improved services including provision of a footbridge and parking facilities at Polesworth Railway Station	Polesworth	Network Rail	Developer contributions	TBC	Important	To facilitate development
8	Improved car parking at Atherstone Railway Station	Atherstone	Network Rail	Developer contributions	TBC	Important	To facilitate development
9	Improved facilities at station – footbridge, ticket office	Atherstone	Network Rail	WCC, Network Rail, Rail Operators	At least £1.5m	Important	To facilitate development
10	Improvements to bus services	Borough wide	WCC, Voluntary Sector	Developer contributions, WCC	TBC	Important	To make development sustainable
11	Arley Station	Arley		WCC, Network Rail,	£8M	Important	To make development sustainable

**Appendix B**

12	Kingsbury Station	Kingsbury	NWBC owns part of site	WCC, Network Rail,	£8M	Important	To make development sustainable
13	Walking and Cycling	Borough Wide	NWBC, WCC	Developer contributions	TBC	Important	To make development sustainable
<b>GREEN INFRASTRUCTURE</b>							
14	Canal Towpath improvements	Borough wide	British Waterways NWBC	Developer contributions	TBC	Important	To make development sustainable
15	Improved green linkages Borough wide	Borough wide	NWBC	Developer contributions	TBC	Important	To make development sustainable
16	Delivery of Play Area Development Programme	Borough wide	NWBC	Developer contributions, NWBC, Grant Aid	£950K	Important	To make development sustainable
17	Delivery of a a hub containing retail, community and health facilities	Dordon/Polesworth	NWBC	Developer contributions	TBC	Important	To make development sustainable
18	Delivery of Allotments Development Programme	Borough wide	NWBC	Developer contributions, NWBC, Grant Aid	£20K	Important	To make development sustainable
19	TVWLPS	Tame Valley	WWT plus 18 partner organisations including NWBC	NWBC, Developer Contributions, Environment Agency External Grants (including the Heritage Lottery Fund for the TVWLPS).	£2.5 million (£1.7 million from the Heritage Lottery Fund).	Important	To make development sustainable
<b>HOUSING</b>							
20	Affordable Housing	Borough wide	NWBC Housing Association Preferred Partners	Developer contributions (land at nil cost or off-site financial contributions) Housing Associations (private finance) HCA ( Social Housing Grant) CSW Sub-region - various enabling grants)	TBC	Important	To cater for the needs of the Borough

**Appendix B**

21	Requirement of 9 residential and 5 transit gypsy and traveller pitches	Borough wide	NWBC, WCC, Private	Developer, Government Grant, WCC		important	To cater for the needs of the Borough
22	Requirement of 1 pitch for travelling showpeople to be allocated within Warwickshire Districts	Within Warwickshire	CSW Local Authorities, Private, WCC	Developer Contributions, Government Grant, WCC	TBC	important	To cater for the needs of the Borough
23	Extra Care Accommodation	Borough Wide	WCC, RSLs/SDC	WCC, Developer Contributions	TBC	important	To cater for the needs of the Borough
24	Housing for Vulnerable Adults	Borough Wide	WCC	WCC, Developer Contributions	TBC	important	To cater for the needs of the Borough
<b>EDUCATION</b>							
25	New Primary Schools	Atherstone, 2 x Polesworth/Dordon	WCC	WCC, Developer Contributions	TBC	Important	To make development sustainable
26	Additional school places	Borough Wide	WCC	WCC, Developer Contributions	£21.2M	Important	Shortfall of places identified
27	Hartshill School	Hartshill	WCC	WCC, Developer Contributions	TBC	Important	Shortfall of places identified
<b>HEALTH</b>							
28	Additional health care facilities to include additional clinical rooms	Borough wide	CCG, NHS England	Developer contributions, NHS England	Cost determined by application	Important	To make development sustainable
<b>SOCIAL INFRASTRUCTURE</b>							
29	Community Venue(upgrade or new facility)	Borough Wide	NWBC	Developer contributions	Will vary on scale and detail	Important	To make development sustainable
30	Replacement/refurbishment of other Leisure Facilities	Atherstone, Kingsbury and Polesworth	NWBC	NWBC, Developer contributions, grant aid	£4.9M	important	Pressure on services identified
<b>PUBLIC SERVICES</b>							
31	Fire Station Upgrades	Borough Wide	WCC	WCC, Developer contributions	£121 (per new dwelling)	important	Pressure on services identified

**Appendix B**

32	Waste Management	Borough Wide	WCC	WCC, Developer contributions	£43.92 (per new dwelling)	important	Pressure on services identified
<b>UTILITY SERVICES</b>							
33	Hydraulic Modelling will be needed at some sites	Borough Wide	Severn Trent Water	Severn Trent,	Varying	important	To make development sustainable
34	Additional capacity will/may be required to accommodate future expansion	Atherstone and Mancetter, Hartshill, Shustoke and West Dordon	Severn Trent Water	Severn Trent,	Varying	important	To make development sustainable
35	Broadband	All locations	NWBC, WCC, Telecoms Infrastructure Companies	Developers	VARIOUS	important	To make development connected and future proofed

## Agenda Item No 6

### Local Development Framework Sub Committee

1 October 2020

Report of the  
Chief Executive

Warwickshire Minerals Plan  
Update – Statement of Common  
Ground, Examination Hearing  
Date – Outstanding Issues

#### 1 Summary

- 1.1 This report updates and informs Members of the Warwickshire County Council's Minerals Plan Examination in Public (EiP). This stage follows the Regulation 19 consultations already undertaken on the Minerals Local Plan, which Members will recall were Reported to Planning and Development Board on 10 December 2018 and 9 July 2019 (Minerals plan update and policy MCS 10 – Underground coal gasification consultation).
- 1.2 The Report and Appendices includes a Draft Statement of Common Ground (SoCG) between the Borough Council and County Council and a summary of the outstanding issues to be dealt with through Written Representations by the Inspector into the Plan.

#### **Recommendation to the Sub-Committee**

- a That Members note the date for the Examination Hearings into the Minerals Local Plan; and**
- b That the Statement of Common Ground recommendations and responses contained within the report are noted, agreed, signed and Members note the outstanding issues remaining will be dealt with through the written representation process, by the Inspector into the Plan.**

#### 2 Minerals Plan Examination in Public

- 2.1 A Planning Inspector has been appointed to undertake an independent examination into the soundness of the Warwickshire Minerals Plan (the Plan). The Inspector's task is to consider the soundness and legal compliance of the submitted Plan, based on the criteria set out in paragraph 35 of the National Planning Policy Framework 2019 (the Framework) and associated

regulations, namely the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012. Hearing Sessions for the Warwickshire Minerals Local Plan Examination have been rescheduled for Tuesday 20 and Wednesday 21 October 2020.

- 2.2 Members have already commented on the Warwickshire Minerals Plan, and a copy of the earlier Board Reports are available to view at –  
10 December 2018 Report - [https://www.northwarks.gov.uk/meetings/meeting/795/planning\\_and\\_development\\_board](https://www.northwarks.gov.uk/meetings/meeting/795/planning_and_development_board)  
and 9 July 2019 MCS10 Report - [https://www.northwarks.gov.uk/download/meetings/id/2163/download\\_the\\_agenda\\_reports\\_and\\_appendices](https://www.northwarks.gov.uk/download/meetings/id/2163/download_the_agenda_reports_and_appendices)
- 2.3 The Examination page for the Warwickshire Minerals Plan is available to view online at –  
[https://warwickshire-consult.objective.co.uk/portal/warwickshire\\_minerals\\_plan\\_examination\\_website](https://warwickshire-consult.objective.co.uk/portal/warwickshire_minerals_plan_examination_website)

### 3 Statement of Common Ground

- 3.1 Following a meeting the Borough Council and the County planning team, the County Council has drafted a “Statement of Common Ground” and a series of Plan Modifications to address the Council’s submissions to the Regulation 19 consultations on the Warwickshire Minerals Plan. This SoCG is attached as Appendix 1 to this report.

...

- 3.2 The SoCG includes revised text for the Plan Modifications to address issues and concerns raised by the Borough Council. These Modifications include text changes relating to minerals safeguarding, coal extraction and underground coal gasification that the County hope will address the comments expressed in NWBC’s representations. Modifications are shown **in Bold** or ~~strikethrough~~ and are summarised as follows;

- Policy MC5 Safeguarding of Minerals and Minerals Infrastructure Mods includes removal of the text requirement ~~unless “prior extraction” takes place.~~, removing the requirement for “automatic extraction” of the minerals which helps the Borough in circumstances where development and conflicting Local plan allocations are affected in sustainable and/or sensitive locations;
- Policy MC5 Modifications also now includes reference to **mineral specific buffer distances for proximal development of between 150 – 500m,** which was an issue of some concern to Members;

- Policy Modifications also address some Borough concerns over sand and gravel and coal extraction. The use/addition of the term “needlessly” helps prevent wholesale constraint on non-mineral developments in mineral safeguarded areas, where they can clearly be shown to be needed and necessary through the Local Plan process, supporting application evidence and NPPF support, the Mod noted as follows;
- “Non-mineral development, except for those types of development set out in Appendix 3, **should** shall not normally be permitted if **it** they would **needlessly** unnecessarily sterilise **mineral resources or would prejudice or jeopardise the use of** existing **and planned** **mineral sites or existing and future** and future mineral sites and mineral infrastructure. or prejudice or jeopardise their use by creating incompatible land uses nearby.”
- In **Policy MCS 8 – Hydrocarbon Development - Coal Mining (surface and deep mining)** Modifications that the Borough sought in relation to the NPPF presumption against the extraction of coal are included, noting as follows:
  - “ **‡The** NPPF gives a general presumption against the extraction of coal, **clarifying that the benefits of mineral extraction that should be given great weight do not extend to coal extraction, and that planning permission should only be granted in certain limited circumstances.**”
  - Similar Borough concerns regarding **Policy MCS 10 - Underground Coal Gasification** have also been addressed with tightening up of the Reasoned justification text and Policy noting the requirement for support only : “if it is **clearly and compellingly** demonstrated that the proposal is **required to meet national and local energy policy requirements, is carbon free, safe,** environmentally acceptable or can be made so by planning conditions or obligations, and that it provides national, local or community benefits which clearly outweigh the likely adverse impacts. so as to justify the grant of planning permission”
  - **Policy MCS 10** modifications in the SoCG also note that – **“but future development opportunities would be focussed on great depth (over 600m) and offshore to avoid environmental damage (subsidence and contamination of the water environment).”**
  - and :- **“the government announced in December 2016 that “it was not minded to support the development of the technology in the UK”.**, which should provide some re-assurance to Members.
  - There is also additional Plan text re-inforcing and strengthening environmental requirements and concerns as follows;

- “8.74 To reach the Government’s commitment to net-zero greenhouse gas emissions by 2050 future development of onshore UCG would need to demonstrate that amongst other things it was capable of being operated at a commercial scale; it was needed in terms of national energy policy, safe and carbon free; and it was capable of being made environmentally acceptable (including any residual environmental impacts).”
- and “8.77 8.72 Developers should avoid developing proposals within influencing distance of major population centres and sites designated as being internationally or nationally important for nature conservation. Heritage assets and their settings should also be avoided. Consideration will need to be given to amongst other issues the impact of proposals on public health (including the submission of a health impact assessment), existing infrastructure and utilities, air quality, the water environment and to the management and disposal of waste products”. ...and... “ . The ability of the proposals to secure net-zero greenhouse gas emissions will be a key determinant if any form of onshore UCG is to take place in Warwickshire during the plan period.”

3.3 Note, however, not all suggestions and text changes sought by the Borough have been accommodated as some inevitably conflict with, or are difficult to comply with the current Minerals Planning Guidance, particularly where these are dealing with the Minerals Safeguarding issues and requirements around prior extraction and avoidance of sterilization.

3.4 There is some clarification on developers proposing non-minerals developments that may affect or encroach current sites, putting the responsibility for assessing impacts in their hands noting as follows; “ It is the non-minerals developer’s (applicant “agent of change”) responsibility to determine site specific potential impacts, as well as the identification and implementation of suitable mitigation measures. The approved mitigation measures shall be carried out and implemented before the non-mineral development is completed. This could be achieved for example by the imposition of suitably worded planning conditions on the non-mineral development consent and/or through a planning obligation. The MPA will determine if the non-mineral development is likely to constrain or hinder the existing and potential use of the infrastructure site.”

3.5 Much of this additional text is to ensure compliance with para 182 of the NPPF dealing with safeguarding existing operators under the 'agent of change' principle. This requires new development to integrate with existing business and community facilities, with specific mention of existing development not

being subject to unreasonable restrictions being put on them due to new development.

#### 4 Outstanding Issues

4.1 Members should note that a number of outstanding issues and comments submitted to the Plan Consultation remain to be addressed. These are contained in the attached Appendix 2 to this report, titled **Table 1: Responses to NWBC member comments / issues raised previously that have not been fully addressed**, which highlights those outstanding areas that primarily cover the following (summary of NWBC comments shown in *“italics”*);

1. *the use of stand-off distances for the sites (between extraction activity and location of existing properties) for proposals within North Warwickshire.* Some of these concerns are addressed in the modification for Policy MC5 above, in reference to the MC5 Modifications including reference to **mineral specific buffer distances for proximal development of between 150 – 500m,**

2. *to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development.*

Again, some of the modifications above address this issue, but not necessarily wholly.

3. *The relevant Policy on the Lea Marston site in the Publication version of the Plan, Policy S9, does include criteria requiring development to take into account any mitigation approved to minimize the impact of HS2 on Lea Marston village. Nevertheless, with the approval of the Hybrid Bill and advancement of both Phase 1 and 2 of HS2 these concerns are gaining increasing concern and prominence.....*And concerns around the engagement of the County with HS2 and pressure for any potential minerals needs and extraction this might generate that may impact on Lea Marston and Kingsbury Park areas. Much of this has been overtaken by events and the subsequent statements made by HS2 that they would not be seeking prior extraction on safeguarded areas affected by the route, to avoid potential impacts and costs on the delivery and stability of the route/line.

4. Similarly, the issues around the *the HS2 Railhead and Hams Lane Access sidings* has changed with the sidings and railhead now replaced by the concrete batching works and the statement that HS2 would not be seeking prior extraction helps clarify matters and address some concerns.

5. Outstanding concerns around potential need to update/review mineral safeguarding areas and maps remain and the continuing concerns over HGV traffic impacts.

## 5 Recommendations

- 5.1 It is recommended that the the Draft SoCG attached is signed and Members note the outstanding comments not yet addressed/agreed in Appendix 2 that will be proceeding on to the Examination Hearings to be addressed by the Plan's Inspector in late October.
- 5.2 The issues outstanding will be addressed through the Written Representation process for the Plans Examination and would not need or require the attendance by the Borough at the actual hearings. The Planning Inspector will have all earlier submissions from the Borough as information and should be able to address and recognise the Boroughs outstanding concerns without the need for the Borough to express these in person.
- 5.3 The Borough also have our own Local Plan consultation currently in progress which we would wish to avoid being impacted by the need to attend the Minerals Plan hearings if possible, as we may be organising our own hearings into the Local Plan around that time.

## 6 Report Implications

### 6.1 Environment and Sustainability Implications

- 6.1.1 The Warwickshire Minerals Plan update and Policy MCS 10 – Underground coal gasification consultation has a sustainability appraisal that considers the overall social, economic and environmental implications of the plan.

### 6.2 Financial Implications

- 6.2.1 There are no financial implications arising from this consultation.

The Contact Officer for this report is Mike Dittman (719451).

### Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
Draft SoCG	WCC	Appendix 1	
Table 1: Outstanding Issues not yet addressed	WCC	Appendix 2	

# Warwickshire Minerals Plan 2018

## Statement of Common Ground – Coal, minerals safeguarding & underground coal gasification

Warwickshire County Council, as Minerals Planning Authority (MPA)

and

North Warwickshire Borough Council (NWBC)

February 2020

*Working for  
Warwickshire*

## Introduction and background

This Statement of Common Ground (SoCG) has been prepared by the MPA in response to representations received from NWBC in respect to Regulation 19 consultations on the Warwickshire Minerals Plan ('the Plan') and address relevant Matters, Issues and Questions raised by the Inspector, in relation to minerals safeguarding and underground coal gasification. Since submission the MPA and NWBC officers met to discuss the representations and progressing a SoCG, which would address these, on Tuesday 11 February 2020.

Throughout this SoCG reference is made to submission document number references with a SUB prefix, this relates to the numbered documents found in the Submission Documents library found at:

[https://warwickshire-consult.objective.co.uk/portal/warwickshire\\_minerals\\_plan\\_submission](https://warwickshire-consult.objective.co.uk/portal/warwickshire_minerals_plan_submission)

Prior to submission of the Plan to the Secretary of State, the MPA prepared a Statement on Compliance with the Duty to Cooperate (SUB20) and a list of proposed changes for Inspector consideration (SUB23). The Plan was submitted on the 29 November 2019 together with other submission documents. SUB20 outlines engagement prior to submission, addresses points raised by NWBC and outlines some of the information expected in SoCGs, as indicated in the planning practice guidance on Plan-making<sup>1</sup> dated 15 March 2019.

Representations have been logged by the MPA as follows:

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<sup>1</sup> <https://www.gov.uk/guidance/plan-making>

Table 1: NWBC representations

Representation Number	Relevant Plan provision	Topic	Basis of representation
PUB18256	Policy MCS 8  Paragraph 8.45 - 8.48  Issue 13	Coal	Plan unsound as: <ul style="list-style-type: none"> <li>• Not consistent with national planning policy</li> </ul>
PUB18259	Policy DM 10	Mineral Safeguarding	Policy unsound, as: <ul style="list-style-type: none"> <li>• Not positively prepared;</li> <li>• Not consistent with national planning policy</li> </ul>
MCS1016	Policy MCS 10	Underground Coal Gasification	Policy unsound, as: <ul style="list-style-type: none"> <li>• Not justified;</li> <li>• Not effective.</li> </ul>

Some of the changes proposed for the Inspector’s consideration have been developed further since submission. Relevant changes informed by NWBC’s comments are addressed later in Table 2.

As outlined in the Planning Practice Guidance on Plan-making<sup>2</sup>, “under section 20(7C) of the 2004 Planning and Compulsory Purchase Act (as amended) the Inspector must recommend ‘main modifications’ (changes that materially affect the policies) to make a submitted local plan sound and legally compliant”…….”The local planning authority can also put forward ‘additional modifications’ of its own to deal with more minor matters”.

NWBC recommendations addressing plan soundness which will need to be considered as main modifications. Where changes give clarification there is the potential to address these as ‘additional modifications’<sup>3</sup>.

**Both parties agree that this is a sound approach.**

<sup>2</sup> Found at <https://www.gov.uk/guidance/plan-making>. Last updated 23 July 2019. Paragraph: 057 Reference ID: 61-057-20190315

<sup>3</sup> Consistent with the provisions of section 23 (3) of the 2004 Planning and Compulsory Purchase Act (as amended)

Table 2: Proposed changes for agreement to inform modifications

Policy / text references	Possible changes Proposed deletions are <del>striketrough</del> and additional text is <b><u>underline and bold</u></b>	Reasons for possible changes and comments
Chapter 5 Issue 3	<p><b>Issue 3 - Mineral Safeguarding and Prior Extraction (see Policies MCS5 and DM10)</b></p> <p>The NPPF states that Mineral Planning Authorities should define Mineral Safeguarding Areas (MSAs) in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development <b><u>where this should be avoided</u></b>. There is no presumption that any resources defined will be worked. However, where planning applications for non-mineral development are submitted, the relevant district or borough should consult the County Council <del>and where it would be practicable and environmentally feasible to work the mineral, we may</del> <b><u>and should</u></b> seek a mineral assessment to be carried out prior to determination.</p> <p><b><u>Where it would be practicable and environmentally feasible to work the mineral then</u></b> <del>in some cases we may insist on</del> prior extraction of the mineral before the non-mineral development is carried out <b><u>will be supported</u></b>.</p> <p>Safeguarding extends to ensuring that existing or potential facilities required for the transportation and storage of minerals are also protected. Where there are planned, existing or potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail or inland waterways of minerals, including recycled, secondary and marine-dredged materials, these should be safeguarded. At present there is no bulk transportation of minerals by either rail or inland waterways in Warwickshire and no prospect of different modes of transport becoming available in the foreseeable future. In addition, safeguarding should also be extended to existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.</p> <p><b><u>Paragraph 182 in the NPPF states existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.</u></b></p>	<p>To respond to the issues raised by the Mineral Products Association and North Warwickshire Borough Council and to comply with the NPPF February 2019 paragraph 182.</p> <p>NWBC seek text changes from “will not be permitted” to wording in the first Reg 19 (2016) such as “shall not normally be permitted” in Policy MCS5 or “should not proceed” in Policy DM10.</p>

Policy / text references	Possible changes Proposed deletions are <del>struck through</del> and additional text is <u>underline and bold</u>	Reasons for possible changes and comments
	<p><u>Where the operation of an existing mineral working and/or facility/site could have an adverse effect on new development (including changes of use) in its vicinity, the applicant (or “agent of change”) should provide suitable mitigation before the development has been completed.</u></p>	
Chapter 5 Issue 13	<p><u>Issue 13 - Coal (see Policy MCS8)</u></p> <p><del>In</del> Whilst the NPPF (<del>paras 205 and 211</del>) <del>there is</del> gives a general presumption against the extraction of coal. <u>Even though</u> there are large coal reserves in the County there <del>there appear to be</del> <u>are</u> no plans to reopen Daw Mill Colliery by UK Coal, which closed in 2013 following a major underground fire, <del>nor</del> Neither does there appear to be any plan to sink another pit head or even return to surface coal extraction in the County. As there are large coal reserves deep underground and on the surface in the north of the County and in the Warwickshire coalfield <del>and there is likely to be a shortage of energy nationally in the short to medium term,</del> there <u>may be</u> <del>is always going to be a</del> the possibility that coal <del>is</del> <u>may be</u> considered economically viable to extract in the future (see Fig 1.7). <u>However, unless the proposal is environmentally acceptable it will need to provide national, local or community benefits which clearly outweigh its likely impacts taking all relevant matters into account, including any residual environmental impacts.</u> Therefore, Policy MCS 8 provides guidance for the consideration of any such proposal.</p>	<p>To respond to the issue raised by North Warwickshire Borough Council and to comply with NPPF February 2019 paragraphs 205 and 2011.</p> <p>NWBC considered that the Plan does not sufficiently reflect the reduced economic weight/ or benefit and the strengthened presumption against coal extraction in the new NPPF 2018.</p>
Chapter 8 Policy MCS 5	<p><u>Policy MCS 5 - Safeguarding of Minerals and Minerals Infrastructure (see also Policy DM10)</u></p> <p>Warwickshire’s sand and gravel, crushed rock, brick-making clay resources, cement raw materials, <u>shallow coal</u> and building stone <u>and existing mineral sites or existing and future mineral infrastructure</u> will be safeguarded against needless sterilisation by non- minerals development., <del>unless “prior extraction” takes place.</del></p> <p>Safeguarded mineral resources are defined by a Mineral Safeguarding Area illustrated on the Maps in Appendix 2. <u>The general location of infrastructure associated with other minerals in the county is shown on Fig 1.3</u> Minerals infrastructure <u>for the production of construction materials</u> safeguarded in Warwickshire <u>is detailed in Appendix 4 and</u> comprises:</p>	<p>To respond to the issues raised by the Mineral Products Association and North Warwickshire Borough Council and to clarify the policy.</p> <p>NWBC seek text changes from “will not be permitted” to wording in the first Reg 19 (2016) such as “shall not normally be permitted” in Policy MCS5 or “should not proceed” in Policy DM10.</p>

Policy / text references	Possible changes Proposed deletions are <del>striketrough</del> and additional text is <u>underline and bold</u>	Reasons for possible changes and comments
	<ul style="list-style-type: none"> <li>• permitted and allocated mineral sites (<u>see Fig 1.10</u>);</li> <li>• concrete batching plants;</li> <li>• mortar plant;</li> <li>• asphalt plants;</li> <li>• concrete products plant; and</li> <li>• recycled and secondary aggregates sites (<del>see shown on</del> Fig 1.8).</li> </ul> <p>Non-mineral development, except for those types of development set out in Appendix 3, <u>should</u> <del>shall</del> not normally be permitted if <del>it they would</del> <u>needlessly unnecessarily</u> sterilise <u>mineral resources or would prejudice or jeopardise the use of</u> existing <u>and planned</u> <u>mineral sites or existing and future</u> and future mineral sites and mineral infrastructure. <del>or prejudice or jeopardise their use by creating incompatible land uses nearby.</del></p>	
Chapter 8 Policy MCS 5 Text	<p>8.23 The key safeguarded mineral resources in Warwickshire are sand and gravel, crushed rock, brick-making clay resources, cement raw materials, <u>shallow coal</u> and building stone. <u>The coal MSA is based on a 2006 study carried out by the British Geological Survey for The Coal Authority (British Geological Survey, Minerals Safeguarding Areas for Warwickshire, Economic Minerals Programme, Open Report, OR/08/065).</u> These resources have been identified for long term safeguarding beyond the life of this plan and are designated as MSAs and shown illustrated on the Maps in Appendix 2.</p> <p>8.24 The Maps were produced as part of a report produced on behalf of the MPA by the British Geological Survey which mapped the extent of mineral resources in the County and the latest guidance <u>and include mineral specific buffer distances for proximal development of between 150 – 500m.</u> From time to time the MSAs may be reviewed and updated as mineral resources become exhausted or as the result of exploratory or detailed drilling as part of the preparation of <u>a</u> planning application for minerals development or a mineral survey and assessment report submitted with a planning application for non-mineral development.....</p> <p>8.27 The encroachment of incompatible activities around minerals development sites/facilities may create conflict due to either the more sensitive nature of other forms of development or their</p>	<p>To respond to the issue raised by the Mineral Products Association.</p> <p>NWBC seek text changes from “will not be permitted” to wording similar to the first Reg 19 (2016) such as “shall not normally be permitted” in Policy MCS5 or “should not proceed” in Policy DM10.</p>

Policy / text references	Possible changes Proposed deletions are <del>striketrough</del> and additional text is <u>underline and bold</u>	Reasons for possible changes and comments
	<p>on-going occupation or usage. This could potentially impose constraints, reducing the viability of future mineral operations. It is the non- minerals developer's <b>(applicant "agent of change")</b> responsibility to determine site specific potential impacts, as well as <del>the</del> identification and implementation of <u>suitable</u> mitigation measures. <b>The approved mitigation measures shall be carried out and implemented before the non-mineral development is completed. This could be achieved for example by the imposition of suitably worded planning conditions on the non-mineral development consent and/or through a planning obligation.</b> <del>where necessary.</del> The MPA may advise that development should not be permitted if it would constrain the effective operation of existing sites or sites allocated for future mineral development.</p>	
<p>Chapter 8 Policy MCS 8</p>	<p><b>Policy MCS 8 – Hydrocarbon Development</b></p> <p><b>Coal Mining (surface and deep mining)</b></p> <p>Proposals for coal mining will only be approved where the proposal is demonstrated to be environmentally acceptable, or can be made so through planning conditions and/<u>or</u> obligations. Where this cannot be demonstrated, planning permission will only be granted where the proposal is demonstrated to provide national, local or community benefits <del>which that</del> clearly outweigh the adverse impacts arising from the proposal <b>(taking all relevant matters into account, including any residual environmental impacts).</b></p> <p>In particular, appropriate consideration will need to be given to the proposal's impacts in terms of:</p> <ul style="list-style-type: none"> <li>a) contribution to delivering an indigenous source of energy and securing a diverse energy mix;</li> <li>b) disposal of colliery spoil (deep mining);</li> <li>c) minimising the nature and extent of surface subsidence (deep mining)</li> <li>d) arrangements for the extraction and stockpiling of other minerals (surface mining).</li> </ul>	<p>To respond to the issues raised by North Warwickshire Borough Council and to comply with the NPPF February 2019 paragraphs 205 and 211.</p> <p>The MPA have added an 'or' next to the 'and' when discussing how proposals can be made environmentally acceptable. This is to acknowledge that the paragraph 211 of the NPPF states that planning conditions or obligations may be required, but that in some situations both conditions and obligations may need to be applied to achieve acceptability at the planning application stage.</p> <p>NWBC considered that the Plan does not sufficiently reflect the reduced economic weight/ or benefit and the strengthened presumption against coal extraction in the new NPPF 2018.</p>

Policy / text references	Possible changes Proposed deletions are <del>struck through</del> and additional text is <u>underline and bold</u>	Reasons for possible changes and comments
Chapter 8 Policy MCS 8 Text	<p>8.45 <del>Whilst the</del> NPPF gives a general presumption against the extraction of coal, <u>clarifying that the benefits of mineral extraction that should be given great weight do not extend to coal extraction, and that planning permission should only be granted in certain limited circumstances, which are also outlined in this policy.</u></p> <p>8.46 There are large coal reserves deep underground in the Warwickshire Coalfield <u>but there are no plans to reopen Daw Mill Colliery and neither does there appear to be any plan to sink another pit head. While there are shallow coal resources</u> in the north of the County <u>there does not appear to be any interest at the present in extracting those resources.</u> <del>Given</del> <u>If</u> there is likely to be a shortage of energy nationally in the short to medium term <del>there is always going to be the possibility that</del> <u>then</u> coal may be considered economically viable to extract in the future <u>and proposals may come forward.</u></p>	<p>To respond to the issues raised by North Warwickshire Borough Council, to ensure that the text equates to the policy and to comply with the NPPF February 2019 paragraphs 205 and 211.</p> <p>NWBC considered that the Plan does not sufficiently reflect the reduced economic weight/ or benefit and the strengthened presumption against coal extraction in the new NPPF 2018.</p>
Chapter 8 Policy MCS 10	<p><b>Policy MCS 10 - Underground Coal Gasification</b> Proposals for Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks will only be supported if it is <u>clearly and compellingly</u> demonstrated that the proposal is <u>required to meet national and local energy policy requirements, is carbon free, safe,</u> environmentally acceptable or can be made so by planning conditions or obligations, and that it provides national, local or community benefits which clearly outweigh the likely adverse impacts. <del>so as to justify the grant of planning permission.</del></p>	<p>To update the plan and to respond to the issues raised by consultees, including NWBC.</p> <p>NWBC requested additional changes requiring the policy to refer to national need, safe operation, and that there are no suitable sustainable alternatives.</p> <p>Discussion with Mike Dittman, NWBC, on 10 February 2020 clarified that the reference to suitable sustainable alternatives related specifically to alternative sources of energy, other than Underground Coal Gasification (UCG).</p> <p>Currently national planning policies do not specify a need to consider alternative energy sources to UCG, because of this there is the potential for changes to the policy requiring this to be considered unsound.</p> <p>Rather than referring to a need to consider alternative energy</p>

Policy / text references	Possible changes Proposed deletions are <del>striketrough</del> and additional text is <b><u>underline and bold</u></b>	Reasons for possible changes and comments
		sources, the MPA has proposed additional text requiring clear and compelling evidence that UCG is needed to meet national and local energy policy requirements considering the limited support in paragraph 211 of the NPPF for coal extraction. This would enable consideration of the energy policy requirements at the time proposals come forward for determination.
Chapter 8 Policy MCS 10 Text	<p>8.68 Underground Coal Gasification (UCG) is a separate process to fracking involving controlled combustion of coal seams beneath the ground and the recovery of the resulting gases. The coal can be accessed by carefully controlled directional drilling of several wells that penetrate the coal seam for an appropriate distance. Normally two wells are required one to inject steam and air or oxygen to ignite the seam and the other to recover the gas-water vapour mixture (syngas). Syngas is mainly a mixture of methane, hydrogen, carbon monoxide and carbon dioxide. The gas can be utilised in on-site and/or off- site plant to produce energy (via gas combustion), fuels (diesels) and chemical feedstocks (fertilisers). <b><u>Commercial scale operations would involve a number of borehole sets to produce sufficient quantities of gas for either large scale power generation or for the production of fuels and chemicals.</u></b></p> <p><b><u>8.69 However, there are very few examples of this technology having been/being used commercially anywhere in the world. Where the industry has operated, this has been typically at a pilot or trial scale such as at “El Tremedal” near Alcorisa, Teruel in Spain (the first European trial at great depth and high pressure) in 1997.</u></b></p> <p><b><u>8.70. In 2004 the British Geological Survey published a report on the UK coal resources available for exploitation by the new technologies of Underground Coal Gasification, Coal Bed Methane and Carbon Dioxide Sequestration. This overview report identified that parts of the Warwickshire Coalfield was suitable for UCG based on the information and knowledge of the technology available at that time. Whether impurities in the coal would limit the quality of the gas produced in Warwickshire was not covered in the report.</u></b></p> <p><b><u>8.71 The report prompted further interest in UCG in the UK but future development opportunities would be focussed on great depth (over 600m) and offshore to avoid</u></b></p>	<p>To update the plan and to respond to the issues raised by consultees.</p> <p>NWBC requested further justification text on the process.</p>

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	<p><u>environmental damage (subsidence and contamination of the water environment).</u></p> <p><u>8.72 In 2015, the Government commissioned a report (the “Atkins Report”) to provide a high evidence statement on the global warming potential that the production and use of syngas from UCG would have, based on the likely end uses of the syngas, in comparison to current and conventional processes. The report found that emissions would be too high to be consistent with the government’s commitment to a low carbon future. As a result, the government announced in December 2016 that “it was not minded to support the development of the technology in the UK”.</u></p> <p><u>8.73 At the same time the Scottish Government had commissioned an independent review of UCG and this report concluded that it would be wise to consider an approach to UCG based on a precautionary presumption whereby operation of UCG might be considered only where a series of tests could be applied and passed. Having considered the report the Scottish Government announced that it could not support the technology and therefore it would have no place in Scotland’s energy mix at this time. However, in England the government’s consideration of the Atkins Report did not lead to a ban or their withdrawal of any licence. The NPPF (paragraph 204 a) still indicates that coal (gasified by underground methods or otherwise) remains a mineral resource of local and national importance.</u></p> <p><u>8.74 To reach the Government’s commitment to net-zero greenhouse gas emissions by 2050 future development of onshore UCG would need to demonstrate that amongst other things it was capable of being operated at a commercial scale; it was needed in terms of national energy policy, safe and carbon free; and it was capable of being made environmentally acceptable (including any residual environmental impacts).</u></p> <p>8.69 Any power station that proposes to use gas produced by Underground Coal Gasification will need to demonstrate that it is carbon capture ready before planning permission may be given for the construction of the power station. New power stations that use the gas as a fuel will also be subject to the Emissions Performance Standard. The Standard, introduced through provisions of the Energy Act 2013, recently came into force and places a limit on the amount of carbon dioxide emissions that new fossil fuel power stations can emit.</p>	

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	<p><del>8.75 8.70</del> The Coal Authority is responsible for issuing licences granting the right to access the coal, but no UCG operations can take place until the applicant has secured all other necessary rights and permissions. This would include securing the necessary planning permission from Warwickshire County Council as the Mineral Planning Authority. A Conditional Licence application was made to the Coal Authority in May 2013 by Cluff Natural Resources Plc <u><b>for the Hawkhurst area, but it was later withdrawn.</b></u> <del>No decision was made by the Coal Authority and the County Council were told that Cluff would let its application lapse as it wished to focus on offshore areas where there were larger reserves.</del></p> <p><del>8.76 8.71</del> There are no national or local targets for the production of syngas and the production of energy, other fuels and/or chemical feedstocks from UCG so each proposal needs to be considered on its own merits. <u><b>Equally there are no requirements to safeguard the coal mineral resource for future development by UCG.</b></u></p> <p><del>8.77 8.72</del> Developers should avoid developing proposals within influencing distance of <u><b>major population centres and</b></u> sites designated as being internationally or nationally important for nature conservation. Heritage assets and their settings should also be avoided. <u><b>Consideration will need to be given to amongst other issues the impact of proposals on public health (including the submission of a health impact assessment), existing infrastructure and utilities, air quality, the water environment and to the management and disposal of waste products.</b></u></p> <p><del>8.78 8.73</del> Sites will not be encouraged where access is required to transport plant, machinery and materials for drilling wells, producing and utilising syngas to produce energy, other fuels and chemical feedstocks, through residential areas, sensitive land uses or via roads which are minor or considered unsuitable by the Highway Authority for HGV use.</p> <p><del>8.79 8.74</del> Normally drilling the wells takes place 24 hours a day, 7 days a week for safety reasons. The erection and operation of plant to recover and utilise the syngas to produce energy, other fuels and chemical feedstocks has the potential to have significant impacts on the residential amenity of properties and communities near to proposed sites. Particular consideration will be given to the close proximity of the proposed wells, gas recovery and utilisation plant to any</p>	

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	<p>residential properties and settlements in the County. Proposals for Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks will be considered in accordance with the policies in the development plan.</p> <p><b><u>8.80 Planning applications for any form of UCG will need to address all the key stages of planning, extraction, processing, use, closure and abandonment and be accompanied by a number of competently prepared studies, assessments and proposals. As part of any planning application submitted to carry out UCG a detailed risk assessment will be required to demonstrate that the proposals can be safely operated, and the environment and public health can be protected. Details of restoration/reinstatement, aftercare, and long-term management and monitoring following the closure of any wells and the removal of any plant will also be required. The ability of the proposals to secure net-zero greenhouse gas emissions will be a key determinant if any form of onshore UCG is to take place in Warwickshire during the plan period.</u></b></p>	
Chapter 9 Policy DM 10	<p><b>Policy DM 10 - Mineral Safeguarding (see also Policy MCS 5)</b> Non-mineral development, except for those types of development set out in Appendix 3, <b><u>should not normally be</u></b> <del>will not be</del> permitted if it would needlessly sterilise important mineral resources or would prejudice or jeopardise the use of existing mineral sites or existing and future mineral infrastructure unless: .....</p>	<p>To respond to the issues raised by North Warwickshire Borough Council and to ensure consistency in policy wording between this policy and policy MCS 5.</p> <p>NWBC seek text changes from “will not be permitted” to wording similar to the first Reg 19 (2016) such as “shall not normally be permitted” in Policy MCS5 or “should not proceed” in Policy DM10.</p>
Chapter 9 Policy DM 10 Text	<p>9.123 <del>Warwickshire contains many mineral resources including sand and gravel, hard rock, brick-making clay, coal, cement raw materials and building stone.</del> The NPPF states that Mineral Planning Authorities (MPAs) should define Minerals Safeguarding Areas (MSAs) and adopt appropriate policies to ensure that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development (where this should be avoided) . <b><u>The key safeguarded mineral resources in Warwickshire are sand and gravel, crushed rock, brick-making clay resources, cement raw materials, shallow coal and building stone. The coal MSA is</u></b></p>	<p>To respond to the issues raised by the Mineral Products Association and North Warwickshire Borough Council and to ensure that the text equates to the policy and complies with the NPPF February 2019 paragraph 182.</p>

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	<p><u>based on a 2006 study carried out by the British Geological Survey for The Coal Authority. These resources have been identified for long term safeguarding beyond the life of this plan and are designated as MSAs and shown illustrated on the Maps in Appendix 2.</u></p> <p>.....</p> <p>9.130 Proposals for non-mineral development within a MSA except for those types of development described in Appendix 3 in the Plan must demonstrate that the sterilisation of mineral resources of local, regional or national importance will not occur as a result of the development, and that the development would not pose a serious hindrance to future winning and working of minerals. In the case of mineral infrastructure the non-mineral development must demonstrate that it will not constrain or hinder the existing and potential use of the infrastructure site. In order to avoid unnecessary consultations by other local planning authorities, Appendix 3 lists types of applications for proposed non –mineral developments which in the opinion of the Council are unlikely to conflict with the aims of Policy MCS5 and are <b>exempted</b> <del>excepted</del> from its scope.</p> <p>9.131 <b>Where the impact is on the mineral resource the</b> <del>The</del> non- minerals developer should carry out a mineral assessment as part of the preparation of their planning application and submit it to the County Council at the same time as submitting to the local planning authority to minimise any delays. The assessment should include site specific geological survey data to establish the existence or otherwise of a mineral resource of economic importance (such as nature, extent, type, quantity of the reserve and overburden to reserve ratio). When determining the extent of the resource that could be removed the emphasis should be on a sequential approach starting with the full removal of the mineral resource before moving then onto limited or partial removal and finally incidental removal. Consideration should be given to both the use of the resource within the development and release to the wider market. By changing the design of the non-mineral development it may be possible to increase the amount of resources which can be released and not sterilised.</p> <p>9.132 The MPA will consider the mineral assessment report and determine if sterilisation is likely to occur and whether prior extraction is likely to meet the requirements set out in this Policy. The MPA may consult the local minerals industry as part of its assessment work or seek independent</p>	

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	<p>expert advice as appropriate. In the case of minerals infrastructure <u>the encroachment of incompatible activities around minerals development sites/facilities may create conflict due to either the more sensitive nature of other forms of development or their on-going occupation or usage. This could potentially impose constraints, reducing the viability of future mineral operations. It is the non-minerals developer's (applicant "agent of change") responsibility to determine site specific potential impacts, as well as the identification and implementation of suitable mitigation measures. The approved mitigation measures shall be carried out and implemented before the non-mineral development is completed. This could be achieved for example by the imposition of suitably worded planning conditions on the non-mineral development consent and/or through a planning obligation. The MPA will determine if the non-mineral development is likely to constrain or hinder the existing and potential use of the infrastructure site.</u> The MPA may consult the operator/landowner of the relevant infrastructure site affected and will take account any comments they may make before finalising and submitting their views to the relevant LPA.</p>	

Both parties agree that the changes are appropriate in addressing NWBC representations, sound and legally compliant.

# Signatures

Signed on behalf of North Warwickshire Borough Council:	Signed on behalf of Warwickshire County Council:
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**Table 1: Responses to NWBC member comments / issues raised previously that have not been fully addressed**

<b>NWBC member comments / issues raised previously that have not been fully addressed</b>	<b>WCC response</b>
<p><i>Members indicated support is given to the use of stand-off distances for the sites (between extraction activity and location of existing properties) for proposals within North Warwickshire to help minimise any impacts from minerals sites, developments and dust generating activities on existing properties.</i></p>	<p>Support for the use of stand-off distances is noted. Planning Practice Guidance on Minerals<sup>1</sup> addresses whether separation distances and buffers are appropriate, stating that:</p> <p><i>Separation distances/buffer zones may be appropriate in specific circumstances where it is clear that, based on site specific assessments and other forms of mitigation measures (such as working scheme design and landscaping) a certain distance is required between the boundary of the minerals extraction area and occupied residential property.</i></p> <p><i>Any proposed separation distance should be established on a site-specific basis and should be effective, properly justified, and reasonable. It should take into account:</i></p> <ul style="list-style-type: none"> <li>• <i>the nature of the mineral extraction activity;</i></li> <li>• <i>the need to avoid undue sterilisation of mineral resources,</i></li> <li>• <i>location and topography;</i></li> <li>• <i>the characteristics of the various environmental effects likely to arise; and</i></li> <li>• <i>the various mitigation measures that can be applied.</i><sup>2</sup></li> </ul> <p>Site specific assessments and other forms of mitigation will need to be addressed at the planning application stage. However, the County Council has incorporated 100m standoffs from individual properties in site allocation policies.</p> <p>Based on consultation responses on the 2018 Regulation 19 version of the Plan, proposed changes have been provided to the Inspector for consideration which clarify other properties within 100m of the site boundary of Site 9 Hams Lane, Lea Marston. The proposed change is outlined below with changes in bold, underline text:</p> <p><b>Policy S9</b> <b>Allocation at Site 9 Hams Lane, Lea Marston</b></p>

<sup>1</sup> <https://www.gov.uk/guidance/minerals>

<sup>2</sup> Paragraph: 018 Reference ID: 27-018-20140306 Revision date: 06 03 2014

NWBC member comments / issues raised previously that have not been fully addressed	WCC response
	<p>Land at Hams Lane, Lea Marston shown on Figure 1.16 is allocated for sand and gravel working subject to the following requirements:.....</p> <ul style="list-style-type: none"> <li>• a minimum stand-off of 100m from individual properties on Blackgreaves Lane, <b>Haunch Lane</b> and at Reindeer Park, Kingsbury Road; .....</li> </ul>
<p><i>The Council urged the County to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development, (notwithstanding and noting the reduced weight and emphasis given to coal extraction proposals).</i></p>	<p>The NPPF notes that minerals are a finite natural resource and can only be extracted where they are found and “best use needs to be made of them to secure their long-term conservation”<sup>3</sup>. Prior extraction can ensure that minerals are not needlessly lost.</p> <p>Paragraph 204 of the NPPF goes onto state that planning policies should, amongst other things “adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)”; and “encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place”.</p> <p>The NPPF also states<sup>4</sup> “when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.” It is clear therefore that trying to introduce a “clear economic need and demand” test would be contrary to the NPPF and therefore unsound.</p> <p>Proposed policies DM10 and MCS5 cover mineral safeguarding and prior extraction. Policy DM10 and its justification text addresses NWBC’s concerns. There are various caveats listed where non-mineral development could be permitted where important minerals resources are found. These include:</p> <ul style="list-style-type: none"> <li>• prospective developers of non-mineral development being able to provide evidence the mineral concerned is no longer of any value or potential value;</li> <li>• it would be inappropriate to extract minerals at that location, with regard to other policies in the Plan; or</li> <li>• the merits of the development clearly outweigh the need for safeguarding.</li> </ul>

<sup>3</sup> Paragraph 203, NPPF

<sup>4</sup> In paragraph 211, NPPF

NWBC member comments / issues raised previously that have not been fully addressed	WCC response
	<p>Other policies in the Plan include a suite of Development Management (DM) policies that address concerns relating to impacts on existing built development, for example Policy DM4 addresses health, economy and amenity- minimising the impacts of mineral development.</p> <p>Justification text for Policy DM10 also outlines where prior extraction will be supported including where:</p> <ul style="list-style-type: none"> <li>• It is practicable;</li> <li>• It is environmentally feasible;</li> <li>• It can be carried out without unacceptable adverse impact etc.</li> </ul> <p>Further changes have also been proposed that address NWBC’s representation on minerals safeguarding provisions. These have been provided to NWBC officers as part of Statement of Common Ground, that addresses representations where possible.</p>
<p><i>The relevant Policy on the Lea Marston site in the Publication version of the Plan, Policy S9, does include a criteria requiring development to take into account any mitigation approved to minimize the impact of HS2 on Lea Marston village. Nevertheless, with the approval of the Hybrid Bill and advancement of both Phase 1 and 2 of HS2 these concerns are gaining increasing concern and prominence. The Plan also, however, notes that “It would appear sensible to try and work the site in conjunction with the construction of HS2 and the Kingsbury Rail Head to the north” (para 7.111). This element of concern could link into the “positivity” of the Plan in seeking to ensure the opportunity of accessing significant sand and gravel resources through that generated by the ground works and landscaping for the HS2 rail</i></p>	<p>At this stage it is not possible to anticipate when a planning application will come forward for the development of Site 9, nor when extraction activities would commence if permitted. Tarmac are the preferred mineral operator, and will no doubt submit a planning application when there is a market demand for the material. Para 7.111 clarifies potential additional benefits of working the site in conjunction with HS2 construction for site restoration and contributing towards the Tame Valley Wetlands Partnership Scheme and the Trent and Tame Valleys Futurescape project.</p> <p>At each stage of the preparation of the plan consideration has been given to the working of Site 9 and the construction of HS2 in this locality. The 2015 consultation envisaged that the site would be worked at the end of the plan period after the construction of HS2. However, there continues to be uncertainty around the HS2 construction programme.</p> <p>There were concerns that this approach would extend the potential level of disturbance within the locality and therefore was not acceptable. The 2018 Plan text does not give a specific reason for trying to work Site 9 in conjunction with HS2 construction other than concurrent working and restoration could provide the opportunity to improve restoration options at Site 9 and contribute to environmental projects along the Tame and Trent valleys. However, the 2015 plan consultation did provide some context for the stance now taken in the 2018 plan and the recognition that the opportunities identified could only occur if timings facilitate this.</p>

NWBC member comments / issues raised previously that have not been fully addressed	WCC response
<p><i>head and maintenance/storage yards, intended to serve both phases of the HS2 project (See Warwickshire County Council's HS2 impact and mitigation concerns on Lea Marston and Kingsbury Park areas, noted in Report "Living with the line" and Appendix A of Transport and Planning Committee Report of 7 December 2018).</i></p>	<p>A restoration scheme for Site 9 will need to be considered at the planning application stage. Currently, restoration of mineral sites is taking place in the county using quantities of inert material; the restoration of Site 9 is not anticipated to be reliant upon the use of excess material arising from HS2 construction.</p> <p>In terms of comments relating to the <i>"opportunity of accessing significant sand and gravel resources through that generated by the ground works and landscaping for the HS2 rail head and maintenance/storage yards"</i>, at this point the extent of potential prior extraction by HS2 contractors is not known. HS2 have yet to engage in consultation with WCC on prior extraction of minerals along the route, as required under the HS2 Phase One Code of Construction Practice. So far HS2 have not provided an overview as to the impact of their scheme on minerals supply in the county. However, HS2's approach to managing excavated material is outlined in the High Speed Two Phase One Information Paper E3: Excavated Material and Waste Management<sup>5</sup>, which clarifies that in the priority of the integrated design approach is:</p> <ul style="list-style-type: none"> <li>• <i>"to use excavated material to satisfy the fill material requirements wherever reasonably practicable";</i> and then</li> <li>• <i>"for the excavated material which cannot be beneficially reused for the earthworks of the Proposed Scheme, the nominated undertaker will seek timely opportunities for such material to be used in other local construction projects or the restoration of mineral sites, provided that the transportation of that material does not result in significant environmental effects."</i></li> </ul> <p>WCC requested an update from HS2, via email on 10 May 2019, on both their minerals needs in the county and the likelihood of borrow pits and prior extraction. HS2 Ltd have confirmed that they will be responding shortly. Thus far the only clarification that has been received from HS2 Ltd is that there will be no borrow pits in Warwickshire for Phase One. To date this has not been confirmed through various consultations on HS2, despite WCC requesting this information.</p> <p>Other MPAs along the route have also experienced a lack of information. It is likely that procuring aggregate for construction, whether this is through prior extraction or from commercial quarries, will be done by construction sub-contractors rather than HS2. The West Midlands Aggregates Working Party, of which WCC is a member, is also seeking engagement with HS2 to clarify construction aggregate needs.</p>

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/672372/E3\\_-\\_Excavated\\_Material\\_and\\_Waste\\_Management\\_Strategy\\_v1.6.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672372/E3_-_Excavated_Material_and_Waste_Management_Strategy_v1.6.pdf)

NWBC member comments / issues raised previously that have not been fully addressed	WCC response								
<p><i>It is noted that the discounted sites 10, 11 and 12 in Appendix 1, Figure 1.1 are all within the HS2 Railhead and Hams Lane Access sidings and rail loop infrastructure. These three sites together with a significant amount of additional land in the immediate locality, which is not illustrated in the consultation but is in the public domain, will be subject of major engineering works under HS2. These sites contain the same 3 meter depth of unexcavated sand and gravel deposits that lie within Site 9. Most or all of these deposits will be excavated during the HS2 Route and Railhead construction works with the consequence that potentially Site 9 and surrounding area will provide far in excess of the 1.2 million tonnes required in the Plan. This impact may negate the need to excavate the deposits within Site 9 with the benefit of a requisite reduction in heavy commercial traffic. The Plan could alternatively seek deferral or safeguarding of the Site Proposal S9 to a time outside of the HS2 works (or current Plan period?) to avoid a significant cumulative impact of heavy commercial traffic on Lea Marston and surrounding rural area, generated by the concurrent works.</i></p>	<p>During the ‘call for sites’ and subsequent consultations on the plan no evidence has been provided to demonstrate proven mineral resources exist at Sites 10, 11 and 12 and therefore whether they can be relied upon to contribute to the tonnage needs for the county outlined in Policy MCS2, on which the proposed site allocations in Policy S0 have been based. Notwithstanding this all, three sites did not progress through the SIAM process for the following reasons:</p> <table border="1" data-bbox="685 459 2130 879"> <thead> <tr> <th data-bbox="685 459 1090 496">Site</th> <th data-bbox="1090 459 2130 496">Reasons site was rejected</th> </tr> </thead> <tbody> <tr> <td data-bbox="685 496 1090 611">10 – Barn Covert Land</td> <td data-bbox="1090 496 2130 611"> <ul style="list-style-type: none"> <li>• directly affected by HS2;</li> <li>• viable resources were not confirmed;</li> <li>• no safe access available.</li> </ul> </td> </tr> <tr> <td data-bbox="685 611 1090 726">11 – Land at Marston Fields Farm</td> <td data-bbox="1090 611 2130 726"> <ul style="list-style-type: none"> <li>• directly affected by HS2;</li> <li>• viable resources were not confirmed;</li> <li>• site too small.</li> </ul> </td> </tr> <tr> <td data-bbox="685 726 1090 879">12 – Dunton Island</td> <td data-bbox="1090 726 2130 879"> <ul style="list-style-type: none"> <li>• viable resources were not confirmed;</li> <li>• directly affected by HS2;</li> <li>• no safe access available;</li> <li>• impacts on heritage assets.</li> </ul> </td> </tr> </tbody> </table> <p>Sites 10 and 11 cover an area required as a railhead for HS2 construction (Kingsbury Road railhead) and the Curdworth railway cutting and the start of the Leeds Spur diveunder run through Site 12.</p> <p>In the absence of confirmation of resource viability with specific borehole data from drilling within the sites, it is not correct to assume that the depth of sand and gravel resources across the three sites would be 3 meters. Sand and gravel deposit depths, their composition and overburden depth can vary significantly even over a short distance within a single site.</p> <p>Following on from HS2’s response to the Minerals Plan - Preferred Option and Policies, which identified that HS2 could be a potential beneficiary of minerals extraction at Site 9, WCC sought further clarification. In December 2015 HS2 confirmed that, at that time, HS2 had no plans for the extraction of sand and gravel and infill of other potential quarries identified in the Minerals Plan - Preferred Option and Policies. However, they would seek to understand opportunities that may assist delivery of the railway scheme as it develops.</p>	Site	Reasons site was rejected	10 – Barn Covert Land	<ul style="list-style-type: none"> <li>• directly affected by HS2;</li> <li>• viable resources were not confirmed;</li> <li>• no safe access available.</li> </ul>	11 – Land at Marston Fields Farm	<ul style="list-style-type: none"> <li>• directly affected by HS2;</li> <li>• viable resources were not confirmed;</li> <li>• site too small.</li> </ul>	12 – Dunton Island	<ul style="list-style-type: none"> <li>• viable resources were not confirmed;</li> <li>• directly affected by HS2;</li> <li>• no safe access available;</li> <li>• impacts on heritage assets.</li> </ul>
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NWBC member comments / issues raised previously that have not been fully addressed	WCC response
	<p>In May 2016, further information was requested from HS2, by email, relating to potential minerals extraction at Site 9 and Sites 10, 11 and 12 put forward in the “Call for Sites”. The response clarified that no work had been carried out by the HS2 construction team to clarify minerals resources on site, that given the project’s cut and fill balance it was unlikely that they would wish to sell material on the open market, minerals below the high speed rail structural footprint may need to remain in place to form an adequate foundation, arrangements for dealing with minerals that may arise will need to be discussed with the landowner, the Mineral Planning Authority and other relevant stakeholders, and that HS2 were not able to clarify whether sand and gravel prior extraction would take place at the Kingsbury Road railhead site should not affect any decision the Council has to make on the matter. So far there has been no consultation on this matter.</p> <p>HS2 Phase One Information Paper E3 outlines their approach for managing excavated material through the development of an integrated design approach to satisfy fill requirements. Over 86% of excavated material will be reused within the project for the construction of engineering and environmental mitigation earthworks. It is likely the ratio will increase as there are additional incentives to achieve a greater ratio of reuse, as the HS2 CDEW Strategy includes a stretch target of 95% for the reuse and recycling of inert material. Only if excavated material is not required or is unsuitable for the construction of the Proposed Scheme will it be considered waste. Therefore, it is likely that materials excavated will be used for HS2’s needs rather than being available for other developments, which the Minerals Plan seeks to address. (Given the lack of information on HS2’s aggregate needs the County Council has not been able to account for those needs in the Plan’s tonnage requirement for Sand and Gravel).</p> <p>There are likely to be several potential constraints for prior extraction by HS2, which will need to be considered, including:</p> <ul style="list-style-type: none"> <li>• Avoiding extraction where it may affect the railway trackbed;</li> <li>• Large areas of Site 12 are outside of the limits of the High Speed Rail (London - West Midlands) Act 2017 (‘the HS2 Act’). This significantly reduces the amount of land outside the control of HS2 to extract minerals, without the need for planning permission under the Town and Country Planning Act;</li> <li>• HS2 infrastructure safeguarding;</li> <li>• Works outside of the scope of the HS2 Act - No borrow pits or areas of prior extraction were identified in the ES or scheduled in the HS2 Act. Planning permission granted under s. 20 of the HS2 Act is subject to various tests where works are not scheduled under that Act, including the significance of effects on the environment where development is not covered by the HS2 ES, and is granted subject to conditions under Schedule 17, which require further planning approvals on various matters including borrow pits. Given that specific areas for minerals extraction and the effects</li> </ul>

NWBC member comments / issues raised previously that have not been fully addressed	WCC response
	<p>in those locations was not covered in the HS2 ES it is likely that (depending on the significance of effects) separate consenting and/or EIA screening will be required.</p> <ul style="list-style-type: none"> <li>• Viability and the practicability of prior extraction - Policy DM10 outlines scenarios where prior extraction will be supported. In the absence of an approved mineral report demonstrating the extent of viable resources on the sites it is not known how much mineral could be extracted, or how much could be extracted within a reasonable timeframe.</li> </ul> <p>For HS2 Phase 2a (West Midlands-Crewe) Scheme where borrow pits have been identified in Staffordshire and Cheshire, and addressed in the ES and a specific information paper produced, a shortfall of high-quality material (usually comprising sand and gravel) has been identified to construct railway embankments at some locations. However, no similar borrow pit requirement was identified for Phase One nor any identified shortfall.</p> <p>On the 17 July 2019, HS2's Town Planning team confirmed that they will be responding in more detail to WCC's email request for further clarification on HS2 mineral requirements sent on 30 April 2019. However, in the interim confirmed that HS2 does not propose any borrow pits within the Warwickshire for HS2 Phase One.</p> <p>For the reasons outlined above, and the general uncertainties at this stage with any HS2 requirements Sites 10, 11 and 12 cannot be considered as an alternative to Site 9.</p> <p>The cumulative impact of heavy commercial traffic on Lea Marston and surrounding rural area, generated by the concurrent works, will need to be carefully examined at the planning application stage. Comments have been received from Highways England and WCC Highways relating to potential traffic effects. Neither body objects to the site allocation.</p> <p>The response from WCC Transport Planning team outlines the development pressures context within the vicinity (including HS2 construction, Hams Hall, Peddimore development and Langley development) and outlines potential mitigation measures moving forward, for example Peddimore/Langley applications are likely to identify significant mitigation requirements, potentially requiring dualling of A446 north of M42 J9 to Belfry and south at the A446 Curdworth Bridges. It also clarifies that they will seek to secure a lorry routing agreement to ensure HGVs use appropriate strategic routes in the area and therefore mitigate potential impacts on local villages (e.g. Lea Marston and Kingsbury).</p> <p>A Transport Assessment will be required at the planning application stage, which will need to:</p>

NWBC member comments / issues raised previously that have not been fully addressed	WCC response
	<ul style="list-style-type: none"> <li>• use the County Council's Paramics M42 Junction 9 microsimulation model to assess HGV impacts on network and junction performance as part of the TA, and to help identify any mitigation measures which may be required; and</li> <li>• consider the potential impact of HGV movements on the strategic and local road networks in the context of HS2 activity in the area. This will be extended beyond Phase 1 into Phase 2b which is expected to begin construction in 2023 based on current information.</li> <li>• Highways England's have carried out a high-level desk top analysis. Their response states:</li> </ul> <p><i>“in principle Highways England does not object to the positioning of any of the sites, however, detailed assessment will be necessary in order to provide robust evidence of the impact of associated traffic generation on the SRN<sup>6</sup>. Issues regarding boundary and environmental concerns, or potential mitigation and infrastructure changes, as a result of these sites is also of concern to Highways England, and therefore further assessment work would be required to determine if there are boundary issues which may impact on the safe and efficient operation of the SRN.”</i> However, their consultation also notes that <i>“taking account of this preliminary analysis, we consider that four of the six sites listed within the draft plan are likely to have implications for the operation of the SRN”</i>.</p> <p>The four of the six sites listed do not include Site 9. However, since Plan submission there are ongoing discussions with Highways England regarding impacts on the Strategic Road Network across all site allocations and potential Plan text changes that would clarify how these will be dealt with at the planning application stage.</p> <p>Throughout the development of the Plan officers have considered how the timing of the potential development of Site 9 should be controlled in relation to HS2 works to avoid/minimise any potential adverse effects on the locality. Para 7.111 clarifies potential additional benefits of working the site in conjunction with HS2 construction for site restoration and contributing towards the Tame Valley Wetlands Partnership Scheme and the Trent and Tame Valleys Futurescape project.</p> <p>As outlined above technical highways consultees have not raised objection to concurrent working. In addition, potential benefits may arise through reduced haulage distances if HS2 construction ultimately requires material from Site 9 and/or</p>

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<sup>6</sup> Strategic Road Network

NWBC member comments / issues raised previously that have not been fully addressed	WCC response
	excess material could be used in the staged restoration of Site 9, consistent with the approach outlined in the HS2 Phase One Environmental Statement <sup>7</sup> .
<p><i>Members seek clarification over the extent of Minerals Safeguarded Areas and whether any revision to Area boundaries are considered once the mineral resource has been extracted and is either wholly exhausted or significantly “unviable” where future extraction is physically and financially prohibitive?</i></p>	<p>Mineral Safeguarding Area maps are contained in Appendix 2 of the Plan.</p> <p>Paragraph 8.24 clarifies that:  8.24 <i>The Maps were produced as part of a report produced on behalf of the MPA by the British Geological Survey which mapped the extent of mineral resources in the County and the latest guidance. From time to time the MSAs may be reviewed and updated as mineral resources become exhausted or as the result of exploratory or detailed drilling as part of the preparation of planning application for minerals development or a mineral survey and assessment report submitted with a planning application for non-mineral development.</i></p> <p>Where all the minerals have been finally extracted (permanent cessation) or detailed survey information has confirmed lack of viability both now and in the future on sites in the county, maps can be updated. However, the County Council may be able to confirm the extent of mineral reserves/resources on a particular site through the non-mineral development consultation process outlined in paras 9.129 to 9.136 of the proposed plan consistent with the provisions in para 7, Schedule 1 of the Town and Country Planning Act 1990, i.e. a local planning authority must not determine an application for planning permission without consultation on a development in an area in relation to which the county planning authority have given notice in writing to the district planning authority that development is likely to affect or be affected by the winning and working of minerals, other than coal. An approved mineral report will be required to be submitted for consideration by the Mineral Planning Authority and prior extraction approved as part of the proposed implementation of the non-mineral development or through a site specific planning application for minerals development.</p>

**Table 3: Responses to additional comments from NWBC Planning Board 10th December 2018**

Additional comments from NWBC Planning Board 10th December 2018	WCC response
<p><i>The Borough Council again seeks clarification and reassurance of the points of concerns noted above</i></p>	<p>See comments above on cumulative impacts of HGV traffic.</p>

<sup>7</sup> Paragraph 14.1.19, Volume 3 - Route-wide effects:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/259488/Volume\\_3\\_Route-wide\\_effects.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/259488/Volume_3_Route-wide_effects.pdf)

Additional comments from NWBC Planning Board 10th December 2018	WCC response
<p><i>in relation to the allocation of Site Policy S9, particularly on cumulative impact of traffic arising from the Site proposal and HS2 programmed works. The Members seek clarification on the potential implications for additional supply that the works for the HS2 Railhead may generate for sand and gravel resources on the need for Site 9. This is particularly noted in view of the reduced requirements (objectively assessed needs) derived from the Local Aggregates Assessment (LAA) 2017 of 6.525 million tonnes of sand and gravel when compared to the First Regulation 19 Version of the Minerals Plan, which identified a need of 8.02 million tonnes.</i></p>	<p>Site 9 is required to meet the local demand for future sand and gravel and is not required directly to meet the needs of HS2 or any of its associated works. The Local Aggregates Assessment 2017 has identified the plan requirements to be met and the Plan, (through its spatial strategy), has identified the location and number of site allocations to be made to meet those requirements. Whether the HS2 railhead requires more or less material to ensure that it is constructed in accordance with the Phase 1 HS2 ES has no bearing on the whether the site is or is not required to meet the plan requirements.</p> <p>The County Council has considered how best to address the reduced tonnage arising from the preparation of the LAA 2017 and has determined that the most sustainable option is to exclude Sites 5 and 7, through the Sustainable Appraisal assessment using the Site Identification Methodology for allocating sand and gravel sites.</p>
<p><i>Is there a specific reason for the further reduction in the Local Aggregate Assessment between the draft 2016 LAA and the 2017 LAA in the Second Regulation 19 Plan?</i></p> <p><i>Is the reduced requirement as a result of increased recycling of aggregates and is this likely to continue or increase in the future?</i></p>	<p>The NPPF para 207 requires the preparation of an annual LAA based on a rolling average of 10 years sales data and other relevant local information. When rolling forward and comparing the 10 years sales data average from 2016 (years 2006 – 2015) to 2017 (years 2007 -2016) it is clear that the loss of the high producing year of 2006 (0.98 million tonnes) has had a noticeable effect on the figures reducing the requirement for 2017.</p> <p>This is the result of the annual rolling forward of the 10 years sales data (mathematical process) and not an increase in the recycling of aggregates. Depending on the rolling forward each year of past years production figures and the amount of future annual sales the 10-year average will either rise or fall. The recycling of aggregates helps with the overall supply of construction materials in the county and is not directly related to the size of the plan requirements due to the different uses and markets that primary and recycled aggregates supply.</p>
<p><i>Is this need also impacted by the current allocations proposed within the Submission Local Plan for the Borough, other authorities Local Plan</i></p>	<p>Local Aggregate Assessments (LAA) are based on yearly monitoring and published on an annual basis. The Local Aggregates Assessment 2017 considered the future demand for growth based on the information available at the time of the preparation of the document. There is an annual time lag of 12 months in the collection of annual aggregates sales to calculate the rolling 10-year average.</p>

Additional comments from NWBC Planning Board 10th December 2018	WCC response
<p><i>growth proposals in the County and wider Sub-Region?</i></p> <p><i>Does the reduced requirement reflect the potential future demand these proposals may generate?</i></p>	<p>The LAA is also asked to consider the impact of a 3-year average to determine if there is a need to adjust the annual production rate upwards in response to an increase in demand. A further consideration for the LAA is other relevant local information such as specific growth factors in the county and the distribution of growth from around the sub region for example.</p> <p>The Council is also required to monitor planning permissions and landbanks to determine if further planning permissions are required in the county to ensure a steady and adequate supply of aggregates. Equally it takes time for housing sites in a local plan to come forward as a planning application, to get permission and be implemented and for aggregates to be bought to construct the buildings.</p> <p>The 2017 LAA considered how much housing and employment land will be required to be provided over the plan period. The information collated suggested that demand will increase because of the need to build more homes at a greater rate and the need to deliver additional housing from outside the county boundary. At the moment this situation is not sufficiently clear to require uplift in the current 10-year average or the use of an earlier 10 year period as a baseline for calculating future provision or an increase in the 3 year average.</p> <p>The situation will continue to be monitored annually through LAAs. Local Plans, including Minerals Plans, need to be reviewed to assess whether they need to be updated at least every five years.</p>

**Agenda Item No 7**

**Local Development Framework  
Sub-Committee**

**1 October 2020**

**Report of the Chief Executive**

**Planning Consultations**

**1 Summary**

- 1.1 This report brings to Members attention recent consultations relating to Planning, including the White Paper "*Planning for the Future*".
- 1.2 A copy of the report considered at the Executive Board meeting held on 21 September 2020 is attached at Appendix A.

...

**Recommendation**

**In accordance with the recommendation at Executive Board any comments from the Sub-Committee be incorporated into the response to the consultation on the White Paper.**

The Contact Officer for this report is Dorothy Barratt (01827 719250).

**Agenda Item No 12**

**Executive Board**

**21 September 2020**

**Report of the Chief Executive**

**Planning Consultations**

**1 Summary**

- 1.1 This report summaries and provides comments on the recent consultations relating to Planning, including the White Paper "*Planning for the Future*".

**Recommendation to the Board:**

- a That the report be considered by Planning and Development Board and the LDF Sub-Committee; and**
- b That the Chief Executive, in consultation with the Leader, Chairs of the above Boards and Opposition Spokespeople, will send a response to meet the deadline of 1 October and 29 October for each of the consultations.**

**2 Consultation**

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

**3 Introduction**

- 3.1 On 6 August 2020, the Government published major changes to the Planning system. Some changes are discussed in the White Paper "Planning for the Future", whilst others are included in a consultation regarding proposed changes to the planning system. The consultation for the former runs for 12 weeks and closes at 11.45 pm on Thursday 29 October 2020, whilst the latter is open for comment until 1 October 2020.
- 3.2 The report will also be considered by the LDF Sub-Committee (1 October) and the Planning and Development Board (5 October). As both of these meetings are taking place after the closing date of the latter consultation, the Chief Executive, in consultation with the Leader of the Council and Opposition Spokespersons, will submit comments to meet the deadline of 1 October and then for the 29 October.
- 3.3 Although there are changes being proposed to the planning system in both papers that are interlinked, each paper will be taken in turn.

## 4 White Paper “Planning for the Future”

4.1 The White Paper sets out a wide-ranging package of proposals to reform the planning system. These can be summarised as:-

- Sets out three pillars for the future of planning:-
  - review how development is planned,
  - bring a new focus to design and sustainability, and
  - reform how infrastructure associated with development is delivered.
- It proposes long-term structural changes to the planning system, rather than more immediate amendments to existing processes.
- Move towards a zonal system with areas of England allocated as either Growth Areas, Renewal Areas or Protected Areas.
- Local Plans must be prepared from start to finish within 30 months and will be for 10 years, instead of the current 15 years.
- Local Plans will be digitised, with increased emphasis on map-based planning, to make development plans more accessible and reduce their length. The nature and process of public engagement will radically change, with increased emphasis on digitalisation of plans and method of engagement with increased interaction during plan-making.
- Reform of planning contributions, including the abolition of CIL and Section 106 Agreements intended to accelerate the delivery of development whilst continuing to provide affordable housing.
- A new Infrastructure Levy (IL) will capture land value uplift created by a planning approval and use this to enhance infrastructure delivery. Affordable homes delivered on-site would be offset against the proposed Levy, with First Homes also incentivised this way and to be sold at a 30% minimum discount to market homes.
- The changes are intended to ensure enough land supply comes forward over the Local Plan period.
- A revised Standard Method (part of the other consultation on planning reforms) will establish the housing requirement for an area and it will be the responsibility of local authorities to allocate sufficient land for housing.
- Adjoining authorities have the option to prepare plans on a joint basis and agree an alternative distribution of their housing requirement. Although the Duty to Co-operate is to be removed, there remains an unofficial duty for agreement across local authority boundaries to address areas of greatest need.

- First Homes is expected to take priority over other forms of affordable home ownership. For example, if a local plan required 30% of affordable housing to be shared ownership before, under the new rules it should require 25% First Homes and just 5% shared ownership.
- Proposal 12 suggests a Design and Place Making Chief Officer.
- Proposal 23 hints at resourcing - fees will still be set nationally, but the new IL could contain an element for plan making – paras 5.18/19.
- Enforcement to be “strengthened” although light on detail and resourcing – paras 5.29/30

## 5 **Observations on White Paper**

- 5.1 There is an emphasis on speeding up the planning system with automatic planning permission in growth and renewal areas. There is a tension in the logic of what is trying to be achieved. We all want a ‘better planning system’ – quicker, more involvement for the public, more certainty, more permissions of the right sort of development, more protection from the wrong sort and more delivery of what has been permitted. However, the White Paper in effect wants to change the Development Control/consideration of the final planning application into a more ‘rubber stamp’/tick box exercise. By this stage, only changes from the original scheme and the final detail should be discussed as all the matters of principle will have been agreed at the Plan making stage.
- 5.2 For this to work then, the allocations in the Local Plan, particularly the major allocations in the new Growth Areas, will need more detail and assurance that there are no technical reasons why the development approved in principle will not smoothly process through the Development Control part of the system, as the idea is that very few important matters will need deciding at that stage. Some level of assurance on delivery is currently undertaken at Local Plan stage, but it is suggested that this will need to increase and therefore rather than making Local Plans quicker and less complex, that process will need to look at things in more depth. With the possible exception of environmental controls, the White Paper doesn’t identify anything that is currently assessed – flooding, transport, open space, density, housing need, etc, – that will not need to be assessed in the future. If that is the case, then all that is proposed is to move the detailed discussion from the Development Control/planning application stage to the Local Plan stage. It might be quicker at one end, but slower at the other.

- 5.3 This then leads onto another tension – greater public involvement. Although there is mention of Neighbourhood Plans and community involvement, it is difficult at the present time to see how and where these will fit into the new system. In the current system, there is much less public interest in the Plan making stage for a variety of reasons. There is much more interest in the planning application stage. Unless a way is developed to change this, then the White Paper will just move the real decision to the stage that has less public involvement. One of the aims of the White Paper is to regain trust in the system, but that is likely to reduce trust – unless there is a change, people will get involved in an application and be told it's all been sorted 10 years ago. The White Paper should make it clear that there may be fewer 'physical' consultations in the future.
- 5.4 One solution to this may be to have a far more 'closed' development system. A reduced Plan from 15 years to 10 years might help but, if Local Plans were in effect the method of granting a rolling programme of 5 years' worth of housing, then the process could deal in one place with the principles (levels of housing, spatial distribution, etc) and provide all the detail required to grant an actual permission so that everyone would know what housing would be built to maintain 5 or more years housing for the needs of that area.
- 5.5 This would have to be accompanied with some sort of incentive system to make developers build. There are currently outstanding permissions for 1 million houses in the country – 3 years supply. There is very little in the White Paper about delivery – it is all demand side; two paragraphs in an 80 page document. If the desire is to increase certainty and 'planned-ness' then both sides of the demand and supply calculation need to be addressed.
- 5.6 There is also a link to trust here – one of the most frustrating things for Members and the public is when speculative schemes in areas not allocated are granted permission, particularly in circumstances where it is acknowledged that it's not a very suitable location but has only got through because, at a particular point in time, the Local Plan and controls are 'out of date'. This could result in more speculative schemes, ie, schemes that are furthest from delivery – sites put forward to take advantage of the current status of the Plan, but with none of the details needed for delivery having been agreed. This is even more the case because whether the Local Plan is out of date can be manipulated by developers not bringing sites forward for delivery. This constant move between 'out of date' and fully in force brings the system into disrepute. More certain in terms of permissions *and* delivery is therefore needed and not really addressed in the White Paper.
- 5.7 For this to be most effective, the door would then close and there would be far fewer opportunities for speculative development. Developers would know that only sites that have been taken through the Local Plan process will be developed, as there should be less risk of sites not coming forward if all the details have been considered and if there are incentives to actually develop. This will provide less flexibility in the system, but there needs to be an honest

appraisal of the fact that certainty comes at the expense of flexibility and vice versa.

- 5.8 There is no evidence put forward in the White Paper as to when land moves from a possible strategic asset holding status, to a definite development project. Our experience is that this isn't necessarily at allocation or even outline permission stage, but at detailed permission stage (and often even after that). If we are trying to get to the point where sites will actually get developed at the earliest point, then we need more evidence that an 'enhanced permission in principle' concept will move us along that route. The feeling is that it is only when an actual developer is on board and in project initiation mode that there is any certainty about housing starting to be built. If the Government wishes to increase the certainty in the system, then it might be better for Local Plans to grant in effect actual permissions, with financial penalties if not developed within, say, 5 years. The horse trading between landowners, option holders and developers therefore would have to come much earlier in the project promotion stage, bringing everything else forward with it.
- 5.9 One financial penalty could be for sites with permission, but not developed, to be charged business rates as a commercial property rather than, for example, as having an agricultural rating when the real value of land with permission is included in developer's asset sheets (but not taxed accordingly).
- 5.10 Overall, therefore, there is a significant tension at the heart of the proposal – simplifying, without taking much out; greater trust and involvement but moving the 'power'/decisions to the stage of the system that currently gets least public attention; trying to determine detailed matters too early in the process and not at the planning application or delivery stage; nothing on delivery; a 'cake and eat it approach' to certainty – clearer allocations but still leaving flexibility therefore not providing sufficient incentives in the system to clearly identify sites for enough housing that will actually be delivered because the work from a financial/business sense and also practically.
- 5.11 Given that 9 out of 10 applications are approved by local planning authorities and there are permissions for 1 million unbuilt homes, it could be argued that there is less of a problem than suggested in the White Paper and that more attention should be given to the supply side.
- 5.12 It is also not clear what will change other than for 'growth areas' – for protected areas (such as Green Belt) then we can 'justify more stringent development controls'; for renewal areas there would be a 'statutory presumption in favour of development being granted'. Members will recall these or very similar phrases being used for land within development boundaries or for land in the Green Belt.
- 5.13 The focus of the White Paper is clearly on housing with a lack of detail on how other development, such as employment land and renewable energy should be viewed. More detail is required.

- 5.14 The existing Local Plan system already allocates zones - land for different types of development and promotes good design and sustainable place-making. However, in the new system, once land has been zoned it is assumed that the land designated has 'permission in principle'. As mentioned above, public involvement is expected upfront, but this is often the most difficult time for members of the public to get involved as they cannot imagine the final development. There needs to be ways of making developments come alive and understood. This again has implications on the skills and resources available. Standardised mapping and the move to more digital formats should be welcomed. However, funding to assist with this should be a key requirement.
- 5.15 The ability of local authorities to adopt new technology for consultation and plan production needs further understanding to ensure this is adequately resourced. More detail is also required on the resources needed to deliver this, within LPAs and consultees. Impact on the Planning Inspectorate isn't mentioned either.
- 5.16 This fundamental change to the existing system will take time to become embedded by everyone involved, utilising a range of skill sets and, while a transitional period is indicated, it is not clear how long this would remain in place. Past experience suggests that such a large change could have the opposite effect initially to cause delay in the delivery of new plans and in timely decision-making and thus initially leading to less land being brought forward.
- 5.17 First Homes is discussed further below in relation to the other consultation, but within the White Paper there is no mention of delivering housing for rent, a significant recent contributor to meeting local housing needs.
- 5.18 On infrastructure, more openness does need to be brought to Section 106 Agreements, but they don't delay development significantly. Local Planning Authorities need more say in and over bigger infrastructure decisions – at the moment, it feels like we try to develop plans to 'squeeze' into what is going to happen with infrastructure. Whilst Local Plan allocations should reflect where people go in terms of transport, schools, community facilities, etc, allocations should also have more of a 'pull' impact on infrastructure. For example, as soon as land was allocated near to the A5, that gave much greater focus and consideration of whether to fund improvements to the A5.
- 5.19 The principle behind CIL was that it would reduce the complexity of the Section 106 process. Section 106 Agreements create a direct link between new development and the measures necessary to mitigate the effects of new proposals. It will be important for the new Infrastructure Levy (IL) to be able to address complex issues and ensure mitigation at a site level is adequately funded and infrastructure delivered at the time it is required.
- 5.20 The changes to planning contributions are quiet on the mechanism for delivering infrastructure such as schools and GP surgeries and it is unclear

how local authorities should deliver infrastructure where values fall below the proposed threshold for the new Levy.

- 5.21 Finally, in relation to the emerging Local Plan which is at examination it is strongly advised to continue to progress the current Draft Local Plan, otherwise we will have a gap of planning policy (even worse than our current situation).

## **6 Proposed changes to the current planning system (Consultation on changes to planning policy and regulations)**

- 6.1 Below is a summary of the overall document before looking at each main proposal in more detail.

- The consultation sets out the government's proposed changes to the current planning system, which should be considered in conjunction with the White Paper: 'Planning for the future'.
- The measures are seen to improve the effectiveness of the current system.
- The four main proposals in the consultation are:-
  - i changes to the standard method for assessing local housing need;
  - ii securing of First Homes;
  - iii temporarily lifting the small sites threshold to support SME builders; and
  - iv extending Permission in Principle to major development.

- 6.2 Each of these main proposals will now be considered in turn.

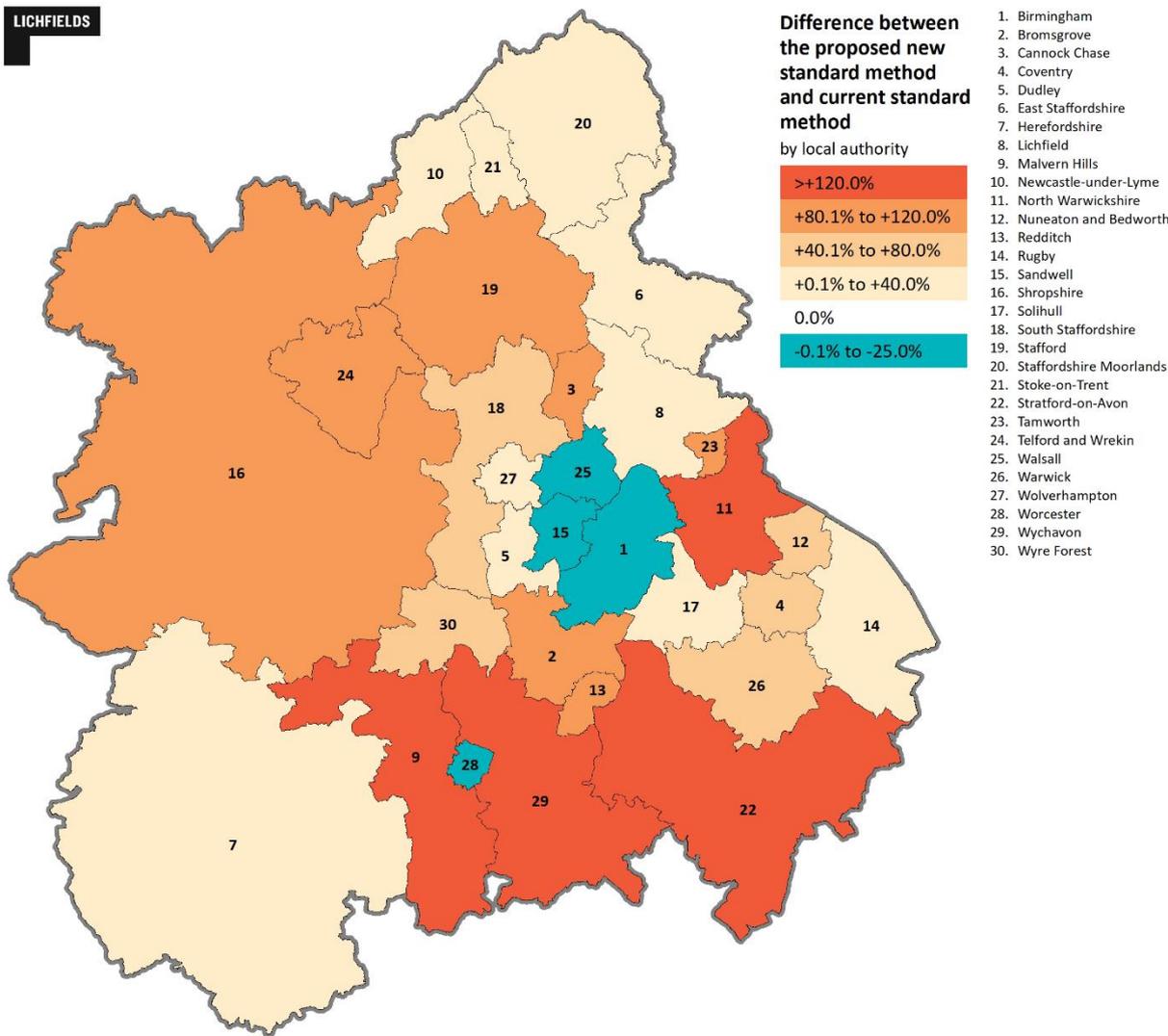
### *The Standard Method*

- 6.3 The consultation proposes a revised standard method for calculating local housing need, which will be used as the basis for plans created prior to any changes outlined in Planning for the Future being introduced. A new element will be introduced into the standard method, a percentage of existing housing stock levels, which will take into account the number of homes that are already in an area. Household projections will be retained as part of the new blended approach which takes account of stock. An affordability adjustment will be introduced that takes into account changes over time, in addition to the existing approach of considering absolute affordability. Where affordability improves, this will be reflected by lower need for housing being identified. The consultation also proposes removing the cap which artificially suppresses the level of housing identified.

Observations:

6.4 Whilst having a set 10 year figure with no duty to co-operate and attempts to increase supply in high cost areas to bring prices down are all laudable, there are, however, real and obvious problems with the new methodology. The table below shows the projected impact.

		New LHN figure	Old LHN figure (source Lichfields)	Local Plan annual requirement*	2020-30 projections annual requirement	Average delivery last 3 years (Source Lichfields)		New LHN vs Old LHN	%	New LHN vs local plan annual requirement	%	New LHN vs 2018 house hold projection	%	New LHN vs last 3 years average delivery	%
	Cannock Chase	575	278	241	394	410		297	107%	334	139%	182	46%	165	40%
	Lichfield	423	321	478	191	538		102	32%	-55	-11%	233	122%	-115	-21%
	Newcastle-under-Lyme	395	355	285	323	303		40	11%	110	38%	72	22%	92	30%
	South Staffordshire	364	254	175	205	253		110	43%	189	108%	159	77%	111	44%
	Tamworth	305	149	177	72	209		156	105%	128	73%	233	322%	96	46%
	North Warwickshire	439	171	454	305	297		268	157%	-15	-3%	135	44%	142	48%
	Stratford-on-Avon	1,675	603	730	786	1321		1,072	178%	945	129%	889	113%	354	27%
	Birmingham	3,056	3,577	2555	2,216	3,003		-521	-15%	501	20%	841	38%	53	2%
	Dudley	880	636	806	661	692		244	38%	74	9%	219	33%	188	27%
	Sandwell	1,141	1,488	1,074	846	784		-347	-23%	67	6%	295	35%	357	46%
	Solihull	1,011	807	791	555	696		204	25%	220	28%	456	82%	315	45%
	Walsall	823	862	599	745	663		-39	-5%	224	37%	79	11%	160	24%
	Wolverhampton	844	750	671	698	688		94	13%	173	26%	147	21%	156	23%
	Bromsgrove	694	379	368	386	337		315	83%	326	89%	308	80%	357	106%
	Redditch	368	174	337	96	319		194	112%	31	9%	272	284%	49	15%
	GBBCHMA	12,600	10,449	9,456	8,154	10,210		2,151	21%	3,144	33%	4,446	55%	2,390	23%
	GBBCHMA conurbation	7,756	8,120	6,496	5,720	6,526		-364	-4%	1,260	19%	2,036	36%	1,230	19%
	GBBCHMA shires	4,845	2,329	2,960	2,434	3,684		2,516	108%	1,885	64%	2,410	99%	1,161	32%



6.5 Again, there is no real attempt to sort out delivery from the development industry. Allocating more houses to high cost/high demand areas will only work if it brings average prices down and that means increased delivery. Developers are unlikely to voluntarily 'kill the golden goose' and this may perpetuate high demand if supply levels are maintained at or just below demand levels which may have little effect on price. It also leaves areas with 'cooler' markets with less housing than they may need.

6.6 This is shown in the West Midlands where overall need for the Greater Birmingham and Black Country areas increases by 21% but there is a reduction in the conurbations, compared with a 106% increase in the Shire areas. Our figure is a 157% increase (old figure of 268 dpa, proposed figure 439) although, because of the Duty to Co-operate, this is actually less than the figure we have in our Local Plan (note, this may need to be adjusted upwards due to new projections under the current system).

- 6.7 The prospects for delivery don't seem to be considered. Reports as part of the calculation of the Greater Birmingham Housing Market need suggest it will be a stretch for the market to deliver this level of housing given the historic performance and need.
- 6.8 Overall therefore, this just seems to take a market signals or market led approach without any consideration of what the market is actually doing, or what we want it to do. Clearly, putting housing where people want to live is an important consideration, but reductions in our urban areas or cooler markets will have implications.
- 6.9 Further adjustments are suggested in the Planning White Paper, but the details aren't set out and therefore the effects cannot be fully assessed.
- 6.10 There are provisions for a transitional period, meaning there is the potential for local authorities to be working to four different methods for calculating their housing requirement. It is unclear how this change will affect development management decisions taken in the interim period.
- 6.11 Is a nationally set figure going to make things simpler and quicker at a Local Plan examination? In practice, and as expressed by the Housing Minister since publication of the White Paper, this is only seen as the starting point and will leave much still to debate at examinations.
- 6.12 The merits of the Affordability Adjustment are unclear as it appears to be trying to tackle a south-east issue, rather than considering the issue from a local perspective.

### *Delivering First Homes*

- 6.13 The Government consulted on its First Homes proposals in February 2020. This included consultation around both the design of the First Homes scheme and changes to the planning system to support its delivery. The Government response to this consultation has been published and this consultation is now seeking views on the detail of the proposed changes to the current planning system.
- 6.14 The consultation proposes that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. This will be a national threshold, set out in planning policy. Initially, these affordable housing units will be secured through Section 106 planning obligations, but eventually they would be secured through the Infrastructure Levy (Planning for the Future, Pillar Three).

*Observations:*

- 6.15 Affordable housing definition includes a wide range of housing, from socially rented through to low cost market. However, for North Warwickshire, it is considered that First Homes will only deal with a small amount of the housing need in the Borough. There is therefore a concern that the largest amount of need which is for socially rented accommodation will not be provided for. The approach being advocated does not appear to be flexible to allow for negotiations and changes to match local requirements.

*Supporting Small & Medium-Sized Developers*

- 6.16 SME builders have been declining in the long term and were hit hard by the last recession. There were 16% more builder and developer insolvencies in 2019 than in 2018, the vast majority of which were SMEs. They are now under further pressure due to Covid-19.
- 6.17 The consultation proposes raising the small sites threshold to up to either 40 or 50 new homes, through changes to national planning policy. This will be for an initial 18 month period whilst the impact of the raised threshold is monitored. The consultation proposes scaling up the site size threshold for affordable housing contributions at the same proportion as the increase in number of homes threshold.
- 6.18 The Government's aim is to reduce the burden of contributions on SMEs for more sites for a time-limited period during economic recovery from Covid-19.

*Observations:*

- 6.19 Support for SMEs in the short term is welcomed. However, there is concern that larger scale developers will become more interested in smaller sites, making the environment more challenging for SMEs.
- 6.20 Most developments in North Warwickshire are on small sites. A reduction in the ability to seek affordable housing provision will have a long-term impact on the Borough and will only push up need further.

*Permission in Principle*

- 6.21 This is designed to separate decision making on 'in principle' issues, addressing land use, location and scale of development from matters of technical detail, such as the design of buildings, tenure mix, transport and environmental matters. The aim is to give up-front certainty that the fundamental principles of development are acceptable before developers need to work up detailed plans and commission technical studies. It also ensures that the principle of development only needs to be established once. The consultation proposes removing the restriction on Permission in Principle for major development to expand the current Permission in Principle framework for housing-led development. The proposal imposes no limit for

commercial development space, provided that housing occupies the majority of the floorspace in the overall Permission in Principle scheme.

*Observations:*

6.22 Permission in Principle is similar to outline permission, except much of the work will fall to the Borough Council to ensure everything is in order. The proposed 28 day turn around is extremely unrealistic to make sure that developments comply with the requirements for the site. It may be cheaper, quicker and easier for a developer to come on to a site once all of the details have been ironed out, but there still needs to be a lot of work upfront. Master planning and design codes will be extremely important.

**7 Report Implications**

**7.1 Finance and Value for Money Implications**

7.1.1 It is unclear at the present time the exact financial implications of such big changes to the planning system. However, it is expected that there will be a need for investment in technology as well as training of both officers and Members.

**7.2 Human Resources Implications**

7.2.1 The exact implications on the two Planning Teams is unclear and will not become clear until details are forthcoming. A further report will be brought to Board once these emerge.

The Contact Officer for this report is Dorothy Barratt (01827 719250).

**Background Papers**

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

## Agenda Item No 8

### Local Development Framework Sub-Committee

1 October 2020

#### Report of the Chief Executive

#### Local Plan Progress

### 1 Summary

- 1.1 The report provides an update on the progress of the Local Plan and the possible timetable to adoption

#### **Recommendation to the Sub-committee**

**That the report be noted.**

### 2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

### 3 Position to date

- 3.1 The North Warwickshire Borough Local Plan has been at examination since submission in March 2018. A separate section on the Council's website provides all the documents in relation the Local Plan examination - [https://www.northwarks.gov.uk/info/20002/planning/1444/local\\_plan\\_examination](https://www.northwarks.gov.uk/info/20002/planning/1444/local_plan_examination).
- 3.2 During the examination various additional documents have been produced, principally in response to the Inspector's requests, as set out in the relevant section of the examination library.
- 3.3 The last set of hearing sessions took place in April 2019 when the local plan process was paused awaiting the outcome of the Housing Investment Fund (HIF) bid for funding improvements to the A5. The Planning Inspectorate's Procedural Guide in relation to local plan examination sets out that, following a pause at examination, consultation will generally be necessary to ensure there has been appropriate opportunity for comment on any changes. That is also aligned with the Council's approach in its Statement of Community Involvement (SCI).
- 3.4 Therefore at the request of the Local Plan Inspector there is currently a period of consultation relating to several documents that have been issued and prepared since the last hearing sessions in April 2019. The aim is to work

towards a schedule of Main Modifications that would render the Plan capable of being recommended sound by the Inspector.

3.5 The documents for comments are:

INSP18 s	Inspectors Letter Regarding Future Examinations Progress Following Hearing
NWBC24	NWBC Response to INSP18
NWBC24B Annex B	NWBC response to INSP18 Affordable Housing Report
NWBC24B Annex C	NWBC response to INSP18 Justification of Allocation of Sites with regards to the Historic Environment Assessment and Sustainability Appraisal
NWBC24B Annex D	NWBC response to INSP18 Sequential Test Report
NWBC24B Annex E	Annex E – Environment Agency Response to Sequential Test Report
NWBC24B Annex H	NWBC response to INSP18 5 Year Housing Report
NWBC24B Annex I	NWBC response to INSP18 Lead in Times and Delivery of Housing Sites over 10 Dwellings and above
NWBC24B Annex J	NWBC response to INSP18 List of Policies (Strategic or Local)
NWBC24B Annex K	NWBC response to INSP18 Green Space Assessment
NWBC24B Annex L	NWBC response to INSP18 Green Space Assessment Maps
INSP19	Inspectors Note regarding NWBC24
NWBC25	NWBC Response to INSP19
INSP20	Inspectors Letter
NWBC26	NWBC Response to INSP20
NWBC26A	Updated Housing Trajectory July 2020
NWBC26B	Updated Housing Trajectory Graph July 2020
NWBC26C	Summary of Trajectory
NWBC26D	Updated Economic Viability Assessment July 2020
NWBC20E	Potential Main Modifications July 2020
INSP21	Inspectors Response to NWBC26
NWBC27	NWBC Response to INSP21
AD45	Local Plan Additional Sustainability Appraisal Update (also referenced as CD1/2A)
AD51a	Draft North Warwickshire Site Specific Flood Risk Technical Note (March 2019 from AECOM)
AD51b	Site Specific Flood Risk Technical Note (Environment Agency Response, including recommendations for amended Policy text to address their concerns)
AD54	Environment Agency Site Issues and Maps
AD56	Gypsy & Traveller Accommodation Assessment

3.6 Any comments to this consultation are asked to be as succinct as possible and focussed on documents which have emerged since April 2019 and the latest schedule of potential Main Modifications in particular, rather than revisiting points made in earlier representations (which have been considered by the Inspector during the pre-submission stage of the plan and via position statements already submitted and hearings undertaken to date).

- 3.7 As set out by the Inspector in examination documents INSP1 and INSP3, the focus of the examination is on the soundness of the plan. As such, representors are asked that if they are of the view that even with the incorporation of the potential main modifications in (NWBC20E) the Local Plan would remain unsound, within the terms of paragraph 182 of the NPPF2012, they should set out:
- (i) specific reference be made to the tests of soundness in respect of any concerns, and
  - (ii) indication be made as to how the Plan could be modified so as to represent a sound strategy.

#### 4 **Next Steps**

- 4.1 Going forward there will be additional hearings, if required. If hearings do take place it is not the Inspector's intention to request position statements in the same manner as previously. Hearings could potentially take place any time from 19<sup>th</sup> October 2020.
- 4.2 Following the hearings there will then be a six-week consultation on a finalised schedule of Main Modifications. Subject to the incorporation of these the Inspector may then recommend in his final report that the plan is sound. This report will be considered by the Council. It is envisaged adoption could take place by March 2021.

The Contact Officer for this report is Dorothy Barratt (719250).