

Wiltshire Council

Cabinet

19 March 2013

Subject: Adoption of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan

**Cabinet Member: Councillor Fleur de Rhé-Philippe
Economic Development and Strategic Planning**

Key Decision: No

Executive Summary

Wiltshire Council and Swindon Borough Council have received the Planning Inspector's Report on the examination into the joint Aggregate Minerals Site Allocations Local Plan.

The Inspector's Report concludes that, subject to the inclusion of a limited number of main modifications, the submitted Plan is 'sound' and should be adopted as soon as is reasonably practicable.

Once adopted the Plan will form part of the Council's planning policy framework.

Proposals

That Cabinet notes the content of the Inspector's Report on the examination of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (copy provided at **Appendix 2**) and that

Cabinet recommends to Full Council:

That the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan, incorporating the Inspector's main modifications, is adopted (a copy of the Plan is provided at **Appendix 1**).

Reason for Proposal

The Aggregate Minerals Site Allocations Local Plan is the final element of the current minerals planning policy framework for Wiltshire and Swindon. The Plan takes its lead from national policy; and the policy framework set out in the adopted Wiltshire and Swindon Minerals Core Strategy (June 2009) and Minerals Development Control Policies Development Plan Document (September 2009).

In line with the provisions of the Local Government Act 2000 (as amended), the Plan must first be approved by Cabinet before it is agreed for adoption by Full Council.

Alistair Cunningham
Service Director for Economy and Regeneration

Wiltshire Council

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Purpose of Report

1. To request that Cabinet:
 - (i) Notes the content of the Inspector's Report on the examination of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (copy provided at **Appendix 2**).
 - (ii) Approves the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (incorporating the Inspector's modifications) and recommends to Full Council that it be adopted (copy provided at **Appendix 1**).

Background

2. The Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (the Plan), formerly known as the Wiltshire and Swindon Aggregate Minerals Site Allocations Development Plan Document, is the final document in the current minerals planning policy framework for Wiltshire and Swindon. The Plan takes its lead from the policy framework set out in the adopted Wiltshire and Swindon Minerals Core Strategy (June 2009) and Minerals Development Control Policies Development Plan Document (September 2009) produced jointly by Wiltshire Council and Swindon Borough Council.
3. Since 2004, over 62 potential mineral site options have been considered for inclusion in the Plan. These sites have been subject to extensive assessment and site appraisal work undertaken by the Councils which determined whether they should be included in the Plan. The 'long-list' of site options has also been considered through stakeholder engagement, public consultation exercises (2004 - 2009, 2010, 2011 and 2012) and dialogue with operators and developers.
4. The Plan, containing 7 sites, was submitted to the Secretary of State for Examination on 20 July 2012, following approval by Cabinet on 19 June 2012 and Council on 26 June 2012. Hearing sessions on the 'soundness' of the Plan took place between 23 and 25 October 2012. These sessions provided an

opportunity for people to present their case to the independent Planning Inspector.

5. Following the hearing sessions the Councils published the 'Schedules of Modifications' report for a six week consultation period (12 November – 27 December 2012) to give all interested parties the opportunity to comment on the Councils' proposed main and minor modifications to the Plan before the Inspector completed his report.
6. Following the round of consultation on proposed modifications, the Inspector considered all representations received and presented his Final Report to the Councils on 5 February 2013.
7. The Inspector concludes that, subject to the main modifications set out in his report, the Plan is 'sound'. This is a major achievement for the Councils as local plans are rigorously scrutinised by the Government to ensure that they are 'soundly' based.

Main Considerations for the Council

8. The Inspector's Report, including a schedule of main modifications to be made to the Plan, is provided in **Appendix 2**.
9. The modifications can be summarised as follows:
 - (a) The inclusion of a policy which sets out how the National Policy presumption in favour of sustainable development will be applied in a local context.
 - (b) An update as to the position regarding the Saved Policies of the old Minerals Local Plan which were due to be replaced (as expressed through the Minerals Core Strategy) by this updated Minerals Site Allocations Local Plan.
 - (c) A justification for proceeding with a combined landbank calculation (for sharp sand and gravel and soft sand) and maintaining existing patterns of supply from current mineral working areas due to local circumstances that militate in favour of an approach slightly different from that in the NPPF.
 - (d) Changes to the site boundary at North Farm due to ownership changes, the incorporation of 'Zones of Sensitivity' at Cox's Farm to protect residential amenity and the addition of a standoff area at Blackburr Farm to protect an area of historical/archaeological importance and heritage setting.
 - (e) Additional wording to be inserted into the site profile table of Brickworth Quarry to further clarify the general condition of the trees on site (designated as ancient woodland but in effect in agri-forestry use and planted with conifers under a woodland management scheme). Whilst further stressing the need to robustly protect and retain ancient woodland soils on site for re-establishing typical Ancient Woodland species through

priority woodland habitat restoration.

10. The Plan (as set out in **Appendix 1**) presents a framework of 7 sites to meet a locally derived sand and gravel apportionment figure of 1.2 million tonnes per annum for Wiltshire and Swindon up to 2026 and can now be adopted.
11. The 7 sites are considered to represent the best and most deliverable options for future mineral extraction. Once adopted, these sites will have 'preferred area' status and should be safeguarded for mineral working. The Councils will manage the detail of any proposals that come forward on the sites through the planning application process.
12. Once adopted, the Plan will form part of the Councils' wider Local Development Framework and be used in the decision making process to assess planning applications.

Environmental and Climate Change Considerations

13. The Plan has been prepared in accordance with legislative procedures and national policy¹. In addition, the document is in general conformity with the adopted Wiltshire and Swindon Minerals Core Strategy, which itself has been subject to Sustainability Appraisal.
14. In preparing and appraising the document, over 62 site options have been considered and judged against environmental criteria through the rigorous application of Sustainability Appraisal (incorporating the requirements of the Strategic Environmental Assessment Directive) and Habitats Regulations Assessments. As such, the 7 site allocations are considered to represent the most sustainable options for meeting a locally derived apportionment figure of 1.2 million tonnes per annum for Wiltshire and Swindon up to 2026.
15. Matters in relation to the potential environmental impact of bringing forward new minerals sites have been fully considered. The Plan sets out clear guidelines to be considered when planning applications are being prepared. Such matters include, *inter alia* – pollution/human health control measures, flood risk assessment and mitigation for landscape impact. Where necessary, appropriate changes/amendments to site profiles have been proposed to reflect information presented by consultees (e.g. the Environment Agency, English Heritage) through previous consultation work.
16. Environmental and climate change implications have been, and will continue to be, fully considered and minimised as far as is reasonable practicable at the plan level. Detailed proposals in relation to climate change adaptation and the mitigation of social / environmental impacts will be matters for any subsequent planning application process.

¹ The bulk of the plan preparation process was undertaken in the light of previous national planning policy, as set out across the former Planning Policy Statements. With the publication of the National Planning Policy Framework, the Plan has been screened for general conformity with new policies.
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Equalities Impact of the Proposal

17. A detailed Equalities Impact Assessment (EIA) was prepared to support the submission draft plan and was considered by the Inspector through the examination process.
18. The adoption of the Plan does not alter the conclusions of the original EIA.

Risk Assessment

19. The risks associated with the adoption of the Plan stem from the process of adoption and specifically the potential for legal challenge.
20. Once the Plan has been adopted, it will enter a six week 'legal challenge period'. This process occurs with the adoption of any local plan and simply follows legal procedures.
21. Once the six-week legal challenge period has expired, the Plan can be considered as being finally adopted.

Financial Implications

22. The financial implications of adopting and publishing the Plan are to be met from the Spatial Planning Provision. The most significant financial risk associated with the adoption process stems from the potential for legal challenge; such actions are rare but must be considered and cost will need to be met.

Legal Implications

23. The steps undertaken to date, and those next steps proposed within this report, are considered to be fully compliant with regulatory requirements as set out in Regulations 18 and 19 of the Town and County Planning (Local Planning) (England) Regulations 2012.
24. There are legal implications associated with the adoption of the Plan but in essence these are limited to the potential for judicial challenge in accordance with Section 113 of the Planning and Compulsory Purchase Act 2004. Any such challenge would be limited in terms of scope and could only seek to challenge whether a procedural step in the process of preparing each document had been missed or not complied with fully.
25. At the point the Plan is formally adopted by the two Councils, an 'Adoption Statement' will be published in the local press. If at this stage anyone wishes to lodge a judicial challenge to the Plan, they must do so within six weeks of the adoption date.

Options Considered

26. The adoption of the Plan will help ensure that the Council has an up-to-date minerals policy framework in place. Failure to adopt the Plan could result in:

- (a) A reduction in the amount of control the Council can exert over the location of any minerals sites that are presented as planning applications; and
- (b) The Council failing to provide a steady and sufficient supply of aggregate mineral to market and continuing to provide an insufficient landbank of reserve.

Conclusions

- 27. The Inspector's Report concludes that, subject to the inclusion of the main modifications, the Plan is 'sound'. This is a significant achievement for the Council and an important step towards the completion and delivery of a minerals policy framework for Wiltshire and Swindon.
- 28. The Inspector's recommended main modifications must be made in order for the Plan to be adopted, published and incorporated into the policy framework of the two Councils.
- 29. Once formally adopted, copies of the adopted Plan (incorporating the Inspector's recommendations), the Inspector's Report, Adoption Statement and final Sustainability Appraisal report, will be published and made available for inspection.
- 30. At the point of adoption, the Plan will be the subject of a six week period within which a legal challenge may be submitted.
- 31. Adoption of the Plan represents the final stage of the plan making process. If Cabinet recommends the Plan for adoption, Swindon Borough Council and Wiltshire Council will formally adopt the plan on 11 April and 14 May 2013 at their respective Council meetings.

Alistair Cunningham Service Director for Economy and Regeneration

Report Authors:

Georgina Clampitt-Dix
Head of Spatial Planning
Tel No. (01225) 713472

Geoff Winslow

Team Leader – Spatial Planning – Environment and Resources
Tel No. (01225) 713213

The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices:

Appendix 1 – Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan
Appendix 2 – Inspector's Report