

IMPLEMENTATION EXECUTIVE

22 April 2009

**ADOPTION OF THE WILTSHIRE AND SWINDON
MINERALS CORE STRATEGY 2006-2026**

Executive Summary

The Wiltshire Council and Swindon Borough Council have received the Planning Inspector's **binding** Report into the examination of the Wiltshire and Swindon Minerals Core Strategy Development Plan Document (DPD). The Report concludes that, subject to minor amendment, the submitted Core Strategy DPD is 'sound' and should be adopted as soon as is reasonably practicable.

Proposal

That the Implementation Executive:

- Recommends to Full Council that the Wiltshire and Swindon Minerals Core Strategy, as amended by the changes identified in the Inspector's binding Report, be adopted.

Reason for Proposal

The Minerals Core Strategy will form part of the Council's Policy Framework. In line with the Local Government Act it must first be approved by the Implementation Executive before it is agreed by Full Council. The Inspector's Report is **binding** upon the Councils (Wiltshire and Swindon) and hence the recommendations it presents must be acted upon. As the document has been found sound, it follows that it should be adopted as soon as reasonably practicable, in order to ensure up-to-date minerals policy is in place for Wiltshire.

ALISTAIR CUNNINGHAM

Service Director, Economy and Enterprise

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Purpose of Report

1. To:
 - (i) Note the content of the Inspector's binding Report (**Appendix 1** - due to the document's size this is only available on the website: <http://www.wiltshire.gov.uk/minerals-core-strategy-inspectors-report.pdf>) into the examination of the Wiltshire and Swindon Minerals Core Strategy Development Plan Document (DPD); and
 - (ii) Seek Implementation Executive's approval that the Wiltshire and Swindon Minerals Core Strategy, as amended by the changes identified in the Inspector's Report, be recommended to Full Council for adoption.

Background

2. The Wiltshire and Swindon Minerals Core Strategy DPD provides the strategic planning policy framework that will govern minerals development for the period up to 2026. It also provides the necessary direction for the work currently being undertaken on the identification of sites for new minerals development.
3. During November 2008, a series of hearing sessions were held to provide opportunity for people to present their case to the independent Planning Inspector on certain matters. Following these sessions, the Councils presented a list of 'Proposed Changes' to the submitted Core Strategy which were published for a final six-week period of public consultation.
4. Following the consultation on the 'Proposed Changes', the Inspector considered all representations received and presented his Report to the Councils on 9 March 2009.
5. The Report concludes that the Minerals Core Strategy is 'sound' and thereby meets the requirements of the Planning and Compulsory Purchase Act 2004 whilst supporting Wiltshire and Swindon's approach of balancing the need for new minerals development with the protection of the environment. This is a major achievement for the Councils as DPDs are rigorously scrutinised by the Government to ensure that they are 'soundly' based.

Main Considerations for the Council

6. Whilst the Inspector concludes that the Core Strategy is essentially ‘sound’ overall, he has identified a number of changes that need to be made to the document in order to fully comply with planning regulations and national policy. These changes, which are **binding** on the Councils, are largely minor in substance. As outlined above, the Inspector’s Report and details of the recommended changes are provided in **Appendix 1** which is available on the website <http://www.wiltshire.gov.uk/minerals-core-strategy-inspectors-report.pdf>.
7. Once adopted, the Minerals Core Strategy (as amended) will carry significant weight in the determination of planning applications for minerals development. It also provides the basis upon which work associated with the identification of new/expanded sites for minerals development over the period up to 2026 can be undertaken in line with the Council’s Local Development Scheme.
8. In addition, once adopted the Minerals Core Strategy will form part of the Council’s Local Development Framework.

Environmental Impact of the Proposal

9. The Inspector’s Report lists a range of minor amendments that do not fundamentally alter the content of the policies and proposals set out within the Minerals Core Strategy or the findings of the various independent assessments¹ that have been undertaken to support the document.
10. In an overall sense, the adoption of the Minerals Core Strategy presents a new and up-to-date strategic policy framework for Wiltshire and Swindon and meets national, regional and local policy initiatives for balancing the need for new development with environmental protection.

Equalities Impact of the Proposal

11. A detailed Equalities Impact Assessment (EIA) was prepared to support the submission draft Minerals Core Strategy and considered through the examination process by the Planning Inspectorate.
12. The adoption of the Minerals Core Strategy does not alter the conclusions of the original EIA. The policies of the Core Strategy are strategic in outlook and not site specific. From the perspective of EIA this is an important consideration, as all the policies of the document will apply equally across the Plan area and not materially impact upon any of the equality strands listed within the EIA.

Risk Assessment

13. The risks associated with the adoption of the Minerals Core Strategy stem from the process of adoption and specifically the potential for legal challenge.

¹ Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA), Habitats Regulations Assessment (HRA) and Strategic Flood Risk Assessment (SFRA).

14. At the point when the Councils adopt the Minerals Core Strategy, there will follow a period of six weeks for legal challenge.

Financial Implications

15. The financial implications of adopting and publishing the Core Strategy are to be met from planned budget commitments. The most significant financial risk associated with the adoption process stems from the potential for legal challenge.

Legal Implications

16. There are legal implications associated with the adoption of the document 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 the document had been missed or not complied with fully.
17. At the point the Core Strategy is formally adopted by the two Councils, an 'Adoption Statement' will be published in the local press advertising the availability of the Inspector's Report and the adopted Core Strategy. If at this stage anyone wishes to lodge a judicial challenge to the document, they must do so within six weeks of the date it is adopted by the Councils.

Options Considered

18. The Inspector's Report is **binding** upon the Councils and hence the recommendations it contains must be adhered to.

Conclusion

19. The Inspector's Report on the examination into the Wiltshire and Swindon Minerals Core Strategy concludes that the document, subject to amendment, is 'sound'. This is a significant decision and achievement for the Council, and an important step towards the completion and delivery of a new minerals policy framework for Wiltshire and Swindon.
20. The Inspector's recommendations for amending the Minerals Core Strategy are, in the main, minor but they must be made in order for the document to be adopted, published and incorporated into the policy framework of the two Councils.
21. Once formally adopted, the Minerals Core Strategy, along with the Inspector's Report and final sustainability appraisal report, will be published and made available for inspection.

22. At the point of adoption, the Minerals Core Strategy will be the subject of a six week period within which a legal challenge may be submitted.

ALISTAIR CUNNINGHAM

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

The Inspector's Report on the examination into the Wiltshire and Swindon Minerals Core Strategy 2006-2026

Appendix 1: The Inspector's Report on the examination into the Wiltshire and Swindon Minerals Core Strategy 2006–2026 and recommendations for amending the document <http://www.wiltshire.gov.uk/minerals-core-strategy-inspectors-report.pdf>.