

Wiltshire Council

Cabinet

13 December 2011

Subject: Aggregate Minerals Site Allocations Development Plan Document (DPD) – Consultation on Pre-Submission Draft DPD

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

Key Decision: Yes

Executive Summary

Since the adoption of the Minerals Core Strategy and Minerals Development Control Policies DPDs in 2009, considerable progress has been made on the preparation of the Aggregate Minerals Site Allocations DPD. This has been achieved within the context of a planning system that is undergoing significant change. Despite the proposed changes it is clear that the Government remains committed to a managed aggregates supply system premised upon detailed, long-term national, regional and local forecasting.

The capacity of Wiltshire and Swindon to meet the Government's proposed forecast rate of 1.41 million tonnes per annum has been fully tested. The results of the testing have been documented in the Councils' evidence base and used to support the proposals in the Pre-submission draft DPD. This evidence has demonstrated that a lower, local forecast rate of 1.2 million tonnes per annum should be applied, as agreed by Cabinet at the meeting on 14 June 2011.

A significant amount of evidence has now been developed to fully support the content of what is considered to be a sound Pre-submission draft Aggregate Minerals Site Allocations DPD. The content of the Pre-submission draft DPD is considered to be fully compliant with the process prescribed in current and proposed national planning policy.

The purpose of this Cabinet report is to seek approval to publish the Pre-submission draft DPD for formal six week public consultation, followed by submission to the Secretary of State for Independent Examination subject to there being no substantive changes required as a result of the consultation.

Proposals

That Cabinet:

- (i) Approves the Pre-submission draft Aggregate Minerals Site Allocations DPD for publication for a six week formal consultation to commence as soon as is reasonably practicable.
- (ii) Endorses the Pre-submission draft Aggregate Minerals Site Allocations DPD and recommends that following the consultation Full Council approves the document for the purpose of Submission to the Secretary of State, subject to there being no representations which, in the opinion of the Director for Economy and Enterprise in consultation with the Cabinet Member, raise fundamental issues on the soundness of the Strategy.
- (iii) Authorises the Director for Economy and Enterprise, in consultation with the Cabinet Member, to make any necessary amendments to the document in the interests of clarity and accuracy before it is published, and to make the arrangements for consultation.

Reason for Proposals

To ensure that progress continues to be made on preparing an up-to-date minerals policy framework for Wiltshire (and Swindon) in line with the timetable set out in the Council's revised Local Development Scheme and statutory requirements. Once adopted, the Aggregate Minerals Sites Allocations DPD will form part of the Council's policy framework.

Alistair Cunningham
Director for Economy and Enterprise
Department of Neighbourhood and Planning

Wiltshire Council

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Economic Development and Strategic Planning**

Key Decision: Yes

Purpose of Report

1. The purpose of this report is to request that Cabinet:
 - (i) Approves the Pre-submission draft Aggregate Minerals Site Allocations DPD as set out in **Appendix 1** for publication.
 - (ii) Endorses the Pre-submission draft Aggregate Minerals Site Allocations DPD and recommends that Full Council approves the document for the purpose of submission to the Secretary of State.
 - (iii) Authorises the Director for Economy and Enterprise, in consultation with the Cabinet Member, to make any necessary amendments to the document in the interests of clarity and accuracy and to make the arrangements for consultation.

Background

2. Since the adoption of the Minerals Core Strategy and Minerals Development Control Policies DPDs in 2009, considerable progress has been made on the preparation of the Aggregate Minerals Site Allocations DPD. This has been achieved within the context of a planning system that is undergoing significant change. Despite the proposed changes it is clear that the Government remains committed to a managed aggregates supply system premised upon detailed, long-term national, regional and local forecasting.
3. At the Cabinet meeting on 22 March 2011 an interim report was considered on the consultation undertaken on proposed minerals sites that took place between 5 August 2010 and 31 October 2010. It was resolved that the initial 62 site options be reduced to 22 sites, which would be subject to further detailed assessments to inform their suitability for allocation and targeted consultation be undertaken on one site. In addition, it was agreed that a local figure for aggregate provision in Wiltshire and Swindon would be produced on

the basis of these further assessments. These assessments clearly showed that Wiltshire and Swindon cannot make provision for the sub-regional apportionment of 1.85 million tonnes per annum as set out in the draft Regional Spatial Strategy for the South West.

4. The outcome of this work was considered by Cabinet on 14 June 2011. Cabinet resolved that:
 - (i) A local forecast rate of 1.2 million tonnes per annum is used as the basis for making provision in the draft Aggregate Minerals Sites Allocations DPD; and
 - (ii) Eight sites would be carried forward into the draft Aggregate Minerals Site Allocations DPD.
5. Following this meeting, the Director for Economy and Enterprise wrote to central Government notifying them of the provision that can be met for the period to 2026. A copy of the letter is provided at **Appendix 2**. This sets out clear reasons why a forecast rate of 1.2 million tonnes per annum is appropriate for Wiltshire and Swindon.
6. More recently, Government has published new technical work that sets out revised figures for Wiltshire and Swindon of 1.41 million tonnes per annum (national and regional guidelines for aggregates provision in England 2005 to 2020). While a reduction from 1.85 million tonnes per annum to 1.41 million tonnes per annum is welcomed, nevertheless the evidence still indicates that the lower figure of 1.2 million tonnes per annum would provide a sustainable level of extraction for Wiltshire. The Director for Economy and Enterprise will write to central Government to reaffirm this position.

Main Considerations for the Council

7. A Pre-submission draft Aggregate Minerals Site Allocations DPD has been prepared in light of the resolutions of Cabinet earlier this year and is attached at **Appendix 1**. This is considered to be a sound document that is based on sufficient evidence gathering and consultation. It should now be published for a final stage of consultation before it can be submitted to the Secretary of State. The arrangements for consultation are set out in paragraph 12 below.
8. The evidence base to be published alongside the DPD will comprise:
 - (i) Initial site appraisal matrices completed by officers to highlight the issues for each potential site.
 - (ii) Mineral Resource Zone site identification sieving report.
 - (iii) Detailed Assessments undertaken by Wiltshire Council on Landscape and Visual Impact; Transport; Archaeology; and the Historic Built Environment.
 - (iv) An Ecological Assessment Report (incorporating Habitat Regulations Assessment requirements, as required by European legislation) undertaken by the Council's Ecologist.

- (v) Noise and Air Quality assessments and hydrological assessments undertaken by external consultants.
 - (vi) Consultation output report (detailing the consultation and evidence gathering work undertaken to date).
 - (vii) A Sustainability Appraisal Report.
9. The publication of the Pre-submission draft Aggregate Minerals Site Allocations DPD will eventually lead to a change to the Council's policy framework. All issues raised during the recent consultation have been addressed and the evidence base to support the draft DPD has been fully updated.
10. By endorsing the draft DPD for publication and subsequent submission to the Secretary of State, the Council considers that the document is sound. At this stage in the process, the draft DPD is being published to allow representations to be made relating to issues of soundness. Provided there are no substantive changes required to the document in response to the consultation, the document will be submitted to Council for approval before it is submitted to the Secretary of State. Once submitted to the Secretary of State, the process of Independent Examination by a Government appointed Planning Inspector will commence.
11. Upon finding the DPD sound, the Inspector can only recommend in their report that changes of a minor nature should be made to the DPD before it is adopted by the Councils.

Consultation Strategy

12. Once Cabinet has approved the Pre-submission draft Aggregate Minerals Site Allocations DPD preparations will be made to publish the draft DPD and supporting documents for a period of six weeks in accordance with the Councils' Statements of Community Involvement and statutory requirements.. The consultation will involve:
- (i) Letter or email to consultees on the Spatial Planning consultation database.
 - (ii) Publication of an advertisement in local newspapers throughout Wiltshire and Swindon.
 - (iii) Chairmans' announcements for Area Boards.
 - (iv) An item published in Parish Newsletter prior to commencement of consultation.
 - (v) Documents being made available for viewing at Council offices and all libraries in Wiltshire and Swindon.
 - (vi) Online publication on the Council's consultation portal.

Environmental and Climate Change Considerations

13. The proposals in this report have been, and will continue to be, subject to sustainability appraisal to ensure that environmental and climate change implications will have been fully considered and minimised and that effects of a changing climate will be taken into account.

Equalities Impact of the Proposal

14. There are considered to be no equality impacts arising as a result of the proposals in this report. An Equalities Impact Assessment (EIA) is not required at this stage of the plan making process, but will be completed once the document is submitted to Government.

Risk Assessment

15. The key risks associated with the preparation of this DPD are:
 - (i) The Government may not accept the proposal to reduce the provision rate within Wiltshire and Swindon. This could delay proceeding to examination due to insufficient sites being identified by the councils to meet the Government's prescribed provision rate (1.41 million tonnes per annum). However, in taking an evidence based approach to establishing a reasonable new rate of aggregates provision for Wiltshire and Swindon, this risk can be reduced.
 - (ii) Following Independent Examination, a legal challenge could be made on the process leading to the adoption of the Minerals Sites DPD.

Financial Implications

16. The cost of preparing the Minerals Sites DPD will be met by existing budget allocations.

Legal Implications

17. 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 25 and 27 of the Town and Country Planning (Development) (England) Regulations 2004 (as amended).

Options Considered

18. The site options considered in the previous consultation in 2010 have been fully appraised. Only those site options considered suitable in social, environmental and economic terms have been included in the Pre-submission draft DPD. Those options that are considered unsuitable have been excluded. The draft DPD therefore represents the most suitable options having considered all reasonable alternatives.

Conclusions

19. In order to provide an up-to-date policy framework for Wiltshire it is necessary to proceed with the publication for comment of what is considered to be a sound submission draft Aggregate Minerals Site Allocations DPD followed by submission to the Secretary of State for Independent Examination.

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

None

Appendices:

Appendix 1: Pre-submission draft Wiltshire and Swindon Aggregate Minerals Site Allocations DPD

Appendix 2: Copy of letter sent to the Secretary of State in respect of Wiltshire and Swindon's proposals for and justification of a local forecast provision rate of 1.2 million tonnes per annum.