

**PUBLICATION AND SUBMISSION OF THE MINERALS LOCAL PLAN  
FOR GLOUCESTERSHIRE (2018- 2032)**

<b>Cabinet Date</b>	31 January 2018
<b>Fire, Planning and Infrastructure</b>	Cllr Nigel Moor
<b>Key Decision</b>	Yes
<b>Background Documents</b>	<p>Town and Country Planning (England) (Local Planning) Regulations 2012 and other relevant statutory instruments;</p> <p>Agenda Item 4, Environment and Communities Scrutiny Committee Report – Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (July 2016);</p> <p>Agenda Item 5, Cabinet Report – Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (July 2016);</p> <p>Minerals Local Plan for Gloucestershire (2018-2032) draft consultation document (September 2016);</p> <p>Agenda Item 8, Full Council Motion 782 – Community Support Payments (Fracking) in Gloucestershire (December 2016);</p> <p>Cabinet Panel: Minerals Local Plan Outcome Report (September 2017);</p> <p>Agenda Item 4, Environment and Communities Scrutiny Committee Report – Minerals Local Plan for Gloucestershire (2018 – 2032) (November 2017);</p> <p>9<sup>th</sup> Gloucestershire Minerals &amp; Waste Development Scheme (2017 – 2020) (December 2017);</p> <p>6<sup>th</sup> Local Aggregates Assessment (LAA) for Gloucestershire (covering data up the period 31/12/2016) (December 2017); and</p> <p>Various response reports, technical evidence papers, Sustainability Appraisals (SAs) and Habitat Regulation Assessments (HRA).</p>
<b>Location/Contact for inspection of Background Documents</b>	<p>Please contact Robin Drake (<a href="mailto:robin.drake@gloucestershire.gov.uk">robin.drake@gloucestershire.gov.uk</a>) with any questions regarding background documents.</p> <p>All previous consultation documents and supporting evidence reports can be obtained from the County Council website at: - <a href="http://www.goucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-gloucestershire/">http://www.goucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-gloucestershire/</a></p>
<b>Main Consultees</b>	Participants and stakeholders engaged in the minerals development plan preparation process, which include: - local communities located near to and / or within the sphere of influence of existing or potential future mineral developments; the general public; other interest groups and organisations; statutory consultees; the minerals industry and other dependant businesses and the wider business community.

<b>Planned Dates</b>	<p>28<sup>th</sup> March 2018 – County Council to consider the recommendation of Cabinet to approve the publication of the Minerals Local Plan for Gloucestershire (2018 – 2032) and to enable its subsequent submission to the Secretary of State for independent examination;</p> <p>April to May 2018 – The publication of the Minerals Local Plan for Gloucestershire (2018-2032) to allow for its inspection and for representations to be made, which will then be submitted for consideration at independent examination alongside the plan;</p> <p>2nd to 3rd Quarter 2018/19 (between Jul and Dec 2018) – Submission of Minerals Local Plan for Gloucestershire (2018-2032) to the Secretary of State and possible commencement of the independent examination including any hearing sessions if required;</p> <p>Subject to the completion of a satisfactory examination process that concludes the plan will be found 'sound' and following final approval by the County Council, it is anticipated that the Minerals Local Plan for Gloucestershire (2018-2032) will be adopted in 2019.</p>
<b>Divisional Councillor</b>	All divisions
<b>Officers</b>	<p>Nigel Riglar, Commissioning Director: Communities and Infrastructure Tel: 01452 328198 Email: <a href="mailto:nigel.riglar@gloucestershire.gov.uk">nigel.riglar@gloucestershire.gov.uk</a></p> <p>Kevin Phillips, Team Manager: Planning Development Management &amp; Minerals &amp; Waste Policy. Tel 01452 427979 E-mail: <a href="mailto:kevin.phillips@gloucestershire.gov.uk">kevin.phillips@gloucestershire.gov.uk</a></p> <p>Simon Excell, Lead Commissioner: Strategic Infrastructure. Tel 01452 328487. E-mail: <a href="mailto:simon.excell@gloucestershire.gov.uk">simon.excell@gloucestershire.gov.uk</a></p>

<b>Purpose of Report</b>	<p>The principal purpose of this report is to seek recommendations from Cabinet to County Council concerning: -</p> <ol style="list-style-type: none"> <li>1. The approval and undertaking of the publication of the Minerals Local Plan for Gloucestershire (2018 – 2032) (attached to appendix 1);</li> <li>2. The approval of the submission of the plan to the Secretary of State for independent examination and the carrying out by officers, under delegated authority of duties and responsibilities required for the independent examination.</li> </ol> <p>The report also brings to the attention of Cabinet and seeks a recommendation to County Council to note the headline responses received to the Minerals Local Plan for Gloucestershire (2018 – 2032) draft consultation, which took place between September and November 2016 and significant changes proposed by officers for incorporation into the publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) following consideration of representations made during the draft plan consultation and other changes in circumstance since that time.</p>
<b>Recommendations</b>	<p>That the Cabinet recommends to County Council to:-</p> <ol style="list-style-type: none"> <li>a) Note the consideration given to the consultation representations made to the draft Minerals Local Plan for Gloucestershire (2018 – 2032) and the proposed changes to the plan. Details of the representations made, responses provided and proposed changes have been made available separately and can be review via the relevant County Council web pages accessed from: - <a href="http://www.goucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-goucestershire/">http://www.goucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-goucestershire/</a></li> <li>b) Approve the Minerals Local Plan for Gloucestershire (2018 – 2032) (attached at Appendix 1);</li> <li>c) Authorise the Commissioning Director: Communities &amp; Infrastructure in consultation with Cabinet Member for Fire, Planning and Infrastructure to make minor amendments to the Minerals Local Plan for Gloucestershire (2018 – 2032) (attached at Appendix 1) and any accompanying documents prior to its publication in accordance with the requirements set out under regulations 19 of the Town and Country Planning (England) (Local Planning) Regulations 2012;</li> <li>d) Authorise the Commissioning Director: Communities &amp; Infrastructure in consultation with the Cabinet Member for Fire, Planning and Infrastructure to publish for inspection the Minerals Local Plan for Gloucestershire (2018 – 2032) in accordance with the requirements set out under regulations 19 and 35 of the Town and Country Planning (England) (Local Planning) Regulations 2012;</li> </ol>

- e) Authorise the Commissioning Director: Communities & Infrastructure in consultation with the Cabinet Member for Fire, Planning and Infrastructure to receive any representations made to the published Minerals Local Plan for Gloucestershire (2018 – 2032), to make any minor corrections and clarifications as necessary, and decide whether to submit the plan to the Secretary of State for independent examination;
- f) Authorise the Commissioning Director: Communities & Infrastructure in consultation with Cabinet Member for Fire, Planning and Infrastructure to submit the Minerals Local Plan for Gloucestershire (2018 – 2032) and supporting information to the Secretary of State in accordance with the requirements set out under regulation 22 of the Town and Country Planning (England) (Local Planning) Regulations 2012;
- g) Authorise the Commissioning Director: Communities & Infrastructure to make all necessary arrangements and preparations for the independent examination for the Minerals Local Plan for Gloucestershire (2018 – 2032) including: - the appointment of a Programme Officer; the undertaking and / or commissioning of other work as necessary to prepare for and participate at the public examination; and the appointment of officers and other commissioned experts to prepare and submit evidence to the independent examination and where necessary, appear at any hearing sessions to represent the County Council; and
- h) Authorise the Commissioning Director: Communities & Infrastructure in consultation with Cabinet Member for Fire, Planning and Infrastructure to make any changes to the Minerals Local Plan for Gloucestershire (2018 – 2032) and supporting information as guided by the appointed inspector through the independent examination process, including undertaking any consultation where necessary, in order to respond to matters raised through the examination. This may involve inviting the Inspector to recommend modifications to the plan prior to its adoption.

<b>Reasons for recommendations</b>	<p>The County Council is the Minerals Planning Authority (MPA) for Gloucestershire and has a statutory responsibility to prepare a minerals local development plan for the area. When adopted, the plan will provide the policy framework for making decisions on planning applications for minerals development such as the working of sand &amp; gravel, limestone and sandstone and also associated on-site infrastructure including processing plant.</p> <p>The current minerals local plan was adopted in 2003. It is in need of a comprehensive review and requires updating particularly to bring it fully in line with the National Planning Policy Framework (NPPF) 2012. The published Minerals Local Plan for Gloucestershire (2018 – 2032) is the document the County Council wishes to adopt, subject to examination by an independent Inspector appointed by the Secretary of State.</p> <p>The requirements of publication and submission of the emerging Minerals Local Plan for Gloucestershire (2018 – 2032) to the Secretary of State for independent examination are set out in the Town and Country Planning (England) (Local Planning) Regulations 2012. They must be carried out before an independent examination can take place and the plan can be considered for adoption.</p>
<b>Resource Implications</b>	<p>The cost of preparing the publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) and making it available for representations to be made can be met from the existing revenue budgets for 2017-18. However, the costs associated with submission and the undertaking of an independent examination will require additional funding over and above the existing revenue budget in 2018-19. It is estimated that costs associated with the independent examination may be in the region of £100k to £150k. Therefore we propose this is funded from the Minerals and Waste Local Plan reserve, which has a current balance of £158k for this purpose.</p>

## **MAIN REPORT CONTENTS**

### **1. Background**

#### **A Minerals Local Plan for Gloucestershire**

- 1.1. The Planning and Compulsory Purchase Act 2004 requires planning authorities to produce local plans. Government policy provided through the National Planning Policy Framework (NPPF) emphasises the importance of local plans being up to date to assist in determining planning applications.
- 1.2. Gloucestershire County Council is the Minerals Planning Authority (MPA) for the county. This means it must prepare a Minerals Local Plan. It is currently seeking to replace the existing Gloucestershire Minerals Local Plan, which was adopted in 2003.
- 1.3. The new plan must undergo several statutory stages of preparation. These are prescribed within the Town and Country Planning (England) (Local Planning) Regulations 2012. Once all relevant stages have been completed in full, the plan can be adopted. It is only after adoption that the plan will form part of the statutory development plan for Gloucestershire and provide the comprehensive local policy framework against which all mineral planning decisions must be made up to the plan's end date at 2032.

#### **Early preparation of the Minerals Local Plan for Gloucestershire**

- 1.4. The County Council has been preparing a replacement minerals local plan for several years. A number of consultation events and exercises have taken place, which have been supported by evidence papers and consultation documents. Opportunities have been given for interested parties to scrutinise and comment upon the aims and objectives for the new plan, an updated planning strategy, policy options and candidate site allocations for future aggregate working. A review of previous preparations leading up to the most recent consultation – the full draft Minerals Local Plan for Gloucestershire (2018 – 2032), was presented to Cabinet at its meeting on the 20<sup>th</sup> July 2016.
- 1.5. A comprehensive, full draft of the Minerals Local Plan for Gloucestershire (2018 – 2032) was approved for consultation by Cabinet in July 2016. The subsequent public consultation took place between September and November of the same year. The draft plan brought together the findings of all previous public consultations. It also took account of the outcomes of additional technical work commissioned by the Council, evidence gathering by officers and changes in circumstances such as the submission and consideration of planning applications for minerals development since previous consultations had taken place. In addition, it incorporated the most up-to-date analysis of annually evolving mineral supply statistics.
- 1.6. All consultation events and exercises leading up to and including consultation of the draft Minerals Local Plan for Gloucestershire (2018 – 2032) can collectively be described as 'regulation 18' activities under the Town and Country Planning (England) (Local Planning) Regulations 2012 (i.e. preparations for a local plan). They form part of the initial stages of plan production.

## **2. Analysis of the draft Minerals Local Plan for Gloucestershire consultation**

### **Respondents and responses received**

- 2.1. The draft Minerals Local Plan for Gloucestershire (2018 – 2032) consultation took place between September and November 2016. It stimulated responses from 1,067 individuals and different organisations with an interest in minerals planning in the county. The majority of responses received (76%) arrived electronically either via e-mail or were submitted and uploaded to the Council's interactive online consultation webpage. The remaining 261 responses arrived by post as letters or other correspondence such as locally prepared and organised standard forms / questionnaires circulated for signature and submission by local residents.
- 2.2. A total of 2,544 individual representations were made to the draft plan. This equates to an average of over 2 separate comments per respondent. Representations are related to a series of 80 questions put forward by the County Council to assist in the consultation exercise.
- 2.3. Just over 25% of all representations were concerned with the acceptability or otherwise of the proposed local policy for assessing any future oil & gas developments (draft policy MW06). The overarching strategy of the draft plan accounted for 7% of all representations providing the next highest amount of representations. The policy supporting the use of secondary & recycled aggregates (draft policy SR01) also attracted 175 representations or the equivalent of a little fewer than 7%. In terms of the candidate allocations, the potential for sand & gravel working at Redpool's Farm (allocation 07) (167 individual representations) and crushed rock limestone working as an extension to the existing Stowe Hill / Clearwell quarry complex (allocation 01) (123 individual representations) generated the most amount of attention.

### **Summary of representations made**

- 2.4. Representations relating to draft policy MW06 Oil & Gas encompassed a wide variety of issues, although the vast majority concluded that such developments should not be allowed to take place in the county and that the draft policy is not restrictive enough. Risks to the local environment and the health and well-being of nearby communities resulting from extraction processes and associated transport and wider climate change implications were cited as key concerns.
- 2.5. In terms of the draft plan's overarching strategy, representations were largely focused on those matters linked to the possibility of allowing oil and gas extraction to take place. However, other noteworthy comments were associated with the overall level and way in which local mineral supplies will be supported over the coming years, the presence and approach to mineral safeguarding and mineral consultation areas, the consideration of climate change, management of potential impacts including cumulative effects, and the way in which the outcome of duty-to-co-operate actions will be assimilated into the plan.
- 2.6. Draft policy SR01 – maximising the use of secondary and recycled aggregates, has stimulated a degree of local interest regarding the prospect of a new local secondary aggregate source. The draft plan's supporting text noted the approved and (under construction) development of a new Energy-from-Waste (EfW) facility at Javelin Park near

Gloucester, which includes a plant capable of producing incinerator bottom ash aggregate (IBAA). Albeit that the theoretical contribution to local aggregate supplies is expected to be relatively small, concern was raised as to suitability of using IBAA materials in the county.

- 2.7. For candidate allocation 07 – Preferred Area at Redpool’s Farm, Twyning a range of site-specific issues were highlighted. These include risk of adverse impacts upon the health and well-being of neighbouring and nearby residential properties and the economic impact on existing non-minerals commercial premises; local hydrology; biodiversity; landscape; and highway safety. Similar issues were brought forward with candidate allocation 01 – Preferred Area at Stowe Hill / Clearwell, alongside concern about possible harm caused to numerous designations including: - the Wye Valley Area of Outstanding Natural Beauty (AONB), Severn Estuary Special Area of Conservation (SAC); and Slade Brook Site of Special Scientific Interest (SSSI).
- 2.8. In addition, a number of broad themes have been followed through the remaining representations. These are concerned with the draft plan’s approach to making provision for aggregate working to support steady and adequate supplies over the lifetime of the plan and whether sufficient evidence has been presented to show that the Council has undertaken its duty-to-co-operate, particularly in respect of exploring the potential to rely upon supplies of crushed rock aggregate from resources located outside of the county which, according to the respondents, could be less obviously constrained.

### **3. The publication of the Minerals Local Plan for Gloucestershire**

- 3.1. The Minerals Local Plan for Gloucestershire (2018 – 2032) that is subject of this report is known as the publication version (attached appendix 1). It is the plan that the County Council intends to submit to the Secretary of State for independent examination. It must meet with regulation 19 of the Town and Country Planning (England) (Local Planning) Regulations 2012, which means the plan must be made available for inspection for a period of at least 6 weeks to enable interested parties to make representations. These representations will be considered by an appointed inspector at independent examination. The Council does not formally consider or respond directly to representations made to the publication of the plan. It is required to collate, summarise the main issues and then submit representations to the Secretary of State for independent examination alongside the plan. The requirements for the submission stage are set out under regulation 22 of the Town and Country Planning (England) (Local Planning) Regulations 2012.
- 3.2. Nevertheless, it is wholly appropriate for representations made at the publication stage to be reviewed by the County Council. This may enable more straightforward solutions to be prepared and submitted for consideration early on at the independent examination. It will also assist the County Council in making suitable preparations for more substantial and significant responses to particular issues brought forward for consideration by the appointed inspector at the examination.
- 3.3. The County Council cannot make substantive changes to the publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) prior to submission. To do so, the plan will require further approval and re-publication including an additional 6-week inspection period. This will only be considered if a significant unforeseen matter arose during the inspection period following publication. However, presenting minor clarification or corrections for submission is acceptable. Delegated authority is sought for the Commissioning Director: Communities & Infrastructure in consultation with Cabinet Member

for Fire, Planning and Infrastructure to approve post-publication actions, including whether to submit the plan and to present any minor clarification or corrections, if necessary.

- 3.4. The intention is for the approved publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) to be submitted in an unaltered form, to the Secretary of State for independent examination, together with supporting information largely made up of an evidence base of studies and reports. The supporting information will also include a summary of the representations made to the publication plan. The project timetable for the plan is contained within the 9<sup>th</sup> Minerals & Waste Development Scheme (MWDS) (2017 – 2020). This advises that submission will occur no later than the 3<sup>rd</sup> quarter of 2018/19 (Oct – Dec 2018). To achieve this in a timely fashion, delegated authority is sought for the Commissioning Director: Communities & Infrastructure in consultation with Cabinet Member for Fire, Planning and Infrastructure to undertake all necessary activities associated with the submission of the Minerals Local Plan for Gloucestershire (2018 – 2032) to the Secretary of State for independent examination.
- 3.5. The Minerals Local Plan for Gloucestershire (2018 – 2032) is officially in examination once it has been submitted to the Secretary of State and this will only conclude once a final inspector's report is issued to the County Council or the plan is withdrawn by the County Council. The inspector appointed by the Secretary of State and supported by the Planning Inspectorate (PINS), is charged with assessing the submitted plan. This may require hearing sessions to be held and the submission of additional evidence for consideration. During examination, the County Council can ask the Inspector to recommend modifications to the Minerals Local Plan for Gloucestershire (2018 – 2032) that will reasonably address any issues that arise concerning soundness and / or procedural requirements. Once the plan has been through this process and a final inspector's report has been issued, it can be finalised and recommended for adoption by the County Council.
- 3.6. To avoid undue delays and to facilitate an efficient and effective independent examination, delegated authority is sought for the Commissioning Director: Communities & Infrastructure to: - appointment a Programme Officer as required, to administer the examination; approve the undertaking and / or commissioning of work necessary to aid the County Council at the public examination; and appoint officers and other commissioned experts to represent the County Council at any hearing sessions. Delegated authority is also sought for Commissioning Director: Communities & Infrastructure in consultation with the Cabinet Member for Fire, Planning and Infrastructure to consider and approve any recommended modifications to the appointed inspector where such a circumstance occurs, and to carry out any necessary public consultation.
- 3.7. Following receipt of a final inspector's report and consideration by officers, a final version of the Minerals Local Plan for Gloucestershire (2018 – 2032) is proposed to be prepared and recommended for adoption by the County Council.

#### **The publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032)**

- 3.8. The publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) is founded upon the contents of the draft plan. Although it takes forward a number of proposed changes to the draft plan arising from: - the careful consideration by officers of consultation representations; materially significant changes in circumstances that occurred since the draft plan's preparation; evolving government policy and guidance; and the continued re-

appraisal of annually-updated mineral supply statistics. A comprehensive response report and a summary outcomes report of the draft plan consultation will be published on the County Council website to support the consideration of the publication Minerals Local Plan for Gloucestershire (2018 – 2032). The substantial proposed changes that constitute the publication version of the plan are outlined below: -

- The removal of draft policy MW06 Oil & Gas and its supporting text;
- The expansion of the spatial portrait text to explain the circumstances surrounding the diminished likelihood that oil & gas resources will be exploited from within Gloucestershire. This follows the abandonment by an interested party of the offer made by Government to officially take up candidate Petroleum Exploration and Development Licences (PEDLs). The spatial portrait will also include a new commitment to instigate a review of the plan if renewed interest is shown in oil & gas extraction in the future through any attempts to acquire new PEDL licences, if indeed these are made available by Government over the plan period;
- The removal of oil & gas development from the spatial strategy and clearer linkages to measures contained within the plan that support action on climate change including mitigation and / or adaption;
- Revised aggregate provision requirements for the plan following the publication of up-to-date aggregate mineral supply statistics (for 2016) within the 6<sup>th</sup> Local Aggregates Assessment (LAA) for Gloucestershire;
- The removal of candidate allocation 06 – Specific Site at Manor Farm, Kempsford due to the granting of planning permission for sand & gravel aggregate working following the completion of a legal agreement in May 2017;
- The removal of candidate allocation 07 – Preferred Area at Redpool's Farm, Twyning on the grounds of insufficient evidence of its realistic deliverability and likely diminished contribution to aggregate supplies and strategic fit;
- The removal of candidate allocation 09 – Areas of Search at Land between Kempsford and Whelford on the basis of insufficient evidence of its realistic deliverability and likely contribution to aggregate supplies over the plan's time horizon;
- The conjoining of draft mineral resource safeguarding policies MS01 – non-minerals development within Mineral Safeguarding Areas (MSAs) with MS02 – non-minerals development within Mineral Consultation Areas (MCAs). This is to better reflect good practice guidance on mineral safeguarding as advised by a Government agency with a strong interest in this matter;
- The recognition of additional influences on the plan's preparation as described in the plan's 'drivers for change'. These consider, amongst others, recently evolving Government strategies clean growth and UK industry, as well as more established issues such as combating climate change; and
- An increase in the level of technical information to cover the assessment of: - amenity and health impacts; economic impacts; water resources; flood risk; highway impacts;

soil resources; natural and historic environment impacts; and restoration and aftercare constraints and opportunities, for each of the detailed development requirements for the allocations contained in the plan. This is in direct response to advice concerning the need to better articulate the specific requirements of highly influential regulators such as the Environment Agency and Natural England and to also ensure prospective applicants of aggregate working proposals have increased awareness of the high and rigorous standard of technical work that will be expected of them when they submit planning applications for consideration by the MPA.

- 3.9. The significant proposed changes taken forward into the publication plan regarding a local policy framework for potential oil & gas extraction have also been subject to additional and targeted scrutiny by Members through a dedicated cross-party group – the Cabinet Panel: Minerals Local Plan. This group was set up in response to Full Council Motion 782. At the Panel meeting held on 11th September 2017, members considered a technical report prepared by officers that included recommended proposed changes to the draft plan, that have been outlined above. An update was provided by the chairman of the Cabinet Panel: Minerals Local Plan (Cllr. Nigel Moor) to the Environment and Communities Scrutiny Committee at its meeting held on 20<sup>th</sup> September 2017.

#### **4. Options**

- 4.1. It the statutory responsibility of the County Council as the MPA for Gloucestershire to prepare a minerals local plan. The current adopted plan is out of date and it is advised by Government guidance that it should be replaced as soon as possible. The emerging Minerals Local Plan for Gloucestershire (2018-2032) has been subject to sustainability appraisal throughout the preparation process. Careful consideration has already been given to a number of alternative options either in terms of individual policies and / or candidate allocations for aggregate working. In particular the Site Options and Draft Policy Framework consultation, which took place in 2014, presented an extensive suite of initial candidate allocations for consideration within the emerging draft of the plan.
- 4.2. Consequently the only alternative option to the current Minerals Local Plan for Gloucestershire (2018 – 2032) is to seek the preparation of a materially different revised draft plan that will then need to undergo full public consultation prior to re-consideration by the County Council before progressing to publication and submission. This would represent a considerable delay to the plan's preparation. Choosing this option will increase the risk of diminished influence for the County Council over the determination of mineral development proposals that arise in the near future.

#### **5. Risk Assessment**

- 5.1. The existing Gloucestershire Minerals Local Plan was adopted in 2003 and so did not take into account current national planning policy and guidance (the NPPF (2012) and PPG (2014)). However, the existing adopted plan has been assessed for NPPF compliance to determine whether policies either generally or partially conform to the NPPF.
- 5.2. The lack of up to date allocations for aggregate working generates uncertainty for local communities and for investors in the county's minerals industry over the acceptability 'in principle' of sites. It also creates more pressure on the planning application process and the robustness of the decisions made, which potentially takes some control away from the County Council and can have significant resource implications.

- 5.3. Making progress with the replacement Minerals Local Plan for Gloucestershire (2018 – 2032) will help ensure the County Council has appropriate control of all future minerals development and will provide a clear planning policy framework in which to resist unacceptable proposals if they come forward in the future.
- 5.4. Furthermore, the County Council is subject to the provisions of the Housing & Planning Act 2016. This allows Government to place local planning authorities into 'Special Measures' if it is considered they have not shown reasonable plan making progress. The key sanction available is the removal of all plan making powers from the Council and appointment of an outside Inspector and consultants to produce the local plan. This process will be at the Council's expense with limited input from local Members.

## **6. Officer Advice**

- 6.1. That Cabinet recommends to County Council to:-

- a) Note the consideration given to the consultation representations made to the draft Minerals Local Plan for Gloucestershire (2018 – 2032) and the proposed changes to the plan. Details of the representations made, responses provided and proposed changes have been made available separately and can be reviewed via the relevant County Council web pages accessed from: - <http://www.goucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-goucestershire/>
- b) Approve the Minerals Local Plan for Gloucestershire (2018 – 2032) (attached at Appendix 1);
- c) Authorise the Commissioning Director: Communities & Infrastructure in consultation with Cabinet Member for Fire, Planning and Infrastructure to make minor amendments to the Minerals Local Plan for Gloucestershire (2018 – 2032) (attached at Appendix 1) and any accompanying documents prior to its publication in accordance with the requirements set out under regulations 19 of the Town and Country Planning (England) (Local Planning) Regulations 2012;
- d) Authorise the Commissioning Director: Communities & Infrastructure in consultation with the Cabinet Member for Fire, Planning and Infrastructure to publish for inspection the Minerals Local Plan for Gloucestershire (2018 – 2032) in accordance with the requirements set out under regulations 19 and 35 of the Town and Country Planning (England) (Local Planning) Regulations 2012;
- e) Authorise the Commissioning Director: Communities & Infrastructure in consultation with the Cabinet Member for Fire, Planning and Infrastructure to receive any representations made to the published Minerals Local Plan for Gloucestershire (2018 – 2032), to make any minor corrections and clarifications as necessary, and decide whether to submit the plan to the Secretary of State for independent examination;
- f) Authorise the Commissioning Director: Communities & Infrastructure in consultation with Cabinet Member for Fire, Planning and Infrastructure to submit the Minerals Local Plan for Gloucestershire (2018 – 2032) and supporting information to the Secretary of

State in accordance with the requirements set out under regulation 22 of the Town and Country Planning (England) (Local Planning) Regulations 2012;

- g) Authorise the Commissioning Director: Communities & Infrastructure to make all necessary arrangements and preparations for the independent examination for the Minerals Local Plan for Gloucestershire (2018 – 2032) including: - the appointment of a Programme Officer; the undertaking and / or commissioning of other work as necessary to prepare for and participate at the public examination; and the appointment of officers and other commissioned experts to prepare and submit evidence to the independent examination and where necessary, appear at any hearing sessions to represent the County Council; and
- h) Authorise the Commissioning Director: Communities & Infrastructure in consultation with Cabinet Member for Fire, Planning and Infrastructure to make any changes to the Minerals Local Plan for Gloucestershire (2018 – 2032) and supporting information as guided by the appointed inspector through the independent examination process, including undertaking any consultation where necessary, in order to respond to matters raised through the examination. This may involve inviting the Inspector to recommend modifications to the plan prior to its adoption.

## **7. Equalities considerations**

- 7.1. Cabinet Members should read and consider the Due Regard Statement in order to satisfy themselves as decision makers that due regard has been given. It concludes that the preparation of the Minerals Local Plan for Gloucestershire (2018 – 2032) for publication and submission to the Secretary of State for independent examination has not identified any specific impacts or concerns for individuals and communities covered by protected characteristics. The policies and the allocation of sites for aggregate mineral working contained within the plan will have the same (whether positive or negative) impact on all people regardless of issues of equality. All members of the community also have the opportunity to inspect the published plan and make representations during a period of six weeks that is timetabled to take place between April and May 2018.

## **8. Consultation feedback**

- 8.1. This has been outlined above under section 2 of the main body of the report.

## **9. Performance Management / Follow-up**

- 9.1. This will be undertaken through reports to the Lead Cabinet Member for Fire, Planning and Infrastructure and Member Briefing Sheets as appropriate. Furthermore, before the Minerals Local Plan for Gloucestershire (2018 – 2032) can progress to final adoption following the satisfactory conclusion of the examination process, it will need to be subject to a further recommendation to adopt by Cabinet to County Council.

<b>Report Title</b>	Publication and submission of the Minerals Local Plan for Gloucestershire (2018 – 2032)
<b>Statutory Authority</b>	<p>The publication version of the Minerals Local Plan for Gloucestershire (2018-2032) has been prepared under a wide range of European Union (EU) Directives, primary legislation and statutory instruments and Government policy and guidance, of which the principal components are as follows: -</p> <ul style="list-style-type: none"> <li>• Town and Country Planning Act 1990;</li> <li>• Coal Industry Act 1994;</li> <li>• Planning &amp; Compulsory Purchase Act 2004 (as amended);</li> <li>• Localism Act 2011;</li> <li>• National Planning Policy Framework - NPPF (March 2012);</li> <li>• Town and Country Planning (Local Planning) (England) Regulations 2012;</li> <li>• Planning Practice Guidance - PPG (March 2014);</li> <li>• Infrastructure Act 2015;</li> <li>• Town and Country Planning (General Permitted Development) Order 2015.</li> </ul>
<b>Relevant County Council policy</b>	Once adopted the Minerals Local Plan for Gloucestershire (2018-2032) will contribute to the delivery of the Council's corporate aim of building a sustainable County. It will also replace, in full, the previously adopted Gloucestershire Minerals Local Plan (1997 – 2006).
<b>Resource Implications</b>	<p>The cost of preparing the publication version of the Minerals Local Plan for Gloucestershire (2018 – 2032) and making it available for representations to be made can be met from the existing revenue budgets for 2017-18. However, the costs associated with submission and the undertaking of an independent examination will require additional funding over and above the existing revenue budget in 2018-19. It is estimated that costs associated with the independent examination may be in the region of £100k to £150k.</p> <p>Therefore we propose this is funded from the Minerals and Waste Local Plan reserve, which has a current balance of £158k for this purpose.</p>

<b>Sustainability checklist:</b>	
Partnerships	The preparation of the Minerals Local Plan for Gloucestershire (2018 – 2032) is heavily reliant upon partnership working. Seeking the views of all potentially interested parties is an integral part of an effective plan. It must involve informal and formal community representation – such as individuals, local action groups, Parish Councils, District Councils and elected County and District members. It must also include statutory bodies and agencies, business community and minerals industry and other non-governmental organisations. The plan also promotes the potential formulation of new partnerships through local mineral liaison groups that can bring together mineral operators, local community representatives and the MPA.
Decision Making and Involvement	These are outlined in the main body of the report.
Economy and Employment	The Minerals Local Plan for Gloucestershire (2018-2032) will provide an up-to-date policy framework that will support the local minerals and construction supply industries to develop and evolve in an effective and efficient manner over the coming years. It also identifies the potential to support new local apprenticeships. Minerals are an integral part of the UK economy with mineral products and related services worth around £9 Billion a year. The industry also employs up to 70,000 people directly and indirectly across the country. Specifically within Gloucestershire, it is an important contributor towards the increasingly diverse rural local economy, which includes over 700 jobs in more traditional primary services.
Caring for people	The Minerals Local Plan for Gloucestershire (2018-2032) will provide an up-to-date policy framework for ensuring that the amenity and quality of life of local communities will be effectively taken into consideration when assessing future mineral proposals. It will also seek to make provision for the much needed supply of construction and other minerals used in the maintenance and development of community infrastructure and services.
Social Value	The Minerals Local Plan for Gloucestershire (2018-2032) will provide an up-to-date policy framework that will headline the necessity for the key elements of 'social value' (e.g. wider social, economic and environmental benefits) to be carefully taken into account. Where appropriate, a degree of policy preference will be achieved for those projects that are subject to the framework.

Built Environment	The Minerals Local Plan for Gloucestershire (2018-2032) will provide an up-to-date policy framework for ensuring impacts are effectively taken into account with future minerals proposals affecting the county's built-up areas. It will also make provision for a supply of minerals needed for growth – in housing, employment and infrastructure; and for maintaining the high quality and local distinctiveness of county's built character as observed in its historic assets and new build developments.
Natural Environment including Ecology (Biodiversity)	The Minerals Local Plan for Gloucestershire (2018-2032) will provide an up-to-date policy framework for assessing impacts from future minerals proposals on the natural environment and ensuring that appropriate safeguards and protections will be put in place. Particular attention is given to local areas that have been designated for their environmental value (e.g. AONBs, SSSI's etc.). It also seeks to promote environmental benefit through the process of restoration, aftercare and facilitating beneficial after-uses.
Education and Information	The Minerals Local Plan for Gloucestershire (2018-2032) is a resource in its own right bringing together an array of technical assessments, appraisals and policy informed by research. Its publication and subsequent adoption will provide an appraisal of how and where future mineral-related activities may occur across the county over coming years and identify the issues and opportunities that will need to be scrutinised. The plan will be of value to members of the public with an interest in local minerals matters and more broadly to those studying environmental management-related subjects, social policy commentators and analysts that make up the academic community.
<b>Tackling Climate Change</b>	Carbon Emissions Implications? Positive/ Neutral/ Negative Vulnerable to climate change? Yes/ No/Maybe
<b>Due Regard Statement</b>	Has a Due Regard Statement been completed? Yes/No Yes - considerations included in main body of report  A copy of the full Due Regard Statement can be accessed on GLOSTEXT via <a href="http://glostext.gloucestershire.gov.uk/uuCoverPage.aspx?bcr=1">http://glostext.gloucestershire.gov.uk/uuCoverPage.aspx?bcr=1</a>  Alternatively a hard copy is available for inspection from Jo Moore, Democratic Services Unit, e-mail: <a href="mailto:jo.moore@gloucestershire.gov.uk">jo.moore@gloucestershire.gov.uk</a> .

<b>Human rights Implications</b>	Planning-related decisions can impact on an individual's rights under the Human Rights Act 1998. The planning system allows people to exercise their rights to make formal representations on plans when they are being developed. There are opportunities for views to be made and to be taken into account by the respective planning authority. A strong framework is in place to ensure the protection of people's rights.
<b>Consultation Arrangements</b>	Contained in the main body of the report.