

WARWICKSHIRE MINERALS PLAN 2018

INDEPENDENT EXAMINATION

HEARING SESSIONS – PROGRAMME

Between Tuesday 20th and Wednesday 21st October 2020

**Sitting times (Approx): Tuesday 10.00 to 12.30 and 13.30 to 17.30
Wednesday 10.00 to 13.00 and 14.00 to 17.00**

Thursday 22 October 10.00 – 12.30 has also been reserved as a contingency to accommodate any unexpected overrun in the programme. However, this is not anticipated to be required.

The number in square brackets after each question is the number allocated to the questions in the original Inspector's Matters, Issues and Questions Document.

*The timetable and list of participants may be subject to change.
Hearing participants are respondents who have requested an oral hearing.*

DATE	TOPIC	PARTICIPANTS
TUESDAY 20 OCTOBER Commence at 10.00am with a lunch break at approximately 12.30pm	<p>Introduction by the Inspector Opening Statement by Council</p> <p>A LEGAL COMPLIANCE</p> <p>Main Matter 1 – Duty to Co-operate and Legal Issues</p> <p>AGENDA</p> <p>Duty to Co-operate</p> <p>Issue: Whether the Duty to Co-operate is adequately demonstrated and met and whether the Plan is compliant with relevant environmental legislation.</p> <p>Has the Council engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the plan's preparation, as required by the Duty to Co-operate (under s 20(5)(c) and 33A)? On which issues has co-operation taken place? How was co-operation carried out and with what results? Has this been documented? Are there any outstanding issues? [1]</p> <p>How has the duty to co-operate been met with regard to the spatial plans of the constituent District and neighbouring Councils? [2]</p>	<p>Warwickshire County Council</p> <p>Mineral Products Association</p> <p>Wardell Armstrong for Barford Residents Association</p> <p>Alan Yates</p>

Planning and Compulsory Purchase Act 2004, Section 19 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Has the Plan been prepared in accordance with the Local Development Scheme including content and timescale? [3]

Has the Plan been prepared in compliance with the adopted Statement of Community Involvement (SCI), allowing for effective engagement of all interested parties and meeting the minimum consultation requirements set out in the regulations? [4]

Has the Council carried out a Sustainability Appraisal (SA) and prepared a report on the findings of the appraisal? Is there clear evidence to indicate why, having considered reasonable alternatives, the strategy in the Plan is an appropriate response? Does the methodology conform to that in the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG)? [5]

Is the Plan consistent with national policy, including the NPPF and PPG? Are there any significant departures from national policy? If so, have they been justified? [6]

Does the Plan comply with the 2004 Act and the 2012 Regulations in terms of publishing and making available the prescribed documents? [7]

Is it clear how the Plan secures development that contributes to the mitigation of, and adaptation to, climate change? [8]

How have issues of equality been addressed in the Plan? In particular, how will the Plan help to advance equality of opportunity between people who share a "protected characteristic" as defined in the Equality Act 2010¹ and those that do not share it and further the other two aims of the Act? [9]

Conservation of Habitats and Species Regulations 2017

Does the Plan meet the requirements of the Conservation of Habitats and Species Regulations 2017, including any relevant case law [in particular the ruling of 12 April 2018 by the Court of Justice of the European Union (CJEU) *People over Wind, Peter Sweetman v Coillte Teoranta*, Case 323/17] to consider the likely significant effects of projects or plans on

¹ "Protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

	<p>European protected sites, individually or in-combination? In particular, have Appropriate Assessments been undertaken under the Habitats Directive? If not, has a screening exercise shown that there is no need for such assessments? [10]</p> <p>Flood Risk</p> <p>Is the Strategic Flood Risk Appraisal (SFRA) adequate, up to date and compliant with paragraph 157 of the NPPF? [11]</p>	
DATE	TOPIC	PARTICIPANTS
<p>TUESDAY 20 OCTOBER am</p>	<p>B SOUNDNESS</p> <p>Main Matter 2 – Vision, Objectives and Spatial Strategy for Minerals Development</p> <p>AGENDA</p> <p>Issue: Whether the Vision, Objectives and Spatial Strategy of the Plan are the most appropriate, are soundly based and provide an appropriate basis for meeting the future demand for minerals sustainably.</p> <p>Does the Spatial Portrait adequately and accurately reflect the environmental, economic and social dimensions of the County? [12]</p> <p>Does the Plan adequately reflect future patterns of growth in the County? [13]</p> <p>Do the Key Issues identified for Minerals Development provide a robust basis to inform the Spatial Vision and Objectives of the Plan? [14]</p> <p>Explain how the outcomes of the Sustainability Appraisal (SA) reflect the principles of sustainable development with particular regard to climate change and sustainable transport. [15]</p> <p>Do the Vision and Objectives reflect the commitment to the three dimensions of sustainable development? [16]</p> <p>Does the Plan demonstrate that adequate consideration has been given to cross-boundary issues and strategic priorities? [17]</p> <p>Does the Spatial Strategy (Spatial Option 3a in the SA) adequately reflect the vision and objectives for mineral development and provide an appropriate basis for the supply of minerals to the end of the plan period (2032)? [18]</p>	<p>Warwickshire County Council</p> <p>Alan Yates</p> <p>CPRE Warwickshire</p> <p>Heatons Planning for Tarmac</p> <p>Mineral Products Association</p> <p>Wardell Armstrong for Barford Residents Association</p>

DATE	TOPIC	PARTICIPANTS
TUESDAY 20 OCTOBER pm	<p>Main Matter 3 – Whether the Plan makes adequate provision for the steady and adequate supply of aggregate minerals.</p> <p>AGENDA</p> <p>Issue: Whether the provision made in the Plan for the future supply of aggregate minerals would deliver a steady and adequate supply.</p> <p>Is the basis for the calculation of the future demand for sand and gravel clear and robust enough in order to provide an appropriate basis for determining future demand? [19]</p> <p>Does the Plan adequately demonstrate that landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock are maintained? [20]</p>	<p>Warwickshire County Council</p> <p>Alan Yates</p> <p>Heatons Planning for Tarmac</p> <p>Mineral Products Association</p>
DATE	TOPIC	PARTICIPANTS
TUESDAY 20 OCTOBER pm	<p>Main Matter 4 – Whether the sites proposed to be allocated for mineral extraction are acceptable in planning terms and are deliverable.</p> <p>AGENDA</p> <p>Issue: Whether the methodology for the identification of future sites is robust and whether the identified sites are acceptable in planning terms and are deliverable.</p> <p>Does the Site Identification and Assessment Methodology for Allocating Sand and Gravel Sites 2018 (SIAM 2018) provide an appropriate and robust methodology for the identification of the allocated sites to meet the future demand for sand and gravel? [21]</p> <p>Does Policy S0 adequately reflect the outcomes of the SIAM 2018 to demonstrate that the demand for sand and gravel can be met during and up to the end of the plan period (2032)? [22]</p> <p>Do Policies S1-S4, S6 and S9 appropriately consider the economic and environmental constraints of the individual sites and address the potential impacts of minerals development, such that an appropriate balance is struck between providing sustainable development and protecting people and the environment? [23]</p> <p>If any sites were to be omitted what effect would this have on future supply requirements? [24]</p>	<p>Warwickshire County Council</p> <p>Alan Yates</p> <p>Barford Residents Association</p> <p>CPRE Warwickshire</p> <p>Heatons Planning for Tarmac</p> <p>Lea Marston Parish Council</p> <p>Mineral Products Association</p> <p>Rugby Borough Council</p>

	<p>Is the Plan sufficiently flexible to take into account a need to meet localised unforeseen demand for aggregates such as enabling development, unforeseen construction projects and borrow pits? [25]</p> <p>How are minerals development proposals expected to demonstrate that significant operational, transport, environmental and restoration benefits will be provided, as set out in Policies MCS 2 and MCS 3? Do minerals development proposals need to demonstrate that all four of these benefits need to be satisfied? [26]</p> <p>Should the Plan allocate any sites (including existing sites) for crushed rock provision? [27]</p> <p>How does the Plan cater for aggregate minerals development outside of the allocated sites in circumstances where the identified supply requirement or the landbank is not being maintained? [28]</p>	
DATE	TOPIC	PARTICIPANTS
<p>WEDNESDAY 21 OCTOBER Commence at 10.00am with a lunch break at approximately 1.00pm</p>	<p>Main Matter 5 – Whether the Plan makes adequate provision for the encouragement of the use of secondary and recycled aggregates.</p> <p>AGENDA</p> <p>Issue: Whether the Plan sufficiently promotes the use of secondary and recycled aggregates.</p> <p>Does the Plan provide clear guidance regarding the contribution that secondary and recycled aggregates should make as an alternative to primary land won aggregates? [29]</p> <p>How realistically can Policy MCS 1 be applied and monitored with particular regard to the demonstration that a supply of minerals from substitute or secondary and recycled aggregates is being maintained? [30]</p> <p>How does the Plan influence non-minerals development with a view to minimising the reliance on primary aggregates such as the adoption of sustainable design principles, construction methods and procurement policies and reusing or facilitating the recycling of wastes generated on-site and using alternative construction materials? [31]</p> <p>Does the supporting text to Policies MCS 1 and MCS 4 provided sufficient guidance to applicants and District Council's as to how compliance with the policies is expected to be achieved? [32]</p>	<p>Warwickshire County Council</p> <p>Alan Yates</p> <p>Mineral Products Association</p>

	How will the effectiveness of Policy MCS 4 be monitored? [33]	
DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 OCTOBER am	Main Matter 6 – Protecting Mineral Resources, Infrastructure and facilities. AGENDA Issue: Whether the Plan adequately balances the needs of competing development. Is the appropriate balance struck between the needs of competing development with the need to protect the mineral resource? [34] Does the first paragraph of Policy MCS 5 imply that prior extraction has to be undertaken in all circumstances? [35] Does Policy MCS 5 provide sufficient guidance to indicate how safeguarding of minerals and minerals infrastructure is to be considered in non-minerals development proposals? [36] Should Policy MCS 5 and/or the supporting text provide a cross-reference to the requirements of Policy DM 10? [37] Should 'buffers' be defined around existing mineral working sites? [38] Is the 'agent of change' principle adequately reflected in Policy MCS 5 and/or the supporting text? [39]	Warwickshire County Council Heatons Planning for Tarmac Lea Marston Parish Council Mineral Products Association
DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 OCTOBER pm	Main Matter 7 – Minerals other than aggregates Issue: Whether the Plan makes adequate provision for other minerals of significance in Warwickshire. Brick Clay Does the Plan adequately identify the location and extent of permitted brick clay reserves within the County? [40] Should the Plan allocate any sites (including existing sites) for brick clay provision? [41] Building Stone	Warwickshire County Council Mineral Products Association

	<p>Does Policy MCS 7 require all of the criteria (a-e) to be satisfied for a building stone development proposal to be supported? [42]</p> <p>Does criterion d suggest that only proposals that contribute to the maintenance of the historic environment will be supported? Should it be made clearer that building stone is necessary not only to contribute to the maintenance of the historic environment but also to contribute to local distinctiveness? [43]</p> <p>Does Policy MCS 7 and/or the supporting text adequately take into account the requirements of part g of paragraph 204 of the NPPF? [44]</p> <p>Underground Coal Gasification (UCG)</p> <p>Does Policy MCS 10 adequately consider the environmental impacts to be taken into account in the consideration of development proposals for UCG and the implications of climate change? [45]</p>	
DATE	TOPIC	PARTICIPANTS
<p>WEDNESDAY 21 OCTOBER pm</p>	<p>Main Matter 8 – Development Management</p> <p>Issue: Whether the Development Management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment?</p> <p>Policy DM 1</p> <p>How can a mineral development, which during the course of extraction operations may have significant visual impact, protect, conserve and where possible enhance the natural environment or is it the intention that this part of the policy refers to restoration proposals? [46]</p> <p>Should the policy recognise that mineral development may not be sympathetic to the landscape during the extraction phases? [47]</p> <p>Policy DM 4</p> <p>Does the Policy provide sufficient guidance as to how “mineral development should be undertaken in close consultation with local communities”? Is this part of the Policy related to land use planning? [48]</p> <p>Should the supporting text make any reference to circumstances where development proposals may require a Health Impact Assessment? [49]</p> <p>Does the Policy provide sufficient guidance to inform developers of the content and extent of information</p>	<p>Warwickshire County Council</p> <p>Heatons Planning for Tarmac</p> <p>Lea Marston Parish Council</p> <p>Mineral Products Association</p> <p>Wardell Armstrong for Barford Residents Association</p>

	<p>that should be provided in support of development proposals to demonstrate that the adverse impacts on amenity can be mitigated? [50]</p> <p>Policy DM 5</p> <p>Is the last bullet point of the policy sufficiently clear as to what is meant by compensatory measures and how these are to be considered? [51]</p> <p>Should the supporting text explain the relationship between transport and climate change and the likely transition over the Plan period towards lower emission vehicles and potentially zero-emission vehicles. [52]</p> <p>Policy DM 7</p> <p>Should the policy refer to the need for a Site-Specific Flood Risk Assessment to be submitted with proposals for minerals development? [53]</p> <p>Policy DM 8</p> <p>Should the Plan refer to the location of aerodromes that may be affected by mineral development proposals? [54]</p> <p>Where a mineral development proposal may have an adverse impact on aviation safety, should the policy and/or supporting text refer to the need for appropriate mitigation measures to be identified, the need for a potential Bird Hazard Management Scheme (BHMS) to be submitted to establish the nature, scale and significance of any potential bird hazards associated with all mineral-related activities and where any appropriate consultation/guidance should be sought? [55]</p> <p>Policy DM 9</p> <p>How is a 'high quality restoration' defined (and in whose opinion), demonstrated and considered? [56]</p> <p>Should the policy and/or supporting text refer to the importation of material for restoration purposes and explain the relationship between waste used for restoration purposes and mineral recovery operations and the linkage between the Plan and the adopted Waste Core Strategy? [57]</p> <p>Policy DM 11</p> <p>Is this policy sufficiently clear and relevant to the Plan? Does it provide sufficient guidance as to how its requirements are to be demonstrated and considered? How would the effectiveness of the policy be monitored? [58]</p> <p>General comment</p>	
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	Should the Plan contain any policies regarding ancillary mineral development or infrastructure provision? [59]	
DATE	TOPIC	PARTICIPANTS
WEDNESDAY 21 OCTOBER pm	<p>Main Matter 9 - Implementation and Monitoring</p> <p>Issue: Whether the implementation and monitoring will be effective.</p> <p>Is the approach to minerals monitoring in the Plan practicable? [60]</p> <p>Does the monitoring process for minerals provide for co-operation and participation and are appropriate participants involved? [61]</p> <p>How do the implementation and monitoring arrangements ensure that the Councils engage constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the Plan's preparation, as required by the Duty to Co-operate? [62]</p> <p style="text-align: center;">CLOSE</p> <p>Next Steps</p> <p>Discussion with the Council regarding the next stages in the administrative and procedural matters following the close of the Hearing Sessions.</p>	<p>Warwickshire County Council</p> <p>Heatons Planning for Tarmac</p>