

**To: The Deputy Leader and Members of the Planning and Development Board
Councillors Simpson, Bell, T Clews, Deakin, Dirveiks, Downes, Hayfield, D Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds, A Wright**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact Democratic Services on 01827 719221 or 719450 or via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports

PLANNING AND DEVELOPMENT BOARD AGENDA

8 July 2019

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire, CV9 1DE on Monday 8 July 2019 at 6.30 pm.

AGENDA

- 1 **Evacuation Procedure.**
- 2 **Apologies for Absence / Members away on official Council business.**
- 3 **Disclosable Pecuniary and Non-Pecuniary Interests.**
- 4 **Minutes of the Planning and Development Board held on 20 May and 10 June 2019 - copies herewith, to be approved as a correct record and signed by the Chairman.**

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

5 Planning Applications - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

The Contact Officer for this report is Jeff Brown (719310).

**6 Warwickshire Minerals Plan – Minerals plan update and policy
MCS 10 – Underground coal gasification consultation – May 2019-
Report of the Acting Chief Executive**

Summary

This report informs Members of an update to the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan.

The Contact Officer for this report is Mike Dittman (719451).

STEVE MAXEY
Acting Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

20 May 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Deakin, N Dirveiks, Farrell, Hayfield, D Humphreys, Jarvis, Lebrun, McLauchlan, Morson, Phillips, Symonds, and D Wright

Apologies were received from Councillors Downes (substitute Councillor McLauchlan), A Wright (substitute Councillor D Wright) and Parsons (substitute Councillor Farrell)

Councillors D Clews and Lees were also in attendance.

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Bell declared a pecuniary interest in respect of minute 89 (f) and left the meeting. The Monitoring Officer had granted a dispensation to all other Members on the Board in order to allow a decision to be taken on this item.

Councillor Simpson declared a non-pecuniary interest in respect of minute 89 (g) by virtue of having employed the applicant's agent.

Councillor T Clews declared a non-pecuniary interest in respect of minute 89 (h) by virtue of living in the vicinity of the application site.

2 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of consultation No 2019/0014 (Countrywide Store, Watling Street, Caldecote) the Council raises no objection, other than to ask the Local Planning Authority to assess the access to establish whether it can be made safer;**
- b **That in respect of Applications Nos 2015/0692 and 2016/0738 (Land rear of Ansley United Reform Church, Birmingham Road, Ansley) that the section 106 Agreement be varied as set out in the report of the Head of Development Control;**

- c** That Application No 2018/0716 (Land Rear Of 1 To 6, Copeland Close, Warton, B79 0JE) be deferred for a site visit;
- d** That Application No 2018/0765 (Land South of 5 To 9, Windmill Lane, Austrey, CV9 3ES) be approved subject to the conditions set out in the report of the Head of Development Control;
- e** That Application Nos 2019/0078, 2019/0079 and 2019/0080 (Land to the east of St Lawrence Road and north of Nuthurst Crescent, Ansley) be approved as follows:
 - a)** That in respect of application PAP/2019/0080, condition 5 of planning permission APP/R3705/W/17/3189584 be varied to read, “No more than 72 dwellings shall be constructed on the site with all vehicular access obtained from Tunnel Road, Ansley” together with retention of all of the other conditions.
 - b)** That in respect of application PAP/2019/0078 and subject to the receipt of amended plans to overcome objections from the Highway and the Lead Local Flood Authority, the plans be approved, together with the following plan numbers, in discharge of conditions 2, 6, 7, 8, 9 and 11 of planning permission PAP/2019/0080.
 - c)** That in respect of application PAP/2019/0079 and subject to the receipt of amended plans to overcome objections from the Highway and the Lead Local Flood Authority, the plans be approved together with the following plan numbers, in discharge of conditions 2, 6, 7 and 9 of planning permission APP/R3705/W/16/3149572;
- f** That Application No 2019/0139 (Abbey Field, Castle Road, Hartshill, Nuneaton, CV10 0SE) be approved subject to the conditions set out in the report of the Head of Development Control;
- g** That Application No 2019/0179 (82 The Homestead, Main Road, Austrey, CV9 3EG) be noted and a site visited be arranged;
- h** That Application Nos 2019/0180 and 2019/0183 (Britannia Works, Coleshill Road, Atherstone, CV9 2AA) be noted and a site visit be arranged;
- i** That Application No 2019/0224 (167, Long Street, Atherstone, CV9 1AD) be approved subject to the Head of Development

Control agreeing a suitable replacement tree or alternate landscape treatment within 12 months of this approval;

j That Application No 2019/0225 (Cole End Park, Lichfield Road, Coleshill, B46 1BG) be approved subject to:

(i) the Head of Development agreeing a suitable replacement to be planted within 12 months of this approval and;

(ii) that a meeting be requested with the Leisure and Community Development Division, local Members and Coleshill Town Council to discuss Cole End Park

3 Appeal Update

The Head of Development Control reported on the receipt of three recent appeal decisions

Resolved:

That the report be noted.

4 Confirmation of a Tree Preservation Order - Baddesley

Resolved:

That the Order be confirmed.

5 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April 2018 – March 2019

Resolved:

That the report be noted.

Mark Simpson
Chairman

**Planning and Development Board
20 May 2019
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
5/36	PAP/2019/0078	WCC Flooding	Consultation	13/5/19
		WCC Highways	Consultation	8/5 and 16/5/19
6/1	PAP/2017/0219	Planning Inspectorate	Decision	16/4/19

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

10 June 2019

Present: Councillor Simpson in the Chair.

Councillors Bell, T Clews, Deakin, Dirveiks, Downes, M Humphreys, Jarvis, Lebrun, Morson, Parsons, H Phillips, Symonds and A Wright.

Apologies for absence were received from Councillor D Humphreys (Substitute M Humphreys) and Councillor Hayfield

Councillor D Clews was also in attendance and with the Chairman's permission spoke on Minute 7 – Planning Applications (Application No CON/2019/0017) and on Minute 9.

6 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Bell declared a non-pecuniary interest in Minute No 7 – Planning Applications (Application No CON/2019/0017 and CON/2019/0019) by virtue of her reserve membership of the County Council's Regulatory Committee and took no part in the discussion or voting thereon.

Councillor A Wright declared a pecuniary interest in respect of Minute 7 – Planning Applications (Application No PAP/2019/0003) and left the meeting

7 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board. Details of correspondence received since the publication of the agenda is attached as a schedule to these minutes.

Resolved:

- a **That in respect of Application CON/2019/0017 (Mancetter Quarry, Quarry Lane, Mancetter, Atherstone, Warwickshire) that this Council objects to an extension to coated stone deliveries on Sunday and whilst it does not object to empty vehicles returning on Saturdays up to 1900, it does object to coated stone deliveries being extended on Saturdays;**

- b** That in respect of Applications CON/2019/0018 and CON/2019/0016 (Northern Part of Land Known as Triange Site (Land North of Middle Bicknhill Lane – Bounded by M42 – A452/A446) Land Between the A452 – A446 Chester Rd – Stonebridge Rd Intersection, A452 Chester Rd Adj to Melbicks – East of A452/A446):
- a)** That in respect of application CON/2019/0018 and CON/2019/2016 Solihull MBC be informed that the Council makes representations as set out in the report of the Head of Development Control, as well as the matters contained in recommendation b below; and
 - b)** That in respect of application CON/2019/0018 and CON/2019/2016 the Council has no comments to make of the associated Schedule 17 application affecting North Warwickshire, other than:
 - i)** That the spur road into the flood attenuation work be secured against misuse and;
 - ii)** That wildlife corridors be created
- c** That in respect of Application CON/2019/00119 (High Meadow Infant School, Norton Road, Coleshill) the Council's response be delegated to the Head of Development Control, in consultation with the Chairman, Vice Chairman and Opposition Spokesman of the Board, together with local Members.
- d** That of Application PAP/2019/0003 (Land Adjacent 1, Jean Street, Baddesley Ensor) be approved subject to the conditions set out in the report.
- Speakers:** Jack Sweet and Elaine Whittle.
- e** That Application PAP/2019/0276 (Cole End Park, Lichfield Park, Coleshill) be approved, subject to the provision of a replacement tree within 12 months

8 Caldecote – Tree Management Plan

The Head of Development Control suggested a way forward in dealing with the future management of protected trees on the Caldecote Hall Estate.

Resolved:

That the tree management plan, as detailed in the report of the Head of Development Control, be adopted solely as a material consideration for the purposes of dealing with tree management on the Caldecote Hall estate.

9 Former Mancetter Primary School

Members were asked to consider whether an Article Four Direction in respect of the former School

Resolved:

- i) That the Article Four Direction be confirmed given the importance of the building and site to the local area; and**
- ii) That progress with regards to discussions on the future of the site be welcomed and should continue.**

10 Emergency Tree Preservation Order – Bassetts Pole

The Head of Development Control sought confirmation of action taken to make an Emergency Tree Preservation Order.

Resolved:

That the action taken making this Order be confirmed.

11 Tree Preservation Order – 35 Margaret Road, Atherstone

The Head of Development Control sought confirmation of action taken to Make an Emergency Tree Preservation Order.

Resolved:

That the action taken making this Order be confirmed.

**Councillor Simpson
Chairman**

Planning and Development Board

10 June 2019

Additional Background Papers

Agenda Item	Application Number	Author	Nature	Date
4	High Meadow Infant School	Warwickshire County Council	Consultation	4/6/19
		Councillor Reilly	E-mail	6/6/19
4/5	PAP/2019/0276	Coleshill Town Council	Consultation	29/5/19

Agenda Item No 6

Planning and Development Board

8 July 2019

Report of the
Acting Chief Executive

**Warwickshire Minerals Plan –
Minerals plan update and policy
MCS 10 – Underground coal
gasification consultation – May
2019**

1 Summary

- 1.1 This report informs Members of an update to the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan. This stage is additional to the Regulation 19 consultation already undertaken on the Minerals Local Plan, required as a result of the omission of Policy MCS 10 – Underground Coal Gasification and its accompanying justification from the earlier Plan and consultation. Therefore, proposed Policy MCS 10 is now being published for consultation before the proposed Plan is submitted to the Secretary of State. This provides an opportunity for stakeholders and communities to make representations on its 'soundness' and legal compliance before the Minerals Plan is submitted to the Planning Inspectorate for examination.
- 1.2 Members have already commented on the Warwickshire Minerals Plan, which was considered at Planning Board on the 10 December 2018. Comments raised at Board in respect of Policy MCS10 will be forwarded for inclusion along with the Council's initial response made to the Regulation 19 consultation Minerals Plan Publication in 2018. A copy of the earlier Board Report is available to view at –
https://www.northwarks.gov.uk/meetings/meeting/795/planning_and_development_board

Recommendation to the Board

That the recommendations and responses contained with the report as well as any additional comments by Members be forwarded to WCC as the Council's response to the Minerals plan update and policy MCS 10, Underground coal gasification consultation ending on Tuesday 9 July 2019 at 5pm.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.
- 2.2 The Warwickshire Minerals plan update and policy MCS 10 – Underground coal gasification consultation commenced on Tuesday 28 May 2019 and will run to Tuesday 9 July 2019 (closing at 5pm). The consultation document is available to view

3 Warwickshire Minerals Local Plan update and Policy MCS 10

- 3.1 The Minerals Local Plan (MLP) Policy MCS10 is required to address the potential for minerals planning applications for “Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks”. The policy states the following;

Policy MCS 10

Underground Coal Gasification

Proposals for Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks will only be supported if it is demonstrated that the proposal is environmentally acceptable or can be made so by planning conditions or obligations, and that it provides national, local or community benefits which clearly outweigh the likely adverse impacts so as to justify the grant of planning permission.

- 3.2 In commenting on the Plan, the emphasis at this stage should be on whether the Plan is "sound" and "legally compliant". Soundness means having regard to whether: it has been positively prepared; it is justified, effective and consistent with national policy. Legal compliance and the Duty to Co-operate will additionally be areas where comments should also be focused.
- 3.3 The document and supporting information which form the consultation comprise the following:
 - Formal notice of the consultation;
 - A guidance note outlining further background on the consultation, including how to make a representation, and where to find hard copies of the documents;
 - A Consultation Draft: Habitat Regulations Assessment (HRA) (April 2019), that considers the Warwickshire Minerals Plan 2018 including Policy MCS 10;
 - An Equality Impact Assessment (2019).

These documents are available to view online at on the County Council website at - <https://www.warwickshire.gov.uk/mdf> and via the Policy MCS 10 Consultation Portal at: -

... <https://warwickshire-consult.objective.co.uk/portal/mcs10> and a copy of the Consultation Document is attached as Appendix 1 for Members information.

- 3.4 Underground Coal Gasification (UCG) is a separate process to fracking involving controlled combustion of coal seams beneath the ground and the recovery of the resulting gases. The coal can be accessed by carefully controlled directional drilling of several wells that penetrate the coal seam for an appropriate distance. Normally two wells are required one to inject steam and air or oxygen to ignite the seam and the other to recover the gas-water vapour mixture (syngas). Syngas is mainly a mixture of methane, hydrogen, carbon monoxide and carbon dioxide. The gas can be utilised in on-site and/or off- site plant to produce energy (via gas combustion), fuels (diesels) and chemical feedstocks (fertilisers).
- 3.5 There are no national or local targets for the production of syngas and the production of energy, other fuels and/or chemical feedstocks from UCG so each proposal needs to be considered on its own merits. Members should note that the MLP indicated there has been limited interest shown in this process following a Conditional Licence application that was made to the Coal Authority in May 2013 by Cluff Natural Resources Plc. No decision was made by the Coal Authority and the County Council was told that Cluff would let its application lapse as it wished to focus on offshore areas where there were larger reserves. In terms of “fracking” in Warwickshire, as noted in the previous MLP consultation, no proposals have come forward for exploring or appraising shale gas/oil to date. Recent surveys indicate that there are no commercially viable sources of the main supply via shale rock in Warwickshire.
- 3.6 The MLP also indicates there are no proposals for coal extraction, although clearly reserves are affected by mineral safeguarding and prior extraction in the event application proposals impact on and threaten to sterilise reserves. The Minerals Plan includes development management policies that deal with extraction of hydrocarbons, hydraulic fracturing (fracking) and other unconventional oil and gas extraction from sources such as shale and coal seams.

4 **Observations**

- 4.1 The necessity for the Policy MCS10 is noted to address any potential future proposals for Underground Coal Gasification. The Borough would stress and support the need for any applications to clearly evidence that the proposal is environmentally acceptable and that it provides national, local or community benefits which clearly outweigh the likely adverse impacts so as to justify the

grant of planning permission. This should also include clear evidence, potentially based on a sustainable sequential approach that no suitable, sustainable alternatives for energy or fuel and/or chemical feedstock production are available that would avoid the environmental impacts the process is likely to create/cause. No further comments are made from the Borough regarding the soundness and legal compliance of the Policy.

5 Recommendations

- 5.1 It is recommended that the Borough raise no objections to the soundness or legal compliance of the Warwickshire Minerals Local Plan update and Policy MCS 10 on Underground coal gasification consultation
- 5.2 The Borough would nevertheless seek that the Policy and justification stress the need for applications to clearly evidence that any proposal is environmentally acceptable, provides national, local or community benefits which clearly outweigh the likely adverse impacts and also that no suitable, sustainable alternatives are available that would avoid the environmental impacts the process will create/cause.

6 Report Implications

6.1 Environment and Sustainability Implications

- 6.1.1 The Warwickshire Minerals Plan update and Policy MCS 10 – Underground coal gasification consultation has a sustainability appraisal that considers the overall social, economic and environmental implications of the plan.

6.2 Financial Implications

- 6.2.1 There are no financial implications arising from this consultation.

The Contact Officer for this report is Mike Dittman (719451).

Planning & Development Board 8th July 2019 -
Warwickshire Minerals Plan update and Policy MCS 10 –
Underground coal gasification consultation



Policy MCS 10 - Underground Coal Gasification Warwickshire Minerals Plan 2018 Publication Consultation - May 2019

	POLICY MCS 10 UCG CONSULTATION	
1.	BACKGROUND	2
2.	POLICY MCS 10 AND JUSTIFICATION TEXT	3

1 Background

1 Background

1. The County Council is consulting on strategic policy MCS 10 - Underground Coal Gasification, which was unintentionally omitted from the public consultation on the countywide Minerals Plan (31st October 2018 to 12th December 2018). The policy wording and justification text are provided in Section 2 of this document, following the numbering format of the Warwickshire Minerals Plan.
2. Copies of the following documents can be found at the Policy MCS10 consultation portal accessed via the Minerals Plan website: <https://www.warwickshire.gov.uk/mdf>:
 - Formal notice of the consultation;
 - A guidance note outlining further background on the consultation, including how to make a representation, and where to find hard copies of the documents;
 - A Consultation Draft: Habitat Regulations Assessment (HRA) (April 2019), that considers the Warwickshire Minerals Plan 2018 including Policy MCS 10;
 - An Equality Impact Assessment (2019).
3. Other Minerals Plan supporting documents, which consider the plan including Policy MCS10, can be found at the Minerals Plan 2018 consultation portal at: https://warwickshire.objective.co.uk/portal/planning/minerals/wcc_pub_mlp2018, These documents include the Sustainability Appraisal (plus Appendices) and a Health Impact Assessment.
4. The consultation period runs from Tuesday 28 May 2019 to Tuesday 9 July 2019. We must receive all responses by 5pm on 9 July 2019 to enable us to give them proper consideration. We will not be able to consider any comments submitted after that time.
5. A representation must be made by completing the online form at the consultation portal, or by using a Word version or hard copy of the form (available via the consultation portal), and sending it to:
 - Email: planningstrategy@warwickshire.gov.uk; or
 - Post: Planning Strategy, Warwickshire County Council, PO Box 43, Shire Hall, Warwick, CV34 4SX
6. This will ensure that representations are valid and that you can be represented at the Public Examination stage (subject to the discretion of the Planning Inspector).

Policy MCS 10 and justification text 2

2 Policy MCS 10 and justification text

Policy MCS 10

Supply of Minerals and Materials

Proposals for Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks will only be supported if it is demonstrated that the proposal is environmentally acceptable or can be made so by planning conditions or obligations, and that it provides national, local or community benefits which clearly outweigh the likely adverse impacts so as to justify the grant of planning permission.

Justification

- 8.68** Underground Coal Gasification (UCG) is a separate process to fracking involving controlled combustion of coal seams beneath the ground and the recovery of the resulting gases. The coal can be accessed by carefully controlled directional drilling of several wells that penetrate the coal seam for an appropriate distance. Normally two wells are required, one to inject steam and air or oxygen to ignite the seam and the other to recover the gas-water vapour mixture (syngas). Syngas is mainly a mixture of methane, hydrogen, carbon monoxide and carbon dioxide. The gas can be utilised in on-site and/or off-site plant to produce energy (via gas combustion), fuels (diesels) and chemical feedstocks (fertilisers).
- 8.69** Any power station that proposes to use gas produced by Underground Coal Gasification will need to demonstrate that it is carbon capture ready before planning permission may be given for the construction of the power station. New power stations that use the gas as a fuel will also be subject to the Emissions Performance Standard. The Standard, introduced through provisions of the Energy Act 2013, recently came into force and places a limit on the amount of carbon dioxide emissions that new fossil fuel power stations can emit.
- 8.70** The Coal Authority is responsible for issuing licences granting the right to access the coal, but no UCG operations can take place until the applicant has secured all other necessary rights and permissions. This would include securing the necessary planning permission from Warwickshire County Council as the Mineral Planning Authority. A Conditional Licence application was made to the Coal Authority in May 2013 by Cluff Natural Resources Plc. No decision was made by the Coal Authority and the County Council was told that Cluff would let its application lapse as it wished to focus on offshore areas where there were larger reserves.
- 8.71** There are no national or local targets for the production of syngas and the production of energy, other fuels and/or chemical feedstocks from UCG so each proposal needs to be considered on its own merits.
- 8.72** Developers should avoid developing proposals within influencing distance of sites designated as being internationally or nationally important for nature conservation. Heritage assets and their settings should also be avoided.
- 8.73** Sites will not be encouraged where access is required to transport plant, machinery and materials for drilling wells, producing and utilising syngas to produce energy, other fuels and chemical feedstocks, through residential areas, sensitive land uses or via roads which are minor or considered unsuitable by the Highway Authority for HGV use.
- 8.74** Normally drilling the wells takes place 24 hours a day, 7 days a week for safety reasons. The erection and operation of plant to recover and utilise the syngas to produce energy, other fuels and chemical feedstocks has the potential to have significant impacts on the residential amenity of properties and communities near to proposed site. Particular consideration will be given to the close proximity of the proposed wells, gas recovery and utilisation plant to any residential properties and settlements in the County. Proposals for Underground Coal Gasification, the production of syngas and the erection of plant to utilise the gas to produce energy and/or other fuels and chemical feedstocks will be considered in accordance with the policies in the development plan.