

**To: The Deputy Leader and Members of the
Planning and Development Board**

**(Councillors Simpson, Reilly, Bell, L Dirveiks,
Hayfield, Henney, D Humphreys, Jarvis, Lewis,
Morson, Phillips, Smitten, Sweet, Symonds and
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.

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

PLANNING AND DEVELOPMENT BOARD AGENDA

10 DECEMBER 2018

The Planning and Development Board will meet in The Council Chamber, The Council House, South Street, Atherstone, Warwickshire CV9 1DE on Monday 10 December 2018 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 meetings of the Board held on 8 October and 5 November 2018, 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 **Buildings at Risk** – Report of the Head of Development Control.

Summary

Historic England has recently published its annual Buildings at Risk Register. This report provides some background for the Member's information.

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

- 7 **Brownfield Land Register (2018)** – Report of the Corporate Director - Environment.

Summary

This report brings to Members the Brownfield Land Register for North Warwickshire Borough Council and seeks for it to be published, pursuant to the Town and Country Planning (Brownfield Land Register) Regulations 2017.

The Contact Officer for this report is Andrew Horne (719364).

- 8 **Draft Air Quality SPD** – Report of the Corporate Director - Environment.

Summary

The report seeks approval for consultation on the Draft Supplementary Planning Guidance on Air Quality.

The Contact Officers for this report are Dorothy Barratt and Zoe Bickley (719250 and 719467).

9 **Warwickshire Minerals Plan – Second Consultation Publication Version** – Report of the Corporate Director - Environment

Summary

This report informs Members of the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan. This stage is known as the Regulation 19 consultation and is the final public consultation before the Minerals Plan is submitted to the Planning Inspectorate for examination. At this stage the plan is referred to as the Second Minerals Plan Publication. Comments raised at Board will be forwarded for inclusion along with the Council's initial response made to the first Minerals Plan Publication in 2016.

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

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD**

8 October 2018

Present: Councillor Simpson in the Chair.

Councillors Bell, L Dirveiks, N Dirveiks, Hayfield, Humphreys, Jarvis, Lewis, Morson, Phillips, Reilly, Smitten, Sweet, Symonds and A Wright

An apology for absence was received from Councillor Henney (substitute Councillor N Dirveiks)

Councillor Clews was also in attendance.

35 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

36 Minutes

The minutes of the meetings of the Board held on 9 July, 6 August and 3 September 2018, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

37 Budgetary Control Report 2018/2019 - Period Ended 21 September 2018

The Corporate Director - Resources reported on the revenue expenditure and income for the period from 1 April 2018 to 21 September 2018. The 2018/2019 budget and the actual position for the period, compared with the estimate at that date were detailed, together with an estimate of the out-turn position for services reporting to the Board.

Resolved:

That the report be noted.

38 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 No 2018/0051 (Ashleigh, Coventry Road, Fillongley, CV7 8BZ) the following details be approved in discharge of conditions attached to planning permission APP/R3705/W/16/3145303 dated 29/7/16:
1. The materials schedule received on 16/7/18 in full discharge of Condition 3
 2. All of the details received on 16/7/18 in full discharge of all of the matters under Condition 4
 3. The lighting details received on 16/7/18 in discharge of Condition 12.
- b That in respect of Application No 2017/0440 (Storage Land - Hams Hall National Distribution Park, Edison Road, Coleshill) the application be deferred for a site visit and for Officers to commission an independent traffic study if necessary, in consultation with the Chairman, Vice Chairman and Opposition Spokesman;
- Speaker - Mark Jackson
- c That in respect of Application No 2018/0149 (Land South East Of M42 Junction 10, Trinity Road, Dordon) the Council is minded to grant permission for the reserved matters for Phase 2 of the development subject to the final detailed plans being agreed with the County Council, and in that event, the issue of the Notice be delegated to officers. If there is no agreement then the matter is to be referred back to the Board for further consideration;
- Speaker - Robert Barnes
- d That Application No 2018/0321 (Land to the Rear of The Elms, Austrey Road, Warton, B79 0HG) be approved subject to the conditions set out in the report of the Head of Development Control, with the addition that the requirements of the Code for Considerate Construction be observed;
- e That Application No 2018/0353 (Oak Tree House, 49 Main Road, Austrey, Atherstone, CV9 3EH) be approved subject to the conditions set out in the report of the Head of Development Control;
- f That the receipt of Applications No 2018/0533 and 2018/0534 (United Reform Church, Coleshill Road, Chapel End, CV10 0NZ) be noted and that a site visit be arranged prior to their determination.

Speaker - Mrs Duester

39 Tree Preservation Orders

The Head of Development Control sought confirmation of the making of two Tree Preservation Orders following expiry of their respective consultation periods.

Resolved:

That having considered the representations received, the following Tree Preservation Orders are confirmed:

a) St Mary's Church, No Mans Heath

b) Oakdene, Pound Lane, Over Whitacre

40 Appeals Update

The Head of Development Control brought Members up to date with recent appeal decisions, including the recent decision at Kirby Glebe Farm..

Resolved:

That the report be noted.

41 Land South of Dairy House Farm, Grendon

The Head of Development Control sought approval for a variation to the affordable housing provision at the site to the east of Spon Lane in Grendon.

Resolved:

The matter be deferred for further information on how the revised provision of affordable housing would be delivered.

42 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

43 **Planning Division**

The Corporate Director - Environment reported on proposed revisions to the staffing structure in the Planning Division.

Resolved:

- a. **That the proposed revisions to the staffing structure in the Planning Division be agreed and reported to the Special Sub-Group for consideration, together with a number of comments from this Board; and**
- b. **That a further report be brought back in the coming 12 months on progress towards the objectives set out in the report.**

Mark Simpson
Chairman

**Planning and Development Board
8 October 2018
Additional Background Papers**

Agenda Item	Application Number	Author	Nature	Date
6	PAP/2018/0149	WCC Highways	Consultation	2/10/18
		Applicant	E-mail	5/10/18
8	PAP/2017/0271	PINS	Decision Letter	28/9/18
9	PAP/2017/0156	Galliford Try	Letter	13/9/18

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

5 November 2018

Present: Councillor Simpson in the Chair.

Councillors Bell, Clews, L Dirveiks, N Dirveiks, Hayfield, Humphreys, Jarvis, Lewis, Morson, Phillips, Reilly, Smitten, Sweet and D Wright

Apologies for absence were received from Councillors Henney (substitute Councillor N Dirveiks), Symonds (substitute Councillor Clews) and A Wright (substitute Councillor D Wright).

44 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Simpson declared a non-pecuniary interest in Minute No 45 – Planning Applications (Application No 2016/0280 – Land Opposite 84-104 Orton Road, Warton) by virtue of having engaged the planning agent.

Councillors Bell, N Dirveiks, Hayfield and Reilly declared a non-pecuniary interest in Minute No 45 – Planning Applications (Application No 2016/0280 – Land Opposite 84-104 Orton Road, Warton) by virtue of being County Councillors and took no part in the discussion or voting thereon.

Councillor Simpson declared a non-pecuniary interest in Minute No 45 – Planning Applications (Application No 2018/0426 – Land Rear of 80-82 High Street, Coleshill) by virtue of knowing one of the neighbours, left the meeting and took no part in the discussion or voting thereon.

45 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a **That Application No 2016/0280 (Land Opposite 84 To 104, Orton Road, Warton, B79 0HU) be deferred to consider visibility and further highways advice in respect of an access to the site;**

Speaker Ian Ritchie

- b
- i) That in respect of Application No 2018/0231 (Heart of England Conference and Events Centre, Meriden Road, Fillongley, CV7 8DX), Advertisement Consent be approved for two signs here provided amended plans are received to reflect the specification of the new sign installed at the site entrance and subject to the conditions set out in the report of the Head of Development Control; and
- ii) That a meeting be arranged with the Applicant with a view to the unauthorised signs being removed.
- c
- i) That subject to the completion of a Section 106 Agreement including the matters referred to in the report of the Head of Development Control and provided that the Warwickshire County Council does not raise objections which cannot be resolved through additional planning conditions, the Council is minded to approve Application No 2018/0287 (Former Sparrowdale School & Recycling Centre, Spon Lane, Grendon, CV9 2PD) subject to the conditions set out in the said report; and
- ii) That the Council liaises with the Environment Agency and Warwickshire County Council regarding flooding in this area.

Speaker Ben Cook

- d
- That the receipt of Application No 2018/0312 (Dunton Wharf, Lichfield Road, Curdworth, B76 9EN) be noted and that:
- Members undertake a site visit;
 - A meeting be held with the applicant, officers and appropriate Board Members in order to seek greater clarity on the scope of the application; and
 - The matter be reported back to the Board at a later date for determination.
- e
- That Application No 2018/0426 (Land Rear of 80-82, High Street, Coleshill, B46 3AH) be approved subject to the conditions set out in the report of the Head of Development Control.

46 **Appeal Update**

The Head of Development Control brought Members up to date with recent appeal decisions.

Resolved:

That the report be noted.

47 Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - September 2018

The Chief Executive reported on the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Planning and Development Board for April to September 2018.

Resolved:

That the report be noted.

48 Exclusion of the Public and Press

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

49 Building Control Service

The Head of Development Control provided an update on the current Building Control Partnership and the Board was asked to consider a recommendation on the future provision of the service.

Resolved:

a That the Council becomes a Member of the South Staffordshire Building Control Partnership.

Recommendation to the Executive Board

b That the additional budget provision of £15,200 be included in the 2019/20 budget.

Mark Simpson
Chairman

Agenda Item No 6

Planning and Development Board

10 December 2018

Report of the Head of Development Control

Buildings at Risk

1 Summary

- 1.1 Historic England has recently published its annual Buildings at Risk Register. This report provides some background for the Member's information.

Recommendation to the Board

That the Board notes the list and treats inclusion as a material planning consideration when appropriate.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 Historic England publish an annual return on those Listed Buildings and other Heritage Assets that it considers are "at risk". Members will have seen reference to this in some Board reports when they deal with development proposals for these buildings. Inclusion on the Register is often given significant weight in the determination of such applications.

- 3.2 The Register is divided up by Local Planning Authority. The entries for North Warwickshire are outlined at Appendix A together with some notes in respect of the current situation in respect of some of the properties.

4 Report Implications

4.1 Environment, Sustainability and Health Implications

- 4.1.1 The preservation of the Borough's heritage assets is contained in Development Plan policy.

4.2 **Links to Council's Priorities**

- 4.2.1 The protection of the Borough's rural character and its heritage are Council priorities.

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

Appendix A

Premises on the Historic England Building's at Risk Register

Site	Notes
Alvecote Priory and Dovecote	County Council owned.
Shustoke Hall Farmhouse	
Middleton Hall Stables	Middleton Hall Trust actively engaged in repair work.
Whitacre Pumping Station	New entry.
Merevale Abbey	
St Mary's Church, Atherstone	Planning permissions granted for community uses, but not implemented.
Roman Camp, Mancetter	Current outstanding planning application.
Oldbury Hillfort	
Kingsbury Hall	Planning permission granted for repairs, but new application imminent.
Hartshill Castle	In private ownership – repair work underway with HE oversight.
Maxstoke Priory	
Grendon Bridge	
Beech House, Atherstone	Planning permission granted for retention as a single house. Repair work underway.

Agenda Item No 7

Planning & Development Board

10 December 2018

Report of the Corporate Director - Environment

Brownfield Land Register (2018)

1. Summary

- 1.1 This report brings to Members the Brownfield Land Register for North Warwickshire Borough Council and seeks for it to be published, pursuant to the Town and Country Planning (Brownfield Land Register) Regulations 2017.

Recommendation to the Board

That the Brownfield Land Register (2018) be published, in accordance with Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017

2. Introduction

- 2.1 Local Planning Authorities (LPA's) are required to, in accordance with Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017, prepare and maintain a register of previously developed (brownfield) land that is deemed to be suitable, as well as available and achievable, for residential development.

3. The Brownfield Land Register

- 3.1 The Borough Council has used its Strategic Housing Land Availability Assessment (SHLAA) 2016 to help identify and assess all the brownfield sites in the Borough. Brownfield sites with extant planning consent, that meet the relevant criteria, have also been included on the register.
- 3.2 The register itself is kept in two parts.
- 3.3 Part 1 comprises all brownfield sites that the Council deems to be previously developed land, and is considered to be suitable, available and achievable for residential development. All sites must be:
- A minimum of 0.25 hectares or be capable of accommodating at least 5 dwellings
 - Suitable for residential development, having regard to site allocations, existing planning consent alongside any adverse impacts on the natural environment, built environment and residential amenity

- Available by the relevant landowner(s) expressing an intention to sell or develop the site
 - Achievable, meaning development is likely to take place within the next 15 years
- 3.4 In addition to the above criteria, the authority must also have regard to the development plan, the National Planning Policy Framework and associated Planning Practice Guidance, as well as any guidance issued by the Secretary of State
- 3.5 The second part of the register relates to planning in principle and is optional. Sites entered into part 2 will be granted permission in principle, indicating that the local planning authority considers the land in question to be suitable in principle for residential development – similar to outline planning consent. Any land entered onto part 2 is subject to separate publicity, notification and consultation procedures. A consequent Technical Details Consent is required prior to the commencement of any development. It is not proposed at the present time to select any sites for entry onto Part 2 of the register
- 3.6 The associated practice guidance indicates that LPA's are required to review the Brownfield Register at least once a year, ensuring any appropriate new sites are included, and those which no longer meet the relevant criteria are removed. It is likely that the register will be revised next summer following the completion of the Examination in Public for the new Local Plan.
- 3.7 In addition to the sites identified through the 2016 SHLAA, and those with planning permission, four representations were also received relating to sites at:
1. Kingsbury Garden Centre, to the north of Kingsbury;
 2. Wood Corner Farm, Fillongley;
 3. The Hollies, Rose Cottage and Bentons Haulage Land, Furnace End and
 4. Regeneration House, Gorsey Lane within the Coleshill Industrial Estate

None of the sites have been included on the register with the reasoning detailed below.

- 3.8 Kingsbury Garden Centre is a 2.7ha site located to the north of Kingsbury, accessed via the A51/Tamworth Road with the M42 adjoining the centres northern boundary. The site lies within the Green Belt, is safeguarded for potential future development under policy LP4 of the Submission Local Plan, and the southern section of the site falls inside the HS2 safeguarded route.
- 3.9 Whilst a portion of the site is considered to constitute previously developed land (PDL), paragraph 145 g) of the NPPF only allows for the redevelopment which would not have a greater impact on the openness of the Green Belt than the existing development, or not cause substantial harm where the development will contribute to meeting an identified affordable housing need.

- 3.10 Given the absence of notable built form on the land and with only a third of the area likely to constitute PDL, residential development would inevitably, and materially, have a greater impact on openness than the existing development and would be considered to be inappropriate within the Green Belt.
- 3.11 Submission Local Plan Policy LP4 protects the site from new development, except development which is necessary in relation to the sites current use or a change of use to an alternative open use, as well as appropriate temporary uses. The safeguarded status of the land will only be altered through a local plan review. Residential development on the site would be in direct conflict with policy LP4.
- 3.12 Finally, with regards to HS2 phase 2b, which is projected to run to the north of Kingsbury and to the south of the identified site, given the uncertainty surrounding the final route this also constrains the potential of the site to accommodate residential development. Although the final route is still awaiting agreement and confirmation through a hybrid parliamentary Bill, the current area safeguarded for HS2 phase 2b significantly impacts on the site.
- 3.13 Wood Corner Farm is 3.5ha site, located along Green End Road to the west of Fillongley, currently containing a large commercial building utilised for storage purposes. The site lies within the Green Belt and has a lawful B8 use. As with the Kingsbury Garden Centre, paragraph 145 g) of the NPPF is relevant. Whilst the current built form is noticeably greater than that which exists at Kingsbury developing the site could have a materially greater impact on openness than Wood Corner Farms current use.
- 3.14 Furthermore, policy LP11 of the Submission Local Plan resists the loss of employment land unless it can be demonstrated that the site is not commercially viable, with the site having been marketed for at least 12 months. Moreover policy LP12 requires evidence to demonstrate that no other employment uses could utilise the land. No evidence has been presented to indicate that the site is not commercially viable, nor that other employment uses could not operate at the site.
- 3.15 The third site is the Hollies, Rose Cottage and Bentons Haulage Land, located to the south of Tamworth Road, Furnace End. The principle characteristics of the site, its existing lawful industrial use and Green Belt location, mirror that of Wood Corner Farm. Resultantly the issues surrounding the appropriateness of development considering its Green Belt location, and the loss of existing employment land, are relevant. Again no evidence has been presented to demonstrate that the existing business is not sustainable or viable.
- 3.16 The fourth and final site is Regeneration House, a commercial unit which lies to the north of Gorse Lane within the Coleshill Industrial Estate. Policies LP11 and LP12 are again relevant here and no evidence has been submitted to indicate that the site is not commercially viable. In addition, Regeneration House's position within the Coleshill industrial estate, where the majority of surrounding units are open 24 hours a day, gives rise to high levels of ambient

noise. This raises concerns over the potential amenity implications for prospective occupants.

4 Next Steps

4.1 LPA's are required to keep the register under review. As part of the Council's normal monitoring it is proposed to carry out an annual review, where possible.

5 Report Implications

5.1 Human Resources Implications

5.1.1 The register has been drafted by the Forward Planning team who will be required to process and publicise the document, and review annually. Resultantly there are human resources implications for the Brownfield Land Register.

5.2 Risk Management Implications

5.2.1 The Brownfield Land Register will be a new policy document for the Borough.

The Contact Officer for this report is Andrew Horne (719364).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background No	Paper	Author	Nature of Background Paper	Date

**Risk Management Form
NORTH WARWICKSHIRE
BOROUGH COUNCIL**

Division

Cost Centre or Service

Risk Ref	Risk: Title/Description	Consequence	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Gross Risk Rating	Responsible Officer	Existing Control Procedures	Likelihood(5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating
	Delayed publication of the Brownfield Land Register	Breach of Brownfield Land Register regulations	3	3	9		Statutory process- legislation to comply with Monitoring carried out annually Experienced staff trained in process			
Risk Ref	Options for additional / replacement control procedure						Cost Resources	Likelihood (5 = high, 1 = low)	Impact (5 = high, 1 = low)	Net Risk Rating

Completed By: Andrew Horne

Date: 20/11/18

NWBC Brownfield Register 2018

SiteReference	SiteNameAddress	Hectares	PlanningStatus	PermissionType	PermissionDate	MinNetDwellings	DevelopmentDescription	Notes
BFR001	Former Leisure Centre, Park Road, Coleshill	0.32	pending decision			23	The land is allocated for residential development within the New Local Plan, reference H4	An application is currently being considered by the authority for 23 dwellings on the site - PAP/2018/0030
BFR002	Former Polesworth Learning Centre, High Street, Polesworth	0.62	pending decision			11	The land is allocated for residential development within the New Local Plan, reference H10	An application is currently being considered by the authority for 11 dwellings on the site - PAP/2017/0425
BFR003	Land at Spon Lane, Grendon (former Sparrowdale School and Former Recycling Centre)	2.1	pending decision			56	The land is allocated for residential development within the New Local Plan, reference H17	An application is currently being considered by the authority for 56 dwellings on the site - PAP/2018/0287
BFR004	Water Orton Primary School, Attleborough Lane, Water Orton	2.8	not permitted			48	The land is allocated for residential development within the Submission Local Plan, reference H21	
BFR005	Land at Village Farm, Birmingham Road, Ansley	0.6	not permitted			12	The land is allocated for residential development within the Submission Local Plan, reference H22	
BFR006	Ex Police Station, Park Road, Coleshill	0.58	permissioned	full planning permission	2016-10-12	16	Demolition of existing police station building. Construction of four storey (including basement) Care Home (use class C2), with associated car parking.	Site currently under construction, if units are not complete, could be suitable for residential use
BFR007	Ansley Social Club, Birmingham Road, Ansley	0.31	permissioned	outline planning permission	2017-10-04	10	Outline application (all matters reserved) for the demolition of former social club and residential dwelling and the erection of up to 10 dwellings, along with associated open space and drainage infrastructure	Variation of conditions approved in 2018, PAP/2017/0683
BFR008	Britannia Mill, Coleshill Road, Atherstone	0.42	permissioned	full planning permission	2017-01-17	59	Part demolition, new build & refurbishment to create 59 residential dwellings	
BFR009	Durnos Nurseries, Old Holly Lane, Atherstone	3.65	permissioned	full planning permission		121	Demolition of Virginia House and nursery buildings and erection of 121 dwellings with public open space and associated infrastructure	On-going dicussions between LPA and developer with regards to S106 agreements, decision pending

NWBC Brownfield Register 2018

BFR010	Phoenix Yard, Church Street, Atherstone	0.6	permissioned	full planning permission	2007-10-16	73	Planning Permission and Conservation Area Consent to demolish unlisted buildings within the Atherstone Conservation Area, and to redevelop the site so as to provide 73 residential units through conversion and new build, together with associated access and parking provision	Variation of conditions approved in 2013, PAP/2013/0405, Further application expected this year
BFR011	Wagstaff Farm, Shawbury Lane, Shustoke	0.7	permissioned	full planning permission	2010-12-13	14	Change of use from haulage yard to residential development. Erection of 14 private dwellings	Variation of Conditions approved in 2015, PAP/2015/0475, relating to design of various plots
BFR012	1-7 Church Walk, Mancetter	0.29	permissioned	full planning permission	2014-08-22	20	Demolition of block of 4 shops & 4 maisonettes & construction of 14 flats & 6 houses	Discharge of conditions application approved in 2017, DOC/2017/0030
BFR013	Chapel End Social Club, Coleshill Road, Hartshill	0.23	permissioned	full planning permission	2015-06-16	13	Demolition of existing social club & erection of 13 dwellings	Variation of conditions approved in 2016, PAP/2016/0551. Discharge of conditions application currently under consideration, DOC/2018/0040
BFR014	Shortwoods Day Centre, The Shortwoods, Dordon	0.44	permissioned	full planning permission	2015-09-15	27	Demolition of existing building and construction of new supported housing for residents with learning difficulties/physical disabilities/mental health (21 no: self-contained apartments and 6 no: shared living bedrooms)	Variation of conditions approved in 2017, PAP/2017/0493
BFR015	L S Court Ltd, Coventry Road, Fillongley	0.94	permissioned	full planning permission	2018-04-18	5	Demolition of existing buildings and construction of 5 new dwellings with associated access, parking and turning facilities	
BFR016	31 Plough Hill Road, Chapel End	0.47	permissioned	outline planning permission	2013-11-06	11	Outline - residential development of 7x5 bed houses & terrace of 4x2 bed houses	Variation of conditions approved in 2016, PAP/2015/0699
BFR017	14 Market Street, Polesworth	0.12	permissioned	full planning permission	2018-04-12	7	Demolition of existing building, conversion of existing building into 4 no: 1 bed flats, construction of 2 no: 2 bed houses and 1 no: 3 bed house, access and parking	
BFR018	Rowan Centre, North Street, Atherstone	0.17	permissioned	full planning permission	2017-08-21	16	Erection of supported living facility and conversion of existing building into 16 supported living flats with associated Community Room	Discharge of conditions approved in 2017, DOC/2017/0087

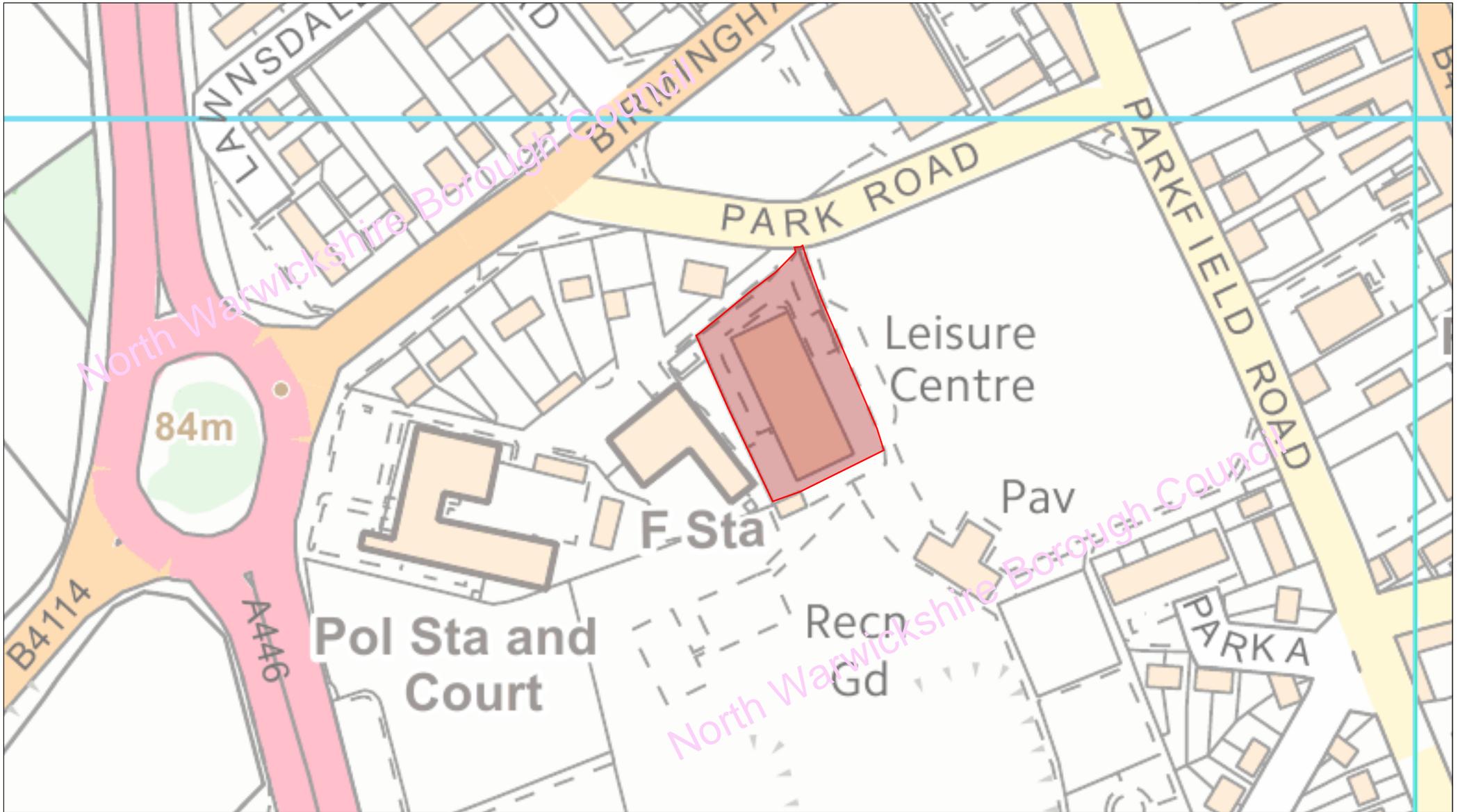
NWBC Brownfield Register 2018

BFR019	61 Coventry Road, Coleshill	0.21	permissioned	other	2017-09-05	9	Prior Notification for change of use from office use (class B1a) to nine residential apartments (class C3)	Discharge of conditions pending, DOC/2016/0097
BFR020	BEC Engineering Ltd, Richmond Road, Atherstone	0.11	permissioned	reserved matters approval	2014-11-12	6	Approval of reserved matters pursuant to outline permission ref. PAP/2009/0126 for demolition of existing factory premises and erection of 6 dwellings with associated parking and landscaping	
BFR021	Devereux House, Church Hill, Coleshill	0.05	permissioned	full planning permission	2015-03-11	7	Change of use from offices to No.6 apartments and No.1 dwelling	Listed Building, Numerous discharge of conditions application approved
BFR022	Hatters Arms, Church Road, Warton	0.09	permissioned	full planning permission	2015-07-17	7	Conversion of former public house into four 2-bedroom apartments and construction of two 3-bedroom houses and one 2-bedroomed house on the former car park area	Discharge of conditions approved in 2015, DOC/2015/0054
BFR023	Atherstone College, Ratcliffe Road, Atherstone	0.19	permissioned	outline planning permission	2016-06-28	13	Outline - Change of use of existing college to residential including conversion of existing building and erection of new block	
BFR024	The Angel Inn, 24 Church Street, Atherstone	0.1	permissioned	full planning permission	2016-04-07	12	Part demolition of rear extension. Construction of 1 small retail unit and first floor storage. Erection of 5 pairs of 2 bedroom semi-detached dwellings & 2 one bedroom flats, with associated access ways and bins store and fencing	Discharge of conditions pending, DOC/2018/0042
BFR025	49 High Street, Polesworth	0.21	permissioned	outline planning permission	2017-01-17	5	Outline application for clearance of derelict buildings and erection of 5 detached dwellings and access	
BFR026	Croft Mead Business Centre, Croft Mead, Ansley	0.2	permissioned	full planning permission	2017-02-07	10	Redevelopment of commercial yard to accommodate 10 dwellings	
BFR027	Clinic and Welfare Centre, Coventry Road, Kingsbury	0.15	permissioned	full planning permission	2017-03-07	6	Erection of 6 dwellings on site formerly occupied by the Kingsbury Health Centre	Discharge of conditions and variation of conditions applications approved in 2017, DOC/2017/0060 and PAP/2017/0464, DOC/2018/0085 pending

NWBC Brownfield Register 2018

BFR028	Bridge House, 80 Coleshill Road, Atherstone	0.18	permissioned	full planning permission	2011-04-12	14	Partial demolition of existing commercial premises and re-development with 14 dwellings, inc. erection of 7 new dwellings & conversion of retained existing buildings into 7 dwellings	Variation of conditions applications approved in 2014 and 2017, PAP/2013/0104 and PAP/2017/0343
BFR029	Coton House, Haunch Lane, Lea Marston	0.44	permissioned	full planning permission	2018-09-20	10	Redevelopment of site for the erection of ten dwellings with associated access, car parking and landscaping. Demolition and removal of existing kennels, cattery and stable buildings.	
BFR030	Corley Nurseries, Church Lane, Corley	0.74	permissioned	full planning permission	2015-10-05	17	Residential development of 17 houses & bungalows	Numerous variation of conditions and discharge of conditions applications approved
BFR031	Kingsbury Hall, Coventry Road, Kingsbury	1.18	permissioned	full planning permission	2009-05-06	29	Restoration of the historic hall and conversion to 9 apartments. Conversion of existing 19th century barns and inclusion of new infill construction to provide 7 new residential units. Construction of 13 new residential units. Demolition of 20th century bungalow and adjacent barn structure. Consolidation of 19th Century curtain walling	Vacant Grade II* 16C Manor House currently on Historic Englands Heritage at Risk Register. Residential conversion of the building has commenced. Final repairs and reuse have yet to be achieved.
BFR032	Corley Motors, George Street, Arley	0.24	permissioned	full planning permission	2012-11-17	10	Erection of 10 dwellings together with associated landscaping, parking and access arrangements	Variations and discharges of conditions applications approved in 2015 and 2018, PAP/2015/0161, PAP/2018/0212, DOC/2013/0012 and DOC/2018/0018
BFR033	Cedar House, Kingsbury Road, Lea Marston	0.32	permissioned	outline planning permission	2018-01-18	5	Outline - demolition of existing buildings and erection of five dwellings, with associated gardens, parking and garages (with all matters reserved)	

Former Leisure Centre, Coleshill - BFR001



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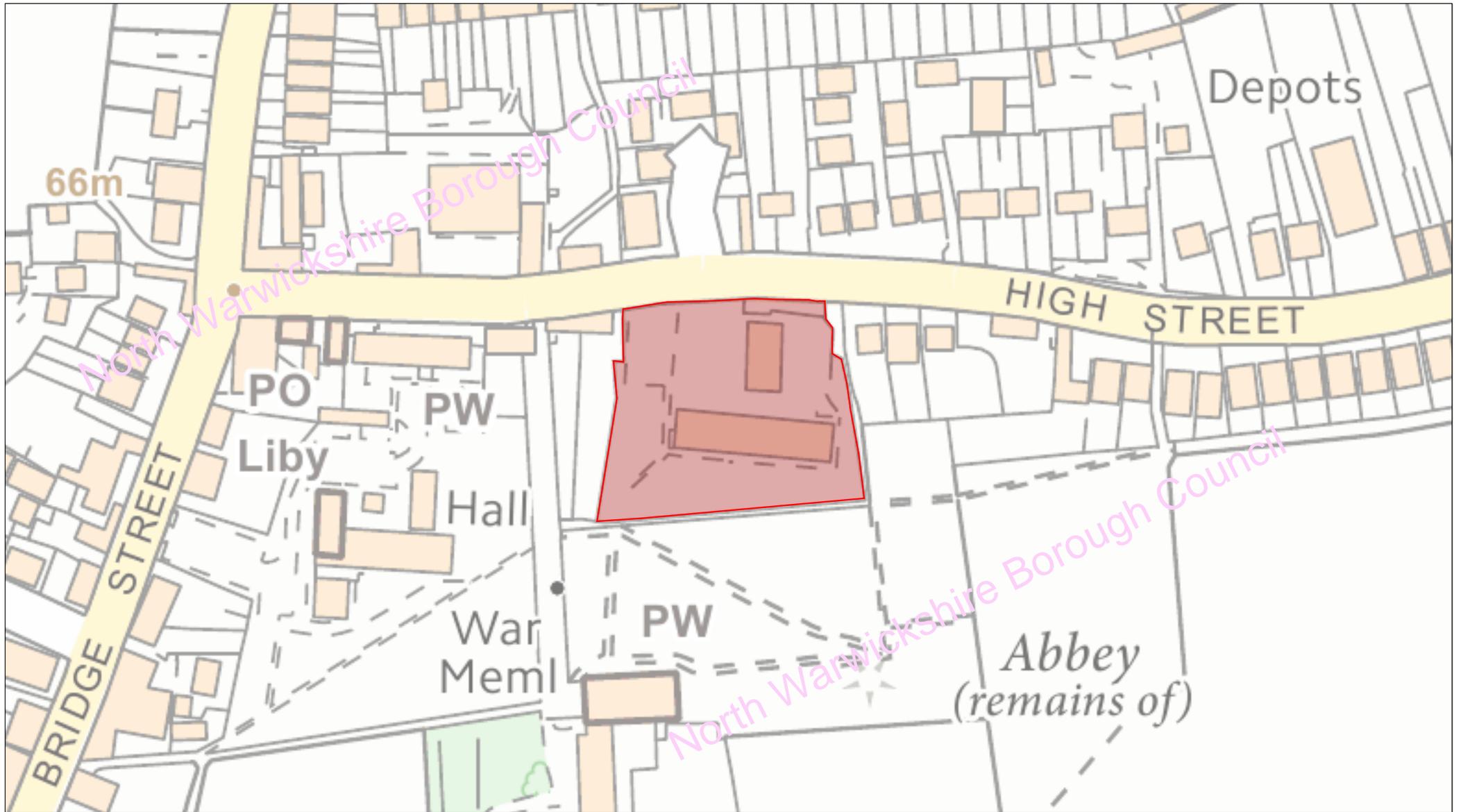
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Former Learning Centre, Polesworth - BFR002



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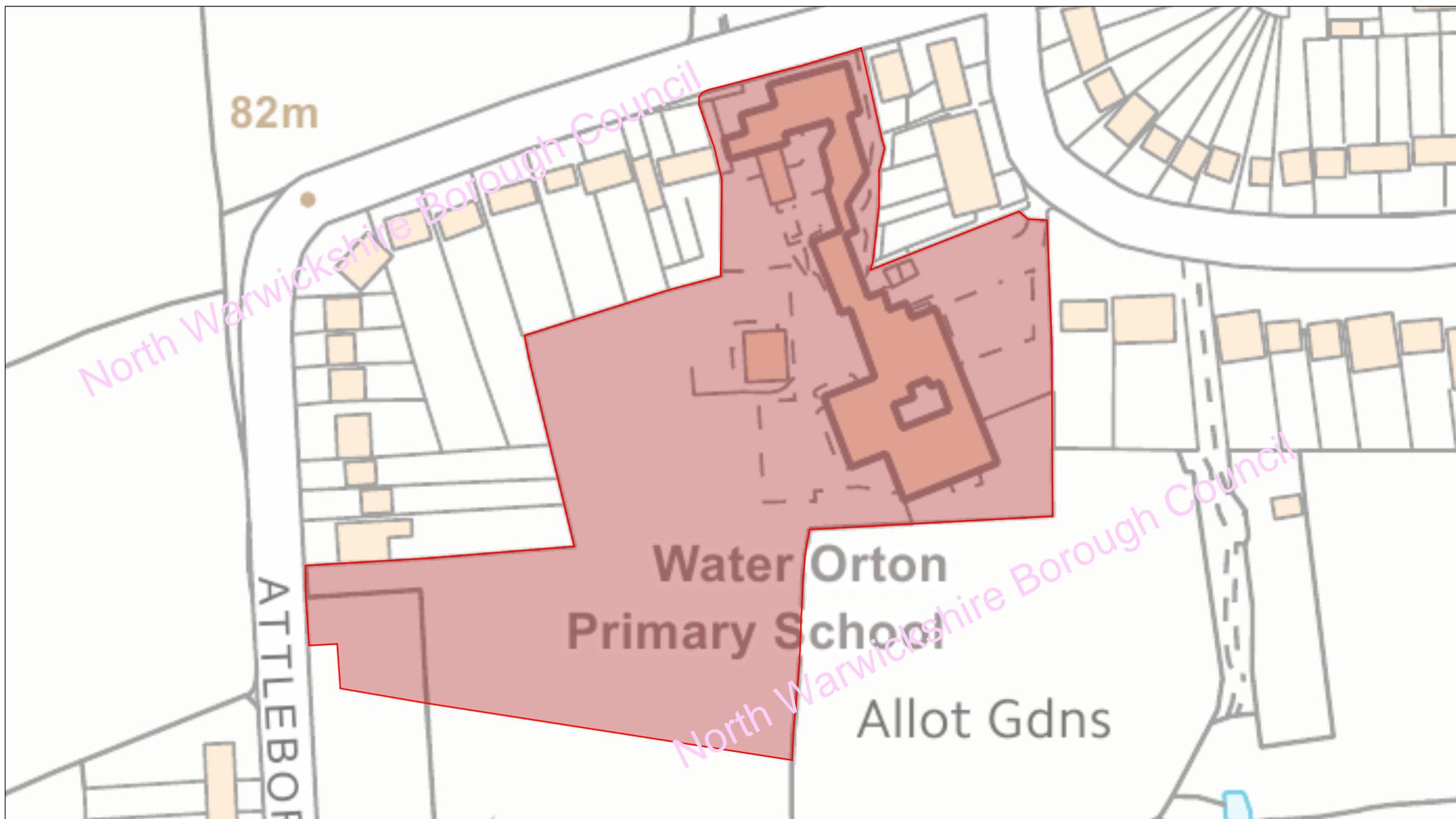
Former Sparrowdale School and Recycling Centre - BFR003



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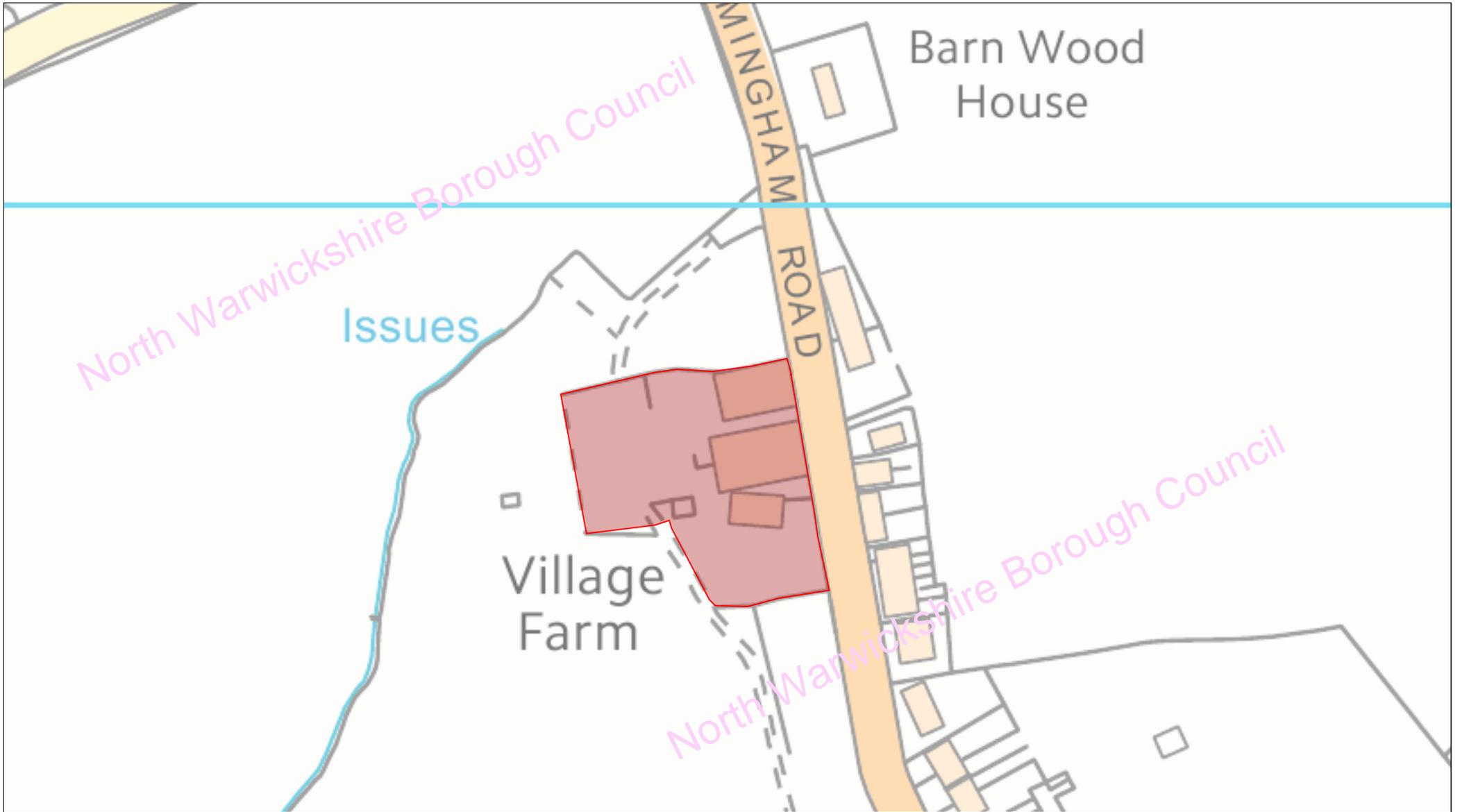
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Village Farm, Ansley - BFR005



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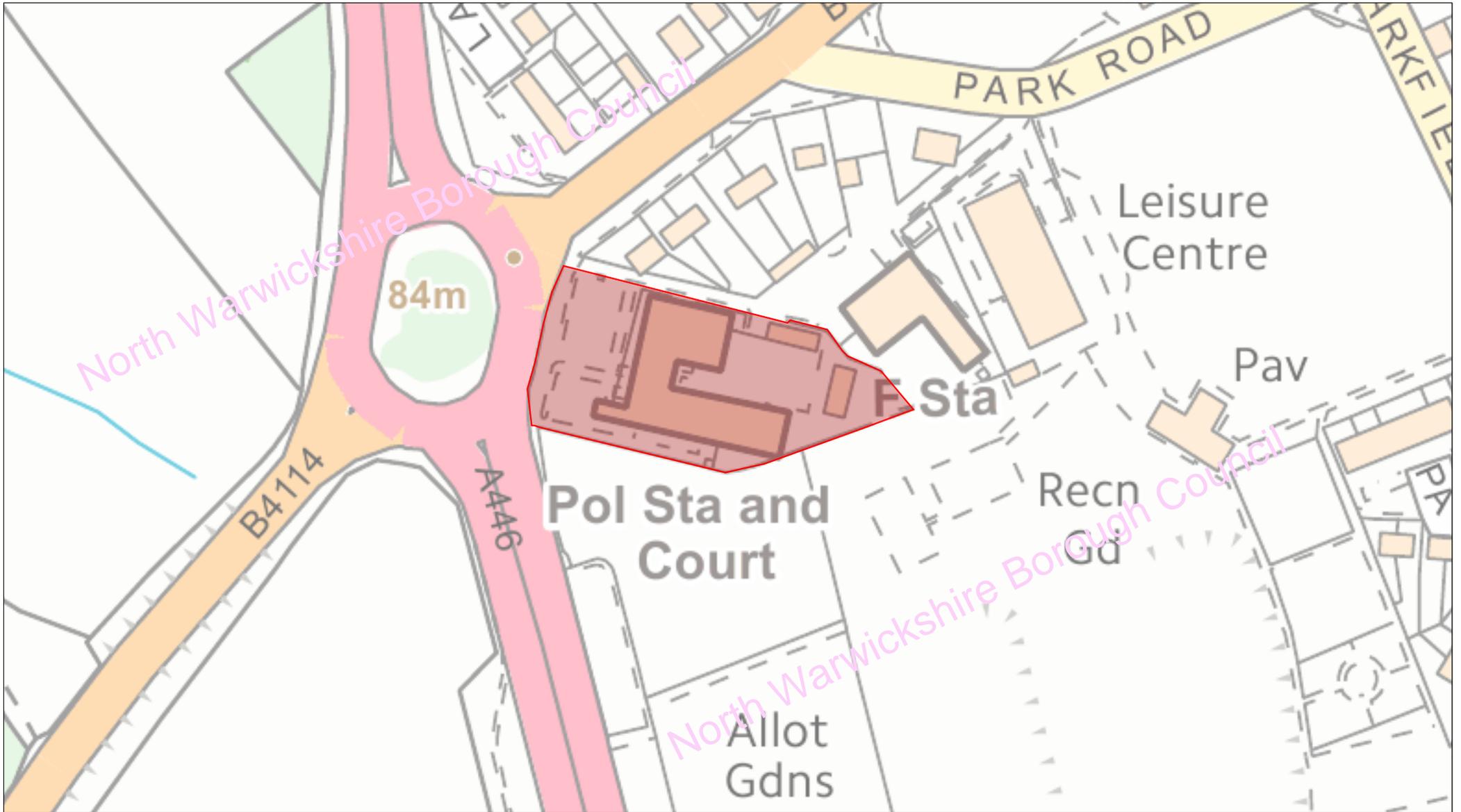
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Ex Police Station, Coleshill - BFR006



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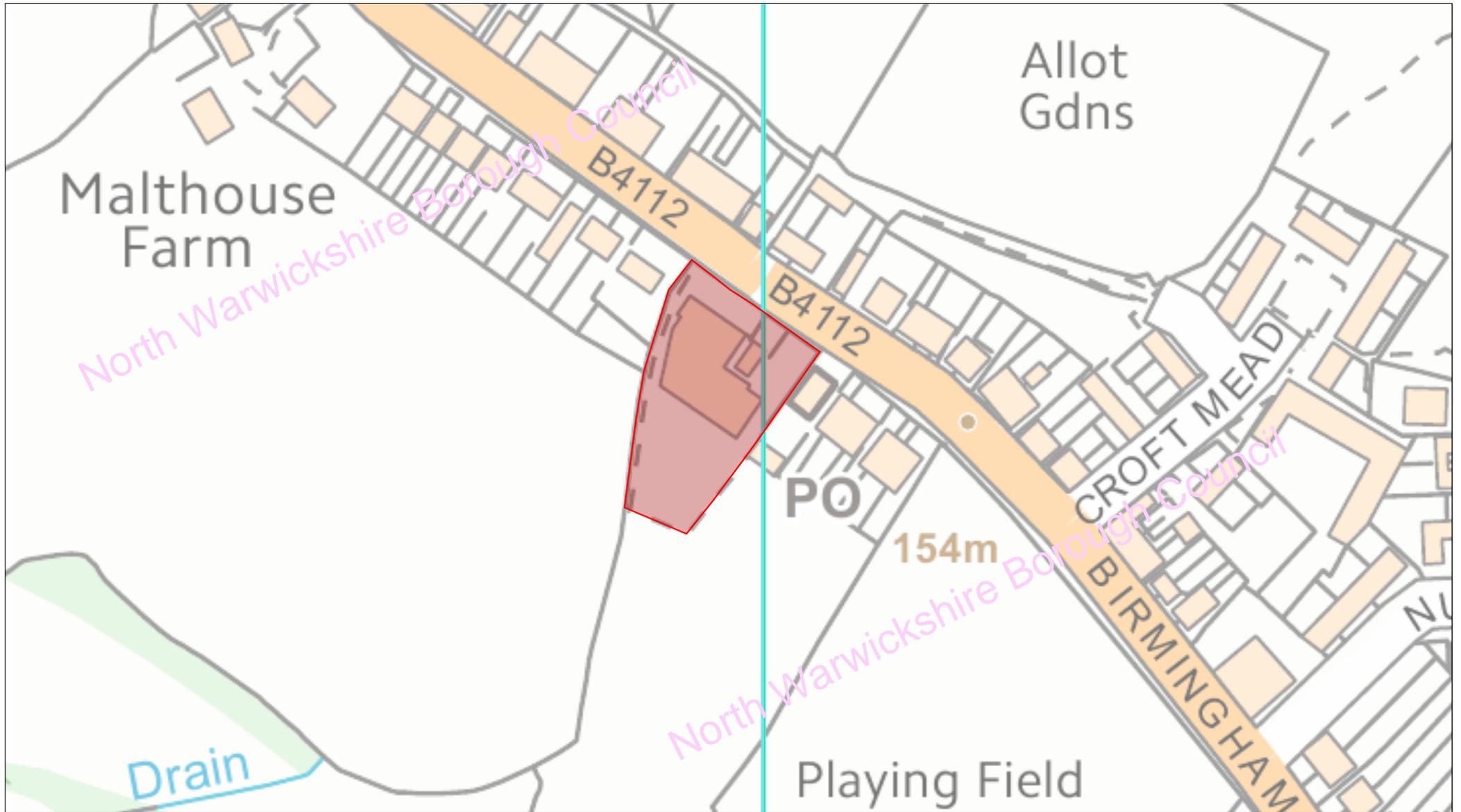
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Ansley Social Club, Ansley - BFR007



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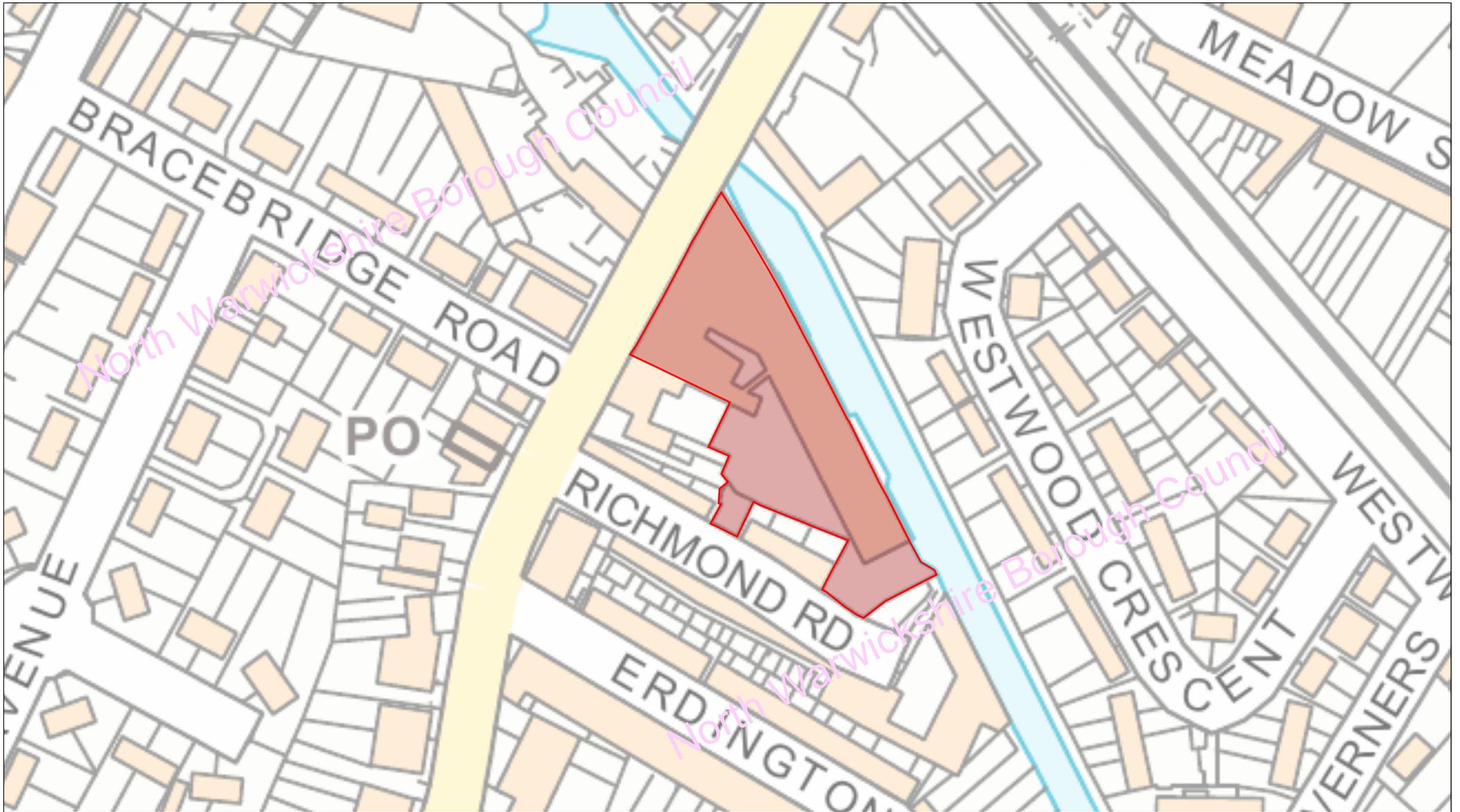
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Britannia Mill, Atherstone - BFR008



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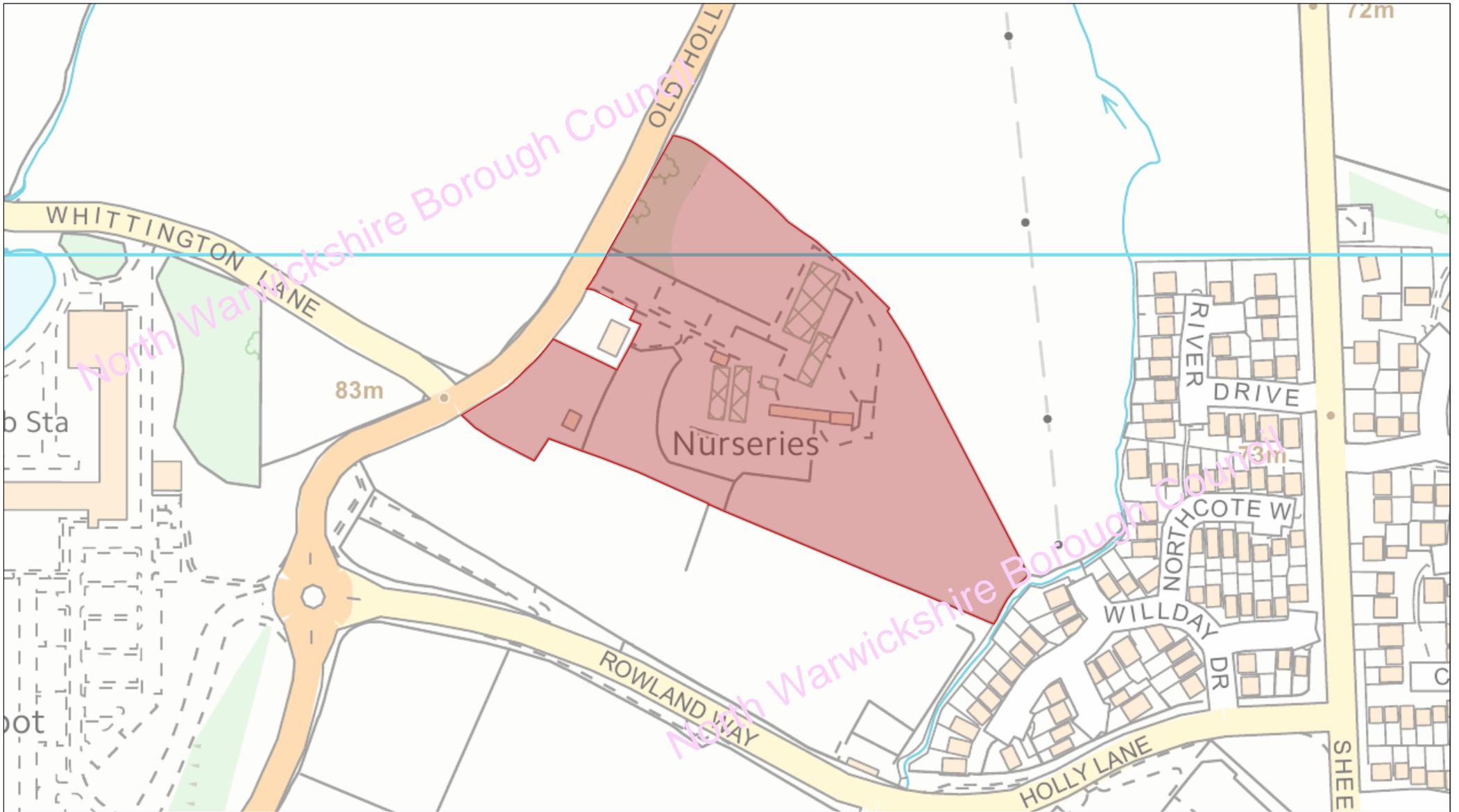
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Durnos Nurseries, Atherstone - BFR009



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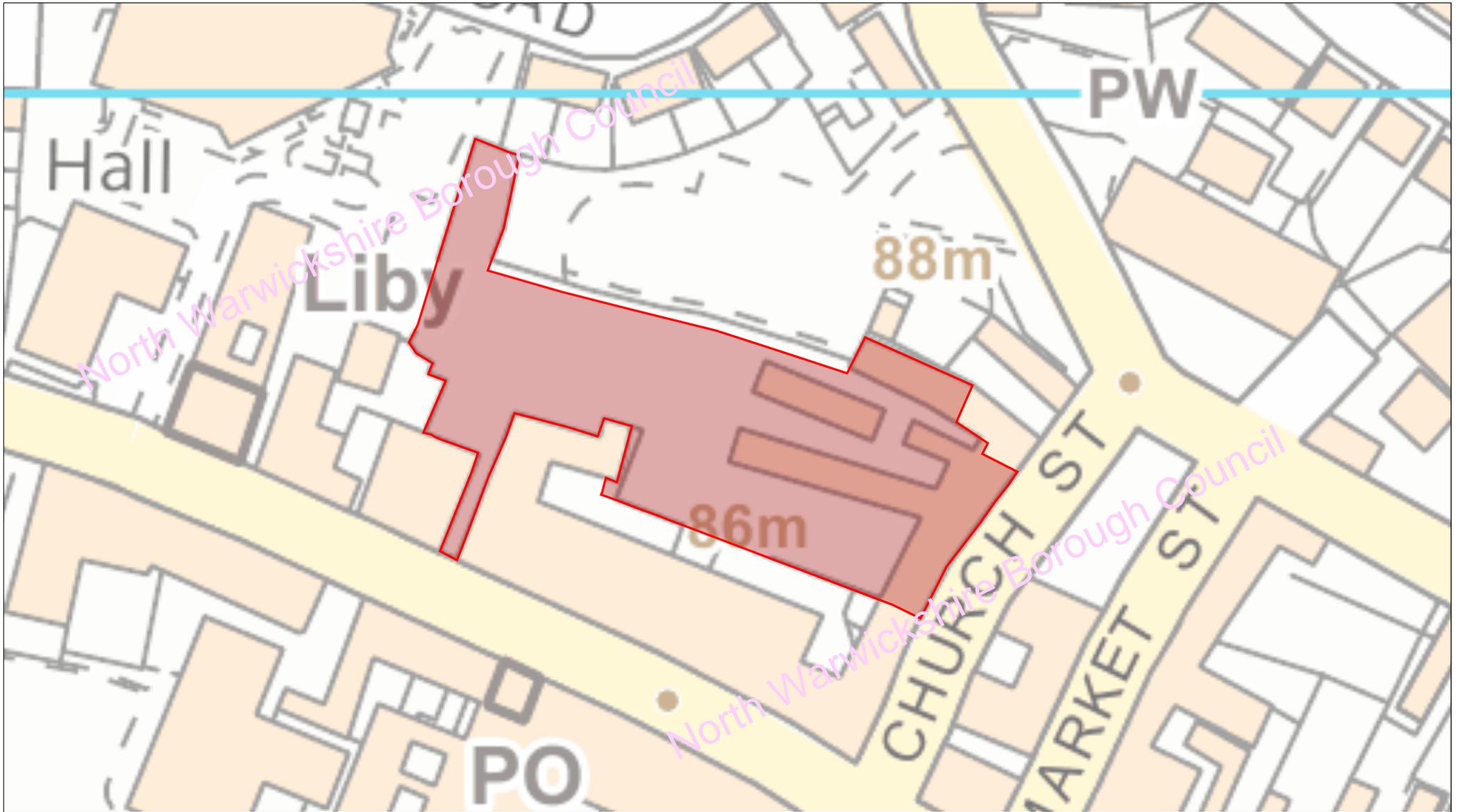
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Phoenix Yard, Atherstone - BFR010



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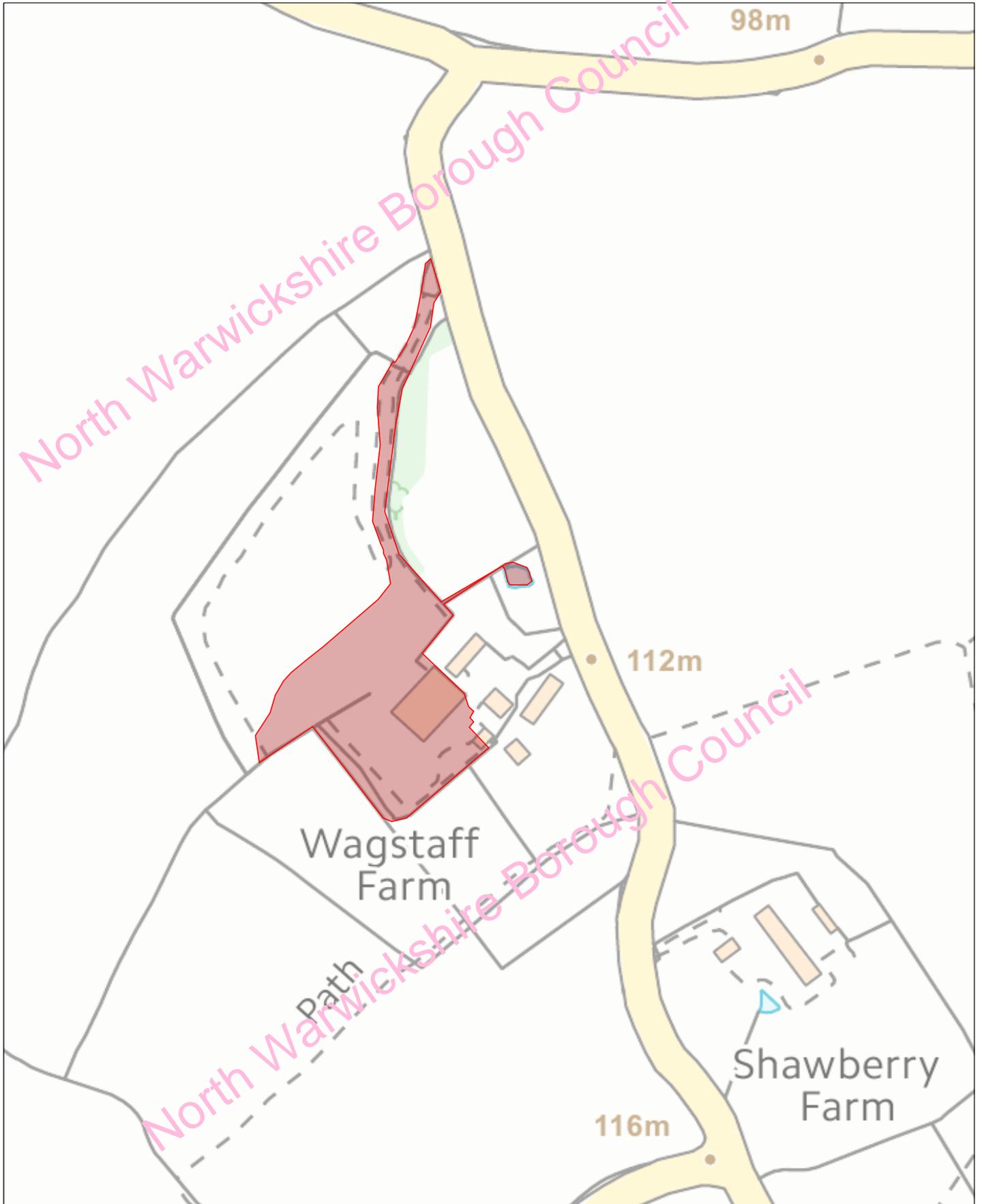
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Wagstaff Farm, Shustoke - BFR011



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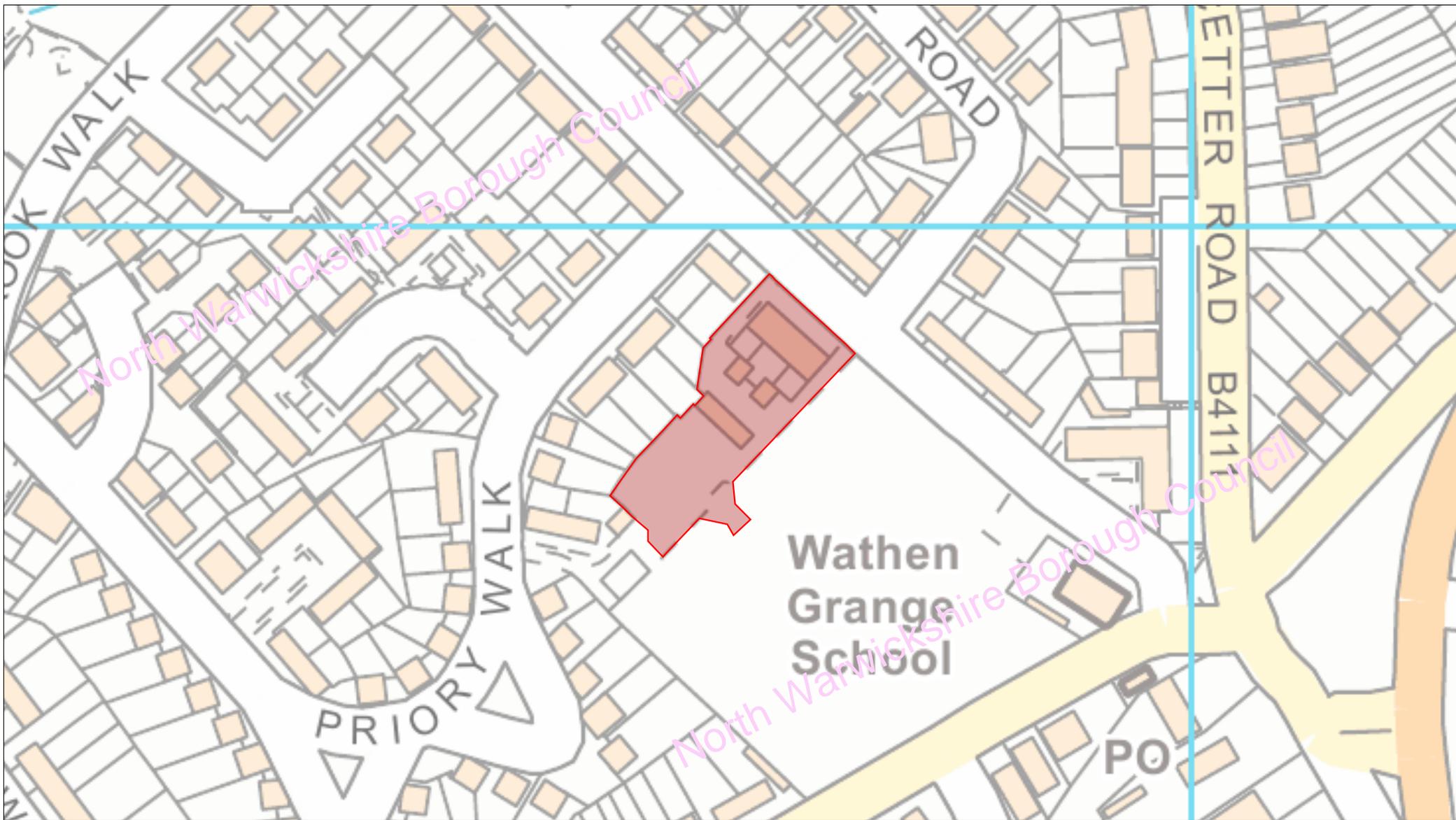
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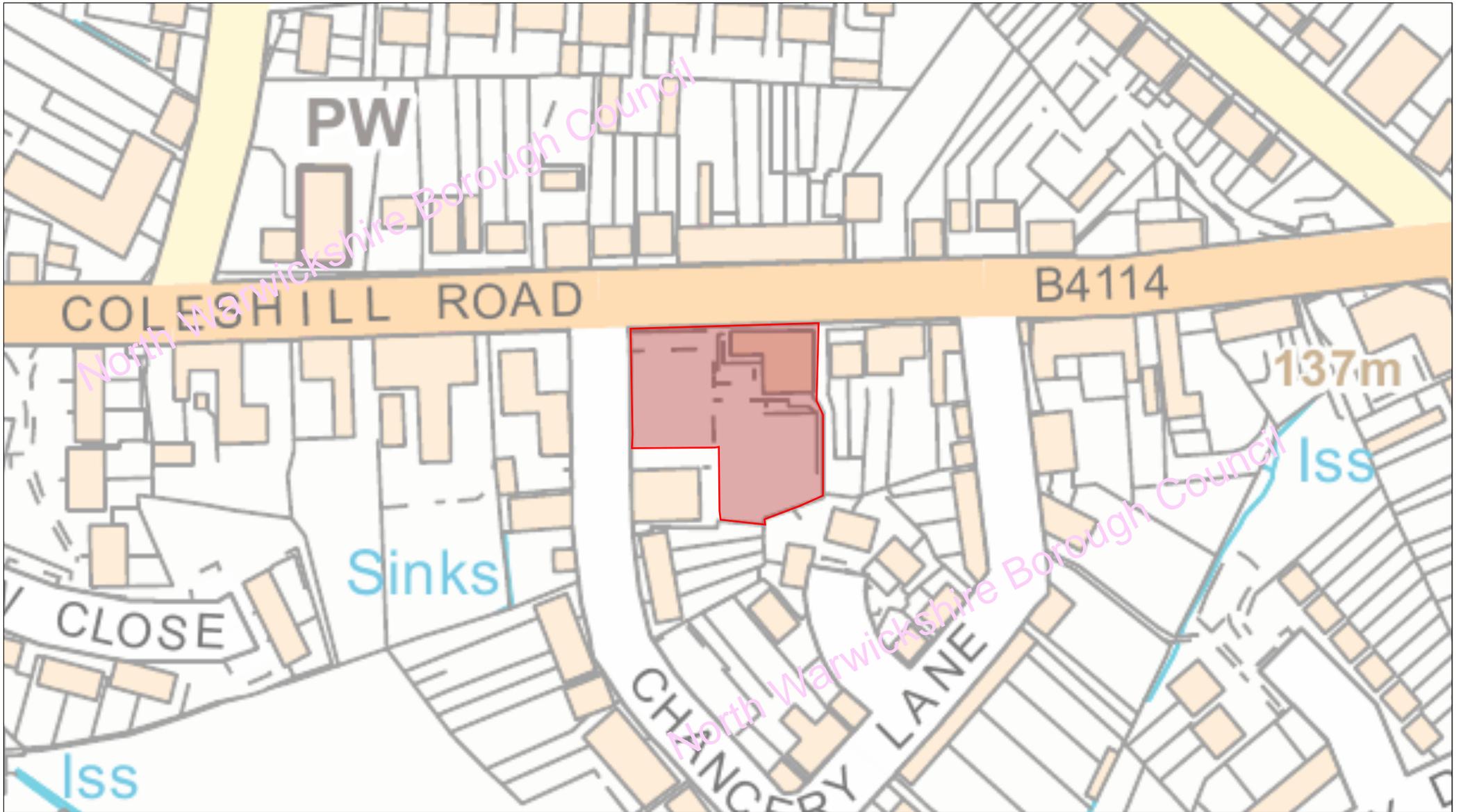
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Chapel End Social Club, Hartshill - BFR013



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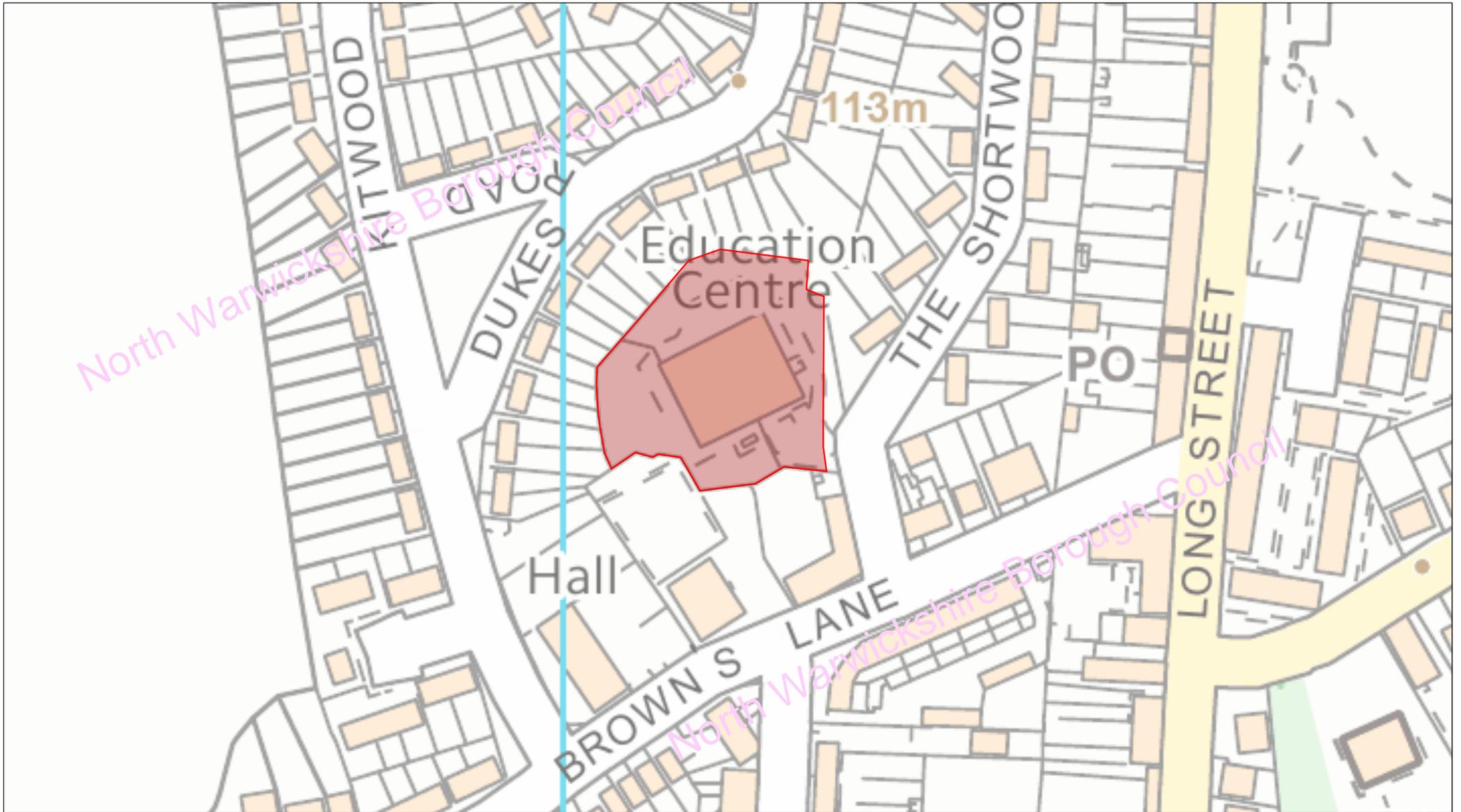
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Shortwoods Day Centre, Dordon - BFR014



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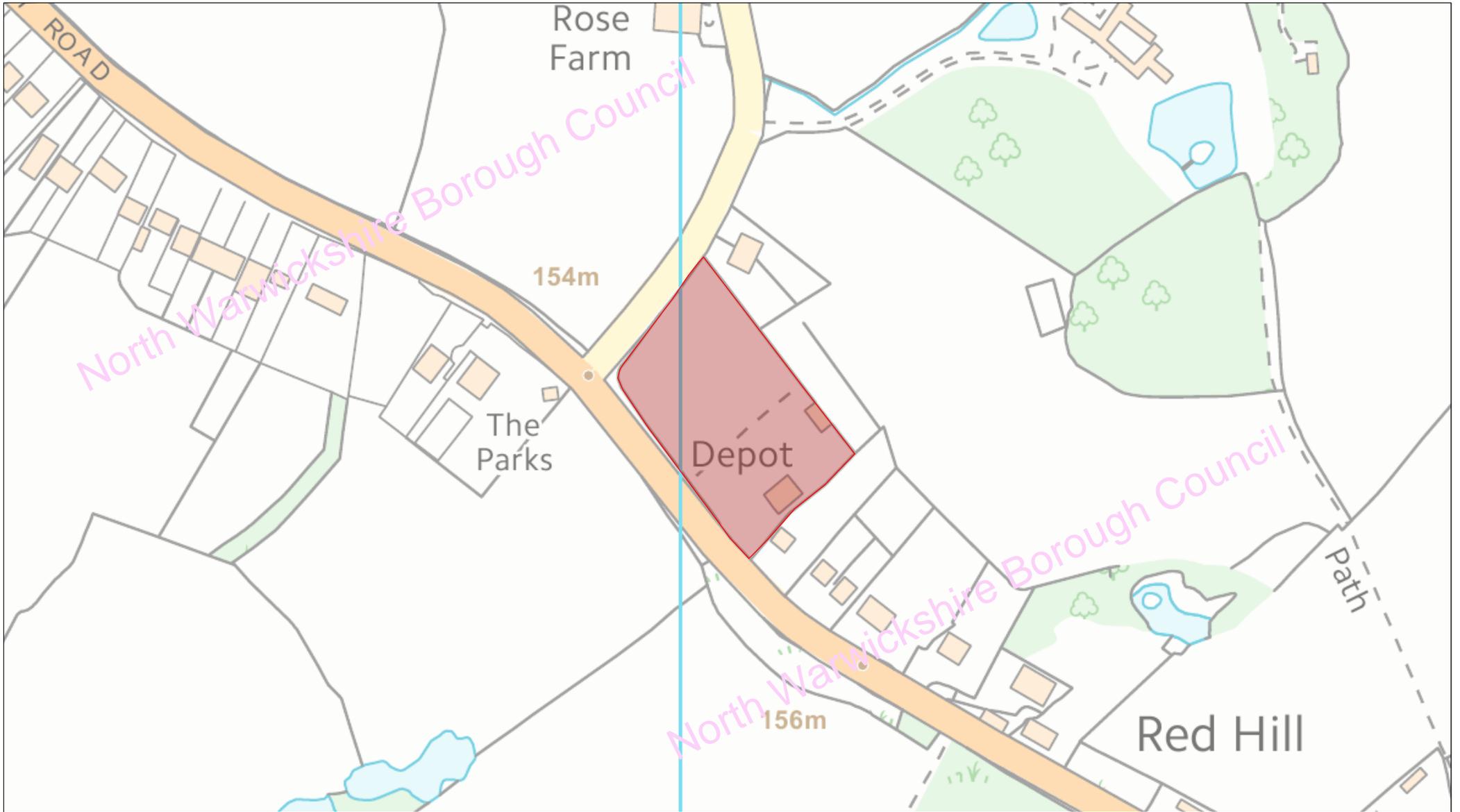
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LS Court Ltd, Fillongley - BFR015



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Rowan Centre, Atherstone - BFR018



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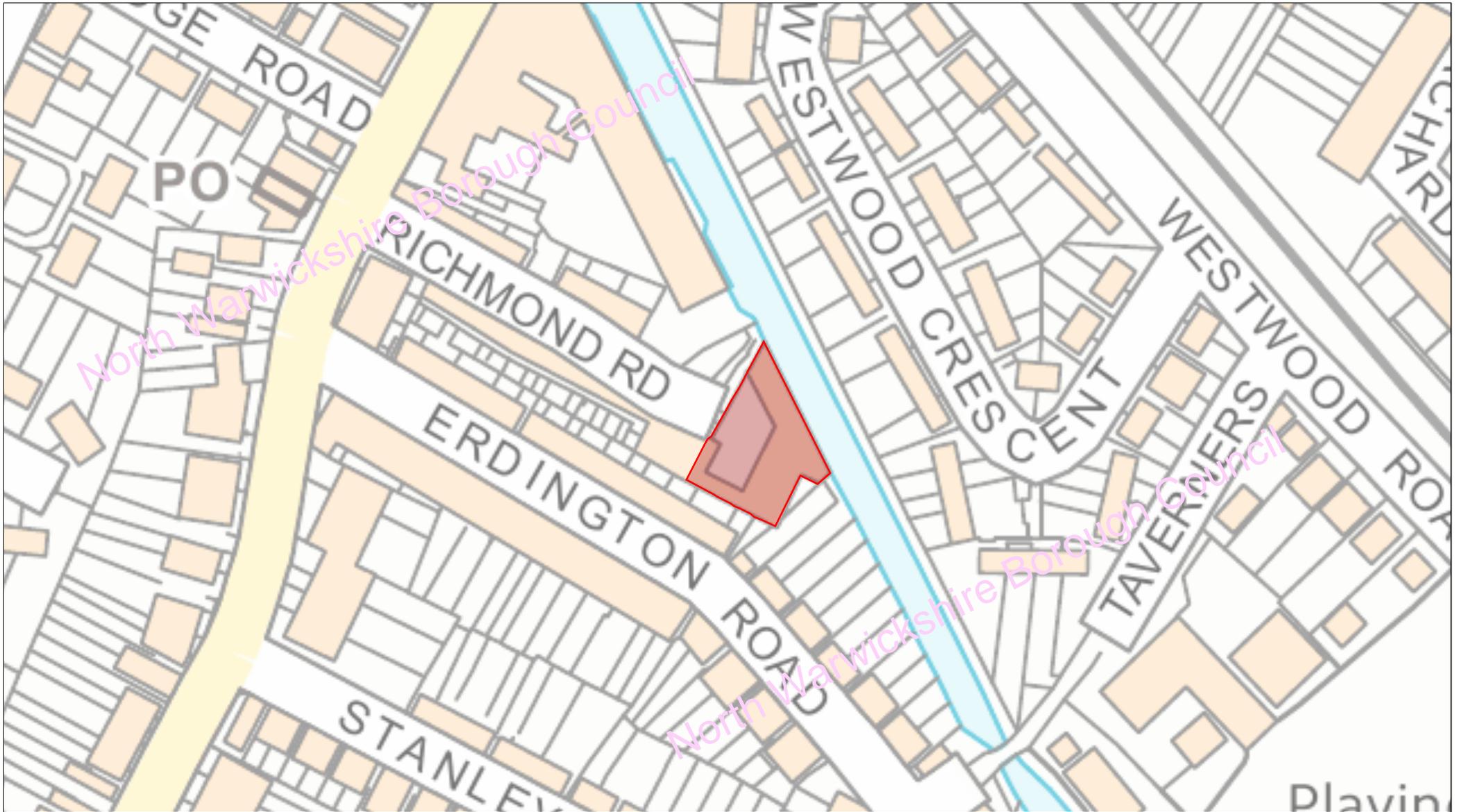
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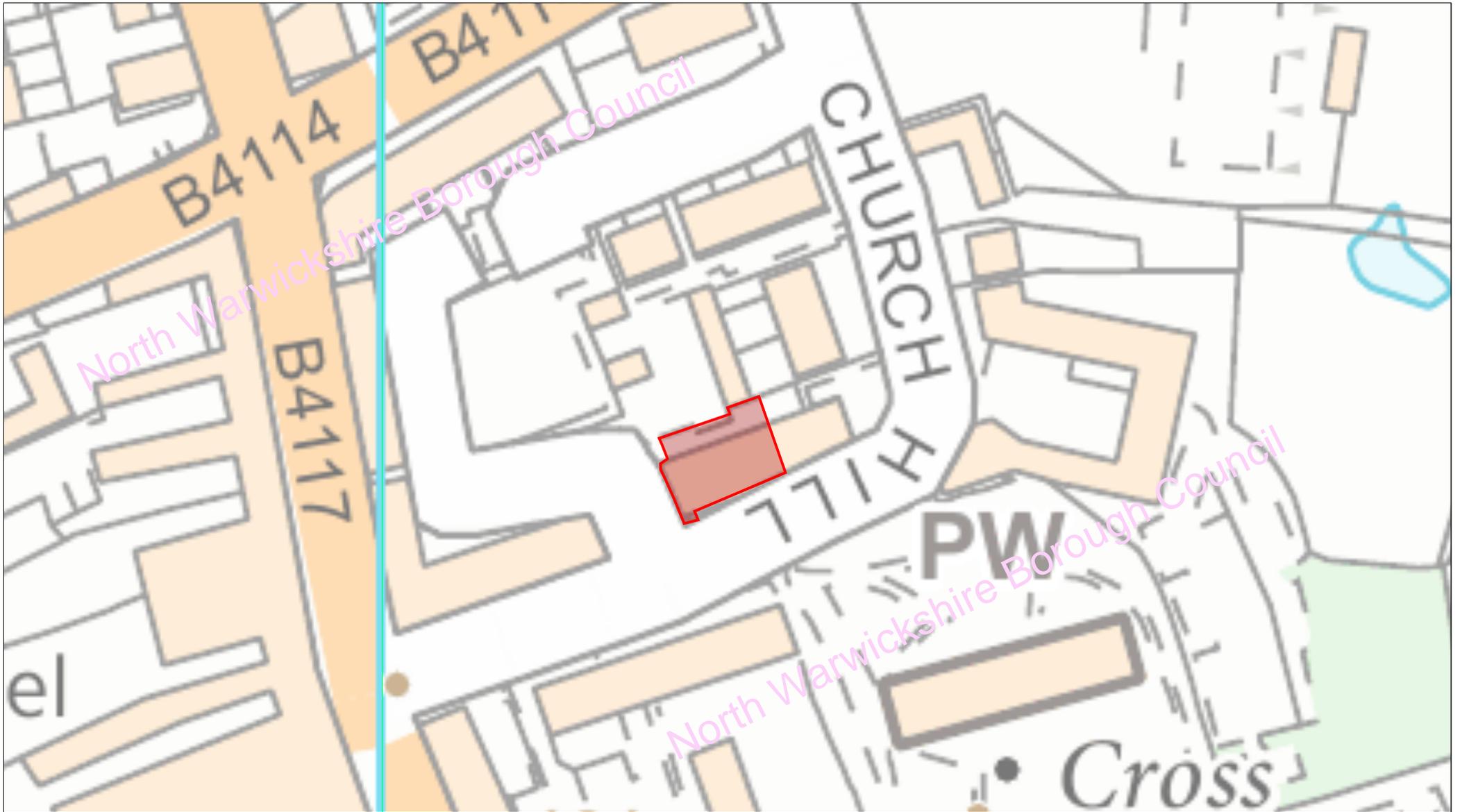
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Devereux House, Coleshill - BFR021



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Atherstone College, Atherstone - BFR023



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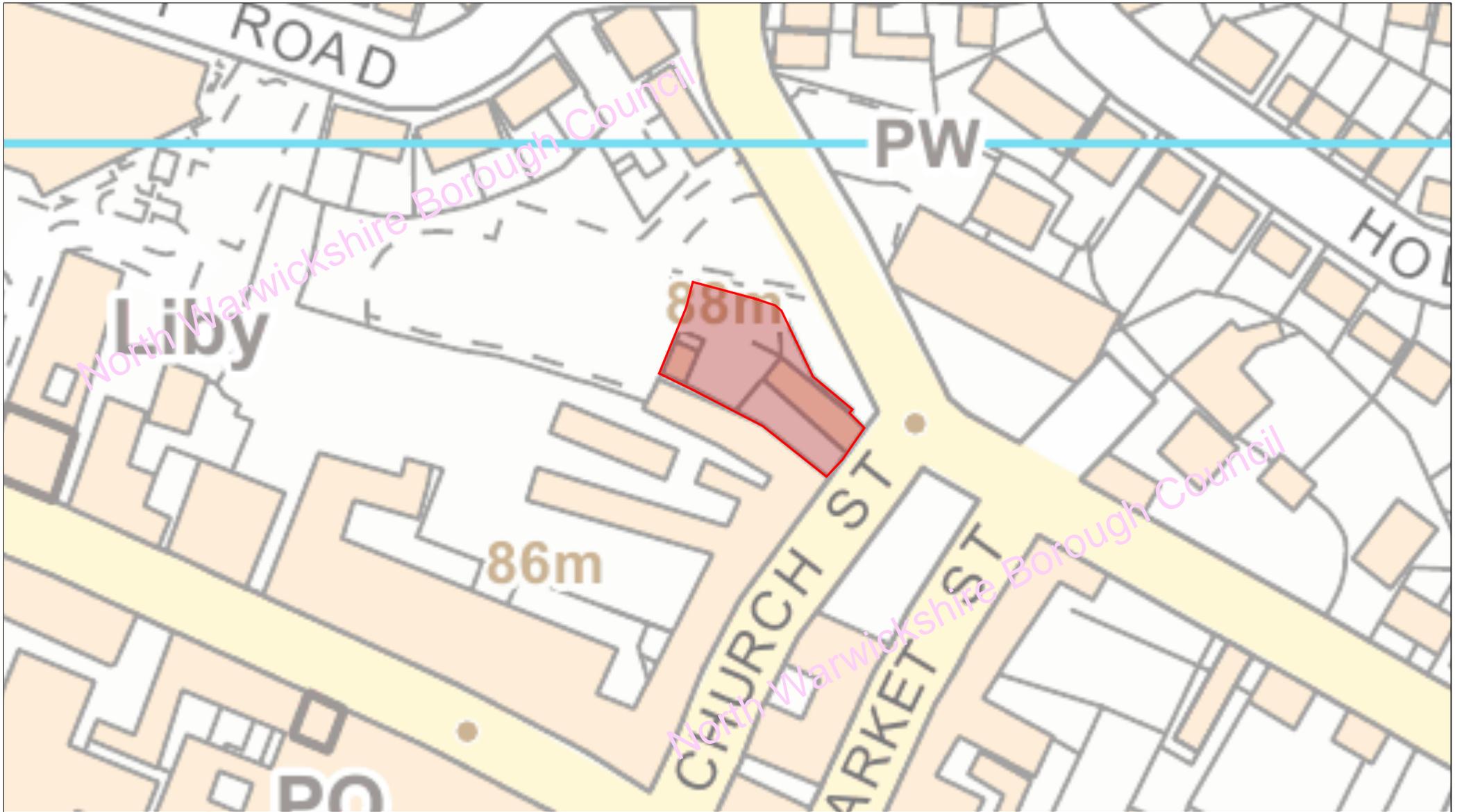
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The Angel Inn, Atherstone - BFR024



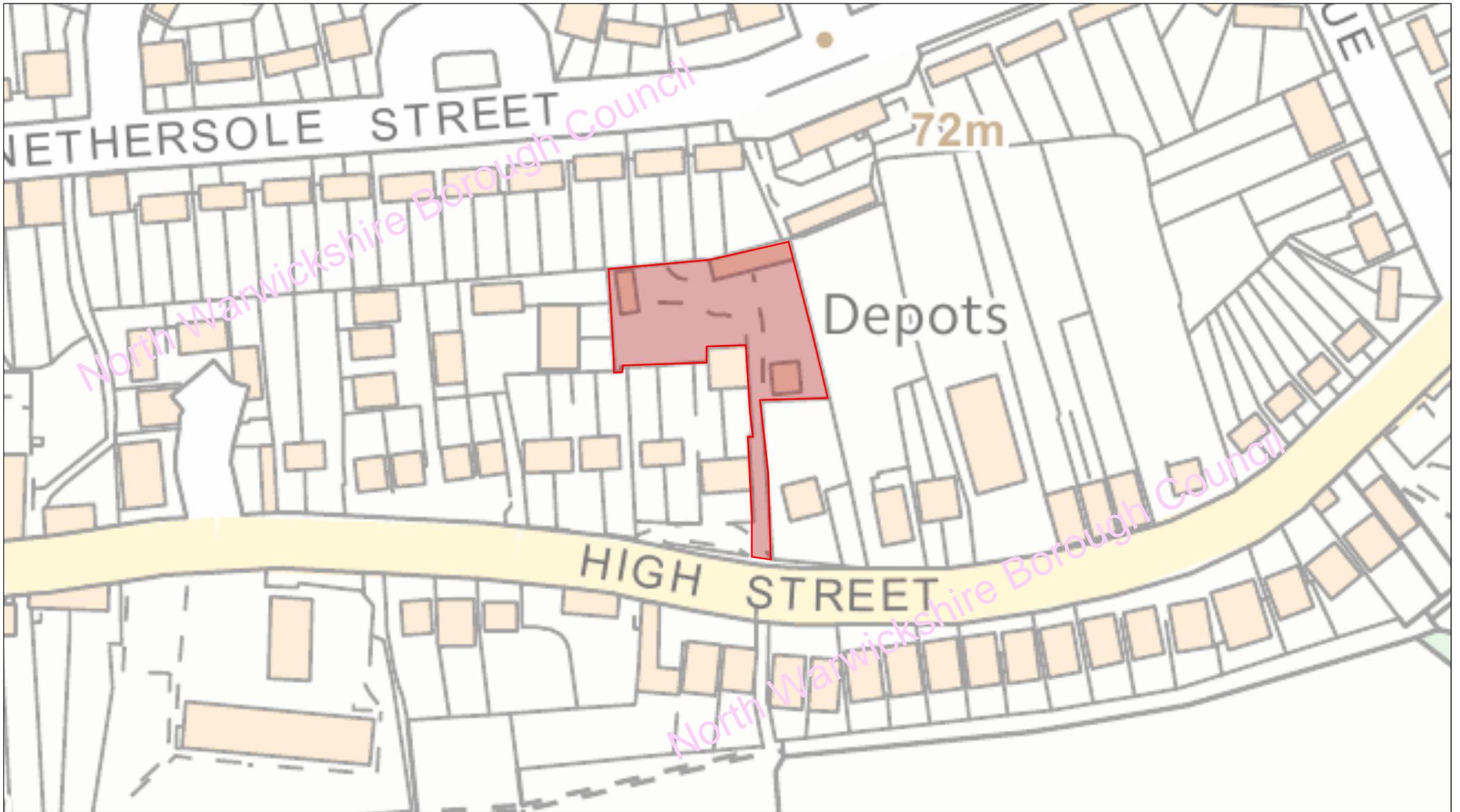
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Croft Mead Business Centre, Ansley - BFR026



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Clinic and Welfare Centre, Kingsbury - BFR027



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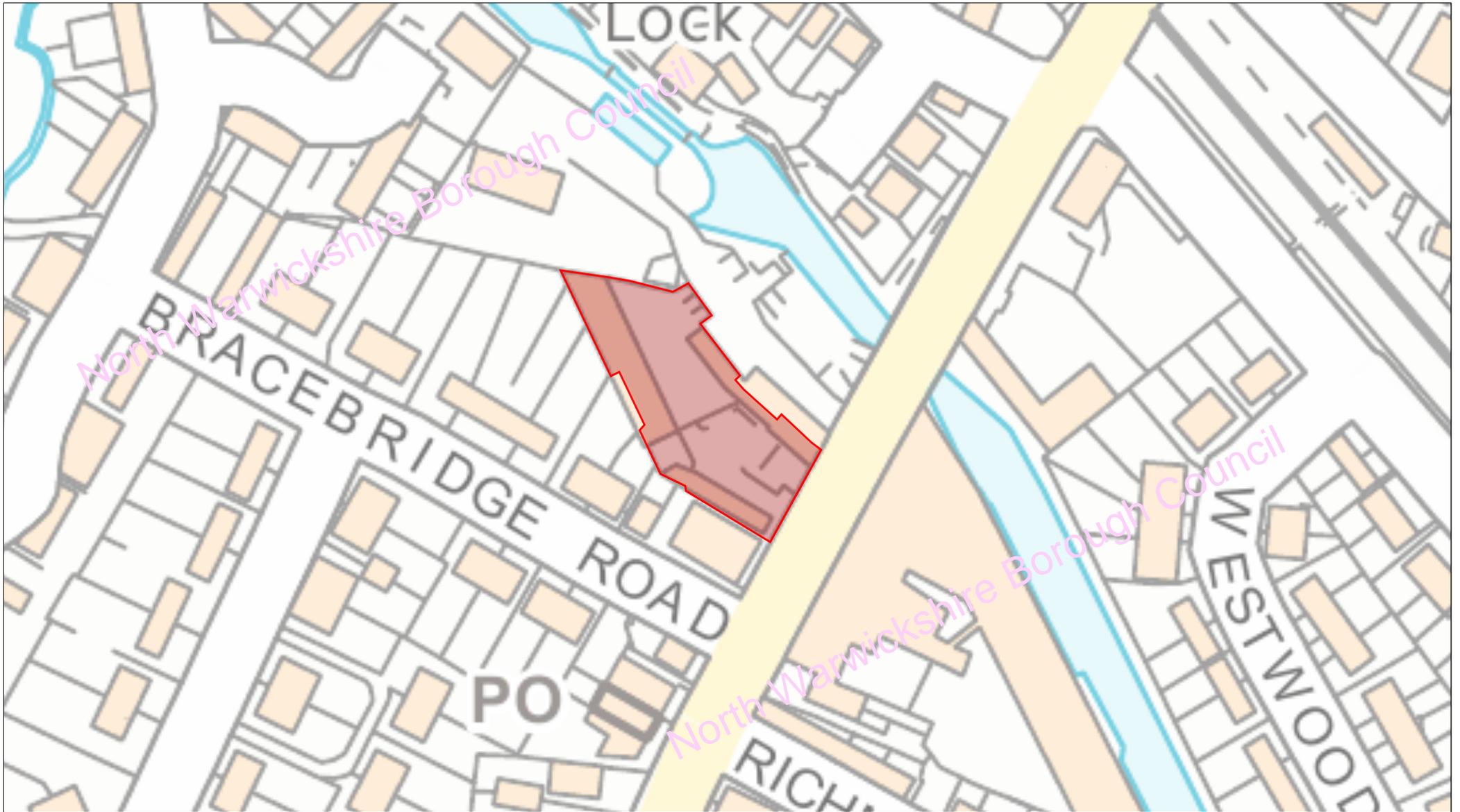
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Bridge House, Atherstone - BFR028



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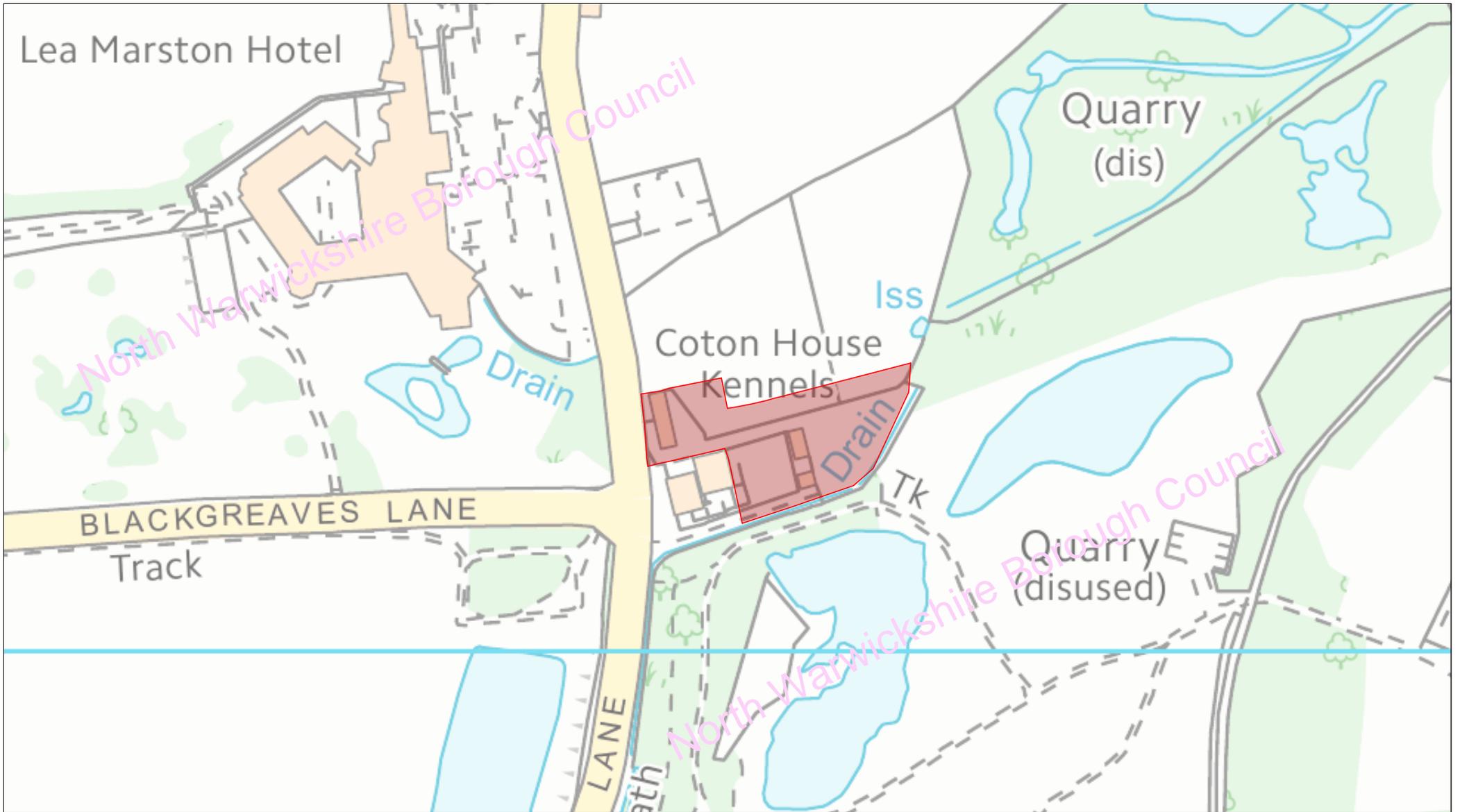
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Coton House, Lea Marston - BFR029



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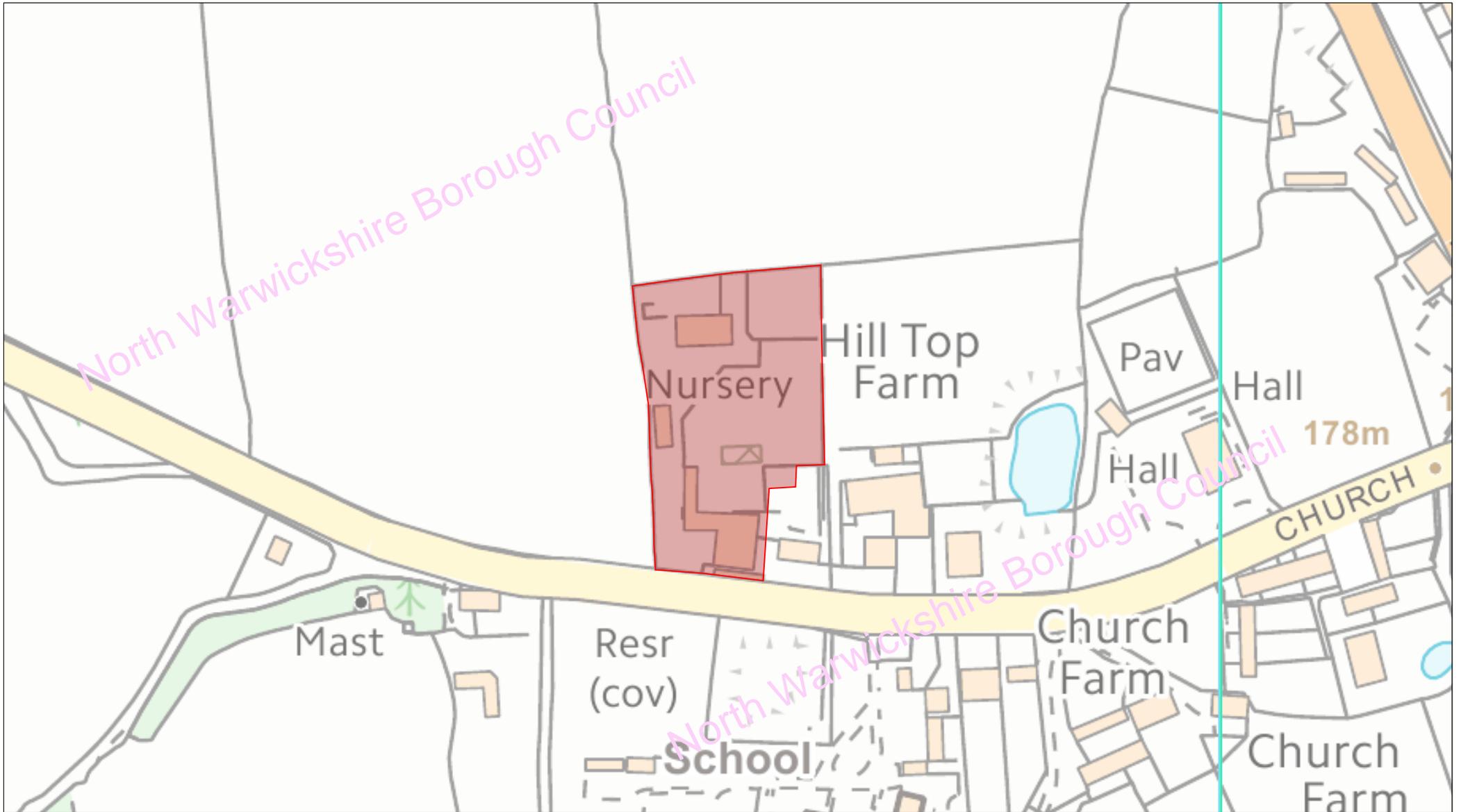
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Corley Nurseries, Corley - BFR030



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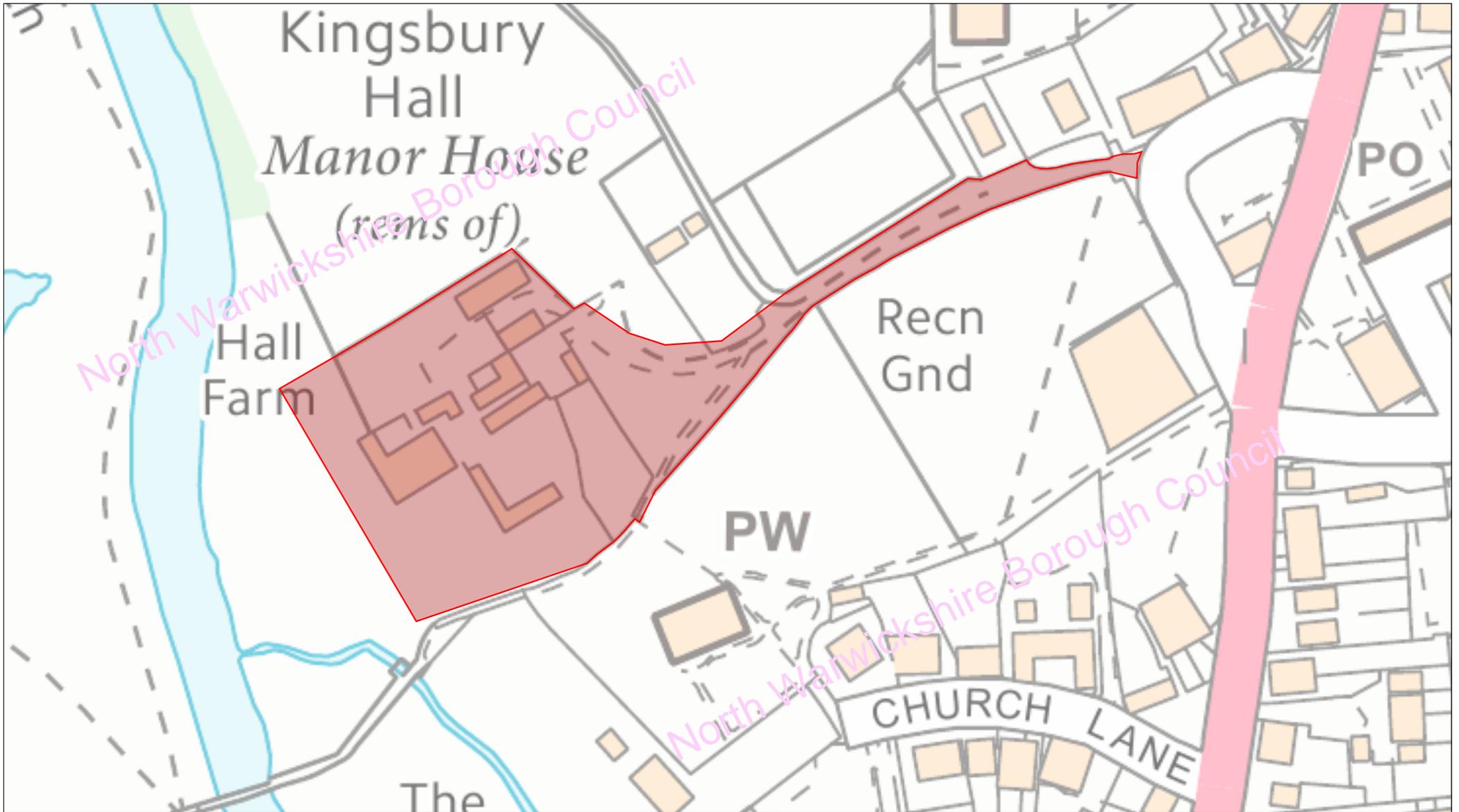
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Kingsbury Hall, Kingsbury - BFR031



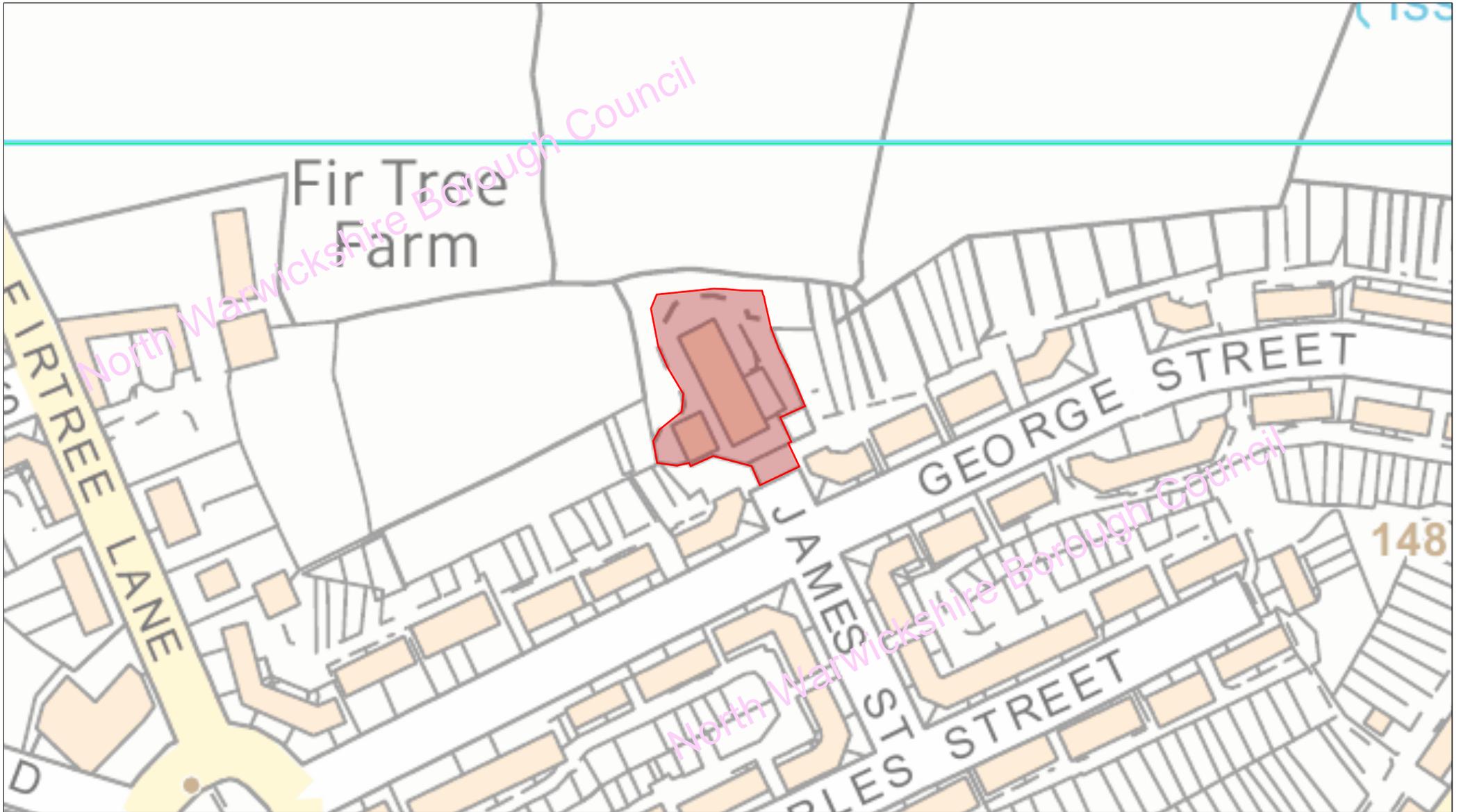
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Cedar House, Lea Marston - BFR033



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Agenda Item No 8

Planning and Development Board

10 December 2018

Report of the Corporate Director - Environment

Draft Air Quality SPD

1 Summary

- 1.1 The report seeks approval for consultation on the Draft Supplementary Planning Guidance on Air Quality.

Recommendation to the Board

That the Draft Air Quality SPD be approved for consultation.

2 Consultation

- 2.1 The Draft document has been sent to Councillors Bell and Chambers as lead councillors on health issues. Any comments received will be reported at the meeting.

3 Introduction

- 3.1 Nationally air quality has concerned many governments, particularly with the links to the causes of climate change and the impact on health. The recent consultation on the actions being proposed to reduce air pollution and its effects through the Clean Air Strategy has the following main themes:

- understanding the problem
- protecting the nation's health
- protecting the environment
- securing clean growth and innovation
- reducing emissions from transport
- reducing emissions from farming
- reducing emissions from industry
- international, national and local leadership

It is expected that this will be produced in final form in early 2019.

- 3.2 Air quality is also an issue that the Council has considered for a number of years. The Local Plan 2006 included a policy *ENV9 - Air Quality*. This policy was "saved". The Core Strategy also deals with Air Quality in a less specific manner and this more general policy has been included in the emerging Local Plan policy *LP31 - Development Considerations* (sub-section 9).

4 Air Quality in North Warwickshire

- 4.1 The 2006 saved policy ENV9 referred to an AQMA - an Air Quality Management Zone. The Coleshill AQMA was declared in 2001. It covered one house. Predictions suggested that by 2005 that this particular area would be above the national objectives for exposure to nitrogen dioxide. The area was to the south of Coleshill bounded by Stonebridge Road, Coleshill Heath Road, the M42 Motorway, M6 Motorway and junction 4 of the M6. An AQMA has to have an action plan to determine what actions are required to improve / mitigate the problems of air quality. A Draft Action Plan was prepared to explore several possible initiatives and proposals to validate the conclusion and to mitigate the effects of air pollution arising primarily from road traffic on the trunk road network. The AQMA however was revoked in 2013 as the house was no longer occupied and so no longer a receptor of air pollution.

5 Coventry and Warwickshire

- 5.1 The Borough Council is a partner of the Coventry and Warwickshire Air Quality Alliance. This is a partnership with the City, County and District / Borough local authorities. The other local authorities within Coventry and Warwickshire each have at least one AQMA. The Alliance have worked together to prepare a draft supplementary planning guidance. They generally follow the same format and are currently going through or have been through consultation and adoption processes.

6 Air Quality Supplementary Planning Guidance (SPD)

- 6.1 The Draft Air Quality SPD is attached as Appendix A to this report.
- 6.2 Unlike other local authorities in the Coventry and Warwickshire area North Warwickshire does not have an Air Quality Management Zone or AQMA so the SPD does not have specific area measures. .
- 6.3 The SPD advises on how matters of air quality will be considered as part of the planning process, focusing on mitigating impacts from development. It is a technical document which will be mainly used by the Environment Health team when responding to planning applications and in discussions with developers.
- 6.4 It is proposed to carry out a 6 week consultation on the Draft document starting in January 2019. Comments will be brought back to Board before the SPD is formally agreed. It is expected that the final Clean Air Strategy should also be published in the New Year and the final SPD can, if required, reflect any changes that may be included. Once the SPD is adopted it will support the local planning policies of the Council.

7 Report Implications

7.1 Finance and Value for Money Implications

7.1.1 There will be costs of approximately £1,500 involved with the consultation process which will be taken from an existing budget. There will also be staff resources required to carry out the consultation as well as implement the guidance once adopted.

7.2 Legal, Data Protection and Human Rights Implications

7.2.1 For the SPD to carry weight it needs to have been through an appropriate consultation process and any comments considered

7.3 Environment, Sustainability and Health Implications

7.3.1 The SPD should assist in ensuring that air quality is taken into consideration and any adverse impacts mitigated. This will ensure that developments will not have an adverse impact on the health of residents and workers in the Borough.

7.4 Human Resources Implications

7.4.1 Once adopted there will be a need for staff and member training to ensure its full implementation.

7.5 Links to Council's Priorities

7.5.1 Good air quality can have an impact directly or indirectly on all of the Council's priorities but in particular in improved well-being.

The Contact Officers for this report are Dorothy Barratt and Zoe Bickley (719250 and 719467).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Air Quality & Planning Guidance

Draft for consultation

December 2018



North Warwickshire Borough Council

***Air Quality & Planning SPD
Draft for Consultation
December 2018***

This guidance is designed to support measures to mitigate against and improve air quality impacts from and on new developments.

This guidance has been developed in co-operation between Coventry City Council, Coventry & Warwickshire Public Health, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford District Council and Warwick District Council.

Draft

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Draft

Air Quality & Planning SPD
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Glossary

AA DT	Annual average daily traffic flows
Air Quality Assessment (AQA)	An assessment of the impact of a development on the levels of certain pollutants in the local area and the impact of pollution levels on future occupants.
Air Quality Management Areas (AQMAs)	Areas where the air quality objectives are likely to be exceeded. Declared by way of an order issued under the Section 83(1) of the Environment Act 1995.
Air Quality Objectives	Air quality targets to be achieved locally as set out in the Air Quality Regulations 2000 and subsequent Regulations. Objectives are expressed as pollution concentrations over certain exposure periods, which should be achieved by a specific target date. Some objectives are based on long term exposure (e.g. annual averages), with some based on short term objectives. Objectives only apply where a member of the public may be exposed to pollution over the relevant averaging time.
Biomass boiler	System of heating where biomass, usually wood or wooden pellets, are used as the fuel
CEMP	Construction Environmental Management Plan – used to manage and minimize environmental impacts from construction and demolition
Clean Air Zones (CAZ)	Zone implemented by a local authority setting nationally set emission standards for vehicles. Non-charging zones can be implemented through policies covering bus and taxi emissions. Charging zones require non-compliant lorries and possibly vans to pay a charge to enter the zone.
CHP	Combined heat and power
Damage Costs	Damage Costs are a simple way to value changes in air pollution. They estimate the cost to society of a change in emissions of different pollutants
Emission Factor Toolkit	On-line toolkit provided by DEFRA to calculate emissions from road transport vehicles in current and future years
Environmental Impact Assessment (EIA)	Assessment required for projects specified in Environmental Impact Assessment Directive. Governed by the Town & Country Planning (Environmental Impact Assessment) Regulations 2017
EU Limit Value	Legally binding pollutant concentration limit on Governments of EU Countries
Euro Standards	European Emission Standard (progressively tightened emission standards for vehicles. Euro Standards for cars and small vans are stated in Hindu-Arabic numbers and HDVs in Roman numerals)
Exceedence	Concentrations of a specified air pollutant greater than the appropriate Air Quality Objective or EU Limit Value
Exceedence area	Area where concentrations of a specified air pollutant greater than the appropriate Air Quality Objective or EU Limit Value
HDV	Heavy Duty Vehicle (lorry or bus greater than 3.5 tonnes gross vehicle weight)

Air Quality & Planning SPD
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IGCB	Interdepartmental Group on Costs and Benefits led by the Department for Environment, Food and Rural Affairs (DEFRA)
LAQM.TG(16)	Local Air Quality Management Technical Guidance (2016). This document provides national advice on how local authorities should assess air quality.
LETCP	Low Emission Towns & Cities Programme ¹ – joint programme between all 7 West Midlands Metropolitan Authorities to produce the West Midlands Low Emission Vehicle Strategy (LEVS), including good practice guidance on planning and procurement
Low Emission Strategy (LES)	Overarching strategy to integrate policies and practices to achieve year on year vehicle emission reductions, optimising opportunities for national funding assistance
Low Emission Zone (LEZ)	Council area in which emission standards apply for either road transport vehicles or power generation/industrial emissions. The council can set emission standards that differ in standard and scope from the Government requirements for implementing Clean Air Zones for vehicles
LDV	Light duty vehicle (car or small van less than 3.5 tonnes gross vehicle weight)
Limit Values/EU limit values	The maximum pollutant levels set out in the EU Daughter Directives on Air Quality. In some cases the limit values are the same as the national air quality objective, but may allow a longer period for achieving.
Mitigation	Mitigation measures will minimise, but not necessarily remove, the impact of or effect of poor air quality on a development
National Air Quality Objectives	See Air Quality Objectives
National Air Quality Plan	Government Plan to improve roadside concentrations of nitrogen dioxide (July 2017)
Non-road mobile machinery (NRMM)	Diggers, cranes, bulldozers, plant etc used on construction sites
NO ₂	Nitrogen dioxide
NO _x	NO _x = nitrogen oxides, which includes nitric oxide and nitrogen dioxide. Most pollution sources emit nitrogen oxides primarily as nitric oxide. However, once in the atmosphere nitric oxide can be converted to nitrogen dioxide. Therefore, it is important to know the concentrations of both NO _x and NO ₂
Offsetting	Measures which 'compensate' for anticipated increases in pollution in the area but not necessarily at the exact locality. This might be for example by funding more general measures in the air quality action plan.
PM	Particulate matter
PM _{2.5}	Particulate matter with a diameter of 2.5 microns or less
PM ₁₀	Particulate matter with a diameter of 10 microns or less.
Part A1 and A2 Processes	Industrial processes which are regulated under the Pollution Prevention and Control (PPC) Regulations and subsequent Integrated Pollution Prevention and Control (IPPC) for

¹ <https://go.walsall.gov.uk/low-emissions-towns-and-cities-programme>

**Air Quality & Planning SPD
Draft for Consultation
December 2018**

	emissions to all media (i.e. atmosphere, land and water).
Part B Processes	Industrial processes which are regulated under the Local Air Pollution Control (LAPC) and Local Air Quality Pollution Prevention and Control (LAPPC) Regulations for emissions to air only.
Point sources	Chimneys
Polluting development	A development which will directly or indirectly increase levels of relevant pollutants. This may include industrial processes but may also include developments which could cause increased traffic emissions.
Road canyon	A road which is flanked by buildings on both sides, creating a canyon like environment that can inhibit the dispersion of pollutants
SCR	Selective Catalytic Reduction – abatement equipment on vehicles to reduce NOx emissions. Requires the addition of urea (commercially known as Ad Blu)
SCRT	SCR and continuous regeneration technology (soot / particulate filter)
Sensitive development	A development which would allow users of the site to potentially be exposed to pollutants above the objective for the relevant period. For example, the introduction of a new residential development into an area where an air quality objective is already exceeded would create the potential for the exposure of residents to poor air quality above the objective. Incidentally, this type of development may also generate significant additional traffic flow and also be a polluting development.
Standby generator	Back-up electrical generator that automatically starts up and provides power following a utility outage

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1 Purpose of the guidance

- 1.1 North Warwickshire Borough Council (the Council) has to weigh up economic, social and environmental factors when deciding to grant or refuse planning permission or decide if conditions are required to achieve sustainable development.
- 1.2 Air quality is a material consideration that planners are required to take into account when making their plans and when taking planning decisions.
- 1.3 This guidance aims to simplify the consideration of air quality impacts associated with development schemes and focus on incorporation of mitigation at design stage, countering the cumulative impacts of aggregated developments, providing clarity to developers and defining of *sustainability* in air quality terms.
- 1.4 The objectives of this supplementary planning document (SPD) are:
- Improve the consideration of air quality & health impacts in the planning process, in line with national / local policy and practice
 - to help ensure consistency in the approach to dealing with air quality and planning in the district;
 - to highlight the existing policy framework and emphasise the importance of air quality as a material planning consideration;
 - to identify the circumstances where detailed assessments and/or low emission strategies will be required as part of planning applications;
 - to provide guidance on measures that can be implemented to mitigate the potentially harmful impacts of new developments on air quality;
 - to promote the identification of suitable mitigation on major schemes through pre-application discussions;
 - to provide guidance on the use of planning conditions and Section 106 obligations to improve air quality; and
 - to encourage co-benefits of reducing carbon and noise emissions

DRAFT

2 Local Air Quality

- 2.1 The Council revoked the Coleshill Air Quality Management Area (AQMA) in 2013, due to improvements in annual average concentrations of nitrogen dioxide (NO₂).
- 2.2 The Council continues to monitor air quality in the Borough and seeks to maintain compliance with the Government Air Quality Objectives (AQO).
- 2.3 While levels of particulate matter (PM₁₀) in North Warwickshire do not breach Air Quality Objectives it is acknowledged that fine particulate matter (PM_{2.5}) levels have a significant impact on health across the Borough. It is estimated that around 1 in 20 deaths can be attributed to PM_{2.5} concentrations accounting for 34 deaths (over 25s) and 343 associated life-years lost in 2010².
- 2.4 For the purpose of improving air quality and health impacts in North Warwickshire this guidance is concerned with maintaining compliance with Air Quality Objectives and with improving air quality further, particularly with respect to particulate concentrations.

3 National Policy & Practice

3.1 National Planning Policy Framework

3.1.1 National planning policy is set by the National Planning Policy Framework (NPPF)³. The NPPF places a general presumption in favour of sustainable development, stressing the importance of local development plans. One of the objectives in achieving sustainable development states that planning should:

“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy” (para 8(c)), by: (paragraph 170) “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;”.

3.1.2 The NPPF goes on to state (paragraphs 178 to 183) that:

“Ground conditions and pollution

178. Planning policies and decisions should ensure that:

- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

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- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*⁴
- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

3.1.3 The following draft paragraph outlines the relationship between the planning process and the environmental permitting system:

183. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."

3.1.4 The following draft paragraphs recognise the impact of traffic on air quality and health and the benefits of sustainable transport modes:

⁴ See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

“102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;”*

“103. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

“105. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
b) the type, mix and use of development;
c) the availability of and opportunities for public transport;
d) local car ownership levels; and
e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”

3.2 National Planning Practice Guidance

3.2.1 National Planning Practice Guidance (NPPG)⁵ provides advice to planning authorities on implementing the NPPF, including guidance on how air quality can be considered as part of the planning process, stating that, “Local Plans may need to consider:

- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments;**
- the impact of point sources of air pollution (pollution that originates from one place); and,**
- ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable.**

3.2.2 When deciding whether air quality is relevant to a planning application, considerations may include whether the development would:

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more.**

⁵ <https://www.gov.uk/government/collections/planning-practice-guidance>

- Introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; or extraction systems (including chimneys) which require approval under pollution control legislation or biomass boilers or biomass-fuelled CHP plant; centralised boilers or CHP plant burning other fuels within or close to an air quality management area;
- Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality.
- Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations.”

3.2.3 The NPPG states that where a planning proposal, including mitigation, prevents sustained compliance with EU Limit Values or National Objectives for air quality and cannot be made acceptable then refusal of planning permission should be considered.

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4 Local Plan

- 4.1 The Planning and Compulsory Purchase Act 2004, amended by the Localism Act 2011 requires planning authorities to prepare Local Plans.
- 4.2 As part of the Local Plan for North Warwickshire, the Core Strategy⁶ was adopted in October 2014. The Core Strategy includes the following policy on air quality, saved from the Local Plan 2006.

POLICY ENV9 - AIR QUALITY

The air quality of the Borough will be safeguarded and enhanced by:

1. Not permitting new potentially polluting forms of development within and bordering the Borough's Air Quality Management Areas (AQMA) to minimise potential risks to health. The existing AQMA is shown on the Proposals Map.
2. Not permitting development that would include hazardous substances likely to have an unacceptable risk to nearby areas and people.
3. Not permitting development in the vicinity of notifiable hazardous installations or premises if there is an unacceptable risk to occupiers.
4. Not permitting places of residence, employment or other noise-sensitive uses if the occupants would experience significant noise disturbance.
5. Not permitting development that would create significant noise disturbance to nearby housing, schools and other noise-sensitive uses.

- 4.3 The Borough Council no longer has an Air Quality Management Areas (AQMA).
- 4.4 The Local Plan is currently being updated and a Local Plan Submission Version⁷ published in March 2018. Air quality is contained in policy LP31 in criterion 9:

LP31 Development Considerations

Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. Development should:

1. Be targeted at using brownfield land in appropriate locations reflecting the settlement hierarchy; and,
2. be adaptable for future uses and take into account the needs of all users; and,
3. maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community; and,
4. promote healthier lifestyles for the community to be active outside their homes and places of work; and,
5. encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities; and,

⁶ https://www.northwarks.gov.uk/downloads/file/7246/cd62b_core_strategy_2014

⁷ https://www.northwarks.gov.uk/downloads/file/7127/local_plan_submission_version_march_2018

7. before proposals are supported expand or enhance the provision of open space, sport and recreation facilities, using, in particular, the Green Space Strategy and Playing Pitch Strategies; and,
8. not lead to the loss unless a site of equivalent quality and accessibility can be provided, or shown that it is surplus to needs; and,
9. **avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution;** and,
10. protect and enhance the historic and natural environment; and,
11. manage the impacts of climate change through the design and location of development, including sustainable building design and materials, sustainable drainage, water efficiency measures, use of trees and natural vegetation and ensuring no net loss of flood storage capacity; and,
12. protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere; and
13. not sterilise viable known mineral reserves; degrade soil quality or pose risk to human health and ecology from contamination or mining legacy and ensure that land is appropriately remediated, and,
14. seek to maximise opportunities to encourage re-use and recycling of waste materials, both in construction and operation, and,
15. Adequate space for bins should be provided within all new developments to enable the storage of waste and for materials to be re-cycled. Guidance is provided at Appendix J,
16. provide for information and communication technologies; and,
17. seek to reduce crime and in particular the threat of terrorism.

4.5 In addition, the Local Plan has a policy on parking in which there is a section relating to promoting electric charging points within developments:

LP36 Parking

Electric Vehicle Charging points

Electric charging points will be provided as part of all developments. Rapid charging points will be provided on sites when located in the public realm. On housing sites homes with on-site parking will provide an electric charging point in an accessible location close to the parking space(s). On commercial sites there will be employee and visitor rapid charging points.

5 Development Classification, Assessment and Mitigation

- 5.1 The assessment of air quality for relevant planning applications should follow a three-stage process:
1. Determining the classification of the development proposal;
 2. Assessing and quantifying the impact on local air quality;
 3. Determining the level of a mitigation required by the proposal to make the scheme acceptable.

Stage 1 - Development Type Classification

- 5.2 The classification of developments is shown in Tables 1 and 2. The assessment and mitigation of development proposals is shown in Figure 1.

Table 1 – Air quality classification of developments

Scheme Type	Minor	Medium	Major
Threshold	Below threshold criteria for a Transport Assessment ⁸ or Travel Plan	Meets threshold criteria for a Transport Assessment or Travel Plan	Medium type developments which also trigger any of the following criteria: i) Where development is within or adjacent ⁹ to an AQMA or CAZ ii) Where development requires an EIA ¹⁰ and air quality is to be considered iii) Where any of the criteria in table 2 are triggered
Assessment	None (other than for exposure)	None (other than for exposure)	Air Quality Assessment required including an evaluation of changes in emissions ¹¹
Mitigation	Type 1	Types 1 and 2	Types 1, 2 and 3

- 5.3 The Department for Transport (DfT) threshold criteria for Transport Assessments (TA) can be found in **Appendix 1**.

Table 2 – Additional Trigger Criteria for Major Developments

<ul style="list-style-type: none"> • Proposals in areas where sustained compliance with EU Limit Values may be at risk¹² • Any development proposing a net increase of 100 or more parking spaces • Any development that could increase the existing traffic flows on roads of > 10,000 AADT by 5% or more • Any development that causes a change in LDV (cars and small vans) flows of: <ul style="list-style-type: none"> - more than 100 AADT within or adjacent to an AQMA, CAZ or exceedance area - more than 500 AADT elsewhere
--

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/263054/guidance-transport-assessment.pdf

⁹ Where development has potential to impact on concentrations in AQMA or CAZ

¹⁰ <https://www.gov.uk/guidance/environmental-impact-assessment>

¹¹ Assessment includes monetisation of the impacts arising from emission changes in line with Defra IGCB Damage Costs

¹² Where current monitoring data shows NO₂ annual average concentrations of 36 ug/m³ or more

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- Any developments that could increase traffic flows by 5% or more in road canyons (or creates a canyon) with > 5,000 AADT
- Any development that causes a change in HDV flows (lorries, large vans and buses) of:
 - more than 25 AADT within or adjacent to an AQMA, CAZ or exceedance area
 - more than 100 AADT elsewhere
- Proposals that could introduce or significantly alter congestion and includes the introduction of substantial road infrastructure changes
- Proposals that reduce average speeds by more than 10 km per hour
- Proposals that include additional HGV movements by more than 10% of total trips
- The construction, widening or repositioning of a road in the vicinity of sensitive receptors¹³
- Where significant demolition and construction works are proposed¹⁴
- Where a centralised combustion unit of thermal input >300kWh is proposed
- All biomass boiler applications
- All stand-by/short-term power generation units regulated by the Environment Agency

Stage 2 - Air Quality Impact Assessment

(i) MINOR and MEDIUM Classified Proposals

5.4 Smaller development proposals may not in themselves create an additional air quality problem but will add to local air pollution and potentially introduce more people likely to be exposed to existing levels of poor air quality. An assessment of the likelihood of introducing additional exposure will be determined using the following criteria:

- The proposal is adjacent to or within an AQMA;
- The proposal is sited less than 20m from roads at or above the relevant national objective highlighted on the DEFRA GIS modelled maps - <http://uk-air.defra.gov.uk/data/gis-mapping>
- The proposal is one of the Land Use types:
 - C1 to C3;
 - C4 (Homes of Multiple Occupation);
 - D1
 - and within 20m a of road with >10,000 AADT movements

5.5 The outcome of the exposure assessment will determine the level of mitigation required to make the development acceptable. Should there be no acceptable or insufficient mitigation the recommendation may be to consider refusing the proposal on air quality grounds

¹³ See section 5.2

¹⁴ Significance determined by professional judgement based on scale of works and proximity of sensitive receptors

(ii) MAJOR Classified Proposals

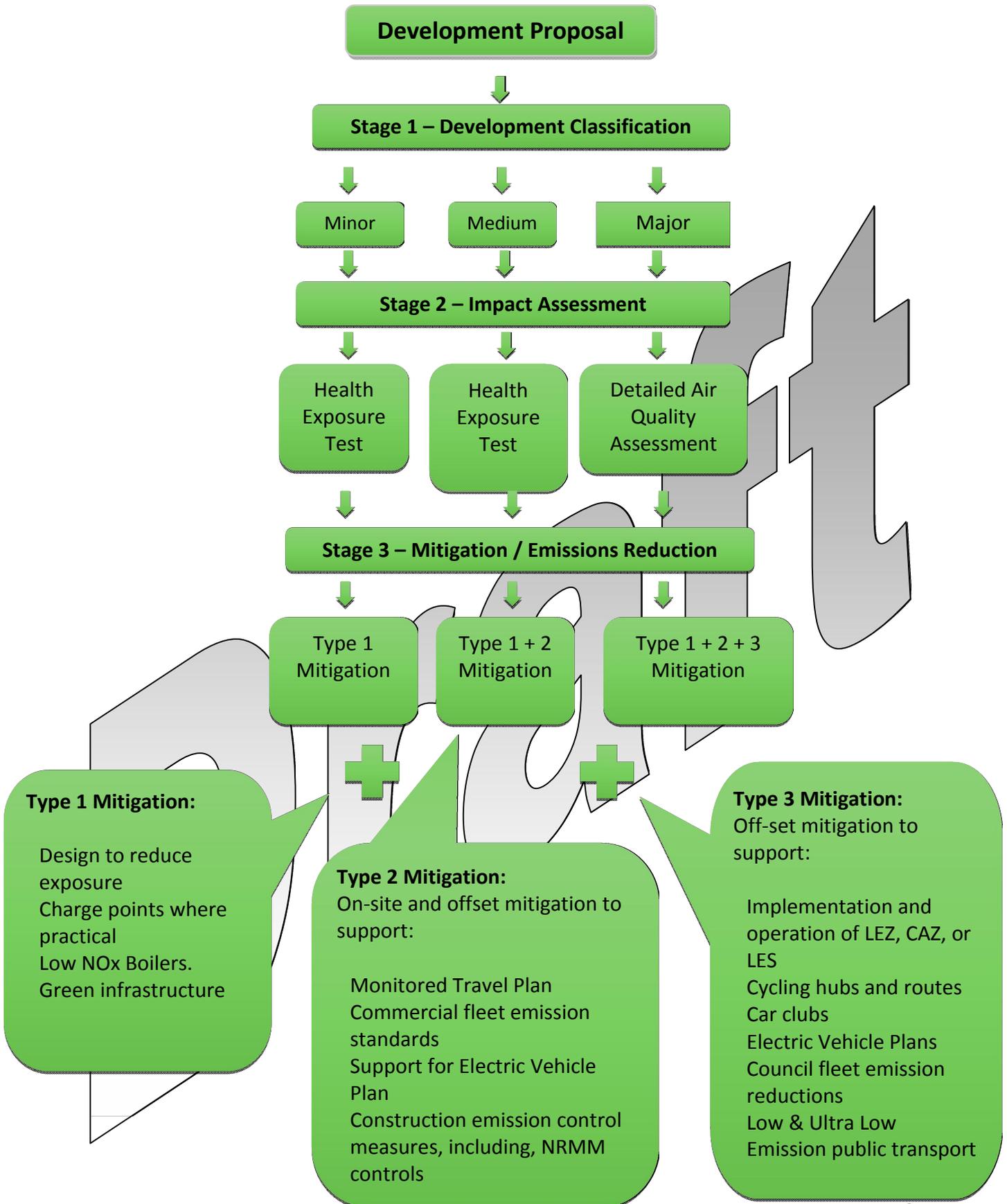
5.6 ***It is important that all major schemes should identify suitable assessment requirements and potential mitigation through pre-application discussions.***

5.7 The scale and nature of this type of proposal is such that a detailed air quality assessment will be required to determine the impact on public health and the local environment. The assessment requires:

- The identification of the level of exposure through the change in pollutant concentrations including cumulative impacts arising from the proposal, during both demolition/construction operations and operational phases. Mitigation measures should be identified and modelled where practicable.
- The calculation of pollutant emissions costs from the development.

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Figure 1 – Classification, assessment & mitigation of new developments



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- 5.8 **A.** The methodology to be used for the determination of pollutant concentration change should meet the requirements of the Department for the Environment, Food and Rural Affairs (DEFRA) Technical Guidance Note LAQM TG. (16)¹⁵. Further details of the air quality assessment requirements can be found in **appendix 2** and through the NWBC Environmental Health Officers.
- 5.9 All Air Quality Assessments received will be assessed by the Council against the requirements of this Technical Guidance Note. If the requirements are not met, the Council may request that the applicant carries out the assessment again, If the assessment does not meet the required standards, the application may be refused.
- 5.10 **B.** The pollutant emissions costs calculation will identify the damage costs associated with the proposal and will assist the Council in assessing the overall impacts on air quality arising from major developments. NWBC **may** use the damage costs in considering the appropriate scale and kind of mitigation that is required to make certain major schemes acceptable in terms of air quality. The overall benefit of the scheme will be taken into account in taking decisions about whether proposals are acceptable. The calculation should utilise the most recent DEFRA Emissions Factor Toolkit¹⁶ to estimate the additional pollutant emissions from a proposed development and the latest DEFRA IGCB Air Quality Damage Costs for the specific pollutant of interest, to calculate the resultant damage cost¹⁷. The calculation process includes:
- Identifying the additional trips generated by the proposal (from the Transport Assessment);
 - The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
 - The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
 - The result is totalled for a five-year period to enable mitigation implementation. Where there is long development build out programmes, the Council may require the developer to consider a longer period than 5 years where construction activity is likely to be intensive.
- 5.11 The calculation is summarised below. Further information can be obtained from the NWBC Environmental Health Officers. **Should there be no net increase in trips arising from a development scheme then the damage costs are zero.** Further information on damage costs can be found in **appendix 3**.

Road Transport Emission Increase =
Σ[Estimated trip increase for 5 years X Emission rate per 10 km per vehicle type X
Damage Costs]

Stage 3 - Mitigation

- 5.12 Where mitigation is not integrated into a proposal, the Council will require this through planning conditions. The NPPF (paragraph 32) states that “Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered)”. If on-

¹⁵ <https://aqm.defra.gov.uk/technical-guidance/>

¹⁶ <https://aqm.defra.gov.uk/review-and-assessment/tools/emissions-factors-toolkit.html>

¹⁷ <https://www.gov.uk/guidance/air-quality-economic-analysis>

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site mitigation is not possible then NWBC will seek compensation for the identified air quality impacts through a section 106 agreement or similar agreement.

- 5.13 Default mitigation measures are presented for each type of proposal that demonstrate a minimum requirement. This is not an exhaustive list but a suggested suite of measures and will be adapted for particular locations and needs identified by the Council. NWBC welcomes the opportunity to work with developers to devise innovative measures that will lead to improving local air quality.
- 5.14 Type 1 mitigation is listed in table 3 and Types 2 and 3 are listed in tables 4 and 5 respectively.
- 5.15 Due to elevated concentrations of particulate matter in the district, Medium and Major developments will be required to implement suitable abatement controls for the use of non-road mobile machinery (NRMM) – see table 6.

Type 1 Mitigation

Table 3 – Type 1 Mitigation

Plug-in Vehicle Re-Charging:

Residential:

1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking) and ensure appropriate cabling is provided to enable increase in future provision

Commercial/Retail:

10% of parking spaces (32 amp) which may be phased with 5% initial provision and the remainder at an agreed trigger level. At least 1 charging unit should be provided for every 10 disabled parking spaces. Where 50 parking spaces or more are provided then 1 rapid charging unit (43kW/50kW) per 50 spaces shall also be considered and parking time limited to a maximum of 1 hour for public access car parks.

Industrial:

10% of parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level. At least 1 charging unit should be provided for every 10 disabled parking spaces. Where 50 parking spaces or more are provided then 1 rapid charging unit (43kW/50kW) per 50 spaces shall also be considered

All charging unit shall be installed where practical. Developers installing public charging points shall ensure that the National Charge Point Registry is updated

(<http://www.national-charge-point-registry.uk/>)

Low NOx heating and boilers (see section 5.5)

Code of Construction Practice

Construction Environmental Management Plan (CEMP) to be incorporated into MEDIUM and MAJOR developments and agreed with Council Officers, usually via the Discharge of Planning Conditions. This shall include NRMM controls (see table 6)

Green Infrastructure

Where it can be shown that such infrastructure will reduce exposure from air pollution

Type 2 Mitigation

5.16 The following tables provide a suite of measures to be considered where appropriate.

Table 4 – Type 2 Mitigation

- Monitored Travel Plan¹⁸
 - Measures to support public transport infrastructure and promote use
 - Measures to support cycling and walking infrastructure
 - Measures to support an Electric Vehicle Plan
 - Designated parking spaces and differentiated parking charges for low emission vehicles
 - Non-road mobile machinery (NRMM) controls (see table 6)
- Commercial development specific:
- Use reasonable endeavors to use/require vehicle use complying with the latest European Emission Standard
 - Provide a fleet emission reduction strategy/Low Emission Strategy, including low emission fuels and technologies, including ultra-low emission service vehicles

Type 3 Mitigation

Table 5 – Type 3 Mitigation

Off-set mitigation to support:

- Implementation and operation of Clean Air Zones (CAZ), Low Emission Zones (LEZ) or Low Emission Strategies (LES)
- Growth in low and ultra-low emission public transport, including buses
- Electric Vehicle Plans
- Car clubs (including electric) and car sharing schemes
- Cycling Hubs and corridors, including bike and e-bike hire
- Plugged-in development and demonstration schemes eg new occupants given demonstration use of plug-in vehicles
- Low emission waste collection services
- Infrastructure for low emission, alternative fuels eg. refuse collection and community transport services

5.17 Further information on the suitability of mitigation for developments can be obtained from the Council Environmental Health Team and through pre-application discussions.

Table 6 – Non-Road Mobile Machinery (NRMM) Controls

NRMM of net power between 37kW and 560kW will be required to meet the standards based upon the engine emissions standards in EU Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. These standards are:

- (a) NRMM used on the site of any MEDIUM classified development in the built-up areas will be required to meet Stage IIIA of the Directive as a minimum.
- (b) NRMM used on any MAJOR classified development in the built-up areas will be required to meet Stage IIIB of the Directive as a minimum.

¹⁸ Where the developer funds the monitoring of a travel plan

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From 1 September 2020 the following changes will apply:

- (a) NRMM used on any construction or demolition site within the built-up areas will be required to meet Stage IIIB of the Directive as a minimum.
- (b) NRMM used on any MEDIUM or MAJOR classified development in the Rbuilt-up areas will be required to meet Stage IV of the Directive as a minimum.

The requirements may be met using the following techniques;

(a) Reorganisation of NRMM fleet (b) Replacing equipment (with new or second-hand equipment which meets the policy) (c) Retrofit abatement technologies (d) Re-engining.

All eligible NRMM should meet the standards above unless it can be demonstrated that the machinery is not available or that a comprehensive retrofit to meet both PM and NO_x emission standards is not feasible.

Assessing the acceptability of a scheme

5.18 NWBC will determine the acceptability of a scheme and its location based on the outcome of the air quality assessment and the provision of on-site and/or off-set mitigation.

5.19 While applicants may present evidence as to the significance of scheme impacts or the impact of air quality on a scheme, NWBC reserves the right to determine the acceptability of an application based on local air quality knowledge and the cumulative impacts of schemes.

5.20 Failure to meet the requirements in this guidance may result in the application being delayed as the Council may request extra information, amendments or conditions to the application. If the issues remain, planning permission will not normally be granted

Specific Issues:

1. Heating & Power

5.21 Minimum emission standards that are outlined below should be applied where relevant.

A Heating plant on developments outside of the built-up, urban areas:

Individual gas fired boiler <40mgNO_x/kWh

Spark ignition engine 250mgNO_x/Nm³

Compression ignition engine 400mgNO_x/Nm³

Gas turbine 50mgNO_x/Nm³

B Heating plant on developments in the built-up, urban areas:

Individual gas fired boiler <40mgNO_x/kWh

Spark ignition engine 95mgNO_x/Nm³

Compression ignition engine 400mgNO_x/Nm³

Gas turbine 20mgNO_x/Nm³

- 5.22 It should be noted that all plant permitted under the Pollution Prevention and Control Act 1999 and the Environmental Permitting Regulations 2016 (as amended), including CHP plant 20 MW_{th} input or above, will need to comply with the emission standards set through the permitting process and the planning system cannot set alternative standards. This means that, based on the permitted emissions of such plant, the Council will need to decide whether such schemes are an acceptable use of the application site depending on their impact on air quality.

2. Biomass boilers

- 5.23 Biomass boiler provision has increased over recent years, supported by the financial benefits of the Government's Renewal Heat Incentive (RHI)¹⁹. However, the emissions from biomass plant can lead to significant emissions of NO_x and PM, even from relatively small plant.

- 5.24 All biomass boiler plant applications will require a full air quality assessment to be submitted and will be resisted in the North Warwickshire urban areas unless mitigation is provided to achieve emissions of NO_x and PM that are capable of achieving the following standards:

Solid biomass boiler (< 1 MW thermal input) NO_x 180mgNm³ / PM 5mgNm³

Solid biomass boiler (>= 1 MW thermal input) NO_x 125 mgNm³ / PM 5mgNm³

- 5.25 These standards can be achieved through the use of fabric or ceramic filters.

3. Standby / back-up power generation

- 5.26 All standby/back-up power generation applications, including schemes regulated by the Environment Agency, will require a full air quality assessment to assess the acceptability of the site for such a scheme.

- 5.27 The Council expects all such assessments to include reasoning as to whether gas powered generation can be utilised in the first instance eg. identify the provision of suitable gas mains in the vicinity.

- 5.28 Any diesel-powered generators will be required to incorporate abatement equipment such as selective catalytic reduction and particulate trap (SCRT) and demonstrate that they don't add to the problem.

¹⁹ http://www.energysavingtrust.org.uk/scotland/grants-loans/renewables/renewable-heat-incentive?gclid=EAlaIqobChMI_ZiY2Z7Q2gIVgbHtCh0dwgxCEAAAYASABEgKGgvD_BwE

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4. Permitting under the Pollution Prevention and Control Act 1999 and the Environmental Permitting Regulations 2016 (as amended)

5.29 Industrial processes which may range from large industrial plant to dry cleaners and paint spraying workshops, are regulated by the Environment Agency (Part A1 processes) and the District Council (Part A2 and Part B processes). The planning regime must assume that the permitting regime will ensure the processes comply with their permits and the Act. The planning regime can, however consider whether a land use is appropriate and it must consider the exposure to pollutants.

5.30 All Part A and B Process developments requiring planning applications and where NO_x and PM emissions are relevant will be required to carry out a detailed air quality assessment

5. Green Infrastructure

5.31 Plants and trees may provide an aesthetically pleasing aspect to a scheme and may also be used to provide a barrier from a pollutant source such as a trafficked road.

5.32 While there is conflicting evidence as to whether green infrastructure can help reduce concentrations of NO₂, it is acknowledged that certain types of shrubs and trees are effective at removing particulates from the atmosphere.

5.33 For example, a living wall or a framework for climbing plants may offer some protection between a pollution source such as a road and a dwelling. Additionally, certain types of trees such as varieties of pine, planted between a road and residential accommodation may help reduce exposure to particulates.

5.34 Careful consideration is needed as to the type of green infrastructure to be used as certain tree species can produce their own emissions which may exacerbate air pollution.

6. Section 106 Agreements and the Community Infrastructure Levy (CIL)

5.35 The Council has not yet adopted the Community Infrastructure Levy (CIL). If and when it is adopted the Council will not seek planning obligations for infrastructure included in the Regulation 123 List.

5.36 Subject to the rules on pooling, NWBC will seek Section 106 Agreements (Town and Country Planning Act 1990) and other relevant obligations with developers to secure mitigation, including off-set, on larger schemes (Medium and Major), where appropriate, to make the scheme acceptable.

5.37 Section 106 Agreements will only be sought where the following legal tests are satisfied:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

5.38 Additionally, Section 106 Agreements must also satisfy the policy tests in the NPPF, paragraph 203.

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Appendix 1: Department for Transport Criteria for Transport Assessments (now archived²⁰)

Land Use	Description	TA Required
Food Retail (A1)	Retail sale of food goods to the public – supermarkets, superstore, convenience food store	>800 m ²
Non-Food Retail (A1)	Retail sale of non-food goods to the public; but includes sandwich bars or other cold food purchased and consumed off site	>1500 m ²
Financial and professional services (A2)	Banks, building societies and bureaux de change, professional services, estate agents, employment agencies, betting shops.	>2500 m ²
Restaurants and Cafes (A3)	Use for the sale of food for consumption on the premises.	>2500 m ²
Drinking Establishments (A4)	Use as a public house, wine-bar for consumption on or off the premises.	>600 m ²
Hot Food Takeaway (A5)	Use for the sale of hot food for consumption on or off the premises.	>500 m ²
Business (B1)	(a) Offices other than in use within Class A2 (financial & professional). (b) Research & development – laboratories, studios. (c) Light industry	>2500 m ²
General industrial (B2)	General industry (other than B1).	>4000 m ²
Storage or Distribution (B8)	Storage or distribution centres – wholesale warehouses, distribution centres & repositories.	>5000 m ²
Hotels (C1)	Hotels, boarding houses & guest houses	>100 bedrooms >50 beds
Residential Institutions (C2)	Hospitals, nursing homes used for residential accommodation and care.	
Residential Institutions (C2)	Boarding schools and training centres	>150 students
Residential institutions (C2)	Institutional hostels, homeless centres.	>400 residents
Dwelling Houses (C3)	Dwellings for individuals, families or not more than six people in a single household	>80 units
Non-Residential Institutions (D1)	Medical & health services, museums, public libraries, art galleries, non-residential education, places of worship and church halls.	>1000 m ²
Assembly and Leisure (D2)	Cinemas, dance & concert halls, sports halls, swimming, skating, gym, bingo, and other facilities not involving motorised vehicles or firearms.	>1500 m ²
Other		
1. Any development generating 30 or more two-way vehicle movements in any hour		
2. Any developments generating 100 or more two-way vehicle movements per day		
3. Any development proposing 100 or more parking spaces		
4. Any development generating significant freight or HGV movements per day, or		

²⁰

<http://webarchive.nationalarchives.gov.uk/20100409053422/http://www.dft.gov.uk/adobepdf/165237/202657/guidanceontaappendixb>

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significant abnormal loads per day

5. Any development proposed in a location where the local transport infrastructure is inadequate

6. Any development proposed in a location within or adjacent to an Air Quality Management Area (AQMA)

Appendix 2: Air Quality Assessment Protocol to Determine the Impact of Vehicle Emissions from Development Proposals

An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission).

An air quality assessment should consider NO_x and PM emissions and NO₂ and PM concentrations

Key Components of an Air Quality Assessment

The assessment will require dispersion modelling utilising agreed monitoring data, traffic data and meteorological data. The modelling should be undertaken using recognised, verified local scale models by technically competent personnel and in accordance with LAQM TG.16. The study will comprise of:

1. The assessment of the existing air quality in the study area for the baseline year with agreed receptor points and validation of any dispersion model;
2. The prediction of future air quality without the development in place (future baseline or do-nothing);
3. The prediction of future emissions and air quality with the development in place (with development or do-something).
4. The prediction of future emissions and air quality with the development (with development or do-something) and with identified mitigation measures in place.

The assessment report should include the following details:

- A. A detailed description of the proposed development, including:
 - Identify any on-site sources of pollutants;
 - Overview of the expected traffic changes;
 - The sensitivity of the area in terms of objective concentrations;
 - Local receptors likely to be exposed;
 - Pollutants to be considered and those scoped out of the process.
- B. The relevant planning and other policy context for the assessment.
- C. Description of the relevant air quality standards and objectives.
- D. The assessment method details including model, input data and assumptions:
 - For traffic assessment;
 - Traffic data used for the assessment;
 - Emission data source;
 - Meteorological data source and representation of area;
 - Baseline pollutant concentration including any monitoring undertaken;
 - Background pollutant concentration;
 - Choice of base year;
 - Basis for NO_x:NO₂ calculations;
 - A modelling sensitivity test for future emissions with and without reductions;

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For point source assessments:

- Type of plant;
- Source of emission data and emission assumptions;
- Stack parameters – height, diameter, emission velocity and exit temperature;
- Meteorological data source and representation of area;
- Baseline pollutant concentrations;
- Background pollutant concentrations;
- Choice of baseline year;
- Basis for deriving NO₂ from NO_x.

E. Model verification for all traffic modelling following DEFRA guidance LAQM.TG (16):

F. Identification of sensitive locations:

G. Description of baseline conditions:

H. Description of demolition/construction phase impacts:

I. Summary of the assessment results:

- Impacts during the demolition/construction phase;
- Impacts during the operation phase;
- The estimated emissions change of local air pollutants;
- Identified breach or worsening of exceedences of objectives (geographical extent)
- Whether Air Quality Action Plan is compromised;
- Apparent conflicts with planning policy and how they will be mitigated.
- Uncertainties, errors and verification

J. Mitigation measures.

Air Quality Monitoring

In some cases it will be appropriate to carry out a short period of air quality monitoring as part of the assessment work. This will help where new exposure is proposed in a location with complex road layout and/or topography, which will be difficult to model or where no data is available to verify the model. Monitoring should be undertaken for a minimum of six months using agreed techniques and locations with any adjustments made following Defra technical guidance LAQM.TG (16).

Assessing Demolition/Construction Impacts

The demolition and construction phases of development proposals can lead to both nuisance dust and elevated fine particulate (PM₁₀ and PM_{2.5}) concentrations. Modelling is not appropriate for this type of assessment, as emission rates vary depending on a combination of the construction activity and meteorological conditions, which cannot be reliably predicted. The assessment should focus on the distance and duration over which there is a risk that impacts may occur. The Institute of Air Quality Management (IAQM)²¹ has produced a number of documents to which this guidance refers. The document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance' should be the reference for reporting the construction assessment.

Cumulative Impacts

The NPPF (paragraph 124) recognises that a number of individual development proposals within close proximity of each other require planning policies and decisions to consider the cumulative impact of them. Difficulties arise when developments are permitted sequentially,

²¹ IAQM www.iaqm.co.uk

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with each individually having only a relatively low polluting potential, but which cumulatively result in a significant worsening of air quality. This will occur where:

- A single large site is divided up into a series of units, such as an industrial estate or retail park;
- A major development is broken down into a series of smaller planning applications for administrative ease; and
- There are cumulative air quality impacts from a series of unrelated developments in the same area.

The first two cases the cumulative impact will be addressed by the likelihood that a single developer will bring forward an outline application for the whole site which should include an air quality assessment as part of an Environmental Assessment. For major developments that are broken down into a series of smaller planning applications, the use of a 'Master or Parameter Plan' that includes an air quality assessment will address the cumulative impact.

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Appendix 3: Damage Costs: calculations and example

Damage costs are the costs to society (mainly health) per tonne of pollutant emitted. They provide an easy reckoning of the monetised value of changes in pollution. The Government publishes damage costs for NOx and PM and also provides an Emission Factor Toolkit to allow the calculation of the emissions from schemes over the coming years.

Applicants calculating damage costs should incorporate the following:

- The most recent version of the Emission Factor Toolkit
- Both NOx and PM to be considered
- Appropriate HGV % traffic split to be used
- Traffic speed of 30km / hour to be used
- The appropriate damage cost category as advised by the Council Air Quality Team

The following example outlines the damage cost calculation process for an urban mixed-use development outside London, to be operational in 2019, including residential development in 2 blocks and a hotel. The trip generation for the residential scheme is low due to less than 50% parking level per dwelling, including 25% provision of electric vehicle charging points (and a further 25% potential) and cycle stores. The hotel scheme includes 100+ space parking provision. Service deliveries to both the residential and hotel scheme are also considered.

The scheme is categorised as 'outer conurbation (not London)' for damage costs.

Step 1 – Using the trip increase for each aspect of the scheme calculate the annual emissions of NOx and PM (in tonnes) for each of the 5 years from opening

	Projected yearly emissions (Defra Emission Factor Toolkit v8)				
	2019	2020	2021	2022	2023
Residential NOx	129.73952	120.58516	110.44020	100.85574	92.75155
Residential PM	11.50558	11.31002	11.17497	11.06880	10.98908
Hotel NOx	506.79502	471.03580	431.40703	393.96773	362.31073
Hotel PM	44.94366	44.17977	43.65224	43.23749	42.92610
Deliveries NOx	477.56736	409.78076	347.56394	296.07882	256.18598
Deliveries PM	32.62307	31.71858	30.96677	30.38716	29.94013
Total NOx (kg)	1,114.1019	1,001.4017	889.41117	790.90229	711.24826
Total PM (kg)	98.07231	87.20837	85.79398	84.69345	83.85531
Total NOx (t)	1.1141019	1.0014017	0.8894111	0.7909022	0.7112482
Total PM (t)	0.0980723	0.0872083	0.0857939	0.0846934	0.0838553

Step 2 – Using the selected damage cost category, uplift the 2015 prices provided by the IGCB by 2% per annum to reflect the correct cost in each of the first 5 years from opening

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	Price per tonne of pollutant in projected years (Defra IGCB)					
	2015 price/tonne	2019	2020	2021	2022	2023
NOx	£31,776	£34,395	£35,083	£35,784	£36,500	£37,230
PM	£87,770	£95,003	£96,903	£98,841	£100,817	£102,833

Step 3 – Multiply the tonnage of emissions for each pollutant by the damage cost price for each year. Provide a cumulative total for 5 years

	Damage Costs				
	2019 (year 1)	2020	2021	2022	2023 (year 5)
NOx	£38,319	£35,132	£31,826	£28,867	£26,479
PM	£9,317	£8,450	£8,479	£8,538	£8,623
Totals (cumulative)	£47,636	£91,218	£131,523	£168,928	£204,030

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Agenda Item No 9

Planning and Development Board

10 December 2018

Report of the Corporate Director - Environment

Warwickshire Minerals Plan – Second Consultation Publication Version

1 Summary

- 1.1 This report informs Members of the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan. This stage is known as the Regulation 19 consultation and is the final public consultation before the Minerals Plan is submitted to the Planning Inspectorate for examination. At this stage the plan is referred to as the Second Minerals Plan Publication. Comments raised at Board will be forwarded for inclusion along with the Council's initial response made to the first Minerals Plan Publication in 2016.

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 Warwickshire Minerals Publication Plan Regulation 19 Consultation ending on Wednesday 12 December 2018 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 Second Regulation 19 Publication version Of the Minerals Local Plan (MLP) consultation commenced on Wednesday 31st October 2018 and will run to 5:00pm on Wednesday 10 December 2018. This document sets out the preferred strategy, sites and policies for the extraction of minerals in support of sustainable economic development until 2032.

3 Warwickshire Minerals Plan

- 3.1 Members will be aware that the Borough Council responded to the consultation on the Minerals Preferred Option and Policies Plan between October 2015 and January 2016, following the Local Development Framework

Sub-Committee on 3 December 2015, and the Publication version (Pre-Submission Draft) of the plan, following the Planning and Development Board on 16 January 2017. This consultation is a second Regulation 19 Publication version, which the County considered necessary as the plan requirements have significantly changed due to a fall in the most recent 10 year sales average from the Local Aggregates Assessment (LAA) 2017. The total plan requirement of sand and gravel in the plan period has fallen from 8.48 million tonnes to 6.525 million tonnes, which would have been an over provision of 1.955 million tonnes. Consequently, a further consultation on the plan based on the lower plan requirement for sand and gravel is therefore required.

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:

- [01. Warwickshire Minerals Plan 2018 final.pdf](#) - (Second Minerals Plan Publication Version)
- [02. Warwickshire Local Aggregates Assessment 2017.pdf](#)
- [03. Summary of Consultation Report October 2018.pdf](#)
- [04. Final issue WCC Minerals Plan SA Report v2.0 161018.pdf](#)
- [05. Final issue WCC Minerals Plan SA Report Appendices I 1 161018 \(1\).pdf](#)
- [06. Final issue WCC Minerals Plan SA Report Appendices II 2 161018.pdf](#)
- [07. Final issue WCC Minerals Plan SA Report Appendices III 3 161018.pdf](#)
- [08. Habitat Regulations Assessment 101018.pdf](#)
- [09. SIAM 2018.pdf](#)
- [10. Statement of Community Involvement \(SCI\) 2016.pdf](#)
- [11. Minerals and Waste Local Development Scheme 24.07.18.pdf](#)
- [12. Representation Form Word.docx \(1\)](#)
- [13. Health Impact Assessment Report \(HIA\) v6.0 161018 \(1\).pdf](#)
- [14. Equalities Impact Assessment \(EqIA\) September 2018.pdf](#)
- [15. Sand and Gravel Topic Paper September 2018.pdf](#)
- [16. Duty to Cooperate Statement October 2018.pdf](#)
- [17 Formal Notice .pdf](#)

These documents are available to view online at – http://warwickshire-consult.limehouse.co.uk/portal/planning/minerals/wcc_pub_mlp2018

Note: SIAM is the Site Identification and Assessment Methodology for allocating sand and gravel sites 2018.

3.4 The Borough Council's previous response to the first Regulation 19 Publication version consultation (sent 1st February 2017 following the Planning and Development Board on 16 January 2017) did not raise any issues or concerns of 'soundness' or legal compliance over the Plan. This is attached as Appendix A to this report. Some of the concerns raised in the Borough's

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response to the first stage Regulation 19 consultation have been addressed in this second stage Regulation 19 Plan. It should be noted that since those comments were provided the National Planning Policy Framework has been revised and a new NPPF and planning guidance published in July 2018. This Board Report will comment on the second stage Regulation 19 Publication version in the light of any changes to the NPPF and Guidance this year and any changes made to the Minerals Plan, policies and supporting text. Where appropriate, comments made at the previous stage will be maintained/re-iterated for this second stage consultation to ensure the matters or issues raised are noted by the Inspector into the Minerals Plan.

Local Aggregates Assessment

- 3.5 The National Planning Policy Framework (NPPF) requires the preparation and maintenance of an evidence base, 'the Local Aggregates Assessment' (LAA) to inform the annual production requirements based on a methodology of a rolling average of the previous 10 years' sales and other relevant local information such as levels of planned construction including housebuilding. The County's assessment informs the requirement and demand for sites in the Minerals Local Plan.
- 3.6 The LAA undertaken for the first Regulation 19 stage indicated a lower assessed demand for minerals and aggregates. Therefore at the first Publication Consultation stage 8 allocations were required to deliver 8.022 million tonnes. The current plan requirements changed as a result of a further decline in sales and also the grant of planning permission for new reserves and one of the landowners withdrew a potential allocation, which reduced pressure on the need for sites. The current Publication Consultation stage plan requires only 6.525 million tonnes which can be delivered through 6 allocations.
- 3.7 At first glance it would appear that there is more than sufficient aggregates to supply the identified assessed need. However, the LAA assessment was also based on the housing requirements in the Warwickshire Local Authorities Development Plans and joint SHMA (excluding Solihull Unitary authority) at that time. It was noted that this requirement was likely to increase, particularly in view of the potential shortfall of housing arising from the Greater Birmingham and Black Country area and may necessitate an early review of the Minerals Local Plan.

Sand and gravel

- 3.8 In terms of minerals resources most relevant to and likely to affect North Warwickshire is currently for crushed rock and sand and gravel. The main issue (Issue 1 on page 32 of the MLP) highlighted in the plan is to address the shortfall in sand and gravel. Without adequate sand and gravel reserves there will not be enough aggregate to serve the construction industry in the

County and the sub-region. An adequate landbank needs to be maintained throughout the plan period. The largest producing area in the county in the 1980's centred on the terraces of the River Tame in north-west Warwickshire with nearby glacial deposits around Coleshill. These deposits have almost been worked out in recent years apart from an area around Lea Marston.

- 3.9 In North Warwickshire the main sand and gravel site and resource identified in the MLP is Site Policy 9 at Hams Lane, Lea Marston, see Fig 1.16 in the Plan. This is a large site lying to the west of Lea Marston near to Junction 9 of M42 (Dunton Island) covering an area of 48ha. It has the potential to release 1.06 million tonnes of sand and gravel during the plan period to serve the markets of North Warwickshire and Birmingham and Solihull. Further comments and issues relating to this site allocation are dealt with in the 'Observations' section of this Report.
- 3.10 The NPPF states that MPAs (Mineral Planning Authorities) should make provision for a sand and gravel landbank of at least 7 years of permitted reserves. Warwickshire's landbank currently stands at 13 years based on calculations within the most recent LAA (2017). A number of sites have closed since 2008 and until recently only one new site at Wolston Fields has been put forward by the industry and that started operating in late 2014. However, planning approval has now been given to extend the existing Brinklow Quarry to provide an extra 3.4 million tonnes and work restarted at High Cross Quarry in 2017. It is considered important within the MLP to maintain this good supply of reserves due to the fluctuation in demand.

Other Minerals

- 3.11 There is no provision required to meet needs for other minerals during the plan period ((brick clays, crushed rock, cement materials and building stone - See note in Issue 1 on page 32). For those minerals where landbanks are required to be maintained such as for brick clays and cement the resource will be safeguarded and planning applications will be treated on their merits in accordance with the policies in the MLP.
- 3.12 In terms of crushed rock the outcrops, around Nuneaton up to Mancetter in North Warwickshire (Mancetter and Hartshill quarries), are a vital source of high specification roadstone and aggregates which supply the main road networks of the West Midlands and neighbouring regions. The NPPF requires that MPAs should maintain a crushed rock landbank of at least 10 years and Warwickshire has a healthy landbank of over 29 years (as at December 2013).
- 3.13 However, much of the County's landbank is provided by permitted sites which are dormant. The mineral resource area for crushed rock in the county is very limited and subject to a number of constraints but is safeguarded as a mineral safeguarding area (MSA). This is mainly located within North Warwickshire.

The MLP contains policies against which proposals for future working of the mineral resource area will be considered. There are no plans to allocate further sites for crushed rock which reflects the limited outcrop of the specific mineral resource.

Coal

- 3.14 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 also 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. Nevertheless, the MLP makes clear there has been limited interest shown in this process in Warwickshire with no proposals 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.

4 Earlier NWBC Consultation Response

- 4.1 Previous comments have noted in the 16 January 2017 Planning and Development Report and the 3 December 2015 LDF Sub-Committee Report, that support be given to the use of stand-off distances for the sites (between extraction activity and location of existing properties) within North Warwickshire to help minimise any impacts from minerals sites, developments and dust generating activities on existing properties. The Council also supported the need for Coal proposals to demonstrate national, local or community benefits that clearly outweigh the adverse impacts arising from any proposal submitted to the County Council. However, these concerns are now re-inforced and supported by the reduced economic benefit for extraction and increased environmental impact concerns highlighted in the new NPPF 2018. As noted in the new NPPF, unless coal extraction proposals (including for prior extraction) provide clear national, local or community benefits which outweigh the likely impacts, including any residual environmental impacts, the Plan should indicate they will be given limited weight and a presumption against approval.
- 4.2 For minerals other than coal the Council urges the County to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development, particularly residential and associated development. The use and application of significant stand-off distances was encouraged where site development or significant plan allocations close to existing settlements and development may trigger the need to consider prior extraction. This response is maintained for this second Minerals Plan Publication consultation.

5 Observations

- 5.1 As noted above, when commenting on the MLP, the emphasis 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 Cooperate will additionally be areas where comments should also be focused.
- 5.2 Concerns have previously been raised in the Board Report of 16th January 2017 regarding the potential impacts of extraction of this resource from the site at Lea Marston. These include the traffic and highways safety impact on all communities within the west of North Warwickshire Borough because the sole proposed road access and egress route for this site is onto Faraday Avenue, and hence the A446, Junction 9 (Dunton Hall) of the M42, the A4091 Tamworth road, and the A4097 Kingsbury Rd.
- 5.3 The combination of current peak hour's traffic with HS2 construction traffic from 2017 to 2033 to and from the HS2 Railhead Site on the A4097 may result in congestion on these road routes becoming significantly worse. The addition of minerals extraction traffic will further compound the traffic problem for local resident and business communities arising from HS2.
- 5.4 In view of the situation that Lea Marston will be the site of more permanent and temporary HS2 infrastructure than any other parish in the County, particularly the railhead and associated infrastructure with site clearance and preparation planned during the latter part of 2019, which will include sand and gravel extraction, the associated traffic flows are likely to be significant and unlike anything experienced in this Borough before. Support is sought for consideration of the potential impact on the local road infrastructure, and loss of local amenity to Lea Marston village through the inclusion of Site 9 in the Plan. The Borough response to this stage of the Minerals Local Plan maintains this concern.
- 5.5 The relevant Policy on the Lea Marston site in the Publication version of the Plan, Site Policy S9, does include a criteria requiring development to take into account any mitigation approved to minimize the impact of HS2 on Lea Marston village. Nevertheless, with the approval of the Hybrid Bill and advancement of both Phase 1 and 2 of HS2 these concerns are gaining increasing concern and prominence. The Plan also, however, notes that "*It would appear sensible to try and work the site in conjunction with the construction of HS2 and the Kingsbury Rail Head to the north*" (para 7.111).
- 5.6 Although this could provide opportunities to improve restorations options, contribute to the Tame Valley Wetlands Partnership Scheme and the Trent and Tame Valleys Futurescape project as well as potentially linking with the Recycled aggregates site at Dunton by overland conveyor, thereby negating

the need to erect a stand-alone processing part and provide a new access onto Hams Lane, there are still legitimate concerns over the likely impact of extraction from this site when allied to the expected traffic, access and highway infrastructure arising from HS2 and its associated infrastructure projects. The County need to give assurances that these traffic generation impacts will be addressed under the Duty to Cooperate. (Note: The recycling of aggregates is important in the County and there are 9 operational sites one of which, Dunton Quarry at Curdworth, is a major facility providing materials to the local and regional construction industry).

- 5.7 The Borough note that the second Minerals Plan Publication states in 3.21 that the HS2 proposals will be closely monitored through future monitoring and taken into account at all stages as the Minerals Plan develops, but concerns are still considered relevant and re-assurance is sought on this issue. The Borough therefore supports and re-iterates the need for maintaining strict environmental criteria, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, (as noted in key policy messages in para 2.2) or other issues.
- 5.8 The opportunities that may arise between HS2 and the working of the site are noted and appreciated, but these should be set against and assessed alongside the potential impacts on the community of Lea Marston and the increase in traffic generation and impact on highway network and infrastructure in the surrounding area of the Borough. These concerns were noted in the original response letter to the first minerals Plan Reg 19 consultation and it is recommended that these concerns are maintained and re-iterated at this second stage Reg 19 consultation.
- 5.9 Members will be aware that the new NPPF 2018 was published between the earlier first stage publication in December 2016 and this second stage Publication, with which this new Regulation 19 Plan will need to conform. It is noted that the NPPF 2018 strengthens the emphasis against coal extraction. The previous NPPF stated that MPA's should "*indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable*" (Para 147 and 149 of NPPF 2012) and "*Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission*" (Para 147 and 149 of NPPF 2012). The new NPPF 2018 appears to increase the presumption against coal extraction noting in para 205 that *great weight should be given to the benefits of mineral extraction, including to the economy*..."**Except** *in relation to the extraction of coal*". The presumption against extraction is maintained and re-inforced in paragraph 211 (noting the last condition) stating;

“211. Planning permission should not be granted for the extraction of coal unless:

a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or

b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).”

- 5.10 The reduced weight the new NPPF gives to the benefits to the economy that coal extraction may provide re-inforce both the limited viability of coal extraction in a shrinking market for the mineral and the environmental impacts and concerns that coal extraction generates. However, it is considered that the second Regulation 19 Minerals Plan does not sufficiently reflect this reduced economic weight/benefit and strengthened presumption against coal extraction (expressed in the NPPF 2018). Amendments or clarifications to the Plan in Issue 13, paragraph 8.1 and Policies MCS5 (Safeguarding) and MCS8 (Coal), paragraphs 8.45 and 8.46 should be sought that better reflect the reduced weight (in terms of the minerals economic benefit) and increased presumption against permitting extraction (compared to other minerals) highlighted in paragraph 211 of the NPPF. This is considered to be an issue that impacts on the ‘soundness’ of the Plan but that can easily be addressed through text amendments or clarifications that better reflect the NPPF, making particular reference to the need for the benefits of any extraction to clearly outweigh likely impacts, taking all relevant matters into account, including any residual environmental impacts.
- 5.11 Members attention is also brought to Issue 3 of the Plan, which deals with reference to minerals safeguarding and Prior Extraction (see Plan Policies MCS5 and DM10) that raises similar concerns to those noted above.
- 5.12 Although it is noted that the Plan indicates there is no provision required to meet needs for other minerals during the plan period, the issue of Mineral Safeguarding and Prior Extraction particularly highlighted in Policy DM10 states that “*Non-mineral development, except for those types of development set out in Appendix 3, **will not be permitted** if it would needlessly sterilise important mineral resources or would prejudice or jeopardise the use of existing mineral sites or existing and future mineral infrastructure*”. This is significantly stronger, using “will” rather than “should not proceed” as originally worded in the first Minerals Plan Publication policies consultation.
- 5.13 This applies unless there is evidence prior to the determination of the planning application that demonstrates the mineral concerned is no longer of any value, or potential value, or that the mineral can be extracted prior to the development taking place or that there is an over-riding need for the non-mineral development. Policy MCS5 on “Safeguarding of Minerals and Minerals Infrastructure” is less onerous/restrictive using the text “*Non-mineral development....shall not normally be permitted*”, which is considered more

reasonable and appropriate. There are concerns that this level of restraint and control requiring prior extraction using the term 'will', may deter/discourage non-mineral development, such as housing and employment, that is in greater need within a sustainable location, despite clear indications in the Minerals Plan both of significant landbanks for some minerals and the new NPPF presumption and restrictions on extraction of coal. It is considered applying this level of constraint to development in the Minerals Safeguarding Areas, which are significant across North Warwickshire, is unsound and onerous. It is noted the new NPPF only seeks to "*encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place*" not 'require' prior extraction. Paragraph 8.22 of the Minerals Plan itself notes that planning policies should safeguard mineral resources by defining MSA's "whilst not creating a presumption that the resources defined will be worked". The use of the term 'will' in the policy appears to conflict with this approach.

- 5.14 In view of current housing and employment allocations proposed within the Submission Local Plan the implications on Minerals Safeguarding areas needs to be clearer.
- 5.15 Finally, it is useful to re-inforce to Members that the areas identified in the Minerals Safeguarding Areas only reflect the known locations of specific mineral resources of local and national importance and does not create a presumption that resources defined will be worked (See the key policy messages in Para 2.2). It should be noted that much of the Borough is covered by one or more of the Minerals Safeguarding Areas, including all of our main urban areas. Nevertheless, it would be useful to indicate whether the boundaries of MSA's will remain static for the foreseeable future or whether, as a result of development progressing or extraction of the minerals, the boundaries of the areas may be reassessed and revised.

6 Recommendations

- 6.1 It is recommended that the Borough raise objections to the soundness of the second Regulation 19 Minerals Plan in respect of the changes made to Plan Policy DM10 between the first and second Regulation 19 Minerals Plan consultation and the potential conflict/conformity issue with Policy MCS 8 (Coal) and the new NPPF 2018 strengthened presumption against coal extraction. Nevertheless, noting that with appropriate Policy and/or supporting text amendments and clarifications these concerns should be able to be addressed.
- 6.2 The Borough would also seek that the concerns raised in relation to the cumulative highway/traffic impacts of Site Policy S9, Lea Marston and the HS2 route works are clearly addressed and noted. Reassurance is sought that appropriate and comprehensive mitigation measures are planned to address the impact of the mineral extraction proposal S9 when viewed in conjunction

with the HS2 National Infrastructure project on the settlement of Lea Marston and the highway network around Hams Hall and Lea Marston, and will be considered fully by the County from both their Minerals Planning and highway authority responsibilities.

7 Report Implications

7.1 Environment and Sustainability Implications

7.1.1 The Warwickshire Second Minerals Plan Publication has a sustainability appraisal that considers the overall social, economic and environmental implications of the plan.

7.2 Financial Implications

7.2.1 There are no financial implications arising from this consultation.

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



North Warwickshire
Borough Council

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Our ref :

Date : 1 February 2017

Dear Sir / Madam

**North Warwickshire Borough Council Response to the Warwickshire Minerals Plan
(2017 – 2032) Pre-Submission Draft Consultation**

Please see attached the Borough Council's response to the consultation on the Warwickshire Minerals Plan Pre-Submission Draft Consultation (2017 – 2032), Publication Version.

The Minerals Document was considered and noted at the Borough Council's Planning and Development Board on Monday, 16th January 2017. A copy of the Board Report and Minutes is attached for information in Appendix 1 and the full Report and agenda is available to view on-line at;

https://www.northwarks.gov.uk/download/meetings/id/1737/planning_and_development_board_16_january_2017

It is noted by the Borough Council that the Plan is at Pre-Submission Draft Consultation stage and the responses to the consultation should focus on whether the Plan is "sound" and "legally compliant". The Borough Council is not raising any issues or concerns of 'soundness' over the Plan. Nevertheless, there are a number of issues of concern that Members have raised over the Plan proposals and potential implications of cumulative impacts that are, to an extent, outside the scope of the Minerals Plan Publication Version.

In summary, as noted in the Report and Minutes, the following points and concerns have been raised by Members.

- Members indicated support be given to the use of stand-off distances for the sites (between extraction activity and location of existing properties) for proposals within North Warwickshire to help minimise any impacts from minerals sites, developments and dust generating activities on existing properties.
- The Council also supported the need for Coal proposals to demonstrate national, local or community benefits that clearly outweigh the adverse impacts arising from any proposal

- The Council urged the County to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development,
- Concerns have been raised regarding the potential impacts of extraction of this resource from the site at Lea Marston when combined with the impact of HS2 programmed construction works. These include the traffic and highways safety impact on all communities and roads within the west of North Warwickshire Borough. The cumulative combination of current peak hour's traffic with HS2 construction traffic from 2017 to 2033 to and from the HS2 Railhead Site on the A4097 may result in congestion on these road routes becoming significantly worse. The addition of minerals extraction traffic will further compound the traffic problem for local resident and business communities arising from HS2. Lea Marston will be the site of more permanent and temporary HS2 infrastructure than any other parish in the County and construction of this infrastructure will run for sixteen years from 2017, the associated traffic flows are likely to be significant and unlike anything experienced in this Borough before. Support is sought for more detailed consideration of the potential impact on the local road infrastructure, and loss of local amenity to Lea Marston village through the inclusion of Site 9 in the Plan.
- The relevant Policy on the Lea Marston site in the Publication version of the Plan, Policy S9, does include a criteria requiring development to take into account any mitigation approved to minimize the impact of HS2 on Lea Marston village. Nevertheless, with the approval of the Hybrid Bill and advancement of both Phase 1 and 2 of HS2 these concerns are gaining increasing concern and prominence. The Plan also, however, notes that "It would appear sensible to try and work the site in conjunction with the construction of HS2 and the Kingsbury Rail Head to the north" (para 7.34). This element of concern could link into the "positivity" of the Plan in seeking to ensure the opportunity of accessing significant sand and gravel resources through that generated by the ground works and landscaping for the HS2 rail head and maintenance/storage yards, intended to serve both phases of the HS2 project (See County Council's HS2 impact and mitigation concerns on Lea Marston and Kingsbury Park areas, noted in Report "Living with the line").
- It is noted that discounted sites 10, 11 and 12 are all within the HS2 Railhead and Hams Lane Access sidings and rail loop infrastructure. These three sites together with a significant amount of additional land in the immediate locality, which is not illustrated in the consultation but is in the public domain, will be subject of major engineering works under HS2. These sites contain the same 3 meter depth of unexcavated sand and gravel deposits that lie within Site 9. Most or all of these deposits will be excavated during the HS2 Route and Railhead construction works with the consequence that potentially Site 9 and surrounding area will provide far in excess of the 1.2 million tonnes required in the Plan. This impact may negate the need to excavate the deposits within Site 9 with the benefit of a requisite reduction in heavy commercial traffic. The Plan could alternatively seek deferral or safeguarding of the Site Proposal S9 to a time outside of the HS2 works (or current Plan period?) to avoid a significant cumulative impact of heavy commercial traffic on Lea Marston and surrounding rural area, generated by the concurrent works. I have attached a draft completed Consultation Response Form highlighting this specific issue for your information, attached as a separate pdf document in Appendix 3.
- Members seek clarification over the extent of Minerals Safeguarded Areas and whether any revision to Area boundaries are considered once the mineral resource has been extracted and is either wholly exhausted or significantly "unviable" where future extraction is physically and financially prohibitive?
- Finally some minor text corrections regarding references to figures within the Plan need addressing, these are detailed in the Main Board Report attached as Appendix 1.

The Borough Council do not raise any specific objections to any of the Policies in the Minerals Preferred Option and Policies Core Strategy Document consultation. Nevertheless, they do seek some clarification and reassurance of the points of concerns noted above in relation to Site Policy S9, particularly on cumulative impact of traffic arising from the Site proposal and HS2 programmed works. The Members also seek clarification both on the potential implications for additional supply that the works for the HS2 Railhead may generate for sand and gravel resources and the implications that current allocations proposed within the Draft New Local Plan may have on Coal reserves and the likely requirement (or not) of triggering the need for 'prior extraction', given the current NPPF guidance on a general presumption against the extraction of coal.

I have also attached the Borough Council's earlier consultation comments, noted in the 3rd December 2015 Borough LDF Sub-Committee Consultation response Report and letter dated 4th December 2015, for your information. These are attached in Appendix 2 to this letter.

It would be appreciated if you could note the comments and responses made by the Borough Council to the Warwickshire Minerals Plan Pre-Submission Draft Consultation (2017 – 2032), Publication Version in the Planning and Development Board Report of the 16th January 2017 and, where appropriate, provide responses for Members that can be reported back to the relevant Planning Board or LDF Sub-Committee. If you require any further assistance or clarification of the points raised please do not hesitate to contact either the Forward Planning team on 01827 719499/451.

Yours sincerely

Mike Dittman

Mike Dittman
Forward Planning Policy Officer

**MINUTES OF THE
PLANNING AND DEVELOPMENT BOARD****16 January 2017**

Present: Councillor Simpson in the Chair.

Councillors Bell, L Dirveiks, N Dirveiks, Henney, Humphreys, Jarvis, Jenns, Jones, Morson, Reilly, Smitten, Sweet and A Wright

Apologies for absence were received from Councillors Moss and Phillips. Councillor N Dirveiks substituted for Councillor Phillips.

66 Disclosable Pecuniary and Non-Pecuniary Interests

Councillor Morson declared non-pecuniary interests Minute No 67 Planning Applications (Application No 2016/0015 - Coleshill Sewage Works, Lichfield Road, Coleshill) and Minute No 68 Warwickshire Minerals Plan - Consultation Publication Version (Pre-Submission Draft) and took no part in the discussion.

67 Planning Applications

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a That in respect of Application No 2016/0015 (Coleshill Sewage Works, Lichfield Road, Coleshill) the Council does not raise an objection but requires a planning condition requiring the replacement buildings only to be constructed following Royal Assent for HS2;**
- b That Applications No 2015/0167 and 2015/0168 (Britannia Works, Coleshill Road, Atherstone, CV9 2AA) be approved subject to the conditions set out in the report of the Head of Development Control;**
[Speaker Chris Clark]
- c That Application No 2016/0060 (Great Chapel Field, Wall Hill Road, Chapel Green, Fillongley) be deferred for a site visit.**
[Speaker Howard Darling]
- d That Application No 2016/0497 (49, High Street, Polesworth, B78 1DX) be approved subject to the conditions set out in the report of the Head of Development Control, with condition 17 amended to specify the hours of restriction.**

68 **Warwickshire Minerals Plan - Consultation Publication Version (Pre-Submission Draft)**

The Assistant Chief Executive and Solicitor to the Council invited Members to consider the consultation on the next stage of Warwickshire County Council's Minerals Plan.

Resolved:

- a **That the consultation on the Minerals Plan Publication Consultation which runs from Friday 9th December 2016 to Friday 3rd February 2017 be noted;**
- b **That the Assistant Chief Executive and Solicitor to the Council be authorised to finalise the consultation response, in consultation with the Chairman, Vice Chairman and Opposition Spokesman; and**
- c **That the consultation response includes the specific comments with regard to site 9 at Lea Marston, that the County Council consider whether the minerals to be extracted as a result of the construction of the Railshead can be included in the supply figures, and that the County Council considers at the time of an application whether development commences in respect of site 9 at the same time as the construction of HS2 or afterwards.**

69 **Solihull Draft Local Plan – Regulation 18 Consultation**

The Assistant Chief Executive and Solicitor to the Council reported on the consultation on the Solihull Draft Local Plan.

Resolved:

- a **That the consultation of the Solihull Draft Local Plan which runs from 5 December 2016 to 30 January 2017 be noted; and**
- b **That the following matters be included in the response; the need to increase the density of housing from the proposed 36 houses per hectare, concerns regarding development on the boundary with North Warwickshire and to specifically request that an assessment of the impacts outside of Solihull be undertaken.**

70 **Tree Preservation Order - Rear of 62 Vicarage Road, Water Orton**

The Board was invited to confirm or otherwise a Tree Preservation Order made in respect of woodland at Vicarage Lane, Water Orton.

Resolved:

That the item be deferred for a site visit.

[Speaker Fiona Sutton]

71 Tree Preservation Order – 53 High Street, Polesworth

The Board was invited to confirm or otherwise a Tree Preservation Order made in respect of a mature Sycamore, a middle aged Sycamore, two Common Ash and an English Oak tree at 53 High Street, Polesworth.

Resolved:

That the Tree Preservation Order made in respect of a mature Sycamore, a middle aged Sycamore, two Common Ash and an English Oak tree be confirmed without modification.

M Simpson
Chairman

(Appendix 1 Contd...)**Agenda Item No 5****Planning and Development Board****16 January 2017****Report of the Assistant Chief Executive
and Solicitor to the Council****Warwickshire Minerals Plan -
Consultation Publication Version
(Pre-Submission Draft)****1 Summary**

- 1.1 This report informs Members of the consultation on Warwickshire County Council's Minerals Plan consultation, the Publication version of the plan. Further comments raised at Board will be forwarded for inclusion along with the Council's initial response.

Recommendation to the Board

- a That Members take note of the consultation of the Minerals Plan Publication Consultation which runs from Friday 9th December 2016 to Friday 3rd February 2017; and**
- b To forward any additional comments Members may raise following consideration of the issues at this Board.**

2 Consultation

- 2.1 A copy of the report has been forwarded to Councillors Waters, Reilly, Sweet and Simpson.
- 2.2 The Publication version consultation commenced on Friday 9 December 2016 to 5:00pm Friday 3 February 2017.

3 Warwickshire Minerals Plan

- 3.1 Members will be aware that the Borough Council responded to the consultation on the Minerals Preferred Option and Policies Plan between October 2015 and January 2016, following the Local Development Framework Sub-Committee on 3 December 2015. The County Council is now consulting on the next stage of the Minerals Plan, which is the Publication version (Pre-Submission Draft) of the plan. In commenting on the Plan, the emphasis 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.

- 3.2 The document and supporting information which form the consultation comprise the following:
- The Minerals Plan Publication version
 - Sustainability Appraisal (main report)
 - Sustainability Appraisal (Appendix I)
 - Sustainability Appraisal (Appendix II)
 - Sustainability Appraisal (Appendix III)
 - Consultation Report - all past consultations (main report and Appendix A - D)
 - Consultation Report (Appendix E)
 - Consultation Report (Appendix F)
 - Consultation Report (Appendix G)
 - Consultation Summary (Preferred Option and Policies)
 - Local Aggregates Assessment
 - Duty to Cooperate Report
 - Habitat Regulations Assessment
 - Addendum to Habitat Regulations Assessment
 - Site Identification and Assessment Methodology for Allocating Sand and Gravel Sites
 - Local Development Scheme
 - Equality Impact Assessment
 - Statement of Community Involvement
 - Formal Notification

These documents are available to view online at –
<http://www.warwickshire.gov.uk/mdf>

- 3.3 The National Planning Policy Framework (NPPF) requires the preparation and maintenance of an evidence base, 'the Local Aggregates Assessment' (LAA) to inform the annual production requirements based on a methodology of a rolling average of the previous 10 years' sales and other relevant local information such as levels of planned construction including housebuilding.

The County's assessment informs the requirement and demand for sites in the Minerals Local plan.

- 3.4 Last year's LAA indicated a lower assessed demand for minerals and aggregates, which reduced pressure on the need for sites. However, this assessment was also based on the housing requirements in the Warwickshire Local Authorities Development Plans and joint SHMA (excluding Solihull Unitary authority) at that time. This requirement is likely to increase, particularly in view of the potential shortfall of housing arising from the Greater Birmingham and Black Country area and may necessitate an early review of the Plan.
- 3.5 In terms of minerals resources most relevant to and likely to affect North Warwickshire these are currently for crushed rock and sand and gravel. The main issue (Issue 1 on page 26) highlighted in the plan to address is the shortfall in sand and gravel. Without adequate sand and gravel there will not be enough aggregate to serve the construction industry in the County and the sub-region. An adequate landbank needs to be maintained throughout the plan period. There is no provision required to meet needs for other minerals during the plan period (See note in Issue 1 on page 26). For those minerals where landbanks are required to be maintained such as for brick clays and cement the resource will be safeguarded and planning applications will be treated on their merits in accordance with the policies in the development plan.
- 3.6 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. In terms of crushed rock the outcrops, around Nuneaton up to Mancetter in North Warwickshire, are a vital source of high specification roadstone and aggregates which supply the main road networks of the West Midlands and neighbouring regions. Warwickshire produces approximately 1.4 million tonnes per annum (1) and still has a healthy landbank.
- 3.7 In terms of sand and gravel in North Warwickshire the main site and resource identified in the Plan is at Hams Lane, Lea Marston (serving North Warwickshire and Birmingham and Solihull development needs). This is a large site lying to the west of Lea Marston near to Junction 9 of M42 (Dunton Island) covering an area of 48ha. It has the potential to release 1.06 million tonnes of sand and gravel during the plan period to serve the markets of North Warwickshire and Birmingham and Solihull. Nevertheless, the Minerals Plan notes that Warwickshire's landbank currently stands at 8 years based on calculations within the most recent LAA (2016). A number of sites have closed since 2008 and until this year only one new site at Wolston Fields has been put forward by the industry and that started operating in late 2014. However, planning approval has now been given to extend the existing Brinklow Quarry (both in Rugby Borough) to provide an extra 3.4 million tonnes.

- 3.8 Issue 3 deals with reference to minerals safeguarding and Prior Extraction (see Plan Policies MCS5 and DM10) and this issue is dealt with in more detail in the 'Observations' section below .

4 Earlier NWBC Consultation Response

- 4.1 In summary, as noted in the 3 December 2015 Report, Members indicated support be given to the use of stand-off distances for the sites (between extraction activity and location of existing properties) within North Warwickshire to help minimise any impacts from minerals sites, developments and dust generating activities on existing properties. The Council also supported the need for Coal proposals to demonstrate national, local or community benefits that clearly outweigh the adverse impacts arising from any proposal submitted to the County Council.
- 4.2 The Council urged the County to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development, particularly residential and associated development. The use and application of significant stand-off distances was encouraged where site development or significant plan allocations close to existing settlements and development may trigger the need to consider prior extraction.
- 4.3 In most cases the concerns raised have been noted and/or addressed by the County Council in the Plan. Other than the issues noted above the Borough Council did not raise any specific objections to any of the Policies and Proposals in the Minerals Preferred Option and Policies Core Strategy Document consultation.

5 Observations

- 5.1 As noted above, Members need to be aware that at this stage of the Mineral Plans process, when commenting on the Plan, the emphasis 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 Cooperate will additionally be areas where comments should also be focused.
- 5.2 Nevertheless, some concerns have been raised by the Member for Water Orton Ward regarding the potential impacts of extraction of this resource from the site at Lea Marston. These include the traffic and highways safety impact on all communities within the west of North Warwickshire Borough because the sole proposed road access and egress route for this site is onto Faraday Avenue, and hence the A446, Junction 9 (Dunton Hall) of the M42, the A4091 Tamworth road, and the A4097 Kingsbury Rd.
- 5.3 The combination of current peak hour's traffic with HS2 construction traffic from 2017 to 2033 to and from the HS2 Railhead Site on the A4097 may result in congestion on these road routes becoming significantly worse. The

addition of minerals extraction traffic will further compound the traffic problem for local resident and business communities arising from HS2.

- 5.4 The Member for Water Orton notes that outside this consultation process there is no other direct impact or involvement that the Borough Council will have on the designation of extraction sites within the County. In view of the situation that Lea Marston will be the site of more permanent and temporary HS2 infrastructure than any other parish in the County and construction of this infrastructure will run for sixteen years from 2017, the associated traffic flows are likely to be significant and unlike anything experienced in this Borough before. Support is sought for consideration of the potential impact on the local road infrastructure, and loss of local amenity to Lea Marston village through the inclusion of Site 9 in the Plan.
- 5.5 The relevant Policy on the Lea Marston site in the Publication version of the Plan, Policy S9, does include a criteria requiring development to take into account any mitigation approved to minimize the impact of HS2 on Lea Marston village. Nevertheless, with the approval of the Hybrid Bill and advancement of both Phase 1 and 2 of HS2 these concerns are gaining increasing concern and prominence. The Plan also, however, notes that *"It would appear sensible to try and work the site in conjunction with the construction of HS2 and the Kingsbury Rail Head to the north"* (para 7.34).
- 5.6 Although this could provide opportunities to improve restorations options, contribute to the Tame Valley Wetlands Partnership Scheme and the Trent and Tame Valleys Futurescape project as well as potentially linking with the Recycled aggregates site at Dunton by overland conveyor, thereby negating the need to erect a stand-alone processing part and provide a new access onto Hams Lane, there are still legitimate concerns over the likely impact of extraction from this site when allied to the expected traffic, access and highway infrastructure arising from HS2 and its associated infrastructure projects. The County need to give assurances that these traffic generation impacts will be addressed under the Duty to Cooperate. (Note: The recycling of aggregates is important in the County and there are 9 operational sites one of which, Dunton Quarry at Curdworth, is a major facility providing materials to the local and regional construction industry).
- 5.7 Although at this stage of the Plan the Borough Council is not challenging the Plan as "Unsound" and is therefore "Legally Compliant" it is still felt legitimate to note the Members concerns above. The Borough therefore supports and re-iterates the need for maintaining strict environmental criteria, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, (as noted in para 2.2) or other issues.
- 5.8 The opportunities that may arise between HS2 and the working of the site are noted and appreciated, but these should be set against and assessed alongside the potential impacts on the community of Lea Marston and the increase in traffic generation and impact on highway network and infrastructure in the surrounding area of the Borough.

- 5.9 There are some minor clarifications and/or corrections needed, relating to “Figures” referred to in the Policy on Coal, Policy MCS8 and Issue 13. In the reasoned justification text for Policy MCS8, paragraph 8.34 notes that “The extent of the Warwickshire Coalfield is shown on Fig 1.5”. Unfortunately the current ‘Figure 1.5’ in the Planning Document is for Air Quality Management Areas and there is no ‘Figure’ clearly showing the extent of the Warwickshire Coalfield in isolation from other minerals safeguarding areas (only included on the Minerals Safeguarding Areas Composite Map in Appendix 2, which does not include Deep Coal for clarity purposes). **(Please note this latter point has been corrected and the Warwickshire Coalfield figure is noted as shown in the Minerals Publication Version Document at page 24 “Figure 1.7”).**
- 5.10 Similarly in Issue 13 on page 31 the document refers to “Fig 1.8” when discussing potential future viability of coal reserves. However, Figure 1.8 in the document relates to Warwickshire Aggregates Recycling Sites. Some corrections and clarifications are therefore necessary to address these issues.
- 5.11 This is considered to be important as though the Plan notes there is no provision required to meet needs for other minerals during the plan period, the issue of Mineral Safeguarding and Prior Extraction highlighted in Policies MCS8 and DM10 states that “*Non-mineral development, except for those types of development set out in Appendix 3, should not normally be permitted in Mineral Safeguarding Areas if they would constrain or hinder existing or future mineral development*”. This applies unless there is evidence prior to the determination of the planning application that demonstrates the mineral concerned is no longer of any value, or potential value, or that the mineral can be extracted prior to the development taking place or that there is an overriding need for the non-mineral development. The absence of a clear Map for the Coal MSA Areas will clearly make this issue difficult to assess and determine potential implications for development allocations in other Local Plans under development.
- 5.12 Policy DM10 also notes that Prior extraction will be supported where; it is practicable; will not result in the approved non-mineral development being incapable of implementation and development; is environmentally feasible; can be carried out without any unacceptable adverse impacts; can be carried out within a reasonable timescale and there are proposals to restore the site.
- 5.13 In view of current allocations proposed within the Draft New Local Plan the implications on Coal reserves needs to be clearer. The Minerals Plan highlights that “*whilst the NPPF gives a general presumption against the extraction of coal there are large coal reserves in the County*”. The Plan also notes that “*As there are large coal reserves deep underground and on the surface in the north of the County and in the Warwickshire Coalfield and there is likely to be a shortage of energy nationally in the short to medium term, there is always going to be the possibility that coal may be considered economically viable to extract in the future*”. Previous information and assurances have been given that the coal reserves identified in the Minerals Safeguarding Areas (MSA’s) affected by the Borough Local Plan

allocations are not economically viable and will not trigger the need for prior extraction. Re-assurance is therefore sought that this remains the case.

- 5.14 Finally, it is useful to re-inforce to Members that the areas identified in the Minerals Safeguarding Areas only reflect the known locations of specific mineral resources of local and national importance and does not create a presumption that resources defined will be worked (See the key policy messages in Para 2.2). It should be noted that much of the Borough is covered by one or more of the Minerals Safeguarding Areas, including all of our main urban areas. Nevertheless, it would be useful to indicate whether the boundaries of MSA's will remain static for the foreseeable future or whether, as a result of development progressing or extraction of the minerals, the boundaries of the areas may be reassessed and revised?

6 Report Implications

6.1 Environment and Sustainability Implications

- 6.1.1 The Warwickshire Minerals Local Plan 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).

Appendix 2

North Warwickshire
Borough Council

Planning and Development Group,
Communities Group,
Warwickshire County Council,
Shire Hall, Warwick,
CV34 4SX

Steve Maxey BA (Hons) Dip LG Solicitor
**Assistant Chief Executive
and Solicitor to the Council**

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This matter is being dealt with by
: Mike Dittman

Direct Dial : (01827) 719451

Your ref :
planningstrategy@warwickshire.gov.uk

Our ref :

Date : 4 December 2015

Dear Sir / Madam

**North Warwickshire Borough Council Response to the Warwickshire Minerals Plan
(2017 – 2032)**

Please see attached the Borough Council's response to the consultation on the Warwickshire Minerals Plan (2017 – 2032).

The Minerals Preferred Option and Policies Core Strategy Document was considered and noted at the Borough Council's Local Development Framework Sub Committee on Thursday, 3rd December 2015. A copy of the Sub-Committee Report is attached for information in Appendix 1 and the full Report and agenda is available to view on-line at: https://www.northwarks.gov.uk/download/meetings/id/1464/download_the_agenda_reports_and_appendices

In summary, as noted in the Report, Members indicated that their support be given to the use of stand-off distances for the sites within North Warwickshire to help minimise any impacts from minerals sites, developments and dust generating activities on existing properties. The Council also supports the need for Coal proposals to demonstrate national, local or community benefits that clearly outweigh the adverse impacts arising from any proposal submitted to the County Council.

The Council notes the issue of Minerals Safeguarding and Prior Extraction but would urge the County to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development, particularly residential and associated development. The use and application of significant stand-off distances is encouraged where site development or significant plan allocations close to existing settlements and development may trigger the need to consider prior extraction.

The Borough Council do not raise any specific objections to any of the Policies and Proposals in the Minerals Preferred Option and Policies Core Strategy Document consultation.

It would be appreciated if you could note the comments and responses made by the Borough Council to the Minerals Preferred Option and Policies Core Strategy Document consultation in the Local Development Framework Sub Committee Report of the 3rd of December. If you require any further assistance or clarification of the points raised please do not hesitate to contact either the Forward Planning team on 01827 719499/451.

Yours sincerely

Mike Dittman

Mike Dittman
Forward Planning Policy Officer

Appendix 1 (Appendices to letter above)**Agenda Item No 5****Local Development Framework
Sub-Committee****3 December 2015****Report of the Assistant Chief Executive
and Solicitor to the Council****Warwickshire Minerals Plan -
Preferred Option and Policies
Consultation****1 Summary**

- 1.1 This report informs Members of the consultation on Warwickshire County Council's Minerals Plan, Preferred Option and Policies consultation. Further comments raised at Board will be forwarded for inclusion along with the Council's initial response.

Recommendation to Sub-Committee

- a That Members take note of the consultation of the Warwickshire Minerals Plan - Preferred Option and Policies, ending 4 December 2015; and**
- b To forward any additional comments Members may raise following consideration of the issues at this Board.**

2 Consultation

- 2.1 A copy of the report has been forwarded to Councillors Waters, Lea, Sweet and Simpson.
- 2.2 The Preferred Option and Policies consultation commenced on Monday 19th October and finishes at 5.00pm on Friday 4th December 2015.

3 Warwickshire Minerals Plan

- 3.1 Warwickshire County Council is required to produce a new Minerals Development Framework to replace the 1995 Minerals Local Plan. This new plan will identify where new minerals sites should be located, and set out the policies to assess new minerals development proposals over the next 15 years. The document and supporting information which form the consultation comprise the following:
- Draft Minerals Plan - Preferred Option and Policies
 - Local Aggregates Assessment

- Site Assessment Methodology for the Allocation of Sand and Gravel Sites
- Sustainability Appraisal Report
- Habitat Regulations Assessment

These documents are available to view online at –

<http://www.warwickshire.gov.uk/mdf>

- 3.2 The National Planning Policy Framework (NPPF) requires the preparation and maintenance of an evidence base, ‘the Local Aggregates Assessment’ (LAA) to inform the annual production requirements based on a methodology of a rolling average of the previous 10 years’ sales and other relevant local information such as levels of planned construction including housebuilding. The County’s assessment informs the requirement and demand for sites in the Minerals Local plan. The 2014 LAA using 2012 data gave a production requirement of 0.751 million tonnes per annum which equates to a figure of 12.241 million tonnes over the 15 year plan period (2017-2032).
- 3.3 However, the draft 2015 LAA using 2013 data shows the production requirement down to 0.688 million tonnes and the 15 year plan requirement down to 10.3 million tonnes. Good practice guidance on LAAs advises that the starting point for the LAA should be the latest available 10 year sales, which is the 2013 data. The lower assessed demand for minerals and aggregates is noted, which reduces pressure on the need for sites. However, this assessment is also based on the housing requirements in the Warwickshire Local Authorities current Development Plans and joint SHMA (excluding Solihull Unitary authority). This requirement is likely to increase, particularly in view of the potential shortfall of housing arising from the Greater Birmingham & Black Country area and may necessitate an early review of the Plan.
- 3.4 In terms of minerals resources most relevant to North Warwickshire these are currently for crushed rock and sand and gravel. 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. In terms of crushed rock the outcrops, around Nuneaton up to Mancetter in North Warwickshire, are a vital source of high specification roadstone and aggregates which supply the main road networks of the West Midlands and neighbouring regions. Warwickshire produces approximately 1.4 million tonnes per annum (1) and still has a healthy landbank.
- 3.5 In terms of sand and gravel in North Warwickshire the main site and resource identified in the Plan is at Hams Lane, Lea Marston (serving North Warwickshire and Birmingham and Solihull development needs). This is a large site lying to the west of Lea Marston near to Junction 9 of M42 (Dunton Island) covering an area of 48ha. It has the potential to release 1.06 million tonnes of sand and gravel during the plan period to serve the markets of North Warwickshire and Birmingham and Solihull.

- 3.6 The Plan notes the site could be developed in phases which would allow important hedgerows to be protected to reduce any impacts from mineral working. Proposed minimum 100m stand-offs (minimum distances for extraction proximity or buffer zone to existing development from dust generating activities) are included to help minimise any impacts to properties on Blackgreaves Lane and Reindeer Park off Kingsbury Road. It is also proposed the site would be restored to agriculture using imported inert fill. However, there may be opportunities to provide ecological enhancements as part of the restoration of the site particularly in the north east corner. The approach regarding stand offs for existing development, particularly residential, is supported and their use encouraged wherever appropriate.
- 3.7 Particular developments within the County include the sharp reduction in sand and gravel production over the last 6 years and potential interest in underground coal gasification. The industry has only submitted one planning application since 2003 for a new quarry so the question remaining is whether the minerals industry is still interested in extracting sand and gravel in the County, whether it considers the quality of the material in the County to be inferior and not worth extracting for the concrete market, or whether there is better quality material in surrounding areas to serve local markets. Underground Coal Gasification is a separate process to fracking and involves the burning of coal seams underground and using the resulting gas to produce energy. The Coal Authority is responsible for issuing licences granting the right to access the coal but the applicant has also to secure the necessary permission from Warwickshire County Council as the Mineral Planning Authority. The current market focus appears to be on offshore areas where there are larger reserves.
- 3.8 In terms of coal the Counties LAA notes that, following the closure of Daw Mill there are no plans to sink another pit head or even return to surface coal extraction in the County. As there are large coal reserves deep underground and on the surface in the north of the County and there is likely to be a shortage of energy nationally in the short to medium term, there is always going to be the possibility that coal may be considered economically viable to extract in the future. The Plan therefore includes policy MCS8 whereby applications for coal extraction can be assessed. In summary the Policy requires proposals to demonstrate they are environmentally acceptable, or can be made so through planning conditions. Where this cannot be demonstrated, planning permission will only be granted where the proposal is demonstrated to provide national, local or community benefits that clearly outweigh the adverse impacts arising from the proposal. This approach is supported by the Borough.
- 3.9 Another Key Issue (Key Issue 3) relates to Mineral Safeguarding and Prior Extraction. The NPPF states that Mineral Planning Authorities should define Mineral Safeguarding Areas (MSAs) in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development. There is no presumption that any resources defined will be worked. However, where planning applications for non-mineral development are submitted, the relevant district or borough should consult the County Council and where it would be practicable and

environmentally feasible to work the mineral, the County may seek a mineral survey to be carried out prior to determination.

- 3.10 In some cases the County may insist on prior extraction of the mineral before the non-mineral development is carried out. Safeguarding extends to ensuring that existing or potential facilities required for the transportation and storage of minerals are also protected. At present there is no bulk transportation of minerals by either rail or inland waterways in Warwickshire.
- 3.11 Key Issue 11 deals with Onshore Oil and Gas which includes Shale Gas and Fracking. The Department for Communities and Local Government has recently issued planning practice guidance for onshore oil and gas and this includes unconventional hydrocarbons, hydraulic fracturing and coal bed methane. The guidance states that it is likely that Warwickshire County Council would be responsible for assessing planning applications in Warwickshire where planning permission is required.
- 3.12 This is a highly contentious national issue and the current situation in Warwickshire is that no proposals have come forward to date. The most recent information that the County Council has received from the British Geological Survey is that of the main potentially prospective shale gas rocks, none are present in Warwickshire in thicknesses or depths that would be expected to be commercially viable. Nevertheless, while shale gas development in Warwickshire may be unlikely in the short term, policies have been drafted to enable any such proposals to be assessed.

4 Observations

- 4.1 The Borough Council support the use of stand-off distances for the sites within North Warwickshire to help minimise any impacts from minerals sites, developments and dust generating activities on existing properties. The Council also supports the need for Coal proposals to demonstrate national, local or community benefits that clearly outweigh the adverse impacts arising from the proposal.
- 4.2 The Council notes the issue of Minerals Safeguarding and Prior Extraction but would urge the County to only seek prior extraction where there is a clear economic need and demand for the mineral resource and any extraction will not impact adversely on existing built development, particularly residential and associated development. The use and application of significant stand-off distances is encouraged where site development or significant plan allocations close to existing settlements and development may trigger the need to consider prior extraction.

5 **Report Implications**

5.1 **Environment and Sustainability Implications**

5.1.1 The Warwickshire Minerals Local Plan has a sustainability appraisal.

5.2 **Financial Implications**

5.2.1 There are no financial implications arising from this consultation.

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

Glossary:

Stand-off– an area adjoining a minerals operation, to remain generally undisturbed to give protection to properties and other features sensitive to disturbance

Agenda Item No 5**Local Development Framework
Sub-Committee****3 December 2015****Report of the Assistant Chief Executive
and Solicitor to the Council****Warwickshire Minerals Plan -
Preferred Option and Policies
Consultation****1 Summary**

- 1.1 This report informs Members of the consultation on Warwickshire County Council's Minerals Plan, Preferred Option and Policies consultation. Further comments raised at Board will be forwarded for inclusion along with the Council's initial response.

Recommendation to Sub-Committee

- a That Members take note of the consultation of the Warwickshire Minerals Plan - Preferred Option and Policies, ending 4 December 2015; and**
- b To forward any additional comments Members may raise following consideration of the issues at this Board.**

2 Consultation

- 2.1 A copy of the report has been forwarded to Councillors Waters, Lea, Sweet and Simpson.
- 2.2 The Preferred Option and Policies consultation commenced on Monday 19th October and finishes at 5.00pm on Friday 4th December 2015.

3 Warwickshire Minerals Plan

- 3.1 Warwickshire County Council is required to produce a new Minerals Development Framework to replace the 1995 Minerals Local Plan. This new plan will identify where new minerals sites should be located, and set out the policies to assess new minerals development proposals over the next 15 years. The document and supporting information which form the consultation comprise the following:
- Draft Minerals Plan - Preferred Option and Policies
 - Local Aggregates Assessment

- Site Assessment Methodology for the Allocation of Sand and Gravel Sites
- Sustainability Appraisal Report
- Habitat Regulations Assessment

These documents are available to view online at –

<http://www.warwickshire.gov.uk/mdf>

- 3.2 The National Planning Policy Framework (NPPF) requires the preparation and maintenance of an evidence base, ‘the Local Aggregates Assessment’ (LAA) to inform the annual production requirements based on a methodology of a rolling average of the previous 10 years’ sales and other relevant local information such as levels of planned construction including housebuilding. The County’s assessment informs the requirement and demand for sites in the Minerals Local plan. The 2014 LAA using 2012 data gave a production requirement of 0.751 million tonnes per annum which equates to a figure of 12.241 million tonnes over the 15 year plan period (2017-2032).
- 3.3 However, the draft 2015 LAA using 2013 data shows the production requirement down to 0.688 million tonnes and the 15 year plan requirement down to 10.3 million tonnes. Good practice guidance on LAAs advises that the starting point for the LAA should be the latest available 10 year sales, which is the 2013 data. The lower assessed demand for minerals and aggregates is noted, which reduces pressure on the need for sites. However, this assessment is also based on the housing requirements in the Warwickshire Local Authorities current Development Plans and joint SHMA (excluding Solihull Unitary authority). This requirement is likely to increase, particularly in view of the potential shortfall of housing arising from the Greater Birmingham & Black Country area and may necessitate an early review of the Plan.
- 3.4 In terms of minerals resources most relevant to North Warwickshire these are currently for crushed rock and sand and gravel. 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. In terms of crushed rock the outcrops, around Nuneaton up to Mancetter in North Warwickshire, are a vital source of high specification roadstone and aggregates which supply the main road networks of the West Midlands and neighbouring regions. Warwickshire produces approximately 1.4 million tonnes per annum (1) and still has a healthy landbank.
- 3.5 In terms of sand and gravel in North Warwickshire the main site and resource identified in the Plan is at Hams Lane, Lea Marston (serving North Warwickshire and Birmingham and Solihull development needs). This is a large site lying to the west of Lea Marston near to Junction 9 of M42 (Dunton Island) covering an area of 48ha. It has the potential to release 1.06 million tonnes of sand and gravel during the plan period to serve the markets of North Warwickshire and Birmingham and Solihull.

- 3.6 The Plan notes the site could be developed in phases which would allow important hedgerows to be protected to reduce any impacts from mineral working. Proposed minimum 100m stand-offs (minimum distances for extraction proximity or buffer zone to existing development from dust generating activities) are included to help minimise any impacts to properties on Blackgreaves Lane and Reindeer Park off Kingsbury Road. It is also proposed the site would be restored to agriculture using imported inert fill. However, there may be opportunities to provide ecological enhancements as part of the restoration of the site particularly in the north east corner. The approach regarding stand offs for existing development, particularly residential, is supported and their use encouraged wherever appropriate.
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