



meeting **ENVIRONMENT STANDING SELECT COMMITTEE**

date **4 APRIL 2005**

from: **Director of Environment**

agenda item number

15

REPLACEMENT MINERALS LOCAL PLAN - PUBLIC INQUIRY: INSPECTOR'S REPORT - MAIN FINDINGS

Purpose of Report

1. To advise Members of the Inspector's recommendations arising from the Public Inquiry into objections to the revised Deposit Replacement Minerals Local Plan following the publication of his report.

Background

2. The Replacement Minerals Local Plan was last reported to this Committee at the meeting of 24 November 2003. At that time the revised Deposit Draft had been through its formal public consultation stage and the report looked at objections received and the County Council's proposed response to them. This was subsequently approved by a meeting of Full Council on 18 December. The Report also considered the consultation exercise carried out with respect to 'omission sites'. These comprised alternative sites which the industry wished to see allocated in the Plan.
3. The Public Inquiry opened on 20 April 2004 and closed on 20 July 2004, with a recess between 19 May and 18 June. The Inspector Mr Andrew Mead considered 1,535 objections. The main issues concerned the overall landbank requirement for sand and gravel, which sites should be allocated to meet it and what future clay provision should be made for the County's two remaining brickworks. A number of objections also concerned the general policies in the Plan and coal policies.

The Inspector's Report

4. The Inspector's Report was received on 1 February 2005 and under relevant regulations must be published within 8 weeks. This period is needed to allow the report to be checked for factual accuracy, clarity and any omissions. A schedule of mostly minor amendments and queries was duly sent to the Inspectorate, who provided the County Council with a final report on 24 February 2005. The Report was published on 7 March 2005, well within the 8 week limit. All Members, objectors and other consultees have been informed and copies of the report made available for inspection at Deposit Points, the County Council's website or

for purchase from the Environment Department. A copy of the report has also been placed in the Local Government Library at County Hall.

Inspector's Report - Main Findings

5. Encouragingly, the Inspector has given a very high degree of support for the Plan. This includes the proposed sand and gravel landbank, assumptions on future production and proposed allocations. All omission sites have been rejected with the exception of an extension to a quarry at Newington. The Inspector has recommended this site be allocated following a number of key environmental issues being resolved which had previously acted against this site. These are matters which the County Council had accepted prior to the Public Inquiry and this recommendation was not unexpected. The Inspector's views of the other omission sites were that they were not necessary and/or were environmentally less suitable than the sites allocated in the Plan.
6. The Inspector supported the proposed allocation of an extension to the Kirton clay pit, and did not accept the industry's wish to see a larger area included. He agrees with the Plan in that an extension to Dorket Head clay pit should not be allocated, but recommends the relevant policy be modified so that this option is not ruled out in the future. The Inspector has not supported objections seeking the allocation of land for clay extraction at Belle Eau Park, Bilsthorpe.
7. For other minerals the most significant recommendation to modify the Plan concerns Policy M12.1 (Coal Development). Here the Inspector believes that the version of this policy in the first Deposit Draft is preferable as it is more in line with Government guidance.
8. For the remainder of the Plan, the Inspector has recommended a number of changes to some of the general policies. These include the deletion of Policy M4.8 (Alternative Reclamation Schemes) and redrafts of Policies M3.19 (Sites of Special Scientific Interest) and M3.23 (Landscape Character).

NEXT STAGES IN PREPARATION OF THE PLAN

Consideration of Inspector's Report

9. At this stage the County Council has not considered or taken a view on any of the Inspector's recommendations – the Inspector's Report has been published for information only. The next stage will be for the County Council to consider each recommendation and decide whether or not to accept it. Whilst Local Planning Authorities are expected to take on board most if not all of the Inspector's recommendations, they can disagree with any or all of them if the Authority believes there are good reasons to do so.
10. Most of the Inspector's recommendations to modify the Plan spell out precisely how the Plan should change. In a few cases it is left for the County Council to consider the actual wording. For these modifications it may be appropriate to consult key parties to discuss possible drafts to ensure a good degree of consensus, at least on detail, even where some parties may wish to maintain an objection in principle. Although such consultation is not required, this is

considered to be good practice and in line with the approach recommended under the new development plan system (which does not apply to this Plan). The most notable example concerns the recommendation to allocate a new area of land for sand and gravel at Newington. If this is accepted, the County Council will need to draft the supporting text for the new allocation policy which, amongst other matters, may set out how the main planning issues, such as access and reclamation options, should be dealt with. Discussing possible drafts on a 'without prejudice' basis with key parties such as the mineral operator, English Nature and the Parish Council will help ensure the planning issues are properly defined and local concerns met as far as possible.

New material considerations

11. The Inspector's Report has not and cannot take into account any material considerations such as new Government guidance or new information which post dates the end of the Public Inquiry even if it may have bearings on a proposal in the Plan. Where such factors arise the County Council will need to decide whether they can be included at the modification stage. In some cases it may be more practical to incorporate new information or guidance when the Plan is reviewed rather than risk delaying the adoption of the Plan.

Public consultation on the Schedule of Proposed Modifications

12. A draft Statement of Response to the Inspector's Report along with a Schedule of Proposed Modifications will be presented to Full Council for approval. This is expected to be scheduled for the first available meeting after the May elections. If approved, the response and proposed modifications will then be published and made available for a statutory 6-week period of public consultation. New representations must be limited to the proposed modifications or an Inspector's recommendation that has not been accepted. It is not an opportunity to go over 'old ground'.

Adopting the Plan

13. If, in response to any new objections, no further modifications are proposed that materially affect the Plan, the final stages leading to adoption will be carried out. If further modifications are necessary then a further round of public consultation will be required. Exceptionally a modifications inquiry can be held, should objections raise major new issues which cannot be resolved. Adoption remains on schedule for December 2005/January 2006.

Statutory and Policy Implications

14. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and those using the service. Where such implications are material, they have been brought out in the text of the report.

RECOMMENDATIONS

14. It is RECOMMENDED that the Inspector's Report be noted and the proposed approach for preparing the Statement of Response and Schedule of Proposed Modifications be supported.

Peter Webster
Director of Environment

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25 February 2005