

CABINET



Report subject	Adoption of Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan
Meeting date	13 November 2019
Status	Public Report
Executive summary	To request that Cabinet recommend to Council that the “main modifications” recommended by the Inspector appointed by the Secretary of State be accepted and the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan be adopted
Recommendations	<p>It is RECOMMENDED that:</p> <p>Cabinet recommends the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan to Council and requests that Council:</p> <p>(a) resolves to adopt the Plan subject to its inclusion of the main modifications that are appended to the Inspector’s Report;</p> <p>(b) confirms that the formal adoption date will begin two weeks from the date at which both BCP Council and Dorset Council have resolved to adopt the plan;</p> <p>(c) delegates to the Director of Growth and Infrastructure in consultation with Portfolio Holder for Strategic Planning:</p> <p>(i) any additional (non-material) modifications to the Plan which were the subject of consultation, together with any other additional modifications which benefit the clarity of the Plan;</p> <p>(ii) authority to expedite any technical/procedural matters associated with adoption of the plan, including those connected with Dorset and BCP Council’s role as Competent Authority on matters relating the Habitats Regulations Assessment of the Plan.</p>
Reason for recommendations	<p>1. To ensure BCP Council has an up-to-date statutory planning framework for minerals matters. This will enable BCP Council to plan positively for future mineral needs in compliance with national policy</p>

	<p>and consider planning applications for minerals development.</p> <p>2. To comply with the requirements of the statutory/consequential orders which require a council-wide local plan by 2024</p>
Portfolio Holder(s):	Councillor Margaret Phipps, Portfolio Holder for Strategic Planning
Corporate Director	Bill Cotton (Corporate Director of Regeneration and Economy)
Contributors	<p>Julian McLaughlin, Director of Growth and Infrastructure</p> <p>Mark Axford, Interim Head of Planning (Bournemouth)/Planning Policy Manager</p> <p>Nicholas Perrins, Policy Manager</p> <p>Malcolm Hodges, Senior Planning Officer</p> <p>George Whalley, Team Leader (Planning Policy)</p>
Wards	All
Classification	For Recommendation

Background

1. Since Dorset's local government re-organisation in April 2019 responsibility for minerals planning matters now rests with Dorset Council and BCP Council. In 2014 the preceding Councils adopted the Minerals Strategy which provides the higher level spatial strategy and policy framework to meet Dorset's minerals needs.
2. The Mineral Sites Plan is a more detailed, site allocations document. Following various public consultation stages the draft Mineral Sites Plan was submitted to the Secretary of State in March 2018 for consideration at an examination led by an independently appointed Inspector. Following hearing sessions in September/October 2018 and February 2019, modifications that were deemed necessary to make the plan sound were consulted on before the Inspector issued her final report at the beginning of August 2019. The Inspector concluded that the plan was legally compliant and sound, subject to the modifications set out in her report.
3. The adoption of the Mineral Sites Plan will represent the culmination of a substantial amount of work which has involved extensive liaison with local residents, the minerals industry, minerals authorities, statutory bodies and other interested parties and included several consultation stages. Along with the Minerals Strategy 2014, it provides the principal mechanism for the consideration of planning applications for minerals development and seeks to maintain the

supply of a range of minerals in the most sustainable manner, through measures to protect amenity and the environment, protect undeveloped mineral resources and ensure appropriate restoration following development.

The Inspectors Report

4. The Inspector's report is accompanied by a schedule of main modifications. The report confirms that although there are a large number of modifications, they do not significantly alter the thrust of the overall strategy. The Inspector concludes that, subject to the inclusion of the modifications, the plan is legally compliant and sound.
5. The Inspector can only recommend main modifications put before her by the Mineral Planning Authorities if invited to do so by the Mineral Planning Authorities. It follows that the modifications attached to the report are those which were acceptable to the Mineral Planning Authorities (having regard to the views of interested parties and under the guidance of the Inspector).
6. Three sites within BCP were proposed as allocations in the draft Mineral Sites Plan. One site, Hurn Court Farm Quarry, is no longer included as an allocation in the plan as planning permission has been granted for the site since the plan was submitted for examination. The remaining two sites (see Appendix 1) have been retained in the plan by the Inspector following the examination subject to the inclusion of the proposed main modifications. The sites are Roeshot (Christchurch) and White's Pit (Poole).
7. The reasoning for requiring the inclusion of the main modifications for these sites can be found in the Inspector's examination report (see Appendix 2 link) at paragraphs 34,35, 63 and 76 (Hurn Court Farm Quarry), 10, 63 and 80-88 (Roeshot) and 122-123 (White's Pit).
8. The detailed wording of the main modifications for Roeshot (pages 28 to 30) and White's Pit (page 43) are included on of the Schedule of Modifications (see Appendix 3 link).

Adoption of the Plan

9. Under the provisions of Section 23(5) of the Planning and Compulsory Purchase Act 2004 (as amended), it is the responsibility of the Mineral Planning Authorities to adopt the Mineral Sites Plan. The plan can only be adopted subject to inclusion of the main modifications. For this reason it is recommended that the plan be adopted with the inclusion of the main modifications.
10. As the Plan covers the administrative areas of BCP Council and Dorset Council, it will need to be adopted by both authorities. To allow for the necessary processes to take place it is recommended that the formal adoption date is two weeks after both resolutions have been secured.

11. From the date of adoption there will follow a 6-week legal challenge period. During this period interested parties have the right to challenge the plan on legal/procedural matters only under the provisions of the Planning and Compulsory Purchase Act 2004.

Concluding Comment

12. The adoption of the Mineral Sites Plan will provide BCP and Dorset Council with an up-to-date policy framework. Having a plan that accords with the latest national policies will provide both Authorities with greater certainty in securing acceptable development that provides for Dorset's minerals needs.

Summary of financial implications

13. Minerals and waste local plan production is currently the subject of a service level agreement (SLA) between BCP and Dorset Council which includes a fixed cost element for the day-to-day provision of the service by minerals and waste planners at Dorset Council. There are no immediate budget implications associated with adoption of the Mineral Sites Plan, although there is a right of legal challenge for a six-week period immediately following the adoption of the plan. In the event of such a challenge there may be legal costs associated with defending the challenge.
14. If the Council opts not to adopt the plan, it would expose BCP and Dorset Councils to the risk of on-going significant costs in dealing with planning appeals and having to commission extra evidence to justify its decisions on minerals applications. This is because there would not be an up-to-date minerals development plan and so the presumption in favour of sustainable development would prevail, with decisions having to be judged directly against the NPPF. It would also pose a risk to the minerals management responsibilities of BCP Council in terms of planning to meet future needs.

Summary of legal implications

15. The Planning and Compulsory Purchase Act 2004 requires Mineral and Waste Planning Authorities to prepare planning policy documents making up a Minerals and Waste Local Plan. By agreement Dorset Council undertakes work on minerals and waste planning policy documents on behalf BCP Council as well as the rest of Dorset.
16. As the Mineral Sites Plan covers the administrative areas of BCP and Dorset Councils it will need to be adopted by both Councils. If the plan is not adopted by both Councils then there would not be an up-to-date development plan in place and so the presumption in favour of sustainable development would prevail with decisions on minerals proposals having to be judged directly against the NPPF.

Summary of human resources implications

17. The continuation of the joint approach for the production of minerals and waste planning documents and the use of Dorset Council's Minerals and Waste Policy Team to undertake much of the work through a SLA produces efficiencies in human resources terms.

Summary of environmental impact

18. The Plan has been the subject of Sustainability Appraisal (SA) on an ongoing basis throughout the production process. SA is a method for considering the significant effects of planning policy documents in relation to sustainable development. It is a legal requirement under the European Strategic Environmental Assessment (SEA) Directive (2001/42/EC), which requires assessment of the effects of certain plans and programmes on the environment as well as on social and economic objectives.
19. The Plan has also been subject to Habitats Regulations Assessment for impacts on European designated sites at each stage of its production.

Summary of public health implications

20. The adoption of the Minerals Sites Plan will enable BCP and Dorset Councils plan positively for Dorset's minerals needs while mitigating the impacts of mineral extraction from the sites.

Summary of equality implications

21. An Equality Impact Needs Assessment Screening has been completed at each stage of the Mineral Sites Plan production process. No adverse impacts in terms of equalities have been identified.
22. Dorset Council (and formerly Dorset County Council) also subjected the Mineral Sites Plan to Equalities Impact Assessment and took into account the results of the assessment during the preparation of the plan.

Summary of risk assessment

23. If the Mineral Sites Plan is not adopted this would present a risk to strategic priorities and opportunities on the basis that the two Dorset minerals planning authorities would be failing to maintain an up-to-date policy framework for minerals extraction in accordance with statutory requirements. This would undermine the Council's ability to meet environmental and community priorities as there would be an increased risk of inappropriate development taking place on appeal.

Background Papers

Modified Version of Mineral Sites Plan Pre-Submission Draft

- Chapters 1-6
www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/msp-mods-consultation-may2019/mspsd-17-modified-version-of-the-pre-submission-draft-mineral-sites-plan-chapters-1-6.pdf
- Submission Policies Map and Insert Maps (1)
www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/msp-mods-consultation-may2019/mspsd-17-modified-version-of-the-pre-submission-draft-mineral-sites-plan-pages-83-97.pdf
- Submission Policies Map and Insert Maps (2)
www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/msp-mods-consultation-may2019/mspsd-17-modified-version-of-the-pre-submission-draft-mineral-sites-plan-pages-99-113.pdf
- Appendix A - Site Allocations
www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/msp-mods-consultation-may2019/mspsd-17-modified-version-of-the-pre-submission-draft-mineral-sites-plan-appendix-a.pdf
- Appendix B – Safeguarded Minerals Sites and Infrastructure
www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/msp-mods-consultation-may2019/mspsd-17-modified-version-of-the-pre-submission-draft-mineral-sites-plan-appendix-b-replaced-policies-and-glossary.pdf

Appendices

Appendix 1 – BCP Site Profiles - extracts from Mineral Sites Plan Pre-Submission Draft 2017 updated with Main Modifications (attached).

Appendix 2 - Mineral Sites Plan Inspectors Report on Examination

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/msp-inspector-report/bcpd-msp-final-1-august-2019.pdf>

Appendix 3 - Mineral Sites Plan Schedule of Main Modifications

www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/msp-inspector-report/mm-schedule-final-1-august-2019.pdf