



**Dorset  
Council**

## Cabinet

Adoption of the Bournemouth, Christchurch,  
Poole and Dorset Mineral Sites Plan

Date of Meeting: 1 October 2019

Portfolio Holder: Cllr David Walsh – Lead Member for Planning

Executive Director: John Sellgren - Executive Director for Place

### **Executive Summary:**

In March 2018 the draft Bournemouth, Dorset and Poole Mineral Sites Plan was submitted to the Secretary of State and an independent inspector was appointed to hold an examination into the plan's soundness. Public hearings were held in September and October 2018, and a further session in February 2019. The Inspector was invited to include in her report any recommendations needed to make the plan sound and therefore capable of adoption.

The Inspector's report has now been issued and it concludes that, subject to the inclusion of the modifications, the plan is legally compliant and sound. The modifications do not significantly alter the thrust of the overall content and approach that was submitted for examination.

Under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), it is the responsibility of the Local Planning Authority to adopt the Mineral Sites Plan. It can only be adopted if it includes the modifications that the Inspector considers are needed to make it sound.

As the Plan covers the two administrative areas of Bournemouth, Christchurch and Poole Council (BCP) and Dorset Council, it will need to be adopted by both unitary authorities. Once this occurs, there will follow a 6-week legal challenge period from the date of adoption during which interested parties have the right to challenge the plan on legal/procedural matters under the provisions of the Planning and Compulsory Purchase Act 2004.

The Mineral Sites Plan, along with the Bournemouth, Dorset and Poole Minerals Strategy adopted in 2014, will provide an up-to-date statutory planning framework for mineral matters across the entire local authority area, as well as that of Bournemouth, Christchurch and Poole. This will enable both Councils to plan positively for future minerals needs in compliance with national policy. It will also supersede the remaining 'saved' policies from the 1999 Dorset Minerals Plan.

**Equalities Impact Assessment:**

The Mineral Sites Plan has been the subject of an Equalities Impact Assessment (including EqIA screening) and issues identified in the assessment have been taken into consideration in preparing the plan.

**Budget:**

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 a plan. In the event of such a challenge there may be legal costs associated with defending the challenge.

In the event that the Council opts not to adopt the plan, it would expose the authority 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 although there is a current Minerals Strategy with policies relating to minerals supply, there would not be an up-to-date plan identifying specific sites for future development. This could give greater weight to the presumption in favour of sustainable development, with decisions being judged directly against the National Planning Policy Framework. It would also pose a risk to the minerals provision responsibilities of Dorset Council in terms of planning to meet future needs.

**Risk Assessment:**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk LOW

**Climate implications:**

Development of minerals sites will result in the production of greenhouse gases. This is set against the need for and benefits of mineral supply. There is a policy in the Minerals Strategy 2014 specifically addressing assessment and mitigation of climate impacts in minerals developments.

**Other Implications:**

The plan was the subject of a Sustainability Appraisal (incorporating Strategic Environmental Assessment) and a Habitats Regulations Assessment. It has also involved all relevant service providers within Dorset Council. Any issues regarding sustainability or corporate interests have been taken into account in preparing the plan.

**Recommendation:**

That Cabinet commends the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan to Council and requests that Council:

1. resolves to adopt the Plan subject to its inclusion of the main modifications that are appended to the Inspector's Report;
2. 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;
3. delegates to the Lead Member for Planning, after consultation with the Executive Director for Place:
  - a. 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;
  - b. authority to expedite any technical/procedural matters associated with adoption of the plan, including those connected with Dorset Council's role as the Competent Authority on matters relating the Habitats Regulations Assessment<sup>1</sup> of the Plan.

**Reason for Recommendation:**

- To ensure Dorset Council has an up-to-date statutory policy framework for considering planning applications for minerals development.
- To comply with the requirements of the statutory/consequential orders concerning Shaping Dorset Council which require a council-wide local plan by 2024.

**Appendices:**

1. Mineral Sites Plan Inspector's Report and
2. Schedule of Main Modifications

**Background Papers:**

The Modified Version of the Mineral Sites Plan can be accessed at [www.dorsetcouncil.gov.uk/mineral-sites](http://www.dorsetcouncil.gov.uk/mineral-sites)

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<sup>1</sup> Under the provisions of the Conservation (Natural Environment, etc.) Regulations (Northern Ireland) 1995 (as amended) (commonly referred to as the Habitats Regulations)

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## **1. Overview**

- 1.1. Responsibility for minerals planning matters rests with county and unitary authorities. Since 1997, the preparation of minerals planning policies in Dorset has been undertaken jointly by the relevant minerals planning authorities across Dorset. Prior to 1 April 2019 this was Dorset County Council, Bournemouth Borough Council and Borough of Poole. Since 1 April this responsibility now falls on Dorset Council and BCP Council.
- 1.2. The current statutory local plan context for minerals matters is provided by the 'saved' policies of the Dorset Minerals Plan 1999 and the Bournemouth, Dorset and Poole Minerals Strategy 2014. In 2007 work began on a Minerals Core Strategy, intended to provide a strategy for minerals provision along with site specific allocations which would replace the 1999 Minerals Plan to provide an up-to-date spatial strategy and policy framework to meet the minerals needs of the plan area. Following advice from the then Government Office, the Core Strategy element of the work was separated from the site allocations element, and the Minerals Strategy was completed and adopted in 2014.
- 1.3. However the Minerals Strategy 2014 did not include any site specific allocations, required to demonstrate that the strategy for minerals provision was deliverable. Work on the site allocations document, now known as the Mineral Sites Plan, resumed in 2013 and following various public consultation stages the draft Mineral Sites Plan was submitted to the Secretary of State in March 2018. This marked the commencement of an examination into the plan's soundness, 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.
- 1.4. 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 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 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 Mineral Sites Plan itself identifies specific site allocations for a range of minerals, promotes integrated and long-term management in the Puddletown

Road area and provides additional safeguarding around existing and proposed mineral sites.

- 1.5. It is important to note that the Mineral Sites Plan is strategic in its remit in that it covers the geographical area administered by Dorset Council and BCP. Its adoption will be a positive achievement for the new councils as part of their wider local development frameworks.

## **2. The Inspector's Report**

- 2.1. The Inspector's report has now been issued and this concludes the examination. It contains a schedule of main modifications. These are modifications which are considered material to the Plan.
- 2.2. 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).
- 2.3. 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.

## **3. Adoption of the Plan**

- 3.1. 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.
- 3.2. As the Plan covers the administrative areas of Dorset Council and Bournemouth, Christchurch and Poole Council (BCP) 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.
- 3.3. Once the plan is adopted, there will follow a 6-week legal challenge period from the date of adoption. 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.

## **4. Concluding Comment**

4.1. The adoption of the Mineral Sites Plan will provide Dorset Council and BCP with an up-to-date policy framework that will replace the 'saved' policies from the 1999 Minerals Plan. Under the provisions of the National Planning Policy Framework development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. 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 in a manner that is consistent with the Minerals Strategy 2014 and Mineral Sites Plan. For these reasons I have no hesitation in commending the Mineral Sites Plan to you.