



Representation to Proposed Submission Core Strategy Part 1

Oxfordshire Minerals and Waste Local Plan

August 2015

OXAGE (Oxfordshire Against Gravel Extraction)

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1.0 INTRODUCTION

- 1.1 This Representation is to the consultation by Oxfordshire County Council (**OCC**) on the Pre Submission Minerals and Waste Local Plan: Part 1 Core Strategy August 2015 (**the Plan**) on behalf of Oxfordshire Against Gravel Extraction (**OXAGE**) - a county-wide alliance of community action groups against gravel extraction.
- 1.2 The Representation is only concerned with the 'minerals' content (primarily land-won sharp sand and gravel '**ss&g**'), not 'waste'.
- 1.3 **OXAGE** was formed in 2013 in order to formulate a joint response to the OCC's draft minerals strategy, and in particular to its draft Local Aggregates Assessment, a document which underpins all minerals planning. It now represents the following groups:

BACHPORT (Burcot and Clifton Hampden Protection of River Thames)

Parishes:

Burcot and Clifton Hampden

Long Wittenham

Appleford

Total population c. 2,500

CAGE (Communities Against Gravel Extraction)

Parishes:

Aston Tirrold

Aston Upthorpe

Brightwell-cum-Sotwell

Cholsey

Moulsford

North Moreton

Wallingford

Total population 14,000 (Census 2011) now estimated to be approximately 15,000 as a result of new housing since then.

Eynsham

Population approximately 4,860.

PAGE (Parishes Against Gravel Extraction)

Parishes:

Benson

Berinsfield

Berrick Salome

Dorchester-on-Thames
Drayton St Leonard
Newington
Stadhampton
Warborough

Total population of around 5,500.

SEAG (Sonning Eye Against Gravel)
Sonning Eye

Population around 100.

CPRE (Council for the Protection of Rural England) supports this alliance

1.4 OCC adopted the original Minerals and Waste Local Plan in July 1996 which covered the period to 2006. It will be replaced by the new Minerals and Waste Plan which will provide up-to-date minerals and waste planning policies and proposals for the period to 2031.

1.5 Preparation by OCC has already been over a long period:

- Minerals and Waste Core Strategy Issues and Options Consultation June 2006
- Preferred Options February 2007
- Preferred Options June 2007
- Minerals and Waste Planning Strategy September 2011

1.6 A Minerals and Waste Core Strategy Proposed Submission Document was published in May 2012 for consultation. In October 2012 it was submitted to the Secretary of State for examination but withdrawn by OCC on 9 July 2013 following an adverse Interim Report by the Inspector. The Inspector raised serious concerns in December 2012 and January 2013 including¹:

- *how the Council has complied with the duty to co-operate (a new duty brought in by the Localism Act in November 2011).*
- *the plan's provision for aggregates supply and the Local Assessment of Aggregate Supply Requirements which Atkins (consultants) prepared for the Council in January 2011.*

¹ Report to OCC 9.7.15 Item 8

1.7 This Response submits that

- the Plan is **not legally compliant** because it has not been prepared in accordance with the Statement of Community Involvement.
- the **Duty to Cooperate** has not been complied with
- the Plan is **unsound** for reasons explained below

Objection 1 - oversupply (Policy M2)

1.8 The new Plan, at 148 pages long (including the waste management sections), backed with many extensive submission documents, has clearly taken time and resources to produce.

However it fails in its principal task to balance the provision of mineral supplies with the protection of the Oxfordshire countryside. Every field which is used for mineral extraction is a field lost to the countryside for many years and sometimes for ever, so an excess of provision is to be avoided.

1.9 Elsewhere in this Response, this issue is explored in more detail, but a comparison of provision based on Government policy (of a 'ten year average') would require an 18 year provision of 12.86 million tonnes (**mt**) of sharp sand and gravel (**ss&g**) (0.715 mt p.a.) whereas the quantification and provision in the Plan is 18.27 mt (1.015 **mtpa**). This will be demonstrated to be a massive overprovision of some 5.41 mt (42%) which is a typical yield of one or two major new sites - an unnecessary loss of countryside and major disruption to local communities. The Plan Table 2 p42 shows that after existing reserves are taken into account, there would be a need for a new site or sites with 5.37 mt of ss&g resource. **If the '10 year average' method were adopted then there would already be a small surplus of reserves and no need for any new sites.**

1.10 Even on the unwarranted high figure of 1.015 mtpa, with reserves of at least 12.904 mt, there is an adequate landbank until 2025. But if the Plan made provision for 5.37 of extra ss&g this would encourage planning applications for extraction before then.

1.11 However, this large landbank 'breathing space' would allow OCC to produce a full Plan, including sites (if any are needed), rather than the wholly unsatisfactory two stage process.

1.12 The overprovision means that there is little incentive for producers to seek out other more sustainable means of aggregate provision (recycled or marine dredged material, crushed rock). This would be avoided if the Plan were site specific plan which would more precisely align need with location, and thus provide a means to restrict permissions on non-identified sites.

1.13 This objection is focussed on **Policy M2** and other related parts of the Plan.

Objection 2- lack of spatial clarity (Policy M3)

1.14 The second main job of a Local Plan is to “*set out the opportunities for development and clear policies on what will or will not be permitted and where*”². OCC have vacillated since starting the Plan process in 2005³ between producing a comprehensive Plan and now, effectively, a ‘non locationally specific’ Plan with site identification sometime in the future. This will be detailed below, but is contrary to the Framework.

1.15 This has blighted local communities since 2005 and will continue to do so with no clear end in sight.

1.16 Nevertheless, there is a lack of any apparent evidential basis for the mapped ‘strategic resource areas’ except for the short and rather vague paragraph 4.24 in the Plan, which is wholly unsatisfactory. Figure 9 ‘Minerals Key Diagram’, which reduces Oxfordshire to a sheet of A4, shows vaguely delineated but extensive areas of potential working.

1.17 This objection is focussed on **Policy M3** and other related parts of the Plan.

Objection 3 - site identification (paragraphs 4.28 - 4.33)

1.18 Whilst this Representation objects to a Plan without sites and the two stage process proposed by OCC, the Plan in Policy M3 describes the ‘strategic resource areas’ to be the ‘principal locations for working aggregate minerals’, and shows these on a small key diagram

² Framework para 154

³ MWDS 2014 para 3.3

at Fig 9. Policy M4 sets out criteria for site identification within the ‘resource areas’ for the purposes of MWLP Part 2 Site Allocations Document.

- 1.19 Having adopted this format, the Plan then seeks to go a stage further in paragraph 4.22 onwards headed ‘Locations for working aggregate minerals’. There follows comments and assertions which do not seem to be supported by any evidence in the submission documents. Moreover, the Plan’s justification for identifying any “requirement for additional sites in this part of the county will need to be met by a new working area within the Thames and Lower Thame Valleys area from Oxford to Cholsey” both pre-judges any site selection process and is entirely unsupported by any evidence. This section should be deleted.
- 1.20 The conclusion is that the Plan **fails the tests of soundness** as set out in the Framework, which will be demonstrated in the Representation below:⁴

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

Structure of the Response

- 1.21 The Response is structured in the order that the Inspector is likely to consider the Plan - legality, duty to cooperate, soundness. The Sections that follow are not intended to prioritise the objections.

⁴ The Framework para 182

2.0 LEGALITY: LACK OF COMPLIANCE WITH THE STATEMENT OF COMMUNITY INVOLVEMENT

- 2.1 The Plan is based on an annual production level for sharp sand and gravel of 1.015 mtpa as set out in the Local Aggregate Assessment⁵. There has been no public consultation on this document which is contrary to the Statement of Community Involvement⁶.
- 2.2 Regulation 18⁷ requires that (in summary) ‘a local planning authority must notify the relevant bodies or persons of the subject of a local plan which the local planning authority propose to prepare, and invite each of them to make representations about what the local plan ought to contain; the persons or bodies to include such of the general consultation bodies as the local planning authority consider appropriate and residents’.
- 2.3 The PAS checklist⁸ with reference to Regulation 18 states ‘how will community engagement be programmed into the preparation of the DPD? - If the SCI is up-to-date, use that.’
- 2.4 A letter from David Cameron (Local MP as well as Prime Minister) of 18 March 2015 quotes OCC providing him with information which includes the following (emphasis added):

*The LAA is one of many technical, background documents that will provide the evidence base for the MWLP, **albeit that it is key document. The Council is required to involve and consult with the community in the preparation of the MWLP and we have been doing this over a period of several years, in line with the Oxfordshire Statement of Community Involvement.** There are specific stages in the preparation of local plans where consultation must be carried out, but there are **no requirements to consult on individual evidence base documents** as and when they are prepared. There is a balance to be struck between the **desirability of involving the community and the need for plans to be prepared in a timely manner, without undue delay.***

*The **LAA 2014 will be available** as one of the evidence base documents when the Core Strategy is **published for pre-submission consultation (probably in May subject to Council approval to proceed on 24 March), and the local community will have the opportunity at that time to make representations on the LAA** as well as the Core Strategy itself. The Council will still be able to take full account of any further views the public have prior to formal submission of the document. In view of this, we did not consider it necessary or appropriate to carry out a separate consultation on the LAA with parish councils, local environmental groups or the public generally.*

⁵ LAA Prepared for Oxfordshire County Council by LUC and Cuesta Consulting Limited November 2014

⁶ Statement of Community Involvement versions Sept 2014, Dec 2014, March 2015

⁷ The Town and Country Planning (Local Planning) (England) Regulations April 2012

⁸ PAS Local Plan Legal Compliance Checklist April 2013

- 2.5 This is clearly representative of OCC's approach of expediency over community involvement. Despite a reference to the SCI, the author seems not to have read its clear requirement to consult the community on this 'key document' at the 'earliest stage' to 'save both time and money'. The 2014 LAA was published in November 2014. There would have been ample time to consult on this fundamental document and consider the response before publishing the Proposed Submission Plan in August 2015.
- 2.6 In contrast to the June 2013 process of public consultation on the LAA, there has been none on the 2014 exercise and report. Yet OCC has changed the LAA calculation methodology from the 10 year average agreed in November 2013⁹ to that in the LUC report which fundamentally changes the nature of the Plan. This lack of consultation is in direct contravention of OCC's Statement of Community Involvement on Minerals and Waste Planning (SCI) which states that (extracts):
- 4.2 The production of local development documents will involve the following stages:
A. Evidence Gathering – to form the evidence base for the plan – this could include assessment of need for minerals; ...*
- 4.3 We will consult communities on the development of plan documents at the earliest possible stage to allow meaningful engagement in the process. If difficulties and conflicts are addressed at an early stage, both time and money can be saved in the final stages of plan production.*
- 4.6 Where appropriate we will go beyond the requirements of the Regulations. We will seek to involve all individuals, groups, organisations and bodies that we think have an interest in the minerals and waste development documents being prepared or who have expressed an interest in being involved or consulted.*
- 2.7 However, Officers have consulted¹⁰ the South East England Aggregate Working Party, which is comprised of other Mineral Planning Authorities in the South East and mineral operators, and the Oxfordshire Minerals Producers Group, all of which would also surely support the highest figures - the mineral companies for commercial reasons and the MPAs because extra provision in Oxfordshire reduces pressure to make provision in other counties. But there was no opportunity for any opposing views to be expressed, as there was in the previous exercises. This limited consultation exercise has excluded the local community.

⁹ Cabinet 26.11.13

¹⁰ Consultation Statement August 2015 para 8.2



2.8 This lack of public consultation, contrary to the SCI, is a matter of legality and the MWLP Inspector is invited to consider whether the Plan fails the test of Legal Compliance.

3.0 DUTY TO CO-OPERATE

3.1 The Consultation Statement (August 2015) states (emphasis added):

*12.1 Consultation overlaps with engagement and liaison under the duty to co-operate. Except where specifically mentioned, **this statement does not cover** the County Council's engagement, liaison and working with other local authorities and bodies under **the duty to co-operate**. This is being documented in a **separate statement** on compliance with the duty to co-operate, which will be made available on the Council's website.*

3.2 Attached to the Consultation Statement is a Report to Cabinet 26 November 2013¹¹ which lists the bodies involved with DtC in a Table and indicates exchanges in the period July - October 2013.

3.3 The Duty to Cooperate (**DtC**) Statement appeared on the website on 10 September 2015 (and its 'properties' confirm this as the publication date). This is 3 weeks after the commencement of the statutory consultation period and may be contrary to the Regulations¹² 17, 19 and 35. OCC was asked to consider this point but responded¹³:

"In the opinion of the County Council, the Council's Statement on Compliance with the Duty to Cooperate (September 2015) is not a supporting document that is 'relevant to the preparation of the local plan' and consequently it is not a 'proposed submission document' as defined in Regulation 17 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The County Council will not be extending the representations period beyond 30 September 2015."

3.4 The Duty to Cooperate is a fundamental issue in the preparation of Local Plans and it is common practice to make a DtC Statement part of the submission documents. It is particularly surprising that OCC have come to its view (which seeks to justify late publication of the DtC Statement) given the reasons for the earlier Local Plan rejection. It is surely an important '*relevant [document] to the preparation of the local plan*'¹⁴. No doubt the Inspector will consider this in due course.

3.5 Appendix 3 is a summary from the Statement of Compliance regarding contact and cooperation with the South East England Regional Aggregates Working Party (SEEAWP) and

¹¹ Consultation Statement Appendix 2 Annex 1

¹² The Town and Country Planning (Local Planning) (England) Regulations 2012

¹³ email from Peter Day, Minerals & Waste Policy Team, Leader Oxfordshire County Council 21.9.15

¹⁴ *ibid* para 17

those county council Mineral Planning Authorities listed. It is to be noted that only 3 of 14 SEEAWP MPAs have a recorded contact.

- 3.6 Of these contacts, SEEAWP is the most important as it acts as an umbrella organisation for all the MPAs and minerals industry representatives in the old south-east region. However there is little documentary evidence of when, how or what the outcome was on the occasions when the OCC Minerals Plan and LAA were discussed - either at the meetings or otherwise.
- 3.7 The AWP has a critical role in the provision of data and consideration of the LAA in accordance with the guidance in MASS¹⁵:

The role of each Aggregate Working Party should be to monitor the operation of the Managed Aggregate Supply System, and in particular by:

- a) **providing technical advice to each individual (or group of) Mineral Planning Authority on the adequacy of each local aggregate assessment. Each Mineral Planning Authority should submit its annual local aggregate assessment to the relevant Aggregate Working Party for consideration and scrutiny. The views of the Aggregate Working Party are capable of being a material consideration, both in preparing mineral plans and in making decisions on individual planning applications.***
- b) **providing an assessment on the position of overall demand and supply for the Aggregate Working Party area, including whether, in its view, the area is making a full contribution towards meeting both national and local needs. This assessment should be based on local aggregate assessments and should be informed by other economic data. The assessment should also include an indication of emerging trends of demand in the Aggregate Working Party area; and***
- c) **obtaining, collecting and reporting on data on minerals activity in their area. Each Aggregate Working Party should collate annual data on sales, permissions and mineral reserves in their area, data on recycled and secondary sources, and produce an annual report on these issues.***

- 3.8 The Statement on Compliance with DtC states that OCC attends SEEAWP meetings which are usually held twice a year. SEEAWP does not have its own website but a search revealed that the last minuted meeting was 9 July 2014, there is no mention of the OCC LAA. The arrangements for the next meeting are recorded as follows:

¹⁵ Guidance on the Managed Aggregate Supply System October 2012 para 8

The next SEEAWP meeting is to take place at 2pm on Wednesday 22 October 2014 ... Will MPAs please note that this means updated LAAs should be submitted to the Secretary at the latest by 8 October, and preferably before the end of September.

3.9 There are no records of that meeting nor when or how the OCC was later considered (the latest OCC LAA was produced in November 2014). Whilst the Statement of Compliance records “LAA accepted and approved by SEEAWP”¹⁶, there is no further detail of how and when that was discussed by the constituent MPA members and in what way it was “accepted and approved”. This is wholly inadequate and alone demonstrates that the Duty to Cooperate has not been complied with.

3.10 The consultant’s report which became the November 2014 LAA states as follows:

*LUC and Cuesta Consulting were commissioned in August 2014 by Oxfordshire County Council (OCC) to prepare the Oxfordshire Local Aggregate Assessment (LAA) 2014.*¹⁷

3.11 Appendix 3 is a full record of all meetings but because of the timetable above the only relevant meetings and discussions on the LAA and draft of the Plan were those which took place between August and November 2014, as follows:

	date	matters discussed	outcome
Buckingham CC	Oct 2014	LAA 2104	approach supported by BCC
Gloucestershire CC	Oct 2014	GCC concern about OCC level of provision, locational strategy, production capacity GCC wanted better use of resources in Clanfield/Bampton	OCC would address in LAA 2014, better balance between west and south OCC disagreed, did not allow for west/south re-balance
	unrecorded		through SEEAWP GCC subsequently indicated concerns better met in LAA 2014 OCC PS CS amended to address concerns about spatial strategy and production capacity of identified areas of working

¹⁶ Statement of Compliance para 4.6

¹⁷ Oxfordshire Local Aggregates Assessment 2014 Final Report V5 Prepared by LUC and Cuesta Consulting Limited November 2014 para 1.1

Berkshire Authorities	Oct 2014	comments made on Feb 2014 Plan discussed higher figures for LAA 2014	no concerns raised, to be discussed by SEEAWP shortly support for Plan's identification of Caversham
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3.12 None of these meetings have available minutes or any other supporting documentation.

3.13 The Statement of Compliance under 'Key Bodies, Minerals and Waste Authorities' states as follows:

*Oxfordshire formed part of the South East region, but its location is such that it also adjoins areas in the former South West, West Midlands and East Midlands regions. **The strategic issues identified for both minerals and waste are such as to have a potential relevance to all of the authorities in the former South East region and to each of the county authorities adjoining Oxfordshire that lie outside the region.** Each authority has been invited to make comment at key stages in the process of preparing the Plan.¹⁸*

3.14 It then lists the following 'former south-east region' - 19 authorities; 'other adjoining authorities' - 5; 'other authorities' - 5. Out of 29 authorities the Statement of Compliance DtC records 'cooperation' with only 3 in the critical period. Only 10 (or effectively 9 plus Berkshire which includes 5 Authorities) are recorded as ever having any 'cooperation' contact.

3.15 **Based on the September 'Statement on Compliance with the Duty to Cooperate' it is the submission of this Representation that the statutory Duty to Cooperate has not been complied with.**

¹⁸ Statement of Compliance DtC para 3.1

4.0 POLICY M2: QUANTIFICATION OF MINERAL SUPPLY

Government Policy

- 4.1 The NPPF (March 2012) includes a new approach, post Regional Plans, to minerals planning for the calculation of a future annual mineral supply figure now to be “*based on a rolling average of 10 years sales data and other relevant local information*”¹⁹. This is repeated in DCLG Minerals Guidance October 2012 (MASS)²⁰. This replaces the old methodology of the regional and sub-regional apportionment. This annual supply figure is multiplied by the Plan period (i.e. the number of years) in order to calculate the amount of mineral resources which needs to be provided.
- 4.2 This clarity and simplicity (covering past periods of boom and bust) compares with the previous method of calculating the annual figure by means based on national forecasts broken down to regional forecasts then sub-regional (county) ‘apportionment’ figures. These calculations were dubious and almost always higher than actual production. The old sub-regional figure for Oxfordshire for sand and gravel was 1.82 mtpa, a level of production which was never reached.
- 4.3 In March 2014 the on-line Planning Practice Guidance (PPG) relating to the Local Aggregate Assessment (LAA) was revised, extracts as follows (emphasis added):

Planning Practice Guidance March 2014: Planning for Aggregate Minerals Local Aggregate Assessments. Revisions : 06 03 2014

Paragraph: 062 Reference ID: 27-062-20140306

What should a Local Aggregate Assessment contain?

A Local Aggregate Assessment should contain three elements:

- *a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information;*
- *an analysis of all aggregate supply options, as indicated by landbanks, mineral plan allocations and capacity data e.g. marine licences for marine aggregate extraction, recycled aggregates and the potential throughputs from wharves. This analysis should be informed by planning information, the aggregate industry and other bodies such as local enterprise partnerships; and*

¹⁹ Framework para 145 point 1

²⁰ MASS para 6 point 1

- *an assessment of the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation. It should conclude if there is a shortage or a surplus of supply and, if the former, how this is being addressed.*

Paragraph: 063 Reference ID: 27-063-20140306

What are the supply options on which Local Aggregate Assessments should be based?

Local Aggregate Assessments **should consider all aggregate supply options**, including the following:

- **recycled aggregates**, including from construction, demolition and excavation waste;
- **secondary aggregates**, whose sources come from industrial wastes such as glass (cullet), incinerator bottom ash, railway ballast, fine ceramic waste (pitcher) and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. They can also include hydraulically-bound materials;
- **marine aggregates** from The Crown Estate. Information will cover the areas licensed by the Marine Management Organisation for marine sand and gravel dredging and, as they are prepared over time, Marine Plans;
- **imports** into and exports out of the mineral planning authority area. The mineral planning authority must capture the amount of aggregate that it is importing and exporting as part of its Assessment (this will usually be captured through the four yearly Aggregate Minerals Survey); and
- **land-won resources**, including landbanks and site specific allocations.

Paragraph: 064 Reference ID: 27-064-20140306

Can mineral planning authorities prepare a Local Aggregate Assessment solely on the basis of a 10 year average supply?

Local Aggregate Assessments must also **consider other relevant local information** in addition to the 10 year rolling supply, which seeks to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. Mineral Planning Authorities **should also look at average sales over the last three years** in particular **to identify the general trend** of demand as part of the consideration of whether it might be appropriate to increase supply.

Planning Officers Society and Mineral Products Association

- 4.4 The POS and MPA produced 'Practice Guidance on the Production of LAAs' (April 2015) which repeats much of the above Government Policy. However it makes an obvious but important point:

There will need to be sufficiently robust information to justify deviation from the starting point of the 10 years rolling sales average. The use of other relevant local information

*needs to be **based on sound evidence** that is not only relevant but is adequate, proportionate and up to date. (paragraph 3.9)*

Also

***There are limitations on how far specific future demand from various factors can be translated into direct aggregates demand. Further work on this aspect is being undertaken by a number of mpas and lessons learnt will be incorporated in future versions of this Guidance.**(para 3.8)*

The Plan's methodology

4.5 This Plan is based on a LAA²¹ which does not follow the policy guidance of the Framework or MASS. Although the PPG does suggest other factors may be relevant, the LAA has a complicated and unjustified methodology that concludes with an annual requirement figure for land-won sharp sand and gravel (ss&g) of 1.015 mtpa which is 42% above the 10 year average; this is examined below.

4.6 However, the LAA misses several requirements set out in the PPG:

Local Aggregate Assessments should consider all aggregate supply options, including the following:

- *recycled aggregates ...*
- *secondary aggregates ...*
- *marine aggregates ...*
- *imports into and exports out of the mineral planning authority area ...*

4.7 The PPG also requires that

*Mineral Planning Authorities **should also look at average sales over the last three years** in particular **to identify the general trend** of demand as part of the consideration of whether it might be appropriate to increase supply.*

4.8 The LAA has failed to look at 'the last 3 years' at all. The figures are 2011 (0.489 mt); 2012 (0.559 mt); 2013 (0.401 mt). Although 2012 was slightly higher than 2011, 2013 (a 'boom' year) shows land-won sales of ss&g at their lowest ever. The average for these 3 years is 0.483 mtpa. The LAA figure of 1.015 mtpa is 210% of this average. **If this is in any way to be**

²¹ LAA Nov 2014 produced by LUC and Cuesta Consulting Ltd

used to assist in identifying a general trend, then the conclusion must be that demand is decreasing, not increasing.

Alternative supplies

4.9 These 'supply options' are mentioned in the Plan but no assessment has been made of their potential to make a real contribution to future supply. Instead the 'solution' is to facilitate an increased supply of land-won material.

4.10 The Plan's Vision and Objectives include²²:

a) There will be a sufficient supply of aggregate materials available to meet the development needs of the county with a world class economy, and make an appropriate contribution to wider needs, provided from the following sources (in order of priority):

- *secondary and recycled aggregate materials (where practicable);*
- *locally produced sharp sand and gravel, soft sand, limestone and ironstone; and*
- *import of materials such as hard crushed rock that are not available locally.*

b) Mineral workings and supply facilities will be located and managed to minimise:

- *the distance that aggregates need to be transported by road from source to market;*
- *the use of unsuitable roads, particularly through settlements; and*
- *other harmful impacts of mineral extraction, processing and transportation on Oxfordshire's communities and environment.*

4.11 The objectives include:

Minimise the transport impact of mineral development on local communities, the environment and climate change by minimising the distance minerals need to be transported by road and encouraging where possible the movement of aggregates by conveyor, pipeline, rail and on Oxfordshire's waterways.²³

Safeguard important facilities for the production of secondary and recycled aggregate, railhead sites for the bulk movement of aggregate into Oxfordshire by rail and other infrastructure to support the supply of minerals in Oxfordshire.²⁴

4.12 The first priority in the vision (use of secondary and recycled material) is not confined to the source being within the county as the following extracts makes clear:

National policy is to aim to source mineral supplies indigenously but there may also be opportunities for recycled or secondary aggregate materials to be supplied from outside the county. For example, china clay waste from Cornwall is supplied to London and use of

²² Plan Section 3 paras 3.2, 3.3

²³ Plan para 3.4 vii

²⁴ ditto 3.4 xi

*this material as an aggregate in Oxfordshire could become economic in future, although there is no indication of this happening at least in the short term. In the interests of achieving an overall sustainable supply of minerals to Oxfordshire, where such material is sourced from distance it should where practicable be transported by rail rather than by road.*²⁵

Where practicable, the transport of recycled and secondary aggregate materials from sources distant to Oxfordshire should be by rail.²⁶

4.13 The importance of rail is touched upon in the extracts above and in the ‘strategic issues’:

*the approach that should be taken to supply of aggregates from outside Oxfordshire, particularly through aggregate railhead depots.*²⁷

4.14 These extracts demonstrate that:

- the use of secondary or recycled material is preferred to land-won sources
- rail is the preferred means of transport for such material.

4.15 One of the sources is mentioned but not investigated:

- china clay waste from Cornwall transported by rail.

4.16 However, there are other sources which have not been investigated:

- ash (power station) from Drax (North Yorkshire) to Appleford by rail in tank containers, replacing ash from Didcot, but not yet using all of the available terminal capacity
- ash from Ardley “energy recovery facility became operational in 2014, providing a new source of ash”²⁸
- potential to import other secondary or recycled materials, such as building and demolition waste from London and steelworks slag from South Wales
- Mendip/Leicestershire crushed rock
- marine dredged aggregate (see below)

4.17 The existing rail infrastructure which facilitates import of secondary/recycled material is listed in the Plan²⁹:

²⁵ Plan para 4.7

²⁶ Plan Policy M1

²⁷ Plan para 2.44

²⁸ Plan para 2.10

²⁹ Plan Policy M6

- Hennef Way, Banbury (existing facility)
- Kidlington (permitted replacement facility)
- Appleford Sidings, Sutton Courtenay (existing facility)
- Shipton on Cherwell Quarry (permitted facility).

4.18 There is also a potential rail terminal at Bicester.

4.19 Marine won sand and gravel has grown in market share of total UK Sand and Gravel from 13% in 1980 to 20% in 2013. More than 80% of Marine S&G is landed in the London & Thames corridor and the South East. There is considerable potential for further growth of marine S&G as only half of the area licensed is currently being worked. The growth of marine S&G will have had a big indirect effect on Oxfordshire production. While some marine S&G may be used in Oxfordshire, it will have had a pronounced effect on Oxfordshire's former export markets of London and the South East³⁰.

4.20 Similarly, the volume of recycled aggregate has grown enormously over the last thirty years. In 1980 recyclables accounted for just 9% (20mt) of the total market for primary aggregates, rising to 40.6% (60mt) by 2012, despite decreasing aggregate demand. The growth of recyclables has had a direct effect on demand for land-won S&G, and will have contributed to the decline in Oxfordshire production³¹.

4.21 Continued, (or even increased), use of relatively cheap but environmentally damaging land-won sand and gravel dissuades the search for, and investment in, alternatives. The growth areas shown on Plan Fig 2 are all located on rail lines.

Comparison with previous assessments

4.22 OCC commissioned Atkins to prepare a LAA and the June 2013 report recommended that 'relevant local information' should be taken into account including **dubious linkages to**

³⁰ British Marine Aggregate Producers Association

³¹ British Marine Aggregate Producers Association

population growth and economic activity and mothballing of 3 quarries. The result of this exercise was a recommended LAA figure of 0.964mtpa of sharp sand and gravel.

- 4.23 After consultation with local groups in accordance with the Statement of Community Involvement, which demonstrated that the Atkins approach was flawed, the Cabinet (26th November 2013) unanimously approved the 10 year sales average option of the draft 2013 LAA - 1.0 mtpa sand and gravel which includes 0.81 mtpa sharp sand and gravel. These figures were used in developing the Minerals and Waste Core Strategy with full consultation taking place in spring 2014.
- 4.24 OCC Cabinet in November 2013³² considered a previous Draft LAA prepared by Atkins (June 2013 - also with a questionable methodology) but agreed with the Officers recommendation: (emphasis added)

17. Within the South East, the draft Oxfordshire LAA is the only one that has proposed an adjustment to the 10 year sales average. All other LAAs are based on a 10 year sales average, unless the authority already has an adopted plan with a different figure, except for one case where the average of the last 3 years sales has been used because there were no sales during the first part of the 10 year period. Outside the South East, all LAAs that we are aware of use the 10 year sales average.

18. The adjusted methodology proposed in the draft LAA relies on certain assumptions and relationships which are open to challenge and may be difficult to explain and defend; and there is a risk that the approach would be found unsound at examination. These include the use of population as a proxy for demand; the application of national consumption per head figures to Oxfordshire; the use of the ratio of sales to estimated consumption as the net import or export position in Oxfordshire over the last 10 years; and the use of an average of those figures as a net import or export factor as an adjustment factor applied to the level of provision in future years.

19. Having looked at the LAA methodology in the light of these factors and the responses to the June 2013 draft LAA, I am not convinced of the need for an adjustment to be made to the 10 year sales average. There is significant headroom between the 10 year average figures and the position in 2012, as shown in the table below, which would enable sales to increase such that Oxfordshire could move from being a net importer to a net exporter of sharp sand and gravel.

- 4.25 Whilst this pre-dates the PPG revisions, the need to consider 'other relevant information' is in the Framework and MASS so the PPG made no fundamental changes to policy. In any event

³² Cabinet – 26 November 2013, Oxfordshire Local Aggregate Assessment 2013, Report by Deputy Director for Environment & Economy (Strategy & Infrastructure Planning), paras 17 - 19

the ‘other relevant information’ in the LUC LAA is very similar to the Atkins version. The conclusions in paragraphs 18 and 19 above remain valid. It is unclear why this clear professional advice, accepted by the Council, has apparently changed back to reliance on a dubious methodology which had been previously rejected.

Comparison between 10 year average and the LAA November 2014

- 4.26 The latest published data³³ (2004 - 2013) shows a 10 year average for sharp sand and gravel at 0.715 million tonnes (**mt**) per annum (**mtpa**). The LAA/Plan has an annual supply figure of 1.015 mtpa, 42% higher than the figure as recommended in Government policy.
- 4.27 The LAA (November 2014) uses a period of 2003 - 2012 to calculate the 10 year average of 0.812 mtpa in Table 4.1, even though the Oxfordshire figure for 2013 is shown in the Tables, which is contrary to the position in Table 3.1 which says that the 2004 - 2013 figure of 0.715 mtpa should be used. The excuse may be that the dubious exercise of comparing Oxfordshire’s production with England’s was not possible for 2013 as the England figure was not available in November 2014. The 2013 figure was published in February 2015³⁴ and is 29.109 mt (which is a small increase on 2012, but not statistically significant any more than the small increase of 2010 on 2009, before again falling). LUC arbitrarily chose a “pre-recession” period of 2001 - 2007 to calculate Oxfordshire’s share of England sales at 2.51%. However, sales between 2001 and 2005 (“pre-recession”) had already been falling significantly by 6% (England) and 32% (Oxfordshire) before any ‘mothballing’ had taken place. The 10 year average England figure 2004 - 2013 is 38.476mtpa and 2.51% (even though irrelevant) of that is 0.966 mt if applied to Oxfordshire - not the 1.015mtpa in the Plan para 4.14 and Table 2 p42. The PPG requires authorities to look at the trend of the last three years, but this has not been done. The average for these 3 years is 0.483 mtpa - the 1.015 mtpa figure is 210% higher than that.
- 4.28 For a plan period of 18 years the Plan figure means a requirement for ss&g of 18.27mt³⁵ whereas the lower ‘10 year average’ figure would require 12.87mt. Estimated permitted reserves (presumably at April 2014) of ss&g were 12.904 mt. **So under the Government’s**

³³ LAA Nov 2014 Table 3.1 p24

³⁴ Mineral extraction in Great Britain 2013 Business Monitor PA1007 Feb 2015 Table 2 p16

³⁵ Plan Table 2 p42 B

recommended 10 year average approach no new ss&g sites are required; under the questionable LAA approach at least one, or perhaps two, new sites would be required.

4.29 This is not an academic argument, oversupply (as this Representation contends) has two important consequences:

- the easy availability of relatively cheap land-won aggregate (price would be kept low in an abundant supply/competitive scenario) would suppress the provision or search for more sustainable supplies - marine dredged or recycled/secondary material
- an extra site or sites would be created with all attendant impacts on the Oxfordshire countryside and its local communities.

Criticism of the LAA's approach

4.30 Despite no objections being raised in the consultation in 2013 on the use of the 10 year sales average, Officers appointed (for reasons which are unknown) other consultants LUC and Cuesta Consulting (**LUC**) in August 2014 to develop the 2014 LAA. There was no consultation this time and the revised LAA only became public knowledge when the Cabinet papers were published in November 2014.

4.31 The LUC report diverged from the Government's recommended '10 year average approach' by reintroducing the factors of mothballed quarries, comparison with the revoked apportionment figure, future levels of construction, the impact of imports/exports and effects of new infrastructure. Similar arguments had been put forward before but rejected.

4.32 The Plan is based on these higher figures which is wholly unjustified and unnecessary because:

- there is no reason to go above Government guidelines - these are fully defensible
- the 'local factors' claimed by LUC could be replicated almost anywhere - the Government certainly knew about boom and bust when advocating the methodology.

4.33 LUC examined other relevant local information, in a similar fashion to the rejected 2013 Atkins report, to evaluate if there were reasons to deviate from the rolling 10 year sales

average and concluded there are six factors to support deviating from the 10 year sales average as follows:

- 4.34 **(1) Factor: Commercial Decisions by Quarry Operators.**³⁶ **Justification for Departure from Historical Sales Average: YES** (for sharp [sand] & gravel and also for crushed rock): it would be prudent to compensate for the temporary market distortion by making provision for more sharp sand & gravel and crushed rock production in Oxfordshire than is indicated by the 10-year average. Adjusted figures of 1.015mtpa for sharp sand & gravel, and 0.584 mtpa for crushed rock are indicated. In relation to soft sand, there is no available evidence to suggest similar circumstances, therefore no justification for departure from the historical sales average.
- 4.35 The LAA records that a slowdown in demand during the recession resulted in the ‘commercial decision’ by operators to ‘mothball’ ss&g sites in Oxfordshire and supply aggregate from elsewhere. The mothballing occurred at Sutton Courtney (2004 - 2007), Cassington and Stanton Harcourt (2008 - 2009).³⁷ It claims that this distorted sales figures the evidence of which is a comparison of Oxfordshire’s production with that of England.
- 4.36 **Comment:** the LAA accepts that the quarries were closed for commercial reasons which were surely that the recession had reduced demand not that the loss of production was the cause of decline in sales. Sites have since re-opened (Sutton Courtney 2007, increasing output in 2013³⁸) which demonstrates that demand has returned and the sites have returned to viability. There is no evidence that because there was a fall in the comparative percentage of production with England, this must point to a lack of supply in Oxfordshire; more likely it demonstrates a fall in demand. There could be many reasons e.g. that Oxfordshire is an innovative and prosperous area where construction places less emphasis on traditional land-won material. In any event, the decline in relative sales (Oxfordshire/England) started in 2002³⁹, well before the recession and the site mothballing, and looks to be linear. It continued to fall after the mothballed sites re-opened. The LAA’s assertion (described as ‘judgement’) is that because Oxfordshire averaged 2.51% of England sales in 2003 - 2007 that should be repeated for 2008 - 2013 because of the special circumstances that three quarries

³⁶ LAA Nov 2014 p47

³⁷ LAA para 3.10

³⁸ LAA para 3.10

³⁹ LAA Table 4.1 p45

were mothballed in Oxfordshire. There is no reasoned assessment or evidence to support this assertion.

4.37 The LAA Table 3.1 (with the 2013 England total added) also provides another comparison - if the ten year 2004 - 2013 Oxford average (0.715 mtpa as advocated in this Representation) is compared to the England average (38.477 mtpa) it is 1.86%. 1.86% of the England average is 0.713 mtpa, which is about the same.

4.38 Surrey is an adjoining county with similar characteristics in terms of sand and gravel extraction. It is presented here as an example for comparison only. Sales display almost the same figures and characteristics, also with the quarry mothballing, as the following table illustrates:

	England mt	Oxford mt	Ox/Eng avg % 2001 - 2007	Surrey mt	Sur/Eng avg % 2002 - 2007
2001	51.225	1.612			
2002	49.003	1.436		1.59	
2003	48.674	1.372		1.45	
2004	51.591	1.184		1.40	
2005	48.109	1.090		1.51	
2006	46.316	0.983		1.52	
2007	44.520	0.893		1.26	
	339.438	8.57	2.52	8.73	3.03
2008	41.527	0.629		0.92	
2009	31.705	0.462		0.54	
2010	31.794	0.455		0.59	
2011	31.392	0.489		0.31	
2012	28.702	0.559		0.20	
2013	29.109	0.401		0.33	
	194.229	2.995	1.54	2.89	1.49

4.39 Surrey, in its November 2014 LAA recognises that quarry mothballing is a normal commercial feature of a recession, also that the 10 years includes periods of boom and bust, that the 10

year average is higher than current annual production, and so provides headroom. Surrey is content to plan for the future on the basis of the simple 10 year average.⁴⁰

- 4.40 The use of a higher annual figure, because of mothballing of quarries in a period of low demand, is wholly unjustified. These commercial decisions do not represent an artificial suppression of demand requiring special treatment.
- 4.41 **(2) Factor: Overall Trends in Supply compared with Apportionments⁴¹. Justification for Departure from Historical Sales Average: YES, to some extent: the supply of primary aggregates in Oxfordshire has fallen far below the apportionments given in the former South East Plan, although this has to be balanced against the notion that the Oxfordshire apportionments themselves may have been too high. The net effect is that future provision probably needs to be somewhat higher than the 10 year sales averages, although the actual level of uplift required will need to be underpinned by other evidence.**
- 4.42 **Comment:** the apportionments in the SEP are of little interest or relevance, it was revoked in 2010 and its evidence base is even older. It was widely recognised that the apportionment figures (2.0/1.82mt⁴²) forced on Oxfordshire by the South East Assembly were far too high and LAA Table 4.1 shows that these levels were never reached. Moreover the vague language used in the ‘justification’ show that this consideration has no credibility. This is not a ‘local circumstance’ because production in none of the MPAs reached SEP levels.
- 4.43 **(3) Factor: Economic Growth. Justification for Departure from Historical Sales Average⁴³: YES: it would seem prudent to assume that future levels of economic activity, and thus demand for construction aggregate, are likely to be higher during at least the first part of the Plan Period than was the case during the baseline period. Unfortunately, no evidence is available to quantify the level of increase likely to be experienced, but it seems reasonable to assume that at least a modest level of increase will be needed.**
- 4.44 **Comment:** this ‘likely’ rise in economic activity is unable to be quantified. This is not a robust evidence base. In any event this is not ‘relevant local information’ as it could be applied to many other parts of the country.
- 4.45 **(4) Factor: Population and Housing Growth⁴⁴. Justification for Departure from Historical Sales Average: YES: although the evidence is somewhat indirect, the indications are that demand relating to population growth and new house construction could be significantly**

⁴⁰ Surrey LAA Nov 2014 para 3.2, 3.20

⁴¹ LAA para 4.35

⁴² LAA Table 3.3 p27

⁴³ LAA para 4.41

⁴⁴ LAA para 4.46

higher during the Plan Period than it was during the baseline period. Quantification of this effect is hampered, however by questions regarding the deliverability of the housing figures in the SHMA.

- 4.46 **Comment:** the vague language ('evidence is somewhat indirect', 'could be significantly higher', and 'quantification is hampered') is not an indication of a robust evidence base. Population has risen in the past whilst mineral production has declined⁴⁵. "*There is considerable uncertainty in Oxfordshire about deliverability of*" increased housing figures. There is 'suggestion' of a rising trend. These vague and unsupported statements are (i) not a robust reason to increase mineral supply and (ii) it is not demonstrated that these are special local circumstances.
- 4.47 **(5) Factor: Major infrastructure projects/ key development⁴⁶. Justification for Departure from Historical Sales Average: YES:** *whilst it is difficult to quantify, there are some indications that planned infrastructure and major development within the County may be greater during the Plan Period than was the case during the baseline period, and would therefore be prudent to anticipate at least a modest increase in demand for construction aggregates from this sector, in addition to that associated with population and housing growth.*
- 4.48 **Comment:** the acknowledgement that 'it is difficult to quantify' and 'there are some indications that infrastructure may be greater ...' is, again, completely lacking in robustness or any indication that it is a special local circumstance to justify a departure from a 10 year average approach.
- 4.49 **(6) Factor: Imports and Exports - Justification for Departure from Historical Sales Average⁴⁷:** *YES: reduced reliance upon imports from Somerset and Gloucestershire in future years will increase the pressure for domestic production, particularly of sharp sand & gravel. This would be additional to the suggested increases in more general levels of demand within the county, but is largely a repetition of the earlier point relating to commercial decisions by quarry operators.*
- 4.50 **Comment:** There is a lack of any data since 2005 and 2009 so 'it is very difficult to build up a clear picture'⁴⁸, however in those years Oxfordshire reduced exports, and this may have continued but there is no factual evidence. The next survey of imports and exports was planned for 2013 but this was cancelled. So there is again a 'lack of robustness' in terms of

⁴⁵ LAA appendix 3 Table 1

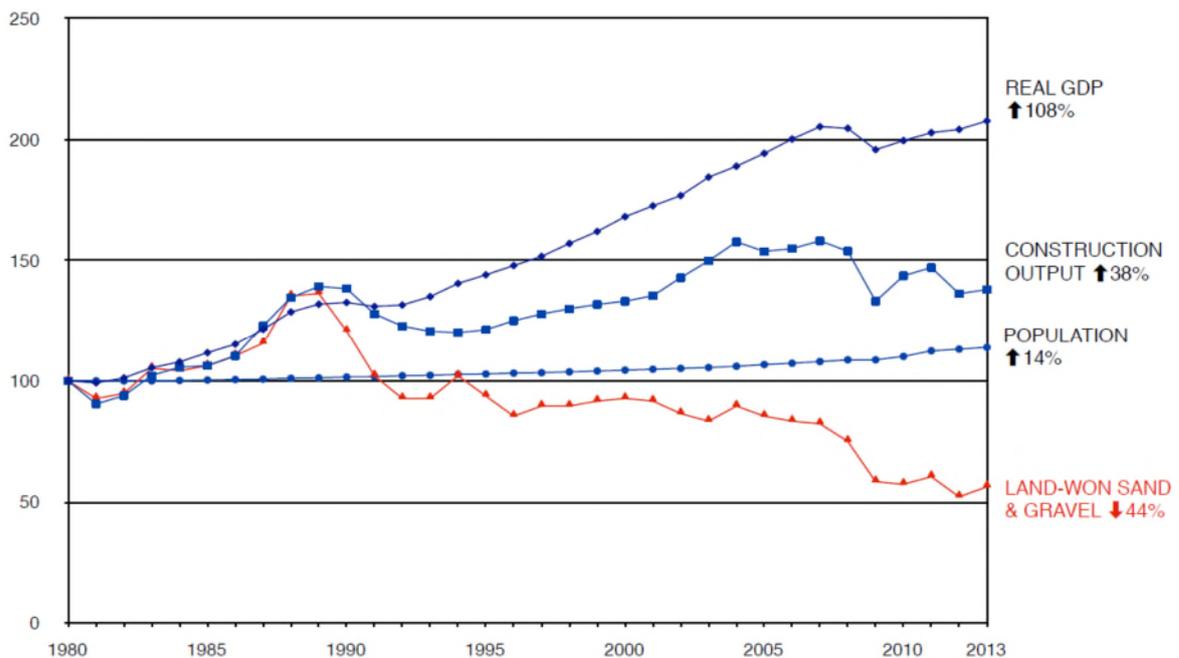
⁴⁶ LAA para 4.56

⁴⁷ LAA para 4.60

⁴⁸ LAA para 4.57

evidence. Additionally, no evidence has been presented to support the assertion that there has been past ‘reliance upon imports from Gloucestershire’ nor any about whether or not this would continue. The measurement of imports and exports between counties is acknowledged to be crude.

4.51 **Historical context:** To put the ‘reasons to divert from the 10 average’ into an historical context, there has been a marked divergence (1980 - 2013) between GDP, construction output, UK population and sand and gravel production. This is a long period of economic booms and busts and whilst the first three have increased by varying degrees, sand and gravel production has declined substantially since about 1989, as the following graph illustrates⁴⁹:



4.52 In conclusion, LUC’s six arguments totally fail to justify why Oxfordshire has special reasons to deviate from the 10 year sales average to calculate the LAA. LAA para 4.44 states that growth in Oxfordshire will be comparable to national projections - so this is not a special local

⁴⁹ minerals and construction data from ‘GB market summary 1980 - 2013’ pp20/21 (‘Source: MPA 2013 SD report’) published in ‘Strength from the Depths’ (2014) MPA (Mineral Products Association) and BMAPA (British Marine Aggregate Producers Association); UK population and GDP figures from ONS, 1980 = 100

circumstance. The LAAs attempt to depart from the clear method of a 10 year average fails the test of the POS and MPA Guidance⁵⁰:

There will need to be sufficiently robust information to justify deviation from the starting point of the 10 years rolling sales average. The use of other relevant local information needs to be based on sound evidence that is not only relevant but is adequate, proportionate and up to date. (paragraph 3.9)

Soundness

4.53 As written the Plan fails the tests of soundness, as follows:

Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- The Plan is not based on ‘objectively assessed’ requirements for the future provision of aggregates - this representation is specifically focussed on land-won sharp sand and gravel.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- The Plan is not the most appropriate strategy - which should be to seek to reduce future land-won resources and is not based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- For this section, Policy M2 is not sufficiently clear about what happens when need is satisfied.

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

- The Plan is not based on Framework paragraph 145 point 1, it deviates from the 10 year approach with insufficient reason or adequate evidence to do so.

⁵⁰ POS and MPA produced ‘Practice Guidance on the Production of LAAs’ (April 2015)

- 4.54 The approach is out-of- step with that of most other Mineral Planning Authorities in terms of treatment of the 10 year average method (M2) as acknowledged by the Officer’s Report on the previous LAA (December 2013 - see above) and the need to identify sites (M3 below). Appendix 2 provides details on the approach of other MPAs.
- 4.55 Importantly, however, none of these figures (which will change over time) has any real impact on exactly what the Plan is seeking to do which ought to be to find a balance between serving the need for raw material whilst protecting the countryside and local communities. Policy M2 feeds into Policies M3 (defining ‘strategic resource areas) and M4 (criteria for defining sites in the future) and M5 (development management criteria). But Policy M2 is worded only that landbanks will be ‘maintained’⁵¹, not what will happen when the landbank is adequate.
- 4.56 Other counties, as well as identifying sites which match the resources required, also set out what the decision process is when landbanks are satisfactory. The following is an example from the recently adopted Essex Minerals Local Plan⁵²:

The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available until 2029, sufficient for at least 7 years extraction or such other period as set out in national policy.

The working of Reserve sites will only be supported if the landbank with respect to the overall requirement of 4.31mtpa is below 7 years.

Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:

- a. An overriding justification and/ or overriding benefit for the proposed extraction, and,*
- b. The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,*
- c. The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.*

- 4.57 Whilst the LAA figures will decline annually over time (and that decline has already begun even before the Plan is adopted) whether the 10 year average is used or the more convoluted methodology of the LAA, Policy M2 indicates a flexible and changing approach whereas paragraphs 4.14 and 4.19 show fixed figures (“*provision needs to be made over the Plan*

⁵¹ the landbank figures taken from the Framework paras 145, 146

⁵² Essex MLP July 2014 Policy S6 p62

period 2014 to 2031 taking into account existing planning permissions - sharp sand and gravel 8.866 mt³). In planning it is always difficult to go backwards. If the starting point is to 'make provision for ss&g sites with resources of 8.866mt³' then is quite likely that planning applications will soon be made for a site or sites of at least that capacity. Once permitted they remain - they cannot be 'un-permitted' when the LAA figures fall. The sites will be there producing cheap raw material dissuading more sustainable resources, or being 'mothballed', but also blighting the countryside and the local communities.

- 4.58 The lack of defining sites in the Plan in favour of a two stage, or even development control led system (policies M3, 4 and 5), is a serious failing and will be dealt with below.
- 4.59 But, in these circumstances it is better to start off with a lower (but fully justified) base figure which could go up if required. It so happens that the 10 year average figure and the permitted reserves mean that no new sites are required now. If that were to be the case paragraphs 4.14 and 4.15 should be reworded accordingly.
- 4.60 Part of the problem is that the LAA was launched and subsumed in the Plan without any intervening consultation (contrary to the SCI and past practice) so it is now the job of the Plan to deal with this. However the Plan is not compelled to accept the LAA findings as MASS makes clear⁵³:

Although local aggregate assessments will be taken into account when preparing minerals plans, the Plan itself will still continue to be subject to the requirements of Strategic Environmental Assessment, based on a robust evidence base for aggregate supply options.

- 4.61 The SA/SEA does not assist as illustrated in the commentary as follows (emphasis added)⁵⁴

The effects which might arise from a particular volume of mineral working in the County are difficult to predict based on the figures within the LAA alone, as it is the spatial implications, i.e. the location and distribution of mineral working sites which will mainly determine the effects. The proposed spatial distribution of this is appraised through Policy M3. There is also uncertainty as to when sites in the landbank will be brought forward for extraction. In recent years, the recession has caused working of

⁵³ MASS October 2012 para 16

⁵⁴ SA August 2015 Appendix D, p D-10

existing sites to be extended and implementation of new permissions to be delayed. As a result uncertain effects have been identified for many of the SA objectives.

The policy makes provision to enable the supply of aggregate minerals from land-won sources within Oxfordshire to meet the requirement identified in the most recent Local Aggregate Assessment. Significant positive effects have therefore been identified for SA11.[this assumes that the LAA is correct about imports, although there is little robust evidence]

Basing the provision on the requirements in the most recent LAA, as opposed to a fixed amount for the plan period, provides the flexibility for extraction to be increased if demand exists, thereby supporting economic growth objectives.[but actual figures are quoted for the plan period and there is no 'flexibility' if the demand declines]

*It is however recognised that effects in the longer term are more uncertain i.e. sites chosen to deliver the strategy may not come forward and other sites which may or may not be more constrained might then be needed. **This uncertainty would be addressed through policy monitoring and the implementation of the common core policies when planning applications come forward.***[not clear what this means - application led rather than plan led?]

Enabling Oxfordshire to meet the aggregate requirements set out in the LAA will avoid the need to import aggregates into the County, with associated benefits in terms of reducing growth in greenhouse gas emissions (SA5) and reducing long-distance transport effects (SA7).[see assumptions of the veracity of the LAA above].

Conclusion

- 4.62 It is difficult to suggest piecemeal amendments to make the Plan sound, because the strategy is fundamentally flawed - firstly to seek to oversupply minerals, and secondly the means of delivery (postponing site identification) is left to a subsequent document whilst the Plan blights very large areas of the county.
- 4.63 The quantification of resources required is excessive and not based on the 10 year average methodology of Government policy. The 'relevant local factors' which are cited to seek to justify a much higher annual supply figure are (i) not 'local' but could apply almost anywhere, (ii) not substantial and (iii) not based on sound or robust evidence. The **Policy M2** is the strategic policy governing mineral extraction but delegates to **Policies M3 and M4** the actual process of broad site location and criteria for development control. None of these policies deal with a situation that when need is satisfied (landbanks sufficient) further permissions

will only be given in exceptional circumstances. **Policy M5** does exercise control but only after sites have been allocated.

4.64 However, focussing on Policy M2 and the supporting text, the following is the suggested remedy to make this part of the Plan sound, without prejudice to the fundamental criticism of the Plan as a whole and of the other Policies and text as set out below.

4.65 **The suggested remedies are:**

- a. The LAA must be re-written as a succinct document based on the requirements of the PPG e.g.
 - considering the contribution of other sources of supply
 - briefly examining the 'local information' based on only 'robust information to justify deviation from the starting point of the 10 years rolling average'
 - calculating the consequences of supply based on that average by taking account of the scale of permitted reserves.
- b. Paragraphs 4.13 to 4.20 and Table 2 of the Plan should then be rewritten.
- c. Policy M2 should be revised to accommodate the scale of landbanks to be maintained and what the consequences of achieving adequate landbanks will be (if need is satisfied then extra sites not required except in exceptional circumstances).

5.0 POLICY M3 : LOCATIONS FOR MINERAL EXTRACTION

Government Policy

5.1 The following are extracts from the Framework and Planning Practice Guidance, with comments, which specifically deal with the need for specificity in Mineral Local Plans, something which the two stage Oxford Local Plan largely ignores.

The Framework

Paragraph 17 *“planning should be - (point 1) “be genuinely plan-led ... decisions on planning applications can be made with a high degree of predictability and efficiency”.*

- The Plan identifies very large ‘areas of search’ then leaves it to the submission of planning application on a very small part (somewhere - so hardly ‘predictable’) to implement the supply requirement - this is not “plan-led”.

Paragraph 143 - *“in preparing [mineral] local plans, local planning authorities (LPAs) should: (point 1) identify and include policies for extraction of mineral resource of local and national importance in their area, but **should not identify new sites or extensions to existing sites for peat extraction**” -*

- This implies that only new sites or extensions for peat extraction are precluded from being specifically identified.

Paragraph 154: *“Local Plans should set out the opportunities for development and clear policies on **what will or will not be permitted and where.**”*

- There is no clarity in the Plan about where mineral extraction will take place, huge areas would be blighted by the large ‘strategic resource areas approach’, especially in the Thames Valley area.

Paragraph 157: *“**Crucially, Local Plans should: [point 4] indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map; [point 5] allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;**”*

- Firstly, the Plan only has a key diagram and no proposals map. Secondly, there is no suggestion that these two points are mutually exclusive, and see the Guidance below for clarification.

Paragraph 157: points 7 and 8: “*identify land where development would be inappropriate, for instance because of its environmental or historic significance;*” and “*contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.*”

- The Plan does not map or include any information on such constrained areas.

The Guidance

- 5.2 Extracts (emphasis added) from the new on-line Guidance with relevance for Minerals Local Plans is as follows, all are updated to 6 March 2014. Only relevant content under each heading has been extracted, and emphasis added where appropriate.

Paragraph: 008 Reference ID: 27-008-20140306

How should mineral planning authorities plan for minerals extraction?

*Mineral planning authorities should **plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):***

1. ***designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;***
2. ***designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or***
3. ***designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.***

National Park Authorities are not expected to designate Preferred Areas or Areas of Search given their overarching responsibilities for managing National Parks.

- clearly the Plan has chosen the least favoured option, without any real explanation

Paragraph: 009 Reference ID: 27-009-20140306

Why should mineral planning authorities seek to designate Specific Sites as a priority?

Designating Specific Sites in minerals plans provides the necessary certainty on when and where development may take place. The better the quality of data available to mineral planning authorities, the better the prospect of a site being designated as a Specific Site.

- an approach rejected by the Plan without explanation

Paragraph: 010 Reference ID: 12-010-20140306

Should all the Local Plan policies be contained in one document?

The National Planning Policy Framework makes clear that the Government's preferred approach is for each local planning authority to prepare a single Local Plan for its area (or a joint document with neighbouring areas). While additional Local Plans can be produced, for example a separate site allocations document or Area Action Plan, there should be a clear justification for doing so.

- no 'clear justification' has been provided

5.3 The Plan is not site specific but leaves site identification to another stage at an unspecified time in the future. This is wholly unsatisfactory when paragraph 4.19 states that substantial additional resources are required including 8.866 mt of ss&g. Without identifying sites, it now leaves the huge areas of the county shown as 'locations' as potential locations for planning applications, blighting the countryside and local communities. Just on a practical point it is difficult to see how houses could be bought or sold within the 'locations' knowing that any search would show up the designation and the potential uncertainty of what that means.

5.4 The relevant part, for this Representation, of Policy M3 is repeated here for reference:

Policy M3: Principal locations for working aggregate minerals

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as indicated on the Minerals Key Diagram:

Sharp sand and gravel

- *The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton [area 6 on the Minerals Key Diagram]*
- *The Thames and Lower Thame Valleys area from Oxford to Cholsey [area 5 on the Minerals Key Diagram]*

- *The Thames Valley area from Caversham to Shiplake.* [area 4 on the Minerals Key Diagram]

Soft sand

- *The Corallian Ridge area from Oxford to Faringdon* [area 7 on the Minerals Key Diagram]
- *The Duns Tew area.* [area 8 on the Minerals Key Diagram]

Specific sites for working aggregate minerals will be identified within these strategic resource areas in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document.

- 5.5 These areas are ‘strategic resource areas’ not the actual ‘principal locations’ much less ‘sites’. No figures or other information is provided except the very small map on p62 which makes location of towns and villages (and thus judgement of impact) very difficult. Areas are not given but must be many thousands of hectares.
- 5.6 The MWLP Part 2 - to allocate sites - has no program until Part 1 has reached examination (Spring 2016), so may not be adopted until 2018? In the meantime, if Part 1 goes ahead there would be a target figure for supply and vast tracts of land for the minerals industry to choose from and make planning applications.
- 5.7 **Policy M5** states that permission will be generally be granted on “sites allocated” but not “outside the sites allocated”. But if any sites are required they will not be “allocated” until (possibly) 2018. In the meantime there could be a Part 1 Plan requirement for an extra 8.866mt of ss&g left to development control to deal with in a ‘sites vacuum’. It is not made clear how this would work.
- 5.8 There is also data to support the identification of specific sites “where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms”⁵⁵.
- 5.9 OCC from the early stages of the Plan’s preparation clearly intended to produce a site specific plan. It embarked on an extensive ‘call for sites’ following by detailed assessment. In preparation for the 2011 Draft Plan some 46 sites were submitted by interested parties, then evaluated by OCC⁵⁶. What this demonstrates is that OCC have a large database of sites with

⁵⁵ The Guidance see para 5.2 above *Paragraph: 008 Reference ID: 27-008-20140306, 1.*

⁵⁶ Minerals and Waste Core Strategy – Preferred Minerals Strategy Annex 2: Preliminary Site Assessment

detailed resource data. The Guidance, quoted above, puts the designation of specific sites as its first priority, made possible “where viable resources are known to exist”. In answer to ‘why should mineral planning authorities seek to designate Specific Sites as a priority?’, the Guidance replies “*the better the quality of data available to mineral planning authorities, the better the prospect of a site being designated as a Specific Site.*”

5.10 Most other Minerals Local Plans surveyed are site specific (see Appendix 2).

5.11 Whilst the ‘strategic resource areas’ are identified on a very small plan, there is no obvious evidence base document which justifies the areas mapped. Nor is there any evidence about the quantity of mineral in each resource area. In short the approach is flawed and the Key Diagram is not fit for purpose.

Specific site identification

5.12 This Representation is **not** making a case that any sites should be identified, quite the reverse because of its argument on the LAA proposition which proposes an increase in the provision for future annual production which is contrary to the Governments methodology. **This 10 year average methodology, and the quantum of the reserves already permitted, means that no new sites are required.** This needs to be fully recognised in ‘Part 1’ so that there is no need for ‘Part 2’, but as it stands if OCC do wish to pursue a case for more sites then the position of this Representation is that this should only be done within a single comprehensive document, not leaving the matter open.

5.13 The Submission Document Part 1 is quite clear that it does not intend to identify any future areas of working beyond the “principal locations for working aggregate minerals ... within the ... strategic resource areas” of Policy M3. But contrary to this approach and specifically Policy M3, there is some unsupported text (and no evidence submitted as part of the ‘evidence base’) which seeks to propose a locational strategy and actually identifies a location (**paras 4.27 - 4.35**). The Plan should not contradict itself in this manner and these paragraphs should be deleted.

5.14 The previous Consultation Draft (February 2014) Policy 2 included:

In order to enable an effective supply of locally sourced construction material to the county's main growth areas, a broad balance in annual production capacity for sharp sand and gravel between the mineral resource areas in western Oxfordshire (west of Oxford and north of the River Thames) and southern Oxfordshire (south of Oxford) will be sought.

- 5.15 The April 2014 representations were very critical of this unsupported wording and it has been deleted from the latest Policy 2. However it seems to reappear in these paragraphs (emphasis and comment added)

4.28 Production of sharp sand and gravel in Oxfordshire has become increasingly concentrated in the northern part of the county (Cherwell and West Oxfordshire Districts), particularly in West Oxfordshire, with a decline in the proportion coming from quarries in the southern part (South Oxfordshire and Vale of White Horse Districts). Over the last 10 years an average of 74% of production has been from northern Oxfordshire. Although there are extensive remaining sand and gravel resources in West Oxfordshire, including within the current working areas of the Lower Windrush Valley and around Cassington, there are concerns about the rate and intensity of mineral working in the area and the consequent cumulative impact on local communities, generation of traffic, including on the A40, and impacts on local rivers and groundwater flows.

- Comment: whilst it is acknowledged that there are significant resources in West Oxfordshire, the assertion that there are 'concerns' about further working is unsupported by any submitted evidence.

4.29 There is a broadly equal split in existing and forecast levels of economic growth and development between the northern and southern parts of the county (taking Oxford as a mid-point), and consequently it is expected that there will be a similar broadly equal split in the demand for aggregate within the county. The plan objectives include minimising the distance that minerals need to be transported by road, from quarry to market. In line with this, the minerals planning strategy should promote and enable a move over the plan period to a distribution of sharp sand and gravel production that more closely reflects the distribution of demand for aggregate within the county.

- Comment: no evidence or analysis has been submitted to support this sweeping assertion, nor evidence of quantification of markets with quantification of supplies. Attempts to match demand and supply locations elsewhere have always failed because customers choose on price and quality, not where material comes from, and suppliers can adjust prices to gain sales.

4.30 This means changing the balance of production capacity between the strategic resource areas in western Oxfordshire (mainly in West Oxfordshire District) and southern Oxfordshire (in South Oxfordshire and Vale of White Horse Districts), even though remaining resources of sharp sand and gravel are more extensive in West Oxfordshire. In view of the relatively high level of existing permitted reserves in the northern part of Oxfordshire (mainly in West Oxfordshire), any requirement for additional sites for sharp sand and gravel should be met primarily in the southern part of the county, at least over the first half of the plan period. Provision for additional sand and gravel working in southern Oxfordshire would enable local supplies of aggregate for planned housing and economic growth in this part of the county, including the Science Vale area. The Council will seek to achieve this objective of changing the balance of production capacity through the selection of sites to be allocated for sharp sand and gravel working in the Site Allocations Document.

- Comment: more sweeping statements unsupported by any evidence e.g. the resources and permitted reserves in West Oxfordshire; the quantified pattern of supply and demand (especially the unsupported and unquantified needs of proposed development in south Oxfordshire).

4.31 Within southern Oxfordshire, the existing Sutton Courtenay Quarry has only a few years' worth of permitted reserves remaining and limited possibilities for further extensions; and other existing quarries are either already exhausted or small scale, with the exception of Caversham Quarry where a large extension was permitted in 2014 but which serves a market area in the far south east of the county extending into Reading and other parts of Berkshire. It is therefore likely that any significant requirement for additional sites in this part of the county will need to be met by a new working area within the Thames and Lower Thame Valleys area from Oxford to Cholsey. Potential site options within this strategic resource area will be assessed when the Site Allocations Document is prepared and any selected site(s) will be identified in that document.

- Comment: more assertions unsupported in the evidence base about the scale and output of Sutton Courtney and Caversham quarries and the market areas they serve, and then an unjustified recommendation based on no objective assessment for the location of a new quarry. Even if the LAA and paragraph 4.19 figures can be justified so that new quarries are required (which this Representation demonstrates cannot be) this is an attempt to sanction the location of a new site even before the site selection process has begun. The spatial strategy for Oxfordshire minerals cannot be written in a few short unsupported paragraphs without any evidence base.

Conclusion

5.16 **Policy M3** is ‘unsound’ as illustrated against the Framework’s tests, as follows:

***Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*

- The Plan is not the most appropriate strategy which should be to provide certainty by site identification and why this ‘reasonable alternative’ has been rejected is unexplained⁵⁷.

***Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;*

- The Plan contradicts itself regarding identified sites and therefore is not deliverable in its current form.

***Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework*

- The Plan in its current format does not conform to Government Policy, which strongly favours single Local Plans with specific sites.

5.17 The Oxfordshire Plan is not in accordance with Government Policy, or at least has not explained why it is a special case to produce a two stage Plan. The identification of ‘resource areas’ is unsupported by evidence.

5.18 **Because Policies M4 and M5 follow on from M2, this Representation also objects to M4 and M5.**

Remedy

5.19 As with Policy M2, the whole approach of the Plan is unsound and amendments to wording will not cure that. The Plan and the submitted documents provide no evidence to justify the location and extent of the ‘strategic resource areas’ in Policy M3 and shown on the Key Diagram, so they should be deleted.

⁵⁷ The ‘Site Allocations Document’ is mentioned in Plan paras 4.23 and 4.26 but without justification of the approach

- 5.20 The wholly inappropriate attempt to write a spatial strategy in a few paragraphs and identify a new site location in Southern Oxfordshire is not supported by a robust evidence base and should be deleted. Whilst not 'policy' it would influence the site selection process (if any new sites are required) and gain credibility if in an adopted Part 1 Core Strategy. Paragraphs 4.27 to 4.33 should be deleted.
- 5.21 The Plan should be delayed until the need for any additional resources is clarified. If there is no such need, as this Representation submits, then there is no need for a Part 2 'Site Allocations Document'. If there is a need then the Plan should be a complete document with sites.

6.0 SUMMARY AND CONCLUSIONS

6.1 This Response submits that:

- the Plan is **not legally compliant** because it has not been prepared in accordance with the Statement of Community Involvement;
- on the evidence of the late publication of the Statement of Compliance the **Duty to Cooperate** has not been complied with;
- the Plan is **unsound** for reasons explained below.

6.2 **Objection 1** is about quantification (**M2**). The LAA and the Plan are not based on the '10 year average' of Government policy, as supported by the majority of MPAs, but relies on 'local information' which is unsupported by "robust information to justify deviation from the starting point of the 10 years rolling sales average"⁵⁸. Moreover if any trend can be detected in the last 3 years it is declining, not increasing, demand.

6.3 As a consequence the resources of ss&g required are 42% higher than the 10 year average which could lead to the establishment of an unnecessary new quarry(ies) which would dissuade the provision of more environmentally friendly sources of supply such as recycled material, secondary aggregates, and marine dredged material. It would also be a blight on Oxfordshire's countryside and its local communities.

6.4 **Objection 2** relates to policy **M3** which provides that any sites will be identified in a Part 2 Allocations Plan. As a consequence there is the lack of specificity of site identification with only very broad (and large) 'strategic resource areas' identified (without any submitted evidence base) leading to widespread blight.

6.5 The Plan's fails to meet Government Policy and Guidance which places the top priority on identifying sites for future mineral working, not extensive 'strategic resource areas' from which planning applications might emerge. This is the antithesis of what planning should be

⁵⁸ POS - MPA LAA Guidance April 2015 para 3.9

about, the approach would cause blight over a wide area with the threat of mineral working ever present over a long period.

6.6 **Objection 3** - concerns the attempt to identify a new working area (paragraphs 4.28 - 4.33) which is completely at odds with Policy M3 - the strategy is to identify the 'strategic resource areas' then sites in Part 2. Whilst this Response objects to that approach, the Plan cannot contradict itself in this manner. Moreover, the Plan's justification for identifying any "requirement for additional sites in this part of the county will need to be met by a new working area within the Thames and Lower Thame Valleys area from Oxford to Cholsey" is entirely unsupported by any evidence.

6.7 The Plan is therefore considered '**unsound**':

- it is not "positively prepared" - it is not based on objectively assessed requirements for future production of ss&g
- it is not "justified" - the most appropriate strategy would be to seek to reduce the reliance on land-won material, and it is not based on evidence which is robust
- it is not be "effective" - without site identification it is not deliverable
- it is not be "consistent with national policy" - the methodology for determining future production needs and the failure to identify sites (if any are needed) is contrary to the Framework, MASS and the PPG



APPENDIX 1 REPRESENTATION FORM

Representation to Proposed Submission Core Strategy Part 1

Oxfordshire Minerals and Waste Local Plan

August 2015

OXAGE (Oxfordshire Against Gravel Extraction)

Oxfordshire County Council
Minerals and Waste Plan: Part 1 – Core Strategy
Proposed Submission Document, August 2015

Representation Form

This form should be used to make representations on the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy Proposed Submission Document August 2015. Advice on how to make representations is provided in the guidance notes which accompany this form.

This form comprises of 3 parts:

- Part 1 – Respondent details
- Part 2 – Your representation
- Part 3 – Equalities information

The period for making representations runs from 19 August 2015 to **5.00pm on 30 September 2015**, after which representations will not be accepted.

Representations should be submitted using this form, either:

a) by email to: mineralsandwasteplanconsultation@oxfordshire.gov.uk
or

b) by sending the form to:
Minerals & Waste Core Strategy Consultation
Environment & Economy
Planning Regulation (Minerals & Waste)
Oxfordshire County Council
Speedwell House, Speedwell Street
Oxford OX1 1NE.

Please note that late representations – received after 5.00pm on 30 September 2015 – cannot be accepted.

Data protection: Please be aware that any representations made cannot be treated as confidential. Respondent details and representations will be forwarded to the Secretary of State when the Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy is submitted for examination. All representations and related documents will be held by Oxfordshire County Council and will be available for the public to view by appointment and published on the Council's website. They will be handled in accordance with the Data Protection Act 1998 and kept for at least three years after the Minerals and Waste Core Strategy is adopted.

Part 1 – Respondent Details

1(a) Personal details	
Title	
First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	OXAGE
1(b) Agent details <i>Only complete if an agent has been appointed</i>	
Title	Mr
First Name	Geoff
Last Name	Gardner
Job Title (where relevant)	Director
Organisation (where relevant)	Gardner Planning Ltd
1(c) Contact address details <i>If an agent has been appointed please give their contact details</i>	
Address Line 1	Down Ampney
Line 2	Bendlowes Road
Line 3	Great Bardfield
Line 4	Essex
Postcode	CM7 4RR
Telephone No.	07887 662166
Email address	geoff@gardnerplanning.com

Are you writing as	<input type="checkbox"/> A resident <input type="checkbox"/> A local business <input type="checkbox"/> Minerals industry <input type="checkbox"/> Waste industry	<input type="checkbox"/> A parish council <input type="checkbox"/> A district council <input type="checkbox"/> A county council <input type="checkbox"/> yes Other (please specify) Local Group OXAGE
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Please tick the appropriate boxes if you wish to be notified of any of the following:

That the Oxfordshire Minerals & Waste Core Strategy has been submitted for independent examination	✓
Publication of the Inspector's report and recommendations	✓
Adoption of the Oxfordshire Minerals and Waste Core Strategy	✓

Please sign and date the form:

Signature:	<i>Geoff Gardner</i>	Date:	21 September 2015
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Part 2 – Representation

Please complete this part (Part 2) of the form separately for each separate representation you wish to make.

You can find an explanation of the terms used below in the accompanying guidance on making representations.

2(a) State which part of the Oxfordshire Minerals and Waste Local Plan Core Strategy you are making a representation about

Part or policy no. or paragraph

Policies M2, M3, M4, M5

paras 4.14, 4.15, 4.18, 4.19 Table 2, 4.23, 4.28 -

2(b) Do you consider the Oxfordshire Minerals and Waste Local Plan Core Strategy is: (tick as appropriate)

- (i) Legally compliant? **No**
- (ii) Sound? **No**

If you have answered **No** to question 2(b)(ii), please continue to question 2(c). In all other cases, please go to question 2(d).

2(c) Do you consider the Oxfordshire Minerals and Waste Core Strategy is unsound because it is not: (tick as appropriate)

- (i) Positively prepared ✓
- (ii) Justified ✓
- (iii) Effective ✓
- (iv) Consistent with national policy ✓

On the following pages, please set out why you think the Minerals and Waste Local Plan Core Strategy is legally non-compliant and/or unsound and any changes you are suggesting should be made to it that would make it legally compliant or sound.

Please note your representation should include as succinctly as possible all the information and evidence necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on your representation at this stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

2(d) Please give details of why you consider the Oxfordshire Minerals and Waste Local Plan Core Strategy is not legally compliant or is unsound. Please be as precise as possible.

If you agree that the Oxfordshire Minerals and Waste Local Plan Core Strategy is legally compliant and/or sound and wish to support this, please also use this box to set out your comments.

See attached Representation

Continue on a separate sheet or expand the box if necessary

2(e) Please set out the changes(s) you consider necessary to make the Oxfordshire Minerals and Waste Local Plan Core Strategy legally compliant or sound, having regard to the reason you have identified at 2(c) above where this relates to soundness. You should say why this change will make the Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached Representation

Continue on a separate sheet or expand the box if necessary.

2(f) Written representations or oral hearing

If your representation is seeking a change to the Oxfordshire Minerals and Waste Local Plan Core Strategy, do you consider it necessary to participate at the oral hearing part of the examination? *(tick box below as appropriate)*

No , I wish to communicate through written representations	
Yes , I wish to participate at the oral hearing part of the examination (go to 2(g))	✓

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated they wish to participate at the hearing part of the examination.

2(g) If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.
To assist the Inspector by taking part in the oral discussions.
Continue on a separate sheet or expand the box if necessary

Please complete Part 2 of the form separately for each separate representation you wish to make, and submit all the Parts 2s with one copy of Part 1 and Part 3.

Part 3 – Equalities information about you (The Equality Act 2010)

To monitor the effectiveness of this consultation and help us complete our equalities impact assessment we would like to record certain personal details about the people who respond. This information will be separated from both the respondent details and the representations; it will be treated in the strictest confidence; and it will only be used for statistical purposes.

Information recorded on this form may be used in computerised records. Under the terms of the Data Protection Act 1998 this information will be treated in a secure and confidential manner.

You **do not** have to give us this information if you do not wish to do so. You do not have to answer all of the questions.

Age	<input type="checkbox"/> Under 17 <input type="checkbox"/> 17-24 <input type="checkbox"/> 25-34	<input type="checkbox"/> 35-44 <input type="checkbox"/> 45-54 <input type="checkbox"/> 55-64	<input type="checkbox"/> 65-74 <input type="checkbox"/> 75-84 <input type="checkbox"/> Over 85	<input type="checkbox"/> I do not wish to disclose this
Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>	I do not wish to disclose this <input type="checkbox"/>	
Ethnic origin	White <input type="checkbox"/>	Mixed ethnicity <input type="checkbox"/>	Other ethnic group <input type="checkbox"/>	I do not wish to disclose this <input type="checkbox"/>



APPENDIX 2 OTHER MPAs

Representation to Proposed Submission Core Strategy Part 1

Oxfordshire Minerals and Waste Local Plan

August 2015

OXAGE (Oxfordshire Against Gravel Extraction)

South East			
MPA	latest MLP	quantification	site identification
'Berkshire'	Minerals and Waste DPD in preparation	Too early in process to judge, but because it plans site specific allocations it follows that specific quantification will be required.	Site specific. West Berkshire Council ran a 'Call for Sites' from 17 January 2014 to 28 February 2014 inviting site specific proposals to be put forward for potential new or expanded waste management facilities and mineral extraction sites.
Bucks	Minerals and Waste Core Strategy adopted November 2012	specific - total landbank required 2011 - 2016 17.4mt, current landbank 10.9mt (para 4.27)	Site specific. Policy CS5 'preferred areas for sand and gravel will be identified'
Hampshire	Minerals and Waste Plan adopted Oct 2013	'10 year past average' methodology adopted specific annual figure (1.56mt) to 2030 (Policy 17)	Site specific. Policy 20 and Appendix 20 allocate and map specific new sites for sand and gravel
Kent	Three spatial planning documents forming the key minerals and waste plans for Kent: Minerals and Waste Local Plan document (formerly the 'Core Strategy'), Mineral Sites Plan and Waste Sites Plan.	LAA adopted December 2012, '10 year past average' methodology of the Framework adopted (para 11.0.8). Too early in process to judge, but because it plans site specific allocations it follows that specific quantification will be required.	Site specific. Policy CSM2 Mineral working at Specific Sites(62) identified in the Mineral Sites Plan will be permitted subject to meeting the requirements of relevant development management policies and any criteria set out in the relevant site schedule in the Mineral Sites Plan.A 'Specific Site' is an area of known mineral resource identified for the future supply of land-won minerals in the Mineral Sites Plan.(para 5.0.9)
Oxfordshire	MWLP: Core Strategy Feb 2014	Variable requirement based on changing 10 year average.	Areas of Search, no specific sites.
East Sussex	Waste and Minerals Plan Feb 2013	specific "1.7 mt to 2026"	Can be met from existing permitted sites (para 2.41)

West Sussex	<p>Call for Sites March 2014</p> <p>West Sussex Minerals Local Plan will cover the period to 2031 and will replace the adopted Minerals Local Plan (2003). The Minerals Local Plan will also allocate 'strategic sites' to meet the need for sand and gravel in West Sussex.</p>	LAA March 2015 adopts 10 year average figure,	<p>Site specific.</p> <p>"The allocation of sites in the Minerals Local Plan will be important as it provides communities and the minerals industry with certainty about where mineral development can take place. Landowners, mineral operators, and any other interested parties are invited to put forward potential mineral development sites in order to inform and provide evidence for the preparation of the new Minerals Local Plan."</p> <p>(WSCC website under Latest News: Call for Sites (March 2014))</p>
East of England			
MPA			
'Beds'	<p>Minerals and Waste Local Plan: Strategic Sites and Policies Jan 2014</p>	<p>Specific 1.84 mtpa throughout plan period. Additional sites for 10.07mt.(para 6.10)</p>	<p>Specific site allocations and maps. Policy MSP1, Policies Map and Inset Maps.</p>
Cambs	<p>Adopted July 2011 Minerals and Waste Core Strategy: including strategic site allocations over the Plan period to 2026.</p> <p>Adopted February 2012 Minerals and Waste Site Specific Proposals Plan: site specific proposals identifies site specific land allocations</p>	<p>Specific 45mt sand and gravel allocated (para 6.17)</p>	<p>Specific site allocations (e.g. Policy CS5 and inset maps) plus broad locations (Policy CS4)</p>
Essex	<p>Replacement Minerals Local Plan Pre-Submission Draft Jan 2013. Awaiting adoption after post Examination (Nov 2013) modifications consultation.</p>	<p>Specific extra 40mt to 2029 para 3.97</p>	<p>Specific site allocations and maps. Policy S6 and Appendix 5</p>

Herts	Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007	Specific 9mt to be allocated (para 3.2.1)	Specific site allocations and maps. Minerals Policy 3 and identified in Proposals Map in Appendix 5
Norfolk	Adopted Minerals and Waste and DM Policies adopted Sept 2011 Adopted Norfolk Minerals Site Specific Allocations DPD and Waste Site Specific Allocations DPD – October 2013	Specific 25.67mt within plan period (Table 3.1, para 3.3)	Specific site allocations in 2013 DPD (some 29 sites each with a Policy and map).
Suffolk	Minerals Core Strategy Sept 2008 Minerals Specific Site Allocation DPD Sept 2009	Specific 9.2mt additional resources required (2008 document para 5.4.4)	Specific allocation of 14 sites in 2009 DPD (Chapter 3)



APPENDIX 3: DUTY TO COOPERATE

Representation to Proposed Submission Core Strategy Part 1

Oxfordshire Minerals and Waste Local Plan

August 2015

OXAGE (Oxfordshire Against Gravel Extraction)

name	date of meeting	matters discussed	outcome
SEEAWP	16 February 2011	first LAA	unrecorded
	28 March 2012	2012 PS LP	unrecorded
	24 October 2012	further draft LAA	LAA considered incomplete intention to make provision above 10 yr average welcomed but more evidence called for for level below SEP
	July 2013	further draft LAA, options for 10 yr average, aggregate per capita, relationship to population forecasts	adjusted 10 yr average supported by some insufficient engagement with minerals industry DtC may not have been met
	unrecorded	LUC 2014 LAA, higher than 10 yr average to take account of continuing lower sales level in Oxfordshire	LAA accepted and approved by SEEAWP
Bucks CC	July 2013	BCC LAA based on 10 yr average OCC LAA 2013 Surrey LAA	BCC LA accepted as sound BCC expressed concern that methodology unsound significant movement from Oxon to Surry unlikely
	Oct 2014	LAA 2104	approach supported by BCC
	May 2015	Northamptonshire CC also present cross boundary movements OCC confirmed LAA forecast higher than 10 yr average	unrecorded
Wiltshire and Swindon	Aug 2013	OCC new CS WiCC LAA based on 10 yr average Policies in 2013 LP M2, M3, M4	movements between Authority areas small and not strategically important, no case for formal joint working
Gloucestershire CC	Oct 2012	concerns about previous level of provision GCC sites showing declining sales	OCC cannot rely on supply from Gloucestershire, which needs its own supplies

	Aug 2013	LAA 2013 methodology re OCC now a net importer, and additions to 10 yr average	OCC acknowledged that some former SE MPAs using SEP levels of production, others not, but evidence that SEP levels too high. current movement from Gloucestershire to Oxon was strategically important and need to discuss further
	Oct 2014	GCC concern about OCC level of provision, locational strategy, production capacity GCC wanted better use of resources in Clanfield/Bampton	OCC would address in LAA 2014, better balance between west and south OCC disagreed, did not allow for west/south re-balance
	unrecorded		through SEEAWP GCC subsequently indicated concerns better met in LAA 2014 PS CS amended to address concerns about spatial strategy and production capacity of identified areas of working
Warwickshire CC	Nov 2009		no strategic movement of mineral between authority areas
	July 2013	commencement of work on new Plan and LAA	no issues of strategic importance WCC said may be more up-to-date data for OCC's LAA - acceptability a matter for SEEAWP
Northamptonshire CC	Nov 2009		no strategic movement of mineral between authority areas
	July 2013		good s&g reserves in Northants and 40 yr supply of rock present pattern of cross-boundary movement unlikely to change
Berkshire Authorities	Oct 2013	approach to 2013 LAA	no account taken of 3 yr average account to be taken of 'artificially' low sales, methodology unconventional but welcomed need to serve Reading level of supply in Berkshire lower than historically soft sand supply from Oxon welcomed

	Oct 2014	<p>comments made on Feb 2014 Plan discussed</p> <p>higher figures for LAA 2014</p>	<p>no concerns raised, to be discussed by SEEAWP shortly</p> <p>support for Plan's identification of Caversham</p>
Surrey CC	Feb 2012		<p>OCC Plan should make an increased contribution to the region's needs</p> <p>Further guidance awaited (MASS)</p>
	August 2013	<p>Hants CC present</p> <p>draft LAAs</p>	<p>OCC intended to increase aggregate provision, SCC to review earlier objection</p> <p>movement between two authority areas not significant</p> <p>Caversham area may supply Surrey</p> <p>formal regular meetings not required</p> <p>SCC no objection to 2014 OCC Plan but more detailed steer for new sites rather than broad areas of search</p>
Leicestershire CC	Jan/Feb 2012		<p>flow of aggregates from Leics to Oxon able to continue to 2030</p>
Somerset CC	Jan/Feb 2012		<p>landbank for supply of aggregates by rail to Oxon more than sufficient to continue supply to 2030</p>
S Gloucestershire Council	Jan/Feb 2012		<p>production capacity not expected to decrease over next 15 - 20 years</p>