

DRAFT MINERALS LOCAL PLAN FOR GLOUCESTERSHIRE

RESPONSE TO THE GLOUCESTERSHIRE COUNTY COUNCIL PUBLIC CONSULTATION DATED SEPTEMBER 2016 BY CPRE GLOUCESTERSHIRE

SECTION 4: VISION AND OBJECTIVES

Paragraph 10 in Section 1 claims that the Mineral Planning Authority (MPA) has '*successfully met with the Duty-to-Cooperate*', but there is no reference to this very important process in the Vision or Objectives. CPRE does not accept the validity of the statement in paragraph 10. We also do not accept the statement in paragraph 11 that '*the SA process has ensured all reasonable alternative options and approaches have been appropriately considered and effectively evaluated*'. As we understand the Sustainability Appraisal, there has been no analysis or assessment of the effective implementation of the Duty-to-Cooperate (DtC).

Gloucestershire's crushed rock resources are severely constrained – the Jurassic limestone lies wholly within the Cotswolds AONB and almost all of the Carboniferous limestone resource lies within or adjacent to the Wye Valley AONB. The transport infrastructure serving the resource areas is also limited.

The particularly extensive environmental constraints to crushed rock production in Gloucestershire have been recognised for a number of years and were being looked at in the then South West Region under the previous Government policy and procedure via 'sub-regional apportionment'. That formal process, as set out in the former MPS 1, has gone and has been replaced by the less formalised Duty-to-Cooperate (DtC).

The situation for sand and gravel production is different from crushed rock as there is a potential 'shortfall' in Gloucestershire and in neighbouring MPAs. Nevertheless the DtC is very important because deposits in both the Upper Thames Valley (UTV) and Severn Valley extend across MPA boundaries and joint agreement is highly desirable for rational planning of both mineral extraction and landscape scale restoration.

CPRE acknowledges that the Duty-to-Co-operate cannot guarantee that agreement will be reached and accepts that there are difficulties, partly because the MLPs of different authorities are rarely at the same stage. That does not mean the policy directive in the NPPF paragraphs 178 – 182 can be treated lightly. Minerals provision is one of the strategic priorities identified in paragraph 156 for which effective implementation of the DtC is especially required. We develop this point further under Section 8 of the Draft MLP.

CPRE proposes that there should be a statement in the Vision along the lines of '*Gloucestershire has been proactive in leading meaningful, effective and continuing co-operation with other Mineral Planning Authorities in order to plan for the necessary production of minerals in the most environmentally sustainable way*'

In Objective PS we propose additional text in the Plan Objective along the lines of '*Recognising the extent of environmental constraints in the county, to assess total mineral resources in conjunction with other relevant Mineral Planning Authorities and thus achieve the least environmentally damaging options for meeting necessary supplies.*

With reference to Objective RA we propose that there should be a specific reference to the relevance of the Cotswold Water Park Master Plan in respect of sites restoration within the Water Park.

SECTION 5: STRATEGY

The paragraph on oil and gas states *'allow for the exploration and potential production....subject to impacts on the environment and local communities being minimised'*. The text implies, albeit not intentionally, that as long as the impacts are 'minimised' they may nevertheless be allowed to cause substantial damage. CPRE proposes that the wording be modified to say, after *'minimised'* – *'and kept within acceptable limits'*.

Under the *'future supply of minerals'* heading we propose adding *'In making provision, the Duty-to-Cooperate will be effectively and continuously implemented in order to achieve the most sustainable option for meeting necessary supplies'*

SECTION 6: SECONDARY AND RECYCLED AGGREGATE SUPPLIES

Policy SR01. CPRE supports the policy, which seeks to prevent unnecessary waste of materials and to minimise the need for new sources of primary aggregates.

SECTION 8: THE FUTURE SUPPLY OF MINERALS

Comments on the particular environmental constraints to mineral working in Gloucestershire have been made under Section 4 above. CPRE has serious concerns about the process adopted for calculating the future supply needs for primary aggregates. There are 3 core reasons for this concern:-

- implementation of the *Duty-to-Cooperate*
- methodology in application of current LAA data to calculation of long term need
- recognition of environmental capacity limits

Duty-to-cooperate (DtC)

GCC's Duty-to-Cooperate paper dated June 2014 set out the background to the requirement. Paragraph 4.5 acknowledged the well-established link between Gloucestershire and South Gloucestershire in respect of Carboniferous limestone aggregate supply but stated *'the West of England had established what partners it needed to work with under joint working. Also Development Plan preparation in the West of England was not aligned with the timetable for the Gloucestershire MLP. It was also noted that the adopted South Gloucestershire Core Strategy did allow sufficient annual provision to assist with shortfalls. The last export survey of 2009 still showed significant amounts of crushed rock aggregates being supplied.. to Gloucestershire. However in practice the market was depressed in that in 2013 only two quarries in South Gloucestershire were operational'*. The paragraph then concluded *'As the arrangement current [ly] stands there was no prospect of testing any of the previous emerging policy options (from the South West Regional Strategy) for crushed rock (ie. any possible shortfall in the Forest of Dean being met from other areas such as the West of England)'*.

The Duty-to-Cooperate Paper dated September 2016 does not change that position, merely cataloguing meetings with a general intention to maintain dialogue. In CPRE's view this makes a mockery of the DtC. There is acknowledged to be a close relationship between market areas in Gloucestershire and crushed rock production in South Gloucestershire. The latter still has a very substantial landbank, which can be expected to remain well in excess of the 10 year requirement, throughout the life of the Gloucestershire MLP +10. There is a major crushed rock quarry at Tytherington in South Gloucestershire, well placed to supply markets in the Gloucester/Cheltenham area and with substantial permitted reserves, which is currently mothballed.

We stress that CPRE does not propose that neighbouring MPAs should provide additional new reserves, regardless of their own environmental consequences, in order to 'bail out' Gloucestershire. Our point is that it appears that existing permitted reserves in other MPAs could be formally accepted as meeting some of Gloucestershire's crushed rock requirements without detriment to the overall environment in the foreseeable future. That is what the DtC is intended to explore and it should not be thwarted just because Plans are out of phase or for political expediency.

Calculation of landbank requirements from LAA data

The introduction of the LAA methodology was welcomed in principle by CPRE as adopting a 'plan, monitor and manage' approach instead of the 'predict and provide' system which it succeeded and which led consistently to over-allocation of primary aggregate requirements (as compared with what was subsequently actually used). GCC has used the latest LAA data for calculating need for primary aggregates. CPRE acknowledges that is the most appropriate basis and is in line with Government policy. However, we are concerned about how the LAA data is proposed to be applied. It is reasonable to project the LAA data forward for the life of the MLP, including maintaining a 10 year landbank at the end, to see whether the resultant requirement can be met. (Successive LAA data may show a variation in actual demand and that would be addressed in periodic reviews of permitted reserves).

CPRE's view is that for Carboniferous limestone (Forest of Dean) the 28 year requirement based on the latest LAA data cannot be met within 'environmental capacity'. The draft MLP position is that inclusion of the Stowe Hill extension meets the landbank requirement up to 'MLP+10'. There is no indication of any other site options which the MPA could fall back on. CPRE's view, previously expressed in an objection to the planning application by Breedon Aggregates, is that the Stowe Hill site has major environmental constraints in terms of landscape and heritage as well as having a high proportion of 'best and most versatile' land. The site is now subject to an objection by Natural England, because of potential damage to the Slade Brook SSSI, which has been assessed as not capable of effective mitigation.

Whilst acknowledging there is a need for adequate lead time for new mineral workings to be approved and brought into production that does not mean there is an essential need to identify a 28 year supply at this stage. It should, instead, be a spur to more effective implementation of the DtC to examine thoroughly whether a more environmentally sustainable solution is possible in conjunction with other MPAs.

‘Environmental capacity’

Gloucestershire has especially extensive landscape constraints from a mineral working perspective, due to the very close relationship between the resource areas and the AONB boundaries. CPRE accepts the principle of the ‘70/30 split’ between the Carboniferous and Jurassic limestone resource areas – the rock types have different properties which affect their usefulness as aggregates and, in any case, the environmental constraints are equally great.

Aside from landscape, the objection by Natural England to the proposed quarry extension at Stowe Hill indicates the difficulty of finding new crushed rock sites in the county which do not have serious adverse environmental consequences, recognised in national policy guidance.

This lack of ‘environmental capacity’ should lead to a thorough exploration of other options via the DtC and to not seeking to provide scope for a 28 year landbank at this stage.

Soundness of the draft MLP

CPRE made similar comments on the previous public consultation. There is no evidence in the current consultation documents that these three points have been recognised or addressed. **Whilst fully appreciating the difficult task for the county’s planners in producing a new MLP, we believe that the apparent shortcomings in DtC, in applying the LAA data to landbank provision and of not sufficiently addressing the environmental capacity issue lead to a conclusion that the draft plan cannot be deemed to be sound in respect of the assessment of crushed rock aggregate needs for the life of this MLP.**

In respect of sand and gravel the principle of effective implementation of the DtC also applies and co-operation with neighbouring MPAs is especially important in the UTV and Severn Valley where resources straddle administrative boundaries. The Cotswold Water Park is a special case. CPRE does recognise that, unlike in the case of Carboniferous limestone, there are no such obvious anomalies in permitted reserves of neighbouring MPAs.

Policy MW01. CPRE does not understand the purpose of this policy as it does not appear to add anything to policies MA01 and MA02.

Policy MW02. CPRE supports the thrust of the policy, but the last bullet point has flawed English. We suggest it should read simply ‘...will not prejudice final restoration of the site to the highest standard’.

Policy MW05. CPRE believes the text of this policy could be much improved and clarified. We propose:-

‘Proposals for the working of coal will not be permitted unless there is firm evidence that the proposals will not have adverse consequences for the environment or that national or community benefits clearly outweigh the adverse effects and that those effects can be mitigated to an acceptable level’.

We believe that text would allow for the traditional small scale underground operations by Freeminers in the Forest of Dean whilst ruling out opencast operations.

Policy MW06. CPRE accepts the need to allow for unconventional hydrocarbon exploration and production in accordance with national policy. However, given the uncertainties surrounding the subject currently, we propose that the text should be modified.

In the first sentence we propose the text after '*techniques*' should be changed to '*will be permitted only if all of the following conditions are met*'.

In the first bullet point we propose that '*so far as is practicable*' should be replaced with '*within what is technically achievable*'.

In the third bullet point we propose deletion of '*unacceptable*', as we would argue that any adverse impacts on vital water resources should be unacceptable.

SECTION 9: AREAS FOR FUTURE AGGREGATE WORKING

CPRE's comments on the process adopted for calculating the need for new aggregate reserves are set out under Section 8 above. Where there are no substantial constraints to new permissions, the selection of specific sites, preferred areas or areas of search to meet the demand as indicated by LAA figures is reasonable.

Where identified areas involve substantial adverse consequences for the environment or communities then we believe that such allocations should not be made until the DtC has been thoroughly implemented to see whether a less damaging solution can be achieved. No evidence of such an implementation of the DtC is provided in the Draft MLP or its supporting documentation. In these circumstances CPRE opposes the selection of the Preferred Area at Stowe Hill and the Area of Search at Lady Lamb Farm.

CPRE opposed the Stowe Hill site in the 2014 Site Options consultation and has objected to the proposals set out in Breedon Aggregates current planning application for the same area. In our view, the granting of consent to work the area would lead to major damage to landscape and amenity, would result in the loss of a farmstead of historic value and almost certain downgrading of a substantial area of 'best and most versatile' agricultural land. The site is now subject to an objection by a statutory consultee – Natural England - on grounds of major risk to an adjacent SSSI.

With regard to the Lady Lamb Farm Area of Search we note that the area is isolated from other quarrying activity in the Cotswold Water Park (CWP) and cannot be effectively integrated into the developing CWP landscape. We believe that the traffic aspect has been understated - there are bottlenecks on the A417 in villages in the Cirencester direction as well as in Fairford and minor roads in the area are single track and unsuitable for HGVs. In our view, the cumulative transport problems are insoluble.

Policy MA01. For the reasons given above we propose that allocations 01 and 08 should be deleted from the schedule. In the case of 08 it does not appear to be critical to achieving the landbank aspiration for sand and gravel. Deletion of 01 clearly is of major quantitative significance in provision of Carboniferous limestone aggregate and we refer to the apparent scope via the DtC.

CPRE also welcomes the exclusion of former site option CRFD4 from the schedule of allocations in the Draft MLP. However, we are concerned that the latter part of the reasoning/justification on page 23 of the Supporting Evidence Paper implies that the

site could be reconsidered if there were not '*sufficient alternative options available that...have a more realistic prospect.*' The text is in a supporting document, not in the Draft MLP. Nevertheless, it should acknowledge national policy that a greenfield site in the Wye Valley AONB, not associated with existing quarrying operations, could be considered only '*in exceptional circumstances and where it can be demonstrated that they are in the public interest*'. It is inconceivable that test would be met in the foreseeable future.

Policy MA02. CPRE accepts that there could be circumstances where allowing aggregate quarrying outside of allocations would be sensible, but we consider that the policy should be clear that there should be no additional adverse consequences. We propose adding after '*demonstrated*' (in line 2) – '*that they will not increase adverse effects on the environment or communities and:-*'.

SECTION 10; DEVELOPMENT MANAGEMENT

Policy DM01. CPRE supports the recognition that the amenity of communities must be protected, but proposes that '*unacceptable*' should be deleted as tautological in this context. The principle should be that all adverse impacts should be avoided or satisfactorily mitigated.

Policy DM02. CPRE supports the specific recognition of cumulative impact.

Policy DM03. CPRE is concerned that this policy appears to accept a principle of some reduction in road safety. We do not consider such a principle is appropriate. We propose that '*Unacceptable*' in the 1st bullet point should be deleted and that the 2nd bullet should be reworded thus – '*Satisfactory mitigation measures can be achieved to maintain road safety and to ensure that the capacity and function of the strategic and local highway networks will not be significantly affected.*'

Policy DM07. CPRE welcomes the recognition of high quality ('best and most versatile') soils as an important natural capital resource which should be conserved for future use. We see no need for '*unacceptable*' in the context of the 1st bullet point and propose its deletion as superfluous to the policy.

Policy DM09. CPRE supports the policy. We would expect all proposals of working for crushed rock aggregate to be defined as 'major development' in the context of paragraph 116 of the NPPF.

SECTION 11; MINERAL RESTORATION

Policy MR01. CPRE does not object to the policy wording, but considers that text on other specific issues should be added to it.

We propose a 3rd bullet point – '*Where 'best and most versatile' soils are involved they will, wherever technically feasible, be restored to as near original quality as is practicable, so as to retain their future potential as a strategic natural resource.*

We propose a 4th bullet – '*Where there is a wider landscape context, the integration of the site restoration into that landscape will be an important consideration. In the Cotswold Water Park, there will be consultation with the CWP Trust on exploitation and restoration to ensure that operations are consistent with plans for the further development of that special landscape.*