

**MINERALS DEVELOPMENT PLAN DOCUMENT (DPD)  
PREFERRED OPTIONS – KEY CONSULTATION  
RESPONSE THEMES AND COUNTY COUNCIL  
REJOINDERS**

**February 2008**



## **MINERALS DPD PREFERRED OPTIONS CONSULTATION – STRATEGIC RESPONSES**

### **Minerals and Waste Core Strategy (MWCS) Preferred Options.**

The current priority within Buckinghamshire Minerals and Waste Local Development Framework (MWLDF) is to finalise the Minerals and Waste Core Strategy (MWCS) Preferred Options. This report sets out the County Council's vision, objectives and spatial strategy for minerals and waste matters in Buckinghamshire and also identifies the strategic allocations for waste management and minerals development. Formal consultation on the MWCS takes place between 29 February and 25 April 2008 in line with our revised Minerals & Waste Local Development Scheme (MWLDS) agreed with the Government Office.

The MWCS is supported by a Sustainability Appraisal and detailed studies dealing with "Appropriate Assessment", air quality and traffic implications relating to the strategic allocations.

To assist respondents in their consideration of the MWCS Preferred Options, the Council has prepared the following "rejoinders" to representations made to earlier consultations, as follows:

- 1 A detailed Schedule of all the responses made to the MWCS Issues & Options consultation (9 July to 31 August 2007), together with the Council's rejoinders, in line with the requirement of Regulation 27 (3) of the Town & Country Planning (Local Development) (England) Regulations 2004;
- 2 Additionally, and to assist the current consultation, a paper setting out the main concerns raised during the Waste DPD Preferred Options consultation (22 June to 3 August 2007) relating to those sites which form strategic allocations or safeguardings in the MWCS Preferred Options;
- 3 Additionally, and to assist the current consultation, a paper setting out the main concerns raised during the Minerals DPD Preferred Options consultation (17 September to 26 October 2007) relating to strategic minerals matters relevant to the MWCS Preferred Options – **the task of this paper.**

1. The invitation to identify additional mineral sites does not go far enough. The County Council commissioned studies by the BGS which indicated some areas where minerals could be further explored in the northern parts of the county.

The BGS reports did not specifically identify areas of viable deposits of mineral in north and central Buckinghamshire. Words were used in the reports such as “intermittent” and “sporadic” which suggests that the surveys revealed unreliable deposits of viable mineral. This fact was acknowledged by the Inspector at the 1991 Inquiry who concluded that “**northern and central Buckinghamshire will not provide a significant source of acceptable sand and gravel reserves in which case BCC would be obliged to find additional sites in southern Buckinghamshire**” (paragraph 109) and in paragraph 218, “**It is clear that the major part of BCC’s apportionment of land-won sand and gravel will come from the south of the county**”. If the District Council has knowledge of potential mineral extraction areas in northern and central Buckinghamshire, then it would be helpful if they could make them known to the County Council. To date, the County Council is not aware of any interest or proposals from mineral operators for possible extraction sites in this area of Buckinghamshire which confirms the views of the BGS, the County Council and the Government Inspector.

2. For many many years South Bucks has provided the lion’s share of sand and gravel in Buckinghamshire. The County Council needs to take a more proactive approach to the potential resources throughout the county. The County Council should now directly approach landowners where viable deposits may be present.

Although the majority of sand and gravel extraction in recent years has occurred in south Buckinghamshire, the Ouse Valley in north Buckinghamshire was responsible for over half of the annual supplies in the 1960s and 1970s. In addition, the clay pits of central Buckinghamshire were one of the major producers of brick clay during the 1980s. In accordance with national policies, the County Council has undertaken appropriate action to identify proven deposits of aggregate in the county. The results have been described above which show poor viable deposits in central and north Buckinghamshire.

3. The “National and Regional Guidelines for Aggregate Provision in England” states that MPAs should “test the environmental acceptability of the apportioned supply”. There seems to be no indication in the Preferred Options Document that the level of supply has, or is being tested.

The National and Regional Guidelines for Aggregates Provision in England 2001-2016 actually states that “The preparation of development documents relating to minerals extraction .... **provides the opportunity to** test the environmental acceptability of the apportioned supply”. The County Council believes that it has taken this opportunity by way of the assessment of each of the 11 sites

undertaken by consultants. The project involved assessing the sites against 23 sustainability appraisal objectives that were included in the Scoping Report for the Minerals and Waste Development Framework. The result was that a report was produced for each site which described the factual position at the site in terms of the issues raised by the SA objectives. In addition, a separate report was produced which set out the results of a comparative analysis of the sites in terms of these objectives with a ranking list of the sites' relative suitability for mineral extraction. Reference to this exercise is made in paragraph 4.9 of the Minerals DPD. It should also be noted that MPS1 states in Paragraph 3.11 that "The Secretary of State will intervene in the preparation of LDDs where MPAs do not pay due regard to the agreed apportionment".

4. Given that they are nor required for the plan period, there is no reason why it is necessary to identify Areas for Safeguarding in the way that the plan has.

National policies for minerals planning require MPAs to "define Mineral Safeguarding Areas (MSAs) in LDDs, in order that **proven** resources are not needlessly sterilised by non-mineral development, although there is no presumption that resources defined in MSAs will be worked" (1<sup>st</sup> bullet point of Paragraph 13). The 4<sup>th</sup> bullet point in Paragraph 13 states that "in two-tier planning areas, include policies and proposals to safeguard mineral resources within MSAs in county LDDs and show MSAs in district LDDs". National guidance does not require the safeguarding of resources for only the plan period but all proven resources. The DPD conforms with national guidance in respect of the safeguarding of minerals and confirms that only proven resources should be included in these documents.

5. The Inspector at the 1991 Inquiry concluded that areas of high grade land should not be dug unless sufficient land of lower agricultural quality could not be found. The Preferred Options Document does not specifically address this matter.

In recent years, national policy has been relaxed regarding mineral development on the "**use areas of poorer quality land in preference to that of higher quality, except where this would be inconsistent with other sustainability considerations**" (paragraph 14 of MPS1). The comparative assessment generally accords with these aims in as much as, taking into account other sustainability considerations, the rankings generally correspond with the agricultural grading of the sites (the lower graded sites being ranked the highest).

6. The Inspector at the 1991 Inquiry also concluded that at that stage no exceptional need had been demonstrated which would justify extraction of sand and gravel in the Areas of Attractive Landscape (AALs).

There is no national policy which requires MPAs to consider mineral deposits that are not proven. Therefore the County Council has concentrated on the identification and assessment of proven deposits within the county. The Inspector at the 1991 Inquiry stated that “**at this stage** no essential need has been shown ...”. Only two of the eleven sites are located within an Area of Attractive Landscape (AAL). The two sites are ranked five and six and would therefore not be required until the later stages of the plan period. The statement by the 1991 Inspector “at this stage” infers that at some time in the future, as reserves are used up, incursions into AALs may have to occur so as to meet demand. This is already happening in several MPA areas in the South East region. Indeed, the County Council welcomes the support of South Bucks District Council’s in its response to the Core Strategy Issues and Options Consultation Report where it comments that “The County Council should look first at Areas of Attractive Landscape as opposed to other designations”.

7. The policies and the allocation of sites are worrying, because there is an underlying assumption that all gravel bearing land in South Bucks that an owner or operator wishes to work, will eventually be dug, regardless of any landscape or amenity designation.

As the Mineral Planning Authority (MPA) for Buckinghamshire, the County Council is required to carry out its functions in accordance with national policies for mineral planning. The first bullet point of Paragraph 13 of Minerals Policy Statement 1 (MPS1) requires MPAs to “define Mineral Safeguarding Areas (MSAs) in LDDs, in order that proven resources are not needlessly sterilised by non-mineral development, although there is no presumption that resources defined in MSAs will be worked”. However, Paragraph 3.6 of Annex 1 of MPS 1 states that “MPAs should make provision for the sub-regional apportionment of the current National and Regional Guidelines for land-won aggregate in the approved RSS”. Paragraph 3.11 of Annex 1 states that “The Secretary of State will intervene in the preparation of LDDs where MPAs do not pay due regard to the agreed apportionment”. All the identified sites in the Minerals DPD have been subject to sustainability appraisal by evenly applying 23 sustainability objectives which was followed by a comparative assessment of all 10 sites. It should also be pointed out that mineral extraction is considered by Government to be of a temporary nature and therefore need not be inappropriate development in the Green Belt. There should therefore be no reason why the land cannot be restored to a high quality following extraction.

8. It is also worrying that the response form accompanying the consultation is not user friendly and it is difficult for the general public to understand and use in a meaningful way.

The format of the response form is directed by Government and must therefore follow the guidelines. The County Council was aware that many people found it hard to understand and was therefore happy for letters to be attached to the response form so as to enable respondents to fully express their views.

9. The proposals contained in the document have not taken due account of guidance issued by the Government in their Minerals Policy Statement 1 (MPS 1), because the County Council has failed to consider carefully mineral proposals within or likely to affect regional and local sites of biodiversity, geodiversity, landscape, historical and cultural heritage.

The County Council has carefully considered the possible effect on such issues listed in the fifth bullet point of Paragraph 14 of MPS 1 for the reasons described in paragraph 7 above. Paragraph 14 clearly sets out a hierarchical approach in the consideration of heritage and countryside issues. For example, the second bullet point states that MPAs do not permit major mineral developments in internationally and nationally designated areas whereas the fifth bullet point states that MPAs consider carefully such sites at regional or local level. Again, the eighth bullet point states that MPAs do not permit mineral proposals that would result in the loss or deterioration of ancient woodland, but in the ninth bullet point states that MPAs should take account of the value that existing woodland offers in terms of amenity and habitat. A clear example of this distinction is the nationally designated Area of Outstanding Beauty (AONB) and the locally designated Areas of Attractive Landscape (AAL) and Local Landscape Areas (LLA).

10. The County Council should strongly argue with SEERA that South Bucks can no longer continue to supply large quantities of primary sand and gravel without serious and permanent damage to its landscape, cultural heritage and quality of life.

In 2003, the South East England Aggregates Working Party (SEERAWP) made recommendations to SEERA regarding a new sub-regional apportionment based on recent revised national guidance. Despite a national and regional reduction in the demand for aggregate, SEERAWP suggested an increase in Buckinghamshire's share to 1.22 million tonnes per annum (mtpa). The County Council objected to this proposal as it was clearly contrary to both the national and regional trend. SEERA accepted the County Council's argument and amended the apportionment table to 0.94 mtpa in its draft regional plan which was subject to an Examination in Public in 2004. The Panel at the EIP eventually proposed a figure of 0.99 mtpa for Buckinghamshire which is the figure currently being applied in the plan process. In planning for future demand, it makes sense

to consider the longer term rather than the shorter term. Indeed the South East Plan covers the period 2006-2026 and at the request of GOSE, the County Council are now looking to cover its Minerals DPD period to 2026 ensuring compatibility with the regional plan.

11. The main thrust of MPS 1 is the minimising of the use of primary aggregates. This would suggest that future primary aggregate apportionment may be less and the current 0.99mt per year will in any case be reduced towards the end of the plan period.

Present trends would suggest that future primary aggregate apportionments may well be reduced. Indeed, Government is presently looking at a revision of the current apportionment. It may well be that Buckinghamshire's apportionment is reduced before the adoption of the Minerals DPD. If this happens, then the County's revised apportionment would be introduced then or at the first review of the plan which would be no greater than 5 years from adoption.

12. The plan does not adequately take account of the value of the wider countryside and landscape, including opportunities for recreation, including quiet recreation, and as far as practicable maintain access to land.

The County Council has taken full account of all the issues set out in the eleventh bullet of Paragraph 14 of MPS1 as described in paragraph 9 above. As it is considered that mineral extraction is of a temporary nature, there is no reason why the land should not be restored to a high quality following extraction with the opportunity for recreational use if appropriate.