

The Minerals and Waste Core Strategy Consultation
Planning Regulation – Minerals and Waste Policy Team
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Dear Sirs

Consultation on the proposed main modifications to the Oxfordshire Minerals And Waste Local Plan Part 1 – Core Strategy and Sustainability Appraisal Report - February 2017

We refer to your letter dated 2 February 2017 inviting representations on the Oxfordshire Minerals and Waste Local Plan Core Strategy Main Modifications.

Our client, who is a minerals operator in the County, has (through their agent) made previous representations on the Oxfordshire Minerals and Waste Local Plan Part 1.

We now make the following representations on the proposed main modifications to the draft Core Strategy.

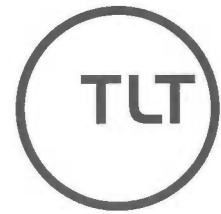
MM21

This main modification modifies policy M4 which sets out the policy for site identification for the work in aggregate minerals.

Sub paragraph (l) of policy M4 has been modified to require an assessment of sites for working aggregate minerals be made against, among others, green belt policy C12. This sets up an inconsistency with MM19 which recognise that government policy that mineral extraction is appropriate development in the green belt (NPPF paragraph 90). Green belt policy C12 ought not therefore to be applied to mineral extract sites, to do otherwise would be to render it unsound for reasons of inconsistency with national policy.

Policy M4 sub paragraph (l) should be amended to read:

"ability to meet other objective and policy expectations of this Core Strategy (including policies C1-C11) and relevant policies in other development plans."



MM22

MM22 modifies policy M5 which deals with working with aggregate minerals.

Mineral processing activities are a necessary adjunct to the primary extraction and must thereby appropriate development in the green belt (NPPF paragraph 90). This was recognised by Ouseley J in *Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government* who summed up the exception for mineral extraction in NPPF paragraph 90 as follows (from paragraph 65 of his judgment):

"...some level of operational development for mineral extraction, sufficiently significant as operational development to require planning permission has to be appropriate and necessarily in the Green Belt without compromising the two objectives. Were it otherwise, the proviso would always negate the appropriateness of any mineral extraction in the Green Belt and simply make the policy pointless. Extraction is generally not devoid of structures, engineering works and associated buildings. The policy was not designed to cater for fanciful situations but for those generally encountered in mineral extraction."

Policy M5 rightly recognises this and therefore, as with MM21, should not be subject to the green belt policy C12 requirements for the same reasons of soundness: inconsistency with national policy.

The tail end of Policy M5 should be amended to read:

"... and that the requirements of policy C1-C11 are met."

MM70

MM70 deals with policy C12: Green belt.

The second paragraph of policy C12 is superfluous. Mineral Planning Authorities already have the ability to impose conditions on development where those conditions are necessary to make the development acceptable in planning terms. What is and what is not an appropriate development in the green belt is set out in the NPPF, and this confirms that minerals extraction is appropriate development in the green belt. The provisions of this second paragraph to impose conditions to constrain developments to the nebulous concept of 'other considerations' will only lead to confusion and thereby renders the policy ineffective.

The second paragraph of policy C12 in MM70 should therefore be struck from the Core Strategy.

Please acknowledge receipt of these representations.

Yours faithfully

TLT LLP

TLT LLP

cc client (by email)