


## Part 1 – Respondent Details

<b>1(a) Personal details</b>		
<b>Title</b>	Mrs	
<b>First Name</b>	Helen	
<b>Last Name</b>	Marshall	
<b>Job Title (where relevant)</b>	Director	
<b>Organisation (where relevant)</b>	CPRE Oxfordshire	
<b>1(b) Agent details</b> <i>Only complete if an agent has been appointed</i>		
<b>Title</b>		
<b>First Name</b>		
<b>Last Name</b>		
<b>Job Title (where relevant)</b>		
<b>Organisation (where relevant)</b>		
<b>1(c) Contact address details</b> <i>If an agent has been appointed please give their contact details</i>		
<b>Address Line 1</b>	20 High Street	
<b>Line 2</b>	Watlington	
<b>Line 3</b>	Oxfordshire	
<b>Line 4</b>		
<b>Postcode</b>	OX49 5PY	
<b>Telephone No.</b>	01491 612079	
<b>Email address</b>	campaign@cpreoxon.org.uk	

<b>Are you writing as</b>	<b>A resident</b> <b>A local business</b> <b>Minerals industry</b> <b>Waste industry</b>	<b>A parish council</b> <b>A district council</b> <b>A county council</b> <b>Other (please specify):</b> <i>Registered charity</i>
<b>Please tick the appropriate boxes if you wish to be notified of any of the following:</b>	CPRE Oxfordshire	
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	✓	

<b>Please sign and date the form:</b>			
<b>Signature:</b>		<b>Date:</b>	28/9/15

## 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

Statement of Community Involvement

Core strategy policies M2, M3, M4, M5

Local Aggregates Assessment Tables 2 and 3 and associated text

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

(i) Legally compliant?                      Yes                      No

(ii) Sound?                                      Yes                      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.**

Please see attached statement

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.**

A. The failure to comply with the Council's SCI is now a matter of history. It is considered important to record this failure because consultation with those affected by decisions might have led to significant amendments.

B. Deletion of the LAA and reference to its findings in the strategy and replacement by calculations following the 10 year averaging rule.

C. Insertion of conclusions about new sites for working in the light of application of the 10 year rule.

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.**

In order to present the concerns of CPRE's membership in respect of both the LAA figuring and the Strategy's failure to provide assurance on the specific location of new working if such were found appropriate.

Continue on a separate sheet or expand the box if necessary

## **OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN**

### **Part 1 Core Strategy and Local Aggregates Assessment 2014 - proposed submission document – Consultation response from CPRE Oxfordshire**

1. CPRE objects to the core strategy on three grounds:

- First, in formulating the plan, the Council failed to implement its own Statement of Community Involvement (SCI);
- Secondly, it accepted blatant massaging of figures in calculating the LAA 2014; and
- Finally, it failed to follow the National Planning Policy Framework (NPPF) and subsequent planning guidance in relation to location of mineral workings.

2. CPRE concern with minerals planning is summarised in the following statement of objectives:

- a) place conservation and enhancement of the terrestrial natural and historic environment and protection of the marine environment at the heart of minerals planning;
- b) reduce the need for extraction by managing the demand for minerals and improving the efficiency of their use, recognising that economic prosperity does not require increasing levels of minerals consumption;
- c) maximise the use of recycled and secondary aggregates; and
- d) promote public participation and improve the transparency of the process.

3. Our objections are to failures of the core strategy and aggregates assessment to satisfy these objectives.

### **Failure to comply with Oxfordshire Statement of Community Involvement (SCI)**

4. This failure cannot now be redeemed in relation to the current core strategy but is considered relevant to your inspection. The SCI<sup>1</sup> replaces one of 1996 and was adopted at the same Extraordinary Meeting of the Council on 24 March 2015 at which the only other item on the agenda was the draft Minerals and Waste Plan Part 1. On previous occasions in the process of developing the core strategy, OCC consulted with an environmental group led by CPRE and involving seven parties<sup>2</sup>, concerned with working of sand and gravel, both sharp and soft. The group was established in September 2010 and met the Cabinet member responsible for Environment. The group became, in County Council parlance, Local Environmental Campaign Groups. We were subsequently invited to comment on two studies of Local Aggregates Assessment commissioned by the Council; the first in February 2011, the second in May 2013.

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<sup>1</sup> Oxfordshire County Council revised Statement of Community Involvement, adopted March 2015.

<sup>2</sup> AGGROW, BACHPORT, ENOUGH, Land not Sand, OUTRAGE, PAGE and CPRE.

5. The oral consultation on the latter, held in September 2013, resulted in officials abandoning the methodology used in calculating the LAA in the commissioned report by Atkins, and adopting the 10-year average for sharp sand and gravel.

6. It was therefore surprising in November 2014 to learn that Cabinet, and in due course Council, were to discuss a new LAA report by LU and Cuesta Consultants with no preliminary consultation with the local community group. This group had by this time morphed into OXAGE (Oxfordshire Against Gravel Extraction) which was aimed to concentrate on the LAA for sharp sand and gravel extraction.

7. The decision not to consult communities is counter to the SCI. This states, *inter alia*: 'We will consult communities on the development of plan document at the earliest possible stage to allow meaningful engagement in the process.' The role of local groups is more sharply identified in stating: '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.'

8. CPRE considers that the Council's neglect of its duty to consult renders this aspect of the Plan not legally compliant.

### **Massaging of figures in calculating the LAA 2014 <sup>3</sup>**

#### **Re: Policy M2 : provision for working aggregate minerals.**

9. A Local Aggregates Assessment is an annual assessment of the demand and supply of aggregates in a mineral planning authority's area <sup>4</sup>.

10. Supplies of aggregates may be considered under the headings of recycled aggregates, secondary aggregates, marine aggregates, imports, and land won.

11. Planning Guidance <sup>5</sup>, the core strategy <sup>6</sup> and the LAA <sup>7</sup> put recycled and secondary materials at the top of the list of sources of aggregates. It is accepted that there are limitations of data sources on these materials. However, in view of the increased use of such materials in recent years it is surprising that no effort is made to quantify prospective future contributions, a dimension specially called for in NPPF <sup>8</sup>.

No connection is attempted to link the discussion of construction, demolition and excavation waste in the Submission Document at paragraphs 5.6, 5.9 and Table 4 <sup>9</sup>, with the potential quantity of usable aggregate within that total. Similarly discussion of secondary materials is limited to dismissal of china clay sand as an insignificant source.

The attitude throughout is aspirational, with no evidence of Council initiatives for promoting increases in supply through, for example inter-MPA planning.

12. The absence of any estimate of the potential contribution of these alternatives to land-won aggregate is a serious deficiency.

13. Instead, the reader is led to consider that the long-term requires a major increase in the supply of land-won material, especially that of sharp sand and gravel. In the case of sharp

<sup>3</sup> Including updates March 2015.

<sup>4</sup> National Planning Guidance, Local Aggregates Assessment, revised March 2014.

<sup>5</sup> Guidance ID 27-063-20140306, para 063.

<sup>6</sup> Para 3.4 Minerals Plan objectives.

<sup>7</sup> Paras 3.57 -3.59.

<sup>8</sup> NPPF para 145.

<sup>9</sup> Table 4 Forecasts of amounts of principal waste streams to be managed - Oxfordshire waste arisings (million tonnes).



sand and gravel acceptance of the arithmetic presented<sup>10</sup> at 1.015 mtpa would justify the provision of at least one new quarry, whereas the straight averaging over 10 years to 2013 would mean a future requirement of 12.87 mt for which reserves are adequate at 12.904 mt<sup>11</sup>.

14. There are two prongs in the argument at this stage. One concerns variation in the sourcing of aggregates available in Oxfordshire, the other involves sheer manipulation of figures.

15. In relation to the past decade's supply of material it is stated (LAA para 4.25) that a feature of the recent prolonged economic downturn was that some quarry operators 'mothballed' certain operations. 'These commercial decisions introduced temporary but significant market distortions'. This is an unacceptable judgment: the market would indeed be distorted if no such adjustment had been made. The fact that adjustments were made by one large operator (Hansons), both before and during the recession, reflects a commercially active management. Throughout the country operators responded to the decline in orders for construction as a result of the recession, yet this perfectly rational response can hardly be labelled 'distortion'.

16. Paragraph 4.30 of the LAA describes the basis for the manipulation of figures for sharp sand and gravel that follows. It is argued that earlier years' supply during 2001 to 2007 is reasonably representative of conditions in Oxfordshire before the recession began and 'prior to the period when ....sales became most obviously distorted by the effects of commercial decisions'. Once more commerce is made to twist the production of gravel. Invoking the recession is naïve and deceitful. The 10-year rule set out in the NPPF was written in the knowledge that there was a recession, that recessions cause fluctuations in the demand for aggregates and averaging over 10 years covered such variations.

17. More outrageous is that the years from 2008 to 2013 are totally ignored<sup>12</sup>. The inclusion of years before the decade 2003-2012 is arbitrary. All this chicanery hides the fact that Oxfordshire used to be a major exporter and recent years have seen a gradual shift to a position in which net exports have declined. The communities most affected and quarry operators have achieved a new balance.

18. Because acceptance of the LAA report implies a radical departure from the guidance of NPPF, it is considered that Policy M2 is unsound.

### **Failure to follow the National Planning Policy Framework (NPPF) and subsequent planning guidance in relation to location of mineral workings**

**Re: Policy M3: principal locations for working aggregate minerals, and Policy M4: sites for working aggregate minerals.**

19. NPPF sets out clearly the guidance to those preparing local plans. Para 154 states: *Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.*

20. Para 157 specifies more precisely that:

*crucially (sic) local plans should (inter alia)*

- indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map; and
- 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

<sup>10</sup> LAA para 4.30, Table 4.1.

<sup>11</sup> Plan, Table 2 Aggregate provision required over plan period 2014-2031.

<sup>12</sup> The same procedure is adopted in altering the figures for supply of crushed rock.

development where appropriate.

21. Subsequent planning guidance is clear about the preferences on location in relation to minerals specifically<sup>13</sup>. It sets out in order of priority:

- designating specific sites,
- designating preferred areas, and
- designating areas of search.

22. The core strategy at paragraphs 4.45 disdains this guidance. Instead it lists 'strategic resource areas'. There is no objection to those if it were followed by a listing (if such is necessary) of specific sites. Instead we are promised a Part 2 of the core strategy which will be published in a 'Site allocations document'.

23. This proposed course of action is most undesirable. For several more years Oxfordshire residents will have to live under a blight of possible quarrying. This situation would be avoided if a clear statement of the process of identifying preferred areas were provided and specific sites named. If the incorrect method of calculating the LAA for sharp sand and gravel and for crushed rock is replaced by the 10 year average, the naming of sites becomes nugatory, the figure of 0.715 mtpa provides enough head room.

24. The process of naming strategic resource areas without explanation of the method adopted to identify these and the decision not to name sites, render the plan unsound.

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<sup>13</sup> Planning practice guidance ID 27-008-20140306, para 008.