

## Part 1 – Respondent Details

<b>1(a) Personal details</b>									
<b>Title</b>	Mrs								
<b>First Name</b>	Anne								
<b>Last Name</b>	Davies								
<b>Job Title (where relevant)</b>	Clerk								
<b>Organisation (where relevant)</b>	Clifton Hampden and Burcot Parish Council								
<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>	6 Greystones Court								
<b>Line 2</b>	Kidlington								
<b>Line 3</b>									
<b>Line 4</b>									
<b>Postcode</b>	OX51AR								
<b>Telephone No.</b>	01865379645								
<b>Email address</b>	ClerkatCliftonhampdenPC@gmail.com								
<b>Are you writing as</b>	<table border="0"> <tr> <td><input type="checkbox"/> A resident</td> <td><input checked="" type="checkbox"/> A parish council</td> </tr> <tr> <td><input type="checkbox"/> A local business</td> <td><input type="checkbox"/> A district council</td> </tr> <tr> <td><input type="checkbox"/> Minerals industry</td> <td><input type="checkbox"/> A county council</td> </tr> <tr> <td><input type="checkbox"/> Waste industry</td> <td><input type="checkbox"/> Other (please specify)</td> </tr> </table>	<input type="checkbox"/> A resident	<input checked="" type="checkbox"/> A parish council	<input type="checkbox"/> A local business	<input type="checkbox"/> A district council	<input type="checkbox"/> Minerals industry	<input type="checkbox"/> A county council	<input type="checkbox"/> Waste industry	<input type="checkbox"/> Other (please specify)
<input type="checkbox"/> A resident	<input checked="" type="checkbox"/> A parish council								
<input type="checkbox"/> A local business	<input type="checkbox"/> A district council								
<input type="checkbox"/> Minerals industry	<input type="checkbox"/> A county council								
<input type="checkbox"/> Waste industry	<input type="checkbox"/> Other (please specify)								

<b>Please tick the appropriate boxes if you wish to be notified of any of the following:</b>	
That the Oxfordshire Minerals & Waste Core Strategy has been submitted for independent examination	y
Publication of the Inspector's report and recommendations	y
Adoption of the Oxfordshire Minerals and Waste Core Strategy	y

<b>Please sign and date the form:</b>			
<b>Signature:</b>	Anne Davies	<b>Date:</b>	29/9/15

## 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

Please see attached information

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

- (i) Legally compliant?       Yes                       xNo
- (ii) Sound?                       Yes                       x 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                       x
- (ii) Justified                                       x
- (iii) Effective                                       x
- (iv) Consistent with national policy       x

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.**

#### **1. INTRODUCTION**

(1) Clifton Hampden and Burcot Parish Council welcome the opportunity to comment on the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (hereinafter referred to as the Plan). The Plan includes within it an Area of Search for Sharp Sand and Gravel that covers a large area of our parish.

(2) The Plan, along with the supporting submission documents, has clearly taken time and resources to produce. A significant period of time has passed since the previous Minerals and Waste Core Strategy document was withdrawn from submission in 2012.

(3) We cannot support the proposed Plan as it is currently presented. The Plan fails in its principle task to balance the provision of mineral supplies with the protection of the Oxfordshire countryside. In particular, we do not find enough robust evidence in the Plan, and the Local Aggregate Assessment (LAA) on which the Plan is based, to justify the assertion in the plan that a large new supply for Sharp Sand and Gravel (SS&G) will be required during the plan period. The large increase in requirement outlined in the Plan would necessitate one or more new sites being identified with the consequential loss of more Oxfordshire countryside.

(4) Had OCC consulted with us on the preparation of the 2014 LAA, in accordance with the Statement of Community Involvement, we would have been able to make these comments before the Plan had reached this stage.

(5) Our comments on the Plan are set out in the remainder of this representation.

#### **2. ENDORSEMENT FOR THE REPRESENTATION MADE BY OXAGE**

(6) We fully endorse the comments made to OCC in the representation from OXAGE (Oxfordshire Against Gravel Extraction) on the OMWLP Part 1: Core Strategy Proposed Submission document.

(7) The OXAGE response submits that

- the Plan is **not legally compliant**, because it has not been prepared in the accordance with the Statement of Community Involvement
- the **Duty to Cooperate** has not been complied with

- the Plan **is unsound**, because it proposes an oversupply of minerals which is not supported by a robust evidence base (policy M1 and M2); it lacks spatial clarity (Policy M3); and because the Plan prejudices a new area of working to be required in the Thames Valley area from Oxford to Cholsey without presenting any robust evidence for this location (8) We will not reiterate in this submission the evidence presented by OXAGE in support of these points.

### **3. ADDITIONAL OBJECTION: INCONSISTENT TREATMENT OF RECYCLED AGGREGATE IN THE PLAN**

(9) The National Planning Policy Framework sets out the following requirement in Section 13:

Facilitating the sustainable use of minerals (extracts)

*143. In preparing Local Plans, local planning authorities should....*

- *so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;....*

*145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:*

- *preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);*

(10) In March 2014 the on-line Planning Practice Guidance (PPG) relating to the Local Aggregate

Assessment (LAA) was revised to include (extracts)

*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 aggregate extractions, recycled aggregates and the potential throughput from wharves. This analysis should be informed*

*by planning information, the aggregate industry and other bodies such as local enterprise*

*partnerships; and*

- *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.*

Paragraphs: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*

- *.....*

(11)The Oxfordshire Local Aggregate Assessment 2014 (the **LAA**) prepared in support of the Plan, and forming part of the proposed submission documents has not made any provision for a

change in the supply of recycled aggregate in forecasting future demand for Sharp Sand and

Gravel supply. This contravenes the guidance set out in the NPPF.

(12)Despite the lack of information presented in the LAA for recycled aggregate minerals, OCC

have presented evidence in the Waste section of the OMWLP in the preparation of Policy W2

for the expected future provision of recycled aggregate.

(13)Policy W2 sets out Oxfordshire's Waste Management Targets 2012-2031 in a table (p69). The

table identifies an expected increase in recycling of construction demolition and excavation

waste (**CDE**) from 52% in 2012 to 60% by 2021, and thereafter maintaining this rate of recycled

CDE to the end of the plan period in 2031.

(14)Furthermore in Section 5: Waste Planning Strategy, the forecast volume of principle waste

streams in Oxfordshire for the plan period is set out in Table 4 (p64). This includes a forecast

for the volume of CDE over the life of the Plan. Total CDE waste is estimated to rise from

0.932 mT per annum in 2012 to 1.379 mT per annum until the end of the plan period.

(15)By applying the recycling rates presented in Policy W2 to the tonnage in Table 4 the volume of

recycled aggregate (CDE) expected over the Plan can be estimated. Recycled CDE is planned

to rise from 0.484mT p.a in 2012 (52% of 0.932mT) to 0.827mT from 2021 onwards (60% of

1.379mT). **Over the period of the Plan this represents a forecast increase in available**

**recycled aggregate material from CDE of at least 3.635mT.**

(16)Despite the information presented in Policy W2, the supporting evidence for preparing Policy

M1 states (extract, emphasis added)

Paragraph 4.9 p38 extract

*The earlier (withdrawn) Minerals and Waste Core Strategy included a policy target for recycled and secondary aggregate facility provision of 0.9 million tonnes per year.*

*That*

*target was from the now revoked South East Plan. It is now more appropriate for policy M1*

*not to set a specific target, which could be misconstrued as setting a maximum level to be*

*achieved, but rather to seek to maximise the contribution to aggregate supply in Oxfordshire from recycled and secondary aggregate sources. Policy M1 is a positive policy*

*to enable facilities to be provided in order to achieve this objective. The production of recycled and secondary aggregate will continue to be monitored to check whether this is*

*being achieved through this policy or whether a different approach needs to be considered.*

(17)By not setting a target for recycled material in Policy M1 the Plan is inconsistent

with the forecasts being put forward in Policy W2. That is, the Plan has forecast for a significant increase in recycled aggregate material but failed to take account of this resource in the planning of aggregate supply.

(18) Policy M1 does not make any provision for using the forecast increase in recycled CDE set out in Policy W2 in future forecasts of the LAA. As the LAA has a critical bearing on the requirement for new mineral workings set out in Policy M2 we find Policy M1 to be unsound.

(19) Policy M2 states “Provision will be made through policies M3 and M4 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 throughout the period to 2031.” However the LAA has not taken into account the expected growth in recycled aggregate, despite the clear evidence set out in the preparation of policy W2 for a significant increase in CDE over the plan period. There is no requirement in either Policy M1 or Policy M2 to ensure changes in the volume of recycled material are captured in the LAA forecasts. Therefore we also find Policy M2 to be unsound.

(20) Had the LAA been fully consulted on, as set out in the Statement of Community involvement, these Policy inconsistencies could have been pointed out at that time.

(21) The volume of recycled aggregate has a material affect on the future supply requirement from new permissions outlined in the Plan. Table 2: Aggregate Provision required over the plan period 2014-2031” (p42) shows a forecast requirement for Sharp Sand and Gravel of 18.27mT. This requirement is 42% higher than the recommended 10 years sales average figure advocated under planning guidance of 12.87mT. Permitted reserves of land-won material are noted at 12.904mT. If the 3.653mT of recycled material is added to these reserves then the county has 16.554mT of total reserves. Should the LAA adopt the 10 year average figure of sales for the plan period of 12.87mT (as advocated by OXAGE in their representation) there would be no further requirement for new permissions for SS&G mineral working during the period of this plan.

**4. ADDITIONAL OBJECTION: LACK OF GUIDANCE FOR MINERALS WORKING IN THE GREEN BELT**

(22) The National Planning Policy Framework sets out the following requirement in “Section 9: Protecting Green Belt Land” (extracts, emphasis added):

*79. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the*

*essential characteristics of Green Belts are their openness and their permanence.*

81. *Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land....*

87. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ....*

90. *Certain other forms of development are [also] not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including Land in Green Belt. These are:*

- mineral extraction*
- engineering operations....*

(23) Figure 9: Minerals Key Diagram (p62) in the Plan shows the relationship of the Oxford Green Belt, AONBs and SAC's to the identified Areas of Search. The diagram shows the overlap of the Oxford Green Belt with Area 7 for Soft Sand, but does not clearly show the overlap with the two northern areas for Sharp Sand and Gravel mapped as part of Area 5. These three mapped areas are the only mineral areas which overlap with the Oxford Green Belt identified on the Minerals Key Diagram.

(24) Policy M3 identifies the Areas of Search without providing any evidence for the boundaries for these areas. Policy M4 identifies the criteria by which sites will be allocated in the Minerals and Waste Local Plan: Part 2 Sites Allocations document in the Areas of Search identified in Policy M3, and includes in items(h) and (i) the need to avoid Areas of Outstanding Natural Beauty, and adverse impacts on SSSI's and SAC's, respectively. No mention is made of any criteria in relation to the Oxford Green Belt in Policy M4. Policy M5 provides for planning permission to be granted for sites allocated using the criteria for selection set out in policy M4, provided the requirements of Core policies C1-C11 are met.

(25) There is a footnote reference to Green Belt (footnote 83) under Core Policy C1: Sustainable Development:  
*A positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve economic, social and environmental conditions of the area.*  
*Planning applications that accord with the policies in this plan will be approved,*



*unless material considerations indicate otherwise. Where there are no policies relevant to the application, or relevant plan policies are out of date, planning permission will be granted*

*unless material considerations indicate otherwise, taking into account whether:*

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or*
- specific policies in the National Planning Policy Framework indicate that the development should be restricted (footnote 83)*

*(Footnote 83) For example those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt; Local Green Space .....*

(26)The Oxford Green Belt Network (OGBN) notes Oxford was one of the first cities to respond to the Minister's prompting in 1955 and set about defining a Green Belt. This was consolidated in 1997 when the Oxford Green Belt Network was established. The OGBN states the purpose of the Oxford Green Belt is to (extract, emphasis added):

- Protect the setting of the Historic City of Oxford from urban sprawl*
- Protect the individual towns and villages around Oxford from being swallowed up into an expanding City and allowing them to retain their cherished separate identities*
- Preserve open countryside close at hand as a green lung for the health and enjoyment of City dwellers*

(27)The Plan does not set out in the supporting material or the provision in Policy M3 why it has designated Areas of Search in the Oxford Green Belt and how this is in accordance with the purpose of the Oxford Green Belt.

(28)The Plan has not determined why there is a need for Areas of Search within the Green Belt when there are identified resources in Oxfordshire for both Soft Sand and Sharp Sand and Gravel outside of the Green Belt.

(29)The Plan has not demonstrated how it has balanced the need for identifying new locations for mineral working with the need to preserve the openness of the Green Belt, or the need to protect and enhance the natural and visual landscape within it, in accordance with National Policy.

(30)Policies M4 and M5 follow on from Policy M3. Neither of these policies sets out how OCC's minerals policy will assess applications for new sites that are brought forward in the Oxford Green Belt against proposed areas of working that are not in the Oxford Green Belt (for example the scale and longevity of working).

(31)Policy M10 outlines the requirement for Restoration of Mineral Workings. There is not statement within this policy how any sites that are planned in the Oxford Green Belt

are wellrestored

to after-uses consistent with the Green Belt’s objectives, other than to generally increase biodiversity; for example there is no requirement to preserve the openness and

permanence of the land during and after working and what this will mean in practice.

(32)Overall, the lack of wording in the Plan suggests OCC does not see any need to make any policy proposals in regard to the Oxford Green Belt in relation to mineral working, despite National Planning Policy guidance which clearly states mineral development in the Green Belt is appropriate “provided they preserve the openness of the Green Belt and does not conflict with the purposes of including Land in the Green Belt”. This lack of clarity in the guidance and policy for minerals planning in the Oxford Green Belt is unsatisfactory and we suggest the Plan as prepared does not meet the tests for soundness by being positively prepared, justified, effective and consistent with National Policy in this respect.

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.**

**5. REQUIRED CHANGES TO THE PLAN**

(33) We would expect to see the following changes made to the Plan

I. The Oxfordshire LAA should revert to using the guidance presented in the National Planning Policy Guidance of the 10 year rolling average of sales in the absence of any robust evidence to increase this figure. This was the agreed approach to the LAA in 2013 when the LAA was fully consulted upon, and there have been no material changes in 2014 to justify any deviation from this approach.

II. The Plan should set out in policy that any future changes to the LAA from national planning methodology will be directly quantifiable from robust evidence in accordance with the national planning guidance.

III. The Oxfordshire LAA should include a forecast for recycled aggregate from construction, demolition and excavation waste, which should accord with the information used in Policy W2. This forecast should be used to inform the quantity of future requirement from land-won sources of aggregate, in particular SS&G.

IV. Policy M1 should refer to the LAA assessment and forecast for recycled aggregate material and outline how this requirement will inform policy M2

V. The Plan should set out in Policy M2 a requirement to consult on the LAA in accordance with the Statement of Community Involvement before adopting any changes in the calculated methodology. The LAA underpins all forecasts for future requirements in the Plan and plays a critical role in the assessment of the landbank and the need to bring forward new sites for consideration.

VI. The Plan should set out in policy the methodology used to calculate the LAA, and indicate if future changes are proposed to the methodology, how these changes will be independently scrutinised before being adopted.

VII. The Plan should indicate in policy the decision process that will be used to bring forward new planning applications, as the existing landbanks are more than adequate to see through the early years of the Plan, to ensure new planning applications are not brought forward prematurely.

VIII. Policy M3 should be rewritten to include areas of search to the West of Oxfordshire for

SS&G in the absence of any robust supporting evidence to exclude this location from future working in the evidence base. The Plan's assertion that the rate of 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 preclude this area from further investigation are as applicable to other Areas of Search in Oxfordshire, and these comments should be struck from the Plan.

IX. Policy M3 should also show how it has taken into consideration the Oxford Green Belt when identifying principal areas of search for working aggregate minerals, and how any areas of search designated within the Green Belt are justified.

X. Policy M4 should delete item (b). This is not justified as there is more than sufficient landbank to meet Oxfordshire's needs for the foreseeable future and there is no evidence presented to support the assertion that rebalancing supply in this way will better meet demand from the local construction market.

XI. Policy M4 should include criteria for assessing sites for mineral working in the Oxford Green Belt and how they will be assessed for preserving openness and access (for

example if the proposed site affects public rights of way across the land).

XII. Policy M10 should set out criteria for assessing the restoration of mineral workings in the Oxford Green Belt to ensure they accord with the purpose of including the land in the Green Belt (for example should the land be required first and foremost to be returned to its previous use?)

XIII. Core Policies C1-C11 will be reviewed to ensure they provide adequate clarification of the high standards required for any future mineral workings in the Oxford Green Belt

(33) We would expect to see the following changes made to the Plan

**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))	x

**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.

<p><b>2(g) If you wish to participate at the hearing part of the examination, please outline why you consider this to be necessary.</b></p>
<p>The Parish Council has such serious concerns about the Plan that it feels that these can only be dealt with by being represented at a hearing</p>
<p>Continue on a separate sheet or expand the box if necessary</p>

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.