

Part 1 – Respondent Details

1(a) Personal details	
Title	Ms
First Name	Anna
Last Name	Hoare
Job Title (where relevant)	N/A
Organisation (where relevant)	N/A
1(b) Agent details <i>Only complete if an agent has been appointed</i>	
Title	
First Name	
Last Name	
Job Title (where relevant)	
Organisation (where relevant)	
1(c) Contact address details <i>If an agent has been appointed please give their contact details</i>	
Address Line 1	
Line 2	
Line 3	
Line 4	
Postcode	
Telephone No.	
Email address	

<p>Are you writing as</p> <p>Resident</p>	<input type="checkbox"/> A resident <input type="checkbox"/> A local business <input type="checkbox"/> Minerals industry <input type="checkbox"/> Waste industry	<input type="checkbox"/> A parish council <input type="checkbox"/> A district council <input type="checkbox"/> A county council <input type="checkbox"/> Other (please specify)
<p>Please tick the appropriate boxes if you wish to be notified of any of the following:</p>		
That the Oxfordshire Minerals & Waste Core Strategy has been submitted for independent examination		Yes
Publication of the Inspector's report and recommendations		Yes
Adoption of the Oxfordshire Minerals and Waste Core Strategy		Yes

<p>Please sign and date the form:</p>			
Signature:	Anna Hoare	Date:	30/10/2015

NB. Although I was registered on the County Council's list as an interested respondent to receive notification of the consultation on the draft Minerals and Waste Policy, nothing was sent to me. I made an inquiry in October and was advised that an error had been made in omitting me from the consultation. My response is therefore later than the official date, but I have been advised that it will be accepted because of the County Council's error in failing to notify me.

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

Figure 1 (P. 12)
 2.16 International instruments (P.21)
 2.18 National instruments & policy (P.21)
 2.19 “ “
 2.21 NPPF Facilitating Sustainable Use of Minerals
 2.34 Oxfordshire’s Strategic Objectives-
 2.41 ‘Issues’
 2.44 Strategic/ Other issues
 2.49-2.51 Habitats Directive
 3.3C Minerals Policy
 3.4 1x, x Planning Vision
 4 Minerals Planning Strategy
 4.724.85 Restoration and after-use
 4.85 Policy M10
 6.1 Sustainable Development
 6.31 Policy C6
 6.4 Policy C7
 6.46 Policy C8

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

- (i) Legally compliant No
- (ii) Sound? 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 | <input type="checkbox"/> | X |
| (iii) Effective | <input type="checkbox"/> | X |
| (iv) Consistent with national policy | <input type="checkbox"/> | 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.

Figure 1 (P.12) Fails to show sites designated under Oxfordshire's Biodiversity Action Plan as Conservation Target Areas. These sites are part of the UK Biodiversity Action Plan under the Convention on Biological Diversity and must be taken into account within Minerals & Waste Policy.

2.16 Omits UN Convention on Biological Diversity

2.19 Omits Natural Environment and Rural Communities (NERC) Act 2006, DEFRA, Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services' & DEFRA Guidance Oct 2014: 'The Biodiversity Duty for Public Authorities'

2.18 The above Convention and NERC should be referred to in para. 2.18- they are central to national policy, not peripheral.

The section on international and national policy is poorly organized, giving little sense of guiding principles in the preparation of the minerals & waste policies, and omits key strategic policy measures and guidance, as well as legislation and international conventions.

2.21 This is a notably partial & incomplete summary of NPPF Section 13 '**Facilitating the Use of Minerals**'. It focuses on securing supplies but omits altogether the NPPF's environmental policies on sustainable mineral use, which involve the planning authority's responsibility to secure the restoration and environmental improvement of land damaged by mineral extraction, by means of planning conditions, restoration plans, and if necessary, financial bonds. The totality of the NPPF policy on sustainable mineral use must be reflected, and that must include restoration and environmental aims under NPPF and associated Biodiversity legislation referred to above.

2.34 **Strategic objectives** of Oxfordshire must include Oxfordshire Biodiversity Action Plan, and policies under the Natural Environment and Rural Communities Act (NERC). These are major omissions from environmental policy & legislation relevant to minerals & waste. It is woefully inadequate to say 'looking after our environment'. Again, there is no indication even of awareness of policy implications of Biodiversity 2020 and DEFRA Guidance 2014, less still of taking them seriously.

2.41 '**Issues**'. Consistent with criticisms above, this paragraph recognizes only the 'issue' of securing supplies of minerals, not of the responsibility to the environment associated with the impacts of mineral workings & of restoration.

2.44 **'Strategic issues/ other issues'**. The fact that mineral workings are 'temporary' immediately confronts the issue of land restoration and after use; this should be a 'strategic issue', reflecting the NPPF policies on restoration and securing environmental improvement to worked landscapes, targets under the UK's Biodiversity Action Plan, the Ecosystems Approach and DEFRA/ JNCC's guidance on geodiversity and biodiversity. See also Sustainable Aggregates on Biodiversity and Geodiversity. The bland statement under 'Other Issues': 'The approach that should be taken to the restoration and aftercare of mineral workings' (P.28) is neither a statement of policy, legal duty nor commitment, and it fails to reflect the NPPF or duties under NERC.

2.49- 2.51 **Habitats Directive/ SEA**. These paragraphs do not include the impacts of relevant legislation and policy already referred to, and address only planning for new workings, not restoration. They also fail to refer to Conservation Target Areas.

3.3 C **Minerals planning vision**. Refers to 'restored mineral workings', but fails to include a commitment to ensure that mineral working WILL be restored! This is inconsistent with national policy, NERC & the UK's Biodiversity Action Plan.

3.4 ix, x. These statements need to be strengthened if they are to be regarded as firm policy commitments. The present proposed policy represents a radical step down both from the previous Minerals and Waste Policy and the recent 2012 paper. Why are the detailed policies on restoration, geodiversity and biodiversity of **Oxfordshire County Council's 2012 Background Paper on Quarry Restoration** not incorporated into the present document?? The 2012 paper is far closer in aims to national policy and the NPPF.

E.g. (P.1)

"1.4 Mineral workings are considered a temporary land use; the land should ultimately be restored to a positive land-use when extraction has been completed. Government planning policy recognises this in Planning Policy Guidance Notes and Minerals Planning Guidance Notes and Statements, notably in PPG 21, which states:

'Minerals can be worked only where they are found. Their extraction is a temporary activity.'

1.5 The restoration of a site should be determined in relation to its land-use context and surrounding environmental character. As part of the process of seeking planning permission for mineral extraction, the applicant must demonstrate that they will restore the site after quarrying to an appropriate land use and the restoration plan should be approved as part of the planning permission."

These statements are clear, decisive and consistent with national policy and the UK BAP. I would request the Inspector to review **Oxfordshire County Council's 2012 Background Paper on Quarry Restoration*** in order to understand just how much is missing from the present document. The omission of CTAs from the present document is particularly egregious, since this policy was highlighted in quarry restoration policy in the 2012 paper.

(*Attached.)

4. Minerals Planning Strategy. Refers solely to securing supplies and omits the key role of quarry restoration in Oxfordshire's Biodiversity Action Plan and the UK BAP and NPPF.

4.72 - 4.85 Restoration and after-use of mineral workings.

Numerous statements such as 'can have major environmental benefits' (4.72) should be turned into definite aims: 'should have major environmental benefits' in order to be consistent with national policy. 'Can' throughout most of these paragraphs offers no assurance that landowners will not seek to evade planning commitments and seek to industrialise sites that have importance for geodiversity and biodiversity. This is the current situation at Wicklesham Quarry, a SSSI for earth sciences and Conservation Target Area, overdue for restoration to agricultural use, and in spite of existing policies and planning conditions, Oxfordshire County Council has stated it will not oppose industrial use of Wicklesham quarry, if it is included in the Neighbourhood Plan. This indicates an absence of commitment by the County Council to uphold its policies, and the present document fails to suggest any strengthening of this position, in fact, quite the opposite. I refer again to the 2012 Background Paper as a better strategic policy statement. Public confidence in Minerals Policy depends on planning conditions being honoured and restoration pledges being carried out. In view of this existing doubt the statements in this section read like a wish list rather than as intentions.

4.75 offers a get-out clause for a landowner seeking to argue that the existing planning conditions are no longer 'the best option'.

This section needs to reflect the NPPF & UK BAP more rigorously, with fewer 'cans' and 'shoulds' and more 'musts' and 'wills'.

4.76 states what 'a bio-diversity led strategy should include' – it does not tell us that this is what 'must' or 'will' happen. 4.75 and 4.76 are woolly and incompatible. If restoration schemes *should* 'deliver a net gain in biodiversity' then this principle must be an over-riding guide to restoration.

4.85 Policy M10 The term 'location' should be change to 'surrounding land character and environment'.

6.1. Sustainable Development. The phrase 'unless material circumstances determine otherwise' should be deleted. The legal principle and meaning of sustainable development is clear cut. There are no grounds for departing from the NPPF's policy objectives.

6.31 Policy C6. Minerals extraction should not take place on BMV land where extraction would result in permanent loss of that land to agriculture. This is incompatible with sustainable land use & DEFRA policies.

Policy C7: Biodiversity and Geodiversity.

6.40 Include the words 'and restoration of sites' after the words 'Minerals and

waste development'. The words 'and restoration' should be included throughout these statements wherever the word 'development' is used. Otherwise it is completely unclear whether development either includes restoration or excludes it.

Policy C8: Landscape.

The same issue applies: unless the word 'restoration' is always included after 'development' many of the statements here are either ambiguous or meaningless.

- Attached for inclusion (digitally) to the Inspector with this representation is Oxfordshire County Council's Background Paper 2012 on Quarry Restoration. It clarifies issues which are unclear in the present proposed document, and gives clearer statements of aims and intended meanings, in relation to the critical points contained in my submission. I submit it as part of my representation.
- I also refer the Inspector to key publications that have either not been referred to, or which have insufficiently informed the policy framework and substance. These are:

DEFRA Guidance. The Biodiversity Duty for Public Authorities. (2014).

DEFRA Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services.

JNCC, DEFRA UK Post- 2010 Biodiversity Framework.

JNCC Report No. 450. Ecosystem Sensitivity and Responses to Change: understanding the links between geodiversity and biodiversity at the landscape scale.

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.

Included in above section

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))	Yes- if helpful

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.

The existing Minerals and Waste Policies, which in some respects are more straightforward than the proposed document, are not being consistently applied by Oxfordshire County Council. This increases concern that future practices will be even less consistent, as there are areas of ambiguity, omission, lack of clarity and provisionality in the present document which lend themselves to contention or excessive use of discretion and potential manipulation. Statements taken from different areas of the document can be used to support opposing interpretations, a highly undesirable situation. Simplification is often needed to avoid this, and in some cases, amplification. For example, there is no definition of the term ‘development’ used throughout the document, a striking omission in the case of land use (such as extraction) which is considered temporary, but which results in permanent changes to the land. Does ‘development’ include what happens after the temporary use is completed or not? This is unclear, as sometimes ‘restoration’ appears as a separate or different land use, and sometimes not. Much greater clarity is needed.

If participation in the hearing could assist the Inspector with regard to the points I have made I am willing to participate.

Continue on a separate sheet or expand the box if necessary

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.