



**REPRESENTATIONS ON OCC ADDITIONAL DOCUMENTS MAY 2016**

**Proposed Submission Core Strategy Part 1**

**Oxfordshire Minerals and Waste Local Plan**

**OXAGE (Oxfordshire Against Gravel Extraction)**

<b>Project reference</b>	GP 009	<b>Date</b>	6 June 2016
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## 1.0 INTRODUCTION

1.1 This **Representation** is the response to the consultation by Oxfordshire County Council (**OCC**) on the 'post-submission examination documents'<sup>1</sup> (**PSED**, 29 April 2016) which have been prepared in response to the extensive concerns raised by the Inspector<sup>2</sup>. The documents substantially modify the submission material<sup>3</sup> and the Examination has now been postponed until September 2016. Comments on these documents must be submitted by 12 June, OCC must respond by 4 July and the Inspector will then identify matters and issues to be examined.

1.2 This response to PSED is made by Gardner Planning Ltd (**GPL**) on behalf of Oxfordshire Against Gravel Extraction (**OXAGE**) - a county-wide alliance of community action groups against gravel extraction. OXAGE was formed in 2013 in order to formulate a joint response to the OCC's draft minerals strategy, and in particular to its draft Local Aggregates Assessment, a document which underpins all minerals planning. The groups which make up OXAGE were listed in the original GPL Response of 21 September 2015.

1.3 Eleven documents which make up the PSED have been published but as the OXAGE case is focussed on sharp sand and gravel extraction, this Representation makes comment on the following five documents<sup>4</sup>:

- Development of the Minerals Spatial Strategy, April 2016
- Oxfordshire Local Aggregate Assessment: Interim Update 2015, November 2015
- Preliminary Assessment of Minerals Site Options, April 2016
- Sustainability Appraisal Report Addendum, April 2016

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<sup>1</sup> published 29 April 2016

<sup>2</sup> Inspector's letter to OCC 22 January 2016

<sup>3</sup> published 30 December 2015

<sup>4</sup> PSED documents listed

- Legal Assessment, April 2016

1.4 The original OXAGE Response<sup>5</sup> submitted that

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

1.5 Because OCC has now provided material on DtC with other organisations, OXAGE is now able to withdraw its objection on DtC, whilst maintaining that the Core Strategy massively over-provides for future sand and gravel production. The DtC has operated through the Regional Aggregate Working Party which is composed of adjoining Mineral Planning Authorities in the South-East and mineral companies which operate there - neither party would be likely to object to Oxfordshire over-providing, for obvious reasons.

1.6 The OXAGE objection remains that there was no consultation on the Local Aggregate Assessment (**LAA**) 2014, which is contrary to the Statement of Community Involvement so failing legal compliance. There is now, long after Submission (where the Core Strategy is fully framed) a consultation on the November 2015 LAA update but this is putting the 'cart before the horse' - consultation on the basic platform for the CS before it was drafted was denied.

1.7 The Objections to the Minerals and Waste Local Plan (**MWLP**) and its Part 1 (Core Strategy (**CS**)) are summarised and set out in detail in the September GPL Response, but to recap are:

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<sup>5</sup> GPL Report 21.9.15

**Objection 1 - oversupply (Policy M2)**

**Objection 2- lack of spatial clarity (Policy M3)**

**Objection 3 - site identification (paragraphs 4.28 - 4.33)**

- 1.8 The LAA November 2015 is now available for comment, and this is set out below, but OXAGE remains of the view that this is a flawed document which fails to follow Government Policy (for reasons which are unsubstantiated) and thus massively over-provides for the quantum of sharp sand and gravel to be provided for.
- 1.9 Some assessment has now been made of sites suggested to OCC for mineral extraction<sup>6</sup>, and this will be commented upon without departing from the OXAGE central point that no new sites are required. The OXAGE conclusion remains that the Plan **fails the tests of soundness** as set out in the Framework<sup>7</sup>.

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<sup>6</sup> Preliminary Assessment of Minerals Site Options, April 2016

<sup>7</sup> The Framework para 182

## 2.0 DEVELOPMENT OF THE MINERALS SPATIAL STRATEGY (APRIL 2016)

2.1 This rather long Topic Paper is a chronological account of the many stages of the evolution of the Oxfordshire Minerals and Waste Plan since 2006. It seeks to justify the current Policies M1, M2 and M3. OXAGE's objection is that the new MWLP/CS must be self-contained and self-justified. A trawl through the changes that have emerged over this long period, and the changing policy framework (much of it now withdrawn) is an unsatisfactory means to justify the new Plan. The Inspector has already expressed the view that

*2. The previous Plan (Document 9.15) was withdrawn by the County Council in July 2013 having been submitted to the Secretary of State for independent examination. While it is sensible to build on the evidence base for that Plan in preparing the Plan now submitted, this is nevertheless a new Plan. Some of what follows is prompted by what appears to me to be a failure to recognise that fact and the procedural matters that flow from it.<sup>8</sup>*

2.2 This long period began with complicated Regional Planning system which provided top-down 'apportionments' and ended with a new simplified national policy to base future provision on past average annual production.

2.3 The OXAGE objections to the MWLP/CS are focussed on quantification of resources required which is a fundamental objection to the reliance on a flawed LAA which departs from Government policy with little substantive justification. Thus the 'evolution' of the OCC strategy for Policies M1 and M2 and the description of the requirements of withdrawn policy documents is of little relevance.

2.4 Current policy is contained in the Framework (March 2012) which includes a new approach, post Regional Plans, that minerals planning for the calculation of a future annual mineral supply figure now to be "based on a rolling average of 10 years sales

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<sup>8</sup> Inspector's letter 22 January 2016

*data and other relevant local information*"<sup>9</sup>. This is repeated in DCLG Minerals Guidance October 2012 (MASS)<sup>10</sup>. The Topic Paper partially arrives at that policy at paragraph 2.12, but then gives no explanation of why this approach is not being followed.

- 2.5 OXAGE also objects to a plan without sites (Policy M3) which is fully set out in Section 5 of the GPL Report (September 2015). The approach of a two stage plan (in policy M3) and lack of specificity is plainly at odds with Government Policy (as set out in GPL Section 5) and the Topic Paper eventually seeks to set out that Policy at para 3.28.4 but misses the point. The Policy references <sup>11</sup>(in GPL Section 5) are not referred to, nor is there an explanation of why the CS is not site specific contrary to that Policy.

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<sup>9</sup> Framework para 145 point 1

<sup>10</sup> MASS para 6 point 1

<sup>11</sup> Framework paras 17, 143, 154, 157 and PPG paragraphs 008, 009. 010

### 3.0 OXFORDSHIRE LOCAL AGGREGATE ASSESSMENT: INTERIM UPDATE 2015 (NOVEMBER 2015)

- 3.1 The Plan is based on an annual production level for sharp sand and gravel of 1.015 million tonnes per annum (**mtpa**) as set out in the 2014 Local Aggregate Assessment<sup>12</sup>. Not only is that much too high (contrary to Government Policy on a 10-year average and utilised by the majority of Mineral Planning Authorities) there has been no public consultation on this document which is contrary to the Statement of Community Involvement<sup>13</sup>. This failure and its implications are fully set out in the GPL Report Sept 15 (Section 2), the flawed LAA approach is fully set out in GPL Section 4. Consultation is now offered on a November 2015 'update', but this is no way to absolve the failure of the 2014 process. OCC have not indicated any change to the CS's numeric basis. OCC published 'Annual Monitoring Survey 2015 Quarry Sales and Reserves in Oxfordshire' (**AMS2015**) on 2 June 2016 which is referred to below.
- 3.2 The content of the LAA Nov 15 and AMS2015 clearly demonstrate that the new 10-year average for sharp sand and gravel (**ssag**) is even lower than before. The trend indicated by the 3-year average (now well clear of any 'recession effect') is actually lower than the 10-year average.
- 3.3 This is demonstrated in LAA Nov 15 Table 7 and AMS2015 Table 2 as follows (extract):

Mineral	LAA 2014 provision mtpa	10 year avege 2003-2012 mt	10 year avege 2004-2013 mt	10 year avege 2005-2014 mt	3 year avege 2012-2014 mt	10 year avege 2006-2015	3 year avege 2013-2015 mt
<b>Soft Sand</b>	0.189	0.189	0.182	0.176	0.183	0.179	0.209
<b>Sharp Sand &amp; Gravel</b>	1.015	0.812	0.715	0.660	0.533	0.628	0.603
<b>Total Sand &amp; Gravel</b>	1.204	1.001	0.897	0.836	0.716	0.807	0.812

<sup>12</sup> LAA Prepared for Oxfordshire County Council by LUC and Cuesta Consulting Limited November 2014

<sup>13</sup> Statement of Community Involvement versions Sept 2014, Dec 2014, March 2015



3.4 The latest 10 year-average figures for sharp sand and gravel (0.628 mtpa) has now dropped to 57% of the LAA14 figure (previously 65% - 0.660mtpa).

3.5 By the end of 2015 <sup>14</sup>permitted reserves have substantially increased since 2014 because of the two permissions (LAA15 Table 5) (and will rise by another 0.515mt permitted in 2016<sup>15</sup> (all figures in million tonnes):

Mineral	Reserves at 31.12.2013	Reserves at 31.12.2014	reserves at 31.12.15
Sharp Sand & Gravel	6.619	7.283	12.487

3.6 This means that the sharp sand and gravel reserves at the end of 2015 will last until 2034 without any further addition. The CS has a plan period ending 2031<sup>16</sup>. There would still be a 7 year landbank at 2027. The time to review that situation and allocate more sites if necessary is 3 years before that (to give time for preparation of a review plan and obtain planning permission) which is in 2024, not now. Sites can always be added if necessary, but unnecessary allocation cannot be taken away and has the effect of making land-won supplies too plentiful - discouraging efficiency of use and use of more sustainable raw material (e.g. recycled or marine dredged).

3.7 The misguided assumption that past sales were artificially low because of site 'mothballing' is repeated in LAA15 (emphasis added):

*The LAA 2014 set levels of provision for sharp sand and gravel and crushed rock higher than the 10 year sales average. This was in recognition of identified local factors that had **led to production being below the actual level of local demand**; the LAA figures are upward adjustments of the 2003-2012 10 year sales averages for these minerals. <sup>17</sup>*

<sup>14</sup> AMS2015 Table 3

<sup>15</sup> AMS2015 Table 3

<sup>16</sup> Site Assessment April 2016 Table 1

<sup>17</sup> LAA15 para 5.1

- 3.8 Other factors are said to be 'increased imports' in that period and an unsupported assumption that Oxfordshire's production should be a steady percentage of that of England (emphasis added):

*The LAA 2014 provision figure of 1.015 mtpa for sharp sand and gravel was based on an adjusted 2003-2012 10 year sales average figure derived from **applying the average of Oxfordshire's percentage of England sales** for the pre-recession period 2001-2007 to the 2003-2012 England sales average (see Table A.2). This was higher than the 10 year sales averages for both 2003-2012 (0.812 mtpa) and 2004-2013 (0.715 mtpa). An adjustment was considered appropriate mainly to compensate for a sharp reduction in sales which had occurred in Oxfordshire due to some quarries being temporarily closed during the recession with **imports into the county being increased**. It was considered that provision based on a straight 10 year average would be insufficient to meet the increase in demand that is expected to result from the growth planned in the county.<sup>18</sup>*

- 3.9 No evidence is offered that 'production was lower than demand' and the obvious explanation that demand fell because of a recession which *led to* the mothballing. There is no evidence that "*imports increased*" - there is only a single 2009 figure (LAA14 para 3.40) so no indication of that being higher or lower than other years. Can it really be assumed that for the life of the Plan there will not be an economic recession which will again depress demand? This is just a normal pattern.
- 3.10 The assumption that rates of production in Oxfordshire are unusually low because they are falling compared to England production (and thus that the LAA14 figure is justifiably high) is further undermined by LAA15 Table A2. This shows an average of Oxford as a percentage of England at 2.51% "pre-recession" but the Table also shows 1.6% post-recession (average of 2011-2013). In 'booming' 2013 it was actually 1.31% with no evidence of constraints on Oxford production. Recessions often teach new ways of working and this is probably more true for sensitive areas like Oxfordshire

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<sup>18</sup> LAA15 para 5.8

that the rest of England. There is no reasoned case that production availability in Oxford should be increased to match that in England.

- 3.11 LAA15 Table 3 shows that Oxfordshire is exporting slightly more sand and gravel in 2014 compared to 2009 (25.4% compared to 22.4%) although there is no commentary about whether this is of any significance. It probably shows that in or out of recession Oxfordshire can still fulfil any regional responsibilities that there *may* be.
- 3.12 There is no evidence for the assertion that *“Sales in 2014 (0.639 mt) were at their highest level since 2007 but, unless there is a further large increase in sales in 2015 and 2016, it is likely to be 2017 before the 10 year sales average bottoms out and begins to rise.”*(emphasis added)<sup>19</sup>.
- 3.13 The LAA15 expected the AM2014 data (including flows into and out of Oxfordshire) to be available in ‘Spring 2016’<sup>20</sup> which would cause a new LAA to be produced. This will be too late for the CS. However, figures have now been published in AMS2015 for sales and reserves in Oxfordshire which are relevant to the quantification in the CS, as demonstrated above. LAA15 para 5.12 suggests that there is now some nervousness about the unjustified higher LAA14 sand and gravel figure compared to more recent data on the 10-year average: *“further annual monitoring should be carried out before consideration is given to making any change to the LAA figure.”* The CS and (if it happens) a Part 2 site allocation process will be based on abnormally high annual production figures, a lower figure in the future will be too late - extra sites will have already been allocated. The clear evidence is available now to make a change now - if it proves that need should be higher then allocations can be added, if it proves to be lower then allocations cannot be taken away.

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<sup>19</sup> LAA15 para 5.10

<sup>20</sup> LAA15 para 6.4

- 3.14 There is a further point about the rise in use of recycled material which illustrates the the LAA is out-of-date and that there is a mis-match between the mineral and waste sections of the 'minerals and waste' Core Strategy.
- 3.15 At paragraph 4.9 the CS states that it is *“now more appropriate for policy M1 not to set a specific target [for recycled aggregate], which could be misconstrued as setting a maximum level to be achieved but rather to seek to maximise the contribution to aggregate supply”*. Paragraph 4.10 draws attention to Policy W2 in respect of Construction, Demolition and Excavation Waste (CDE). noting that by 2021 the target is that 60% of that that will be recycled. Policy W2 shows an increase in recycling CDE waste of 15% in the 9 years to 2021<sup>21</sup>is then rather unambitious in showing that as a peak target. Even so, the LAA makes no allowance for this increase which is a direct alternative,increasing and sustainable source of a raw material for construction in place of land-won sand and gravel.
- 3.16 However because no estimate is made of changes to the amount of recycled aggregate supply over the lifetime of the plan there is no allowance for this in the LAA calculations and therefore any adjustment in the requirement for land won mineral.
- 3.17 There is also the data in paragraph 5.6 Table 4 and the percentages in policy M2 to enable an estimate of what this means in terms of quantities. For CDE waste there are two figures shown which, although unexplained, may be a range. The Table below takes the lower figure. Currently, the arisings of CDE waste are 0.932 mtpa of which 52% is recycled (0.485 mtpa) and may be assumed to reflect the quantity currently used in construction as one of the material streams which is an alternative to land-won sand and gravel. Although it must be assumed that this has already increased over the last 10 years (an increase in recycling did not begin in 2012) it is the future increase which can be estimated, a concept and a figure entirely absent

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<sup>21</sup> 2012 52%, 2021 60%

from the LAA. The following Table shows that over the plan period to 2031 shows that an additional 4.463 mt of CDE recycled waste (an average of 0.3 mtpa over the 16 years) will be added to the raw material sources available to the construction industry of which no account has been taken in the LAA and thus the Core Strategy. This is a considerable volume of material which goes some very long way to making up any predicted shortfall in land-won supply.

Year	CDE Arisings (Table 4, p64) mtpa	Recycling rate (Policy W2)	Recycled CDE mtpa	Increase over 2012 mtpa
<b>2012 base year (actual)</b>	0.932	52%	0.485	
2016	1.133	55%	0.623	0.139
2017	1.133	55%	0.623	0.139
2018	1.133	55%	0.623	0.139
2019	1.133	55%	0.623	0.139
2020	1.133	55%	0.623	0.139
2021	1.379	60%	0.827	0.343
2022	1.379	60%	0.827	0.343
2023	1.379	60%	0.827	0.343
2024	1.379	60%	0.827	0.343
2025	1.379	60%	0.827	0.343
2026	1.379	60%	0.827	0.343
2027	1.379	60%	0.827	0.343
2028	1.379	60%	0.827	0.343
2029	1.379	60%	0.827	0.343
2030	1.379	60%	0.827	0.343
2031	1.379	60%	0.827	0.343
<b>Total</b>				<b>4.463 mt</b>

3.18 **In conclusion** the November 2015 LAA, and AMS2015 with updated figures on recent production of sand and gravel, and the absence of any consideration of the use of future alternative materials merely underlines the frailty of the original LAA. It demonstrates that its figures lack any robustness as a basis for planning ahead and provide no credible evidence for allocating new sites to serve a need which does not exist. Moreover, as stated elsewhere in this Representation, the effect of adding to land-won supply would have the opposite effect intended in Policy W2 of increasing the recycling of material. The CS should reflect this and make it clear now that no additional sites are required, rather than leave the spectre of such a possibility hanging on for a Part 2 plan to deal with. Large areas of Oxfordshire are being blighted in this way.

#### 4.0 PRELIMINARY ASSESSMENT OF MINERAL SITE OPTIONS (APRIL 2016)

- 4.1 The value of this site assessment at this time is doubted because the Inspector has been clear that:

*"It is important to note also that specific sites for minerals and waste development will NOT be put forward as part of this Plan. They are for a later Plan, the preparation timetable for which is now set out in Document 11.1. The Preliminary Assessment of Mineral Site Options (and its waste equivalent) are being prepared by the County Council to address the points raised at paragraphs 20 and 21 in particular of my initial letter."*<sup>22</sup>

*"20. You will be aware that many of the representations question whether parts of the areas identified in policy M3 will in fact prove to be deliverable at site identification or planning application stage. Furthermore, I understand that there has previously been a 'call for sites' stage which has resulted in many proposals for mineral and waste development coming forward. Indeed, two of the documents still to be submitted (see paragraph 15 above) would appear to be a preliminary assessment of these site options. In my view, it will be necessary to consider these in some depth in order to assess whether or not the Plan strategy for each material type is realistically achievable and thus the Plan effective.*

*21. The County Council will need to consider the extent to which those wishing to participate either in writing or orally in that necessary discussion have had the evidence on which to do so made available to them."*<sup>23</sup>

- 4.2 It remains to be seen whether or how there can be much discussion at the Part 1 Examination on the merits of sites, much less a definitive finding, if sites are not to be identified at this stage. However, this pre-supposes that sites are required - a matter for the Inspector to consider.
- 4.3 OXAGE continues to object that the MWLP is not a single Plan as envisaged in the Framework and PPG (see para 2.5 above). I make the case (again) in Section 3 above that because of the more realistic level of annual production (the 10-year average prescribed by Government policy and used by the majority of MPAs) and the level of

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<sup>22</sup> Inspector's Note 19 February 2016

<sup>23</sup> Inspector's letter 22 January 2016 paras 20, 21

permitted reserves, there is no justification for identifying additional sharp sand and gravel sites in the MWLP. That being so, then the CS should say that now and avoid continuing blight of wide areas of Oxfordshire which fall within the Policy M3 'principal locations'. OXAGE therefore objects to strategy of a two-stage MWLP and to CS Policy M3 (in particular to the sharp sand and gravel 'strategic resource areas').

- 4.4 The 'Assessment' Topic Paper illustrates the difficulty of identifying a high annual production figure at the outset of the MWLP. Table 1 (p4) states in line G what the plan's "requirement" is for new sites. It follows that, for sand and gravel, sites with a capacity of 5.197mt must be identified in the M3 'principal locations' and drawn from the 23 sites identified on pages 13 to 16 of the Paper (this figure is now reduced to 3.667mt if AMS2015 is taken into account).
- 4.5 However, if the Government preferred method - latest 10-year average<sup>24</sup> - is applied the Table 1 would be quite different with no need to identify additional sites:

(million tonnes)	Sharp Sand & Gravel	
	LAA	10-year average <sup>25</sup>
A. Annual Provision (from LAA)	1.015	0.628
B. Requirement 2015 – 2031 (A x 16 years <sup>26</sup> )	16.240	10.048
C. Permitted Reserves at end 2015	12.487	
D. Permissions granted or confirmed since end 2014	0.515 <sup>27</sup>	
E. Total permitted reserves (C + D)	13.002	13.002
F. Estimated permitted reserves available to be worked during plan period	12.573 <sup>28</sup>	12.573
G. Remaining requirement to be provided for in Plan (B – F)	3.667	reserves exceed requirement by 2.525

<sup>24</sup> AMS2015

<sup>25</sup> AMS2015

<sup>26</sup> Was 17 years, but now 16 because 2015 figures available and included

<sup>27</sup> AMS2015 Table 3

<sup>28</sup> adding recent permissions (0.515) to previous LAA15 figure



4.6 Whilst this Representation concerns sharp sand and gravel, it is of interest to compare the LAA14 annual figures with the 10-year average for soft sand and crushed rock, then look at the permitted reserves and calculate whether any more sites are required (an amalgam of LAA15 Table 2, AMS2015 and Site Assessment Table 1) as follows:

(million tonnes)	Soft Sand		Crushed Rock	
	LAA	10-year average	LAA	10-year average
A. Annual Provision (from LAA)	0.189	0.179	0.584	0.543
B. Requirement 2015 – 2031 (16 years)	3.213	2.864	11.220	8.688
C. Permitted Reserves at end 2015	1.782	1.594		8.597
D. Permissions granted or confirmed	0	0		0
E. Total permitted reserves (C + D)	1.782	1.594	13.558	8.597
F. Estimated permitted reserves available to be worked during plan period	12.058	1.594	12.058	8.597
G. Remaining requirement to be provided for in Plan (B – F)	1.431	1.279	1.227	requirement exceeds reserves by 0.091

4.7 Only in the case of soft sand is there a need for an additional site (crushed rock requirement and reserves approximately equal), which could surely be identified in the CS rather than embarking on another huge exercise of a Part 2 Plan for minerals. After already spending 10 years to get to the current CS/MWLP stage Oxfordshire surely deserves a rest!

- 4.8 Whilst the Assessment Topic Paper lists 23 sharp sand and gravel sites (pages 13 to 16) they are split between 'southern' and 'western' Oxfordshire. The 'reason for that is given in para 2.9 (emphasis added):

*Northern/Western or Southern Oxfordshire*

***Due to a broadly equal split in existing and forecast levels of economic growth and development between the northern and southern parts of the county, it is expected that there will be a similar broadly equal split in the demand for aggregate. The Core Strategy aims to minimise the distance that minerals need to be transported to market, and therefore this means changing the balance of production capacity for sharp sand and gravel between Western and Southern Oxfordshire. Even though the remaining resources are more extensive in West Oxfordshire, in view of the relatively high level of existing permitted reserves in that part of the county, any requirement for additional sites for sharp sand and gravel should be met primarily in the southern part of the county, at least over the first half of the plan period. Although this is not a constraint to deliverability, the location of a nominated site (western/northern or southern Oxfordshire) will help to determine whether it will be preferred to help produce a more balanced distribution of production capacity.***

- 4.9 These assertions are not obviously backed by any data or assessment in any of the supporting documents. There is no the evidence of:

- the future spatial pattern of economic growth in Oxfordshire
- the aggregate needs of that development, by even broad location
- the location of current resources and reserves
- how production can be controlled by location in first or second halves of the plan period, especially with permitted reserves already over 12mt

- 4.10 Plans must be based on evidence not perception. Giving extra weight to a site in the southern area rather than the western area has no sound basis with this lack of evidence. OXAGE has already strongly criticised the CS paras 4.28 to 4.31 which begins to make a site allocation, although if there is to be a Part 2 Plan then that is where sites should be chosen, based on evidence, and not:

*significant requirement for additional sites in this part of the county will need to be met by a new working area within the Thames and Lower Thame Valleys area from Oxford to Cholsey.<sup>29</sup>*

4.11 This GPL Representation on the Assessment Topic Paper does not intend to make site by site comments. It is noted that the 'requirement' for new sites with a capacity of 5.197mt of sand and gravel (Table 1) could be met from the potential reserves of 23.57mt (south) and 25.2mt (west)<sup>30</sup>. Thus, without any further judgement until a detailed stage, the potential capacity of 48.77mt could potentially provide a site or sites of 5.197mt if necessary, which I dispute.

4.12 The sites being assessed arise from a review in 2015 of earlier nominations (by owners/operators) originating in 2008. For sharp sand and gravel sites, the mismatch between the Appendix 1 map with Section 3 and the matrix at Appendix 2, was corrected by OCC on 27 May 2016, not before I (and probably others) had spent some time trying to work out what the correct version should have been. However, these are the sites which are being assessed:

		comment
<b>South</b>		
03	Benson Marina	
09	Drayton St Leonard	
11	Sonning Eye	
13	Shillingford	the only site to score 'red' in the matrix
17	Culham	
19	Appleford	
33	Wallingford	
41	Radley	
42	Nuneham Courtney	
59	Stadhampton	
60	Wallingford	
62	Appleford, Didcot	
<b>West</b>		
08	Lower Road	
18	Standlake	
20	Cassington	
20a	Cassington	

<sup>29</sup> CS para 4.31 extract

<sup>30</sup> Table at 4. Conclusion p18

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20b	Eynsham	
23	Gill Mill	
27	Cogges Lane	
28	Guy Lakes North	
29	Sutton	
30	Brighthampton	
31	Sutton	

#### 4.13 In conclusion

- The Assessment Topic Paper shows that the many potential sites have abundant capacity to produce a site or sites with a sand and gravel reserve of just over 5mt if required. Which site or sites could be allocated in a Part 2 Plan can only be identified in a Part 2 process, **if** one is needed. No selection should be or could be made in the Part 1 CS: there is not enough information.
- There is no evidential justification for favouring a new sand and gravel site to the south of Oxford rather than the West.
- The OXAGE position is that no new site is required and if demand and production emerges to justify another site or sites it will not be until the final years of the plan period, and is the proper and usual function of a review of the MWLP. It cannot plan ahead for 16 or 17 years on the flawed numbers which appear in the LAA, and OCC acknowledge that these may well change over time.

## 5.0 SUSTAINABILITY APPRAISAL REPORT ADDENDUM (APRIL 2016)

5.1 The Inspector's queries (letter 22 January 2016 EX1) and the responses in the Addendum, with commentary by GPL for this Representation is summarised as follows:

Inspector	Addendum Response	GPL comment
<p>No reasonable alternatives were considered to the spatial strategy being pursued as it now appears in the CS submitted.</p>	<p>The spatial strategy is to identify areas of varying scale which are considered to have workable deposits, and to then allow site identification by a separate process. It is the same strategy which first appeared in March 2012.</p>	<p>The Framework was published in March 2012 and contained new requirements to produce a single plan showing where development would take place (paras 143, 154, 157). The SA does not evaluate the need to produce a single plan with sites against a two stage process with the sustainability advantages/disadvantages of each approach.</p> <p>The Framework brought in a new system for identifying annual need, to replace the Regional Apportionment, based on a simple use of past average production, but allows local (and by implication unusual) circumstances to adjust that figure<sup>31</sup>. OCC in fact embarked on a strategy of identifying need on a complicated and unjustified process of identifying future need based on arguable linkages and a narrative which is based more on assertion than robust evidence.</p> <p>The SA does not react to the significant changes brought about by the March 2012 Framework and examine the sustainability advantages/disadvantages of two basic alternatives (simple v complicated process) in terms of robustness, clarity with the implication for the spatial strategy and plan making process.</p>

<sup>31</sup> Framework para 145 point 1, MASS para 6 point 1

<p>The SA at 5.6/Table 5.1 suggests various levels of supply but not spatial strategies.</p>	<p>This was done in C5 of Appendix C.</p>	<p>Table 5.1 is of historical interest only (2011). In summary the SA predictably concluded that the higher the level of extraction the greater the environmental impact.        There is no obvious evaluation of the dramatically different LAA 14 figures which are over 50% higher than the 10-year average figures, and what impact that difference would have on the environment.</p>
<p>In the SA Options Addendum March 2012 reduced working in West Oxfordshire first appeared in response to consultation. The distinction between the options is not clear, nor on which of the option the 2014 Submission Plan is based, especially as names have changed.</p>	<p>The options are distinct and the it was recognised that West Oxfordshire would continue to produce whilst any new production would be in South Oxfordshire.</p>	<p>It is recognised in the CS<sup>32</sup> that West Oxford has a high level of unworked resources but that unspecified economic needs which requires a more balanced pattern of extraction. The SA effectively concludes that an environmental balance needs to be struck to reduce long-term pressures on West Oxfordshire. This appears to be a subjective or anecdotal conclusion rather than based on objective evidence and analysis.</p>

<sup>32</sup> CS para 4.30

## 6.0 LEGAL ASSESSMENT (APRIL 2016)

- 6.1 OXAGE continue to press the case that the LAA 2014 was not the subject of public consultation (unlike its predecessors) despite a commitment to do so in the Statement of Community Involvement (see section 2 of the GPL Representation 21 September 2015).
- 6.2 The Assessment states it is based on the PAS Checklist (para 1.2). This says that for Regulation 18 '*how will community engagement be programmed into the preparation of the DPD? - If the SCI is up-to-date, use that.*' The Oxfordshire SCI's (2014) extant at the time of publication of the LAA state (and this is largely repeated in later versions:

*4.2 The production of local development documents will involve the following stages:*

*A. Evidence Gathering – to form the evidence base for the plan – this could include assessment of need for minerals; ...*

*4.3 We will consult communities on the development of plan documents at the earliest possible stage to allow meaningful engagement in the process. If difficulties and conflicts are addressed at an early stage, both time and money can be saved in the final stages of plan production.*

*4.6 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.*

- 6.3 Despite this being raised in the GPL Representations Sept 2015 it is not addressed in this April 2016 Legal Compliance Document. Preparation of the Plan has not been carried out in accordance with the SCI.

## 7.0 CONCLUSIONS

7.1 This Representation submits that the publication of these additional documents does not alter the case for OXAGE that:

- the Plan is **not legally compliant** because it has not been prepared in accordance with the Statement of Community Involvement;
- the Plan is **unsound** for reasons set out in the original GPL Representation (September 2015).

7.2 Rather, the LAA November 2015 update and the AMS2015 figures confirm that the CS is based on an annual production figure which is much too high. The 10-year average figure continues to drop and for sharp sand and gravel is now (at 0.628mtpa) just 57% of the LAA figure (1.015mtpa) on which the CS is based.

7.3 The LAA takes no account of the proposed increase in recycled Construction, Demolition and Excavation Waste which (as proposed elsewhere in the CS) will yield an extra 4.463mt in the period up to 2031, an average of some 0.3 mtpa of raw material.

7.4 Figures in AMS2015 show that permitted reserves have risen and when coupled with the future need for sharp sand and gravel (based on the new figure of 0.628mtpa) reinforces the point that no new sites are required. There should be no Part 2 Plan, the CS should be complete and can now be clear about the lack of need for new sites within the plan period.