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Sent: 09 June 2016 16:54

To: Minerals and Waste Plan Consultation - E&E

Subject: Oxfordshire Minerals and Waste Core Strategy – Consultation on Additional Documents.

For attention of: Elise Batelaan Minerals and Waste Planning Policy Officer

Dear Elise

Thank you for the opportunity to comment on the bundle of additional documents prepared in support of the MWCS.

1. Minerals Spatial Strategy Topic Paper

No specific comments.

A useful summary and reminder of the very long history of the process to date.

2. LAA

Crushed rock: At para 5.15 it is reported that sales of crushed rock increased by 111% to 1.061 Mtonnes between 2013-2014. It is fair to say that this very significant increase was, at least from Smiths experience, in direct response to the new Bicester-Oxford railway works which demanded high volumes of graded clean stone. Although this project has been completed further major railway works are understood to be planned and it is anticipated that there will be a further significant call on crushed rock reserves when this gets underway. However the general market for crushed rock remain buoyant and demand is now at pre-recession levels. For this reason it is considered that the LAA 2014 provision figure of 0.584 Mtonnes is too low to be properly representative for the landbank calculations. It is acknowledged that para 5.16 states that 'further annual monitoring should be carried out before consideration is given to making any change to the LAA figure' but recognition needs to be given that sales demand has improved and appears to be stable at above the proposed provision figure.

It is considered that sharp sand and gravel will also continue to show the growth in demand that is seen between 2014 and 2015 but with limited production capacity in the county it may be difficult to meet this demand from local sources. Sales will not reflect local demand and it will be difficult to get the sales average figures to properly represent the strong condition of the construction economy in Oxfordshire. Regular and prompt annual updates to the LAA will therefore be essential and will be welcomed.

3. Preliminary Assessment of Minerals Site Options.

No Comments.

A useful summary and refresher of the comprehensive work carried out to date in identifying potentially suitable future mineral sites.

Table 1 sets out the requirement for aggregate provision over the plan period to 2031. In the supporting notes it makes an assumption that the reserves at Gill Mill will be worked at an estimated 0.325 Mtonnes p.a. and that this has implications for the reserves worked within the plan period to the end of 2031. The figure may be too low as it doesn't reflect recent sales or the current state of the market.

4. Non-Aggregate Minerals.

Building Stone: The continued recognition of the special nature of building stone and its importance for the conservation and maintenance of Oxfordshire's built environment is strongly welcomed.

5. Restoration of Mineral Workings

This is a comprehensive paper that provides a valuable summary of the opportunities for mineral extraction in Oxfordshire to deliver high quality restoration including to nature conservation and geodiversity and recreation. It helpfully acknowledges the constraints of bird strike hazard and also the issues associated with permitting the use of inert wastes in restoration schemes.

Para 5.7 refers to RGN 13 (2010). Following the Methley decision (Para 5.10-5.11) this guidance document has been withdrawn by the EA and no longer exists. A revised draft has been issued for use by EA officers and applicants. As noted in the Paper the Methley decision and the subsequent revised guidance is broadly helpful as an aid to quarry

restoration so long as there is legal obligation to restore. However in respect of para 5.15 it may be useful to note that the Court of Justice of the European Union (CJEU) is considering a case in Italy that may reverse the position that backfilling of a quarry be classified as recovery of waste. The judgment is expected in the autumn 2016.

We strongly support the clear statements at para 5.9 and 5.12-5.13 that where the use of inert waste as fill is necessary to achieve the planned quarry restoration to a beneficial after use then it should be seen as being a water compatible and integral part of the overall mineral working. The two activities of extraction and restoration should not be decoupled. We welcome the recognition at para 5.14 to the importance to the Core Strategy of inert waste and its potential contribution to the restoration of sand and gravel workings. The suggestion at para 5.22 to make changes to Policy M10 would be welcomed if the revised wording was helpful in an application to secure a recovery permit from the EA.

Regards funding for long term post aftercare management para 6.3 sets out the requirements of paragraphs 47 and 48 of the NPPF and in our view is clear on the requirements for mineral operators. For this reason much of para 6.2 is in our view no longer necessary or appropriate and should be revised to state the intention only; "Oxfordshire County Council requires mineral developers to fund the management of the site where it is restored for nature conservation for a minimum of 20 years, following the statutory 5 year after-care period". This is picked up in Table 3 under Financial Mechanism which acknowledges that "following the removal of the requirement for financial contributions beyond the 5 year period, policy M10 is now compliant with the NPPF...."

6. Development of the waste spatial strategy

We welcome the continued recognition of the importance of inert wastes for use in restoration of mineral workings as highlighted at para 3.44 that "Inert waste that could not be recycled was to be used only for quarry restoration unless disposal elsewhere could demonstrate an environmental benefit". This emphasis is fully supported. It is also welcome to note that in the event that restoration of a mineral working has to be secured as "disposal" as opposed to "recovery" because of permitting issues then provision for inert landfill for this purpose will still be acceptable-para 106. Consistency between this and the objectives laid out in the Restoration Topic Paper is important.

We trust that these comments are helpful.

Regards

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