Wiltshire and Swindon Minerals and Waste Development Framework

Minerals Site Allocations Local Plan

Examination

Position Statement on Matter 2

Miscellaneous Matters

WC/SBC/PS/MSA – MM2

September 2012
Matter 2: Miscellaneous Matters

Issues and questions for discussion

Issue 1: *Whether the Plan has been prepared in accordance with the relevant legal and procedural requirements; has regard to national policies and advice; and contains clear and appropriate arrangements for monitoring*

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16. Would it be helpful to define “best and most versatile”? 9

17. NB - DCLG, not CLG. 9

18. The development plan: No definition provided. 9

19. Refer to the Practice Guide accompanying former MPS 1 rather than MPS 1 itself. 9
Councils Position Statements

Executive Summary

1. Local forecast figure (also Para 1.11): Is the evidence and justification actually set out in this document? Would it be helpful to have a footnote referring to the related part of the evidence base?

1.1 The evidence and justification for setting a locally derived forecast production figure was generated through the work undertaken to inform the identification of sites for inclusion in the Plan (MIN/01). In this sense, it has always been considered as evidence to support the Plan, rather than being a necessary inclusion within the Plan.

1.2 The information is not specifically set out in the Plan and instead is provided as part of the Local Aggregate Assessment included within the supporting Minerals Evidence Base Part C (MIN/31; page 21 forming part of Chapter 2). If, in order to improve the overall clarity of the Plan and deemed necessary, the councils would be prepared to make reference to this information through the insertion of an appropriately worded footnote.

2. Landfill: Is the emboldened paragraph (also Para 1.30) potentially misleading? NB - The allocated sites (except Cox’s Farm) would be used for the landfilling of inert waste but not putrescible waste.

2.1 The Plan is as much a product of consultation, advice and guidance as it is political intent. Minerals development has been traditionally viewed in certain quarters as simply a means to an end, insofar as it creates opportunity to deposit waste materials and specifically - putrescible wastes. This has certainly been the case in the Calne area for instance, which has seen successive planning permissions granted for sand extraction followed by landfilling of non-hazardous municipal and industrial / commercial wastes.

2.2 In an effort to break this perception and, in turn, support the policies and proposals set out across the Wiltshire and Swindon Waste Development Framework, the councils presented a clear statement of intent at paragraph 1.30 – i.e. that none of the sites included in the Plan will be restored through the landfilling of putrescible wastes. In this sense, the councils would expect the sites that require infilling – including Cox’s Farm, to be restored with solely imported inert wastes and soils / sub-soils stripped during extraction phases.

2.3 The councils have sought advice from the Environment Agency (EA) throughout the process of preparing the Plan. As a result, the submitted Plan presents the councils’ understanding of hydrological regime and relevant constraints. In relation to Cox’s Farm (and all other sites), the councils have set out the issues that will need to be addressed in order to support a robust planning application.

2.4 The EA has not explicitly objected to the principle of developing any of the sites in the submitted Plan; and in relation to Cox’s Farm the fact that the site is underlain by Source Protection Zone (SPZ) 1 does not, in the opinion of the councils, preclude it being restored through the use of solely inert waste materials.
2.5 The councils accept the EA’s policy in relation to groundwater protection (GP3) in terms of the need to ensure valuable water resources are not polluted. However, the policy does not appear to consider proposals involving the disposal of inert (i.e. non-polluting) materials – the traditional method of restoring mineral sites in the Cotswold Water Park / Upper Thames Valley. As such, although the councils accept that the EA will likely object to any proposal for “landfilling in SPZ1”, this would be based upon a precautionary rather than absolute approach.

3. **List of sites:** NB – The capacity of the Extensions to Brickworth Quarry should read 1.94 million tonnes.

3.1 The councils accept that this suggested change should be made in order to improve the accuracy of the Plan.

**Introduction**

4. **Wiltshire and Swindon Mineral Resource Zones:** Would it be useful to start the discussion with a paragraph on the Upper Thames Valley area and its significance?

4.1 The councils agree that for clarity and consistency, additional text relating to the Upper Thames Valley area and its relative significance should be added to the start of the section - ‘Wiltshire and Swindon’s Mineral Resource Zones’. This text could be introduced before paragraph 1.4 in the Plan (followed by consequential formatting amendments). Proposed wording to read:

‘1.4 **The Upper Thames Valley Mineral Resource Zone (MRZ) crosses the northern boundary of Wiltshire and Swindon.** The sand and gravel resource extends northwards into Gloucestershire and eastwards into Oxfordshire. The Resource Zone has long-standing, strategic significance for Wiltshire, Swindon, Gloucestershire and Oxfordshire as it has been the traditional supply source of construction aggregates into local markets for the last 80 years. In terms of local supply, the area has consistently contributed approximately 70% - 80% of total sand and gravel production from Wiltshire and Swindon.

1.5 **From the evidence gathered by the councils through monitoring, a significant proportion of the sharp sand and gravel from the Upper Thames Valley can be assumed to supply aggregate for concreting uses serving the construction markets of Swindon, Chippenham, Bath, Bristol, Cheltenham, Gloucester and also Oxford. The remainder is likely to be used for screened and graded gravels; and bulk fill for construction projects.**

1.6 **It is reasonable to assume that only a limited percentage of mineral (up to 20%) will travel more than 40km to reach markets and it should be noted that those urban areas on the outer limits of the 40km catchment are likely to be served by quarries from other counties, such as the Mendip quarries in East Somerset.**
1.7  Past decades have seen a gradual increase (peaking in 2003) in production of sharp sand and gravel from the Wiltshire section of the Upper Thames Valley. However, since this peak there has been a steady decline in production, in part, due to economic circumstances. However, the evidence suggests that intensive extraction has left a significantly diminished resource, thereby substantially reducing the options for future minerals development in Wiltshire and Swindon.'

5. Calne Area Mineral Resource Zone (Para 1.5) – no site formally promoted by the minerals industry: Is site C16 within this zone? Was this site formally promoted by the minerals industry?

5.1 Site option C16 (land adjacent to Sahara Sandpit) is located in the Calne Area Mineral Resource Zone (MRZ). The reference ‘C16’ relates to the labelling applied to all site options within the Calne area\(^1\) during the site appraisal process (MIN/12 – MIN/23) and which were used to distinguish sites during the Initial Site Options consultation (MIN/24 and MIN/25).

5.2 The land in question does have a history of development interest, due in the main to the owners of Sahara Sandpit looking to extend their quarrying activity through a detailed planning application submitted during the mid-1990s (subsequently refused). Further interest was shown in developing the site more recently with an application for a concrete batching plant (subsequently refused); and initial promotion through the councils’ ‘call for sites’ work during the Minerals Local Plan review process (commencing 2004 / 2005).

5.3 However, through subsequent confidential discussions with members of the local minerals industry during the plan making process (2009-2011) (see MIN/05), it became apparent that the main mineral operators in the county no longer had any short-term interest in pursuing the site option.

5.4 Furthermore, apart from the one site option (Land near Compton Bassett – C3), there was generally no appetite expressed by the industry to work the potential site options in the Calne area. That being said, the councils felt it prudent and transparent to continue to consider all potential site options through the Initial Site Options consultation (MIN/25) and through the selection of a number of site options for further detailed assessments (MIN/14 - MIN/18), in order to give each site equal opportunity of being considered for inclusion in the Plan.

6. Para 1.24 – only one site in the Upper Thames Valley formally promoted by the minerals industry: Are sites U15 and U17 within this zone? Were these sites formally promoted by the minerals industry?

6.1 Site options U15 and U17 are located in the Upper Thames Valley Mineral Resource Zone (MRZ). The reference ‘U15’ and ‘U17’ is a product of the labelling applied to all

\(^{1}\) It should be noted that some site options initially promoted by landowners were situated either partially within or entirely outside of the boundaries of MRZs.
site options promoted or identified in the Upper Thames Valley area\textsuperscript{2} during the site appraisal and detailed assessment processes (MIN/12 - MIN/23). These sites were not formally promoted by the industry, but classified as 'landowner submitted'; and as far as the councils are aware (through confidential discussions with minerals operators) do not have mineral industry support at this stage.

7. Para 1.26: Need to refer to the National Planning Policy Framework (NPPF) requirement to use a rolling average of 10 years’ sales data and other relevant local information. (NPPF Para 145)

7.1 The councils agree that this element of the new national policy framework should be made more explicit. In response to this, following submission of the Plan, the councils have produced a ‘track changes’ version of the Plan (MIN/36 – Submission Draft Minerals Site Allocations Local Plan incorporating proposed modifications) with altered text proposed to be included in paragraph 1.26, now paragraph 1.27 (consequential amendments to paragraph numbers will also need to be made throughout the document). The amended text is proposed as follows:

‘During the past ten years, production in Wiltshire and Swindon has not matched the government’s forecast provision rates despite a general increase in output levels between 2001 and 2006, and does not currently meet the latest proposed local guideline figure of 1.41 million tonnes per annum. In accordance with national policy, the councils have effectively based planned provision requirements on the average of the past 10 year’s production. The Mineral Products Association has stated that its members would generally support a forecasting methodology whereby local authorities base their provision rate on the average of the past 10 year’s production. For Wiltshire and Swindon, this would equate to a local forecast rate of 1.2 million tonnes per annum and would still provide a sufficient supply of mineral in times of increased or reduced production.’

8. Para 1.29 – not differentiating between different mineral types for landbank purposes: Is this consistent with the NPPF (Para 145, final bullet)? Should there not be a separate calculation for soft sand?

8.1 The councils traditionally maintained separate landbanks based upon basic mineralogy. However, that was at a stage when Wiltshire’s minerals industry was both buoyant and varied in terms of scale and diversity of mineral types being worked. With the general decline in minerals development in the plan area; and the increased use of substitutes in end-use applications, the councils took the view that maintaining separate landbanks was having little effect on the sales of sharp sand and gravel, but a big impact in terms of a general over-provision of soft sand sites (due to a lack of demand and low sales output).

8.2 In an effort to address the inequity of provision and general lack of demand for soft sand sites (as compared with sharp sand and gravel), the councils embarked on a review of the adopted Minerals Local Plan (2001) in 2004/2005. Through the development of the Minerals Core Strategy (CPP/54) it was agreed that the councils would proceed with a single landbank calculation for both sharp sand and gravel and soft sand due, in part, to commercial confidentiality as a result of there being only two

\textsuperscript{2} It should be noted that some site options initially promoted by landowners were situated either partially within or entirely outside of the boundaries of MRZs.
soft sand quarries operating in the plan area at the time. It was considered that having separate landbank calculations would not offer enough protection to the commercial interests of the mineral companies operating the two soft sand quarry sites, as remaining reserves would be able to be easily calculated.

8.3 The adopted Minerals Core Strategy does not differentiate landbanks and therefore in order to maintain a ‘chain of conformity’ the councils are of the opinion that the Aggregate Minerals Site Allocations Plan (MIN/01) cannot either.

8.4 The Government advises that landbanks for sand and gravel should extend for a minimum of 7 years, but conversely mineral planning authorities (MPAs) are also advised to avoid making excessive provision for sites that are unlikely to be released in the plan period. So, bearing in mind the current economic situation and the general level of sales, the approach outlined by the councils would appear to be reasonable, subject to monitoring.

8.5 Policy MCS11 of the Minerals Core Strategy (CPP/54) commits the councils to a ‘plan, monitor and manage’ approach to minerals planning. Therefore the councils will continually update landbank calculations through the Local Aggregate Assessment (which forms part of the Minerals Evidence Base Part C (MIN/31)) in order to keep abreast of changing circumstances; and plan accordingly for the appropriate release of mineral sites as and when required.

**Upper Thames Valley**

9. Para 2.4 – provision indicated in Table 2.1: NB – *Helps* meet locally derived forecast rather than meets.

9.1 The councils agree that, in the interests of clarity, the text at paragraph 2.4 should be amended in line with the suggestion outlined in Question 9. As a result, the text would now read:

“Table 2.1 indicates that adequate provision of sand and gravel can be delivered through the proposed allocated sites in the Upper Thames Valley to help meet a locally derived forecast figure of 1.2 million tonnes...” The table outlines what the Upper Thames Valley area needs to contribute in order to help meet this locally derived figure.”

10. Table 2.1, Column B: Explain “+3.1 allocated as Preferred Areas at Down Ampney”. Are these sites that should be formally allocated in the Plan?

10.1 Although not picked up at the submission stage, the councils have revisited the schedule of saved policies relating to the adopted Minerals Local Plan 2001 (CPP/56) and have identified that Policy 35 (which listed the original preferred areas for minerals extraction) should be referenced as such in the submitted Plan. Most of the Preferred Areas allocated in the Minerals Local Plan 2001 have since secured planning permission except for Preferred Areas 1 (part of), 3 and 4 which fall within the control of the Down Ampney estate.

10.2 In 2009 a planning application was submitted to work the remaining Preferred Areas, as part of a wider cross-boundary quarrying proposal, commonly referred to as the ‘Down Ampney application’. The councils included the remaining Preferred Areas (1
(part of), 3 and 4) at Down Ampney within the permitted reserves and allocations (Column B) calculations of table 2.1 firstly, because the Down Ampney application includes the remaining Preferred Areas (and therefore are considered existing site allocations); and secondly because at the time of plan preparation, there was every indication that the site at Down Ampney would come forward as a permitted site before the adoption of the Plan.

10.3 Subsequently, permitted reserves and residual requirement figures have been based on this measured assumption. At this stage of the process, and for the purposes of forecasting, there remains every confidence that the Preferred Areas (currently the subject of the Down Ampney planning application) will come forward in the very near future.

10.4 The alternative approach of allocating additional sites within the Plan on the grounds that the Down Ampney proposal should not be taken into consideration could result in over-provision within an already economically optimistic plan (it should be noted that the past three years production levels are at less than half of the forecast rate of 1.2 million tonnes per annum). It is on this basis, that the council's based the forecast residual requirement for sand and gravel in Wiltshire and Swindon to 2026.

10.5 If deemed necessary, the councils will seek to continue to save Minerals Local Plan policy 35 until the point that a decision has been made on the Down Ampney application.

10.6 Through the process of monitoring and review (CPP/54; Policy MCS11) the councils will annually assess production and sales figures and remaining reserves as part of the Local Aggregate Assessment (included in the Minerals Evidence Base Part C (MIN/31)). By employing this approach the councils will be able to respond to changing market conditions and review site options as and when required to ensure that sufficient sites are being brought forward to meet demand. The councils have identified sufficient land within the proposed Minerals Site Allocations Plan to allow time for a review of the plan, if necessary, should the Down Ampney proposal not proceed as anticipated.

Calne Area

11. Para 3.3 – meeting the locally derived forecast: Is not the contribution of the site allocation insufficient to meet the Calne area demand?

11.1 The councils accept that some clarification is required in this respect. Table 3.1 is indicative only and the councils now realise that to update the information in this, and other tables in the plan, could breach commercial confidentiality. With regards to the soft sand residual requirement, it is worth highlighting that there is a discrepancy of only an estimated 80,000 tonnes between forecast (plus contingency) and actual provision. The councils consider this to be de-minimis within the context of a long-term plan that will, in any event, be subject to regular monitoring.

11.2 Forecasting is not an exact science. As demonstrated in the Minerals Evidence Base Part C: Local Aggregate Assessment; paragraphs 2.60-2.65 and 2.80-2.85 (MIN/31) another year has passed and production has been significantly lower than the proposed 1.2 million tonnes per annum provision rate set out in the submitted Plan.
The councils are therefore confident that there is sufficient provision of soft sand in the Plan.

11.3 The councils have maintained dialogue with minerals operators throughout the site selection process and the approach taken is generally supported. The site selection process identified that C3 (land near Compton Bassett), as an extension to an existing, operational quarry, would be the most suitable and realistic option to provide continuity of supply from the Calne area and that this would be sufficient to meet demand until 2026.

11.4 Policy MCS11 of the Minerals Core Strategy (CPP/54) commits the councils to a plan, monitor and manage approach to minerals planning and therefore the councils will continually update landbank calculations through their Local Aggregate Assessment (forming part of the Minerals Evidence Base Part C (MIN/31)) in order to keep abreast of changing circumstances and plan accordingly for the appropriate release of mineral sites as and when required.

South East of Salisbury

12. Para 4.4 – meeting the locally derived forecast: Is not the contribution of the site allocation insufficient to meet the South East of Salisbury demand?

12.1 The councils accept that some clarification is required in this respect. Table 3.1 is indicative only and the councils now realise that to update the information in this, and other tables in the plan, could breach commercial confidentiality. With regards to the soft sand residual requirement it is worth highlighting that there is a discrepancy of only an estimated 80,000 tonnes between forecast (plus contingency) and actual provision.

12.2 Forecasting is not an exact science. As demonstrated in the Minerals Evidence Base Part C: Local Aggregate Assessment; paragraphs 2.60-2.65 and 2.80-2.85 (MIN/31) another year has passed and production has been significantly lower than the proposed 1.2 million tonnes per annum provision rate. The councils are therefore confident that there is sufficient provision of soft sand in the Plan.

12.3 The councils have maintained dialogue with minerals operators throughout the site selection process and the approach taken is generally supported. The site selection process identified that the site options at Brickworth Quarry, as an extension to an existing, operational quarry, would be the most suitable and realistic option to provide continuity of supply from the South East of Salisbury area and that this would be sufficient to meet demand until 2026. It is accepted that the councils’ reasoning on this matter is based on commercially sensitive information and therefore not readily apparent from the text.

12.4 Policy MCS11 of the Minerals Core Strategy (CPP/54) commits the councils to a plan, monitor and manage approach to minerals planning and therefore the councils continually update landbank calculations through their Local Aggregate Assessment (which forms part of the Minerals Evidence Base Part C (MIN/31)) in order to keep abreast of changing circumstances and plan accordingly for the appropriate release of mineral sites as and when required.
13. Para 4.5 – one site option required: If available, could not the need be made up by more than one option site?

13.1 Through the detailed assessment of all site options in the area as part of the plan making process and through consultation exercises (MIN/24 and MIN/25), the site option taken forward into the Plan was considered to be the most appropriate (MIN/22, MIN12-MIN20). The number of potential site options in this area was limited and the only other site option considered through the process of site assessment (MIN/22) was deemed to be inappropriate as it had overriding constraints associated with it and also did not have industry support.

13.2 See answers to 11 and 12 above in relation to need.

**Monitoring**

14. Table 5.2 - % of permissions outside allocated sites: Is it appropriate to have a target of 0%? Aren’t suitable sites allowed under Para 1.8? Shouldn’t suitable additional sites be encouraged to make up any shortfall / provide flexibility?

14.1 The councils would accept that the point made in Question 14 is valid and entirely reasonable. As a result, it is suggested that the first indicator in table 5.2 be replaced with the following:

   “Number of permissions granted outside of those allocated sites in the Plan”
   “target N/A”

14.2 The target is not the most important thing to consider in this respect, the key consideration is the threshold for the review of the Plan. The councils would prefer the allocated sites in the Plan to be worked before any other non allocated site were to come forward. However, as prescribed in National Planning Policy for a number of years (and through the NPPF; paragraph 142), minerals can only be worked where they are found and therefore the councils would not wish to limit the number of appropriate and suitable sites (assessed on their merits) that could come forward for working but that are not allocated in the Plan. Therefore, it is suggested that the threshold for investigation accompanying the above indicator read:

   ‘5 applications received within 5 years for minerals sites outside of those allocated sites in the Plan’

**Glossary – minor points**

15. Have all these terms been used in the Local Plan?

15.1 The terms included in the glossary have been used in the Plan and/or also referenced in the evidence base used to support the plan making process. The councils are happy to remove the terms that do not appear in the Plan if required and accept that some terms will need to be updated and some removed (such as references to planning policy statements etc) if they have been removed from the plan, are no longer relevant or are out of date.
16. Would it be helpful to define “best and most versatile”?

16.1 Yes. A definition of “best and most versatile” can be added into the glossary.

17. NB - DCLG, not CLG.

17.1 Noted – this can be updated in the glossary.

18. The development plan: No definition provided.

18.1 A definition of the development plan can be provided in the glossary.

19. Refer to the Practice Guide accompanying former MPS 1 rather than MPS 1 itself.

19.1 The councils are happy to amend the glossary – such matters would be considered to be minor amendments to the document and changes can be agreed through the hearing sessions.