

Wiltshire and Swindon Aggregate Minerals Site Allocations Plan

Statement on the Duty to Co-operate

Background Paper

July 2012

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1. Introduction

- 1.1 The Localism Act received Royal Assent on 15 November 2011. It aims to shift powers from central government back into the hands of individuals, communities and councils. The Localism Act introduces a 'duty to cooperate'¹. In other words, local authorities are now required to work with neighbouring authorities and other prescribed bodies in preparing their development plans.
- 1.2 The prescribed bodies are defined in part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Those relevant to Wiltshire are:
 - Environment Agency
 - English Heritage
 - Natural England
 - the Civil Aviation Authority
 - the Homes and Communities Agency
 - Primary Care Trust
 - Office of Rail Regulation
 - Highway Authority
- 1.3 Relevant planning policy issues to be considered under the duty to cooperate are also explained in National Planning Policy Framework (paragraphs 178-181 and 156).
- 1.4 Specifically 'the Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.' (paragraph 178, NPPF). Cooperation should be a continuous process of engagement from initial thinking through to implementation and should consider cross boundary issues such as:
 - homes and jobs needed in a geographical area
 - infrastructure projects
 - retail, leisure and other commercial developments
 - social infrastructure
 - landscape and the natural and historic environment.
- 1.5 Further information on the duty to cooperate is outlined in a note published by the Planning Advisory Service, available on its website (<http://www.pas.gov.uk/pas/core/page.do?pageld=2133454>).

¹ Section 110 of the Localism Act inserts a new section 33A into the Planning and Compulsory Purchase Act 2004 (see Appendix 1).

2. Co-operation in the preparation of the Aggregate Minerals Site Allocations Plan

- 2.1 This statement has been prepared to outline the principal activities undertaken by the councils in the preparation of the Aggregate Minerals Site Allocations Plan². At the point that the duty to cooperate was introduced (November 2011) the Plan was at an advanced stage of preparation, having already been subject to a stage of consultation and sites subjected to detailed assessments to inform the final draft plan.
- 2.2 The pre-submission draft of the Aggregate Minerals Site Allocations Plan (January 2012) was approved by Wiltshire Council and Swindon Borough Council's respective Cabinet Committees on the 13 and 14 December 2011) for consultation. Following consultation, Wiltshire Council and Swindon Borough Council Full Councils considered the Aggregate Minerals Site Allocations Plan again on 26 June and 19 July 2012 respectively and approved the document for submission to the Secretary of State. This statement identifies activities that have taken place before the duty was introduced and others that are ongoing.
- 2.3 It should be emphasised strongly from the outset that the councils' approach is not confined to consultation just to meet the statutory requirements, rather it is one based on building meaningful and productive partnerships based on ensuring that strategic solutions are reached at the appropriate scale with appropriate parties wherever these can be of benefit in the delivery of services to the communities. When taken together, these activities help to demonstrate how the duty to cooperate has been fulfilled in preparing the Minerals Site Allocations plan.
- 2.4 The stages and the decision making processes during which the relevant bodies (including neighbouring authorities) were involved in the preparation of the Minerals Sites Plan are as follows:
- Minerals Local Development Framework workshops (2005)
 - Initial site selection process – call for sites (2004 and 2006)
 - Initial site identification workshops (2007)
 - Aggregate Minerals Site Allocations Site Selection and Site Appraisal Methodology (2009)
 - Methodical sieving exercise of Mineral Resource Zones (2009/2010)
 - Initial Site Options Consultation (2010)
 - Wiltshire Cabinet (March 2011) – Following Initial Site Options Consultation (2010)
 - Detailed Site Assessments on remaining sites (2011)
 - Wiltshire Cabinet (June 2011) – Following completion of detailed site assessments and development of local forecast provision rate
 - Additional detailed assessments on remaining sites (2011)

² See Table 1 for activities and co-operation undertaken during the preparation of the Minerals Site Allocations Plan and Appendix 2 for a general overview of the steps undertaken during the plan making process.

- Wiltshire Council and Swindon Borough Council Cabinet (13 and 14 December 2011 respectively) – Approval of Proposed Submission consultation on the plan.
- Proposed Submission draft document consultation (January - March 2012)
- Wiltshire Council and Swindon Borough Council Cabinet (19 June and 11 June respectively) – To seek approval of proposed modifications to the plan and approval to proceed to Full Council.
- Wiltshire Council and Swindon Borough Council Full Council (26 June and 19 July respectively) – To seek approval of proposed modifications to the plan and endorsement to proceed with submission of the plan to the Secretary of State.

3. Co-operation with prescribed bodies

- 3.1 The Environment Agency, English Heritage and Natural England have been fully involved on a continuing basis in the preparation of documents to support the Aggregate Minerals Site Allocations Plan. They have been involved in:
- Providing advice on the scope and content of the Site Selection and Site Appraisal Methodology
 - Helping to inform the detailed assessments undertaken on all sites,
 - Helping to shape restoration objectives in the plan; and
 - Responding to consultation on specific wording included in the plan, and have therefore been influential in the preparation of the plan.
- 3.2 The Hydrogeological Impact Assessments on the sites in the Upper Thames Valley were specifically commissioned in response to concerns raised by the Environment Agency. Specific wording regarding the Archaeology and Historic built environment sections of the plan have been negotiated with English Heritage.

4. Conclusions

- 4.1. The councils consider that this report evidences that the responsibilities placed on the councils in relation to its duty to co-operate with neighbouring authorities and prescribed bodies has been fulfilled. Liaison with neighbouring authorities and prescribed bodies has been embedded within the Aggregate Minerals Site Allocations Plan making process from its early stages. The benefit of this close working has ensured that the approach to site selection and proposals of the plan were in accordance with these bodies plans and programmes from the outset. The success of this approach should not be underestimated.
- 4.2. Comments received through the consultation exercises held in the development of the Aggregate Minerals Site Allocations Plan and ongoing dialogue and negotiation with key bodies and stakeholders have helped to shape the focus and content of the plan.
- 4.3. In preparing the Aggregate Minerals Site Allocations Plan, proper and meaningful consultation has been undertaken with neighbouring authorities and other prescribed bodies to understand the implications of the proposed plans on the interests of these organisations. This engagement will continue

throughout plan preparation leading to adoption, and through to delivery of the seven sites identified in the plan.

Table 1: Wiltshire and Swindon evidence of co-operation (historical and ongoing)

Date	Action undertaken	Purpose for undertaking the action	Outcome of undertaking the action
Ongoing	Collaborative working between Wiltshire Council and Swindon Borough Council.	Since Local Government re-organisation in 1997, Wiltshire Council has maintained a plan-making partnership with Swindon Borough Council for the preparation of Minerals and Waste planning policy. Such joint working partnerships are encouraged by national policy. The original Minerals and Waste Development Scheme (MWDS) and all subsequent reviews have been prepared in full consultation with Swindon Borough Council. All subsequent amendments to the timetables for document preparation have also been agreed by the constituent authorities.	Such joint working arrangements have led to the adoption of both Minerals and Waste Core Strategies and Development Control Policies DPD's and the creation of Minerals and Waste Site Allocations Plans. Such examples of collaborative working are encouraged through the NPPF (paragraphs 178 and 179).
Ongoing	Dialogue with neighbouring authorities, consultation and engagement activity.	The councils have actively engaged with neighbouring authorities on a range of informal ³ and formal consultation activity for a number of years. The purpose of such engagement has always been to help defend the councils' position in relation to neighbouring plans and proposals, and help influence policy development.	The principal outcomes relate to defending the councils' position in the face of emerging policy. In addition, the activity has helped the councils express opinions and advice on policy development by identifying common themes and methods for addressing issues. Evidence of such engagement can be provided on request.
2004 and 2006	Initial Site Selection – call for sites. The councils initially undertook a focused 'call for sites' in April 2004 by writing to mineral operators and landowners known to have an interest in sand and gravel extraction, this process was repeated in 2006 through a newsletter	Due to a lack of suitable minerals site options, the councils contacted landowners and operators in an attempt to understand the level of interest in potential areas of land and to identify additional areas of mineral bearing land that could be promoted.	2004 - This resulted in a number of sites being put forward for consideration. However, the estimated yield from these sites was considered to be insufficient to meet government forecasts of demand at the time (1.85 million tonnes per annum).

³ Generally characterised as 'stakeholder engagement' activity. Wiltshire has actively engaged with Hampshire County Council, Dorset County Council and Gloucestershire County Council on plan making workshops on a consistent basis from 2000.

	issued to every contact on the councils' consultation database.		2006 - As a result of this work, no additional land was put forward for consideration.
2004/2005	Adams Hendry facilitated Minerals Forum work.	The councils' started the process of consultation and engaging local communities in the development of the Minerals Local Development Framework process back in 2004. Early work involved an initial series of meetings and workshops ⁴ which sought to present information to stakeholders and the public on minerals planning issues affecting Wiltshire, Swindon and the sub-regional area. The workshops were facilitated by a company called Adams Hendry Ltd and invitations for Forum membership were sent out to a range of people on the councils' consultation database. The key focus for the Forum was to assist the councils in reviewing the adopted Wiltshire and Swindon Minerals Local Plan and thereby meeting the challenge of planning for the release of aggregate minerals in accordance with new policy drivers and forecast provision rates.	<p>The outputs from the initial Forum meetings were collated and presented to the councils in a report for use in developing the scope of the Local Plan review process and helped to shape the direction taken in the formation of the then Minerals Development Framework.</p> <p>Key outcomes included:</p> <ul style="list-style-type: none"> - Valuable contributions to the councils' original Statement(s) of Community Involvement - Definition of the local approach to meeting Government forecasts of aggregate demand - The role of recycled aggregates - Determining the relative importance of constraints in the plan area and how they should be applied when considering the identification of future mineral sites - Definition of a spatial vision - Definition of the primary aim of the Plan and associated objectives - Clarity and definition relating to strategic options for meeting the government's demand for aggregates. <p>Overall the process was considered a resounding success and participants agreed that this type of 'front-end' consultation is valuable and provides an opportunity to</p>

⁴ Wiltshire and Swindon Minerals Development Framework Forum - Report of Forum Process and Outcomes. Adams Hendry Consulting Ltd (2005).

			influence the planning process.
2007	Initial site identification workshop– facilitated by Adams Hendry. Followed by drop in sessions at locations within the main sources of sand and gravel within the plan area.	A workshop was held in July 2007 ⁵ to begin the process of site identification and to help inform Issues and Options work for the Minerals Sites Plan.	<p>This work influenced the content of topic reports covering the key Mineral Resource Zones (MRZs), as identified in the emerging Minerals Core Strategy; and a series of drop in sessions focussing on the site identification process, which were advertised and hosted in settlements close to, or within, the proposed MRZs. This process was effectively a 'call for sites'.</p> <p>However, following this work, at the advice of the Government Office at the time, work relating to site identification was put on hold to concentrate solely on the development of the Minerals Core Strategy and Minerals Development Control Policies DPDs.</p> <p>Feedback from the drop in sessions criticised the process as people felt that they did not have any firm site options to comment on; and they weren't prepared to help identify suitable sites. Lessons were learnt from this process and helped to inform later stages of site identification and provided the basis for the detailed site sieving work undertaken in 2009.</p>
2009	Collaborative Working Policy (MCS5) for the Upper Thames Valley in the Adopted Minerals Core Strategy.	Through the development of the Minerals Core Strategy - the Preferred Options Report in June 2006 included an objective on collaborative working with stakeholders and local authorities. In response to this Gloucestershire County Council agreed that there was a need for joint working between the	Despite the continued commitment of the councils as detailed through the Minerals Core Strategy, no substantial collaborative working has commenced. Due to other commitments, Gloucestershire County Council have not been in a position to fully

⁵ Issues and Options Site Identification Workshop (2007).

		Mineral Planning Authorities regarding mineral development in the Upper Thames Valley ⁶ . Policy MCS5 seeks to ensure that the councils pursue and implement collaborative working arrangements to secure a shared vision, objectives and policy framework for minerals development (including restoration and afteruse) in the Cotswold Water Park/Upper Thames Valley with Gloucestershire County Council and the Cotswold District Council.	embark on the collaborative working in relation to minerals as envisaged. The councils did hold a restoration workshop in 2011 to collaboratively develop restoration options for the sites included in the Minerals Site Allocations Plan and Gloucestershire County Council and the Cotswold District Council were invited alongside other neighbouring authorities. However, of those neighbouring authorities invited, only a representative of Gloucestershire County Council attended the workshop.
2009/2010	Regional Planning Body (RPB) National and Regional Guideline for Aggregate Provision 2005 – 2020: Sub-regional apportionment scenario workshops.	These workshops were organised by the RPB and appointed consultants, Capita Symonds, to discuss the method to be used to apportion the aggregates provision to constituent MPA areas in the South West region.	This work reached a fairly advanced stage, with both Wiltshire and Gloucestershire agreeing that the apportionment should be based on resources rather than MPA boundaries. However this work was aborted following the Government's decision to abolish RSS and disband the RPBs.
Ongoing	Aggregate Working Party Meetings.	<p>The councils have actively engaged with the (Regional) Aggregates Working Party for many years. Dialogue with the industry and MPAs across the South West has enabled the councils to lobby on aggregate minerals matters, including: sales, reserves and forecast provision requirements.</p> <p>From 2003 to 2005, the councils were represented at the South West Minerals Review Group Meetings. This Group was set up and charged with undertaking detailed evidence gathering and policy writing to support the emerging Regional Spatial Strategy (RSS) for the South West. Wiltshire took a</p>	<ul style="list-style-type: none"> • Engagement with the minerals industry and MPAs on aggregate minerals planning matters. • Representing / defending the interests of the councils on a regional stage. • Assisting with the process of undertaking the technical sub-regional apportionment process (including interviewing consultants [Capita Symonds] to undertake the work). • Lobbying at a regional level to ensure Wiltshire and Swindon's interests are maintained.

⁶ Wiltshire and Swindon Minerals Core Strategy (2009) supporting text paragraph 5.37.

		<p>lead role in drafting the initial set of minerals policies and then subsequently helped develop the approach taken in the submission draft RSS.</p> <p>From 2006 – 2010, the councils continued to work on regional scale matters through (R)AWP meetings, Regional Minerals Review Group meetings and direct engagement on the draft RSS.</p> <p>From 2010 to present, the councils have continued to maintain an active presence at AWP meetings.</p>	Evidence of such engagement can be presented if required.
Aggregate Mineral Site Allocations Local Plan preparation			
2009	<p>Meeting with the following Mineral Operators:</p> <ul style="list-style-type: none"> - White Young Green/ Raymond Brown Ltd - Aggregate Industries - Moreton Cullimore - Hills Aggregates - DK Symes Associates (representing the Co-op) - Tarmac declined to meet - Lafarge Aggregates declined to meet. 	To discuss the scope of the Minerals Site Allocations Plan work and discuss an initial resource sieving exercise of remaining resource in the plan area, highlight areas of resource that could be worked or are of sufficient quality to work based on local and operator knowledge and discuss the future of Aggregate working in Wiltshire and Swindon.	Provided confirmation that there are numerous issues with finding suitable sites in Wiltshire and Swindon due to a lack of quality resource or resource locked in land which will not be coming forward in the foreseeable future due to landowners not wishing to release land or lack of suitable infrastructure.
2009/10	Landowner Survey	Following an initial resource sieving exercise of remaining resource in the plan area, land ownership details were obtained from the Land Registry and landowners of potentially suitable areas of land were contacted to see if they would be interested in putting forward their land for sand and gravel extraction. These processes were undertaken following experiences gathered through initial site identification work – facilitated by Adams Hendry and feedback from the proceeding drop in sessions	Through this process a total of 57 additional site options (on top of those previously put forward by the minerals industry) were identified and were the subject of an initial round of consultation.

		held in 2007.	
August 2010	<p>Consultation on the Initial Minerals Site Options Report. Following the initial site sieving process; initial site appraisal; analysis and communication with landowners, an informal (Regulation 18⁷) consultation on 62 initial site options for sand and gravel extraction in Wiltshire and Swindon took place between 5 August and 31 October 2010⁸.</p> <p>The informal consultation met the standards required by legislative requirements and the councils' own policies – as expressed in the councils' Statements of Community Involvement (SCI).</p>	<p>The councils used this informal consultation exercise to kick-start the process of appropriate site selection through constructive, open and ongoing dialogue between all interested parties.</p> <p>The purpose of this consultation was to provide an early opportunity for stakeholders to review the site options presented by landowners for consideration and comment on the key issues identified for each site option to help determine the scope of any further assessments. All key stakeholders and contact names on the councils' database were contacted.</p>	<p>This approach helped the councils to determine which sites should be dropped and which should be carried forward into a draft plan.</p> <p>The consultation received substantial press coverage and a significant level of responses were received. The councils received 4,076 comments from 1,297 respondents and also received 2 petitions. During the consultation eight site options, and parts of two site options, were withdrawn from further consideration at the request of the landowners.</p> <p>Following an assessment of the comments received, unsuitable site options were excluded from further consideration. Leaving 22 site options to be carried forward for further detailed assessment.</p>
August-October 2010	Parish Council, Public and Area Board meetings - Consultation on the Initial Minerals Site Options Report.	During consultation on the Initial Minerals Site Options Report, council officers attended a number of parish council, public and Area Board meetings to answer questions and concerns from local residents and community groups.	Officers were able to discuss the concerns raised by residents, local action groups and members during face to face meetings.
April 2011	Mineral Survey undertaken.	All mineral operators in Wiltshire and Swindon were contacted in order to gauge the interest in the 22 sites being considered for inclusion in the plan and to test the acceptability of a locally derived provision rate.	Despite several attempts to chase the mineral operators contacted for a response, no formal replies were forthcoming.

⁷ The Town and Country Planning (Local Planning) (England) Regulations 2012.

⁸ Initial Site Options Report for the Wiltshire and Swindon Aggregate Minerals Site Allocations DPD (August 2010).

Jan - June 2011	Detailed assessments of remaining 22 potential site options.	<p>Internal council experts undertook detailed assessments on the remaining 22 site options covering:</p> <ul style="list-style-type: none"> - Transport - Archaeology - The historic built environment - Ecology - Landscape and visual impact <p>The focus of these assessments was informed by responses received from stakeholders during the consultation on the Initial Site Option Report. For instance, the focus of the ecology detailed assessment was informed by responses from Natural England and other relevant bodies.</p>	<p>The findings of these detailed assessments, and following discussion with internal council experts and Development Management colleagues, allowed council officers to finalise a list of 7 suitable site options to be taken forward into the Minerals Site Allocations Plan.</p> <p>The findings of the detailed assessments on the 7 site options taken forward into the plan were used to inform the content and requirements of the individual site profile tables in the plan.</p>
June - November 2011	Additional further detailed assessments on the remaining 7 site options.	Additional further detailed assessments were conducted by external specialist consultants to assess the remaining 7 site options for noise and air quality. Through dialogue with, and at the request of, the Environment Agency it was agreed that a Hydrogeological Impact Assessment would be conducted for the proposed 5 site options in the Upper Thames Valley.	The findings of the additional detailed assessments on the 7 site options taken forward into the plan were used to inform the content and requirements of the individual site profile tables in the plan.
August 2011	Workshop held in partnership with Nature After Minerals ⁹ (NAM) workshop to collaboratively develop restoration options for all sites in the plan.	The workshop was held in County Hall, Trowbridge on the 8 th August 2011 to bring together key stakeholders to work collaboratively and discuss key restoration issues and options for the seven site options to be included in the plan. Representatives from key stakeholders including the Environment Agency, Natural England, the Minerals Industry and	The workshop proved to be a success with key preferred restoration objectives developed for each site in the Minerals Site Allocations Plan. These preferred objectives have been incorporated into the plan and will help to shape restoration proposals for each site as and when they come forward through

⁹ Nature After Minerals are a partnership between Natural England and the Royal Society for the Protection of Birds (RSPB) that works to identify strategic opportunities for delivering biodiversity through high quality habitat creation on mineral sites. See: <http://www.afterminerals.com>.

		<p>from RAF Fairford alongside representatives from relevant parish councils, neighbouring authorities, the Woodland Trust, CPRE, the RSPB and Cotswold Water Park Trust attended the meeting. A number of Wiltshire Council internal experts were also invited covering areas such as landscape, ecology, development management and planning enforcement.</p>	<p>the planning application process. Of particular note is a move away from open water restoration on those sites in the Upper Thames Valley located in close proximity to RAF Fairford and where the risk of birdstrike is greatest. Instead, a holistic, landscape approach to restoration that recognised the risk of bird strike was developed (and adopted through the preferred restoration objective section of the site profiles in the Upper Thames Valley) which sought to create a mosaic of restored land uses on those sites located under RAF flight lines/routes.</p> <p>The workshop offered stakeholders the chance to actively and effectively engage in the plan making process and to discuss competing issues with other stakeholders. This was broadly welcomed as it was felt that everyone stakeholder present was able to participate and express their opinion on all the restoration options proposed.</p> <p>Facilitating stakeholder 'buy in' and frontloading through the workshop process will help to ease conflict when planning applications come forward to work the site.</p>
August 2011	Letter sent to the Department for Communities and Local Government (DCLG) (See appendix 3).	With the current status of the South West Regional Aggregates Working Party (SWRAWP), Wiltshire Council and Swindon Borough Council wrote to the Department for Communities and Local Government on 12 August 2011 to give advanced notification of the councils' intention to adopt a locally derived forecast of future need for sand and gravel in Wiltshire and Swindon at a rate of 1.2 million tonnes per annum for the period up to 2026.	<p>Unfortunately, despite consistent follow-up requests for comments, no formal response was received from DCLG regarding the councils' intention.</p> <p>Telephone dialogue with a representative from DCLG confirmed that the councils were at liberty to prepare a locally derived provision rate (in accordance with national policy –</p>

			MPS1), provided that sufficient evidence can be presented.
January – March 2012	<p>The Proposed submission draft Minerals Site Allocations Plan consultation with 4,451 statutory and non-statutory consultees as per the Wiltshire and Swindon SCIs took place for a period of six weeks between 30 January and 12 March 2012.</p> <p>Consultees invited to comment included, among others:</p> <ul style="list-style-type: none"> • Statutory consultees, e.g. the Environment Agency, Natural England, English Heritage as set out in the Statement of Community Involvement • Neighbouring local authorities • Town and parish councils in, and adjacent to, Wiltshire and Swindon • Swindon Borough Councillors, Wiltshire Councillors and Area Board Managers • The Minerals industry • Land and planning agents • Landowners • General consultees, e.g. schools, MP/MEPs, the military, police authority • Individuals and community groups who have asked to be informed of mineral policy work. • Organisations/community groups/businesses/individuals with an interest in the proposals 	<p>The proposed submission stage Minerals Site Allocations Plan contained seven sites that were considered suitable to supply sand and gravel resources through the plan period to 2026, and represented the final round of formal consultation in the process of allocating sites for future mineral working in Wiltshire and Swindon.</p> <p>The consultation provided an opportunity for consultees to comment on the ‘soundness’ of the plan (in particular whether the plan was justified, effective and consistent with national policy) before it was submitted to the Secretary of State for independent examination.</p>	<p>The consultation generated 124 responses from 53 individuals/organisations.</p> <p>The Environment Agency did not object to the inclusion of any of the sites in the document and welcomed the removal of inappropriate sites following previous stages of consultation and site appraisal work. The Agency, however, did make specific reference to the need for detailed consideration of the water environment during extraction and restoration.</p> <p>Natural England made representations concerning the footprint of Brickworth Quarry being located in an area designated as Ancient Woodland and County Wildlife Site. It should be stressed that Natural England have been privy to discussions concerning the Brickworth site and a Natural England representative did attend the NAM restoration workshop where all 7 sites included in the plan were considered and restoration objectives developed.</p> <p>For a full account of comments received during the consultation and proposed modifications to the plan following assessment of consultee responses please see the accompanying Regulation 22(1)(c) statement.</p>

	<ul style="list-style-type: none"> Professionals at the councils with an interest in the proposals. 		
March – May 2012	Discussion with the Environment Agency (EA) regarding the sites in the plan and the findings of the Hydrogeological Impact Assessment	All previous stages of the plan preparation had been undertaken with the agreement of the Environment Agency, (the Hydrogeological Impact Assessment was undertaken as requested by the EA). However, following comments received from the EA on the Proposed submission draft Minerals Site Allocations Plan consultation and as a result of re-organisations at the EA (leading to changes in staff tasked to deal with minerals and waste issues), the councils felt it prudent to contact the Agency to clarify a number of points raised and to direct staff to the detailed Hydrogeological Impact Assessment work undertaken at the recommendation of the EA in the Summer/Autumn of 2011.	Through on-going dialogue with the EA, comments have been submitted on the Hydrogeological Impact Assessment detailing what they would wish to see covered by any proposed applicant at the planning application stage. The EA also advised that the councils include details of aquifer vulnerability in the Water Environment sections of all site profile tables (see Appendix 4). This change is proposed in the Schedule of Proposed Modifications to the plan.
May 2012	Discussions with English Heritage regarding wording to the Archaeology sections of the site profile tables in the plan.	In light of the comments received by English Heritage regarding their request to include references to relevant policy and guidance for the Upper Thames Valley Sites, since superseded by the introduction of the NPPF, the councils felt it prudent to contact English Heritage to negotiate an update to the proposed wording.	Agreement was reached with English Heritage (through email correspondence) – English Heritage also proposed that the councils present the altered wording to the County Archaeologist for review who suggested a final tweak for clarity. This additional wording has been presented as a proposed modification to the archaeology section of the Upper Thames Valley sites through the 'Schedule of Proposed Modifications' report.
May 2012	Note circulated to all neighbouring MPA's (See Appendix 5).	To give all neighbouring MPA's an additional opportunity to comment on the approach taken by the councils in the preparation of the Minerals Site Allocations Plan and the intention of the councils to pursue a locally derived apportionment figure for sand and gravel of 1.2 million tonnes per annum.	Responses from the New Forest National Park Authority, Dorset County Council, Bath and North East Somerset Council and the Vale of White Horse District Council confirming that they had no additional comments to make that were not previously made through previous rounds of

			<p>consultation.</p> <p>Gloucestershire County Council responded by highlighting concerns that some of the sites are adjacent to the county boundary of Gloucestershire and therefore may have cross boundary issues. Concerns were also raised that the councils may not be in accordance with the 'Duty to Co-operate' S33A of the Planning & Compulsory Purchase Act (2011), Section 110 of the Localism Act and paragraphs 156, 178-181 of the NPPF.</p> <p>Principally Gloucestershire raised points concerning:</p> <ul style="list-style-type: none"> - The impacts on Gloucestershire of a reduced locally derived apportionment figure for Wiltshire and Swindon. This reduced figure may also require a review of the Minerals Core Strategy - Wiltshire and Swindon have not investigated the possibility of whether there should be a joint aggregate/resource assessment undertaken for the Upper Thames Valley. - The need for Wiltshire and Swindon to undertake a Local Aggregate Assessment to support the submission of the plan. - The deliverability of the sites in the plan. The circulated note paras 3.1 and 3.6 point towards the plan contingency being other areas outside of Wiltshire and Swindon. This does not seem to take any detailed account of the position within those areas.
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Ongoing	Meetings with Gloucestershire County Council	Ongoing meetings to discuss shared resource issues and joint working between the councils in the Upper Thames Valley.	Evidence is provided in appendix 6 of ongoing meetings between Gloucestershire County Council, Wiltshire County Council (now Wiltshire Council) and Swindon Borough Council to discuss joint working arrangements in the Upper Thames Valley.
23 May 2012	Latest meeting with Gloucestershire County Council in response to request.	To discuss the circulated note giving all neighbouring MPA's an additional opportunity to comment on the approach taken by the councils in the preparation of the Minerals Site Allocations Plan and the intention of the councils to pursue a locally derived apportionment figure for sand and gravel of 1.2 million tonnes per annum.	Wiltshire Council officers travelled to Gloucester County Council offices to discuss the concerns raised by Gloucester County Council officers regarding the councils' intentions to pursue a locally derived apportionment figure for sand and gravel of 1.2 million tonnes per annum. No concerns were expressed at the meeting concerning the approach taken in site selection. The concerns of Gloucestershire County Council are expressed in the formal response (see appendix 7) to the circulated neighbouring authority note and the meeting with Wiltshire Council officers.
March – July 2012	Discussion with residents of Marston Meysey regarding Cox's Farm ¹⁰	Dialogue with a representative of Marston Meysey village residents has been ongoing to try (where possible and appropriate to do so) and accommodate the wishes of the village residents into the plan. This dialogue has consisted of email correspondence and a meeting on 14 June 2012 to discuss specific proposals regarding the introduction of a 'zone of sensitivity' between the site and the village to protect residential amenity and village setting, traffic and transportation issues in the area and the restoration of the site.	The requested 'Zone of Sensitivity' is now proposed to be referenced in the Cox's Farm site profile as a proposed modification to the plan – specifically in the Preferred restoration objective, Human Health and Amenity, Landscape and visual, and Historic built environment sections of the Cox's Farm site profile table. Although traffic and transportation issues have been discussed, the councils feel that the specific points raised are more

¹⁰ Please refer to the paper titled 'Dialogue following proposed submission consultation' (Library Ref: MIN/33)

			appropriate to be dealt with at the planning application stage.
June 2012	Attempts to contact the Defence Infrastructure Organisation (DIO) with regard to their comments made in respect of the Cox's Farm site during the proposed submission consultation.	<p>Through the proposed submission consultation, the DIO (Ministry of Defence) raised concerns in relation to explosives safeguarding, stating that the northern part of the Cox's Farm site falls within RAF Fairford's innermost safeguarding explosives zone - known as 'Inhabited Building Distance' (IBD).</p> <p>Several efforts were made to contact the DIO to develop a better understanding of the IBD, what the specific risks from minerals working on operations at RAF Fairford would be and whether these concerns could be overcome and a compromised position reached.</p>	<p>The councils have attempted to generate dialogue with DIO on these matters to seek a position of common ground but have so far been unsuccessful.</p> <p>The councils will continue to make efforts to address these issues in the lead up to examination.</p>

Appendices

Appendix 1

Extract of Localism Act on Duty to Cooperate

110 Duty to co-operate in relation to planning of sustainable development

(1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (local development) after section 33 insert—

“33A Duty to co-operate in relation to planning of sustainable development

(1) Each person who is—
(a) a local planning authority,
(b) a county council in England that is not a local planning authority, or
(c) a body, or other person, that is prescribed or of a prescribed description, must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.

(2) In particular, the duty imposed on a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

(3) The activities within this subsection are—

(a) the preparation of development plan documents,
(b) the preparation of other local development documents,
(c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
(d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
(e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.

(4) For the purposes of subsection (3), each of the following is a “strategic matter”—

(a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and

(b) sustainable development or use of land in a two-tier area if the development or use—
(i) is a county matter, or
(ii) has or would have a significant impact on a county matter.

(5) In subsection (4)—

“county matter” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),

“planning area” means—

(a) the area of—

(i) a district council (including a metropolitan district council),

- (ii) a London borough council, or
- (iii) a county council in England for an area for which there is no district council, but only so far as that area is neither in a National Park nor in the Broads,
- (b) a National Park,
- (c) the Broads,
- (d) the English inshore region, or
- (e) the English offshore region, and

“two-tier area” means an area—

- (a) for which there is a county council and a district council, but
- (b) which is not in a National Park.

(6) The engagement required of a person by subsection (2)(a) includes, in particular—

- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
- (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.

(8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.

(9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.

(10) In this section—

“the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and “land” includes the waters within those regions and the bed and subsoil of those waters.”

(2) In section 16 of the Planning and Compulsory Purchase Act 2004 (applying Part 2 for purposes of a county council’s minerals and waste development scheme) after subsection (4) insert—

“(5) Also, subsection (3)(b) does not apply to section 33A(1)(a) and (b).”

(3) In section 20(5) of the Planning and Compulsory Purchase Act 2004 (development plan documents: purpose of independent examination) after paragraph (b) insert “; and

(c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.”

Appendix 2

Overview of work undertaken to date in the preparation of the Minerals Site Allocations Plan

Through the development of the proposed Aggregate Minerals Site Allocations DPD, the councils have tested the practicality and environmental acceptability of meeting the current sub-regional apportionment figure for Wiltshire and Swindon. Based upon the evidence gathered to date, the councils consider that it is impractical to make provision for the sub-regional apportionment figure of 1.85 million tonnes¹¹ for sand and gravel as required by the draft South West Regional Spatial Strategy. The Government's intention to abolish Regional Strategies must at least be regarded as a material consideration in the preparation of the Site Allocations DPD, however limited the weight might be attached to it.

MPS1 (paragraph 3.8) determined that sub-regional apportionment figures should not be regarded as inflexible and that the development of LDD's provides MPA's with an opportunity to test the practicality and environmental acceptability of proposals at a local level. Furthermore, the recently published National Planning Policy Framework (NPPF) (paragraph 145) determines that MPA's should prepare plans based on 'a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options' whilst also taking the advice of Aggregate Working Parties when determining appropriate levels of mineral supply. These approaches have been taken to inform a locally derived forecast rate of provision

With the current status of the South West Regional Aggregates Working Party (SWRAWP), Wiltshire Council and Swindon Borough Council wrote to the Department for Communities and Local Government on 12 August 2011 to give advanced notification of the councils' intention to adopt a locally derived forecast of future need for sand and gravel in Wiltshire and Swindon at a rate of 1.2 million tonnes per annum for the period up to 2026. This 'locally derived' forecast rate was presented to, and approved by the Cabinets of Wiltshire Council and Swindon Borough Council prior to the start of the pre-submission consultation process on the proposed Minerals Site Allocations DPD (January – March 2012).

Identification of sites for inclusion in the Proposed Minerals Site Allocations DPD

Despite several and consistent 'calls for sites' since 2003, the minerals industry have not promoted sufficient land to meet demand at the sub-regional apportionment rate of 1.85 million tonnes per annum¹² in Wiltshire and Swindon. This raised clear concerns about the capacity of Wiltshire and Swindon to meet forecast demand. In order to establish whether the regional forecast rate could be maintained or whether there was a need for a lower level of delivery the councils undertook an extensive constraints sieving exercise (in 2009/10) of the five mineral resources zones¹³ in Wiltshire and Swindon.

This sieving exercise was informed by the councils' sustainability appraisal (SA) methodology¹⁴ and assessment criteria, and was used to identify further site options in

¹¹ Although a technical piece of work was completed to update the sub-regional forecasts for aggregates provision, the information has not been ratified or published in a final form. In part this forms the reasoning for the councils to adopt a 'locally derived' forecast provision rate.

¹² In fact the site options promoted by the minerals industry would only be sufficient to meet 25% of forecast demand at 1.85 million tonnes for the plan period 2006 – 2026.

¹³ The Mineral Resource Zones are identified in the adopted Minerals Core Strategy as broad areas of search for future sand and gravel and soft sand extraction in Wiltshire and Swindon.

¹⁴ 'Wiltshire and Swindon Aggregate Minerals Site Selection and Site Appraisal Methodology (August 2009)' Incorporating the requirements of the Strategic Environmental Assessment (SEA) Directive.

addition to those put forward by the minerals industry. The results of this sieving exercise¹⁵, as appraised against the SA assessment criteria, demonstrated that significant areas of unexploited resource are highly constrained and/or inaccessible in terms of basic highway connectivity. However, through this exercise, owners of potentially mineral bearing land were contacted and a total of 62 site options were put forward for initial consideration.

Although many of the 62 site options would have presented potentially significant issues if they were to be developed as quarries, the councils included them in an initial site options report to provide stakeholders and communities with a meaningful opportunity to present additional information about the suitability of the sites. The primary purpose of this early engagement exercise was to help inform subsequent decision making processes; and to demonstrate that all reasonable site options had been fully considered.

Following this initial consultation and further discussions with colleagues from the councils' Development Management team, 40 initial site options were removed from further consideration on the basis that working the resources would likely lead to overriding environmental constraints. In addition to the work undertaken by council officers, some of those initial (40) site options were withdrawn from further consideration by the landowner. This left 22 site options remaining for further detailed assessment.

The further detailed assessments were undertaken by council officers with expertise in disciplines such as ecology, landscape, archaeology, human health, transport, historic and water environment. The results of these assessments were then used to inform the appraisal and ranking of site options against the councils' adopted sustainability criteria¹⁶. This reduced the number of site options considered suitable for development to 7 for the plan period to 2026. The final list of 7 site options are considered by the councils to offer the best and most practicable option for delivering a locally derived forecast provision requirement – the site options are estimated to yield a total of **10.86 million tonnes** over the period to 2026.

The councils consider that they have taken all reasonable steps to ensure that the capacity of the plan area to deliver the requirements of the sub-regional apportionment has been fully tested against relevant sustainability criteria, in line with previous national policy guidance as expressed in MPS1 paragraph 3.9; and the new NPPF requirements set out across paragraphs 145 and 165. From the testing and evaluation processes undertaken to date, it is clear that the current endorsed and published sub-regional apportionment figure for sand and gravel of 1.85 million tonnes per annum cannot be met.

The councils are of the view that, taking the above factors into account, the proposal to implement a locally derived forecast provision rate approach is appropriate, practical and evidence based. In addition, such an approach will more closely align to actual (i.e. recorded) provision/sales trends and thereby lead to the delivery of a sustainable pattern of future quarry sites over the period to 2026.

¹⁵Wiltshire and Swindon Aggregate Minerals Site Allocations DPD – Evidence Report. The results of a constraints sieving exercise applied to remaining sand and gravel resources in Wiltshire and Swindon (March 2010)'.

¹⁶ The results of all work undertaken (Incorporating the requirements of the Strategic Environmental Assessment [SEA] Directive) on site identification following initial sieving work i.e. outcomes of consultation on the initial 62 potential site options, detailed assessment of 22 remaining options and identification of the final site options to take forward is documented through the 'Wiltshire and Swindon Minerals and Waste Development Framework – Summary of minerals site appraisal matrices (November 2011)' report.

Appendix 3

Letter sent to the Secretary of State (in respect of Wiltshire and Swindon's proposals for and justification of a local forecast provision rate of 1.2 million tonnes per annum) (August 2011)



Environment, Regeneration and Community
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon SN1 2JH
Telephone (01793) 445500



Economy and Enterprise
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire BA14 8JD
Telephone (01225) 713429

Mr M Plummer
Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

12 August 2011

Dear Mr Plummer

Formal notification of a proposed revision to the Wiltshire and Swindon Annual Minerals Apportionment Figure

Since the adoption of the Minerals Core Strategy and Development Control Policies DPDs in 2009, Wiltshire Council and Swindon Borough Council have made significant progress in the development of the Wiltshire and Swindon Aggregate Minerals Site Allocations DPD. The Councils are currently developing the pre-submission draft document for consultation in November 2011, with the intention of proceeding with formal submission to the Secretary of State for Independent Examination in February / March 2012.

The recent CALA Homes litigation Court of Appeal Decision (27th May 2011) set out the need for Local Planning Authorities to still consider Regional Strategies in determining planning applications. Although it also stated that it would be unlawful for a Local Planning Authority preparing, or a planning inspector examining, a DPD to have regard to the proposal to abolish Regional Strategies, we think that must be read in the context of the rest of the judgment. Section 19(2) of the 2004 Act provides a list of matters to which the local planning authority must have regard in preparing development plan documents. The court in referring to that list, specifically commented "whether or not it [ie the local planning authority] is precluded from having regard to other matters that are not listed...". In other words, that list is not in itself exhaustive or exclusive, nor is it made so by the Cala judgment. Consequently we consider that the Government's intention to abolish regional strategies must at least be a material consideration here, however limited the weight to be attached to it.

That said, it is clear that for so long as the Regional Strategies continue to exist, any Development Plan documents must be in general conformity with the relevant Regional Strategy. The need for *general* conformity may be balanced against the need for the local plan to take account of and explain the circumstances in which the strategic policy will be given effect." MPS1 (paragraph 3.8) determines that sub-regional apportionment figures should not be regarded as inflexible and that the development of LDD's provides MPA's with an opportunity to test the practicality and environmental acceptability of proposals at a local level.

Through the development of the pre-submission Minerals Site Allocations DPD, the Councils have tested the practicality and environmental acceptability of meeting the sub-regional apportionment for Wiltshire and Swindon. It has become apparent that the Councils cannot make provision for the sub-regional apportionment of 1.85 million tonnes for sand and gravel as required by the draft South West Regional Spatial Strategy.

In the absence of a funded RPB or RAWP for the South West region, Wiltshire Council and Swindon Borough Council are writing to Central Government to give advanced notification of the Councils' intention to adopt a locally derived forecast of future need for sand and gravel in Wiltshire and Swindon at a rate of 1.2 million tonnes per annum for the period up to 2026. This letter details the reasoning behind the Councils' intention to proceed with a locally derived forecast.

The pattern of supply for aggregates from Wiltshire and Swindon

Our evidence shows that a shift in the pattern of aggregates supply within Wiltshire and Swindon is likely to occur during the plan period up to 2026. The adopted Minerals Core Strategy predicts that the tipping point for this change relates to the future of extraction in the Upper Thames Valley, where large-scale sand and gravel extraction has taken place since the 1960's and consistently at 75-80% of our total production. This intensive extraction has left a diminished resource, significantly reducing the options for future minerals development in Wiltshire and Swindon. This view is reinforced by the fact that since 2004 the minerals industry has not been able to identify and put forward sufficient land to meet forecast demand in Wiltshire and Swindon. In fact only one site in the Upper Thames Valley has been promoted by the minerals industry. This is not a result of reticence on their part but simply a confirmation of what the evidence is indicating in terms of resource availability and the level of constraint in the Plan area. The Councils have assessed the capacity of other sources of sand and gravel within Wiltshire and Swindon to make up for a shortfall in supply from the Upper Thames Valley. In summary:

- The Bristol Avon Mineral Resource Zone (MRZ) is the closest alternative source of sand and gravel to the Upper Thames Valley and therefore could potentially supply much of the same market catchment area. However, the sand and gravel deposits in the Bristol Avon are typically shallow and of much poorer quality than the Upper Thames Valley gravels. This has been confirmed both by the British Geological Survey and the minerals industry. Although there may be isolated pockets of viable resource within the Bristol Avon, this area would not act as a strategic alternative to the Upper Thames Valley. None of the site options considered for the Bristol Avon were promoted by the industry and the industry are not keen to move to this area in the foreseeable future.
- The Calne area MRZ is centrally located within the Plan area and theoretically contains extensive deposits of soft sand albeit in most cases heavily constrained. This area has historically provided a source of sand for mortars, and also supplies resource for a local block producing plant. Although no sites have been formally promoted by the minerals industry (one that was originally promoted was subsequently withdrawn), only one of the site options identified by the Councils in the Calne area was considered to have potential by the minerals industry. Due to differences in the mineral types and consequently the end uses and markets served, the Calne area MRZ could not provide an alternative source of supply to the Upper Thames Valley. Based on dialogue with the minerals industry there are no indications that demand for soft sand from the Calne area will increase significantly during the plan period.
- The South East Salisbury MRZ is located near to the southern boundary of the Plan area and provides a source of soft sand on a small scale, which is assumed to be predominantly used for mortars and asphalt, to markets in the south of the county (Salisbury area) and the neighbouring counties of Dorset and Hampshire. Again due to the differences in the mineral types and consequently the end uses and markets served, the South East of Salisbury MRZ could not provide an alternative source of supply to the Upper Thames Valley.
- The Salisbury Avon MRZ lies in the south of the Plan area and contains deposits of sand and gravel that has not historically been quarried other than through pre-1945 small scale extraction for local use. A significant proportion of the MRZ falls within ownership of the Longford Estate.

Appendix 4

Environment Agency correspondence concerning Hydrogeological Impact Assessment findings and aquifer data for sites (May 2012)

Our ref: WX/2006/000379/SL-02/SB1-L02
Your ref: 15/MW/7/395940
Date: 14 May 2012

Proposed Submissions Draft – Wiltshire and Swindon Aggregate Minerals Site Allocations Development Plan Document – Hydrogeological Impact Assessment for Minerals Assessment Sites U3, U4, U5 and U7.

Thank you for your consultation regarding the above.

Following recent discussions with the Agency's Area Hydrogeologist, please find hereunder our response in respect of the submitted Hydrogeological Impact Assessment:

Minerals Assessment Sites U3, U4 and U5

Receptors

The assessment does identify the impacts of dewatering on local groundwater receptors and watercourses. However, some deregulated licences (i.e. licensed abstractions that abstract less than 20 3/day before exemptions came in to force in 2003) have been omitted from the list of sensitive receptors. For example, deregulated licence 28/39/05/0036 at NGR SU127969. Any future planning application will need to assess impacts on deregulated licences as well as abstraction licences and private supplies. This can be aided by the applicant carrying out a water features survey when developing baseline conditions.

Groundwater Quality

The Hydrogeological Impact Assessment (HIA) identifies a number of offsite pollution events at RAF Fairford to the north of U3. We would strongly support the recommendations for groundwater quality sampling to be carried out as part of the baseline monitoring for the scheme under section 5 of the HIA. This will characterise the quality of the groundwater to be dewatered and determine if special measures are needed for the associated discharges.

Site Operation Impacts

It is assumed in Section 4.4.1 of the HIA that site operations may involve excavated areas being sealed with local clays to reduce inflows to the works and the need for

Environment Agency
Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS.
Customer services line: 03708 506 506
www.environment-agency.gov.uk

Cont/d..

dewatering. Any planning application that proposes this methodology will need to provide details regarding the future of these seals and their impacts on local receptors such as adjacent watercourses and groundwater flow. The local lead flood authority may be interested in this aspect of the application, as it may have a bearing on local groundwater flood risk.

Site Restoration Impacts

It is assumed in Section 4.4.2 of the HIA that site restoration will not involve backfilling with imported landfill material of any kind and that the sites will be restored to a series of lakes. Some low permeability material derived from mineral extraction, such as silts, are likely to be used in the restoration of the site to form lake margins and bed profiles. These can affect groundwater flows and levels in the area. Any planning application will need to consider the impacts of site restoration (either by use of site derived material or imported material) on groundwater levels and flows, and receptors dependent on these flows. This will need to account for sections of aquifer external to the site that have been backfilled with low permeability fills from historic / current mineral extraction to address cumulative impacts. Again, the local lead flood authority may be interested in this aspect of the application as it may have a bearing on local groundwater flood risk.

Minerals Assessment Site U7

Our comments regarding the stated site operation impacts and site restoration impacts in respect of Minerals Assessment Site U7, are the same as those regarding Minerals Assessment Sites U3, U4 and U5.

With regard to your recent enquiry regarding individual site profile tables and the possible inclusion of data concerning aquifer vulnerability, I can confirm that our preference is for the data to be included.

Should you wish to discuss the above issues further, please contact me direct.

Yours sincerely

DAVE PRING
Planning Liaison Technical Specialist

Direct dial 01278 484627
Direct fax 01278 452985
Direct e-mail dave.pring@environment-agency.gov.uk

Appendix 5

Email and Note circulated to all neighbouring Minerals Planning Authorities giving further opportunities to comment on the councils' approach as outlined in the Minerals Site Allocations Local Plan (May 2012)

Dear all,

As you will be aware the councils recently consulted on the proposed submission draft Aggregate Minerals Site Allocations DPD (January 2012). We are now in the process of reviewing the comments received in preparation for formal submission to the Secretary of State in July 2012.

In light of the recently published National Planning Policy Framework and in the spirit of the 'duty to co-operate', we are writing to ask whether you have any further comments to make in relation to Wiltshire and Swindon's approach to future aggregate provision.

As set out through the recent consultation documentation, the councils are formally pursuing a locally derived provision figure for sand and gravel production of 1.2 million tonnes per annum. We are confident that evidence gathered to date in support of the draft plan represents an appropriate, practical and deliverable approach to meeting local requirements for sand and gravel provision. The accompanying note summarises the justification behind the councils approach. It also sets out the approach taken in identifying the sites included in the proposed Site Allocations document.

I would be grateful if you could confirm in writing whether you have any comments to make and/or whether the representations that you may have previously submitted still stand.

Please direct any comments to Geoff Winslow, Team Leader Minerals and Waste Policy, Wiltshire Council at mineralsandwastepolicy@wiltshire.gov.uk by **23rd May 2012**.

Yours Sincerely

Mark Cooke

Sent on behalf of:

Alistair Cunningham, Service Director, Economy and Regeneration, Wiltshire Council, County Hall, Trowbridge, Wiltshire, BA14 8JN; and

Bernie Brannan, Board Director, Service Delivery, Swindon Borough Council, Wat Tyler House, Beckhampton Street, Swindon, SN1 2 JH.

Appendix 5

Email and Note circulated to all neighbouring Minerals Planning Authorities giving further opportunities to comment on the councils' approach as outlined in the Minerals Site Allocations Local Plan (May 2012)

Wiltshire and Swindon Aggregate Minerals Site Allocations DPD

- 1.1 This note details the approach taken in identifying sites and a justification behind the councils' intention to proceed with a locally derived forecast rate for sand and gravel provision.

2 Background context and matters of conformity

- 2.1 Through the development of the proposed Aggregate Minerals Site Allocations DPD, the councils have tested the practicality and environmental acceptability of meeting the current sub-regional apportionment figure for Wiltshire and Swindon. Based upon the evidence gathered to date, the councils consider that it is impractical to make provision for the sub-regional apportionment figure of 1.85 million tonnes¹⁷ for sand and gravel as required by the draft South West Regional Spatial Strategy.
- 2.2 The Government's intention to abolish Regional Strategies must at least be regarded as a material consideration in the preparation of the Site Allocations DPD, however limited the weight might be attached to it.
- 2.3 MPS1 (paragraph 3.8) determines that sub-regional apportionment figures should not be regarded as inflexible and that the development of LDD's provides MPA's with an opportunity to test the practicality and environmental acceptability of proposals at a local level. Furthermore, the recently published National Planning Policy Framework (NPPF) (paragraph 145) determines that MPA's should prepare plans based on 'a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options' whilst also taking the advice of Aggregate Working Parties when determining appropriate levels of mineral supply. These approaches have been taken to inform a locally derived forecast rate of provision (as discussed later in this letter).
- 2.4 With the current status of the South West Regional Aggregates Working Party (SWRAWP), Wiltshire Council and Swindon Borough Council wrote to the Department for Communities and Local Government on 12 August 2011 to give advanced notification of the councils' intention to adopt a locally derived forecast of future need for sand and gravel in Wiltshire and Swindon at a rate of 1.2 million tonnes per annum for the period up to 2026. This 'locally derived' forecast rate was presented to, and approved by the Cabinets of Wiltshire Council and Swindon Borough Council prior to the start of the pre-submission consultation process on the proposed Site Allocations DPD (January – March 2012).

3 The pattern of aggregate minerals supply from Wiltshire and Swindon

- 3.1 Our evidence shows that a shift in the pattern of aggregates supply across Wiltshire and Swindon is likely to occur during the current plan period up to 2026. The adopted Minerals Core Strategy predicts that the tipping point for this change relates to the

¹⁷ Although a technical piece of work was completed to update the sub-regional forecasts for aggregates provision, the information has not been ratified or published in a final form. In part this forms the reasoning for the councils to adopt a 'locally derived' forecast provision rate.

future of extraction in the Upper Thames Valley, where large-scale sand and gravel extraction has consistently supplied approximately 75-80% of our total aggregates production. This intensive extraction has left a diminished resource, thereby significantly reducing the options for future aggregate minerals development in Wiltshire and Swindon. This opinion is reinforced by the fact that since 2004 the minerals industry has not identified or put forward sufficient land to meet forecast demand in Wiltshire and Swindon. In fact only one site in the Upper Thames Valley has been formally promoted by the minerals industry in recent years. The councils acknowledge that this is not a result of reticence on their part, but simply confirmation of what our evidence is indicating in terms of resource availability and the general level of environmental constraint in the plan area. The councils have assessed the capacity of other sources of indigenous sand and gravel deposits across Wiltshire and Swindon to make up for a shortfall in supply from the Upper Thames Valley. A summary of the results of this work is set out below:

3.2 The Bristol Avon Mineral Resource Zone¹⁸ (MRZ)

In terms of proximity to existing markets, the Bristol Avon Valley MRZ is the closest alternative source of sand and gravel to the Upper Thames Valley; and therefore could potentially supply much of the same market catchment area. However, the sand and gravel deposits in this area are typically shallow and of generally poorer quality than the Upper Thames Valley gravels. This has been confirmed both by the British Geological Survey¹⁹ (BGS) and the local minerals industry. Although there may be isolated pockets of viable resource within the Bristol Avon Valley, this area would not act as a **strategic** alternative to the Upper Thames Valley. During the process of preparing the Site Allocations DPD, none of the site options considered for the Bristol Avon MRZ were promoted by the industry. Dialogue with representatives from the companies operating in the plan area also confirmed that, in general, the industry is not keen to move to this area in the foreseeable future.

3.3 The Calne area MRZ

This MRZ is centrally located within the plan area and theoretically contains extensive deposits of soft sand, albeit in most cases the resource is heavily constrained. This area has historically provided a source of sand for mortar type applications, and also supplies resource for a local block producing plant. Due to differences in the mineral types and consequently end use markets served, the Calne area MRZ would not provide an alternative or substitute source of supply to that presented by the Upper Thames Valley. Again, based on dialogue with the local minerals industry, there are no indications that demand for soft sand from the Calne area will increase significantly during the plan period.

3.4 The South East Salisbury MRZ

This MRZ is located near to the southern boundary of the plan area and currently provides a source of soft sand on a relatively small scale. Again, the mineral worked from this MRZ is assumed to be predominantly used for mortars and asphalt products produced from markets in the south of the county (Salisbury area) and the neighbouring counties of Dorset and Hampshire. Due to differences in the mineral types and consequently end use markets served, the South East of Salisbury MRZ would not provide an alternative or substitute source of supply to that presented by the Upper Thames Valley. In addition, any increase in supply from traditional soft sand producing MRZs would significantly alter the overall balance of supply from Wiltshire

¹⁸ The Mineral Resource Zones are identified in the adopted Minerals Core Strategy as broad areas of search for future sand and gravel and soft sand extraction in Wiltshire and Swindon.

¹⁹ 'A provisional assessment of the sand and gravel resources of Wiltshire and Swindon (2007)' British Geological Survey.

and Swindon. At this stage, the councils have no evidence to substantiate whether or not local markets would be best served by such a fundamental shift in circumstances.

3.5 The Salisbury Avon MRZ

This MRZ lies in the south of the plan area and contains deposits of sand and gravel that historically has not been extensively quarried, other than through pre-1945 small scale extraction for local use. A significant proportion of the MRZ falls within the ownership of one landowner who has made it clear that the land will not be promoted for sand and gravel extraction in the foreseeable future. Even if sites were promoted in this area, it would be very unlikely that the resource could supply markets traditionally served by the Upper Thames Valley (approximately 100km by road). In addition, a shift in supply patterns would potentially compete with resources currently being extracted in Hampshire and Dorset.

- 3.6 It is therefore reasonable to conclude that a significant decline in production and available reserves in the Upper Thames Valley is unlikely to be met by other resources within the plan area. The councils consider that the minerals industry is likely to look to areas outside of Wiltshire and Swindon where better quality resource with a higher yield per hectare could be achieved²⁰. This view has been confirmed through dialogue with representatives of the minerals industry; through the results of the site identification process (outlined below); the initial consultation exercise undertaken in 2010; and the results of detailed assessments undertaken throughout the plan preparation process. Therefore any shift in the current pattern of supply will almost certainly result in a permanent decline in levels of sand and gravel extraction from within the plan area compared to that of the past 20 years.

4 Identification of sites for inclusion in the Proposed Minerals Site Allocations DPD

- 4.1 Despite several and consistent 'calls for sites' since 2003, the minerals industry have not promoted sufficient land to meet demand at the sub-regional apportionment rate of 1.85 million tonnes per annum²¹ in Wiltshire and Swindon. This raised clear concerns about the capacity of Wiltshire and Swindon to meet forecast demand. In order to establish whether the regional forecast rate could be maintained or whether there was a need for a lower level of delivery the councils undertook an extensive constraints sieving exercise (in 2009/10) of the five mineral resources zones²² in Wiltshire and Swindon.
- 4.2 This sieving exercise was informed by the councils' sustainability appraisal (SA) methodology²³ and assessment criteria, and was used to identify further site options in addition to those put forward by the minerals industry. The results of this sieving exercise²⁴, as appraised against the SA assessment criteria, demonstrated that

²⁰ Sand and gravel deposits in the Upper Thames Valley extend into Gloucestershire and Oxfordshire, and would serve the same markets as those historically quarried in Wiltshire and Swindon. Although Gloucestershire also has a diminished resource there are potentially substantial deposits across the border in Oxfordshire.

²¹ In fact the site options promoted by the minerals industry would only be sufficient to meet 25% of forecast demand at 1.85 million tonnes for the plan period 2006 – 2026.

²² The Mineral Resource Zones are identified in the adopted Minerals Core Strategy as broad areas of search for future sand and gravel and soft sand extraction in Wiltshire and Swindon.

²³ 'Wiltshire and Swindon Aggregate Minerals Site Selection and Site Appraisal Methodology (August 2009)' Incorporating the requirements of the Strategic Environmental Assessment (SEA) Directive.

²⁴ 'Wiltshire and Swindon Aggregate Minerals Site Allocations DPD – Evidence Report. The results of a constraints sieving exercise applied to remaining sand and gravel resources in Wiltshire and Swindon (March 2010)'.

significant areas of unexploited resource are highly constrained and/or inaccessible in terms of basic highway connectivity. However, through this exercise, owners of potentially mineral bearing land were contacted and a total of 62 site options were put forward for initial consideration.

- 4.3 Although many of the 62 site options would have presented potentially significant issues if they were to be developed as quarries, the councils included them in an initial site options report to provide stakeholders and communities with a meaningful opportunity to present additional information about the suitability of the sites. The primary purpose of this early engagement exercise was to help inform subsequent decision making processes; and to demonstrate that all reasonable site options had been fully considered.
- 4.4 Following this initial consultation and further discussions with colleagues from the councils' Development Management team, 40 initial site options were removed from further consideration on the basis that working the resources would likely lead to overriding environmental constraints. In addition to the work undertaken by council officers, some of those initial (40) site options were withdrawn from further consideration by the landowner. This left 22 site options remaining for further detailed assessment.
- 4.5 The further detailed assessments were undertaken by council officers with expertise in disciplines such as ecology, landscape, archaeology, human health, transport, historic and water environment. The results of these assessments were then used to inform the appraisal and ranking of site options against the councils' adopted sustainability criteria²⁵. This reduced the number of site options considered suitable for development to 7 for the plan period to 2026. The final list of 7 site options are considered by the councils to offer the best and most practicable option for delivering a locally derived forecast provision requirement – the site options are estimated to yield a total of **10.86 million tonnes** over the period to 2026.
- 4.6 The councils consider that they have taken all reasonable steps to ensure that the capacity of the plan area to deliver the requirements of the sub-regional apportionment has been fully tested against relevant sustainability criteria, in line with previous national policy guidance as expressed in MPS1 paragraph 3.9; and the new NPPF requirements set out across paragraphs 145 and 165. From the testing and evaluation processes undertaken to date, it is clear that the current endorsed and published sub-regional apportionment figure for sand and gravel of 1.85 million tonnes per annum for the period 2010 – 2026 cannot be met.

5 Historic production of sand and gravel in Wiltshire and Swindon

- 5.1 During the past nineteen years, production (sales) of aggregate minerals across Wiltshire and Swindon has not come close to matching the current sub-regional apportionment for sand and gravel of 1.85 million tonnes per annum. The average annual production for this period equates to 1.09 million tonnes per annum. It should be noted that officers representing the Councils have attended RAWP meetings and have been heavily involved in regional planning issues. Throughout these meetings,

²⁵ The results of all work undertaken (Incorporating the requirements of the Strategic Environmental Assessment [SEA] Directive) on site identification following initial sieving work i.e. outcomes of consultation on the initial 62 potential site options, detailed assessment of 22 remaining options and identification of the final site options to take forward is documented through the 'Wiltshire and Swindon Minerals and Waste Development Framework – Summary of minerals site appraisal matrices (November 2011)' report.

the Councils have consistently raised the issues addressed in this note and have always maintained that the current sub-regional apportionment figure for Wiltshire and Swindon is set too high.

- 5.2 In line with recommendations made by the Minerals Products Association, the new NPPF (paragraph 145) clearly stipulates that local authorities should base their provision rate on the basis of a rolling average of the past 10 years production/sales. For Wiltshire and Swindon, this would equate to a local forecast rate of 1.1 million tonnes per annum. It is therefore reasonable to conclude that a local forecast of 1.2 million tonnes per annum (as the councils are proposing) more closely reflects recent demand than figures previously derived from national and regional forecasts, and would also allow some flexibility to account for changing market conditions or an upturn in production as and when the economy dictates.

6 Conclusion

- 6.1 In summary, the councils are confident that they have fully tested the capacity of the plan area to meet the current published sub-regional apportionment for sand and gravel extraction of 1.85 million tonnes per annum. The results of the testing have shown that:
- The local minerals industry appears to have little appetite to quarry aggregate resources in Wiltshire and Swindon in the long-term unless market conditions fundamentally alter.
 - The remaining resource in the identified MRZs is highly constrained and there are limited suitable options for development, particularly in the Wiltshire part of the Upper Thames Valley where the resource is quite literally running out.
 - The Bristol Avon Valley, Calne area, South East Salisbury and Salisbury Avon MRZs would not be suitable or realistic alternatives to offset a strategically significant shortfall in provision from the Upper Thames Valley.
 - Production/sales from local quarries have consistently failed to reach or match the forecast provision rates traditionally set through the sub-regional apportionment process. In fact, the mean annual production for the period 1991 to 2009 is 1.09 million tonnes per annum; and the last 10 years of production averages at 1.1 million tonnes per annum.
 - The evidence gathered by the councils through the process of preparing the Wiltshire and Swindon Minerals Development Framework clearly demonstrates that identifying sufficient sites to meet traditional, top-down forecast provision rates cannot and should not be undertaken for practical and environmental reasons. Instead, a locally derived figure of 1.2 million tonnes per annum for sand and gravel production would be more appropriate and would offer appropriate flexibility to address changing economic conditions. The councils believe that this locally derived forecast can be delivered through the final list of 7 sites identified in the plan area for the remaining plan period up to 2026.
- 6.2 The councils are proposing to submit the Minerals Site Allocations DPD to the Secretary of State for Independent Examination in July 2012. We are of the view that, taking the above factors into account, the proposal to implement a locally derived forecast provision rate approach is appropriate, practical and evidence based. In addition, such an approach will more closely align to actual (i.e. recorded) provision/sales trends and thereby lead to the delivery of a sustainable pattern of future quarry sites over the period to 2026.

Appendix 6

Historical evidence of meetings between Gloucestershire County Council, (then) Wiltshire County Council and Swindon Borough Council

Agendas of various meetings

OFFICERS JOINT WORKING GROUP **SHIRE HALL, GLOUCESTER 10.30am, TUESDAY 4TH NOVEMBER 2003**

AGENDA

1. Minutes of last meeting
2. Meeting Protocols (need to agree administration)
3. Update on proposed sub regional apportionment
4. Other matters
 - PPS12
 - PPS11
 - RSS production
 - Consideration of further work required
5. A.O.B
6. Date/Venue of next meeting

OFFICERS JOINT WORKING GROUP **COUNTY HALL, TROWBRIDGE 10.30am, TUESDAY 29TH JUNE 2004**

DRAFT AGENDA

7. Apologies
8. Minutes of last meeting
9. Any national/regional issues
10. Update on Local Plans/LDS/SCI
11. Feedback from Wiltshire and Swindon MDF Forum
12. Relevant DC applications/decisions
13. A.O.B
14. Date/Venue of next meeting

Minutes of various meetings

MINUTES OF MEETING TO DISCUSS THE POTENTIAL FOR JOINT WORKING IN THE UPPER THAMES VALLEY

10.30am Premier House, Swindon (05/08/2003)

PRESENT: **Richard Bell (RB)**
 Nick Croft (NC)
 Sam Doel (SD)
 Kevin Phillips (KP)
 Geoff Winslow (GW)

1. Introductions. GW then outlined the issues for discussion.
2. It was agreed that a record of meetings between the three authorities would be made and circulated.
3. KP outlined the position in respect of the GMLP
 - Currently considering issues (consideration of Inspectors Report will be presented to Members in September)
 - Adoption is likely to be a year away
 - Formal programme for review published in the New Year (this will take into account the regional apportionment figures, and implications of MPS1 and PPS1)
 - Review will ideally start on enactment of the Bill.

GW outlined the position with W&S MLP.

- indicative timetable has been published and is available on the WCC website (quicklink to 'Planning')
- stakeholder dialogue will begin at the end of the year
- Expression of Interest in 'Planning' Friday 8th August for facilitation of the forum
- MLP will be 'saved' for three years
- main issue to be addressed through the review is the Aggregates Chapter – separate MDD's will be prepared for core policies and aggregates
- it anticipated that issues relating to Westbury/cement manufacture will be carried forward
-

RB said that SEA would be ongoing throughout the process and GW explained that the two authorities will be tendering for consultants to prepare in the first instance a methodology for this.

KP explained that GCC had Land Use Consultants to do SEA work both at the consultation draft and Deposit Draft of the MLP. Some of this information relating to this work is available on the website but NC agreed to pass a copy of the SEA report to SJD.

4. It was agreed that as the authorities are looking at a tightly defined resource serving a similar market it made sense to have a consistent policy approach in the area. KP outlined the transitional arrangements that had been published by the ODPM. It was agreed that it was difficult to progress at this time and as WCC are under pressure to start the review (Best Value and Performance Indicators) it is unlikely that review timetables will run concurrently in the immediate term.

GW explained there may be some issues with the District Councils who were looking to prepare all encompassing LDD's for the area but it was agreed that the MPA's can only

look at the preparation of minerals policies and this could either be through a consistent policy approach or through preparation of a joint element of the MDF.

KP said that GCC would similarly only be looking to overhaul the aggregates policies in the plan and therefore did not want to overcomplicate this issue by having to look at other policies in the plan at the same time. It might be possible to prepare an Area Action Plan for the Upper Thames Valley within the MDD but this may have implications for other policies.

GW highlighted that one policy area on which GCC and WCC have a different standpoint is settlement protection zones. There was some discussion about this in particular in relation to Buffer Zones which are considered to be an amenity issue, not a landscape issue, and it was agreed that WCC may want to review their SPZ policy.

KP said there was definitely an opportunity for joint working at some level but in respect of MDD's felt more guidance was needed. GW agreed to discuss the transitional arrangements in more detail with GOSW, and explained that whilst WCC had to proceed with stakeholder dialogue, it could be structured to allow flexibility in order to ensure that the possibility of joint working was not lost.

KP confirmed that it was unlikely that their review progress would coincide at this stage with WCC's and highlighted the fact the MDD's will have to conform with Community Plans. This will take some work.

An appropriate boundary to work around was discussed and it was agreed that it would be sensible to start with the CWP boundary and extend the boundary to map the mineral resource. GW suggested it would also be worth looking at LEAP boundaries and it was agreed it would be important to not get into other issues such as highways and only 'plan for the mineral'.

RB agreed that aftercare proposals and District Council objectives in the CWP could always be incorporated at a later stage as non-statutory documents if agreed.

Other issues to be considered would be a shift in transport modes, substitution of sand and gravel with crushed rock, and secondary aggregates.

Reserve and production figures were discussed

GCC reserve – UTV = 10mt/non UTV 1.6mt
Production 95% UTV approx.

GCC reserve will last until 2010 (based on current production figures)
Assuming approximately 400,00 tonnes + pa may decrease?
Planning permissions at Dryleaze Farm and Cerney Wick would take GCC through until 2014, the western resources by then would be worked out

Preferred Areas in the eastern section (Lady Land Farm /Kempsford etc) could extend the life of GCC's reserves until 2024.

WCC reserve approx. 7mt UTV + 3mt soft sand at Calne.

GW highlighted some issues which may come out at a meeting on Monday 11th August 2003 with CWS at which both KP and GW are in attendance.

One issue to think about will be a possible transfer in production areas from Wiltshire to Glos. Cleveland Farm etc

GW outlined that in principle over 5mt was available in omission sites but these were subject to operational difficulties and constraints (North Farm/River Thames/access etc.)

It was agreed that:

- (i) A further 7 to 9mt was needed by Glos. and Wilts to 2016 (assuming Glos meets Wilts shortfall)
- (ii) consideration needed to be given beyond the 2016 horizon and thereby to look at the resource on a collective basis

KP highlighted the possibility of Down Ampney coming forward in the longer term (although this still may not be enough to off-set Wiltshire's shortfall). Other omission sites (Dunfield/Lechlade area etc) and the issue of MOD safeguarding was discussed.

It was agreed the best way forward would be to undertake a study to identify resources and constraints. This would take the form of a scenario setting exercise for the south west regional assembly

- (i) what have GCC and WCC got to go to 2016?
- (ii) Provision period beyond that to 2023
- (iii) MOD issues

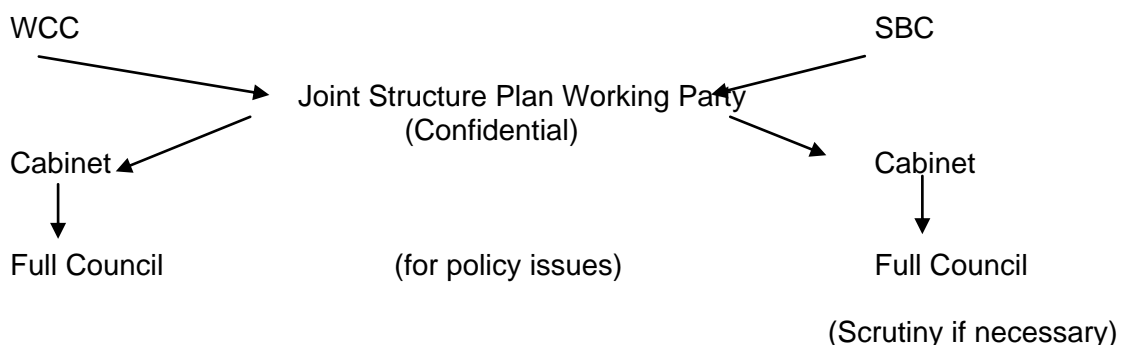
GW explained how WCC had a 77/33 sharp sand/soft sand split in their apportionment and agreed to e-mail KP WCC figures for information.

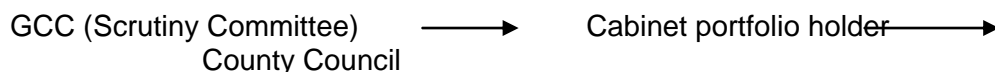
- 5. It was agreed that there were some discrepancies in the existing policy approaches for the area and these should be looked at to ensure consistency.

It was also agreed that perhaps the biggest external influence was the MOD, but the CWP Joint Advisory Committee, and district councils would also need to be addressed.

It was agreed that decision making may be difficult and at this stage officers would take to portfolio holders to get a steer on the way forward. In the future it may be appropriate to draw up a Memorandum of Understanding but this would not be necessary at officer level. At a much later stage, it may be necessary to discuss standing orders/SLA's but this could be tested as and when. At this time positive dialogue would be maintained and it was important to focus on the practicalities involved.

Relevant Committee structures were outlined.





RB said that he had already raised the issue with SBC Members informally and had initially received cross party support.

GW would raise the issue with Alan Feist (Assistant Director, ESD) about the most appropriate Member at WCC and KP would discuss with GCC portfolio holder.

Finance issues will arise and it was agreed that this item should be maintained on future agendas.

6. It was agreed that work would be undertaken on the scenario settings by each local authority, in close communication with the other. KP anticipated that work required by Phil Hale would be completed w/e 15/08/03. GW confirmed that much of WCC's work in this respect had been completed.
7. It was agreed an appropriate time to convene next would be following the next sub regional meeting in October.

**MINUTES OF MEETING TO DISCUSS JOINT WORKING ISSUES IN
UPPER THAMES VALLEY
10.30am, County Hall, Trowbridge (29/6/2004)**

**PRESENT: Nick Croft (NC)
 Sam Howell (SH)
 Kevin Phillips (KP)
 Geoff Winslow (GW)**

1. Apologies were received from Richard Bell (SBC).
2. Minutes of last meeting were agreed.
3. The Joint Committee was discussed. It is unclear why the JC want minutes from this meeting to go on their agenda. KP to check with Rob Collyer regarding feedback from last JC meeting. KP also to e-mail Malcolm Watt to request minutes of the JC meetings.
4. National/Regional issues. KP to copy GW in on regional minerals group issues and it was agreed any feedback would be sent through KP. Some discussion of the Consultancy brief which KP will pass on to Nick Chase at the officers review group meeting. KP and GW agreed that some work needs to be done to the brief for the project to be effective.
5. GW reported on feedback from GOSW in respect of the Minerals and Waste Development Scheme. Need to set out exactly what policies will be saved and why. WCC M&WDS has been prepared and is going through committee progress. Further guidance on preparation of the LDS is expected shortly.
6. SJH reported on progress with the SCI. A draft has been prepared that will be going through the Committee process in September.
7. KP set out work priorities and concluded that it was unlikely work would begin on SCI before the autumn.

8. NC reported that he would be attending a 2 day seminar (run by Geoff Bishop Consultancy) on SCI's. Will bring feedback to next meeting.
9. WCC MDF Forum was discussed. SJH briefly set out details for the next forum meetings. Next one in Trowbridge 28th July. KP and NC both away but someone from DC may be able to attend. 5th meeting to be held in the south of the county, probably at Whiteparish in September.
10. DC applications. Not much to report. Whetstone bridges is being looked at by both authorities. Spratsgate Lane - application is in early stages of discussion. Proposal will require submission of EIA.
11. Date of next meeting end of Sept/early October.

Appendix 7

Gloucestershire County Council response to email and note circulated to all neighbouring Minerals Planning Authorities giving further opportunities to comment on the councils' approach as outlined in the Minerals Site Allocations Local Plan (received 28 May 2012)

Mr. Geoff Winslow
Team Leader Minerals & Waste Policy
Economy & Regeneration
County Hall
Trowbridge
Wiltshire
BA14 8JN

Shire Hall

Gloucester GL1 2TH

Fax: (01452) 42 5553

email:
nigel.riglar@gloucestershire.gov.uk

Please ask Nigel Riglar
for:

Phone: (01452) 425527

Our
Ref:

Your Ref:

Date:

Dear Mr. Winslow

Wiltshire Site Allocations DPD – Request for Further Comments

The Council provided a response to you on 8th May 2012 in relation to your consultation on the Wiltshire / Swindon Waste Site Allocations DPD. In summary there were two broad areas of potential concern highlighted to you. Firstly that some of the site allocations in the Upper Thames Valley (Sites 1 – 5) are adjacent to the county boundary of Gloucestershire / Wiltshire therefore may have cross boundary issues such as environmental, amenity and infrastructure impact. Secondly that under the revisions brought in by the Planning & Compulsory Purchase Act (S33A 'Duty to Co-operate' (DTC)) in November 2011 that there are now both legal compliance and 'soundness' tests for which development plans will need to accord with. Given the shared Upper Thames sand and gravel resource with Gloucestershire, Wiltshire and Swindon (and potentially Oxfordshire) the Council highlighted that you should consider the requirements of DTC very carefully.

Subsequently on 9th May you have requested from planning authorities / mineral planning authorities whether we wish to make any further comments in respect of DTC. I therefore provide this response further to the meeting held between Gloucestershire and Wiltshire planning officers on 23rd May 2012. Further to that discussion this response represents the formal position of the Council including input from the Lead Member Councillor Chas Fellows.

Dealing with the site allocations themselves, the Council raised to what extent any cross border issues regarding environmental or infrastructure matters have been considered, for example such as biodiversity or transport infrastructure. Officers from Wiltshire Council consider that all the matters discussed at the meeting have been considered broadly and generally in the allocation of these sites. As the Council previously raised this in its response of 8th March, it is a matter for you to satisfy that cross border issues can be adequately dealt with when any planning applications come forward. In this respect the Council welcomes that

contained with each profile is that those cumulative effects will be considered with Gloucestershire. However these criteria could be strengthened in that applicants should also be required to enter into dialogue with Gloucestershire County Council (as appropriate such as with transport issues) on these issues at any early pre-application stage to ensure that matters can be addressed and appropriate mitigation achieved.

In response to the second issue, the Council would advise you that you may not have fully complied with the Duty to Co-operate as outlined in Section 33A of the Planning & Compulsory Purchase Act, (under Section 110 of the Localism Act) and as advised in paragraphs 156, 178-181 of the National Planning Policy Framework (the Framework). In particular S33A requires that any bodies referred to should co-operate by 'maximising the effectiveness' in the preparation of development plan documents.

There are a number of reasons for this which Gloucestershire suggest that you should consider before proceeding to Submission stage. These are as follows:

1. Wiltshire / Swindon proposes a reduction of the sub-regional apportionment (local derived) figure for Wiltshire and Swindon. It is stated in your correspondence that extraction from the Upper Thames Valley has historically provided 75-80% of total aggregates production in Wiltshire & Swindon and as that the resource is diminished, insufficient sites have been submitted by the minerals industry and the other minerals resource zones in Wiltshire are not suitable or able to meet the guidelines figure. You also stated that the 10-year average is significantly lower than the apportionment figure. Gloucestershire is one of the neighbouring authorities within the Mineral Resource Zone (MRZ) and the only neighbouring authority producing sand & gravel in this area. A reduction in the Sand & Gravel provision for this MRZ will almost certainly impact upon Gloucestershire. Until this recent Publication stage correspondence, Gloucestershire was not aware of the proposal to reduce the apportionment figure and should have been involved early on in this process.
2. Now that the NPPF (The Framework) came into force on 27th March, Wiltshire/Swindon have not discussed with Gloucestershire or even explored how the proposal could impact upon production sites within Gloucestershire, nor have Wiltshire / Swindon investigated the possibility of whether there should be a joint aggregate/resource assessment undertaken for the Upper Thames Valley as outlined within paragraphs 145 and 163 of the NPPF.
3. Minerals policy as contained within paragraph 145 of the NPPF still refers to taking account of published National and Sub National Guidelines on future provision and also contains reference to the aggregates working party. You refer to the work undertaken by the region to update the sub-regional forecasts for provision, but appear to dismiss this because it has not been ratified or published in a final form. It would be useful if you had published what the new guideline figure for Wiltshire might have been, had this piece of work been adopted by the councils within the southwest and given further explanation as to why the new sub-regional figure might not be appropriate rather than relying solely on the outdated SWRSS figures as the alternative. Again this suggests that there is a missing piece of evidence work as advocated through the NPPF. The Council would suggest that something akin to a Local Aggregate Assessment is required before proceeding to Submission stage.
4. The matters you raise in the statement which was attached to the correspondence on 9th May 2012 may well be justified in part or fully which no doubt will be considered carefully by the appointed Inspector in the forthcoming examination. However the quantum you wish to take forward would appear to require a partial review of the adopted Minerals Core Strategy. It might be that the partial review can be undertaken

as part of this site allocation DPD and possibly paragraphs 1.25- 1.29 of the Plan constitute that.

5. This doesn't seem very explicit in this regard and could raise issues in regards a conformity / consistency between different parts of the DPD. However as discussed at the recent meeting the site allocations might be sufficient on paper to meet a notional derived rate of 1.2 mtpa, it is not clear how deliverable these sites are and what the contingency might be. According to the Wiltshire officers it would appear that beyond the potential 8.47 mt of sand & gravel identified within the Upper Thames Valley in Wiltshire there is little scope for any further identified viable resources. Indeed this supporting note paras 3.1 and 3.6 point towards the DPD contingency being other areas outside of Wiltshire Swindon. Again this doesn't seem to take any detailed account of the position within those areas.
6. In summary the wider dialogue issues regarding both the revision to the locally derived sand and gravel rate for Wiltshire / Swindon and the implications of the quantum of resource allocated in the DPD for neighbouring MPAs appears missing at the present. You are therefore urged to address these issues (through further dialogue/augmentation of you legal compliance self-assessment and evidence base) before you proceed to Submission. Clearly you would need to establish which planning authorities are key within the 'Framework' guidance, however the Council fully appreciates whatever work which has to be undertaken has to proportionate to the scale of the issue.

In addition you have only provided a fairly limited time to respond to this consultation which is insufficient to allow for member or lead-officer input / sign off. As discussed the Councils response is provided outside your indicated deadline in order to allow member input as the Council takes this matter and the issues raised very seriously and provide these comments on a positive basis as advocated in the 'Framework'. If you need to discuss this matter further please contact Kevin Phillips 01452 42797 email kevin.phillips@gloucestershire.gov.uk

Yours Sincerely

Nigel Riglar
Commissioning Director: Communities and Infrastructure

