

## **FURTHER REPRESENTATIONS BY CPRE GLOUCESTERSHIRE FOR THE EXAMINATION OF THE GLOUCESTERSHIRE MINERALS LOCAL PLAN (GMLP)**

### ***Soundness – Main matter 5***

- 1. CPRE’s key argument is that the submitted GMLP does not make adequate provision for the steady and adequate supply of aggregate minerals in a reliable or environmentally acceptable way.**
2. CPRE holds the view that the use of the 10 year rolling average of annual sales is a reasonably sound basis for forward planning the delivery of both crushed rock and sand and gravel. This ‘plan, monitor and manage’ approach appears likely to produce more reliable and flexible forecasts than the previous ‘predict and provide’ process based on national econometric modelling. That system had a very poor record in accurate forecasting of actual demand – a point demonstrated by Richard Bate in his article ‘Fixing the forecasting folly’ (Mineral Planning bulletin August 2008). Using the 10 year average (or any other system) should not be done without regard to any other significant factors which could affect demand in either direction, but any deviation from that methodology should be clearly and rationally justified. In the case of the GMLP we see no reason why the Mineral Planning Authority (MPA) should deviate from its 10 year average approach.
3. For the supply of Carboniferous limestone the submitted draft plan relies for robustness on a substantial extension of Stowe Hill Quarry. CPRE has consistently argued that there are several major environmental constraints against that allocation, including severe landscape and heritage (loss of Longley farmhouse) impacts which cannot effectively be mitigated and potential loss of quality of a large area of high grade agricultural land. Although CPRE has no expertise to judge the risk to the Slade Brook SSSI we have strongly supported the precautionary principle on the issue of hydrogeological assessment. Now, following sustained objections by two statutory consultees, the MPA appears to have accepted that the Stowe Hill allocation may have to be withdrawn from the plan. CPRE argues that Stowe Hill should be removed for both environmental reasons and because we believe there is scope to ‘fill the gap’ by constructive application of the Duty to Co-operate (DtC).
4. In Section 3 of its Addendum to the Supporting Evidence Paper (Dec 2018) the MPA sets out the potential consequences of removing Allocation 01 from the GMLP. CPRE acknowledges that removal of the Stowe Hill extension, whilst still meeting the need as determined by the latest Local Aggregate Assessment (LAA) 10 year average calculations, allows very little room for upward adjustment if subsequently justified by an upward trend in LAA data or some other unforeseen situation.
5. In para. 50 of section 3 the MPA considers the potential for the Cotswold rock resource to contribute more to the crushed rock total. CPRE agrees with the MPA’s assessment and conclusion that this is not a realistic prospect.
6. In para.51 the MPA looks at the potential for any ‘shortfall’ to be made up by imports from outside the county. The MPA acknowledges that there is already importation of Carboniferous limestone from outside the county and concludes that ‘it is not unreasonable to consider some degree of increase’. That is clearly logical. As CPRE said in our 9 July 2018 submission ‘Markets for aggregates are not influenced by local authority boundaries, but by economics.’ We contend that all 3 of the active South Gloucestershire quarries (and Cromhall) are at least as well located in transport infrastructure terms to

supply the main Gloucester – Cheltenham area as Stowe Hill is. Tytherington in particular has immediate access to the A38 road and thence via junction 14 to the M5.

7. The MPA refers to the role of the South West Aggregates Working Party (SWAWP) and to liaison with the West of England (WoE) group of authorities which has culminated, so far, in a draft MoU setting out arrangements for future co-operation. CPRE considers that this is not good enough. It has taken 6 years since the implementation of the DtC requirement to arrive at a very general agreement to co-operate. The severe constraints at Stowe Hill, in both environmental and local community respects, have been known since the site options consultation in 2014 (if not earlier). As CPRE understands the purpose of the DtC, it is to analyse the resources of all authorities which have a mutual interest in the specific issue and try to achieve the most sustainable outcome, reflected in the relevant formal land use planning documents. On the available evidence this has not been done.
8. Given the prospect that allocation 01 will be undeliverable, the case for more meaningful action under the DtC is surely clear. If the submitted GMLP is not rejected on grounds of failure to implement the DtC to date then CPRE suggests that a specific commitment to a future timetabled and structured DtC could be incorporated into the plan. The risk of a 'shortfall' is not immediate.
9. In paras. 54 - 58 the MPA 'stress tests' the situation by applying 3 year rolling average and then national and subnational guidelines. The principle of 'stress testing' in this situation is reasonable and looking at consequences of applying the 3 year rolling average seems justified. CPRE has considerable doubts about whether reference to the National and Sub-national Guidelines is appropriate. The guidelines cover the period 2005 – 2020 so are formally almost out of date. The accuracy record of using this type of econometric modelling is also very poor as noted in para. 2 above.
10. In para. 65 the MPA notes the possibility of alternative sites being brought forward under policy MA02. In this respect it is worth noting the outcome of the Site Options consultation which the MPA undertook in June 2014. For that exercise the MPA included all sites with a credible mineral deposit which were put forward by either the minerals industry or landowners. Apart from the areas currently allocated in the GMLP, only 2 other sites were identified in that consultation in the Forest of Dean (FoD) rock resource area – part of site CRFD1 defined as Area C and site CRFD4.
11. Site CRFD1 comprised Area A – a small area immediately SE of the existing Stowe Hill workings, about half of which is included in Allocation 01, Area B – the main area which has become Allocation 01 and Area C – a very extensive area to the east of the B4228 and south of Bream Avenue (B4231). In the subsequent public consultation (September 2016) on a Draft Minerals Local Plan for Gloucestershire, area C was not included as a Preferred Area. The grounds for excluding it were cited as 'The existing mineral operator has indicated no desire to pursue mineral work across Parcel [area] C over the time horizon of the emerging plan.' It seems clear that this area was seen as a long term follow on to working Area B. Without Area B it would be a greenfield, standalone site and an appropriate constraints assessment would be needed. CPRE is not aware as to whether the hydrogeological risks identified in Area B have been evaluated in respect of Area C.
12. Site CRFD4 was a greenfield site within the Wye Valley AONB, comprised mainly of high grade agricultural land and with a wholly inadequate infrastructure for the transportation of minerals in any direction from the site. The MPA notes that it was being promoted by

the landowner and without any known interest from the industry. It was excluded from listing as a Preferred Area on account of its environmental and infrastructure constraints, in accordance with national policy.

13. In the light of the June 2014 site options exercise there must be serious doubts about the prospect of finding substantial alternative sites in the FoD rock resource area. That further strengthens the case for effective pursuance of co-operation with neighbouring MPAs, especially with South Gloucestershire. As previously made clear, CPRE does not advocate eliminating adverse environmental and amenity impacts in Gloucestershire by increasing them elsewhere, but co-operating in order to meet society's needs in the most sustainable way. We understood that the DtC was intended to achieve that.
14. The paragraphs above address questions 27 and 28 listed by the Inspector under this issue, in so far as we believe the use of the 10 year rolling sales average is an appropriate basis for assessing future demand for both sand and gravel and crushed rock. We are not aware of any alternative methodologies which are likely to provide a sounder basis in respect of either reliability or flexibility. Where clear evidence of a specific new and unforeseen demand emerges it can be taken into account. Also covered above is CPRE's view on question 32.
15. Re. question 29, CPRE accepts that where an unforeseen local demand occurs it should be taken into account. However, given the lead time in developing new quarries, especially for crushed rock, it seems unlikely that a sudden urgent need would have to be considered. Even if such a need were to arise it should be balanced against environmental and societal constraints. Most of the crushed rock resource in Gloucestershire is within, or would affect the setting of, the Cotswolds or Wye Valley AONBs. New aggregate quarries are clearly 'major development' to which the 'exceptional need' test as set out in the NPPF applies. In the context of Carboniferous limestone aggregates the evidence is that an environmentally acceptable new site would be very hard to find. Yet again the DtC becomes an important consideration - 'localised' is relevant to supply source options not to MPA boundaries *per se*. CPRE does not believe that extra weight needs to be given to unforeseen localised demand in the context of policy MW01.
16. Re. question 31 CPRE notes para 145 (bullet point 7) of the NPPF. However, the fact remains that scope for alternative sites is very limited given the constraints within the county, particularly as so much of the aggregate resources lie within or adjacent to AONBs. We do not see a justification to alter text to encourage new operators and believe it would be difficult to do so in a meaningful way.
17. Re. question 33 CPRE assumes that point II of policy MA02 is intended to cover this situation. We have no suggestions for alternative wording.
18. Re. question 34 we do find the text under point III of MA02 difficult to interpret, but we offer no suggestions for alternative wording.
19. **In summary, with reference to the Inspector's Guidance Note, CPRE considers that the submitted MLP is not justified, effective or consistent with national policy as it does not, on the evidence provided, indicate sufficiently rigorous application of the Duty to Co-operate. In the case of the supply of Carboniferous limestone such application could reasonably be expected to result in a more 'sustainable' policy. If the Inspector finds that the DtC has been satisfactorily implemented to date then it is CPRE's view that the**

**uncertainty which has arisen about the viability of the Stowe Hill allocation highlights the need to re-visit that process in a structured manner in order to evaluate the most sustainable way of meeting demand for Carboniferous limestone aggregate. We assume that such an undertaking could be inserted into the MLP, although we do not put forward a specific wording.**

20. *Note: If there is compelling information which is not in the public domain for reasons of commercial confidentiality then we would point out the fundamental disadvantage at which that places individuals and organisations such as CPRE.*