

# Minerals Core Strategy – Report of Preferred Options Consultation

- 1.1 This report sets out the preferred options identified within the Bedfordshire and Luton Minerals Core Strategy alongside a summary of the consultation responses. It also contains initial officer recommendations in relation to the issues raised.
- 1.2A complete set of responses to the Minerals Core Strategy is available on request.

## **2. General**

- 2.1 As an overview Go-East considers that Preferred Option Core Strategy document has been produced in a comprehensive and systematic fashion. It notes that a sustainability appraisal has been carried out and is pleased to see a commentary on how this has influenced the development of the preferred options throughout the document.

## **3 Statement 1 - Time Period of the Plan**

### ***Preferred Option***

*On balance, the 2021 end date is preferred, as this will enable better integration with the wider planning framework of East of England Plan, and allow for a margin of error lest there should be any delay in adoption of the Plans.*

### **Question 1**

Do you agree with the preferred option? Please give reasons in your answer.

## **Summary of Consultation Responses**

- 3.1 Whilst there is some support for a Plan end date of 2018, to ensure compliance with Planning Policy Statement 12, the majority of responses to this issue, including that from Go-East, support the 2021 end date on the basis that it is consistent with the regional plan and provides greater long term clarity on the minerals planning framework. There was also some support for a longer time period to allow for long term capital assessment with sites

## **Officers Recommendation**

- 3.2 The majority of support was for the 2021 in line with the Regional Spatial Strategy and no new issues have been raised within the Preferred Options for the Officers to recommend changing this approach.

## **4 Statement 2 - Vision and Key Objectives**

### **Preferred Option Vision**

*There will be a steady and adequate supply of minerals in Bedfordshire and Luton, sufficient to meet the needs of national and regional supply policy and the local development needs arising from the Sustainable Communities programme and the Milton Keynes & South Midlands sub-regional strategy. Minerals will be obtained from the most sustainable sources, and extraction sites will be planned, located and operated so as to protect the environment. Over the full life cycle of a mineral extraction operation environmental improvements will be realised, particularly in terms of biodiversity, green infrastructure, outdoor access and river basin management.*

### **Strategic Objectives**

*To identify appropriate landbanks for aggregates and specialist (silica) sands including, where necessary and achievable, separate landbanks for sub-divisions of these mineral classes.*

*To specify specific preferred sites for the supply of identified mineral needs and to ensure that these sites represent the most sustainable options.*

*To conserve mineral resources by protecting them from sterilisation, encouraging their prudent use, and specifying appropriate phasing mechanisms for their release.*

*To minimise adverse environmental and amenity impacts of mineral working and the associated transport of minerals, and to make use of opportunities to improve the environment and make other sustainability gains.*

*To ensure that host communities derive tangible benefits from any mineral working undertaken in their area.*

*To ensure that mineral sites, in operation and restoration, are sympathetic to their local landscape character (as determined via Landscape Character Assessment).*

*To ensure the appropriate restoration and after-use of mineral workings, taking particular account of potential contributions to the aims of Biodiversity Action Plans, Green Infrastructure Plans, Outdoor Access Improvement Plans and River Basin Management Plans.*

### **Question 2**

Do you agree with the Preferred Option? Please give reasons for your answer

## Summary of Consultation Responses

- 4.1 Generally the Vision and Key Objectives are strongly supported. Some wording improvements are suggested to strengthen the approach further.
- 4.2 Principal concerns over the approach stem from certain mineral operators who consider that it will not always be possible to identify what are considered to be tangible benefits to the local community from mineral workings or to always achieve environmental protection. In addition the benefits for delivering built development opportunities should be recognised. This reflects a view that the vision and objectives should have a more 'spatial' dimension.
- 4.3 English Heritage, reflecting its comment on the context, considers that it is essential that the historic environment is acknowledged within the strategic vision and objectives, and suggests wording.
- 4.4 Go-East consider the approach to both the Vision and Strategic Objectives to be satisfactory. They do suggest some wording improvements and point out that a Core Strategy can only refer to broad indicative locations rather than specific sites.

## Officers Recommendation

- 4.5 The issue relating to the specific sites approach from Go-East will be clarified. The Officers believe that no significant changes to the Core Strategy approach to Vision and Objectives are required as a result of the responses received and with appropriate minor amendments in response to objections we can maintain the approach.

## 5 Statement 3 - Spatial Strategy

### **Preferred Option**

*There will be a general presumption against mineral working in the Upper Ouse valley (i.e. West of Bedford). Aggregate minerals will be sourced from the river valley sands and gravels of the Lower Ouse and Ivel Valleys, the glacial sands and gravels of the Biggleswade area and the cretaceous sands of the Greensand Ridge. Specialist silica sands will be sourced from sites in the vicinity of Leighton Buzzard / Heath and Reach. These preferred areas are shown in the Key Diagram on the next page. Within these areas sites will be selected to ensure that the plan area as a whole can supply a balanced range of mineral types.*

*Within the above framework, sites will be allocated for mineral working according to the following prioritised sequential test:*

- 1. extensions to existing mineral extraction sites*
- 2. "satellite" extraction sites serving an existing processing plant site*
- 3. new sites not connected with any existing operation*

*Brickclay and chalk will be sourced from existing permitted reserves and there will be no further working of fullers earth*

**Question 3**

Do you agree with the Preferred Option? Please give reasons for your answer

**Summary of Consultation Responses**

- 5.1 There is substantial support for the overall spatial strategy from many respondents, with a significant number citing the presumption against further mineral workings in the Upper Ouse Valley as particularly important.
- 5.2 However a number of mineral operators and landowners raise strong objections to the approach in respect of Leighton Buzzard/Heath and Reach area. The objections relate to its unsoundness in terms of its relationship with other Development Plan Documents in the area and within the Minerals and Waste Development Framework, the blighting of potential growth areas and the way proposals are identified on the Key Diagram.
- 5.3 A number of operators consider that it is inappropriate to identify preferred areas for mineral workings, although one supports, with qualifications, the approach. The view is expressed that this is more appropriately dealt with in the Minerals Safeguarding and Site Allocations Development Plan Documents.
- 5.4 In addition, despite some support from one land agent for greater use of the potential in the area, there are concerns and objections raised about the implications of the strategy for the concentration of sand and gravel workings in the Lower Ouse and Ivel Valleys. This is particular in respect of the potential impact on the Roxton area in terms of transport, the environment and local amenity. Roxton Parish Council further comment that increasingly neighbouring councils are moving away from alluvial deposits to glacial ones and encouraging greater recycling of materials.
- 5.5 In addition concern is raised by Natural England at the potential impact of specialist silica sands on Kings and Baker Woods and Heaths.
- 5.6 Particular objections from minerals operators relate to what they see as inadequate recognition of Mineral Planning Guidance Notes 1 and 15 which raise issues of soundness.
- 5.7 In terms of specific comments on the sequential test included in the overall spatial strategy the responses are limited but mixed. There is some support, some seek clarification and definition of the terms used, one individual argues that it will simply mean that existing communities affected by workings will remain so and Tarmac Southern Ltd suggest the inclusion

of a further category of “replacement sites” between satellite and new sites.

5.8 Go-East, whilst suggesting some minor wording improvements, consider that the Core Strategy sets out very clearly the spatial options considered and how the choices made have been informed.

### **Officer Recommendations**

5.9 It is agreed that a review of the spatial approach in terms of area identification and content following responses received is required before a submission draft can be prepared. Officers propose to remove the Key Diagram discussed in the Strategy and instead use the Minerals Consultation Areas within the adopted Local Plan (2005) as Minerals Safeguarding areas for the interim period until the Core Strategy is reviewed in line with GO– East’s comments to the Minerals Core Strategy.

## **6 Chapter 7 - Method for Site Selection**

6.1 This section of the Core Strategy document set out the criteria to be used in the site selection process. The criteria were divided into operational requirements and those related to the sustainability appraisal. There were no defined questions to this section, though responses were received in relation to the method and the Officers feel it important to consider them.

### **Summary of Consultation Responses**

6.2 Go-East considers the document sets out a clear methodology that is consistently applied across the various mineral categories. It does, however, suggest that the overall need for minerals that is set out in the Site Allocations DPD is a strategic matter which should be addressed in the Core Strategy.

6.3 Some of the environmental organisations, whilst supporting the overall approach, question the scale of consideration of nature conservation aspects. The view expressed is that there needs to be consideration of the wider nature conservation aspects rather than a concentration on the impacts on designated areas. There is a suggestion that the sustainability appraisal criteria need revising from one respondent.

6.4 Sections of the mineral industry raise issues over the clarity of some of the criteria. These relate to the proof, and its timing, of a proven reserve, landbanks, conservation and protection of reserves and waste management.

### **Officers Recommendations**

6.5 The environmental concerns in relation to nature conservation are addressed through the saved General Environment policies contained in

the Adopted Minerals and Waste Local Plan (2005) and will be considered as part of the Plan preparation and development control decision

6.6 Agree that the “overall need requirements for minerals” should be contained within the Core Strategy rather than in the Site Allocations Document. To ensure “soundness” of the plan at Examination stage we will need to re-consult on this issue before a submission draft can be prepared.

## **7. Statement 4 - Alternatives to Primary Aggregates**

### ***Preferred Option***

*Provisions for aggregate recycling will be made via the Waste DPDs.*

### **Question 4**

Do you agree with the preferred option? Please give reasons in your answer.

## **Summary of Consultation Responses**

7.1 A number of expressions of support are expressed for the overall approach. However whilst environmental interests, and one mineral company, argue for a more proactive approach other mineral industry interests have reservations about the recycling target and seeks greater flexibility if the provision of adequate secondary sources proves difficult.

7.2 The point is made by the RSPB that there needs to be consistency and joined-up thinking between the waste and minerals DPDs.

### **Officers Recommendation**

7.3 No new issues have been raised at the Preferred Options stage to require the Officers to recommend changing their approach in relation to this area.

## **8. Statement 5 - Imports (Crushed rock, marine dredged sand & gravel)**

### ***Preferred Option***

*Provision to secure supplies of crushed rock and marine-dredged aggregates will be made by continued safeguarding of the existing aggregates railhead facilities south of Bedford and at Legrave Road, Luton (see also section 14, below).*

### **Question 5**

Do you agree with the preferred option? Please give reasons in your answer

## Summary of Consultation Responses

8.1 Again there are a number of expressions of general support for the overall approach, although CPRE make the point that whilst it has no objection to the approach it generally opposes the use and transport of crushed rock and marine dredged aggregates.

8.2 Go-East highlight that Minerals Policy Statement 1 requires that there is a policy statement providing for the protection of existing and future import facilities

## Officers Recommendation

8.3 No new issues have been raised at the Preferred Options stage to require the Officers to recommend changing their approach in relation to this area.

## 9. Statement 6 - Land won aggregates

### **Preferred Option**

*Provision will be made for aggregate minerals supply at the agreed sub-regional apportionment for the full period of the plan to 2021, with a ratio of 54:46 concreting aggregates to building sands. For each of these aggregate categories a landbank of permitted reserves sufficient for at least 7 years production at the allotted rate will be maintained at all times. Implementation of this policy is dependent on mineral operators providing sufficient information for the MPA to monitor the landbank split. If this information is not forthcoming a single aggregates landbank will be implemented in its place.*

### **Question 6**

Do you agree with the preferred option? Please give reasons in your answer.

## Summary of Consultation Responses

9.1 Main issues here were raised by mineral operators and relate to the appropriateness of the ratio quoted. Whilst supporting the commitment to meeting sub-regional apportionment, arguments have been put forward for a higher proportion of concreting aggregates to building sand. Ratios of 60:40 and 62:38 are suggested as alternatives on the basis that they more accurately reflect the current situation.

9.2 It is acknowledged, by mineral operators, that the situation will require close monitoring and that there is a dependency on a small number of large sites to maintain aggregates supplies.

## Officers Recommendation

9.3 We used the split 54:46 based on an evidence base of 10 years historical sales records. The 60:40 or 62:38 splits discussed by the mineral

operators are based on more recent sales of the past few years rather than the 10 year period. As we are planning for the up to 2021, it was decided that the Councils need to take a long term approach through using the 10 year data. This is because this takes into account more accurately fluctuations in sales over a wider period. Therefore unless further information can be provided to prove otherwise it is recommended that the Councils maintain this approach through to submission stage.

## **10. Statement 7 - Productive Capacity**

### ***Preferred Option***

*Individual plant sites will not be unduly restricted, but the planning authority will monitor the overall processing plant capacity for concreting aggregates and ensure that the overall capacity is in line with the supply provisions set out in Statement 6. Planning permission for new aggregate processing plant sites will only be granted to replace existing capacity which comes off-stream.*

### **Question 7**

Do you agree with the preferred option? Please give reasons in your answer.

## **Summary of Consultation Responses**

10.1 Whilst some support is expressed for the approach there are concerns and objections expressed by the mineral industry over what is seen as an over-restrictive approach. It is felt by them that such an approach fails to take into consideration operational matters relating to existing sites or the opening of new sites, or increases in the demand for materials over the plan period.

## **Officers Recommendation**

10.2 The Officers acknowledges the responses received but does not feel that any new issues have been raised through the Preferred Options to significantly change the approach taken within the Core Strategy

## **11. Statement 8 - Specialist Silica Sands**

### ***Preferred Option***

*Further reserves of silica sand will only be allocated where there is a demonstrable need for the product, and this need cannot be met from other existing sites in the plan area, or from alternative materials.*

### **Question 8**

Do you agree with the preferred option? Please give reasons in your answer.

## Consultation Response Summary

- 11.1 Whilst a number of expressions of support, from interests wishing to minimise further extraction, were expressed for the approach on Silica Sands strong objections were made from the mineral industry or those representing it. The main concern stems from what is seen as a failure to follow national minerals advice, in particular MPS15, and the findings of Bedfordshire's own Minerals and Waste Local Plan Inspector's Report 2004.
- 11.2 In addition, some respondents are critical of the fact that, by its own admission, the sustainability appraisal did not consider the technical issues relating to assessing the need for various silica sand grades. Hives Planning considers that this raises an issue over the soundness of the approach.

## Officers Recommendation

- 11.3 The issues raised to this preferred option in relation to technical issues and need for Silica Sands has been addresses through the detailed Silica Sands study that has recently been completed on behalf of the Councils.
- 11.4 This report does support the release of further reserves of specialist silica sands and the Core Strategy will need to be amended to reflect this. Therefore it is necessary to re-consult on this issue before we can prepare the submission draft.

## 12. Statement 9 - Building Stone

### **Preferred Option**

*The support in principle for limited working of local building stone in the Upper Ouse Valley, as per the 2005 Minerals and Waste Local Plan, will be maintained in the Minerals Core Strategy DPD.*

### **Question 9**

Do you agree with the preferred option? Please give reasons in your answer.

## Consultation Response Summary

- 12.1 Whilst there is some support, or qualified support, for the approach on building stone from several respondents, including both the CPRE and Natural England, major concerns are expressed by Pavenham Parish Council and an individual. The objectors are not convinced by the need for, or suitability of, the material, claiming that other sources exist. Concerns

are also expressed about the potential adverse environmental impact of any working.

### **Officer Recommendation**

12.2 From the responses received in relation to Statement 9, the Officers believe it necessary to undertake further work on assessing the requirements for building stone in the Upper Ouse Valley over the plan period. The outcomes of this further work may make significant changes to the Core Strategy and therefore could result in the requirement for further consultation before the submission draft could be prepared.

## **13. Statement 10 - Chalk and Brickclay**

### ***Preferred Option***

*No additional reserves of chalk or brickclay will be identified. There will be no specific policy relating to new brickworks.*

### **Question 10**

Do you agree with the preferred option? Please give reasons in your answer.

### **Summary of Consultation Responses**

13.1 Representations received on this matter all expressed support for the approach.

### **Officers Recommendation**

13.2 No new issues have been raised at the Preferred Options stage to require the Officers to recommend changing their approach in relation to this area.

## **14. Statement 11 - Fullers Earth**

### ***Preferred Option***

*The presumption against further working of fullers earth will be maintained.*

### **Question 11**

Do you agree with the preferred option? Please give reasons in your answer.

### **Summary of Consultation Responses**

14.1 Representations received on this matter all expressed support for the approach.

## **Officers Recommendation**

14.2 No new issues have been raised at the Preferred Options stage to require the Officers to recommend changing their approach in relation to this area.

## **15. Statement 12 - Mineral Safeguarding**

### **Preferred Option**

*A dedicated mineral safeguarding DPD will be prepared in line with MPS1 and the BGS/DCLG guidance. This will be signposted in the Minerals Core Strategy, and the Minerals and Waste Development Scheme will be updated to include the MSA DPD. Before this DPD is adopted, interim MSAs will apply, these being defined in the Minerals Core Strategy to cover the same land areas as the Mineral Consultation Areas of the 2005 Minerals and Waste Local Plan.*

### **Question 12**

Do you agree with the preferred option? Please give reasons in your answer.

## **Summary of Consultation Responses**

- 15.1 A number of expressions of support, including two from the minerals industry, were made for the approach on minerals safeguarding. The importance of timely safeguarding bearing in mind the growth pressures in the area was highlighted by WBB Minerals Ltd.
- 15.2 Hives Planning whilst acknowledging the principle of safeguarding and the broad approach, object to the interim use of Minerals Consultation Areas as interim Minerals Safeguarding Areas, and the soundness of bringing forward Policy M4 of the current Minerals and Waste Plan. It points out that the tests and purposes of these two mechanisms are quite different.
- 15.3 On this issue Go-East support the inclusion of a specific policy on minerals safeguarding in the Core Strategy and the identification of the broad area, with detailed boundaries shown on an Ordnance Survey base in the Minerals Allocations DPD. It considers that the policy should set out the Authority's approach on non-minerals applications in such areas, so as to prevent the sterilisation of proven mineral resources.
- 15.4 On Minerals Consultation Areas Go-East considers it important to base these on Safeguarding Areas, identify their boundaries on an Ordnance Survey base in the Minerals Allocations DPD and include a policy which clarifies for District Councils the related requirements for considering planning applications within such areas.
- 15.5 Go-East is critical of the suggested approach of preparing a dedicated Minerals safeguarding DPD. It considers this is likely to be "an un-

necessarily cumbersome and longwinded process that is quite likely to lead to confusion in relation to public consultation.” It suggests that the existing Local Plan Consultation Areas are used on an interim basis until the Core Strategy is reviewed.

### **Officers Recommendation**

15.6 As discussed in response to issues raised with Statement 3 of the Preferred Options it is the officer’s opinion to withdraw the key diagram and use the Minerals Consultation Areas within the adopted Local Plan (2005) as Minerals Safeguarding areas for the interim period until the Core Strategy is reviewed in line with GO– East’s comments.

15.7 This is a significant change to the Core Strategy and therefore in line with Regulations would require further consultation before the submission draft could be prepared

## **16. Statement 13 - Other Matters**

### ***Preferred Option***

*Policies M4, M5, M6, M7 and M9 of the 2005 Minerals and Waste Local Plan will be brought forward to the Minerals Core Strategy. Policy M8 will be brought forward and its coverage expanded to cover other windfall sites. In policy M8, the criteria for borrow pits will remain as per the 2005 Minerals and Waste Local Plan, whilst criteria for other windfall sites will be drawn up to specify that the proposed development must be necessary or desirable in its own right.*

### **Question 13**

Do you agree with the preferred option? Please give reasons in your answer.

## **Summary of Consultation Responses**

16.1 A number of respondents support the approach of carrying forward the identified policies from the current Local Plan. Hives Planning is, however, critical of the approach. It claims that it is questionable in soundness terms without appropriate testing and sustainability appraisal. Additionally, it reinforces their view that the overall approach to the Core Strategy is not truly spatial and does not have regard to wider strategies and issues.

16.2 The RSPB, whilst supporting the approach, wishes to see in respect of current Policy M6 an amendment to ensure planning applications contain information on after-use proposals.

16.3 Lafarge Aggregates consider that the criteria for windfall sites should include reference to their environmental acceptability rather than simply their desirability.

16.4 Go-East comments that, as well as identifying those policies that are intended for carrying forward, it is essential that the submitted Core Strategy contains a list of policies to be superseded.

### **Officers Recommendation**

16.5 No new issues have been raised at the Preferred Options stage to require the Officers to recommend changing their approach in relation to this area.

## **17. Statement 14 - Environmental Management Systems**

### **Preferred Option**

*The Minerals Core Strategy will include a policy which specifies that the environmental track record of an operator may be taken into account in the determination of further site allocations (via the Site Allocations DPD), and planning applications. This policy will encourage operators to maintain an environmental management system, but will not specifically require it.*

### **Question 14**

Do you agree with the preferred option? Please give reasons in your answer.

### **Summary of Consultation Responses**

17.1 There is some support expressed for the approach from a range of organisations, including Tarmac, a mineral operator. However, other operators are critical of the approach, saying it is inappropriate in the land-use planning system and has operational difficulties, for example, where sites change hands.

### **Officers Recommendation**

17.2 No new issues have been raised at the Preferred Options stage to require the Officers to recommend changing their approach in relation to this area.

## **18. Statement 15 - Annual Monitoring**

### **Preferred Option**

*On balance, we think that the need to secure robust and detailed information justifies imposition of mandatory reporting by imposition of conditions to planning permissions. We therefore propose to include the policy in the Minerals Core Strategy DPD. The policy will specify that conditions will be attached to all permissions for minerals extraction, requiring annual reporting*

*of sales and remaining reserves. The Minerals Core Strategy will define appropriate sub-categories of mineral groups for annual reporting purposes.*

**Question 15**

Do you agree with the preferred option? Please give reasons in your answer.

**Summary of Consultation Responses**

18.1 Strong objections from the mineral industry to the approach are made. The grounds for such objections include duplication, commercial sensitivity of information required and the adverse impact on operators with new permissions.

18.2 CPRE supports the approach and Go-East consider it useful basis on which to proceed. However, Go-East considers that this section of the Core Strategy should go much further by setting out an implementation and delivery framework. This should include an indication of “how and when the Council’s vision and objectives, strategy and policies will be delivered and by whom” and the associated infrastructure requirements. It notes that there is useful information in this respect in the site allocations DPD that could be utilised.

**Officers Recommendation**

18.3 No new issues have been raised at the Preferred Options stage to require the Officers to recommend changing their approach in relation to this area.

**19. Summary**

- 19.1 The main issues raised with the Minerals Core Strategy are:
- Lack of information on Silica Sands
  - Move the issue of “Need for Mineral” from the Site Allocations Plan to the Minerals Core Strategy
  - Removal of the Key Diagram within Statement 3 – Spatial Strategy
  - Include a Mineral Safeguarding area in Statement 3 – Spatial Strategy
  - Implication of including Minerals Safeguarding area within Core Strategy
  - Insufficient information in relation to Statement 9 – Building Stone

**20. Next stages**

20.1 To ensure the Core Strategy is “sound” at Examination Stage and to resolve the issues raised through the consultation period further work is required on the minerals plan. This work will be undertaken in the New Year.

20.2 Following completion of the work we intend to inform members of the possible resulting changes through a Members Seminar in early March.

20.3 Following this, the Officers propose to undertake a second “Preferred Options” consultation. This will be for a further 6 weeks and notifications will be sent to all those registered on our database and public notices placed in local papers.