

**Subject: Aggregate Minerals Site Allocations DPD: Results of Recent Consultation on Initial Site Options**

**Cabinet Member: Councillor John Brady – Economic Development, Planning and Housing**

**Key Decision: No**

### **Executive Summary**

This report summarises the results of the consultation on 62 initial site options for sand and gravel extraction in Wiltshire and Swindon, which took place from 5 August to 31 October 2010.

The purpose 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.

The consultation generated over 4,000 comments, most of which related to the site options for the Calne area. Although many of the comments were written in the form of objections, they often reaffirmed the key environmental issues identified by the Council.

Two additional site options were submitted as part of the consultation. It is proposed that one should be considered for further assessment and appropriate consultation.

During the consultation 8 site options and parts of 2 site options were withdrawn from further consideration at the request of the landowners. It is recommended that a further 32 site options are excluded at this stage of the process. The remaining 22 should be subject to further assessment.

Although the estimated yield for the 22 remaining site options is sufficient, in principle to meet forecast demand for aggregate minerals to 2026, many of the remaining site options are highly constrained. Further assessments may show that sites should be excluded, either in full or in part. This could lead to Wiltshire and Swindon being unable to meet forecast demand.

Any reduction in provision in Wiltshire and Swindon is likely to lead to increased pressure in neighbouring authority areas, and will require notification to, and the agreement of, the South West Regional Aggregates Working Party (SWRAWP) and Central Government.

## **Proposals**

It is recommended that:

- (i) The site options contained within Tables 1 and 2 of **Appendix 1** are excluded from further consideration.
- (ii) Those site options contained within Table 3 of **Appendix 1** are subject to further assessment to gather sufficient information for officers to make a recommendation.
- (iii) Targeted consultation is undertaken on the Petersfinger site submitted during the consultation.
- (iv) On the basis of the detailed assessments, a local figure for aggregate provision in Wiltshire and Swindon is produced and the Director of Economy and Enterprise and Cabinet Member, in consultation with their counterparts in Swindon, should write to SWRAWP and central government notifying them of the provision that can be met for the period to 2026.

## **Reason for Proposal**

To ensure that an up to date and appropriate level of provision for sand and gravel extraction can be established for Wiltshire and Swindon, in accordance with national policy. Once adopted, the Aggregate Minerals Site Allocations DPD will form part of the Council's policy framework.

## **MARK BODEN**

Corporate Director

Department for Neighbourhood and Planning

## **WILTSHIRE COUNCIL**

### **CABINET**

**22 March 2011**

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**Subject: Aggregate Minerals Site Allocations DPD: Results of Recent Consultation on Initial Site Options and Next Steps**

**Cabinet Member: Councillor John Brady – Economic Development, Planning and Housing**

**Key Decision: No**

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### **Purpose of Report**

1. The purpose of this report is to:
  - (i) Inform Cabinet of the results of the consultation on initial site options for future sand and gravel extraction in Wiltshire and Swindon.
  - (ii) Seek Cabinet approval that, based on the information received during the consultation, a number of site options should be dropped from further consideration and on one of the new sites submitted further consultation undertaken.
  - (iii) Seek Cabinet approval that detailed assessments are undertaken on the other site options to determine which should be carried forward into the draft Aggregate Minerals Site Allocations DPD.
  - (iv) Seek Cabinet approval to use the results of (iii) to inform the preparation of a local figure for aggregates provision in Wiltshire and Swindon (for the period to 2026).

### **Background**

2. Following Cabinet approval on 27 July 2010, consultation on the initial site options for inclusion within the draft Aggregate Minerals Site Allocations Development Plan Document (DPD) was undertaken. The purpose of the consultation was to provide local communities and stakeholders with an opportunity early in the plan process to comment on the suitability of the initial site options (proposed by the minerals industry and landowners, including Wiltshire Council) as mineral extraction sites and gather further evidence to support the preparation of the Site Allocations DPD. In total 62 sites were consulted on. None of the sites included in the document had any planning or 'preferred' status.

3. National policy (Mineral Planning Statement 1 (MPS1)) requires mineral planning authorities to 'test' the environmental acceptability of meeting forecast rates for aggregate provision, as prepared by the South West Regional Aggregates Working Party (SWRAWP)<sup>1</sup> and ratified by central Government. The preparatory work leading to the development of the draft site allocations DPD can fulfil this requirement. The current forecast rate is 1.85 million tonnes per annum (as the basis for making provision to 2026) for Wiltshire and Swindon. However, this could change if the government formally agrees revised figures submitted by the SWRAWP in September 2010. For Wiltshire and Swindon, this is 1.41million tonnes per annum.
4. The Localism Bill does not propose to amend the role of mineral planning authorities or have any significant implications for the continuation of this DPD.

## Main Considerations for the Council

### Summary of results of the recent consultation on initial site options

5. The consultation commenced on 5 August 2010 and ended on 31 October 2010. The consultation period, originally for a period of 8 weeks, was extended by an additional four weeks. This was in response to the unprecedented high level of interest by concerned local residents and local media, particularly in the Calne area, where the consultation proved to be controversial. Officers and Members attended a number of public meetings to listen to the concerns of local residents and answer questions. These have been documented and form part of the consultation response.
6. Overall 4,000 individual comments were received. The nature of assessments, set out in **Appendix 1**, reflect the key points raised through the consultation.
7. Table 1 indicates the level of response compared to the distribution of initial site options.

**Table 1: Distribution of sites consulted on in Wiltshire and Swindon**

Area	Number of sites proposed	Total estimated yield ( million tonnes)	Number of comments
General comments	n/a	n/a	299
Upper Thames Valley	23	29.4	314
Calne Area	18	25.7	2677
South East of Salisbury (near Whiteparish)	3	3.0	227
Salisbury Avon	2	2.2	59
Bristol Avon	16	6.7	705

<sup>1</sup> The Department for Communities and Local Government has confirmed that, in the absence of Regional Assemblies, the SWRAWP is responsible for preparing aggregate mineral forecasts for the south west (sub-regional apportionment).  
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8. The consultation document highlighted the key issues likely to be associated with development of the site options, some of which could be considered as potential 'showstoppers'. Although a considerable amount of the comments submitted to the Council in response to the consultation were written in the form of objections, many of them agreed with the key issues identified. A full consultation report is being prepared and will be made available on the Council's website<sup>2</sup>.
9. The consultation response included comments for and against each site option. In addition, new evidence has been provided by consultees which has enabled officers to review each site and form a recommendation as to:
  - (i) Whether a site option should be dropped from further consideration at this stage; or
  - (ii) Whether more evidence is required and therefore further detailed environmental assessment undertaken before a decision can be made as to whether the site should be included in the draft DPD.
10. **Appendix 1** provides a summary of all site options indicating those that should be dropped from further consideration, including sites that have been withdrawn at the request of the landowner, and those that should be subject to further assessment. Information is provided to explain why sites are proposed to be dropped from further consideration and what further assessments are required.
11. The need for further assessment of sites does not mean that they have any preferred or planning status it simply indicates that further information is required before a recommendation can be made.
12. As a result of the consultation two additional site options were put forward for consideration: one in the Upper Thames Valley near Swillbrook Farm and one in the Salisbury Avon adjacent to the site option at Petersfinger. Further details of these options are provided at **Appendix 2**. It is proposed that the first site should be dropped from further consideration as the constraints are similar to others sites in the same area that will not be carried forward. The Petersfinger site in effect forms an extension to an existing site option that has already been consulted on and on which further assessment should be carried out. As such, only targeted informal consultation is appropriate with statutory consultees and the option of a public meeting will be offered to the local community.
13. The key stages for the preparation of the DPD, including next steps, are summarised below:

Stage	Date
Undertake further assessments of sites and prepare draft DPD	March to May 2011

<sup>2</sup> Appendix 1 ,tables2 and 3, incorporates some of the main concerns of consultees in the 'Reasons for exclusion' and 'further assessments required' columns.  
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Cabinet consider draft DPD for consultation supported by findings of assessments	June 2011
If necessary, notify SWRAWP and Central Government of need to reduce forecast rates for Wiltshire and Swindon	June 2011
Publish draft DPD for 6 week consultation	June 2011
Submit draft DPD to Secretary of State for Independent Examination	November 2011
Publish Inspectors report followed by adoption of DPD	July 2012

#### Testing forecast rates for aggregate provision

14. It is the responsibility of each minerals planning authority to test the capacity of their area to meet their forecast contribution to national supply.
15. For Wiltshire and Swindon there are a number of early signs that there may be a need to present a case to the SWRAWP and central government that a reduced level of supply should be planned for. Over time this may lead to an increase in production outside of the county to compensate. The reasons behind this view are as follows:
  - Prior to (and in response to) the consultation, the minerals industry has not put forward enough sites to meet forecast requirements. Nor has the industry indicated any interest in the sites put forward by landowners except for two sites in the Upper Thames Valley (sites U22 and U23). This suggests that the appetite for minerals working in Wiltshire and Swindon is lower than indicated by the forecast requirements prepared by SWRAWP.
  - Past production has only met the proposed figure of 1.41 million tonnes<sup>3</sup> in one year (2003) since 1991. The general trend for sand and gravel production in Wiltshire and Swindon is downwards and annual production is currently below 1 million tonnes (450,000 tonnes in 2009).
  - Applications for sand and gravel extraction determined by the Council in the past five years have not been sufficient to keep up with forecast provision requirements. This has resulted in a landbank that has consistently been below the 7 year minimum (as prescribed by MPS1), since 2000.
  - Many of the sites in the initial site options consultation document are highly constrained. A number of these are now proposed to be dropped from further consideration. Remaining sites subject to further assessment may prove to be unsuitable for inclusion in the Site Allocations DPD.

<sup>3</sup> Based on figures derived from revised 'National and Regional Guidelines for Aggregates Provision 2005 to 2020', as submitted by SWRAWP to central government in September 2010.  
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16. However, despite these early indications of a need to review the current aggregates supply pattern in the Plan area, there is currently insufficient evidence to present a robust case to the SWRAWP and central government for a reduced or local forecast provision rate. Whilst there are some sites within the initial site options report that clearly should not be carried forward into the site allocations document, further work will need to be undertaken to demonstrate whether the remaining sites are appropriate in environmental, social and economic terms. This will ensure that the testing of the forecast rate will have been thoroughly and objectively undertaken in line with national policy and reduce the risk of being open to challenge once a submission draft DPD is presented to the Secretary of State for Independent Examination.
17. If further assessments show that these initial signs prove to be correct, the Councils will need to write to the SWRAWP and central government presenting a robust case for the preparation of a locally derived provision rate in accordance with MPS1.

### **Environmental and Climate Change Considerations**

18. The proposals contained in this report relate to the need to undertake further assessments to ensure that site options that could be carried forward into a development plan are environmentally acceptable. This proposal is, and will continue to be, subject to sustainability appraisal to ensure that environmental and climate change implications will have been fully considered and minimised and that effects of a changing climate will be taken into account.

### **Equalities Impact of the Proposal**

19. There are considered to be no equality impacts arising as a result of the proposals in this report. An Equalities Impact Assessment (EIA) is not required at this stage of the plan making process, but will be completed once the final document is submitted to government.

### **Risk Assessment**

20. The purpose of undertaking further assessments is to ensure that there is sufficient evidence to justify the decision behind whether particular site options should be included in the Site Allocations DPD. Without sufficient evidence the Council could be open to challenge on two fronts:
  - (a) The Site Allocations DPD could be challenged at the Independent Examination into the soundness of the DPD on the basis that there is insufficient evidence to support the inclusion or exclusion of sites. This could result in the DPD being found unsound.
  - (b) If insufficient sites are identified to meet Wiltshire and Swindon's contribution to national need for aggregates, the Secretary of State could reject the Council's view that a local forecast and provision rate should be made, based on insufficient evidence being provided to justify that approach. This could also result in the DPD being found unsound, again resulting in additional costs to the Council.

21. Officers at Wiltshire Council are fully qualified to assess the site options. External consultants may need to be used to verify that the work undertaken by the Council has been undertaken objectively. Given the concerns raised during the consultation about objectivity regarding Council owned land, independent verification may be necessary.

### **Financial Implications**

22. The cost of preparing the DPD will be met by existing and planned budget commitments. As highlighted in the risks section above, by using in-house resources the financial implications of the proposals should be minimal. It might be necessary to buy in additional data from external sources to inform and support the assessments. This expense has also been taken into account in the spatial planning budget.

### **Legal Implications**

23. The project is currently at the Regulation 25 stage of the Town and Country Planning (Local Development) (England) 2004 Regulations (as amended). The requirements of this stage are essentially to gather evidence and consult those likely to have an interest in the proposed DPD. The purpose of this evidence gathering stage is to ensure that a draft DPD, when submitted to the Secretary of State, represents the most appropriate option having considered all reasonable alternatives, and can be considered sound. The Regulation 25 stage does not end until the Council prepares a draft DPD for consultation. The steps undertaken to date and those proposed in this report are fully compliant with legal requirements.

### **Options Considered**

24. The consultation document presented the initial options for sand and gravel extraction. Further assessments will be undertaken on the remaining options to determine their suitability for inclusion in a draft DPD. Without further assessments being undertaken the Councils will be in a weaker position, in terms of an evidence base, to develop a case for a local sand and gravel provision rate, or to demonstrate that a draft DPD is sound.

### **Conclusions**

25. The consultation on initial site options resulted in further information being provided by consultees. This information has enabled officers to recommend the exclusion of some site options at this stage. However, in order to be confident that environmental, social and economic impacts for the remaining site options have been fully considered, further assessments should be undertaken on the remaining site options as per Table 3 of **Appendix 1**.



26. Further assessments are also required to provide an evidence base to develop a case for a local provision rate. It is important to continue to up to date planning policy for minerals in order to ensure an up to date development plan for Wiltshire.

**MARK BODEN**

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**The following unpublished documents have been relied on in the preparation of this Report:**

None

**Appendices:**

Appendix 1 – Summary Tables for Site Options withdrawn, excluded or subject to further assessment

Appendix 2 – Additional Site Options