

Mr M Plummer
Department for Communities and Local Government
Eland House
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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.

The Longford Estate has made it clear that this land will not be promoted for sand and gravel extraction in the foreseeable future. Of the remaining land within the MRZ only two initial site options were identified and following further assessment were considered too highly constrained and consequently undeliverable. Neither of the site options benefitted from minerals industry support. Even if sites were promoted in this area it would be very unlikely that this resource could supply markets served by the Upper Thames Valley (approx 100km by road).

It is therefore reasonable to conclude that a decline in production in the Upper Thames Valley is unlikely to be met by other resources within the Plan area and the minerals industry are likely to look to areas outside of Wiltshire and Swindon where better quality resource with a higher yield per hectare could be achieved¹. This view has been reaffirmed through dialogue with representatives of the minerals industry; through the results of the sieving exercise; the consultation exercise held in 2010 and the results of assessments. 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.

Identification of sites

Despite several calls for sites since 2003 the minerals industry have not promoted enough land to meet demand at the sub-regional apportionment rate of 1.85 million tonnes per annum² in Wiltshire and Swindon. This raised obvious concerns about the capacity of Wiltshire and Swindon to meet forecast demand, and so, in order to establish whether the regional forecast rate can be maintained or whether there is a need for a lower level of delivery in Wiltshire, the Councils undertook an extensive constraints sieving exercise of the five mineral resources zones³ in Wiltshire and Swindon to identify further site options in addition to those put forward by the minerals industry. The results of the sieving exercise demonstrated that significant areas of unexploited resource are highly constrained and/or inaccessible. 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 an opportunity to provide additional information about the sites to help inform the decision making process. Following this consultation, 40 of the initial site options were dropped from further consideration on the basis that they would have overriding environmental constraints. Some of those 40 site options were withdrawn from further consideration by the landowner. This left 22 site options remaining for further assessment.

The further assessments were undertaken by officers at Wiltshire Council with expertise in fields such as ecology, landscape, transport and the historic environment. The results of these assessments were then used to inform the grading of the sites against sustainability criteria. This reduced the number of site options considered suitable for development to 8 for the period to 2026. The 8 site options would be expected to yield an estimated 10.87 million tonnes.

The councils 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 and in line with MPS1 paragraph 3.9. From this it is clear that the current

¹ 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.

² 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.

³ 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.

sub-regional apportionment of 1.85 million tonnes per annum for the period 2010 – 2026 cannot be met.

Historic production of sand and gravel in Wiltshire and Swindon

During the past nineteen years production in Wiltshire and Swindon has not come close to matching the current sub-regional apportionment of 1.85 million tonnes per annum. The average annual production for this period equates to 1.09 million tonnes per annum.

The Minerals Products Association has recently suggested that it would support an approach whereby local authorities base their provision rate on the average of the past 10 year's production. For Wiltshire and Swindon, this would equate to a local forecast rate of 1.2 million tonnes per annum. It is therefore reasonable to conclude that a local forecast of 1.2 million tonnes per annum more closely reflects recent demand than figures derived from national and regional forecasts.

Conclusion

In summary, the Councils' wish to formally notify the Secretary of State that Wiltshire Council and Swindon Borough Council have fully tested the capacity of the Plan area to meet the sub-regional apportionment for sand and gravel extraction of 1.85 million tonnes per annum. The results of the testing have shown that:

- The minerals industry has little appetite to quarry aggregate resources in Wiltshire and Swindon.
- The remaining resource in the 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, Calne area, South East Salisbury and Salisbury Avon MRZs would not be suitable alternatives to make up for a shortfall in provision in the Upper Thames Valley.
- Historic production has never reached 1.85 million tonnes in any year since records of production in Wiltshire and Swindon began in 1991. In fact the mean annual production for the period 1991 to 2009 is 1.09 million tonnes per annum.

The evidence clearly demonstrates that provision at a rate of 1.85 million tonnes per annum cannot and should not be made in the Wiltshire and Swindon Aggregate Minerals Site Allocations DPD and instead, a locally derived figure of 1.2 million tonnes per annum for sand and gravel production would be more appropriate. The Councils believe that this locally derived forecast can be delivered through 8 sites in the Plan area between 2010-2026.

Yours Sincerely



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