
Matter 5 | Pre-Examination Exploratory Meeting Minutes

Between Gloucestershire County Council and Breedon (Southern) Limited and Land & Mineral Management

Venue: Gloucestershire County Council Offices, Shire Hall, Gloucester

Date: Thursday 30th May 2019

Present

Robin Drake- Gloucestershire County Council (GCC) (RD)

Lorraine Brooks – Gloucestershire County Council (GCC) (LB1)

Laura Buford – Gloucestershire County Council (GCC) (LB2)

Nick Dunn – Land and Mineral Management (LMMgmt.) (ND)

Jo Davies – Breedon (Southern) Limited (JD)

ND – On the advice of Breedon's appointed QC (who will be assisting them and LMM at forthcoming hearing sessions) a meeting with GCC was sought to understand GCCs current position on Allocation 01 of the submitted Minerals Local Plan (MLP). There is confusion over GCCs current stance: -

- Statement of Common Ground (SoCG) between GCC and the Environment Agency (EA) and Natural England (NE) (Dec 2018) – indicating the removal of Allocation 01 from the MLP;
- The Proposed Main Modifications to the MLP (April 2019) – that does not seek the removal of Allocation 01; and
- The Position Statement appended to Examination Statement for Matter 5 – Allocation 01 (April 2019) – which, explains the retention of Allocation 01 in the MLP

RD – The MLP as submitted in December 2018 to the SoS includes Allocation 01. This is what GCC officers will be confirming to the Inspector at the forthcoming MLP Hearing Sessions. The SoCG referred too came about to clearly establish at that point in time the position of both the EA and NE in terms of the complete removal of all objections raised to the Publication Plan in July 2018, including in respect of Allocation 01. However, it is understood that progress has been made with the outstanding

planning application that covers part of Allocation 01. It is considered by GCC officers that this is materially significant to the consideration of the submitted MLP and in particular Allocation 01. Appendix 1 of GCCs Examination Statement relating to Matter 5 of the Inspector's Questions sets out GCCs current position. GCC officers can confirm no proposed modifications are being taken forward seeking to delete Allocation 01 at this time. GCC officers consider that the submitted MLP including Allocation 01 is sound.

It is also confirmed that correspondence has been sent by GCC officers to the EA and NE to enquire as to their attendance at the forthcoming MLP Hearing Sessions. It is understood that Knights PLC (acting on behalf of Breedon (Southern) Ltd) have also contacted the EA and NE to request their attendance at the forthcoming MLP Hearing Sessions and / or to provide a current Position Statement.

ND / JD – It is understood that the EA and NE are due to submit their formal response to the current Regulation 25 consultation concerning the undetermined planning application covering Allocation 01. It is understood the consultation officially closed in February 2019. A proposal has been put forward by Breedon (Southern) Ltd to agree to participate in a legal agreement and / or agree to the imposition of planning conditions to achieve an agreeable site restoration. It is the view of Breedon (Southern) Ltd that this approach is sufficient to overcome the concern raised by the EA and NE taking into account the legal status of the potentially impacted designated site (Slade Brook SSSI) for which objections have been raised. It is stressed that the Slade Brook SSSI is not an International / European designation and therefore should be considered accordingly to the 'national' designation requirements that have been set.

Breedon (Southern) Ltd are prepared to investigate an alternative allocation option at the MLP Hearing Sessions if this is deemed necessary and appropriate. It would be helpful if GCC could offer an initial view.

RD – GCC officers understand that the alternative allocation option has been included in the Examination Statement prepared by LMMgmt. on behalf of Breedon (Southern) Ltd. Whilst GCC has not yet been able to scrutinise in detail the benefits and / or dis-benefits of option, it acknowledges it is smaller both in terms of land-take and estimated yield than Allocation 01 contained in the submission MLP. Broadly speaking GCC officers cannot see why the alternative option would be more problematic than Allocation 01 and would raise no objection to it being discussed and considered at the forthcoming Hearing Sessions.

In addition, GCC officers seek to raise the prospect of further Proposed Modifications to the Detailed Development Requirements attached to Allocation 01 contained in the submission MLP. This would very likely be irrespective of the alternative allocation option being considered. The modifications would be needed to reflect the evolving detailed consideration being given to the undetermined planning application.

ND – In the event Allocation 01 or the alternative allocation option is not recommended for inclusion in the adopted MLP, it is confirmed Breedon (Southern) Ltd would strongly object to the MLP. It would be considered ‘unsound’ due to the prospect of a failed aggregate strategy that would not ensure an adequate and steady supply throughout the MLP’s time horizon. A case would be made that the alternative supply options are unrealistic and undeliverable.

RD – GCC officers acknowledge this position and are clear this circumstance would represent a point of departure of views. GCC would seek to present an alternative case that the loss of Allocation 01 or the alternative option would not be existential for the MLP and its ability to make appropriate provision for aggregates.

ND – Clarification was sought about the possibility of the emergence of an alternative local supply through the creation of a new quarry near to Hewlesfield and the alternative working options that could be explored at the existing Stowfield Quarry.

RD –It was confirmed that GCC has published within the evidence base for the MLP an audit of the options looked at during its preparation. This information is available for Breedon (Southern) Ltd and others to scrutinise from the Examination website.

To conclude, GCC officers will be clear from the outset of the forthcoming MLP Hearing Sessions that the submission MLP is what is being examined and that in certain circumstances GCC are seeking to explore a suite of Main Modifications, which have been submitted as a specific examination document in April 2019. The deletion of Allocation 01 is not included as a Main Modification at this time.