

Appendix 1

MEMORANDUM OF UNDERSTANDING (MoU)

Version 3.0 | January 2014

Steady and adequate supply of Sand and Gravel

1. Purpose and scope of this MoU

- 1.1. The purpose of this MoU is to establish a framework (outlining the roles and responsibilities) of Somerset County Council (SCC) and other signatories to this MoU with regard to fulfilling the Duty to Cooperate for the steady and adequate supply of sand and gravel in Somerset over the period to 2030.
- 1.2. The MoU is intended to enhance and formalise partnership working in:
 - plan preparation;
 - evidence gathering;
 - recording and monitoring minerals issues; and
 - plan implementation.
- 1.3. Further information on SCC's approach to the Duty to Cooperate can be found in the SCC's *Duty to Cooperate Statement*.

2. Background on sand and gravel: summary of evidence

Somerset (including Exmoor National Park), Devon and Cornwall

- 2.1. Somerset currently has no land-won sand and gravel workings and superficial deposits of sand and gravel in Somerset are generally limited.¹
- 2.2. The Lower Triassic Budleigh Salterton Pebble Beds form the bedrock in the south western section of the county, crossing the Somerset / Devon border. This formation is worked for sand and gravel at Hanson's Whiteball operation on the Somerset / Devon border (adjacent to Gipsy Lane, Greenham). The Somerset Minerals Local Plan (adopted 2004) included a policy (M50) that identified land at Whiteball as a Preferred area and an Area of Search for sand and gravel extraction. A map showing these areas is included as Inset Plan 6 in the Somerset Minerals Local Plan (adopted 2004).
- 2.3. In recent years, virtually all extraction of sand and gravel for the Whiteball operations has taken place in Devon (most recently from the Town Farm site) for processing by facilities on the Somerset side of the border.
- 2.4. The Town Farm site makes a significant contribution to Devon's sand and gravel production and landbank. It has planning permission until 25 June 2023. The most recent planning application envisaged production at a scale of 200,000 tonnes per year for around 10 years, although recent output has been at a lower level.

¹ Information on the geology of Somerset is included in the Aggregates Topic Paper (available via www.somerset.gov.uk/mineralsandwaste). For more detail refer to a report published by the British Geological Survey entitled 'Mineral Resource Information in support of National, Regional and Local Planning: Somerset (2005)'.

- 2.5. Devon's 1st Local Aggregate Assessment (February 2013) gives a weighted ten year average sales figure for land-won sand and gravel of 610,000 tonnes.
- 2.6. Furthermore, Devon's 1st LAA states that the quantity of permitted reserves of land-won sand and gravel at the end of 2011 was 9.16 million tonnes.
- 2.7. Using Devon's weighted ten year average provides a landbank of approximately 15 years.²
- 2.8. Cornwall's Local Aggregate Assessment (March 2013) states that: *"It is acknowledged that there are limited resources of natural sand and gravel in Cornwall and the county is unlikely to be able to contribute to the shared sub-regional apportionment from primary resources. As part of the Duty to Co-operate Devon County Council and Cornwall Council have agreed that "any shortfall in the sub-regional apportionment would be met by Devon (and potentially some contribution from Somerset), with no further contribution from Cornwall"..."* It is also noted that Cornwall has significant reserves of secondary aggregates which can be substituted for primary material.
- 2.9. Historically, Somerset has shared a joint sub-regional apportionment for sand and gravel with Devon and Cornwall of 14.91 million tonnes. Covering the period 2005-2020, this equated to an apportionment of 930,000 tonnes per year.³ (NB: historically, sub-regional apportionment has also seen Exmoor National Park grouped with Somerset.)
- 2.10. In its Preferred Options document (2013) Somerset County Council stated that: *"The Council believes that it is appropriate to retain the Areas of Search and Preferred Areas around Whiteball and to include a criteria-based approach in its policy on sand and gravel, based on the following factors:*
 - *the spread of opinion during consultation;*
 - *historic and current cooperation with Devon County Council;*
 - *there are sufficient reserves within the area of search and preferred areas to contribute to the required demand for land-won sand and gravel over the plan period, which is to be planned for by Devon and Somerset together; and*
 - *no additional areas of interest have been put forward by the minerals industry."*

Dorset

- 2.11. The Bournemouth, Dorset and Poole Minerals Strategy has been found sound following Examination and the Councils are moving to adopt it as soon as possible. The Minerals Strategy commits to maintaining a landbank of sand and gravel reserves equivalent to at least 7 years supply, based on a rolling average of the previous 10 years of sales. For the period 2003 to 2012, this equates to a figure of 1.57 mtpa.
- 2.12. According to the 2009 Aggregate Minerals Survey, approximately 65% of sand & gravel imports into Somerset come from Dorset (circa 290,000 tonnes per year). A key resource is the River Terrace deposits which are worked at the Chard Junction site in north west Dorset (4.5km south east of Chard).

² The NPPF requires Mineral Planning Authorities to make provision for a landbank of permitted reserves for a minimum of 7 years worth of supply for sand and gravel.

³ SW RAWP Annual Report 2009

- 2.13. The Chard Junction site (which has planning permission until 31 March 2023) makes an important contribution to sand & gravel supply in Somerset; in particular in the Yeovil area – which is a strategically significant town in South Somerset - and other centres of future development such as the primary market towns of Chard and Ilminster.
- 2.14. The Chard Junction site lies in an Area of Outstanding Natural Beauty (AONB) and the importance of protecting designated areas in Dorset is noted.
- 2.15. Dorchester, which lies at the western edge of one of the two resource blocks identified by Dorset County Council, is approximately 33km from Yeovil and 74 km from Taunton. The average road delivery distance for aggregates in 2011 was 43km.⁴
- 2.16. If/when production ceases in the north west of Dorset, and if no further permissions come forward in this north west area, it is likely that there will be constraints (linked with the costs of minerals transportation and potentially capacity of the road network) to exporting sand and gravel from the resource blocks into Somerset. Such constraints will not prevent continued supply but may result in exports into Somerset decreasing over the longer term.

Gloucestershire

2.17. According to the 2009 Aggregate Minerals Survey, Gloucestershire supplies ≤ 40,000 tonnes of sand and gravel into Somerset. This equates to less than 5% of Gloucestershire's output. This is unlikely to increase due to the high costs of transportation.

Wiltshire

2.18. According to the 2009 Aggregate Minerals Survey, Wiltshire supplies ≤ 20,000 tonnes of sand and gravel into Somerset. This is unlikely to increase due to the high costs of transportation.

Other potential sources of sand and gravel

- 2.19. Limestone sand can be produced from the processing of scalplings at crushed rock quarries. This is an important source of such material in the eastern part of Somerset.
- 2.20. Marine-dredged sand and gravel landed at Dunball Wharf equates to roughly 5-10% of Somerset's sand and gravel consumption. A comparison of actual and licensed dredging rates suggest there may be scope to increase the level of dredging in the Bristol Channel if necessary; however, there are logistical constraints to consider (in particular linked with use of Dunball Wharf, weather and tides) which affect the potential to increase the county's dependence on marine-dredged aggregates.

⁴ Minerals Products Association: Summary Sustainable Development Report 2011

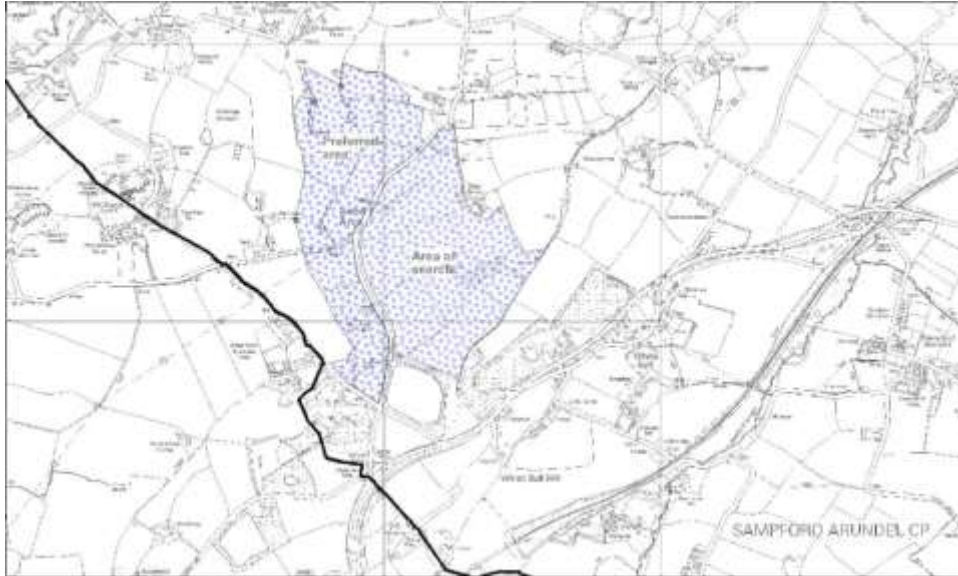
3. Joint approach

3.1. It is agreed that:

- Due to its historic arrangements and limited sand and gravel resources, Somerset does not currently maintain its own landbank of permitted reserves for sand and gravel and has not extracted sand and gravel during the past 10 years (or at most very minor quantities).
- As a result, Somerset does not have a 10 year average that can inform any potential future provision. However, Somerset County Council intends to maintain provision for future working of sand and gravel from within Somerset to supply the Whiteball operation following the anticipated cessation of the Town Farm site within Devon in the early 2020s.
- To maintain sub-regional supply (contributing to Devon's existing landbank for sand and gravel and maintaining production at Whiteball) Somerset County Council proposes to extend the approach established in the Minerals Plan (adopted 2004) which outlines a Preferred Area and Area of Search adjacent to Gipsy lane, Greenham (see map below), and use a criteria-based approach to consider proposals elsewhere in Somerset. This preferred approach was made clear in the Preferred Options consultation carried out by Somerset County Council in 2012/13.
- The Chard Junction site on the Somerset / Dorset border makes an important contribution to sub-regional supply, which is expected to continue also until the early 2020s.
- Somerset County Council and Dorset County Council will continue to co- operate on cross-boundary mineral interests, including on-going monitoring, whereby the reciprocal supply of minerals is considered fully in emerging plans⁵. The Bournemouth, Dorset and Poole Minerals Strategy has taken account of mineral exportation and importation (including movements between Dorset and Somerset) in identifying mineral needs to 2028 and, once adopted, it will set the strategic context for the emerging Bournemouth, Dorset and Poole Mineral Sites Plan.
- Exports of relatively small quantities of sand and gravel from Gloucestershire and Wiltshire into Somerset are anticipated to continue during the plan period.

⁵ Somerset is a major supplier of crushed rock to Dorset, while Dorset exports sand and gravel to Somerset.

Preferred Area and Area of Search adjacent to Gipsy Lane, Greenham, Somerset



- 3.2. The MoU shall be reviewed by the signatories as/when required to ensure that it remains fit for purpose. It is expected that the MoU will remain in place until at least the adoption of all relevant Local Plan documents covering Somerset, Cornwall, Devon and Exmoor National Park.

4. Somerset County Council's specific responsibilities under this MoU

- 4.1. As Mineral Planning Authority for Somerset, Somerset County Council has undertaken and will continue to undertake to cooperate with all other signatories of this MoU in the preparation and delivery of the Somerset Minerals Plan by:
- notifying signatories at each consultation stage in the preparation of its local development documents and plans relevant to its statutory functions; and if appropriate, meet and discuss any issues raised by one or more of the other Local Authorities and take into account any views expressed on those issues;
 - meeting with signatories as required to monitor the preparation and implementation of minerals policy and strategy across Somerset; and review work undertaken jointly by parties signed up to the MoU;
 - co-operating with signatories in the preparation of the annual Somerset Local Aggregate Assessment, including related dialogue with members of the South West Aggregate Working Party (SW AWP);
 - liaising with Taunton Deane Borough Council and Mid Devon District Council as required with regard to the availability of land in the Preferred Area and Area of Search covered in the Somerset Minerals Plan; and
 - co-operating with relevant professional organisations, in particular the British Geological Survey and the Department for Communities and Local Government (DCLG) and, as required, the relevant Local Economic Partnership(s).

5. General responsibilities of other signatories under this MoU

- 5.1. As signatory to this MoU, all partners will undertake to cooperate with other signatories of this MoU in the preparation and delivery of the Somerset Minerals Plan. In particular, this will entail:
- responding to each consultation stage in the preparation of Somerset's local development documents and plans (also including the Somerset Local Aggregate Assessment) relevant to Somerset County Council's statutory functions; and if appropriate, meet and discuss any issues raised by one or more of the other signatories;
 - meeting with other signatories as required to monitor the preparation and implementation of minerals policy and strategy across Somerset; and review work undertaken jointly by parties signed up to the MoU; and
 - informing Somerset County Council should there be any substantive change in respective positions summarised in the background evidence on sand and gravel (section 2 of this MoU).

Appendix 2

Strategic Planning and Development Issues Memorandum of Understanding for Gloucestershire

(Updated June 2017)

1. Introduction

- 1.1 Local planning authorities are required by law, through the Localism Act 2011, to undertake a Duty to Co-operate to 'engage constructively, actively and on an on-going basis' on planning matters that impact on more than one local planning area ('strategic planning matters'). Other public bodies are also subject to the Duty to Co-operate.
- 1.2 The Duty is further amplified in the National Planning Policy Framework (NPPF) which sets out the key 'strategic priorities' that should be addressed jointly, with further guidance on interpretation of the Duty set out in the national Planning Practice Guidance (nPPG).
- 1.3 A key output of the Duty to Co-operate is that it should produce effective and deliverable policies on strategic cross boundary matters. The NPPF suggests that a memorandum of understanding could be prepared to demonstrate evidence of local planning authorities having effectively cooperated.

2. Purpose and Objectives

- 2.1 The purpose of this memorandum of understanding is to set out how the signatories will comply with the Duty to Co-operate with respect to strategic planning and development issues within the administrative area of Gloucestershire and relevant adjoining areas.
- 2.2 The memorandum has the following broad objectives:
 - a) To help secure a broad but consistent approach to strategic planning and development issues across Gloucestershire;
 - b) To identify and manage spatial planning issues that impact on more than one local planning area across Gloucestershire;
 - c) To ensure that the local planning and development policies prepared by each local planning authority are, where appropriate, informed by the views of other local planning authorities and public bodies across Gloucestershire;
 - d) To ensure that decisions on major, larger than local, planning applications are informed by the views of other local planning authorities and public bodies across Gloucestershire;
 - e) To support better integration and alignment of strategic spatial and investment priorities across Gloucestershire, ensuring that there is a clear and defined route, where necessary, through the statutory local planning process.

3. Scope

- 3.1 Each signatory will engage constructively, actively, expediently, and on an on-going basis, in any process which involves the following:
 - a) The preparation of Local Plans;
 - b) The preparation of supplementary planning documents;

- c) Notification of and consultation on planning applications relating to strategic planning matters;
- d) Activities that support any of the above so far as they relate to the achievement of sustainable development, the use of land for, or in connection with, strategic infrastructure that has or would have a significant impact on at least two planning areas.

3.2 The engagement required of signatories includes, in particular, considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches where there are cross border issues, and for local planning authorities considering whether to prepare joint development plan documents.

4. Status

4.1 This memorandum of understanding is an operational document. It is not a formally binding legal agreement.

4.2 The signatories individually and collectively agree to use all reasonable endeavours to comply with the terms and spirit of the memorandum of understanding.

4.3 The signatories recognise that there will not always be full agreement with respect to all of the issues on which they have agreed to co-operate, reflecting that the Duty to Co-operate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters.

4.4 This memorandum does not restrict the discretion of any of the signatories in the consideration of or determination of any planning application, or in the exercise of any of their statutory powers and duties, or in their response to consultations.

4.5 Agreement to, or withdrawal from, the memorandum of understanding does not remove a local authority's Duty to Co-operate pursuant to the Act.

5. Parties

5.1 The following local planning authorities have signed this memorandum of understanding:

Cheltenham Borough Council
 Cotswold District Council
 Forest of Dean District Council
 Gloucester City Council
 Gloucestershire County Council (in its capacity as the Local Highway Authority (LHA) and Minerals & Waste Planning Authority (M&WPA))
 Stroud District Council
 Tewkesbury Borough Council

5.2 Other agencies who will be invited to sign include:

Neighbouring planning authorities that share borders with any of the above councils
 Environment Agency
 Historic England
 Natural England
 Civil Aviation Authority
 Homes and Communities Agency
 NHS Gloucestershire Clinical Commissioning Group (CCG)
 NHS England Office of the Rail Regulator

Highways England
Marine Management Organisation
GFirst Local Enterprise Partnership
Gloucestershire Local Nature Partnership
Cotswolds Conservation Board
Malvern Hills AONB Partnership
Wye Valley AONB Partnership
Severn Trent Water
Thames Water
Gloucestershire Police and Crime Commissioner
Lower Severn Internal Drainage Board

6. Strategic Planning

- 6.1 In line with the NPPF, all signatories want to deliver sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs. We want to work together to address strategic and cross-boundary issues. Specifically, relevant signatories will:
- a) Agree those matters which are strategic in nature, based upon an appreciation of the wider demographic, economic, environmental and social context that affects the area, and up-to-date evidence of development needs across the area;
 - b) Continue to work together on producing joint evidence where it is the most efficient and effective approach;
 - c) Work together to assess the overall quantity, mix and broad distribution of development required within Gloucestershire, including its delivery through necessary strategic infrastructure;
 - d) Work together to consider whether, if objectively assessed housing needs arising from one area cannot be met wholly within that area, those unmet housing needs can be met, where it is reasonable to do so, elsewhere in the same Housing Market Area;
 - e) Work together to ensure that where strategic or local priorities, including infrastructure, which cross local boundaries within the County or relevant functional geography, signatories work collaboratively together to make sure they are clearly reflected in our individual plans;
 - f) Work together to resolve barriers to sustainable development;
 - g) Examine options to work together on joint plans where it is the most efficient and effective approach;
 - h) Work together to align the production of Local Plans where possible and where not possible in the short term, to agree mechanisms for the review of Local Plans to achieve alignment in the longer term;
 - i) Engage constructively, actively and on an ongoing basis to deliver sustainable development; and
 - j) Ensure appropriate governance arrangements are in place to take forward the commitments in this memorandum.

7. Strategic Issues and Priorities

- 7.1 The signatories are currently working together, with other bodies, on the following strategic issues. We agree to continue this partnership working and to extend this where appropriate to other bodies:
- Identifying shared priorities for strategic infrastructure investment and how to co-ordinate the implementation of the Community Infrastructure levy
 - Working with the Local Enterprise Partnership to reflect the Strategic Economic Plan and spatial strategies for growth in local plans and programmes;

- Encourage inward investment and employment opportunities, for example by jointly promoting strategic employment sites;
- Adapting to and mitigating climate change, including through the development of a Gloucestershire energy fund;
- Improving transport links, including the development of major transport schemes, upgrading rail and bus facilities, and extending the cycling network;
- Meeting housing needs within the Gloucestershire Strategic Housing Market Area, addressing homelessness and implementing the Supporting People Strategy;
- Co-ordinating the delivery of rural housing schemes;
- Supporting rural communities to prepare plans for their future development;
- Jointly promoting tourism brands within Gloucestershire;
- Supporting and facilitating rural broadband development;
- Developing and implementing a Gloucestershire green infrastructure strategy and ecological network;
- Protecting biodiversity resources including managing recreational pressure from visitors;
- Coordinating policy and management programmes to deliver improvements to the Cotswolds/Wye Valley/Malvern Hills Areas of Outstanding Natural Beauty;
- Managing the Severn Estuary shoreline including addressing the risks from erosion and flooding;
- Protecting important mineral resources from unnecessary sterilisation through effective co-ordination over development proposals; and
- Protecting safeguarded mineral and waste infrastructure from incompatible development through effective co-ordination over development proposals.

8. Liaison Arrangements

- 8.1 Each local planning authority will be responsible for preparing and adopting their own Local Plan and supplementary planning documents, and setting up their own governance arrangements to facilitate this. Where local planning authorities agree to prepare joint plans, joint governance arrangements will be put in place.
- 8.2 The Gloucestershire Economic Growth Joint Committee (GEGJC) consisting of senior officers and councillors from all local planning authorities and other relevant bodies (including any relevant supporting governance structure), meet regularly to discuss strategic and cross-boundary matters across Gloucestershire and will take decisions or make recommendations to decision taking bodies within each local planning authority on how to take forward the commitments within this memorandum.
- 8.3 The County Planning Officers Group (CPOG), consisting of planning officers from all local planning authorities, will meet every two months to provide technical support and advice to GEGJC or related governance structure on strategic and cross-boundary matters. CPOG will monitor the production of Local Plans and supplementary planning documents across Gloucestershire and will examine opportunities for day to day co-operation.
- 8.4 Minutes will be taken at all meetings to provide ongoing evidence of co-operation.
- 8.5 All signatories will work together to ensure effective liaison with GFirst Local Enterprise Partnership (GFirst-LEP).

9. Consultation Arrangements

- 9.1 Each local planning authority signatory will:

- a) Notify the signatories in advance of each consultation stage in the preparation of its Local Plan;
- b) Notify the signatories of consultation on any other planning document which, in its view, would have a significant impact on strategic planning or development within the Gloucestershire area;
- c) If requested, meet with, and discuss any issues raised by, one or more of the other signatories and take into account any views expressed on those issues;
- d) Notify the signatories of any major planning applications, from within its area or on which it is consulted by a local authority from outside its area, which would, in its view, have a significant impact on the strategic planning and development of the Gloucestershire area;
- e) Take into account any views expressed in determining planning applications, particularly those of a 'larger-than-local' nature; and
- f) Ensure that the spatial expression of land use policies is kept as up-to-date as possible and accurately represented on local plan proposals maps.

10. Planning Agreements

- 10.1 Local planning authority signatories will seek to enter into formal agreement with each other demonstrating their long term commitment to a jointly agreed strategy on cross boundary matters. These agreements will be submitted to Inspectors examining relevant Local Plans.

11. Dispute Resolution

- 11.1 There may be times when the signatories to this memorandum cannot reach agreement. This may be perfectly acceptable. The Duty to Cooperate does not mean that all agencies always have to agree. It is important to have mechanisms for dealing with such disputes. If resolution cannot be reached, the matter will be referred to the GEGJC (or relevant governance structure) who will liaise with other appropriate signatories to consider if the issue can be resolved before referral to individual signatory organisations for their own resolution.

12. Timescales and Termination

- 12.1 This memorandum is intended to run initially for a two year period from 5th June 2017 and will be reviewed in May 2019.
- 12.2 This memorandum should be read in conjunction with the Gloucestershire Duty to Co-operate Schedule, which is a live document, updated periodically by the County Planning Officer Group to:
 - To identify the strategic planning issues affecting more than one local authority in the Gloucestershire area;
 - To define the processes for taking these issues forward; and
 - To record outcomes that have been delivered.
- 12.3 Any of the signatories may withdraw from this memorandum at any time. Any such withdrawal should be notified in writing to the Gloucestershire Economic Growth Joint Committee (GEGJC).

Appendix 3

Draft Memorandum of Understanding (MoU)

May 2018 Version

For facilitating the steady and adequate supply of sand & gravel aggregates through the planning of sustainable minerals development across the Upper Thames Valley (UTV) strategic mineral resource block

1. Purpose and scope of the MoU

- 1.1. The purpose of this MoU is to establish a framework setting out roles and responsibilities that will aid collaborative working between the local Mineral Planning Authorities (MPAs) of Gloucestershire County Council (GCC), Swindon Borough Council (SBC), Wiltshire Council (WC) and Oxfordshire County Council (OCC) ('the UTV MPAs'). The MoU will help to demonstrate how statutory obligations under the Duty-to-Cooperate (DtC) are being met³¹, specifically for facilitating steady and adequate supply of sand and gravel aggregates through the planning of sustainable minerals development across the Upper Thames Valley (UTV) strategic mineral resource block.
- 1.2. The MoU will promote the adoption of good practice partnership working aimed at instituting a clear and consistent approach to evidence gathering and data interpretation on mineral matters related to the UTV strategic mineral resource block. The information collected will support local plan-making functions carried out by MPAs but may also contribute to decision making on individual planning applications. Furthermore, published outputs maybe of use at a strategic level and help inform future aggregate supply policy development undertaken sub-nationally or nationally by Aggregate Working Parties (AWPs)³² and / or the National Aggregate Coordinating Group (NaCG)³³.
- 1.3. The MoU is centred on ensuring consistent, coordinated and effective collection, analysis and dissemination of information relating to: -

³¹ Clause 110 of the Localism Act (2011) introduces an amendment to Part 2 of the Planning & Compulsory Purchase Act (2004), which imposes a duty to co-operate in relation to planning of sustainable development for local authorities and other prescribed bodies.

³² The AWPs most likely to be affected / influenced by aggregate mineral information facilitated by the SoCGG include: - the South West Aggregate Working Party (SW-AWP); South East Aggregate Working Party (SE-AWP); and London Aggregate Working Party (L-AWP).

³³ The NaCG is specifically referred to within the National Planning Policy Framework (NPPF) as an advisory body in the planning for the steady and adequate supply of aggregates by MPAs (see NPPF paragraph 145). Further information on the role and function of the NaCG is set out within national Planning Practice Guidance (nPPG), which explains it has a monitoring function related to the overall provision of aggregates across England as delivered through the Managed Aggregate Supply System (MASS). (see nPPG minerals section, paragraph: 060, reference id: 27-060-20140306).

- the annual supply of sand & gravel aggregate sourced from across the UTV strategic mineral resource block;
- supply trends within and beyond the UTV strategic mineral resource block over time;
- the amount of permitted reserves of sand & gravel aggregate contained within the UTV strategic mineral resource block;
- the amount of sand & gravel aggregate resources within local plan allocations within the UTV strategic mineral resource block;
- the impact that remaining permitted reserves of sand & gravel aggregate and resources contained within local plan allocations may have on supply;
- the amount of other potential sand & gravel aggregate resources within the UTV strategic mineral resource block; and
- the implementation of planning policy for the effective management of sand & gravel aggregate resources throughout the UTV strategic mineral resource block (i.e. the safeguarding of mineral infrastructure³⁴ and the avoidance of needless mineral sterilisation³⁵).

1.4. For the avoidance of doubt, this MoU supports the preparation of local plans but is not itself a policy document. The inclusion of any policy-related matter in this MoU, for example the inclusion of parts of the Cotswolds AONB within the MoU area, should not be taken as setting planning policy for any particular part of the MoU area. Policy making is a matter for each of the UTV MPAs through their local plans.

2. Status of the MoU

2.1. The UTV MPAs acknowledge that this MoU is not a legally binding contract but, as outlined above, is a statement of intent, which provides a foundation for on-going co-operation between UTV MPAs, including possible bi-lateral arrangements relating to issues such as mineral supply.

3. The geographic coverage of the MoU

³⁴ National Planning Policy Framework (NPPF) paragraph 143 sets out the types of mineral infrastructure that should be subject to safeguarding arrangements.

³⁵ National policy and guidance on the implementation of mineral resource safeguarding through the avoidance of needless sterilisation is established under National Planning Policy Framework (NPPF) paragraph 143 and National Planning Practice Guidance (NPPG) Minerals section, paragraphs 002 – 005, reference id: 27-002-20140306.





3.1. Figure 1 displays the geographic coverage of the UTV strategic mineral resource block, applicable to the MoU ('the MoU area'). It is made up of roughly 80,000 hectares that have a strong relationship to the upper reaches of the River Thames and its main tributaries, upstream of Oxford. The MoU area broadly follows the path of the River Thames from close to its source south of Cirencester, through the area north of Swindon and then eastwards right up to the outskirts of the City of Oxford. It demonstrates a fair degree of environmental homogeneity and has largely been assimilated by Natural England (NE) into the National Character Area – The Upper Thames Clay Vales³⁶.

Figure 1: UTV strategic mineral resource block – ‘the MoU area’



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The administrative authorities (including mineral planning authorities (MPAs) and local planning authorities LPAs) **contained within the UTV strategic mineral resource block:** -

-  Gloucestershire County Council (including Cotswold District as the LPA)
-  Oxfordshire County Council (including West Oxfordshire, Vale of White Horse and Oxford City as the LPAs)
-  Wiltshire Council (unitary authority with LPA and MPA responsibilities)
-  Swindon Borough (unitary authority with LPA and MPA responsibilities)

³⁶ Full details and information relating to National Character Area 108: The Upper Thames Clay Vales can be found at: - <http://publications.naturalengland.org.uk/publication/5865554770395136>

- 3.2. The MoU area has been founded on local mineral resource information published by the British Geological Survey (BGS)³⁷ and is based on the extent of broadly contiguous drift deposits mostly laid down during the Pleistocene period as river terraces and / or floodplain areas. These deposits are known to yield sand & gravel resources and may have potential to act as a future source of aggregate supply.
- 3.3. The MoU area is somewhat larger than the resource boundaries presented by the BGS. This is to ensure other local drift deposits which may have sand & gravel resource potential, but which have not been included by the BGS, are successfully captured. The larger area also provides capacity for mineral safeguarding and / or mineral consultation areas (MSAs and MCAs) prepared by UTV MPAs to be incorporated (see section 4).
- 3.4. The defined boundary of the MoU area applies the Ordinance Survey (OS) 'National Grid' system at a scale of 10km-by-10km. All OS blocks which contain relevant drift deposits with sand & gravel resource potential have been included.
- 3.5. For decades, sand and gravel has been worked within the MoU area. An area largely incorporating parts of GCC and WC and a very small part of SBC has been subject to concentrated and sustained mineral operations. This area is known as the Cotswold Water Park (CWP) and has experienced notable landscape-scale change resulting in the creation of a network of lakes and ponds. Minerals sourced from within the CWP area has contributed significantly to local supplies for Gloucestershire, Wiltshire and Swindon for many years. Considerable movements of worked sand and gravel largely between Gloucestershire and Wiltshire due to cross-border operations and / or the utilisation of processing infrastructure has also been a feature of mineral supplies from within the CWP³⁸. This represents the current circumstance and is likely to continue for the foreseeable future. Furthermore, at different times the CWP has also been a noteworthy contributor to sand and gravel imports into neighbouring Oxfordshire³⁹.
- 3.6. Another concentration of sand & gravel operations within the MoU area is located in West Oxfordshire around the Lower Windrush Valley. Similar to the CWP it has been subject to extensive workings and has undergone local landscape change resulting in the creation of a collection of lakes and ponds. There has also been significant sand and gravel extraction in the Cassington area of Oxfordshire, to the north west of Oxford.

³⁷ BGS published series of onshore mineral resource maps covering Gloucestershire (comprising Gloucestershire and South Gloucestershire) (2006); Wiltshire (comprising Wiltshire and the Borough of Swindon) (2004); and Oxfordshire (2004) can be obtained at: - <http://www.bgs.ac.uk/mineralsuk/planning/resource.html>

³⁸ As detailed under paragraph 3.15 of the Gloucestershire Local Aggregates Assessment (2014) This debates the considerable variation of exports and imports of sand and gravel between Gloucestershire and Wiltshire over the period between 2009 and 2014.

http://www.gloucestershire.gov.uk/media/6753/fourth_local_aggregates_assessment_for_gloucestershire_-_published_july_2016-66805.pdf

³⁹ As set out under Figure 2 of the Gloucestershire Local Aggregates Assessment (2015) 20% of sand and gravel exports from the county in 2009 went to Oxfordshire.

<http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/local-aggregates-assessment-laa/>

These areas have consistently contributed to local Oxfordshire supplies. There have also been some exports to Gloucestershire, Wiltshire and Swindon⁴⁰.

- 3.7. The part of the UTV area within Oxfordshire that lies to the west of the Lower Windrush Valley up to the Gloucestershire border has had very limited exposure to sand and gravel working. A small area very close to the Gloucestershire border near to Little Farringdon represents the only noteworthy operation to have taken place. This is no longer active.
- 3.8. The MoU area will be reviewed periodically to ensure it continues to remain appropriate and fit for the purpose.

4. Current sand and gravel sales & reserves data and mineral resource & infrastructure safeguarding and monitoring practices | as of Jan 2018

Sand and gravel sales & reserves data

- 4.1. There is an expectation that all MPAs across England will collect data on mineral sales and reserves in their area on an annual basis to inform their Local Aggregate Assessments (LAAs). LAAs may be incorporated within / or be published in addition to Authority Monitoring Reports (AMRs). Collated aggregate datasets at the sub-national level are also regularly published within AWP annual reports⁴¹. These include the outputs from MPAs within an AWP area. In addition, there is a national four-yearly aggregate mineral (AM) survey. This is a commissioned study by central government and covers all MPAs in England and Wales. It contains similar information on sales and reserves as collected annually by MPAs and introduces data on the movement of aggregates (i.e. imports and exports) throughout the country. The most recent AM survey took place in 2014⁴².
- 4.2. Local sand and gravel data covering the UTV strategic mineral resource block is administered at the MPA level by the UTV MPAs. Although in the case of Wiltshire Council (WC) and Swindon Borough Council (SBC), WC carries out all minerals data monitoring functions under joint-working arrangements between the two local authorities. Annualised data is published by the UTV MPAs within their LAAs and / or

⁴⁰ The Oxfordshire Local Aggregates Assessment (2017) discusses the destination of primary aggregates from the county under the AM (2009 & 2014) surveys at paragraphs 3.47 and 3.48 and table 3.11a shows sand and gravel from Oxfordshire has contributed to supplies for both Gloucestershire and Wiltshire in 2009 and 2014.
https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/mineralsandwaste/OxfordshireLAA_2017.pdf

⁴¹ Aggregate Working Parties: Annual Reports for all of England can be obtained at: -
<https://www.gov.uk/government/collections/aggregates-working-parties-annual-reports>

⁴² The Aggregate Minerals Survey for England and Wales: 2014 can be obtained at: -
<https://www.gov.uk/government/collections/minerals>

AMRs⁴³. It is presented as an authority-wide collation for sand and gravel aggregate and / or further sub-divisions of sand and gravel types (e.g. soft sand, sharp sand & gravel etc...). No data collations have been published to date that are location-specific to either part of / or the entirety of the UTV strategic mineral resource block⁴⁴.

- 4.3. At the sub-national level sand and gravel data across the UTV MPAs contributes towards two separate AWP collations. Information from Gloucestershire and Wiltshire & Swindon is included in the South West AWP annual report⁴⁵. The Oxfordshire data is contained within the South East AWP annual report⁴⁶. At the national level, sand & gravel data for all MPAs in England and Wales for 2014, including data on imports, exports and consumption, is contained in the Collation of the Results of the 2014 Aggregate Mineral Survey for England & Wales (British Geological Survey, March 2016)⁴⁷.

Mineral resource & infrastructure safeguarding

- 4.4. National policy requires MPAs to prepare a local policy framework that will avoid the needless sterilisation of local mineral resources and that mineral-related infrastructure will be safeguarded⁴⁸. As a consequence all UTV MPAs should include policies to this effect when developing their suite of local mineral policies for the future.
- 4.5. Currently only WC, SBC and OCC have up-to-date adopted local policy, which covers mineral resource and infrastructure safeguarding. The Wiltshire & Swindon Minerals Core Strategy (2009) identifies Mineral Safeguarding Areas (MSAs) for sharp sand and gravel; soft (building) sand; chalk (for cement manufacturing); clay (for cement manufacturing and as an engineering medium); and building stone (Limestone and Greensand). The W&S Core Strategy also includes a specific local policy covering the delivery of mineral resource and infrastructure safeguarding – Policy MCS 6: *Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities*⁴⁹.

⁴³ The LAA for Gloucestershire (2014) can be obtained at: -

<http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/local-aggregates-assessment-laa/>

The LAA data for Oxfordshire (2017) can be obtained at: -

https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/mineralsandwaste/OxfordshireLAA_2017.pdf

The LAA for Wiltshire LAA (2013) can be obtained at: -

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/mineralsandwastepolicy.htm>

⁴⁴ For clarification this matter solely relates to sand and gravel aggregates. In Gloucestershire the collation of sales and remaining reserves figures for crushed rock aggregates includes a locational element through the separation of the main local producing areas – the Cotswolds and the Forest of Dean. This approach has been adopted to facilitate effective and workable provision policies appropriate to the MPA

⁴⁵ The most recently published South West Aggregate Working Party Annual Report (for 2014) containing Gloucestershire and Wiltshire aggregate data, is hosted on the Devon County Council website due to the authorities chairmanship of the AWP. It can be obtained at: -

<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/south-west-aggregates-working-party>

⁴⁶ The most recently published South East England Aggregate Working Party Annual Report (2013), containing Oxfordshire aggregate data, can be obtained at: - <https://www.gov.uk/government/publications/south-east-aggregates-monitoring-report-2013>

⁴⁷ <https://www.gov.uk/government/publications/aggregate-minerals-survey-for-england-and-wales-2014>

⁴⁸ National Planning Policy Framework (NPPF) paragraph 143 provides the detailed policy expectations concerning mineral sterilisation and infrastructure safeguarding

⁴⁹ The Wiltshire and Swindon Minerals Core Strategy (2006-2026) can be obtained in full at: -

- 4.6. In the case of OCC, the adopted Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy (2017)⁵⁰, defines (MSAs) and Mineral Consultation Areas (MCAs) for sharp sand and gravel, soft sand, limestone and fuller’s earth. It also sets out two policies concerning mineral resource and infrastructure safeguarding – Policies M8 and M9.
- 4.7. For GCC, the emerging draft Minerals Local Plan for Gloucestershire, which underwent public consultation between September and November 2016 identifies MSAs and MCAs relating to the county’s distribution of: - superficial sand & gravels; the Carboniferous coal measures within the Forest of Dean; Carboniferous limestones and sandstones; Jurassic limestones; and Permian Bridgnorth and Triassic Bromsgrove sandstones. The draft plan also provides a suite of policies regarding the implementation of mineral resource and infrastructure safeguarding – Policies MS01 – 03⁵¹.
- 4.8. The implementation of mineral resource and infrastructure safeguarding is ultimately carried out through the development management process and is largely concerned with assessing non-minerals development proposals for their accordance with safeguarding policy and attributing appropriate weight to the issue during the decision making process. For WC and SBC, which are unitary authorities (both the minerals and local planning authority – MPA and LPA) this is a relatively simple exercise centred on the effective application of local policy. However, in the case of GCC and OCC, which operate under the two-tier structure of local government, a degree of further collaboration is necessary with local district councils which are the LPA for non-minerals development proposals. The provision of and use of Mineral Consultation Areas (MCAs) as detailed in National Planning Practice Guidance is designed to assist with effective safeguarding in two-tier areas⁵². For Oxfordshire, MCAs are defined in the adopted Minerals and Waste Local Plan Part 1 – Core Strategy. Defining MCAs and the approach to notification of potential mineral sterilisation issues is being brought forward by GCC in the emerging Minerals Local Plan for Gloucestershire.
- 4.9. The statutory AMR regime is the monitoring vehicle for of all local policies – including those for mineral resource and infrastructure safeguarding⁵³. National Planning Practice Guidance advises on the principal role and function of AMRs. They should be

https://www.swindon.gov.uk/info/20113/local_plan_and_planning_policy/644/minerals_planning_framework

⁵⁰ The Oxfordshire Minerals & Waste Local Plan: Part 1 - Core Strategy can be obtained at: -

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/mineralsandwaste/September2017/AdoptedMineralsWasteCoreStrategySept2017.pdf>

⁵¹ The draft Minerals Local Plan for Gloucestershire (2018-2032) can be obtained at: -

<http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-gloucestershire/evidence-base-for-the-minerals-local-plan-for-gloucestershire/>

⁵² National Planning Practice Guidance (NPPG) Minerals section, paragraph 005, reference id: 27-002-20140306

⁵³ Authority Monitoring Reports (AMRs) are statutorily required under section 113 of the Localism Act 2011

published at least annually, made publicly available and assist in deciding whether local policies or plans need to be reviewed⁵⁴. All of the UTV MPAs are covered by the AMR requirements.

5. Collaborative working | roles and responsibilities set out in the MoU

5.1. It is agreed by the UTV MPAs: -

- That each of the UTV MPAs will collect annual monitoring data on sales, reserves and planning decisions for sand & gravel sourced from within their part of the UTV strategic mineral resource block;
- That each of the UTV MPAs will collect monitoring data on the destination of sand & gravel sales, sourced from within their part of the UTV strategic mineral resource block for those years when a national AM survey is carried, and will endeavour also to collect such data for other years;
- To agree a set of rules relating to the handling of confidentiality issues surrounding the Annual Monitoring data with the objective of enabling MPA-level monitoring data on sales, reserves and movements of sand & gravel aggregates sourced from within the UTV strategic mineral resource block to be shared between the UTV MPAs and, if agreed by UTV MPAs, shared with the AWP and published;
- To notify each other when undertaking public consultation for the preparation of local development documents and other plans relevant to the working or other supply of minerals, which could have an impact on the supply of sand & gravel aggregate sourced from or the resources within the UTV strategic mineral resource block;
- To notify each other of planning proposals that fall within their administrative area for minerals and non-minerals of development, which could have a significant impact on other UTV MPA areas with respect to the safeguarding of existing mineral infrastructure and / or the avoidance of needlessly sterilising mineral resources;
- When appropriate, to meet and discuss minerals-related planning issues raised by one or more of the UTV MPAs, which could have an impact on sand and gravel aggregate supplies sourced from within the UTV strategic mineral resource block;

⁵⁴ National Planning Practice Guidance (NPPG) Local Plans section, paragraphs 027, reference id: 12-027-20150326

- To take account of accumulated monitoring data on sand & gravel aggregates sourced from the UTV strategic mineral resource block when developing local plan policy that will influence aggregate provision including in the production of supporting evidence reports and formal consultation documents;
- To take account of the outcomes of any discussions held between the UTV MPAs on minerals-related planning issues when developing local plan policy that will influence aggregate provision including in the production of supporting evidence reports and formal consultation documents;
- To meet from time-to-time to review all aspects of collaborative working including the roles and responsibilities set out in this MoU and the defined MoU area (see section 3).

6. Review and dispute resolution

- 6.1. All aspects of the MoU will be subject to periodic review by the UTV MPAs and amended as appropriate, as may be agreed by the UTV MPAs.
- 6.2. The UTV MPAs agree to monitor the application of the principles set out in this MoU and to develop more detailed arrangements between themselves as and when required.
- 6.3. By following the principles set out in the document and pursuing a collaborative approach wherever possible it is expected that disputes relating to the collection, accumulation and presentation of data and its interpretation will be avoided or at least kept to an absolute minimum. Where differences arise UTV MPAs will take all reasonable steps to reach a mutually acceptable resolution. Where differences cannot be resolved the individual sovereignty of the respective organisations will be respected.
- 6.4. Nothing in this document shall serve to limit the discretion of a UTV MPA or otherwise bind that UTV MPA to a decision with which that UTV MPA does not agree.

Appendix 4

DRAFT STATEMENT OF COMMON GROUND (SoCG)

(FEBRUARY 2018)

For facilitating the steady and adequate supply of aggregates through the planning of sustainable minerals development between the West of England area, Gloucestershire and parts of the South West inshore marine plan area administered by the Marine Management Organisation (MMO)

1. Purpose and scope of the SoCG

- 1.1. The purpose of this SoCG is to establish a framework setting out roles and responsibilities that will aid collaborative working between the local Mineral Planning Authorities (MPAs) of North Somerset (NS), South Gloucestershire (SG), Bristol City (BC) and Bath and North East Somerset (BANES) – collectively known as the “West of England” (WoE); Gloucestershire County Council (GCC) and the Marine Management Organisation (MMO). The SoCG will help to demonstrate how statutory obligations under the Duty-to-Cooperate (DtC) are being met⁵⁵, specifically for facilitating steady and adequate supplies of land won sand and gravel and crushed rock aggregates between the geographical areas that make up the WoE and Gloucestershire and acknowledging the contribution made to aggregate supplies from marine-won sand and gravel sourced from relevant parts of the South West inshore marine plan area.
- 1.2. The SoCG will promote the adoption of good practice partnership working aimed at instituting a clear, mutually beneficial and consistent approach to evidence gathering and data interpretation on aggregate mineral matters related to the relevant MPA areas and the South West inshore marine plan area. The information collected will primarily support local plan-making functions carried out by signatories but may also contribute towards decision making with individual planning applications. Furthermore, published outputs may be of use at a strategic level and help inform future aggregate supply policy development undertaken sub-nationally or nationally by Aggregate Working Parties (AWPs)⁵⁶ and / or the National Aggregate Coordinating Group (NaCG)⁵⁷.
- 1.3. The SoCG is centred on ensuring consistent, coordinated and effective collection, analysis and dissemination of information relating to: -

⁵⁵ Clause 110 of the Localism Act (2011) introduces an amendment to Part 2 of the Planning & Compulsory Purchase Act (2004), which imposes a duty to co-operate in relation to planning of sustainable development for local authorities and other prescribed bodies.

⁵⁶ The AWPs most likely to be affected / influenced by aggregate mineral information facilitated by the SoCG include: - the South West Aggregate Working Party (SW-AWP); South East Aggregate Working Party (SE-AWP); and London Aggregate Working Party (L-AWP).

⁵⁷ The NaCG is specifically referred to within the National Planning Policy Framework (NPPF) as an advisory body in the planning for the steady and adequate supply of aggregates by signatories (see NPPF paragraph 145). Further information on the role and function of the NaCG is set out within national Planning Practice Guidance (nPPG), which explains it has a monitoring function related to the overall provision of aggregates across England as delivered through the Managed Aggregate Supply System (MASS). (see nPPG minerals section, paragraph: 060, reference id: 27-060-20140306).

- the annual supply of aggregates sourced from across the MPA areas and the South West inshore marine plan area;
- the evolution of supply trends within and beyond the MPA areas and the South West inshore marine plan area over time;
- the amount of land-based and marine-based permitted aggregate reserves contained across the areas administered by SoCG partners;
- the anticipated impact that remaining land-based and marine-based permitted aggregate reserves may have on evolving supply trends; and
- the implementation of land-use planning tools aimed at the effective management of aggregate resources throughout the MPA areas (i.e. the safeguarding of mineral infrastructure⁵⁸ and the avoidance of needless mineral sterilisation⁵⁹).

2. Status of the SoCG

- 2.1. The signatories acknowledge that this SoCG is not a legally binding contract but, as outlined above, is a statement of intent, which a foundation for on-going co-operation between the signatories.

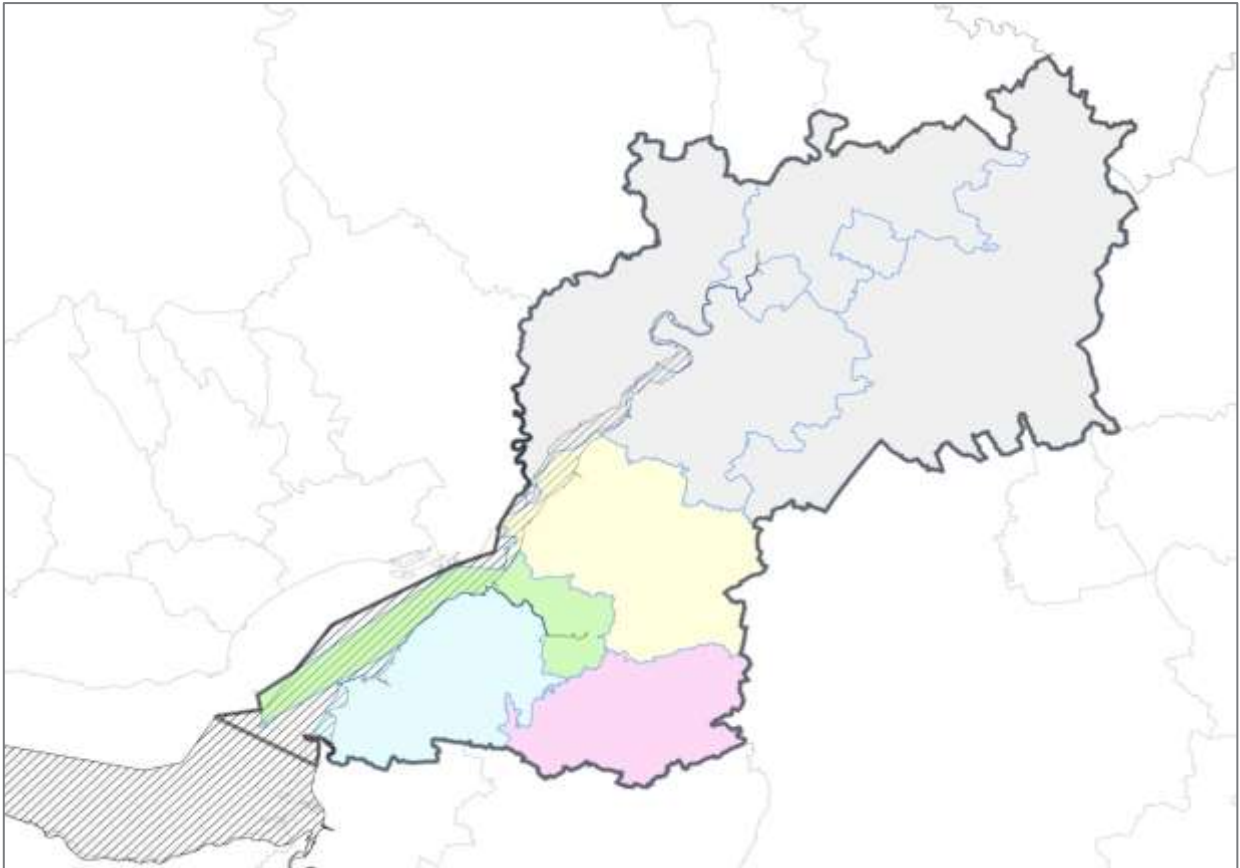
3. The geographic coverage of the SoCG

- 3.1. Figure 1 displays the geographic coverage of the SoCG boundary, applicable to the SoCG ('the SoCG area'). It is made up of over 400,000 hectares covering the administrative boundaries of the five mineral planning authorities plus also parts of the South West inshore marine planning area.
- 3.2. The SoCG area will be reviewed periodically to ensure it continues to remain appropriate and fit for the purpose.








⁵⁸ National Planning Policy Framework (NPPF) paragraph 143 sets out the types of mineral infrastructure that should be subject to safeguarding arrangements.

⁵⁹ National policy and guidance on the implementation of mineral resource safeguarding through the avoidance of needless sterilisation is established under National Planning Policy Framework (NPPF) paragraph 143 and National Planning Practice Guidance (NPPG) Minerals section, paragraphs 002 – 005, reference id: 27-002-20140306.

Figure 1: SoCG boundary – ‘the SoCG area’



The administrative authorities (including mineral planning authorities (signatories) and local planning authorities LPAs) **contained within the SoCG boundary:** -

-  Gloucestershire County Council (including district boundaries)
-  The City of Bristol Council
-  South Gloucestershire Council
-  North Somerset Council
-  Bath and North East Somerset Council
-  South West inshore Marine plan boundary
-  SoCG boundary

4. Current aggregate sales & reserves data and mineral resource & infrastructure safeguarding monitoring practices | as of Jan 2018

Aggregate sales & reserves data

- 4.1. There is an expectation that all MPAs across England will collect data on mineral sales and reserves in their area on an annual basis through Local Aggregates Assessments (LAAs). LAAs may be incorporated within / or be published in addition to Authority Monitoring Reports (AMRs). Collated aggregate datasets at the sub-national level are also regularly published within AWP annual reports⁶⁰. These include the outputs from signatories within an AWP area. In addition, there is a national four-yearly aggregate mineral (AM) survey. This is a commissioned study by central government and covers all signatories in England and Wales. It contains similar information on sales and reserves as collected annual by signatories and introduces data on the movement of aggregates (i.e. imports and exports) throughout the country and beyond. The most recent AM survey took place in 2014⁶¹.
- 4.2. At the sub-national level land-won aggregate data across the signatories contributes towards the SW AWP collations.

Mineral resource & infrastructure safeguarding

- 4.3. National policy requires MPAs to prepare a local policy framework that will ensure the needless sterilisation of local mineral resources will be avoided and that mineral-related infrastructure will be safeguarded⁶². As a consequence all MPAs must undertake necessary preparations to this effect when developing their suite of local mineral policies for the future.
- 4.4. The four WoE planning authorities recently published a Joint Spatial Plan which will be submitted in 2018⁶³, but this does not consider mineral issues. Out of the WoE authorities, South Gloucestershire has the most recently adopted minerals policy contained in the Policies, Sites and Places Plan (adopted November 2017)⁶⁴ which is to be read in conjunction with the Core Strategy (adopted in 2013). North Somerset's minerals policies are found within the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (adopted July 2016)⁶⁵.
- 4.5. There are active non-aggregate mineral sites within the BANES MPA area but no aggregate sites. The minerals policies are found within Bath & North East Somerset Local Plan including minerals & waste policies – Adopted October 2007⁶⁶. Bristol City Council does not have any active mineral sites within its administrative boundary although marine-won aggregates are

⁶⁰ The national collation of Aggregate Working Parties: Annual Reports for all of England can be obtained at: -

<https://www.gov.uk/government/collections/aggregates-working-parties-annual-reports>

⁶¹ The Aggregate Minerals Survey for England and Wales: 2014 can be obtained at: -

<https://www.gov.uk/government/collections/minerals>

⁶² National Planning Policy Framework (NPPF) paragraph 143 provides the detailed policy expectations concerning mineral sterilisation and infrastructure safeguarding

⁶³ <https://www.jointplanningwofe.org.uk/consult.ti>

⁶⁴ <http://www.southglos.gov.uk/environment-and-planning/planning/planning-policy/planning-local-plans/policies-sites-and-places-dpd/>

⁶⁵ <https://www.n-somerset.gov.uk/my-services/planning-building-control/planningpolicy/sites-policies-development-plan-document/sitesandpolicies/>

⁶⁶ <http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/local-plan-2016-2036>

landed at Bristol. The policy framework for mineral safeguarding is contained within the Bristol Local Plan – Site Allocations and Development Management Policies – Adopted July 2014⁶⁷.

- 4.6. For GCC, the emerging draft Minerals Local Plan for Gloucestershire, which underwent public consultation between September and November 2016 identifies MSAs and MCAs relating to the county's distribution of: - superficial sand & gravels; the Carboniferous coal measures within the Forest of Dean; Carboniferous limestones and sandstones; Jurassic limestones; and Permian Bridgnorth and Triassic Bromsgrove sandstones. The draft plan also provides a suite of policies regarding the implementation of mineral resource and infrastructure safeguarding – Policies MS01 – 03⁶⁸.
- 4.7. The implementation of mineral resource and infrastructure safeguarding is ultimately carried out through the development management process and is largely concerned with assessed policy accordance with non-minerals development proposals and attributing appropriate weight to the issue during the decision making process. All of the WoE signatories are unitary authorities (both the minerals and local planning authority – MPA and LPA) this is a relatively simple exercise centred on the effective application of local policy. However, in the case of GCC who operates under the two-tier structure of local government, a degree of further collaboration is necessary with local districts acting as the LPA for non-minerals development proposals. The provision of and use of Mineral Consultation Areas (MCAs) as detailed in National Planning Practice Guidance is designed to assist with effective safeguarding in two-tier areas⁶⁹. Defining MCAs and the approach to notification of potential mineral sterilisation issues are being brought forward by GCC in its emerging mineral plan
- 4.8. The statutory AMR regime is the monitoring vehicle for of all local policies – including those for mineral resource and infrastructure safeguarding⁷⁰. National Planning Practice Guidance advises on the principal role and function of AMRs. They should be published annually, made publicly available and assist in deciding whether local policies or plans need to be reviewed⁷¹. All of the MPA signatories are covered by the AMR requirements.

5. Collaborative working | the roles and responsibilities of the SoCG

5.1. It is agreed by the signatories: -

- That MPA-level monitoring data on sales and reserves for sourced from within the SoCG boundary will be collected and kept up-to-date as regularly as possible (including marine-won sand & gravel landings);

⁶⁷ <https://www.bristol.gov.uk/planning-and-building-regulations/local-plan>

⁶⁸ The draft Minerals Local Plan for Gloucestershire (2018-2032) can be obtained at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/minerals-local-plan-for-gloucestershire/evidence-base-for-the-minerals-local-plan-for-gloucestershire/>

⁶⁹ National Planning Practice Guidance (NPPG) Minerals section, paragraph 005, reference id: 27-002-20140306

⁷⁰ Authority Monitoring Reports (AMRs) are statutorily required under section 113 of the Localism Act 2011

⁷¹ National Planning Practice Guidance (NPPG) Local Plans section, paragraphs 027, reference id: 12-027-20150326

- That each of the MPAs will collect monitoring data on the destination of aggregate sales, sourced from within their administrative boundary for those years when a national AM survey is carried, and will endeavour also to collect such data for other years;
- To notify each other when undertaking public consultation for the preparation of local development documents and other plans relevant to the carrying out of land-use planning functions, which could have an impact on aggregate supplies sourced from within the SoCG boundary;
- To notify each other of planning proposals that fall within their administrative area for minerals and non-minerals of development, which could have a significant impact on other MPA areas with respect to the safeguarding of existing mineral infrastructure and / or the avoidance of needlessly sterilising mineral resources;
- When appropriate, to meet and discuss minerals-related planning issues raised by one or more of the signatories, which could have an impact on aggregate supplies sourced from within the SoCG boundary;
- To take account of accumulated monitoring data on aggregates sourced from the SoCG boundary when developing local plan policy that will influence aggregate provision including in the production of supporting evidence reports and formal consultation documents;
- To take account of the outcomes of any discussions held between the signatories on minerals-related planning issues when developing local plan policy that will influence aggregate provision including in the production of supporting evidence reports and formal consultation documents;
- To meet from time-to-time to review all aspects of collaborative working including the roles and responsibilities set out in this SoCG and the defined SoCG area (see section 3).

6. Review and dispute resolution

- 6.1. All aspects of the SoCG will be subject to periodic review by the signatories and amended as appropriate.
- 6.2. The signatories agree to monitor the application of the principles set out in this SoCG and to develop more detailed arrangements between themselves as and when required.
- 6.3. By following the principles set out in the document and pursuing a collaborative approach wherever possible it is expected that disputes relating to the collection, accumulation and presentation of data and its interpretation will be avoided or at least kept to an absolute minimum. Where differences arise signatories will take all reasonable steps to reach a mutually acceptable resolution. Where differences cannot be resolved the individual sovereignty of the respective organisations will be respected.

- 6.4. Nothing in this document shall serve to limit the discretion of a signatory or otherwise bind that signatory to a decision with which that signatory does not agree.

Appendix 5

DRAFT STATEMENT OF COMMON GROUND (SoCG)

(FEBRUARY 2018)

For facilitating the steady and adequate supply of aggregates and the delivery of sustainable waste management through the planning of minerals and waste development across Gloucestershire, Herefordshire and Worcestershire

1. Purpose and scope of the SoCG

- 1.1. The purpose of this SoCG is to establish a framework setting out roles and responsibilities that will aid collaborative working between the local Minerals and Waste Planning Authorities (M&WPAs) of Gloucestershire County Council (GCC), Herefordshire Council (HC) and Worcestershire County Council (WCC) and. The SoCG will help to demonstrate how statutory obligations under the Duty-to-Cooperate (DtC) are being met⁷², specifically for facilitating steady and adequate supplies of land won sand and gravel and crushed rock aggregates and the delivery of a sustainable waste management throughout the geographical areas that make up the three M&WPAs.
- 1.2. The SoCG will promote the adoption of good practice partnership working aimed at instituting a clear, mutually beneficial and consistent approach to evidence gathering and data interpretation on aggregate mineral and waste management matters related to the relevant M&WPA areas. The information collected will primarily support local plan-making functions carried out by signatories but may also contribute towards decision making with individual planning applications. Furthermore, published outputs maybe of use at a strategic level and help inform future aggregate supply or waste management policy development undertaken sub-nationally or nationally by Aggregate Working Parties (AWPs)⁷³ and / or the National Aggregate Coordinating Group (NaCG) and / or groupings of WPAs brought together through joint working commitments such as those set out in MoUs or other SoCGs, or revised terms of reference of Waste Technical Advisory Bodies (TABs) that still remain active following the replacement of national Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management⁷⁴.
- 1.3. The SoCG is centred on ensuring consistent, coordinated and effective collection, analysis and dissemination of information relating to: -

⁷² Clause 110 of the Localism Act (2011) introduces an amendment to Part 2 of the Planning & Compulsory Purchase Act (2004), which imposes a duty to co-operate in relation to planning of sustainable development for local authorities and other prescribed bodies.

⁷³ The AWPs most likely to be affected / influenced by aggregate mineral information facilitated by the SoCG include: - the South West Aggregate Working Party (SW-AWP) and the West Midlands Aggregate Working Party (WME-AWP);

⁷⁴ The NaCG is specifically referred to within the National Planning Policy Framework (NPPF) as an advisory body in the planning for the steady and adequate supply of aggregates by signatories (see NPPF paragraph 145). Further information on the role and function of the NaCG is set out within national Planning Practice Guidance (nPPG), which explains it has a monitoring function related to the overall provision of aggregates across England as delivered through the Managed Aggregate Supply System (MASS). (see nPPG minerals section, paragraph: 060, reference id: 27-060-20140306). The National Planning Policy for Waste (NPPW) contains policy relating to working jointly and collaboratively with other planning authorities.

- the annual supply of aggregates sourced from across the SoCG area;
- the annual movements of waste across the WPA areas
- the evolution of supply trends within and beyond the M&WPA areas over time;
- the amount of land-based permitted aggregate reserves contained across the areas administered by SoCG partners;
- the amount of permitted waste capacity across the WPA area
- the anticipated impact that remaining land-based permitted aggregate reserves or waste capacity may have on evolving supply trends; and
- the implementation of land-use planning tools aimed at the effective management of mineral resources and waste infrastructure throughout the MPA areas (i.e. the safeguarding of minerals and waste infrastructure⁷⁵ and the avoidance of needless mineral sterilisation⁷⁶).

2. Status of the SoCG

- 2.1. The signatories acknowledge that this SoCG is not a legally binding contract but, as outlined above, is a statement of intent, which a foundation for on-going co-operation between the signatories.

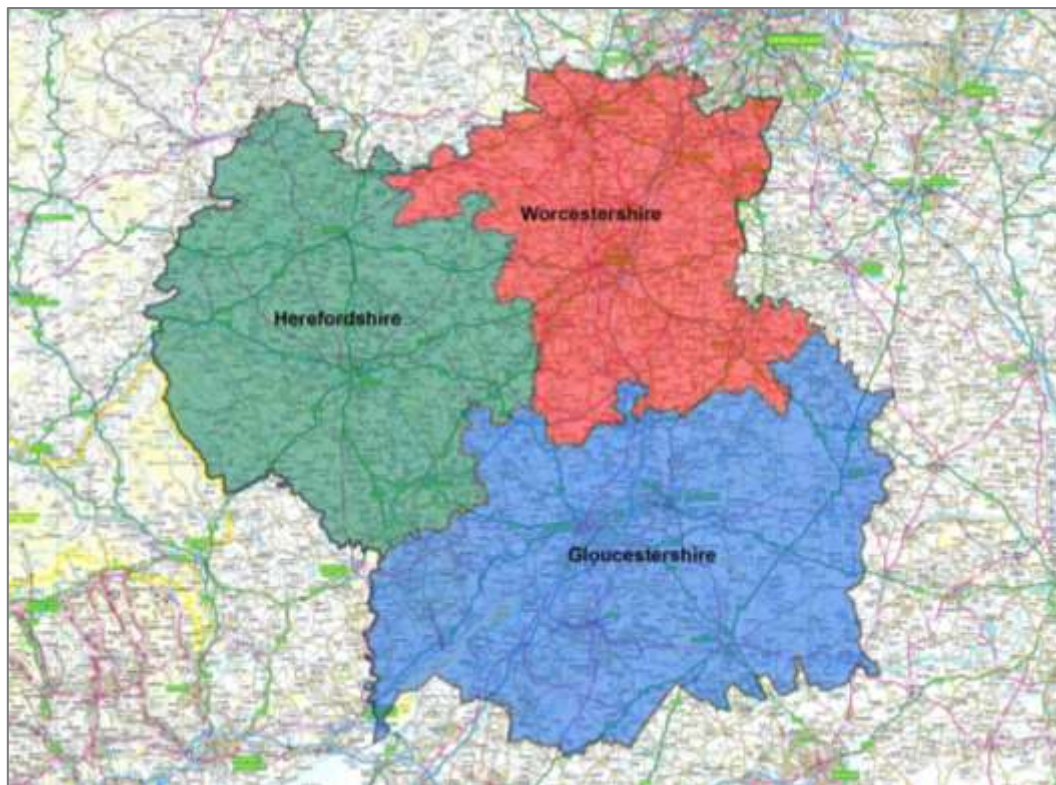
3. The geographic coverage of the SoCG

- 3.1. Figure 1 displays the geographic coverage of the SoCG boundary, applicable to the SoCG ('the SoCG area'). It is made up of roughly 650,000 hectares covering the administrative boundaries of the three mineral and waste planning authorities.
- 3.2. The SoCG area will be reviewed periodically to ensure it continues to remain appropriate and fit for the purpose.




⁷⁵ National Planning Policy Framework (NPPF) paragraph 143 sets out the types of mineral infrastructure that should be subject to safeguarding arrangements. Paragraph 8 of the NPPW sets out the requirements for waste safeguarding.

⁷⁶ National policy and guidance on the implementation of mineral resource safeguarding through the avoidance of needless sterilisation is established under National Planning Policy Framework (NPPF) paragraph 143 and National Planning Practice Guidance (NPPG) Minerals section, paragraphs 002 – 005, reference id: 27-002-20140306.

Figure 1: SoCG boundary – ‘the SoCG area’



The administrative authorities (the mineral and waste planning authorities (signatories)) contained within the SoCG boundary: -

-  Herefordshire Council
-  Worcestershire County Council
-  Gloucestershire County Council

4. Current sales & reserves data, mineral resource & infrastructure safeguarding monitoring and waste data practices | as of Jan 2018

Aggregate sales & reserves data

- 4.1. There is an expectation that all MPAs across England will collect data on mineral sales and reserves in their area on an annual basis through Local Aggregates Assessments (LAAs). LAAs may be incorporated within / or be published in addition to Authority Monitoring Reports (AMRs). Collated aggregate datasets at the sub-national level are also regularly published within AWP annual reports⁷⁷. These include the outputs from signatories within the relevant AWP area (SW AWP for Gloucestershire and WM AWP for Herefordshire and Worcestershire). In addition, there is a national four-yearly aggregate mineral (AM) survey. This is a commissioned study by central government and covers all signatories in England and Wales. It

⁷⁷ The national collation of Aggregate Working Parties: Annual Reports for all of England can be obtained at: - <https://www.gov.uk/government/collections/aggregates-working-parties-annual-reports>

contains similar information on sales and reserves as collected annual by signatories and introduces data on the movement of aggregates (i.e. imports and exports) throughout the country and beyond. The most recent AM survey took place in 2014⁷⁸. At the sub-national level land-won aggregate data across the signatories contributes towards the SW AWP collations.

Waste data

- 4.2. Waste data is collected nationally by the Environment Agency and published through the Waste Data Interrogator. Additional information on Municipal Solid Waste is collected by the relevant Waste Disposal Authority (WDA). WPAs may publish relevant waste figures within their AMRs.
- 4.3. Sub-nationally Herefordshire and Worcestershire contribute towards the work of the West Midlands TAB and Gloucestershire contributes towards the South West TAB. There is no national policy requirement to participate within the TABs.

Minerals & Waste safeguarding and plan preparation.

- 4.4. National policy requires MPAs to prepare a local policy framework that will ensure the needless sterilisation of local mineral resources will be avoided and that mineral-related infrastructure will be safeguarded⁷⁹. As a consequence all MPAs must undertake necessary preparations to this effect when developing their suite of local mineral policies for the future.
- 4.5. Herefordshire is working towards a draft Minerals and Waste plan which will be consulted upon during 2018. Worcestershire has recently undertaken a 4th call for minerals sites and will be consulting upon a revised draft MLP towards the end of 2018, their Waste Core Strategy was adopted in 2012. Gloucestershire will publish the pre-submission/Publication MLP and also submit during 2018. The Gloucestershire WCS was also adopted in 2012. The plans will all cover safeguarding issues.
- 4.6. The implementation of mineral resource and infrastructure safeguarding is ultimately carried out through the development management process and is largely concerned with assessed policy accordance with non-minerals development proposals and attributing appropriate weight to the issue during the decision making process. For Herefordshire as a unitary authority (both the minerals & waste and local planning authority – M&WPA and LPA) this is a relatively simple exercise centred on the effective application of local policy. However, in the case of WCC and GCC who operate under the two-tier structure of local government, a degree of further collaboration is necessary with local districts acting as the LPA for non-minerals development proposals. The provision of and use of Mineral Consultation Areas (MCAs) as detailed in National Planning Practice Guidance is designed to assist with effective safeguarding in two-tier

⁷⁸ The Aggregate Minerals Survey for England and Wales: 2014 can be obtained at: - <https://www.gov.uk/government/collections/minerals>

⁷⁹ National Planning Policy Framework (NPPF) paragraph 143 provides the detailed policy expectations concerning mineral sterilisation and infrastructure safeguarding

areas⁸⁰. Defining MCAs and the approach to notification of potential mineral sterilisation issues are being brought forward by GCC in its emerging mineral plan

- 4.7. The statutory AMR regime is the monitoring vehicle for of all local policies – including those for mineral resource and infrastructure safeguarding⁸¹. National Planning Practice Guidance advises on the principal role and function of AMRs. They should be published annually, made publicly available and assist in deciding whether local policies or plans need to be reviewed⁸². All of the MPA signatories are covered by the AMR requirements.

5. Collaborative working | the roles and responsibilities of the SoCG

5.1. It is agreed by the signatories: -

- That MPA-level monitoring data on sales and reserves for sourced from within the SoCG boundary will be collected and kept up-to-date as regularly as possible;
- That each of the MPAs will collect monitoring data on the destination of aggregate sales, sourced from within their administrative boundary for those years when a national AM survey is carried, and where possible will endeavour also to collect such data for other years;
- To notify each other when undertaking public consultation for the preparation of local development documents and other plans relevant to the carrying out of land-use planning functions, which could have an impact on the aggregate supplies sourced from within the SoCG boundary and the delivery of sustainable waste management;
- To notify each other of planning proposals that fall within their administrative area for minerals, waste and non-minerals of development, which could have a significant impact on other M&WPA areas with respect to the safeguarding of existing minerals & waste infrastructure and / or the avoidance of needlessly sterilising mineral resources;
- When appropriate, to meet and discuss minerals and waste-related planning issues raised by one or more of the signatories, which could have an impact on aggregate supplies or sustainable waste management from within the SoCG boundary;
- To take account of accumulated monitoring data on aggregates sourced from the SoCG boundary when developing local plan policy that will influence aggregate or waste provision including in the production of supporting evidence reports and formal consultation documents;

⁸⁰ National Planning Practice Guidance (NPPG) Minerals section, paragraph 005, reference id: 27-002-20140306

⁸¹ Authority Monitoring Reports (AMRs) are statutorily required under section 113 of the Localism Act 2011

⁸² National Planning Practice Guidance (NPPG) Local Plans section, paragraphs 027, reference id: 12-027-20150326

- To take account of the outcomes of any discussions held between the signatories on minerals or waste-related planning issues when developing local plan policy that will influence aggregate or waste provision including in the production of supporting evidence reports and formal consultation documents;
- To meet from time-to-time to review all aspects of collaborative working including the roles and responsibilities set out in this SoCG and the defined SoCG area (see section 3).

6. Review and dispute resolution

- 6.1. All aspects of the SoCG will be subject to periodic review by the M&WPAs and amended as appropriate.
- 6.2. The M&WPAs agree to monitor the application of the principles set out in this SoCG and to develop more detailed arrangements between themselves as and when required.
- 6.3. By following the principles set out in the document and pursuing a collaborative approach wherever possible it is expected that disputes relating to the collection, accumulation and presentation of data and its interpretation will be avoided or at least kept to an absolute minimum. Where differences arise signatories M&WPAs will take all reasonable steps to reach a mutually acceptable resolution. Where differences cannot be resolved the individual sovereignty of the respective organisations will be respected.
- 6.4. Nothing in this document shall serve to limit the discretion of a M&WPA or otherwise bind that M&WPA to a decision with which that M&WPA does not agree.