



AGGREGATE INDUSTRIES UK LIMITED

**REPRESENTATIONS 1164737/34/MA02/USND AND 1164737/35/MA02/USND on the
GLOUCESTERSHIRE MINERALS LOCAL PLAN – PUBLICATION VERSION**

HEARING STATEMENT

MAY 2019

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1. INTRODUCTION

BACKGROUND

1.1 The following representations were submitted by Aggregate Industries UK Ltd (AIUK) on the publication version of the Gloucestershire Minerals Local Plan:

- 1164737/34/MA02/USND – further clarification on the meaning of residual working of an area of aggregate mineral resource is required, does this infer small scale extensions contiguous to existing sites would not be deemed excessively extended.
- 1164737/35/MA02/USND – clarification on the definition of excessively extended is sought.

1.2 It is noted that the Proposed Main Modifications, April 2019 (EX5/a) that the term residual has now been removed from policy MA02 and para 239 and it is considered that the proposed wording of areas adjacent to/or within close proximity is clearer and PMM09 is supported.

1.3 In respect of the use of the term excessively extended It is noted that in the possible changes being considered by the GCC in December 2018 (SUB007) it was proposed to be removed but in the Proposed Main Modifications, April 2019 (EX5/a) it has now re-appeared in PMM10.

2. POSSIBLE CHANGES BEING CONSIDERED BY GCC

2.1 The following possible changes were considered by GCC as outlined in document titled Representations made in accordance with regulation 20 – incorporating the initial responses of the MPA, dated December 2018 (SUB007):

Policy MA02: Aggregate Working Outside of Allocations – possible changes being considered by GCC

Mineral development proposals for aggregate working outside of allocations will be permitted only where *one or more of the following* it can be demonstrated:

- I the plan's allocations as set out in policy MA01 are not able to contribute towards maintaining minimum landbank levels in accordance with policy MW01; *and/or*
- II constraints on the availability of existing permitted reserves and/or productive capacity are likely to limit output or restrict the range of available products over the plan period; *and/or*
- III they represent the residual working of an area of aggregate mineral resource that is permitted or *planned to be worked and would function as enabling development for planned future working, which would otherwise be impractical to exploit in any other way; and/or*
- IV *they will not prejudice the delivery of previously approved restoration plans and facilitate materially significant enhancements to site restoration that will support the achievement of beneficial after-use and will have satisfactorily met the requirements of policy MR01; facilitate enhancements to previously approved plans for mineral restoration and the achievement of beneficial after-uses that will outweigh the desirability to restrict working from outside of allocated areas; and/or*
- V they will facilitate the working of aggregate minerals prior to non-minerals development taking place in accordance with policy MS01;
- VI *they represent a borrow pit that is justifiably required to facilitate the delivery of a specified development project and will be fully reclaimed as part of that project.*

Paragraph 239

Aggregate working outside of allocations, which represents residual working or *enabling development*, will need careful consideration. Proposals will be assessed with regards to their size, scale and timeframe compared to the characteristics of the existing or planned aggregate working site it relates to. ~~Ensuring that mineral working will not be excessively extended will be a critical factor. The deliverability of previously approved mineral site restoration and aftercare schemes must not be unduly affected. Although where it is necessary to make any amendments to existing restoration proposals such as for operational reasons, this must result in materially significant restoration enhancements (eg an increase in public access, facilitating greater biodiversity or the creation of more sympathetic landforms etc.). Furthermore, previously approved mineral site restoration must not be unduly inhibited.~~ Although, where revised mineral restoration is submitted, this must be acceptable in principle and offer demonstrable benefits with regard to future land use opportunities.

3. PROPOSED MAIN MODIFICATIONS, APRIL 2019

3.1 The following Proposed Main Modifications are proposed for policy MA02 and paragraph 239:

Policy MA02: Aggregate Working Outside of Allocations – possible changes being considered by GCC

Mineral development proposals for aggregate working outside of allocations will be permitted only where *one or more of the following* it can be demonstrated:

- I the plan's allocations as set out in policy MA01 are not able to contribute towards maintaining minimum landbank levels in accordance policy MW01; ~~and/or~~
- II constraints on the availability of existing permitted reserves and/or productive capacity are likely to limit output or restrict the range of available products over the plan period; ~~and/or~~
- III ~~they represent the residual working of an area of aggregate mineral resource that is permitted or planned to be worked and would otherwise be impractical to exploit in any other way; and/or~~
- IV ~~they will facilitate enhancements to previously approved plans for mineral restoration and the achievement of beneficial after-uses that will outweigh the desirability to restrict working from outside of allocated areas; and/or~~
- V ~~they will facilitate the working of aggregate minerals prior to non-minerals development taking place in accordance with policy MS01;~~
- III *they represent the working of an area of aggregate mineral resource that is adjacent to/or within close proximity to an existing permitted aggregate working that would otherwise be impractical to exploit in any other way;*
- IV *they would function as enabling development to allow an allocation for future aggregate working to be delivered or a permitted aggregate working to be worked in a more efficient manner;*
- V *they will not prejudice the delivery of previously approved restoration plans and facilitate materially significant enhancements to site restoration that will support the achievement of beneficial after-uses and satisfactorily meet the requirements of policy MR01 (restoration, aftercare and facilitating beneficial after-uses);*
- VI *they will facilitate the working of aggregate minerals prior to non-minerals development taking place in accordance with policy MS01;*
- VII *they represent a borrow pit that is justifiably required to facilitate the delivery of a specified adjacent/or nearby development project and will be fully reclaimed as part of that project.*

Paragraph 239

Aggregate working outside of allocations *that is adjacent to/or within close proximity to an existing permitted aggregate working and would otherwise be impractical to exploit in any other way or enabling development, which represents residual working, will need careful consideration. Proposals will be assessed on a case by case basis with regards to their size, scale and timeframe compared to the characteristics of the existing or planned for aggregate working site it relates to. Ensuring that mineral working in the locality will not be excessively extended will be a critical factor as will evidence of the operational, economic viability, amenity and/or environmental case for allowing non-allocated aggregate working to take place in the manner proposed. Furthermore, The deliverability of previously approved mineral site restoration and aftercare schemes must not be unduly inhibited affected. Although, where it is necessary to make any amendments to any existing revised mineral restoration and aftercare schemes for operational reasons, due consideration will be given to any potential enhancement opportunities that may be achieved (eg an increase in public access, improvement in the provision of green infrastructure, facilitating biodiversity gains or the creation of a landform that would be more sympathetic to the local landscape character). is submitted, this must be acceptable in principle and offer demonstrable benefits with regard to future land use opportunities.*

4. CHANGES BEING SOUGHT BY AIUK

4.1 The following changes to the Plan are being sought by AIUK:

- Delete *“relatively small-scale residual working related to an existing permitted site”* from paragraph 233 as it requires updating for consistency now it is proposed to remove the term residual from policy MA02 and paragraph 239. Replace with another example from MA02 such as *“facilitating material enhancements to the restoration of an existing permitted site (see policy MR01).”*
- Re-word third sentence of PMM10, as the consideration of timescales is covered by the second sentence of PMM10 and the Plan does not provide guidance on what is considered excessive. GCC have previously accepted that the issue of timescales is already covered by the preceding sentence so it is not clear why this text has been re-introduced as it removes flexibility from the Plan. The ability to decide matters on a case by case basis as proposed in the preceding sentence is the correct way forward as it allows the individual circumstances of each case to be considered and does not pre-judge matters. This first part of this sentence should be removed from the Plan and the following revised sentence is proposed:

“Evidence of the operational/economic viability, amenity and/or environmental case for allowing non-allocated aggregate working to take in the manner proposed will be also be required.”

5. SUMMARY OF REPRESENTATIONS

- 5.1 The Plan requires amending in order to become effective so that users of the Plan are clear of the intentions of the policy and how they would be applied. The current supporting text to policy MA02 is not clear and introduces a degree of inflexibility.
- 5.2 The changes sought by AIUK are intended to provide clarity and a degree of flexibility and should therefore be supported in making the Plan effective.