
Statement prepared by Gloucestershire County Council | May 2019**Main Matter 5 | Whether the Plan makes adequate provision for the steady and adequate supply of aggregate minerals?**

Issue: Whether the provision made in the plan for the future supply of aggregate minerals would deliver a steady and adequate supply?

Question 27:

Is the basis for the calculation of the future demand for sand and gravel clear in relation to how average annual sales over the last 10 years have been applied?

1. National policy contained in NPPF 2012 informs that planning for a steady and adequate supply of aggregates should be carried out through the preparation of an annual Local Aggregate Assessment (LAA), which applies a rolling average of 10 years sales data and affords consideration of other relevant information and an assessment of all supply options ([PSD2](#)). For the Minerals Local Plan for Gloucestershire (2018 – 2032) evidence from the most recent 6th Gloucestershire LAA has been applied ([SUB 019](#)). This presents a sand and gravel LAA rate that is based solely on the rolling average of 10 years sales data. It is equal to 0.742 million tonnes per annum (mtpa). The 6th Gloucestershire LAA discusses the potential impact of other relevant information such as influence of future house building rates (pages 25-27, section 4, [SUB 019](#)) and alternative supply options involving recycled, secondary and marine won-aggregates (page 24, section 4, [SUB 019](#)). However, none of the other relevant information and assessment of supply options from the 6th Gloucestershire LAA is deemed to be sufficiently clear to have convinced the County Council that an alternative method of generating an LAA rate is justified at this time (pages 28 -29, section 5, [SUB 019](#)). Nevertheless, this circumstance will be kept under review through the future preparation of annual LAAs covering Gloucestershire.
2. The County Council acknowledges that national planning guidance set out in the PPG advises on the potential use of a rolling average of 3 years sales data to identify any general trend in demand to justify support for a higher supply rate¹. The 6th Gloucestershire LAA includes the current rolling average of 3 years sales data for sand and gravel (page 1, [SUB 019](#)). It is equal

¹ Planning Practice Guidance (PPG), Minerals Section, Planning for aggregates sub-section, paragraph 064, reference ID: 27-064-20140306

to 0.573 mtpa. As the '3-year' figure is in fact lower than the '10-year' figure, it does not indicate that the plan should consider supporting a higher supply rate for sand and gravel at this time.

Question 28: Is the use of average sales of crushed rock over the last 10 years an appropriate basis for determining future demand?

3. National policy contained in NPPF 2012 informs that planning for a steady and adequate supply of aggregates should be carried out through the preparation of an annual Local Aggregate Assessment (LAA), which applies a rolling average of 10 years sales data and affords consideration to other relevant information and an assessment of all supply options ([PSD2](#)). For the Minerals Local Plan for Gloucestershire (2018 – 2032) evidence acquired from the most recent 6th Gloucestershire LAA has been applied ([SUB 019](#)). This presents a crushed rock LAA rate that is based solely on the rolling average of 10 years sales data. It is equal to 1.452 million tonnes per annum (mtpa). The 6th Gloucestershire LAA discusses the potential impact of other relevant information such as influence of future house building rates (pages 25-27, section 4, [SUB 019](#)) and alternative supply options involving recycled, secondary and marine won-aggregates (page 24, section 4, [SUB 019](#)). However, none of the other relevant information and assessment of supply options from the 6th Gloucestershire LAA is deemed to be sufficiently clear to have convinced the County Council that an alternative method of generating an LAA rate is justified at this time (pages 28 -29, section 5, [SUB 019](#)). Nevertheless, this circumstance will be kept under review through the future preparation of annual LAAs covering Gloucestershire.
4. The County Council acknowledges that national planning guidance set out in the PPG advises on the potential use of a rolling average of 3 years sales data to identify any general trend in demand to justify support for a higher supply rate². The 6th Gloucestershire LAA includes the current rolling average of 3 years sales data for crushed rock (page 1, [SUB 019](#)). It is equal to 1.540 mtpa. The '3-year' figure is higher than the '10-year' figure and therefore it is reasonable for the County Council to consider supporting a higher supply rate for crushed rock. However, the difference is not deemed by the County Council to be significant enough to justify an alternative to the '10-year' figure at this time. The increase is less than 100,000 tonnes and only a 6% increase on the '10-year' figure. Furthermore, it is only the first year since the introduction of the LAA process that the '3-year' figure has been higher than the '10-year' figure.

² Planning Practice Guidance (PPG), Minerals Section, Planning for aggregates sub-section, paragraph 064, reference ID: 27-064-20140306

Nevertheless, this circumstance will be kept under review through the future preparation of annual LAAs covering Gloucestershire.

Question 29:

Is Policy MW01 sufficiently flexible to enable aggregate provision to meet the demands of large unforeseen construction projects? Should Policy MW01 refer to the circumstances where development proposals for aggregate working may be required to respond to an unforeseen localised demand as oppose to only being permitted to maintain the landbank?

5. Yes – Subject to the acceptance of Main Modification PMM 04 ([EX5a](#)) the County Council considers Policy MW01 to be sufficiently flexible to enable aggregate provision to meet the demand of large, unforeseen construction projects that may arise in the future. This is principally demonstrated through clause i of the policy which specifically applies only a minimum rather than maximum benchmark for maintaining an aggregate landbank (e.g. at least 10 years for crushed rock or at least 7 years for sand & gravel). This approach to the landbank indicator fully accords with national policy contained in NPPF 2012 ([PSD2](#)).
6. In the case of MLP Main Modification PMM 04, this clarifies that the LAA rate from the most recently Gloucestershire LAA should be used to determine the extent to which a proposal would make a contribution to the relevant aggregate landbank. Incorporating the modification rather than solely referencing the rolling 10 years average sales data (page 47, [SUB 001](#)) will ensure that Policy MW01 is able to take account of any future LAA rate. This could be based upon additional matters alongside the consideration of the rolling 10 years average aggregate sales data. Additional matters might include a potential increase in demand at a local level generated by an emerging, large construction project(s).

Question 30:

Are the allocations for sand and gravel working in Policy MA01 sufficient to maintain a steady and adequate supply of such minerals?

7. Yes – the allocations for sand and gravel working set out in Policy MA01 are considered by the County Council to be sufficient to sustain a steady and adequate supply over the plan period. The plan identifies Allocations 06 and 07 for future sand and gravel working (pages 67, 173 to 178; and 179 to 184; [SUB 001](#)). Collectively these allocations could potentially contribute upwards of 10 million tonnes of sand and gravel to the local supply sourced from Gloucestershire (page 29, [SUB 017](#)). The predicted maximum or ‘high-end’ annual supply capacity for both allocations is 0.75 mtpa (Table 12; page 30; [SUB 017](#)).
8. The plan should consider additional provision equal to 9.456 million tonnes of sand and gravel over its time horizon (page 27, [SUB 017](#)). Furthermore, it must also take account a predicted future annual supply rate that is currently set at 0.742 mtpa (page 1, [SUB 019](#) and page 21, [SUB 017](#)). Consequently, the development of the two allocations could potentially support the plan’s overall and annual sand and gravel aggregate provision figures and thus maintain a steady and adequate supply.

Question 31:

Do the allocations in Policy MA01 discourage new operators?

9. The County Council does not consider the allocations set out in Policy MA01 to be discouraging for new operators. Firstly, the allocations have evolved over some time and there have been a number of opportunities for the minerals industry to bring forward alternative, deliverable areas for future sand and gravel working ([SUB 038](#) and [SUB 006](#)). Secondly, the wider policy framework contained in the plan, which includes Policy MA02, affords an ongoing opportunity for operators new and / or established to bring forward alternative areas for aggregate working.
10. Policy MA02 (incorporating MLP Main Modifications PMM 09, 10 and 11 ([EX5a](#))) (see also the County Council’s response to questions 33 and 34) makes provision for alternative sand and gravel working in areas that exist outside of the allocations. Proposals may be considered under a number of different circumstances. These include: -

- where the plan's allocations are insufficient to maintain the minimum landbank level and / or support the productive capacity required to maintain predicted annual supply rates at that time; or
- where allowing working adjacent to / or within close proximity to existing permitted workings would enable aggregates to be worked, which would otherwise not be practical to exploit; or
- where allowing working would 'enable' the delivery of an allocation(s) or other permitted aggregate working in an efficient manner; or
- where allowing working would prevent unnecessary mineral sterilisation; or
- where allowing working would facilitate a specific adjacent / or nearby development projects.

Question 32:

Should 'Allocation 01: Land to the east of Stowe Hill Quarry' be retained as an allocated site within the Plan? If not, what effect would this have on future supply requirements?

11. The Gloucestershire County Council Position Statement for MLP Allocation 01: Land east of Stowe Hill Quarry (Appendix 1) provides an updated and detailed view (as of early May 2019) on how further consideration may be given to the allocation through the MLP Examination stage and therefore that paper should be read in conjunction with this in addressing MIQ32. It states that the County Council would be willing to investigate new revisions to the allocation's Detailed Development Requirements in partnership with key parties in the event that the current, unresolved concern raised by the Environment Agency and Natural England with the 2017 further revised extension planning application³, can be satisfactorily overcome to enable the granting of a permission subject to all other matters being acceptable in planning terms. It is only as a consequence of scrutinising recent proposals to extend aggregate working at Stowe Hill Quarry, namely through the undetermined 2017 and 2015 planning applications, that the deliverability of the allocation and thus its soundness, has been brought into question. It is hoped that the Environment Agency and Natural England will provide updated comments and recommendations to the 2017 further revised extension planning application before the

³ Gloucestershire County Council Planning Application Reference: - 17/0122/FDMAJM

timetabled MLP Hearing Sessions take place in June 2019. If site allocation 01 was removed from the plan these implications and potential other changes to the plan are addressed in [SUB 018](#) (Section 3).

Question 33:

Is Policy MA02 sufficiently flexible to take into account a need to meet localised unforeseen demand such as enabling development and borrow pits?

12. Subject to the acceptance of MLP Main Modifications PMM 09, 10 and 11 ([EX5a](#)) the County Council considers Policy MA02 will be sufficiently flexible to take account of localised unforeseen demand such as enabling development and borrow pits. Modification PMM 09 makes clear that working outside of allocations could occur under a variety of different circumstances. The modification also clarifies the details of these circumstances, which includes 'enabling development' and 'borrow pits'. Modifications PMM 10 and 11 revise the supporting text to Policy MA02. The changes and additions to the text are aimed at prospective applicants to ensure they are fully informed of how decision makers will assess their proposals and to establish what type and nature of evidence will be necessary to accompany their proposals.

Question 34:

Is Part III of Policy MA02 sufficiently clear as to what is mean by the 'residual working of an area of aggregate mineral resource' and how this should be demonstrated?

13. Subject to the acceptance of MLP Main Modifications PMM 09 and PMM 10 ([EX5a](#)) the County Council considers Policy MA02 fully resolves the query concerning 'residual working of an area of mineral resource' outside of the plan's allocations. Modification PMM 09 removes the term 'residual' working from the policy and replaces it with a much clearer description of the type of aggregate working that is envisaged. The modification states that relevant aggregate working proposals could include those which are adjacent to / or within close proximity to an existing, permitted working. The modification also makes it clear that such proposals must be able to

demonstrate that the exploitation of aggregates would be impractical to achieve under different circumstances and as a consequence a risk of sterilisation would be occur.

14. Modification PMM 10 is concerned with the supporting text to Policy MA02. It provides specific guidance on aggregate working adjacent to / or within close proximity to an existing, permitted working. The modification advises that each proposal will be considered on a case by case basis and clarifies that proposals should not excessively extend mineral working in the locality. They will also be judged in terms of their benefits / dis-benefits based on amenity, environmental, economic and operational matters.

Questions 27 to 34 response word count: 2,205

Appendix: 1

Position Statement of Gloucestershire County Council

MLP Allocation 01: Land east of Stowe Hill Quarry

Prepared | May 2019

1. Introduction

- 1.1. MLP Allocation 01: Land east of Stowe Hill Quarry (hereafter referred to as “MLP Allocation 01”) is an allocation for future aggregate working of crushed rock limestone contained within the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) (Pages 145-150, [SUB 001](#)). It has been designated a ‘Preferred Area’¹. It covers approximately 54 hectares of land to the north east and east of the existing Stowe Hill Quarry.
- 1.2. MLP Allocation 01 has a potential yield of up to 17 million tonnes of Carboniferous limestone. Based on future working taking place under the same operating restrictions that exist at Stowe Hill Quarry, the allocation could make a long-term contribution to crushed rock supplies for up to 28 years². The County Council considers that any future aggregate working in this locality would likely be achieved as an extension to the current permitted operations at Stowe Hill Quarry (Page 146, [SUB 001](#))
- 1.3. MLP Allocation 01 forms part of the planning strategy for the Publication Minerals Local Plan for Gloucestershire (2018 – 2032). It has the potential to make an important contribution to securing sufficient provision for steady and adequate crushed rock aggregate supplies over the forthcoming plan period (Section 4, [SUB 017](#)).

2. Evolution through the plan making process of MLP Allocation 01 | 2014 to 2018

¹ The ‘Preferred Area’ designation is established within national planning practice guidance under the Minerals section, Planning for mineral extraction sub-section, paragraph 008, reference ID: 27-008-20140306.

² Stowe Hill Quarry is currently operating under conditions imposed under Gloucestershire County Council Planning Permission Reference: - DF/2238/X. This limits the output from Stowe Hill Quarry to 600,000 tonnes per annum.

- 2.1. MLP Allocation 01 was first considered as part of the Site Options and Draft Policy Framework (Regulation 18) consultation ([SUB 038](#)) that took place from June to August 2014. At that time it amounted to an area of 195.5 hectares of land. It was also divided into three discreet parcels – A,B,C.’ Parcel A’ formed part of an unworked preferred area contained in the adopted MLP (2003), whilst ‘Parcels B and C’ were submitted by the promoter (Pages 20-29, [SUB 038](#)).
- 2.2. The Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 18) consultation which occurred between September and November 2016, included a revised version of MLP Allocation 01 (Appendix 6, [SUB 026](#)). The land-take was reduced considerably to 54 hectares. The revision represented the partial removal (southern section) of ‘Parcel A’ and full removal of ‘Parcel C’.
- 2.3. For the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 19) public inspection stage, MLP Allocation 01 was subjected to further revisions (Page 10, [SUB 017](#)). These were focused on ‘Detailed Development Requirements’, contained in the supporting text, that provide the technical information to be considered with any future planning application(s) for aggregate working. No new changes to the allocation area or its boundaries were brought forward.
- 2.4. MLP Allocation 01 was included in the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) submitted to the Secretary of State by the County Council in December 2018. Additional supporting information was also submitted. This involved a schedule of possible Main Modifications to the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) for consideration during the plan’s examination (Section 5, [SUB 018](#)). Included within this was the removal from the plan of MLP Allocation 01 (Page 41, [SUB 018](#)). Other related additional supporting information was provided. This comprised of a technical assessment of the theoretical impact upon making provision for crushed rock aggregate within Gloucestershire as a consequence of MLP Allocation 01 being deleted (Section 3, [SUB 018](#)).

3. Recent planning history of relevance to MLP Allocation 01 | 2007 to 2019

- 3.1. The existing Stowe Hill Quarry is operated under a planning consent granted in January 2007³ (hereafter referred to as the “2007 permission”). This allowed for up to 8.7 million tonnes of

³ Gloucestershire County Council Planning Permission Reference: - DF/2238/X

limestone to be worked in a north-easterly direction from the previously permitted working area due to depth restrictions conditions imposed of 176 AOD. The consent also confirmed a number of operating practices and restrictions involving the primary processing of minerals within Stowe Hill Quarry and secondary processing, storage and export of minerals (up to 600,000 tonnes per annum) from within the adjacent Clearwell Quarry. It allowed for minerals to be moved from Stowe Hill Quarry to Clearwell Quarry by way of a tunnel under the road and a conveyor. A consolidated restoration scheme involved agriculture and woodland covering both Stowe Hill and Clearwell quarries. The planning permission was issued subject to a planning obligation covering highways matters and longer term monitoring and remediation of offsite matters, in particular the geomorphological SSSI.

- 3.2. In December 2014 a new proposal at Stowe Hill and Clearwell quarries was submitted to the County Council⁴. This involved a planning application for an extension to Stowe Hill Quarry to land to the north east and east (hereafter the two planning applications are referred to as "2014 proposal"). The extension application equated to an estimated yield of 17.3 million tonnes based upon an increase in the depth of working within the extension area by around 10 metres more than the 2007 permission. The extension area covered the entirety of Parcel B and part of Parcel A of the allocation contained in the Site Options and Draft Policy Framework (Regulation 18) consultation. No change to the production limits of the 2007 permission was proposed. However, an altered access to the plant within Clearwell Quarry was put forward along with a brand new vehicular access to Stowe Hill Quarry to enable the importation of inert backfill material for restoration purposes. The restoration approach to the extended site was broadly similar to that approved under the 2007 permission. In December 2015 the applicant withdrew the application to extend Stowe Hill Quarry.

- 3.3. A revised proposal to extend Stowe Hill Quarry was submitted to the County Council in December 2015⁵ (hereafter referred to as "2015 application"). It covered the same extension area as the 2014 proposal, but with a reduction in the depth of working to 6 metres lower than the 2007 permission. The reduction in the depth of working would result in a smaller estimated yield for the extension area of 15.43 million tonnes. Other revised elements include: - the phased relocation of the processing plant and weighbridge, wheel wash, staff office and workshop facilities from Clearwell Quarry into Stowe Quarry; a new asphalt plant and replacement concrete plant within Stowe Hill Quarry; a new road access from Stowe Hill Quarry onto the B4228; and an increase in the maximum production limit of the 2007 permission from

⁴ Gloucestershire County Council Planning Application References: - 14/0118/FDMAJM and 14/0119/FDMAJM

⁵ Gloucestershire County Council Planning Application Reference: - 15/0108/FDMAJM

600,000 tonnes to 800,000 tonnes per annum. The restoration scheme for the extension would be broadly similar to the 2007 permission. The 2015 application remains undetermined to date and held in abeyance at the request of the mineral operator.

3.4. A further planning application was submitted to the County Council in November 2017 for a smaller lateral extension to Stowe Hill Quarry⁶ (hereafter referred to as the “2017 further revised extension application”). This included an area totalling 13.56 hectares that lies to north east of Stowe Hill Quarry. The extension represents about 25% of the allocation contained in the Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 18) consultation. As with the 2015 application, the proposal included an increase in the depth of working by 6 metres compared to the 2007 permission. The estimated yield was 2.5 million tonnes of limestone. In addition, a scalping screen was also proposed and the existing primary crusher would be retained within Stowe Hill Quarry. All previous processing arrangements would be retained within Clearwell Quarry. The 2017 further revised extension application remains undetermined to date as there are still outstanding unresolved issues. In December 2018 the applicant submitted further environmental information to accompany the originally submitted Environment Statement. This was subject to public consultation that commenced in January 2019. The further environmental information is still under consideration by the Environment Agency (EA) and Natural England (NE).

4. Formal position of the EA and NE in respect of recent planning proposals related to Stowe Hill and Clearwell quarries and MLP Allocation 01 | 2014 to 2018

4.1. In response to the Site Options and Draft Policy Framework (Regulation 18) consultation in 2014 the EA advised that none of the emerging sites had “show stopper” issues including the candidate allocation at Stowe Hill. Nevertheless, the importance of ensuring the necessary environmental protections were in place during both the working and restoration phases was highlighted along with the need to demonstrate the deliverability of any potential environmental enhancements. NE also provided a response to the Site Options and Draft Policy Framework (Regulation 18) consultation. It was generally satisfied with the main ecological and landscape considerations for all of the emerging candidate allocations.

⁶ Gloucestershire County Council Planning Application Reference: - 17/0122/FDMAJM

4.2. In February 2015 the EA raised no objection, in principle, to the '2014 proposal' and specifically the application to extend (with deeper working) Stowe Hill Quarry⁷. A detailed surface and groundwater monitoring condition was advised. In contrast the NE response, which was received in April 2015, raised serious concern over the ability of the proposed extension to avoid or mitigate adverse impacts on the nearby Slade Brook Special Site of Scientific Interest (SSSI)⁸⁹. NE confirmed that their comments were "interim" and that ongoing dialogue was taking place with the applicant. Updated advice would be provided if further satisfactory information was submitted.

4.3. In January 2016 the EA responded to the 2015 application to extend Stowe Hill Quarry¹⁰. An objection was raised based on an analysis of the submitted information contained in the accompanying Environment Statement. This was related to the protection of the water environment, from both a quality and quantity perspective. The EA specifically referenced uncertainty over the hydrogeological impact on the Slade Brook SSSI and the monitoring data provided relating to this issue. NE also provided a detailed technical response, which was received in August 2016¹¹. An objection was raised on the grounds of likely damage or destruction to the interest features of the Slade Brook SSSI. NE considered the proposed means of extension would likely result in significant and irreversible damage to Slade Brook SSSI that could not be adequately avoided, mitigated or repaired.

4.4. For the Draft Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 18) consultation in 2016, the EA chose to highlight comments made to the 2015 revised extension to Stowe Hill Quarry. It was considered there was a very real risk that impacts associated with developing the site, could not be mitigated and would lead to the derogation of the Slade Brook SSSI. It was questioned whether the site was deliverable and therefore able to be developed in a sustainable manner. NE completed its response to the plan including the proposed allocations in March 2018¹². It raised concern about the overall size of MLP Allocation 01 at Stowe Hill Quarry and the potential impact on the Slade Brook SSSI. Nevertheless, a number of suggested revisions to the Detailed Development Requirements were proposed in order to make the proposed environmental protections stronger.

⁷ Environment Agency correspondence reference: - SV/2015/108244/01

⁸ Natural England Designated Site View for Slade Brook SSSI | <https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=S2000473>

⁹ Natural England correspondence reference: - 141756

¹⁰ Environment Agency correspondence reference: - SV/2016/108797/01-L01

¹¹ Natural England correspondence reference: - 175771

¹² Natural England correspondence reference: - 238464

4.5. Following exchanges of information between the EA, NE, County Council and the applicant throughout much of 2017 and early 2018, a formal representation to the 2017 further-revised extension planning application was made in June 2018¹³. The EA continued their objection to extend Stowe Hill Quarry on the grounds of the proposed depth of working, deliverability of the restoration scheme and the ability to achieve the necessary monitoring programme to ensure the protection of the Slade Brook SSSI. NE also provided a formal representation to the 2017 further revised extension planning application in June 2018¹⁴. Whilst NE acknowledged the size of the extension to Stowe Hill Quarry would be reduced, it objected on similar grounds to the EA.

4.6. The EA responded to the Publication Minerals Local Plan for Gloucestershire (2018 – 2032) (Regulation 19) public inspection stage in July 2018. It concluded that the plan was unsound. The EA reiterated previous concern to Allocation: 01 and highlighted the detailed technical response it made to the 2017 further revised extension planning application (Consultation reference: 1169920/1/MA01/USND, [SUB 007](#)). NE also considered the inclusion of MLP Allocation 01 to be unsound. Risk to the Slade Brook SSSI due to hydrological links, inadequacy of monitoring to prevent impacts, and inadequacy and effectiveness of restoration to act as a form of mitigation were highlighted (Consultation reference: 1116790/3/AL01/USND, [SUB 007](#)).

4.7. In response to the EA and NE representations to the Publication MLP, the County Council engaged with both organisations during autumn / early winter 2018 to establish a possible way forward. This resulted in two signed Statements of Common Ground, which set out a possible Main Modification to the plan that would delete MLP Allocation: 01 ([SUB 021](#) and [SUB 022](#)).

5. Position of the County Council with regard to MLP Allocation 01 | As of April 2019

5.1. The County Council recognises the potential of MLP Allocation 01 to make a considerable and valuable contribution to the future supply of crushed rock aggregates sourced from Gloucestershire over the forthcoming plan period. Its inclusion in the plan increases the prospect that an adequate and steady supply of local crushed rock aggregates can be achieved. The County Council also acknowledges the clear industry interest in bringing forward

¹³ Environment Agency correspondence reference: - SV/2017/109712/03-L01

¹⁴ Natural England correspondence reference: - 247638

the allocation for aggregate working since it was put into the public domain in 2014 and the various planning proposals which had subsequently followed.

- 5.2. Nevertheless, the County Council is acutely aware of the concern raised over the inclusion of MLP Allocation 01 by both the local community and other interested parties (pages 26, 40 and 44, [SUB 006](#) and pages 203 – 208 and pages 425 – 438, [SUB 007](#)). This has been largely focused on the likely high risk of unacceptable adverse hydrological-related impacts upon the nearby Slade Brook SSSI caused by extending aggregate working at Stowe Hill Quarry. The analysis of the risk of harm has evolved over time. This has been heavily influenced by scrutiny by the County Council, the EA and NE of technical information supplied to support several planning applications to extend Stowe Hill Quarry. Presently, proposals for hydrological monitoring and the delivery of an acceptable restoration solution have failed to satisfy the EA and NE. This circumstance has brought into question the overall deliverability of MLP: Allocation: 01.
- 5.3. At the time the plan was submitted to the Secretary of State, an agreed position between the County Council and the EA and NE had been established. This would see a Main Modification being formally requested by the County Council at the MLP examination. The Main Modification would involve the deletion of MLP Allocation 01¹⁵ (pages 30 and 41, Section 5, [SUB 018](#)).
- 5.4. However, the County Council considers it to be materially significant that undetermined planning applications to extend Stowe Hill Quarry are still being scrutinised by decision makers and that there is ongoing dialogue between the applicant and the EA and NE. As of early May 2019, formal consultation responses had not been received from the EA or NE to the most recent submission of additional technical information to support the 2017 further revised extension application. It is hoped that the EA and NE will make their position clear and ideally prior to the timetabled MLP Hearing Sessions in June 2019.
- 5.5. In the event that the unresolved concern raised by the EA and NE to extend Stowe Hill Quarry could be overcome, most pressingly in respect of outstanding objections to the 2017 further revised extension application, the County Council would be reluctant to pursue a formal request for a Main Modification to delete MLP Allocation 01 in its entirety. However, it would be very willingly to engage with key parties to identify a alternative Main Modification(s) to the Detailed Development Requirements that support MLP Allocation 01. This circumstance could provide

¹⁵ Main Modifications to the MLP can be formally requested by the County Council under the provisions of Section 20(7C) of the Planning and Compulsory Purchase Act 2004

an opportunity to revise the relevant 'themes' that set out the expectations for future proposals. Sufficient account could be given to any new technical position taken on the acceptability of aggregate working at this locality by the EA and NE resulting from their awaited submissions on the 2017 further revised extension application, or indeed any submission they may make towards the MLP hearing session. Conversely if both EA and NE consider that the matters they have raised cannot be overcome then [SUB021](#) and [SUB 022](#) would form a basis for main modifications for consideration.