CARTERTON NORTH

Statement on Mineral Consultation

on behalf of
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1. OVERVIEW

1.1 West Oxfordshire are currently consulting on a number of sites at Carterton to provide the additional level of housing identified in the Draft Core Strategy LDF.

1.2 The Northern Extension Area is identified in the Sustainability Appraisal as lying within a ‘Minerals Consultation Area’ and a ‘Buffer Zone’ of an active and expanding limestone quarry off Burford Road. The SA also states that mineral bearing land would be ‘sterilised by development’.

1.3 The comments on minerals can be summarised as,

- ‘Minerals Consultation Area’,
- buffer zone,
- mineral sterilisation.

1.4 This Statement assesses these comments in relation to the Adopted Minerals & Waste Local Plan, the emerging Minerals and Waste Development Framework and current Government Guidance to establish what is the appropriate level of weight to put on the minerals in assessing the suitability of this site for its future development. The conclusion is that very little, if any weight should be given to the mineral constraint or the objection from the companies at Burford Quarry for the reasons are set out in this Statement.
2. **THE MINERAL RESOURCE**

2.1 Burford Quarry is an active operation which produces a range of limestone products from the Jurassic Limestone outcrop. The Limestone resource is very extensive locally (and elsewhere in the County) so there is no shortage of this type of mineral.

2.2 The range of products made at the quarry are the same as that produced at other Jurassic Limestone quarries both in Oxfordshire and elsewhere. In other words there is nothing 'special' in the nature of the materials produced (i.e. unlike a specialist building/blockstone quarry).

2.3 Part of the product is used at the quarry to manufacture 're-constituted stone' products. By locating the manufacturing facility on site has the sustainable advantage of having the majority of the raw material on site thereby avoiding/reducing mineral miles. Whilst this is clearly a benefit it is not essential.

2.4 In summary, the mineral being produced at Burford is not special, has no particular quality attributes that makes it special, and there are extensive adjacent reserves to enable continued production with no adverse impacts on Carterton or the Northern Extension Area.

2.5 It is worth noting that the operator, Smiths, have put forward a number of additional sites all of which lie between the quarry and the A40 (i.e. further away from the proposed development site).

3. **MINERAL SAFEFGUARDING POLICY**

3.1 In the absence of an 'up to date' Plan, the Minerals and Waste Local Plan 1996 - 2006 remains relevant, but the weight that should be put on the MWLP needs to recognise there have been noticeable changes to Government Policy and Guidance since the MWLP was adopted.
3.2 MPS1 published in November 2006 (some 10 years after the MWLP) formally defines ‘Mineral Consultation Areas’ (MCAs). The Guidance states that MPAs should identify MCAs as part of their plan making process. The system is in two stages. The first is to identify Mineral Safeguarding Areas where proven mineral resources are likely to be present and that may be needed in the foreseeable future (even though it is clearly stated there is no presumption that the resource will be worked).

3.3 The second stage is to define Mineral Consultation Areas which are those areas within which any development requires consultation with the MPA. (Note that consultation is not mandatory in MSAs).

3.4 Attention is drawn to this as the guidance recognises there will be competing development uses and there needs to be a sensible balance in protecting mineral resources and at the same time allowing alternative development. At the time of this Statement the County have not published any MCAs.

3.5 This recent guidance has overtaken the more general view in the MWLP which places a ‘blanket’ protection on all mineral resources, to avoid their ‘sterilisation’ (Policy SD10).

3.6 The MWLP also refers to Buffer Zones. These are different to MCAs and should not be confused. The plan notes that buffer zones are to provide ‘protection’ to nearby interests, noting that the ‘exact extent of the buffer zone will be determined at the time of a planning application’. This is translated into Policy PE3 which refers to ‘appropriate buffer zones’ around mineral workings. Put simply, there is no distance specified in Policy PE3.

3.7 The MWLP refers to the historic approach of Oxfordshire of 350 metres to settlements, and 100 metres to individual properties or a small group of properties. These comments relate to when ‘determining planning applications’ and are not to be confused with Mineral Consultation Areas.

3.8 In considering what weight to put on these indicative distances that are not in Policy, two aspects are relevant. The Inspector’s Report following the Local Plan Inquiry clearly opposed any reference to specified distances. This was based on,
• the 350 metre and 100 metre distances are based on historic practice and have not been objectively justified,
• that a criteria based approach was more appropriate,
• that a specified buffer zone could result in sterilisation of mineral reserves.

3.9 Despite the recommendation to delete any reference to specified distances, the Environmental Committee decided to ignore this recommendation, whereas now the recommendation of an Inspector has to be accepted.

3.10 Again, Government Policy has moved on since the MWLP and the approach to protecting nearby interests is found in MPS 2 (para. 24 et seq). This advocates a criteria based system and does not support specific distances.

3.11 As set out above, the weight given to the Buffer Zone distances referred to in the MWLP should be set against the more up to date Mineral Policy Statements and the emerging views of the County in their MWDF. The Sustainability Appraisal for the Northern Extension Area should place little, if any weight on the Buffer Zone referred to in the MWLP and the presence of Burford Quarry. The reasons for this view are set out in more detail below under the three areas of concern identified in the SA.

4. ANALYSIS OF MINERAL OBJECTION

4.1 Minerals Consultation Areas

4.1.1 A Minerals Consultation Area (MCA) is a formal designation that is defined in current Government Policy. The extent of an MCA is determined by the Mineral Planning Authority who have to use reasonable judgement.

4.1.2 There is no formal MCA for limestone (or any other minerals) in Oxfordshire at present. The emerging Minerals and Waste Development Framework will address this issue. Based on the draft discussion papers and round table debate with Oxfordshire County Council it is understood that County recognise the extensive area of limestone resource and are expected to identify areas adjacent to quarries that comply with their Policy.
4.1.3 An MCA does two things. The first is to avoid direct sterilisation of mineral, the second is to monitor development that might prevent, or make more difficult the future working of the resource. There is no formal MCA which covers the Northern Extension Area and for the Sustainability Appraisal to say that the site lies in a 'Minerals Consultation Area' is not correct. Therefore no weight can be put on this ground of concern. The sterilisation and potential impact on mineral working (or Buffer Zone) are addressed separately below.

4.2 Buffer Zone

4.2.1 As outlined above there is no Policy support to apply a specific distance as a buffer zone to protect the nearby interests. Therefore no weight should be attached to the 350 metre distance.

4.2.2 Whilst guidance is that the ‘stand off’ distances should be based upon criteria, it is widespread practice to use 100 metres to any residential development (for clarity the distance is measured between active quarry operation and the façade of the building). This is recognised as the starting point as at this distance,

- noise can be managed by environmental bunds,
- dust from quarries generally does not travel more than 100 metres (MPS 2 para. 1.A.5),
- landscape/visual impacts can be addressed by planting, etc.

4.2.3 By starting with 100 metres enables the mineral developer to assess the impacts and allows mitigation measures to be proposed that could allow working within this stand off or buffer zone (i.e. limited working hours and duration). It also recognises that the active quarry operation will move around the quarry so the 100 metres could be well away from the quarry boundary. This approach is widely supported by the MPAs as it reflects the Government advice and avoids the unnecessary sterilisation of mineral resources.

4.2.4 The above (and previous comments) demonstrate that the application of a perscriptive 350 metre distance is out of date, does not reflect Government Policy and is likely to
sterilise minerals. The approach of West Oxfordshire District Council to applying the 350 metres as a 'buffer zone' within which development cannot take place does not reflect where current Mineral Policy has got to and consequently should be given no weight.

4.2.5 This view is supported by the MWLP Policy PE3 which refers to 'appropriate' buffer zones will be safeguarded. The paragraph explaining Policy PE3 notes that buffer zones will be established at the time of the planning application. It is understood there are conditions on both noise and dust which control and ensure that Burford Quarry does not result in any unacceptable impacts. These demonstrate the 'criteria' approach and enables an appropriate distance to be determined (see comments at 4.3.7).

4.3 Mineral Sterilisation

4.3.1 The statement in the Sustainability Appraisal that any development within 350 metres of Burford Quarry would result in sterilisation of minerals that will be required in the foreseeable future is a misunderstanding of how the safeguarding/sterilisation system is designed to work.

4.3.2 Discussions have been held with Smiths and Pavestone to better understand their concerns. They both agree that the likelihood of the quarry extending towards the edge of Carterton is nil. In fact, Smiths are actively promoting sites in the other direction. Therefore, from an industry viewpoint, they are not concerned about sterilisation of the minerals (as is confirmed in their letters of representation).

4.3.3 The Government Guidance states that minerals should not be sterilised that may be needed in the foreseeable future. The County recognise there is a very large limestone resource, so land close to residential areas will not be needed in the foreseeable future. Therefore, any objection from the County on the grounds of sterilisation would be untenable.

4.3.4 The concern of the Companies is whether the new development would result in increased grounds for objection to further areas for mineral working or reviewing existing consents.
4.3.5 The activities at the quarry are phased, and so move across the area. Similar comments apply to the development at North Carterton. Arising out of discussions with both the companies is a recognition that by working together it can be assured that at all times there will be an adequate ‘buffer zone’ between the active areas of the quarry and the built development.

4.3.6 The exact distance of the buffer zone will vary as the two developments move at different paces. However, it can be easily conditioned that at no time will there be built development within 100 metres of any active part of the quarry. This approach will ensure there will be no sterilisation.

4.3.7 The mineral development at Burford Quarry is broadly north and west so is moving away from the area proposed for development. Equally the development will be phased, starting in the south east and moving, in phases to the north west. The result should be that an appropriate distance of at least 100 metres can be maintained. In addition, the illustrative proposals show a wide swathe of woodland planting along the boundary between the sites. This planting merges with the landscape measures already implemented in the quarry so by the time that development takes place in the northern part of the site it will be well established.

5. CONCLUSIONS

5.1 As set out above, West Oxfordshire District Council have based their mineral concern on the out of date MWLP. Since the MWLP was adopted, Government Guidance has been published especially on Mineral Sterilisation and Safeguarding and Consultation Areas and the correct approach to Buffer Zones.

5.2 The weight placed on the mineral constraint by West Oxfordshire District Council is considered overstated and development at the North Carterton site will have a minimal impact on the existing and future mineral activities at Burford Quarry. For the reasons set out, in comparing the competing sites for future development no weight should be placed on the mineral constraint at North Carterton.

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