

# Minerals Plan Publication Form 2016

From:

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# Minerals Plan Publication Form 2016

## Part A - Your personal details

All respondents must provide their personal details including a full postal address and postcode. Please ensure your details are complete and correct in the 'My Account' section of the website before submitting your comment. It is not possible to accept anonymous representations.

Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, requires all representations received to be submitted to the Secretary of State. By completing this form and submitting it to the Council you are giving your consent to the processing of personal data by Warwickshire County Council and that any information received by the Council, including personal data, may be put into the public domain.

### Please indicate your interest in the Minerals Local Plan

(please select all that apply)

Developer/Promoter .....	<input type="checkbox"/>
Landowner .....	<input type="checkbox"/>
Agent .....	<input type="checkbox"/>
Borough/District resident .....	<input type="checkbox"/>
Interest group .....	<input type="checkbox"/>
Other .....	<input type="checkbox"/>
Parish or Town Council - <b>Salford Priors Parish Council</b> .....	<input checked="" type="checkbox"/>
Neighbourhood Planning group .....	<input type="checkbox"/>

### Future stages

#### Do you wish to be notified of future stages in the Minerals Local Plan, including Submission, Examination and Adoption?

(please select one answer)

Yes .....	<input checked="" type="checkbox"/>	No .....	<input type="checkbox"/>
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## Part B - Your representations

The Publication Draft Minerals Local Plan consultation seeks the views of local residents, key stakeholders and other interested parties as to whether the Minerals Local Plan is 'sound' and legally compliant.

### Soundness

Paragraph 182 of the National Planning Policy Framework sets out the considerations in relation to a plan being considered 'sound'.

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities;
- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

### Legal Compliance

For the Minerals Local Plan to be considered legally compliant, the following needs to be determined:

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- Whether the Minerals Local Plan is detailed in the current Local Development Scheme (LDS) and that the key stages have been followed.
- That community involvement has been carried out in accordance with the current Statement of Community Involvement (SCI).
- Whether the Minerals Local Plan makes satisfactory regard to the Sustainable Community Strategy (SCS).
- That the Minerals Local Plan complies with the Planning and Compulsory Purchase Act 2004 (as amended).
- That the Minerals Local Plan complies with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- That a Sustainability Appraisal Report (SA) is published to accompany the Minerals Local Plan and is adequate.
- That the Habitats Regulations Assessment (HRA) is carried out in accordance with the Conservation of Habitats and Species Regulations (The Habitats Regulations) 2010.
- That the Minerals Local Plan has regard to national planning policy.
- That Section 110 of the Localism Act 2011 (Duty to Co-operate) has been complied with.

The Statement of Community Involvement, Local Development Scheme, Sustainable Community Strategy, Sustainability Appraisal and Habitats Regulations Assessment are available via the Council's website ( [www.warwickshire.gov.uk/mdf](http://www.warwickshire.gov.uk/mdf) ).

Representations received at this stage may not result in changes to the document but will be recorded and considered alongside the Minerals Local Plan at Examination by the appointed Inspector.

Representations must primarily be on the basis of the 'soundness' of the Minerals Local Plan or its legal compliance. If you wish to make a representation with a view to making a change to the Minerals Local Plan you should make it clear exactly what you want to be changed and the reason(s) for this change. Your representation should include information and supporting evidence justifying the suggested change.

## 1. To which part of the Minerals Local Plan does this representation relate?

Please submit a separate comment for each representation.

### Paragraph:

Site 7 Paragraph 7.29 – 7.31

### Policy number:

Policy S7

### Policies map element:

Figure 1.17 Lower Farm Salford Priors

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**2. Do you consider the Minerals Local Plan to be legally compliant?**

*(please select one answer)*

Yes .....  No .....

**3. Do you consider the Publication Minerals Local Plan to be 'sound'? If No, please continue to Question 4, otherwise please continue to Question 5.**

*(please select one answer)*

Yes .....  No .....

**4. Do you consider the Minerals Local Plan is 'unsound' because it is not:**

*(please select all that apply)*

- 1. *Positively prepared* .....
- 2. *Justified* .....
- 3. *Effective* .....
- 4. *Consistent with national planning policy* .....

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**5. If you consider that the Minerals Local Plan is not legally compliant or is unsound please give details as to why you consider this to be so. Please ensure you are as precise as possible. If you wish to support the legal compliance or 'soundness' of the Minerals Local Plan, please also use this box to provide your comments.**

Salford Priors Parish Council considers the plan to be unsound because:

**1. Pre-determination.**

The Parish Council are of the opinion that officers of Warwickshire County Council prior to the public consultation undertook a position that could be viewed as pre-determination, officers made contact with the Clerk to the Parish Council seeking agreement for the Parish Council to work closely with the County Council to drive forward a minerals planning application within Salford Priors for the benefit of both parties prior to any decision being made on the Draft Minerals Local Plan.

Proving that pre-determination has occurred requires demonstrating that the decision maker has closed their mind to any other possibility than their existing predisposition on a particular matter. The effect being that they are unable to apply their professional judgement fully and properly to an issue or matter requiring a decision. In this case financial gain was offered as an incentive for the Parish Council to support an easier passage of a minerals planning application.

The Parish Council base their starting point as Section 25(2) of the Localism Act 2011. This states that a decision maker is not to take or to have had taken, or to have appeared to have had, a closed mind when making a decision just because:

- a) The decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and
- b) The matter was relevant to the decision

What the above means in practice is that if an accusation of pre-determination is made, all events and actions taken by the individual leading to the event/decision in question must be taken into account. It is not enough to focus on an individual event/action taken by the individual in isolation. The Officer had clearly set out the County Council's position on this issue.

The following is an extract of an e-mail to the Parish Council received from a Senior Officer of the Warwickshire County Council 11/09/2015.

*"The land in question is owned by Warwickshire County Council, which is managed by the Estates & Smallholdings section. This site is currently rented to agricultural tenants as part of the Smallholdings estate in accordance with our County Farms & Smallholdings Strategy.*

*(Continued.....)*

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*We have been reviewing the Council's property portfolio to explore proposals that contribute towards our revenue and capital targets. The income from this mineral resource would help relieve pressure on Council budgets and other parts of the Authority where funding is vitally needed. The Council (as landowner) is primarily driving this development from an income generation perspective, but we also have a collective responsibility to consider wider county objectives to facilitate aggregate delivery for local construction industry needs.*

*As the income from this site would be returned to the public purse (as opposed to a private landowner), I hope that the Parish might consider working with us to help prepare a well-designed scheme that minimises impact and enhance the area for the community afterwards”.*

So the very motive of the County Council’s reasoning for Site 7 at Salford Priors is to relieve financial pressures on the Council’s budgets and primarily driving the development from an income generation perspective, therefore fettering any future decision made through the public consultation process of the draft minerals local plan.

The leading piece of case law providing guidance on predetermination is (R(Lewis) v Persimmon Homes Teeside Ltd [2008] EWCA Civ 746. Although this case concerned councillors on a planning committee, the case confirmed that there must be ‘clear pointers’ leading to the decision before predetermination is established in law.

The above would be difficult to prove if applied to professional planning officers, given that their decisions are often only formally confirmed in a one-off report or written statement (i.e. in isolation). In this case, the matter is more likely to become instead, one of whether their decision was taken in a context where there was a demonstrable conflict of interest, the Parish Council are of the opinion that this is the case, no matter what the outcome of the Public Consultation was the officers of Warwickshire County Council had decided that Site 7 would be included from an income generation perspective and would override any reasons to remove it from the Draft Minerals Local Plan. County Officers had already made contact with a local company to explore the transportation of dug aggregate from the site.

Furthermore the following extract from the officer’s email states:

*“Alternatively the site could be tendered prior to adoption of the Mineral Plan for an operator to submit a planning application (e.g. as an extension to the Ragley working) while there is still an aggregate shortage and policy support under the existing / 1995 Mineral Plan. However in light of your comments I would like to explore opportunities for the former option and be willing to consider certain concessions / requests if the Parish were to confirm conditional support for a proposal from the outset”.*

*(Continued.....)*

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For conditional support from the Parish Council, the Warwickshire County Council would explore / consider certain concessions, therefore, in this context any decision being reached by the council's cabinet would be challengeable, the member of the public who is cognisant of the practicalities of local government, does not take it amiss that councillors and officers that have previously expressed views on matters which arise during the course of making a decision would be considered. In the ordinary run of events, he trusts that councillors and officers, whatever their pre-existing views were, to approach the decision making process with an open mind and with transparency.

If, however, there are additional and unusual circumstances which suggest that councillors or officers may have closed their minds before embarking upon a decision, then the member of the public will conclude that there is a real possibility of bias or predetermination and the lack of transparency and trust with the process.

It is on this matter that the Salford Priors Parish Council believe that the decision to include Site 7 was predetermination, therefore we challenge the fairness and transparency of the decision making process, if that is right the decision to continue to include this site is biased and any well informed member of the public considering the facts would reach the same conclusion that officers had refused to consider any relevant arguments made for the removal of this site from the Draft Minerals Local Plan and that the original decision to include it should stand.

The plan is unsound.

2. **Viability.** The amount of gravel at the site was only one point in our original submission on viability. We would like a response to all the points raised as shown in Appendix 1.1 viability below. We believe the lack of response to points raised contradicts the legal compliance of the plan.

The plan is not legally compliant.

3. **Consistent with National Planning Policy Framework (NPPF).** We believe the plan contradicts NPPF Parra 143

“high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long-term potential of best and most versatile agricultural land and conserving soil resources),”

by being “restored to agriculture with reduced ground levels”. See Appendix 4 below.

This compromises the legal compliance of the plan.

4. **Dust.** The threat to health and proximity of the proposed excavation site to residential housing along with evidence of dust raised by Lorries on the local Marsh Farm site this also compromises the soundness of the plan. We do not accept that minimizing the risk of dust events is a suitable response to such a serious public health issue.

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The topsoil in this area is silty, as evidenced by particle size analysis and by its propensity to capping. Heavy wheeled transport on non-vegetated tracks through this material produces dust, and dust will also arise during moderate and strong winds across the site as a whole and through crushing of particles on surfaced roads.

Fine silicate dust is a human health hazard, giving rise to serious respiratory problems and exacerbating other complaints. Thus, there is prospect that noise, dust, vibration and potential pollution for local inhabitants will be a real and ongoing problem for many years.

Whilst speculative, there is potential also for local residents and pupils at the nearby Salford Priors Primary School to be affected by any health and safety issues arising, particularly when individuals have identified respiratory conditions such as asthma.

5. **Ecology.** Due to the fast decline of the turtle dove in the country as a whole it is very likely there will be an impact on this species regardless of the area of working. This compromises the legal compliance of the plan.

This compromises the legal compliance of the plan.

6. **Conflict of Interest.** The Salford Priors Parish Council contend that there is an unanswered conflict of interest in WCC being the planner, land owner and financial beneficiary the parish council will be seeking further legal advice on this matter and its referral to DCLG should a planning application be made prior to any decision being taken with regard to the strategic minerals plan.

**7. WCC Sustainability Appraisal Report.**

On pages 8 and 9 a series of objectives are identified to guide the Spatial Vision of the Minerals Plan. In particular, Objective 'v'

'To have full regard for the concerns and interests of local communities and protect from unacceptable environmental adverse impacts resulting from mineral developments'

Subsequent in para 10.64 referring to Site 7 Salford Priors

'The site is in close proximity to residential properties on the B4088, School Road and Tothall lane. Development of this site for mineral extraction is considered to have significant negative effects on SA Objective 5.'

However the policy requires the exclusion of land at the eastern end of the southern parcel and minimum 100metre landscape buffer to help minimise any visual impacts, **reducing the effect to minor negative and not significant.**

The last statement would clearly be **unsound** if the site were to become operational, say over 8 years according to WCC. This due to the buffer being only fully present around nearby buildings on School Road, Tothall lane and the B4088. This buffer is often much less to property boundaries. Also this key protection buffer is not present on large stretches of School road and Tothall lane.



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During restoration and afterwards this statement is likely still to be **unsound** with low grade agriculture at a lower level and possibly ineffective perimeter landscaping. Also, long stretches of School Road and Tothall lane would be adjacent to low grade agricultural land at a lower level. Hardly a 'minor negative and not significant impact'!

Plan Objective 'v' detailed on pages 210 and 211 gives sub-ordinate objectives to achieve the Plan Objective. There is no indication on any of WCC documentation that this can be achieved.

Finally on page 237 (Appendix p125), Salford Priors Assessment and location Map

Regarding Access and Routing it is stated 'Safe access is available'. Without an Agreement with the Marsh Farm Access Road this is not necessarily the case. A new access location using the available B4088 frontage would require road widening and is totally unsuitable as it is both in a dip and on a bend. This junction would have below standard features for this classification of road and without the removal of large tracts of the hedgerow to obtain visibility display standards may not ultimately be acceptable to the highway authority.

Regarding Landscape Character it is stated 'Stand-off zone required. Existing hedgerows and hedgerow trees should be retained'. This will be impossible to be achieved in proximity of the School Road crossing to allow for visibility splays and the link road near Ban Brook to the preferred prime access location at the Marsh Farm Access. Moreover, if an Agreement with the Marsh Farm Access owner could not be reached, most of the hedgerow on the site's B4088 frontage would be lost.

**Conclusion: The Minerals plan cannot be considered legally compliant as The Sustainability Appraisal is unsound as it is not based on sound evidence in the context of its appraisal of the Salford Priors site.**

### 8. Flooding.

Removal of the gravel from the area also removes its sponge effect during heavy rainfall. There is a significant concern that existing properties and new developments in the lower part of the village would suffer significant adverse effects due to this. The lower levels are already considered "wetlands" and do not have capacity to accommodate excess run-off.

The existing water course through Rushford has a history of flooding and the uphill drainage shown on the plan leads to absolutely no confidence that sufficient investigation has been undertaken by WCC. **This again compromises the legal compliance of the plan.**

### 9. Timescale.

Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities. Being as the plan has now been phased with no timescale given for the second phase thereby leaving it as an open ended proposition it is impossible to judge the effectiveness of the plan. **This again compromises the soundness of the plan.**

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**Summary: Salford Priors Parish Council** strongly objects to the proposal for mineral extraction at Site 7 Salford Priors. The Council contend that quarrying operations on this site would be disastrous for the village with risks and disadvantage to all sections of the community and strongly urges its removal from the Warwickshire County Minerals Plan 2017-2032. We do not believe that the Warwickshire County Council Strategic Planning Department have in any way demonstrated the soundness of the plan.

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6. Please set out any change(s) that you consider necessary to make the Minerals Local Plan legally compliant or 'sound', having regard to the test you have identified at Question 4 above where this relates to 'soundness'. You will need to say why this change will make the Minerals Local Plan legally compliant or 'sound'. Where relevant, please include proposed revised wording of any policy or text.

### Appendix 1

August 2016 public consultation with WCC responses to our submission and subsequent submission:

ID: 966041

Comments:

#### Statement:

Salford Priors Parish Council formally registers its strong objections to the proposals for the inclusion of **Site 7 Salford Priors** within the Warwickshire County Council Minerals Plan – Preferred Option and Policies 2017-2032.

It is the opinion of the Salford Priors Parish Council that the proposed Minerals core strategy introduces the single most destructive possible proposal of activity that this Parish has ever had to contend with. In terms of its long term impact on the wellbeing of parishioners, its certain and significant adverse effect upon the physical and visual environment and ecology of the area, the proposal to include this site on the gateway to the village is unprecedented.

#### 1. Viability

**Site 7** is described as having potential to release 0.8 million tonnes of sand and gravel from a targeted 62ha area during the plan period.

With the exception of a small satellite site, compared to the remaining proposed sand and gravel site locations listed in the County Minerals Plan Preferred Options document, Site 7 shows considerably lower anticipated yield of tonnage for extraction.

There are several additional key factors mitigating against optimal extraction of minerals and give rise to serious doubt about the viability of mineral extraction at Site 7.

- Proposals indicate two crossing points for site vehicles to cross School Road to allow the excavated material to be transported from the South West sites (Sites 2, 5 and 6) across to screening and washing facilities on the North East side (Sites 1, 3 and 4). Given the requirement for large articulated dump trucks for transportation.
- This is relevant in that these crossing points are vital to the viability of the entire scheme being the only way to remove the material from the South West site which makes up 40% of the sand and gravel thought to be available.

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- The existing Western Power 33KV electricity mains and a network of other overhead cables, serving the area run through the sites creating restrictions to the extraction area of the proposed site. There will be requirement for safe working zones around the area of line which will effectively restrict the quantity of excavation possible.
- A substantial proportion of the targeted area will not be available for extraction due to a 100m buffer zone around properties lying immediately within or adjacent to Site 7.
- The high cost implications of practical arrangements associated with inter-site access, clearance to avoid electricity trunk mains and extended buffer zones intensify uncertainty about the amount of mineral extraction possible and therefore the viability of Site 7.
- The retention of existing field boundary hedgerows as indicated in the plan will also further reduce the site yield adding to its diminishing viability

			Deposit		Site		Tons * M
	Site		Tons * M		Ha		per Ha
	Ryton	6	0.4		47		0.009
	Salford	7	0.8		62		0.013
		1	2.25		110		0.020
		5	0.3		14		0.021
		2	2.47		113		0.022
		9	1.06		48		0.022
		8	1.65		69		0.024
		3	0.87		33		0.026
		4	1.8		60		0.030

The viability of Site 7 for mineral extraction as the yield per Ha is very low and judging this against the loss of prime horticultural land the economics of this site are untenable.

The site at Ryton is not a comparable site by any means as it's a satellite site to a larger site at Bubbenhall Quarry.

None of the 9 sites listed are considered to be any more than agricultural mixed farming or woodland

The Salford site is classified Agriculture land when in fact it is all under intensive horticultural use and a major employment site for the area growing many specialist horticulture crops all requiring intensive manual input both on and off the site for harvest and processing.

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**NPPF Parra 112** states that Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The loss of horticultural production on this land would not be returned following restoration for many years. Therefore, mineral development proposals for Site 7 Salford Priors is in conflict with the NPPF.

**Draft Policy SP15:** Protecting The Best and Most Versatile Agricultural Land of the Salford Priors Neighbourhood Development Plan states that the best and most versatile agricultural land (Agricultural Classification Grades 1, 2 and 3a) will be protected. Development that would lead to the permanent loss of such land will not be permitted.

The land within the Parish of Salford Priors is primarily agricultural land and the parish has a long history of farming and horticulture. This must be preserved. The best and most important land should be protected.

It is crucial to avoid the loss of good agricultural land which is most unlikely to be returned to its original use. Central Government has repeatedly said that farming is a very important asset to the overall economy, in that it reduces the need for the importation of foodstuffs.

### **WCC Response**

Viability - The site provides a reasonable amount of sand and gravel in comparison to the county's requirement. The site would not have been promoted if the reserves were not sufficient.

### **SPPC January 2017 submission**

**The amount of gravel at the site was only one point in our original submission on viability. The Parish Council would like a response to all the points raised as shown above.**

**We believe the lack of response to points raised contradicts the soundness of the plan.**

**Supplementary to our original submission we believe the plan contradicts NPPF Parra 143 "high quality restoration and aftercare of mineral sites takes place, including for agriculture (*safeguarding the long-term potential of best and most versatile agricultural land and conserving soil resources*)," by being "restored to agriculture with reduced ground levels".**

**This also compromises the soundness of the plan.**

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**2. Highway Network.** Salford Priors Parish comprises seven main settlements. Centrally located, the largest of these settlements is Salford Priors.

The area of proposed Site 7 of the Minerals Plan spans the area of School Road which provides a crucial road link between the central village and outlying settlements via an uninterrupted route between the B4088 at its northern end and the B439 and its southern end.

It is a busy road in constant use by a variety of vehicles for business, work, personal, school bus and public transport purposes as well as by pedestrians, horses and cyclists. Long term disruption to the accustomed flow of traffic on this route imposed by traffic-light or manned controls will have a profound negative impact on routine interaction within the village.

### WCC Response

Traffic- There will be one access off the B4088 to the northern half of the site if the existing access road to Marsh Farm Quarry cannot be utilised. The B4088 is suitable for HGV use. The developer advises that there will be no reason to use any surrounding "C" roads unless delivering to a specific site. There are no objections from the highway authority. The site will be worked on a campaign basis and in a phased way. Two separate crossing points will be provided linked to the phasing to minimise the impacts on School Road. The crossing points will only be active during the campaign period providing the flexibility to close them at certain hours to reduce the impact on the school timings and avoid congestion at peak times.

**3. Environment.** There is clear indication that operations at Site 7 will generate windblown fine silicate dust whatever system of extraction and transport is used; this fact was very evident on the marsh farm site on many occasions.

The topsoil in this area is silty, as evidenced by particle size analysis and by its propensity to capping. Heavy wheeled transport on non-vegetated tracks through this material produces dust, and dust will also arise during moderate and strong winds across the site as a whole and through crushing of particles on surfaced roads.

Fine silicate dust is a human health hazard, giving rise to serious respiratory problems and exacerbating other complaints. Thus, there is prospect that noise, dust, vibration and potential pollution for local inhabitants will be a real and ongoing problem for many years.

Whilst speculative, there is potential also for local residents and pupils at the nearby Primary School to be affected by any health and safety issues arising, particularly when individuals have identified respiratory conditions such as asthma.

From local knowledge, a significant amount of ground water will be discovered at a depth of about 2.5 metres, the proposal to restore the excavated site to a lower level instead of the original levels leaves the potential for land flooding or waterlogging after restoration rendering it unfit for agricultural/horticultural use.

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Overflow or pumping out of excavations into Ban Brook alongside the northern perimeter of the northeast site has the potential for causing flooding and there are grave concerns about the effects of mineral extraction would have on water/silt levels in Ban Brook both during works and after restoration.

### **WCC Response**

**Flooding** - The site abuts two watercourses one in the south and one in the north that do flood but very little of the working area is within either Flood Risk Zones 2 or 3. There is no objection to the site from the Environment Agency. A Flood Risk Assessment will be required at the planning application stage.

**Watercourses** - The developer advises that should processing take place on site water will either be settled in small ponds or by a mobile silt press. As the recycled water is fully recycled there is likely to be no discharge and therefore no sedimentation and pollution of the watercourse is considered very unlikely.

### **SPPC January 2017 submission**

**Pre-determination – how has a developer already been identified at this stage?**

**Ban Brook is an area of outstanding biodiversity providing a habitat for a large number of animals and is at the heart of the local natural ecosystem. Life generated from the Ban Brook feeds the local population of bats, owls newts etc.**

**The configuration of Site 7, requiring sequential phases of extraction in separated ‘quadrants’ and repeated shifts of the haul roads or conveyors, moves the source of environmental damage such as dust and water contamination around, making it exceptionally difficult to control effectively.**

**The indicative locations of the proposed haul roads, and the requirement to shift these periodically, will make this situation unmanageable in many locations close to housing.**

**The Parish Council is sensitive to its parishioner's long drawn out patience with the quarrying operations at Marsh Farm Dunnington and have little confidence with the proposed site being restored for many years following the end of quarrying activities.**

### **WCC Response**

**Dust** - The workable area is only 20ha which is 60% of the total site. The developer advises that sand and gravel has a natural moisture content so excavation does not generate dust. The principal source of dust will be from the active site roads and they will be dampened when in use. The site will be worked on a campaign basis minimising the exposed working area. It will also be worked and restored on a phased basis (6 phases) which will help minimise dust emissions. Good operational practices should minimise the risk of dust events.

### **SPPC January 2017 submission**

**Given the threat to health and proximity of the proposed excavation site to residential housing along with evidence of dust raised by Lorries on the local Marsh Farm site this also compromises the soundness of the plan.**

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**4. Ecology.** Having reviewed the ecological nature of the proposed site and remain acutely aware of the potential long term effects of mineral extraction operations on existing flora and fauna with protected rare species present. Although at this stage The Parish Council have not been able to commission a full ecological review, this exercise is under active consideration.

Two documents have been scrutinised. Extracts of these documents are included for your attention:

- The distribution of threatened Farmland Birds in Warwickshire. April 2010
- Warwickshire local Biodiversity Action Plan. Revised 2014.

The documents identify two protected bird species within the area both included on the BoCC3 Red List which identifies Breeding Populations present and their decline within Warwickshire and also the presence of the protected species of Great Crested Newts within the area.

**Turtle Dove:** The presence of Turtle Doves actually sighted within the proposed development area by local residents and bird watchers is well established and the presence is also recognised within the area by the Warwickshire Wildlife Information Consultancy. Efforts have been made in the past to improve the habitat for these birds and in this case have proven successful.

**Yellow Wagtail:** Yellow Wagtail with a breeding population in decline has also been detected within the proposed area. It is clear that these Warwickshire farmland birds are at risk and efforts are already being made to secure their protection.

**Great Crested Newt:** The distribution of Great Crested Newts is well known within this region of Warwickshire with up to 25% of ponds containing GCN populations. This newt species can travel up to 0.5km from ponds and so it is important to consider both the aquatic and terrestrial habitats within any survey. The area surrounding the proposed site contains a number of established ponds within the potential affected radius.

The diversity of local wildlife contributes greatly the experience of living within the Parish with some residents employed in agricultural in some form or other be it farming, forestry, estates management or many other diverse rural activities.

The Parish Council are determined to preserve the ecology and rural traditions of the parish which have existed and been appreciated by the parishioners for many years.



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## **WCC Response**

Protected species surveys will be required. There is unlikely to be any loss of habitats or protected species due to the small area of working, the configuration of the site and phased working and restoration. Important trees and hedgerows will be protected.

## **SPPC January 2017 submission**

**Due to the fast decline of the turtle dove in the country as a whole it is very likely there will be an impact on this species regardless of the area of working. This compromises the soundness of the plan.**

## **5. Social and Economic Issues.**

Areas of social and economic concern (not exhaustive) are highlighted below:

- Hazard of large vehicles and heavy equipment crossing School Road in two locations becomes an undesirable factor.
- Site 7 is listed agriculture land, is intensively farmed and is a major employment site for the area growing many specialist horticulture crops. There is crucial need to protect and enhance such a material asset. Its loss to the community presents a significant negative impact. Salford Priors is a rural village with a rural community with great knowledge and appreciation of the local countryside and the environment in which they are able to live.

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### Summary.

There is a long history of extensive mineral extraction in the Parish of Salford Priors. It is therefore inevitable that considerations applied to the Warwickshire County Minerals Plan 2017-2032 are tempered by long exposure to such operations. Notwithstanding, this background, this most recent proposal to execute new Sand and Gravel workings so close to the village centre is deemed entirely unacceptable.

There remain a number of other key issues concerning this proposed development which merit further address. Suffice at this point to express unease that Warwickshire County Council holds a monopoly in terms of ownership and marketing aspects of the proposed Site 7 in Salford Priors.

The Council are uncomfortable with the written statement it has received that Warwickshire County Council (as landowner) is primarily driving this development from an income generation perspective, with the wider County objective to facilitate aggregate delivery for local construction industry needs as a secondary consideration.

Clearly, these circumstances merit higher level independent scrutiny and transparency within the decision making process.

The Parish Council shares the unease of parishioners expressed objectively regarding the lack of specific detail in answers given in response to questions about the Minerals Plan.

Moreover, there is universal disappointment for us to arrive collectively at a perspective in which income generation merits the County Council priority of consideration over adverse impact on the environment and ecology of Site 7 and the health and well-being of parishioners.

### WCC Response

Conflict of Interest - There is no restriction on who can promote sites through the Local Plan. The County Council's Property Services proposals have been treated in exactly the same way as other proposals. The Council owns the land and the minerals. There are no restrictive covenants that prevent the land being developed for mineral extraction. The Council has promoted land in the locality for other uses but it has decided to pursue the mineral extraction option at this site.

### SPPC January 2017 submission

**We will take further advice.**

**Salford Priors Parish Council strongly objects to the proposal for mineral extraction at Site 7 Salford Priors. The Council contend that quarrying operations on this site would be disastrous for the village with risks and disadvantage to all sections of the community and strongly urges its removal from the Warwickshire County Minerals Plan 2017-2032.**

# Minerals Plan Publication Form 2016

## 7. Duty to Co-operate

The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters (Planning Policy Guidance).

*Please note that any non compliance with duty to co-operate is incapable of modification at examination.*

### 7. Do you consider the Minerals Local Plan complies with the Duty to Co-operate?

*(please select one answer)*

Yes .....  No .....

# Minerals Plan Publication Form 2016

## Duty to Co-Operate Comply

*Please be as precise as possible.*

**Please give details of why you consider the Minerals Local Plan complies with the duty to co-operate.**

# Minerals Plan Publication Form 2016

## Duty to Co-Operate Fail

*Please be as precise as possible.*

**Please give details of why you consider the Minerals Local Plan fails to comply with the duty to co-operate.**

Insufficient and in some cases no responses have been given to questions asked in the initial consultation phase.

See evidence in initial responses in Appendix 1 above

The Sustainable Community Strategy referenced on page 3 does not appear to exist on the referenced [www.warwickshire.gov.uk/mdf](http://www.warwickshire.gov.uk/mdf) and in fact in the word form 20, the hyperlink itself takes you to <http://www.cheshirewestandchester.gov.uk/LocalPlan> therefore this form itself contains errors and misleading information.

**Please note:** Your representation should cover succinctly all the information, evidence and supporting information necessary to support and justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations.

**After this stage, further representations will only be at the request of the appointed Inspector, based on matters and issues he/she identifies for examination.**

# Minerals Plan Publication Form 2016

**8. If your representation is seeking to make a change to the Minerals Local Plan, do you consider it necessary to participate in the oral part of the examination?**

*(please select all that apply)*

*No, I do not wish to participate at the oral examination .... Yes, I do wish to participate at the oral examination ....*

**9. If you do wish to participate at the oral part of the examination, please outline why you consider this to be necessary.**

As Salford Priors Parish Council it is our duty to represent our parishioners.  
We would like to register at least two councilors as participants in the oral examination.  
If you require the names of councilors at this stage please let us know.

**Please note** the appointed Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.