

REP 33**Name** Mineral Products Association**Question****Answer**

Q37:5	This consultation contains 28 policies, including details including details on implementation & monitoring ('supporting text') for each policy. Respond to Policy DM4 – Protection of Designated Landscape	Policy DM4 - Protection of Designated Landscape
Q37:11	This consultation contains 28 policies, including details including details on implementation & monitoring ('supporting text') for each policy. Respond to Policy DM10 – Flood Risk	Policy DM10 - Flood Risk
Q37:16	This consultation contains 28 policies, including details including details on implementation & monitoring ('supporting text') for each policy. Respond to Policy DM15 – Past Operator Performance	Policy DM15 - Past Operator Performance
Q37:19	This consultation contains 28 policies, including details including details on implementation & monitoring ('supporting text') for each policy. Respond to Policy M3 – Sand and Gravel Supply	Policy M3 - Sand and gravel supply
Q37:20	This consultation contains 28 policies, including details including details on implementation & monitoring ('supporting text') for each policy. Respond to Policy M4 – Locations for Sand and Gravel Extraction	Policy M4 - Locations for sand and gravel extraction

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Question	Answer
Q68 Into which of the following categories does your representation fall? (Support OR No view either way OR Objection)	Objection
Q70:2 An objection must relate to either the local plan not complying with the legal requirements or it not being sound in relation of at least one of the tests of soundness. If you are objecting, under which criteria is this objection (select all that apply) - Not meeting the test of soundness	Not meeting the Test of Soundness
Q71:4 If you are objecting to the policy on the grounds that it does not meet the test of soundness, what test of soundness do you consider that it fails (select all that apply) - The test of consistency with national policy	The test of consistency with national policy
Q72 If you are objecting to the policy on the grounds that it does not meet the test of soundness, please include below your comments on how the policy does not meet the test of soundness	Paragraph 172 of the NPPF provides for major development (including mineral extraction) within AONBs (not only their settings) in exceptional circumstances and here it can be demonstrated that the development is in the public interest. This is referred to in supporting text but not made explicit. This may include development and circumstances where there is some detrimental impact on the AONB.
Q73 Are you seeking a change to the policy? Yes OR No	Yes

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Question	Answer
Q74 If you are seeking a change to the policy, what change are you seeking and why?	Reference to the 'exceptional circumstances' test as set out in NPPF. Detrimental impact may be mitigated, but not necessarily entirely avoided, and so the policy is more restrictive than NPPF.
Q75 Are you seeking a change to the 'supporting text'? (Yes OR No)	No
Q128 Into which of the following categories does your representation fall? (Support OR No view either way OR Objection)	No view either way
Q135 Are you seeking a change to the 'supporting text'? (Yes OR No)	Yes
Q136 If you are seeking a change to the 'supporting text', what change are you seeking and why?	The supporting text (para 5.103) should make it clear that sand and gravel working is 'water compatible' development (Planning Practice Guidance) and so is appropriate development in all flood zones and so the sequential test and exception test need not be applied.
Q178 Into which of the following categories does your representation fall? (Support OR No view either way OR Objection)	Objection

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Q180:2 An objection must relate to either the local plan not complying with the legal requirements or it not being sound in relation of at least one of the tests of soundness. If you are objecting, under which criteria is this objection (select all that apply) - Not meeting the test of soundness

Not meeting the Test of Soundness

Q181:2 If you are objecting to the policy on the grounds that it does not meet the test of soundness, what test of soundness do you consider that it fails (select all that apply) - The justification test

The justification test

Q181:3 If you are objecting to the policy on the grounds that it does not meet the test of soundness, what test of soundness do you consider that it fails (select all that apply) - The effectiveness test

The effectiveness test

Question

Q182 If you are objecting to the policy on the grounds that it does not meet the test of soundness, please include below your comments on how the policy does not meet the test of soundness

Answer

Planning permission runs with the land, not the applicant or operator. The operation of a site should be controlled through enforcement of planning conditions and through environmental permitting. Therefore it would not be sound to consider the behaviour (perceived or actual) of an applicant rather than the merits of the application in land use terms. While MPA members will operate and manage their sites to a high standard, reflecting commitments in the MPA Charter, we are concerned how the policy may be implemented. In reality, objections may be lodged, enforcement, and in some circumstances legal action, taken on technicalities rather than due to harm caused, which may be challenged by an operator. This may be in the mineral planning authority area or elsewhere, and may reflect a range of circumstances. The reference to the recent amendments to PPG (in para 5.148) that is used to justify the policy is not valid, as the paragraph cited specifically concerns the planning history of a site in the context of 'major developments involving the provision of housing' and relates to permission for housing development not being implemented ('landbanking' by housing developers and landowners), rather than performance of a waste or minerals developer or operator. In the Focussed Consultation earlier this year, the justification for the policy (para 6.1) that the issue was raised in response to the consultation on the previous draft plan does not appear to be a sufficient reason for inclusion of a specific policy. Reviewing the Consultation Summary Report reveals that this was not a common response and appears to be raised mainly in connection with a waste site, relying on anecdotal evidence and perception.

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Question	Answer
Q183 Are you seeking a change to the policy? Yes OR No	Yes
Q184 If you are seeking a change to the policy, what change are you seeking and why?	Deletion
Q208 Into which of the following categories does your representation fall? (Support OR No view either way OR Objection)	Support
Q209 If you support the policy, please explain your reasons for this	Support maintenance of landbank of at least 7 years' supply through Plan period – which will mean sufficient reserves permitted to provide a landbank of at least 7 years at 2036.
Q215 Are you seeking a change to the 'supporting text'? (Yes OR No)	Yes
Q216 If you are seeking a change to the 'supporting text', what change are you seeking and why?	It would be helpful for the supporting text to also make it clear that 'maintain the landbank' means that the minimum landbank of 7 years of reserves needs to be maintained (defined as 'keep in existence, not allow to become less') throughout, including at the end of, the Plan period.

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Q221a Into which of the following categories does your representation fall regarding proposals for new sites not outlined in Policy M4, in appropriate locations where - **THEY ARE SITUATED WITHIN THE AREA OF SEARCH (AS SHOWN ON THE POLICIES MAP)** (Support OR No view either way OR Objection)

Support

Q222 If you have supported one or more of the proposals (either proposed extraction of remaining reserves, proposed site extensions or proposals for new sites not outlined in Policy M4, please explain your reasons of support)

We support identification of the Area of Search, as a means of encouraging applications for minerals development in appropriate locations, especially given the lack of promoted sites emerging from the calls for sites. However, PPG advises that the order of priority is Specific Sites, Preferred Areas, and Areas of Search. Given the likely shortfall in provision over the Plan period, a Preferred Area covering 'areas of known resources where planning permission might reasonably be anticipated' should also be identified within the Area of Search, to provide a greater degree of certainty and to encourage investment in applications for and development of additional new reserves. These would be broader than the Preferred Areas identified in the 2001 Replacement MLP for Berkshire which are akin to specific sites under PPG terminology. Existing sites and permitted reserves don't need to be identified in this policy as reserves are already permitted for extraction.

Q226 Are you seeking a change to the policy? (Yes OR No)

Yes

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Question

Answer

Q228 If you are seeking a change, please elaborate further on the change(s) you are seeking

Plan and policy should identify 'preferred areas' for mineral extraction within the broader Area of Search

Q229 Are you seeking a change to the 'supporting text'? (Yes OR No)

No
