

**DORSET COUNTY COUNCIL, BOURNEMOUTH BOROUGH COUNCIL
AND BOROUGH OF POOLE MINERAL SITES PLAN ("the MSP")**

**HEARING STATEMENT on behalf of
FROME RESIDENTS AGAINST MINERAL EXTRACTION**

On the subject of: CLUSTER 4

INTRODUCTION

1. Frome Residents Against Mineral Extraction ("**FRAME**") made written representations on the MSP in both October 2015 and January 2018 in relation to *inter alia*:
 - (a) Cluster 4, the Moreton Area, in particular AS-19 Woodsford Extension, AS-25 Station Road and AS-26 Hurst Farm; and
 - (b) the Habitats Regulations Assessment (in its various iterations) accompanying the MSP.
2. These representations fall to be addressed under: Matter 1, Inspector's questions numbered 50 – 60 and 133 – 168 in respect of Cluster 4; and Legal issues questions 5 – 14 in respect of the HRA.
3. A body of evidence and representations has been submitted at earlier stages in support of FRAME's position, including an Historic Environment Appraisal by Oxford Archaeological Associates Limited dated 23 October 2015. This material is not repeated here, but reliance is placed on it throughout these submissions.
4. These submissions should be read together with the heritage specific submissions prepared by Dr Colcutt. Again, those submissions are not repeated here.
5. At the date of submitting this Hearing Statement, the revised HRA was not published. Accordingly, FRAME reserve their right to submit a further hearing statement and/or amend this hearing statement on publication of the revised HRA.

SUMMARY OF FRAME'S POSITION

6. In summary, FRAME submit that allocation of the sites in Cluster 4 is not justified or effective because of the absence of a robust and credible evidence base. Moreover, the allocations are inconsistent with national policy.
7. Accordingly, FRAME's primary submission is that the sites in Cluster 4 are removed from the MSP. The priority site for removal is AS-25.
8. In the alternative, FRAME request the modification of the allocations and the DGs so as to reduce the allocations size and harm. FRAME's proposed modifications to the allocations are set out below in Part III.

PART I: LEGAL AND POLICY REQUIREMENTS

9. Pursuant to section 39(2) of the Planning and Compulsory Purchase Act 2004, a mineral planning authority exercising their plan making functions must do so with the objective of contributing to the achievement of sustainable development.
10. The National Planning Policy Framework (2012)¹ defines sustainable development as having three dimensions (see para. 7). Two of these – the social and environmental roles – are at the heart of FRAME's submissions.
11. FRAME submit that the inclusion of Cluster 4 is inconsistent with the achievement of sustainable development because it fails to protect and enhance the natural and historic environment. In particular, contrary to NPPF para. 17, the inclusion of Cluster 4 fails to: recognise the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment; prefer land of lesser environmental value; and conserve heritage assets in a manner appropriate to their significance.

¹ All references to the NPPF hereafter are to the National Planning Policy Framework 2012 and not the more recent 2018 version.

PART II: RESPONSE TO INSPECTOR'S QUESTIONS²

Cluster 4

12. See FRAME's earlier representations:

- (a) October 2015 at [C21.1 - C21.3]; and
- (b) January 2018 at pages 20 - 22 of the representation on AS6, at pages 4 and 5 of the representation on AS-25, and at pages 19 - 21 on AS-19.

50. Given their close proximity to each other, have these sites' potential cumulative effects been adequately assessed including traffic impacts, harm to landscape, residents' visual and other amenity, and the historic environment?

13. No - FRAME submits that the cumulative effects have not been adequately assessed, in particular:-

- (a) Appendix 1 of the MS states in respect of criterion C21 (cumulative impacts) that a very significant adverse impact will occur where the proposed site is "*in an area where there is other mineral working ... within 5km and the proposed site extension will represent an intensification of the development*". However, criterion has been misapplied in the SA, particularly as it is common ground that the sites forming Cluster 4 are within 5km of each other and would represent an intensification of development.
- (b) The cumulative effects on the amenity of existing settlements omits consideration of Pallington, despite it being only 350 meters from AS-19 and relies heavily on the use of buffer zones and bunds without policy compliant assessment (see PPG para. 18 Reference ID: 27-018-20140306 Revision date: 06 03 2014) and in circumstances where these measures are ineffective (see BS5228).
- (c) The Bournemouth Poole and Dorset Local Transport Plan 3 (2011 - 2016) (Appendix A) states at [3.4.11] that a "*key local issue*" is: "*Natural and built environments are under threat from the volume and speed of traffic, vehicle emissions*

² The responses below omit questions in respect of which FRAME advance no submissions.

and noise, and the appropriate routing of freight traffic". However, this issue has been wholly omitted in relation to the consideration of the cumulative impacts from traffic on the B3390.

- (d) The assessment of the cumulative traffic impacts is flawed, see response to question 52, below.

14. For these reasons, the allocation of Cluster 4 is inconsistent with NPPF para. 120.

51. Should more direction be given in the DGs on mitigating cumulative effects to an acceptable level?

15. Yes – at present the DGs provide a warning on the potential for cumulative effects only at the highest level of generality. There is no direction on the particular areas where cumulative effects are likely to arise or any indication of what an acceptable level of cumulative effects may be in this area.

16. FRAME note the detail of NPPF para. 143 (in particular bullet points 6 and 7). None of this detail is present in the DGs. This requires modification.

52. The SA indicates that the main areas of cumulative traffic impact are likely to be along the B3390 and particularly the two narrow Hurst Bridges and the Waddock Cross junction, where there has previously been an accident problem. Does the transport assessment adequately consider and resolve these potential impacts taking account of all minerals and other built development in the area?

17. No – FRAME considers DCC’s transport assessment to be defective, in particular:

- (a) the assessment proceeded on an erroneous understanding of the cumulative levels of development in the area;
 - (i) the “*worst case*” Scenario 5 is based on 2800 dwellings;
 - (ii) the Purbeck District Council Local Plan (Appendix B) and West Dorset District Council Local Plan (Appendix C) propose a cumulative total of 5621 houses – almost double the Scenario 5; and
 - (iii) importantly, all of these houses would use the B3390 if travelling north (i.e. to join the A35 and A31), directly passed AS-25 and AS-26.

- (b) the assessment omits consideration of highways safety entirely, despite the well-documented accident history on the B3390;
- (c) the data collected does not give a full and fair spread of the traffic impact (for example there was no consideration of summer peaks where traffic volumes are higher from tourists);
- (d) the suitability of the Hurst Bridges for higher volumes of traffic has not been fully assessed (particularly in light of the need for four repairs during 2017).

55. In its Site Assessment comments on AS-25 and AS-26, Highways England refers to traffic modelling only being inter-peak period. Has this now been resolved to include all peak periods?

18. FRAME are not aware that this deficiency has been resolved. Further, FRAME submit that consideration of peak periods should also consider seasonal variation – for example, the high levels of tourist traffic. The effect of these omissions is to render the traffic impact unreliable and far short of the credible and robust evidence base required by national policy.

56. Also Highways England refers to the conclusion that there will be less traffic on the network as only two sites will be operating in the future and it asks for clarification. Would the Council's please clarify?

19. FRAME reserves its position in this regard and may make further representations on this issue following clarification by the Council.

57. I understand from representations that there is a proposal to designate a Dorset National Park within the lifetime of the MSP and that it would include the area covered by these three sites. What is the position with this proposal and does it need to be referenced in the MSP?

20. FRAME submit that the proposal to designate the Dorset National Park is relevant and should be referenced in the MSP. As the supporting documentation for the proposal demonstrates (see Appendix D), the qualities which underpin the proposal to designate the area as a National Park are the same qualities which Cluster 4 will harm. Further, were the area to be designated, this would attract protection under national policy which should be reflected consistently in the MSP.

21. FRAME understands that the proposal is being reviewed, with the report due in 2019.

58. The DGs indicate that AS-25 and AS-26 will not be worked simultaneously. How is this likely to work in practice and does it have implications for working the two sites within the Plan period?

22. FRAME considers that there has been a total lack of explanation, either strategic or technical, as to how these sites will be worked.

23. FRAME do not consider that the two sites will be worked within the Plan period; rather it is more likely to extend beyond the end of the Plan period.

24. Importantly, whilst it has been assumed that the two sites will be worked consecutively, it remains the case that materials will be moved between the sites for processing. As explained below, the impact of these movements has not been assessed.

60. Should the DGs for each site make reference to this cluster of three?

25. Yes – as above, specific guidelines should be given on how these sites could be developed coherently and clear indications should be given as to the level of acceptable cumulative impact.

26. Further, the DGs should make specific reference to the cumulative heritage, landscape and amenity (particularly noise) impacts. Again, FRAME note the inconsistency with NPPF para. 143.

PART III: MODIFICATIONS TO THE PROPOSED ALLOCATIONS

27. If the sites in Cluster 4 are not removed from the MSP, contrary to FRAME’s primary submission, then FRAME submit that the allocations in Cluster 4 should be modified as follows. The modifications to AS-25 are the priority.

AS-25 Station Road, Moreton

28. Move the northern boundary of the allocation away from Station Road, the Moreton Conservation Area and the stream feeding River Frome by at least 150 meters.

29. Move the western boundary away from Moreford Hall by at least 150 meters.

30. Move boundary away from Moreton Village hall and playing field by at least 150 meters.

AS-26 Hurst Farm

31. Move the northern boundary away from River Frome entirely by at least 150m.
32. Move the northern boundary away from Sculpture by the Lakes.
33. Move the eastern boundary away from Hurst Cottages and Hurst Farm by at least 150m and to protect Hurst Farm Dairy.

AS-19 Woodsford (North East Extension)

34. Move the northern boundary away from River Frome entirely by at least 150m
35. Move the north eastern corner of the boundary away from Sculpture by the Lakes.