

Planning Policy Team

Bedford Borough Council
Borough Hall
Bedford
MK42 9AP

Our Ref: TAR-143-P

Date: 28th July 2022

Sent by email only to: planningforthefuture@bedford.gov.uk

Dear Sir or Madam,

BEDFORD BOROUGH COUNCIL LOCAL PLAN 2040 PLAN FOR SUBMISSION CONSULTATION – JULY 2022 – REPRESENTATIONS ON BEHALF OF TARMAC TRADING LIMITED

Heatons have been instructed by our clients, Tarmac Trading Limited ('Tarmac'), to prepare and submit a formal representation to the above consultation in relation to their land and mineral interests in Bedford.

The purpose of this letter is to ensure the emerging Local Plan 2040 considers existing minerals sites and ancillary/minerals related infrastructure in the plan area with regard to safeguarding requirements as set out within National Policy. This letter follows representations submitted in August 2021 to the Draft Plan Strategy Options and Draft Policies consultation.

Tarmac have the following interests in the borough:

- Elstow Concrete Plant, Asphalt Plant and Aggregate Railhead;
- Land at Biddenham;
- Land at Radwell;
- Land north of Bedford Road, Cople; and
- Roxton / Blunham – Allocated sand and gravel extraction site.

National Planning Policy

Section 17 of the National Planning Policy Framework (NPPF, 2021) relates to 'Facilitating the sustainable use of minerals'. Paragraph 209 confirms it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'.

Paragraph 210 states that planning policies should, among other things, safeguard mineral resources, existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

Paragraph 212 affirms that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

The agent of change principle is also referenced at paragraph 187 to ensure new development is integrated effectively with existing businesses and those businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Bedford Local Plan 2040: Plan for Submission

The Regulation 19 consultation is open until 5pm Friday 29th July 2022. The Local Plan 2040 sets out policies and allocations to build on adopted Local Plan 2030 and put in place a robust strategy for growth to 2040.

It is understood that the Local Plan 2040 will not contain minerals and waste planning policy specifically, as this will be a matter for the adopted Minerals and Waste Local Plan. As a result, the consultation document makes no reference to minerals and waste beyond that contained within the Little Barford New Settlement policy and overarching themes. The Council has also decided not to identify Mineral Safeguarding Areas on the local plan Policies Map.

It is submitted that as a minimum, the Local Plan 2040 should cross reference with the adopted Minerals and Waste Local Plan to outline the relationship of mineral planning and mineral safeguarding.

Planning Practice Guidance describes the role of the district council, as the local planning authority, in safeguarding minerals in 3 ways:

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps;
- in those areas where a mineral planning authority has defined a [Minerals Consultation Area](#), consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.

(Paragraph: 005 Reference ID: 27-005-20140306, Revision date: 06 03 2014)

The Local Plan 2040 must take minerals and waste land uses into account when developing the emerging framework; it must ensure that mineral resource and infrastructure is safeguarded and the operation of minerals and waste sites and associated/ancillary infrastructure are not prejudiced when either allocating sites to meet other social and economic needs, or inadvertently through restrictive policy wording. It is welcomed that “the council’s Minerals and Waste Team have provided technical comment in relation to mineral safeguarding areas which has been taken into account in

the site assessment work” (Local Plan 2040 - Draft Plan: Strategy options and draft policies consultation 2021 Summary of comments. p.50, 2022), however, this should be reflected in the wording and policy of the emerging Local Plan document to be adopted.

As part of the current public consultation, a Changes to Policies Map document has been published and an extract of Tarmac’s Elstow Concrete Plant, Asphalt Plant and Aggregate Railhead is included at Figure 1. The Elstow site is an important strategic mineral site, not only within Tarmac’s operation but also Bedfordshire’s mineral processing needs. Both the Railhead and the Plant are permitted to operate on a 24/7 basis. As a result it is welcomed that the Elstow site is recognised as a key employment site and the strategy is to protect its continued operation and support further investment.

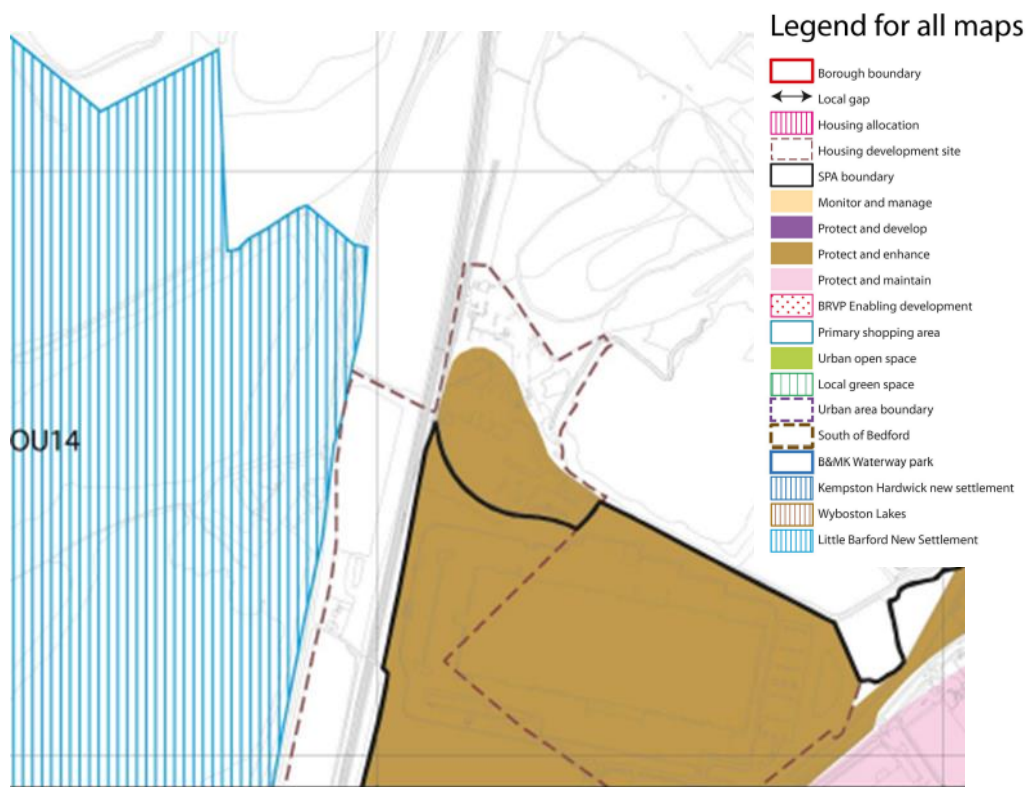


Figure 1. Elstow Concrete Plant, Asphalt Plant and Aggregate Railhead. Published Policies Map Local Plan 2040. Bedford Borough Council 2022

Summary of Representations

This representation seeks to highlight Tarmac’s land and minerals interests in Bedford as well as other minerals operations within the Borough. Tarmac currently operate a number of sites which are listed above. It is submitted that the emerging Bedford Local Plan 2040, in accordance with Planning Practice Guidance and the NPPF, must consider minerals and waste infrastructure at every stage of preparation, and must not prejudice the viability of such operations. In doing so, the Local Plan 2040 should have regard and show regard to the local minerals plan and should show Mineral Safeguarding Areas and sites on their policy maps.

It is considered that illustrating mineral safeguarding areas on the policy map and cross referring to Minerals and Waste planning policy requirements relating to safeguarding, prior extraction and the agent of change principle will assist as a minimum in reducing a conflict of land use interests and ensure compliance with national policy.

We trust that these representations are of benefit to the Council in refining the emerging development plan document. Should any matters require clarification we would be delighted to assist.

Yours faithfully,
Heatons