

ES17.5



Blaenau Gwent County Borough Council

Local Development Plan

Hearing Session 17: Minerals

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Blaenau Gwent County Borough Council Submission

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Introduction

This Statement has been prepared by Blaenau Gwent County Borough Council in order to help facilitate appropriate discussion at the Minerals Hearing Session. The Paper provides a response to the questions set by the Planning Inspector (Mr Vincent Maher).

Where the Council does not intend to provide any additional written evidence the Inspector's attention is directed to the relevant part of the Evidence Base, which in the view of the Council addresses the matters raised. The paper will not repeat evidence previously submitted for consideration.

The Council's detailed responses to the representations received to Minerals are contained in the Report of Representations (**SD07b**).

Council Response to Inspector's Questions (questions in bold)

1. How does the Plan translate national minerals planning policy down to the local authority level? Should the Plan seek to identify a minimum 10 year landbank? Is there merit in seeking to pursue up to 6 million tonnes of minerals and aggregate extraction over the lifetime of the Plan? Should the county accommodate a proportion of the minerals allocated to the Brecon Beacons National Park? If not, why not?

How does the Plan translate national minerals planning policy down to the local authority level?

The detail of how the Plan translates national minerals planning policy down to the local authority level is set out in the (Updated) Minerals Background Paper (**SD53**).

In summary, Minerals Planning Policy Wales (MPPW) (**W24**) sets out national minerals planning policy for Wales. This is supported by MTAN 1: Aggregates (**W25**) and MTAN 2: Coal (**W26**) which provide advice on the mechanisms for delivering mineral policy.

MPPW (**W24**) provides guidance on how local authorities should meet the objective of providing a sustainable pattern of mineral extraction. It sets out 5 key principles on how this can be achieved:

- i. Provide mineral resources to meet society's needs and to safeguard resources from sterilisation;
- ii. Protect areas of importance of natural or built heritage;
- iii. Limit the environmental impact of mineral extraction;
- iv. Achieve high standard restoration and beneficial after-use; and
- v. Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials. (**W24**, page 5)

i. Providing minerals resources to meet society's needs and to safeguard resources from sterilisation

Appropriate supply needs to be identified to meet local, regional and UK needs for minerals. In the case of Blaenau Gwent, the South Wales Aggregates Working Party identifies the need for aggregates. The Regional Technical Statement for Aggregates (**SD98**, page 96) identified that:

- In order to meet a proportionate share of demand, the Minerals Planning Authority should assess the potential to make a resource allocation of at least 3Mt in the LDP. Where feasible this should be of limestone.
- Additional Carboniferous Limestone Resources need to be examined and safeguarded.
- Alternative Carboniferous Sandstone Resources need to be examined and selectively safeguarded for possible future use.

To meet these requirements Blaenau Gwent, along with Torfaen, Newport and Monmouthshire, commissioned Cuesta Consulting Limited to provide the geological input required by the MPAs, in order to address the aggregate mineral safeguarding and apportionment requirements of the Regional Technical Statement for Aggregates (**SD98**).

The findings of the 'Former Gwent' Aggregates Safeguarding Study (**SD99**) formed the basis for the Safeguarding Policy M1 and the Preferred Areas Policy M4. The Preferred Areas were also subject to the Candidate Site Process to assess the suitability of sites.

The Coal Safeguarding Areas were developed from British Geological Society mapping in accordance with MTAN 2 (**W26**, page 12, paragraph 36). Policy DM20 identifies the policy framework for Mineral Safeguarding.

ii. Protect areas of importance of natural or built heritage;

National policy seeks to protect National Parks; Areas of Outstanding Natural Beauty; Special Protection Areas (SPAs); Special Areas of Conservation (SACs) Ramsar Sites; Sites of Special Scientific Interest (SSSIs); National Nature Reserves (NNRs); other environmentally important areas; surface and groundwater resources and historic buildings and landscapes from inappropriate mineral development.

Policies SP12 (c) and DM19 (e), (f), (g), (k) and (l) are included in the Plan (**SD01**) to protect areas of importance of natural or built heritage.

iii. Limit the environmental impact of mineral extraction;

MPPW (**W24**, page 16, paragraph 34) states that Development Plans should set out clearly the criteria that will be applied to mineral proposals to ensure that they do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.

Policies SP12 (d) and (e); and DM19 (d), (e), (f), (g), (i), (k) and (n) ensures that the Plan limit the environmental impact of mineral extraction.

In addition, buffer zones are required to address conflict between mineral working and other land uses due to noise, dust and blasting. Policies M2 and M4 identify Mineral Buffer Zones to address this issue.

MPPW (**W24**) also encourages minerals to be carried by rail in preference to road. Policy DM19 (h) is included in the Plan (**SD01**) to address this issue.

iv. Achieve high standard of restoration and beneficial after-use

Suitable restoration should be identified before planning permission is permitted and after-uses should be identified in advance of permissions. Policies SP12(d) and DM19 (n) ensure proposals achieve a high standard of restoration and beneficial after-use.

v. Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

It should be ensured that high quality minerals should not be wasted and are only used where necessary, not for a lower grade purpose. Policies SP12 (f) and DM19 (a) and (b) address this issue.

The Development Plan is required to take into consideration the need to encourage the practice of on-site recycling of construction and demolition material. The Plan addresses this issue through policy DM1 (d).

The Plan translates national policy down to an objective (**SD01**, page 19 objective 15), which seeks to deliver the resources required by the Regional Technical Statement (**SD98**) and safeguard resources. Policy SP12 identifies the overall strategy for delivering a sustainable pattern of mineral development within Blaenau Gwent. Development Management Policy DM19 identifies what would be required of new developments in terms of meeting need; protecting areas of importance; limiting environmental impact; achieving high standards of restoration and beneficial after-use; and encouraging efficient and appropriate use of minerals; and the re-use and recycling of suitable materials. Policy DM20 identifies how minerals are to be safeguarded in accordance with MPPW advice (**W24**, page 18, paragraph 40). The Plan identifies, through Policy M1, the mineral areas to be safeguarded from sterilisation. Policy M2, in accordance with MPPW, identifies mineral buffer zones around existing mineral operations to limit the environmental impact of extraction. Policy M3 identifies areas where coal working will not be acceptable in accordance with MPPW advice (**W24**, page 8, paragraph 15). To meet the need highlighted by the Regional Technical Statement (**SD98**) the Plan identifies three Preferred Areas with associated buffer zones.

Should the Plan seek to identify a minimum 10 year landbank?

It is agreed that MTAN 1 (**W24** page 20, paragraph 49) recommends a minimum of 10 year landbank. It is agreed that in the interest of soundness Strategic Policy SP12 criterion (a) needs to be amended accordingly.

Is there merit in seeking to pursue up to 6 million tonnes of minerals and aggregate extraction over the lifetime of the Plan?

No. The Regional Technical Statement (**SD98**) seeks to achieve a more sustainable approach to the provision of aggregates. Instead of the traditional 'predict and provide' process of determining how much aggregate is being sold and then providing sufficient reserves to meet the demand, a more sustainable approach has been adopted. In essence, the new process determines what is happening now and whether or not based on (a) the population of the area (b) the reserves of the areas (c) the environmental capacity of the area (d) the natural resources of the area, and (e) the proximity principle, existing patterns of supply need to change (**SD98**, page 5).

The RTS provides the strategy for the provision of aggregates, with allocations for each constituent Mineral Planning Authority area, providing a clear steer for Local Development Plans (**SD98**, page 5).

Should the county accommodate a proportion of the minerals allocated to the Brecon Beacons National Park? If not, why not?

No. No justification has been presented for increasing the apportionment figure for Blaenau Gwent and decreasing the Brecon Beacons National Park (BBNP) apportionment. Whilst there is some reference to the desirability of MPA's adjoining the BBNP taking some of the future demand in the RTS, this is very much for the future when the BBNP reserves have been reduced over time (**SD98**, page 81). The RTS also identifies that there is a possibility of Merthyr Tydfil substituting for BBNP (**SD98**, page 93). The RTS clearly states that "*On the basis of existing or per capita-based requirements, additional reserves of about 3Mt would need to be provided for. In terms of its existing share, Blaenau Gwent could not continue to meet even this and therefore could not additionally absorb some of the BBNP, if called to do so from existing permitted reserves*" (**SD98**, page 96). According to the South Wales Regional Aggregates Working Party Annual Report 2010, Powys (which covers Brecon Beacons National Park) has 146 million tonnes of active reserves, which equates to a 47 Landbank (see Appendix 1). Nearly 34 million tonnes of the 146 are in Brecon Beacons National Park. In total Brecon Beacons National Park has 61 million tonnes of reserves in active and inactive sites (see Appendix 2).

Rebuttal – Gryphonn Quarries (Representor No: 26)

The calculation of the requirement figure is far more complicated than the population multiplied by consumption, as set out in the Regional Technical Statement (**SD98**, pages 171-176). It should be noted that Blaenau Gwent had over a million tonnes of reserves at the time, which would have been

taken into consideration in the process of identifying Blaenau Gwent's requirement figure.

Dr Alan Thomson's final conclusion on the RTS on behalf of Torfaen stated *'the existing apportionments based only on the per capita calculation, are clearly inappropriate without consideration of environmental capacity and other factors which will influence the viability of potential resources'*. The Council does not agree to increase the 3Mt requirement without consideration of these other factors. This is a matter for the South Wales Regional Aggregates Party.

2. Does the Plan adequately distinguish between energy generating and non-energy minerals and aggregates?

The Plan deals with energy and non-energy minerals as one in an effort to reduce the number of policies in the Plan. Where a different approach is required, for example different safe limits and the need to identify where coal working will not be acceptable the Plan includes reference or specific policies to address these issues.

Policy DM19 as amended by FC9.A (**SD10a**, page 14) now provides adequate distinction between energy and non-energy generating minerals and aggregates. This change addressed the Coal Authority's (50) objection as set out in their letter in response to consultation on the Focussed Changes (**SD131**, FC50).

3. What is the logic for the minerals safeguarding areas? Are they soundly drawn?

What is the logic for the minerals safeguarding areas?

The logic for the minerals safeguarding areas as set out in Minerals Planning Policy Wales (**W24**, pages 6-7, paragraph 13) is *"that access to minerals which society may need is safeguarded"*. This also means developing policies which *"protect them from other types of permanent development which would either sterilise them or hinder extraction"*.

Are they soundly drawn?

Aggregate Safeguarding Areas

Blaenau Gwent, along with Torfaen, Newport and Monmouthshire commissioned Cuesta Consulting Limited to provide the geological input required by the MPAs in order to address the aggregate mineral safeguarding of the Regional Technical Statement for Aggregates.

The Study identified the Geological Formations suitable for Mineral Safeguarding (**SD99** pages 9-11 Figure 3.1). It was recommended that the

whole of the outcrop, together with an appropriate buffer zone around them, should be identified as Mineral Safeguarding Areas. Discussion with WG identified that a buffer around the resource was not required.

The study identified that areas of mineral safeguarding areas should include relevant outcrops within areas protected by environmental constraints (**SD99** paragraph 2.5). It also suggested that it was appropriate for the former Gwent area to exclude areas of existing development, as defined by the MPAs.

Coal Safeguarding Areas

Coal safeguarding areas are based on British Geological Survey information with regard to the primary and secondary coal resources. This accords with paragraphs 36 of MTAN2 (**W26**, page 12, paragraph 36).

4. What is the logic for the Minerals Buffer Zones identified in Policy M2 and the sites identified in Policy M4? Why are these zones identified in different policies? Are these buffers soundly based?

What is the logic for the Minerals Buffer Zones identified in Policy M2 and the sites identified in Policy M4?

The logic for the Mineral Buffer Zones identified in Policies M2 and M4 is set out in MPPW (**W24**, page 18, paragraph 40):

MTAN1: Aggregates (**W25**) at paragraph 71 identifies that a 200m buffer zone is required around hard rock quarries. MTAN2: Coal (**W26**) at paragraph 32 identifies a 500m buffer zone around sites as appropriate.

Why are these zones identified in different policies?

MPPW (**W24**) makes it clear that existing sites and future mineral operations should include buffer zones. Policy M2 of the Plan (**SD01**) deals with existing sites where as Policy M4 identifies proposed new areas.

Are these buffers soundly based?

Yes, the buffers are considered to be soundly based as they have been prepared in accordance with national policy.

5. What is the logic for the identification of areas in Policy M3 where minerals or aggregates working will not be acceptable? In identifying areas where minerals and aggregates working would not be acceptable, should the Council have taken account of the county's proximity to the Brecon Beacons National Park? If not, why not?

What is the logic for the identification of areas in Policy M3 where minerals or aggregates working will not be acceptable?

Policy M3 relates only to where coal working will not be acceptable, it does not apply to aggregates. The logic for these areas is set out in MPPW which seeks to provide certainty in the future extraction of energy minerals (**W24**, page 8, paragraph 15).

Paragraph 29 of MTAN2 (**W26**) states “*that In defining these areas where coal working will not be acceptable, MPAs should take into account that coal working will generally not be acceptable within 500 metres (m) of settlements, or within International and National Designations of environmental and cultural importance*” (**W26**, page 11, paragraph 29).

In identifying areas where minerals and aggregates working would not be acceptable, should the Council have taken account of the county’s proximity to the Brecon Beacons National Park? If not, why not?

No. Paragraph 29 of MTAN2 (**W26**) states “*that coal working will not generally be acceptable within International and National Designations of environmental and cultural importance*” (**W26**, page 11, paragraph 29). There is no requirement to consider the setting of such designations.

Paragraph 79 of MTAN2 (**W26**) states that “*Coal development that might affect the settings of National Parks or AONBs should have regard to the purposes for which they were designated. In such cases a rigorous examination should be undertaken to determine whether the impacts on the purposes are acceptable or not and whether they can be avoided or adequately controlled through conditions*”. Again this suggests that, though a rigorous examination is required, there may be instances where the impacts on the purposes of the National Park are acceptable.

Rebuttal – CCW (10)

The Council has no issue with clarifying the position with regards the National Park within the reasoned justification of Policy M3.

6. Should mining legacy areas or coal mining referral areas be shown on the constraints map?

The Council has no issue with putting the coal mining referral areas on the Constraints Map (**SD03a**).

7. Is the drafting of Policy SP12 soundly based? What is the logic for criterion (e) of this policy? Is the term “acceptable proven safe limit” clear in its intention? Why does the FC version of the Plan distinguish between residential areas and areas that

are “deemed exceptions”? Should the policy state more positively that prior extraction will be encouraged on appropriate sites including housing sites? If not, why not?

Is the drafting of Policy SP12 soundly based?

Yes. The drafting of Policy SP12 is considered to be soundly based. With respect to soundness test C2, the Policy does not contain any criteria which are not consistent with national policy. Whilst it is accepted that it repeats national policy this is not considered to be a wasteful/unnecessary repetition but enables the setting of a coherent strategy from which its’ policies and allocations logically flow.

With respect to test CE1, Policy SP12 is drafted with the purpose of setting out a coherent strategy from which its’ policies and allocations logically flow. This provides the basis for the policies set out later in the Plan and logically flow from the objective set out earlier in the Plan. The Policy clearly relates to the theme and objective of the Plan and is cross-referenced to relevant policies. In accordance with the soundness test, the Plan now identifies inconsistencies with neighbouring authorities (**SD10a**, page 27, MC30).

The Policy is considered to accord with soundness test CE2 as it is founded on a robust and credible evidence base in the form of the Regional Technical Statement (**SD98**), The Former Gwent Aggregates Safeguarding Study (**SD99**) and the Candidate Site Assessment (**SD30** and **SD32**). The policy is also considered to be realistic and in accordance with national planning policy.

In accordance with soundness test CE3, the Plan contains a realistic target which relates to the delivery of this Policy (**SD01**, page 159, Table 12).

In accordance with soundness test CE4, the identification of three Preferred Areas provides the flexibility required to enable the Plan to deal with changing circumstances. The annual monitoring and the 4-year review of the Plan will allow changes to be made if the need arises.

The Policy sets out what the Plan needs to do to deliver a sustainable pattern of mineral extraction.

What is the logic for criterion (e) of this policy?

Criterion (e) is based on the aim set out in MPPW (**W24**) to reduce the impact of mineral extraction and related operations. It lays the foundations for buffer zones identified in Policies M2 and M4 as required by MPPW (**W24**, page 18, paragraph 40). The objective of the buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Following consultation, Welsh Government set minimum distances for different mineral extraction types.

Is the term “acceptable proven safe limit” clear in its intention?

The term relates to the minimum separation distances set by Welsh Government in MTAN 1 and MTAN 2 to address the issue of conflicting land uses due to the environmental impact of noise and dust from mineral extraction processing.

It is accepted that the term “acceptable proven safe limit” may not be the wording used in national policy but it is considered to be clear in its intention. Acceptable limits are referred to in MTAN2: Coal at paragraph 44 (**W26**, page 13, paragraph 44).

Why does the FC version of the Plan distinguish between residential areas and areas that are “deemed exceptions”?

This is an error in the tracked changes version of the Plan provided to the Inspector. The reference is to a proposed Focussed Change the Council was considering in order to overcome an objection from The Coal Authority (50) and Confederation of UK Coal Producers (45). Following a discussion with WG it was determined that the Council did not need to make the change.

Should the policy state more positively that prior extraction will be encouraged on appropriate sites including housing sites? If not, why not?

It is accepted that paragraph 13 of MPPW (**W24**) advises that the potential for extraction of mineral resources prior to undertaking other forms of development must be considered. Paragraph 42 of MTAN2: Coal also states that pre-extraction should be considered where development is proposed on a coal resource whether or not the resource is safeguarded (W24, page 13, paragraph 42). However, this needs to be weighed against other objectives in MPPW (**W24**) and MTAN2 (**W26**) with regards to reducing the impact of operations. On balance it is not considered that Strategic Policy SP12 should state more positively that prior extraction will be encouraged.

8. Does Policy DM19 contain significant overlaps with other national policies? If so, what does this policy add in its current form that is not contained elsewhere?

Policy DM19 was included in the Plan due to the fact that the authority needs to grant planning permission for an aggregate operation, within the lifetime of the Plan, to meet the Regional Technical Statement (**SD98**) requirement. In consultation with Planning Control colleagues, a decision was taken to include a specific policy in the Plan to offer clear guidance to operators and members of the public on the circumstances required for developments to be permitted.

It is accepted that there are overlaps with national policy and indeed the reasoned justification acknowledges that the detail of the implementation of the policy is found in MTAN 1 (**W25**) and MTAN2 (**W26**).

The Council accepts that the information within the Policy is covered either within national policy and/or within existing Development Management Policies. However, it considers that the policy is necessary for the logical flow of the Plan in accordance with soundness test CE1.



8. AGGREGATES - RESERVES

Table 9
Aggregate Reserves: Active, Inactive and Dormant (million tonnes) 2010

MPA	Active	Inactive	Dormant	Total
Brecon Beacons NP	146.00	35.00		
Powys				
Carmarthenshire	109.00	42.57	19.69	352.26
Ceredigion				
Pembrokeshire CC				
Pembrokeshire NP				
Neath - Port Talbot				
Swansea				
Blaenau Gwent				
Merthyr	48.00			
Monmouthshire				
Newport				
Torfaen				
Bridgend	81.00	22.91	6.50	158.41
Caerphilly				
Cardiff				
Rhondda Cynon Taff				
Vale of Glamorgan				
TOTAL	384.00	100.48	26.19	510.67

Notes: Some of these reserve figures include some non-aggregate reserves and estimated tonnages.

8.1. The figures shown in this table need to be used with some degree of caution, particularly the dormant sites, as rough estimates have had to be made where accurate reserve assessments are unavailable. Nonetheless, the table does highlight the distribution of reserves throughout the area and the contribution each category makes to the overall landbank.

Appendix 2

BBNPA Aggregate Mineral Sites

Site Name	Designation	Reserves	Annual Output
Penderyn	Active	33,700,000	500,000
Penwyllt	Inactive	1,000,000	0
Blaen Onneu	Inactive	23,900,000	0
Vaynor	Inactive	3,000,000	0
Ammanford	Active	100,000	1,000
TOTAL		61,700,000	501,000

Notes

1. Vaynor has reserves of 50.4 million tonnes but only 3 million of those reserves are in the National Park. The vast majority is in Merthyr.
2. Blaen Onneu planning permission is suspended until an Environmental statement is submitted for the stalled ROMP.
3. Penderyn Output is as published in their ROMP application but there has been a general downturn in the economy so this is probably now somewhat less than that.
4. There are quarries at Llanfair and Abercriban but these are for building stone rather than aggregates. Llanfair is dormant in any event and the planning permission at Abercriban expires in August 2012.