

Warwickshire County Council: Minerals Plan Publication Consultation
December 2016.

Representation on behalf of the **Mineral Products Association (MPA)**.

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The MPA wish to be kept informed of the progress of the mineral plan and would like to attend the oral part of the examination/EiP in respect of the representations below.

Representation

Policy MCS1: Supply of Mineral and Materials

This policy is not positively prepared and does not properly reflect the NPPF and is UNSOUND.

The use of the words ‘*will seek to*’ in the policy when referring to supply of minerals and landbanks has the affect of diluting the statutory duty of the mineral planning authority to plan for a steady and adequate supply of aggregates (NPPF ;para.145).

Suggested Amendments:

The wording of the policy needs to be amended to make it more positive and properly reflect the NPPF as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Policy MCS 1

Supply of Minerals and Materials

The County Council will seek to maintain a supply of materials from substitute or secondary and recycled materials and mineral waste and will take account of this when considering proposals to extract aggregate minerals in the County at sites other than those allocated in Policy SO.

The Council will ~~seek to~~ ensure that during the plan period there is a sufficient supply of minerals through Warwickshire's contribution to local and national needs.

The Council will ~~seek to~~ maintain landbanks of permitted reserves for aggregate minerals and for brick clay.

Any planning application for mineral development will be treated on its merits and assessed against all other relevant Development Plan policies, taking into account the guidance in the National Planning Policy Framework and all other material planning considerations.

Policy MCS2:Sand and Gravel

This policy does not reflect properly the NPPF and is UNSOUND.

As with the comments on MCS1 above the words '*will seek to*' dilute the statutory requirement on the mineral planning authority set out by the NPPF .The policy also needs to properly reflect the wording of NPPF in respect of the level of landbanks required. As currently worded the policy could be interpreted that the 7 years is a maximum level for a sand and gravel landbank.

Suggested Amendments:

The policy should be reworded as follows;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

Policy MCS 2

Sand and Gravel

The Council will ~~seek to~~ ensure that there is a steady and adequate supply of sand and gravel, taking account of the Council's latest landbank figures, based on the latest published annual monitoring and the latest Local Aggregates Assessment (LAA).

Warwickshire's local plan requirement is 8.022 million tonnes to be provided over the 15 year plan period at an average production rate of 0.573 million tonnes per annum. The Council aims to achieve this production rate from existing permitted reserves and by granting planning permission at the sites allocated by Policy SO.

Throughout the plan period the Council will ~~seek to~~ maintain a **at least a 7 year** landbank of permitted reserves **of sand and gravel**.

Proposals for sand and gravel extraction outside the allocated sites will only be supported where the proposal demonstrates that significant operational, transport, environmental and restoration benefits will be provided by working in that location.

Justification, Paragraph 8.8

The first sentence of this paragraph which states, '*Designation of a site in the local plan does not guarantee that planning permission will be granted*' is not positively prepared as required by the NPPF at paragraph 157 and is a such UNSOUND. This statement runs counter to the Plan led planning system and puts in doubt the ability of Warwickshire to provide a steady and adequate supply of aggregates as required by paragraph 145 of the NPPF.

Suggested Amendments:

The sentence concerned should be reworded as follows;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

~~Designation of a site in the local plan does not guarantee that planning permission will be granted~~ **An allocation of land in the local plan is acceptance in principle that a site is suitable for working subject to satisfying detailed planning considerations.**

The remainder of paragraph 8.8 should be deleted.

Policy MCS 3:Crushed Rock

This policy does not reflect properly the NPPF and is UNSOUND.

As with the comments on MCS1 above the words '*will seek to*' dilute the statutory requirement on the mineral planning authority set out by the NPPF .The policy also needs to properly reflect the wording of NPPF in respect of the level of landbanks required. As currently worded the policy could be interpreted that the 10 years is a maximum level for a crushed rock landbank.

Suggested Amendments:

The policy should be reworded as follows;

Proposed Changes (deletions in ~~strikethrough~~; new text in **bold**)

Policy MCS 3

Crushed Rock

The Council will ~~seek to~~ ensure that there is a steady and adequate supply of crushed rock, taking account of the Council's latest landbank figures, based on the latest published annual monitoring and the latest Local Aggregates Assessment (LAA). Throughout the plan period the Council will ~~seek to~~ maintain ~~a minimum~~ **at least a** 10 year landbank for crushed rock.

Proposals for the winning and working of crushed rock will only be supported where the proposal demonstrates that significant operational, transport, environmental and restoration benefits will be provided from working in that location.

Proposals for the working of limestone in the Cotswold AONB for crushed rock provision will be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.

Policy MCS 5 :Safeguarding of Minerals and Minerals Infrastructure

The policy is considered UNSOUND. While the MPA supports the principle of the policy it fails to address the potential of non-mineral development in the proximity of the safeguarded areas which could also impact the future development of mineral and/or associated transport or added value operations. As such it is considered that the policy is not effective and therefore UNSOUND.

Suggested Amendments:

The policy should be reworded as follows;

Proposed Changes (deletions in ~~strikethrough~~; new text in **bold**)

Policy MCS 5

Safeguarding of Minerals and Minerals Infrastructure (see also Policy DM10)

Mineral resources of local and national importance within the Mineral Safeguarding Areas shown on the Maps in Appendix 2 will be safeguarded from needless sterilisation by non-mineral development **with an additional 500m buffer to limit proximity impacts**. Non-mineral development, except for those types of development set out in Appendix 3, should not normally be permitted in Mineral Safeguarding Areas if they would constrain or hinder existing or future mineral development.

Planned, potential and existing sites and facilities for the storage, handling and processing of minerals and recycled and secondary materials will be safeguarded from non-mineral development, **with an additional 500m buffer to limit proximity impacts**, except for those types of development set out in Appendix 3 which could constrain or hinder their existing and potential use for these purposes.

Policy MCS 6:Brick Clay

This policy does not reflect properly the NPPF and is UNSOUND.

As with the comments on MCS1 above the words '*will seek to*' dilute the statutory requirement on the mineral planning authority set out by the NPPF .The policy also needs to properly reflect the wording of NPPF in respect of the level of landbanks required. As currently worded the policy could be interpreted that the 25 years is a maximum level for a brick clay landbank.

Suggested Amendments:

The policy should be reworded as follows;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

Policy MCS 6

Brick Clay

The Council will ~~seek to maintain a minimum of~~ **a landbank of at least 25 years** permitted reserves of brick clay to support capital investment required for new or existing plant for brick manufacturing and the maintenance and improvement of existing plant and equipment.

Proposals for brick clay extraction will be supported where the proposal;

- supports capital investment required for new or existing plant for brick manufacturing and the maintenance and improvement of existing plant and equipment; and
- Provides for the extraction of premium brick clays such as those from the Etruria Formation or other clay raw materials with equivalent physical characteristics ;and
- Enables the continuation of appropriate blends to be made: or
- Provides raw materials released from the working of other minerals: or
- Provides raw materials which can be utilised at an existing plant or for an environmental project where the raw materials is required to meet specific technical requirements and those materials cannot be supplied from any other location.

Proposals for the long term stockpiling of clays released through the extraction of other minerals or prior extraction will be supported if the proposals:

- are practicable and environmentally feasible; and
- will not have any unacceptable adverse impacts.

Policy MCS 7 :Building Stone

This policy does not correctly reflect the NPPF and is therefore UNSOUND

The NPPF (para. 144) refers to 'small scale' in terms of determining applications, rather than setting policy. In doing so it requires that the 'small scale nature and impact' of such quarries is taken into account.

It is important that you do not limit dimension stone extraction to local markets or the heritage sector. You should note that building stone is not only reserved for 'historic' purposes (repairs and Conservation Areas) and operators should be free to develop new-build markets like any other entrepreneur. That being so, repairs may be a very small part of production. We should be pleased to see recognition that higher production will not be resisted if it contributes to economic development.

In particular, an emphasis of policy on local markets or small scale working is likely to discourage applications. Our members report problems because they are being limited to 'local markets' which reflects the historic circumstances of the industry and the emphasis on heritage end uses. A 'local market' means restricted outlets, low volumes and low turnover/operating profit. This scenario does not allow the operator to invest in the technology and training which is increasingly being required of him, and his low sales forecast means that he will be turned away by his bank manager for loans to keep the business going. This is a serious threat to continuity of security of supply. Conversely, serving wider markets makes it easier to guarantee that stone will also be available to serve the local market. Emphasising local markets and small scale operations like this is merely descriptive of the traditional character of the industry and should not be prescriptive since it is changing rapidly in the light of regulatory drivers and commercial pressures, and must expand in order to survive. We should prefer policy to omit implications that dimension stone production needs to be controlled or curtailed, which we believe is against the spirit and purpose of NPPF.

If the aim of the policy is to reduce environmental (principally landscape) and amenity impacts of extraction, and also processing and/or transport, then this should be clarified. The impacts of stone quarries, and the significance and acceptability of these impacts, as for other types of mineral or any other development, will depend on the location, design, operation and management of the quarry, including mitigation.

The NPPF (para 144) provides specific advice on building stone quarries, stressing the small-scale nature and impact of such operations, and the need for a flexible approach to their working. It also refers to 'small scale extraction of building stone' specifically in relation to 'relic quarries'.

Suggested Amendment:

The policy needs to be redrafted as follows to make it more positive and to properly reflect the NPPF.

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Policy MCS 7

Building Stone

~~The Council will support proposals for small scale extraction of building stone where the proposal encourages local distinctiveness, contributes to good quality design and provides for high quality restoration at the earliest opportunity.~~

~~Proposals for building stone extraction in the Cotswolds AONB will be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.~~

In order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Plan, be supported for:-

- i) the extension of time for completion of extraction at permitted building stone extraction sites;**
- ii) the lateral extension and/or deepening of workings at permitted building stone extraction sites;**
- iii) the re-opening of former building stone quarries in appropriate locations;**
- iv) the opening of new sites for building stone extraction in appropriate locations, including the extraction of building stone at new sites adjacent to existing historic buildings or structures where the use is specifically for their repair;**
- v) the incidental production of building stone in association with the working of crushed rock;**

Where development is proposed in the Cotswold AONB under criteria i to v above and where the development comprises major development due to its scale and the nature, proposals will need to meet the requirements for major development set out in the National Planning Policy Framework.

Policy DM8;Aviation Safeguarding

This policy is considered to be not effective and is as such UNSOUND.

The policy is currently too widely drawn and needs to better reflect the supporting text if it to be an effective and reasonable policy.

Suggested Amendment:

The Policy needs to be redrafted as follows;

Proposed Changes (deletions in ~~strikethrough~~; new text in **bold**)

Policy DM8

Aviation Safeguarding

~~Planning permission will not be granted for mineral development proposals where they would have an unacceptable adverse impact on aviation safety.~~

Mineral development within the safeguarding areas of airports or aerodromes will only be permitted where it can be demonstrated that the development and associated operations and restoration would not constitute a significant hazard to air traffic.

Policy DM11: 'Whole Life' Carbon and Resource Efficiency

This policy is considered not to be effective nor positively prepared and is therefore UNSOUND.

This policy could not be enforced and is not reasonable in its requirements of any developer /applicant especially when one considers the supporting text with the policy at paragraphs 9.112 and 9.113 and goes beyond land use planning. Mineral products such as aggregates and industrial minerals, etc. are routinely used in the construction sector

where strict compliance with building regulations, including energy efficiency requirements, is paramount. However, it is out of the control of the quarry operator to what purpose the final product is used for. One would question how is any applicant going to evidence what the minerals will be used for and by what clients over the life of an operation they are yet to get planning permission for?

Suggested Amendments:

Policy DM11 and supporting text at paragraphs 9.112 and 9.113 should be deleted in full.

Policy DM12:Overall Assessment of Proposals

This policy has not been positively prepared as required by the NPPF at paragraph 157 and as such is UNSOUND.

Development management policies on specific topics/issues should require impacts to be avoided, minimised, mitigated and as last resort compensated for. It is unnecessary to have this policy which has the effect of acting as a catch all which could be used to frustrate development.

Suggested Amendments:

Policy DM12 should be deleted in full as should the supporting text in paragraph 9.114.

The MPA wish to be kept informed of the progress of the mineral plan and would like to attend the oral part of the examination/EiP in respect of the representations above.

M E North

31 January 2017.

