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atebion cynaliadwy

essential materials
sustainable solutions

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Vale of Glamorgan Council
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Dear Sir/Madam

MINERALS SAFEGUARDING - DRAFT SUPPLEMENTARY PLANNING GUIDANCE

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the affiliation of British Precast, the British Association of Reinforcement (BAR), Eurobitume, QPA Northern Ireland, MPA Scotland and the British Calcium Carbonate Federation, it has a growing membership of 480 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of UK cement production, 90% of GB aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. Each year the industry supplies £20 billion worth of materials and services to the Economy and is the largest supplier to the construction industry, which had annual output valued at £151 billion in 2016. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors. For more information visit: www.mineralproducts.org

Thank you for your recent consultation on the above document. We have the following comments to make.

We note that at paragraph 2.1 the draft document states that *“Once adopted, this guidance will be a material consideration in relevant planning decisions”*. It is therefore necessary, for the document to fully accord with PPW and MTAN1. Both documents seek to ensure that mineral resources are not sterilised from use by future generations. This is achieved through the safeguarding of mineral resources and the identification of buffer zones around permitted and proposed mineral working. A buffer zone is defined as *“An area of land separating a mineral site from potentially sensitive land uses such as housing, and which acts as a physical barrier.”* (MTAN1, Annex E).

We must therefore query the text in paragraphs 3.5 and 3.7 which states references a minimum buffer distance of 200 metres from sensitive development. The buffer zone is required around the existing or planned minerals development and not the “sensitive development” itself. These paragraphs should be amended.

The approach being adopted by the VoG Council is similar to that initial pursued by Rhondda Cynon Taf (RCT) County Borough in its Local Plan, through the provision of Community Amenity Protection Zones.

MPA Wales/Cymru is part of the Mineral Products Association, the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries

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The Inspector in to the RCT Local Plan reported that this approach was not consistent with National Policy and required the deletion of the Community Amenity Protection Zones requiring to Buffer Zones around the existing or planned workings.

The Maps referred to in Paragraph 3.8 (Appendix 2) are therefore similarly not consistent with National Policy and should be amended.

Paragraph 3.8 and 4.4 make reference to Appendix 1 and Appendix 2, however, these do not appear to be identified individually within the appendices.

Under Section 5.1 “*Developer Considerations in Minerals Safeguarding Areas*”, where alternative developments are being considered on a case by case basis, these must be consistent with National Policy.

Under Section 5.2 “*Minerals Assessment Requirements*” it is important that such assessments not only accord with the criteria of Policy MG22 and National Policy, but are founded on an evidential base, i.e. with appropriate geological data/site investigation upon which an assessment can be made. We note this is clarified in Paragraphs 5.2.18 - 5.2.23.

Paragraph 5.2.5 indicates that it may be acceptable to allow development on a safeguarded mineral resource including, for example housing in an area of identified need. We firmly believe that the bar being proposed in this paragraph is far too low. Any development allowed on a mineral safeguarding area must firmly be in the public interest. Local Plans, by their very nature, identify housing need and as worded any housing or other proposal could be agreed in a mineral safeguarding area. This concern equally applies to paragraph 5.2.7. Both paragraphs should be amended.

Paragraph 5.2.9 refers to potential revenues associated with prior extraction, however, we would seek to ensure that the Council adopt a flexible approach when it comes to the processing of prior extracted materials. Restrictions on importation of materials by condition, in to existing mineral operations may negate the ability of the operator or site developer to maximize the economic value of the prior extracted material. We trust the Council will consider this when plans for prior extraction are being considered

We are concerned that the unnumbered Table on pages 9 & 10 identifies all the reasons why prior extraction shouldn't take place rather than planning positively and encouraging the prior extraction of material. The Council should seek to promote prior extraction rather than discourage.

Again, paragraphs 5.2.12 and 5.2.13 provide a misrepresentation of MTAN1 and PPW, where the buffer zone is the distance from the existing or planned mineral development and not from the sensitive development. The above comments are relevant to these paragraphs which should therefore be amended, with the comments on the Appendices also being relevant.

With reference to paragraph 5.2.16, we would draw your attention to the recent proposals to convert a vacant military building to a dwelling in the countryside in Powys, which was refused by the inspector due to the potential sterilisation of the mineral resource. The criteria in this paragraph (particularly bullet points 2 & 3) are of concern and this paragraph must make reference to the case by case consideration, with paragraphs 2 & 3 deleted.

We believe for the reasons set out previously paragraph 5.2.17 does not accord with PPW or MTAN1 and should be amended.

We support the requirements of paragraphs 5.2.18 to 5.2.23.

We do not believe paragraph 5.2.24 is correct in planning law. Hybrid applications are not uncommon and proposals for prior extraction could readily be included in a full planning application for non-minerals development. This paragraph should be amended.

We trust the above comments are helpful and would seek to ensure that the council undertakes further consultation once the above matters have been addressed.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Nick Horsley', written over a light blue horizontal line.

Mr Nick Horsley
Director of Planning, Industrial Minerals, SAMSA and MPA Wales