This document details the Mineral Products Association’s (MPA) response to the Inspector’s Matters, Issues and Questions document posed to Lancaster City Council (the Council). Unfortunately, due to pre-existing commitments, the MPA representative is unable to attend the early part of the Examination in Public (EiP). The document, therefore seeks to highlight additional matters not already stated in the numerous detailed responses submitted to the Council by the MPA and which the Council has failed to address, and which have arisen in response to the Council’s own response to the Inspector’s Matters, Issues and Questions.

Matter 1: Legal compliance, procedural and general

Main Issue: have the DPDs been prepared in accordance with relevant legal requirements, including the Habitats Regulations, Duty to Co-operate, the procedural requirements of the National Planning Policy Framework, the Local Development Scheme and the Statement of Community Involvement?

Questions:

b) The Council refers in the Duty to Co-operate Statement to how co-operation with South Lakeland District Council informed the need to review the Greenbelt in relation to OAN methodology and calculation. Could the Council be more specific on this matter? How did the Council co-operate with adjoining authorities in respect of any unmet housing need?

MPA response

We believe an indication of the Council’s approach to co-operating with neighbouring authorities is critical to the proposed housing numbers and in turn, housing allocations, particularly around Carnforth. Having requested details of the Council’s Call for Sites document and site allocations consideration criteria, we have been sent a copy of the Council’s SHELAA document which we feel is rather selective in its approach to the National Planning Policy Framework policy requirements for Minerals Safeguarding. Contrary to national policy, a number of brownfield sites in the Carnforth area appear to have been disregarded in favour of the larger greenfield sites within the Minerals Safeguarding Areas.

d) Are the DPDs in general conformity with the National Planning Policy Framework (NPPF)? Do they reflect the presumption in favour of sustainable development (in particular policies SP1 and SP2) and facilitate the sustainable use of minerals set out in paragraph 143 of the Framework?

MPA response

We believe the document remains unsound. The Council has routinely disregarded the MPA’s responses to the various consultations undertaken during the plan’s
development, specifically in relation to the failure of the plan to comply with National Policy, but further, the Council’s commitment to engage with the minerals industry cited in Council Document “Appendix 2 - Local Plan Consultation (Strategic Policies Land Allocation DPD and Development Management DPD) 27th January 2017 - 24th March 2017 has not been carried out. In response to the many of the representations submitted by the Minerals Sector (including the MPA, Aggregate Industries (AI) and the Greater Manchester Mineral & Waste Planning Unit (GMMWPU)), the Council’s document stated “The Council are aware of these concerns and welcome the opportunity to work with the mineral industry to investigate these further through the preparation of the Local Plan…..”

The 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 500 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.

The Council has made no attempt to address the concerns raised by the MPA, or to our knowledge, those raised by the GMMWPU and AI. It has therefore failed in its commitment to engage with the sector and address the National Planning Policy issues raised. It has therefore fallen short of its legal requirement to consult and engage during the plan preparation.

In response to the Council’s additional comments in LCC7.1.0 (1D.6), whilst we recognise the Council is not the Mineral Planning Authority, we question why the Council has not carried out its commitment to further investigation with the minerals industry. We have concerns that the Council is using the fact that it is not the Mineral Planning Authority, as justification to ignore the requirement of National Policy as it applies to minerals and the representations of the industry. Further whilst we concur with the Council’s extract from the NPPF that mineral’s safeguarding does not create “a presumption that the resources defined will be worked”, it does not justify the blatant disregard of National Policy.

We question the Council’s approach to its understanding of Minerals Safeguarding stated in paragraphs 1D.9 to 1D.15. 1D.9 is clear, the Council has ignored National Policy in the NPPF, as it applies to Minerals Safeguarding, not just with regard to the sterilisation of known minerals resources and consented mineral reserves, but also having the potential to impact significantly on existing minerals infrastructure. Minerals infrastructure includes existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

The Council states in 1D.10 that it has based its allocations on all available relevant evidence and yet it is clear that other than routine consultations on the various stages of the development plan process, the Council has made no attempt to consult with the minerals industry, despite its commitment to do so. The Council’s approach to housing allocations in the Carnforth area, is at best random.

Further, the Council states (1D.11) that no evidence has been presented through the preparation of the Local Plan that suggests there is any short or medium term need for extraction to take place on the sites allocated. This further demonstrates the lack of
understanding of minerals safeguarding policy at either the local or national level. Minerals safeguarding, is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance, it is not to suggest that extraction will take place in the short to medium term as stated by the Council. It is unclear how the Council can come to such a conclusion when it has failed to engage with the Minerals industry in any meaningful dialogue. It is also apparent that Lancashire’s landbank for sand and gravel is largely contained in one site near Chorley which is not operational. Again, this is contrary to the requirements of National Policy in the NPPF and will be addressed through the developing Lancashire Minerals Plan.

With respect to the Council’s comment’s at 1D.12 and 1D.13, the Council has failed to recognise the strategic importance of Back Lane Quarry, the presence of which it appears to have overlooked. This site is of strategic importance to the north west region, extracting in excess of 1 million tonnes of limestone aggregates every year. The site also contains a concrete products factory and an asphalt plant. The asphalt plant supplies coated material for the maintenance of the strategic highway network on a 24/7 basis, with the corresponding traffic movements along Back Lane, passing the proposed housing allocations, to the M6 motorway, via the quarry link road developed to remove quarry traffic from the centre of Carnforth. Adopting the Council approach, “to repeat”, Minerals safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance. National policy does not suggest that safeguarding should only take place on sites extraction will take place in the short to medium term. Again, it is unclear how the Council can come to such a conclusion when it has failed to engage with the Minerals industry in any meaningful dialogue.

With respect to 1D.15, we would refer the Council and the Inspector to Appeal reference: APP/T6850/17/3168479, VLF Building, Criggion Radio Station, Back Lane, Criggion, Welshpool, SY5 9BE, (reference MPA 1) where the proximity of an existing minerals extraction operation, and development within a Mineral Safeguarding Area, were justified reasons for the Planning Inspector to dismiss an appeal against the refusal for proposed residential development.

We would also refer the Council and the Inspector to the recent High Court Case No: CO/1639/2018: CEMEX (UK) Operations Ltd and Richmondshire District Council and David Metcalfe (reference MPA 2), where effects of the operation of an existing mineral processing facility were deemed justification by the High Court Judge to quash the grant of planning permission for residential development close to the existing mineral processing operation.

i) Does the SA adequately consider reasonable alternatives where these exist, including in respect of the scale of housing and employment provision and the balance between them?

**MPA response**

As indicated above, and from the evidence we have seen in the SHELAA, we believe a number of alternative sites have been too readily dismissed, and that the Council has given little weight to the National Planning Policy Framework policies for minerals safeguarding, mineral infrastructure safeguarding and the Agent of Change principle.
Matter 3: Spatial Strategy

Main Issue: Whether the Council’s spatial strategy for development within the District is sound?

Questions:

b) Policies SG1, SG2, SG3 and TC1 (Bailrigg Garden Village), Policies SG7 and SG8 (East Lancashire Strategic Site), SG9 and SG10 (North Lancaster) and SG11, SG12 and SG13 (South Carnforth): are the need and locations for these mixed-use developments soundly based on, and justified by, the evidence assembled by the Council in support of the DPDs?

MPA response

We believe firmly believe the proposed housing to the south of Carnforth (Policies SG11, SG12 and SG13 are unsound and unjustified, ignoring strong national and county policy protection for Minerals Resources, Mineral Reserves and Minerals Infrastructure Safeguarding. The Council does not appear to be aware of the Lancashire County Council Guidance Note on Policy M2 – Safeguarding Minerals (Minerals Safeguarding Areas). This problem is not new to the Council in its development management decisions, notably at the Hawthorns Caravan Park, Nether Kellet, close to both Dunald Mill Quarry and Back Lane Quarry; and the Lune industrial estate where housing was permitted close to existing minerals infrastructure. These decisions have been to the great cost to the existing mineral operations in terms of the requirement for additional mitigation to the operator, post the encroachment of the non-mineral development towards the existing and established operations. We again refer the Council and the Inspector to Appeal reference: APP/T6850/17/3168479 and High Court Case No: CO/1639/2018.