

Doncaster Council: Local Plan Informal Consultation; November 2018.
Representation on behalf of the **Mineral Products Association (MPA)**.

Contact:

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We have the following comments and observations:

Local Plan; Vision and Objectives

We have no comment on the vision however some observations on the aims;

Aim 4 states;

We have no argument with the sentiment of this objective but should be reworded to ensure existing business are not hampered in the ability to operate due to new development encroaching (agent of change principle NPPF para 182) as follows;

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

*encourage the re-use of sites and buildings, especially well located and underused brownfield land (e.g. redundant/unused land and empty properties) **while ensuring any existing business /operations are not prejudiced because of any such new development**, to help revitalise areas of low demand and stimulate growth;*

Aim 19 states;

This aim does not reflect properly NPPF (para 207) and could be considered unsound. Suggest rewording as follows;

*encourages more efficient use of natural resources including water and secure and ~~maintain~~ **plan for a steady and adequate supply** ~~a steady and constant supply~~ of mineral resources to facilitate development*

Draft Policies

Policy 31 Valuing Biodiversity and Geodiversity.

This policy as drafted fails to properly reflect NPPF (para 171) in that it does not properly distinguish between the hierarchy of international, national and locally designated sites in terms of development management. Policy needs re drafting.

Policy 36 Understanding and Recording Historic Environment

Needs rewording to properly reflect NPPF (para 189) as follows;

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

Proposals that affect known or potential heritage assets will require:

A) The provision of a heritage statement (or its equivalent) **with a level of detail proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance** that includes:

1. sufficient information to gain an understanding of the potential impact that the proposals will have on the significance of any heritage assets or historic environment likely to be affected; and
2. for heritage sites with archaeological interest, at least a desk-based assessment and, where appropriate, the results of a field evaluation.

B) In the exceptional circumstances where harm could be justified, detailed investigation and recording will be required to an agreed standard in advance of any alteration, demolition or groundwork to ensure that an understanding of the affected heritage asset is gained, and that knowledge is widely publicised.

Policy 51 : Health (Strategic Policy)

Part D) of this policy needs deleting as it exceeds the requirement of NPPF and National Planning Guidance. Paragraph 04 Reference ID: 53-004-201400306 of the Planning Practice Guidance states that ;

*A health impact assessment may be a useful tool to use where there are **expected to be significant impacts** (my emphasis).*

It is important to note also that the above is guidance only and not National Policy. As currently drafted this policy implies that all developments require a HIA. Suggested alterations to the policy as follows;

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

We will improve and promote strong, vibrant and healthy communities by ensuring a high-quality environment is provided with local services to support health, social and cultural wellbeing. In order to help achieve this we will require:

A) development to positively contribute to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling;

B) provision of good access to leisure facilities, greenspace and the countryside and designs and developments that encourage higher levels of physical activity;

C) that the healthcare infrastructure implications of any relevant proposed development have been considered and addressed; and

~~**D) that proposals for major development demonstrate they have undertaken, and responded to the conclusions of, Health Impact Assessments (HIA).**~~

Policy 55: Pollution

Additional wording is required to the first paragraph of the policy to reflect the NPPF para 182 which deal with the agent of change principle as follows;

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

Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that pollution can be avoided, or where mitigation measures

(such as those incorporated into the design and layout of development) will minimise significantly harmful impacts to acceptable levels that protect health, environmental quality and amenity. When determining planning applications, **the agent of change principle will be applied, and** particular consideration will be given to:

Policy 62 : Providing for and Safeguarding Mineral Resources (Strategic Policy)

The policy needs rewording to be consistent with the NPPF and therefore make it sound.

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

The extraction and production of aggregate, industrial, building stone and energy minerals that contribute to infrastructure and construction projects will be supported through the following principles

A) We will plan for a steady and adequate supply of minerals ~~aim to deliver adequate, efficiently and sustainably sourced minerals during the plan period by:~~

1. encouraging the use of suitable secondary and recycled material in the first instance, minimising the need for primary extraction;
2. ~~providing~~ **plan for a steady and adequate supply of** ~~for sufficient~~ industrial, and energy minerals that balance both the economic and environmental benefits;
3. contributing toward local provision by maintaining, ~~where possible~~, a landbank of permitted reserves for at least seven years for sand and gravel and with Rotherham Council at least ten years for aggregate limestone;
4. monitoring and reviewing the permitted reserves of sand and gravel, and aggregate limestone and producing an annual aggregate assessment **and reviewing the plan as required but in any event at least every 5 years.**
5. requiring proposals for sand and gravel to demonstrate that the mineral resource includes at least 20% sharp sand and gravel;
6. identifying on the Proposals Map existing mineral sites, new mineral proposals (preferred areas), and 'Areas of Search'; (see Table below)
7. identifying on the Proposals Map minerals supporting infrastructure to be safeguarded during and beyond the plan period (see Table below); and,

B) Proposals for non-mineral development within Mineral Safeguarding Areas, or within 500m of their boundary or an active quarry, will have the agent of change principle applied and furthermore will only be supported where:

1. consideration has been given to the long-term economic value of the mineral **and a full geological report identifying the extent and quality of the mineral forms part of any application for non-mineral development;**
2. non-mineral development can take place without preventing the mineral resource from being extracted in the future **taking into account the agent of change principle;**
3. the proposal can feasibly incorporate the prior extraction of any minerals of economic value in an environmentally acceptable way;
4. the need for the development outweighs the need to safeguard the site for future;
5. the development is ~~permitted, minor or temporary~~ in nature, **or is consider as exempt development on the safeguarding criteria list.**

The suggested Safeguarding Exemption Criteria list is as follows;

- *Infilling in an otherwise built up frontage within a settlement*
- *Householder applications within the curtilage of a property*

- Advertisement applications
- Reserved matters applications
- Applications for new or improved accesses
- 'Minor' extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building 'Temporary' development (for up to five years)
- Agricultural buildings adjacent to existing farmsteads
- 'Minor' works such as fences, bus shelters, gates, walls, accesses.
- Amendments to current permissions (with no additional land take involved)
- Changes of use
- Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements
- Listed Building Consent and applications for planning permission for demolition in a conservation area
- Applications for work on trees or removal of hedgerows
- Prior notifications for telecommunications, forestry, agriculture and demolition
- Redevelopment of previously developed land not increasing the footprint of the former development
- Certificates of Lawfulness of Existing Use of Development and
- Certificates of Lawfulness of Proposed Use or Development

We also believe there requires to be additional policies to specifically deal with the safeguarding of ancillary mineral development and transport infrastructure as required by NPPF para 204 (e) as follow;

Policy; Minerals ancillary infrastructure safeguarding

Minerals ancillary infrastructure sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless:

- i) The need for the alternative development outweighs the benefits of retaining the site; and**
- ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or**
- iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.**

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone the agent of change principle will apply and permission will only be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.

Policy : Transport infrastructure safeguarding

Railheads, rail links and wharves identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:

- i) The need for the alternative development outweighs the benefits of retaining the facility; and**

- ii) **Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or**
- iii) **The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.**

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone the agent of change principle will be applied and permission will only be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.

The suggested Safeguarding Exemption Criteria list is as follows;

- *Infilling in an otherwise built up frontage within a settlement*
- *Householder applications within the curtilage of a property*
- *Advertisement applications*
- *Reserved matters applications*
- *Applications for new or improved accesses*
- *Minor' extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building 'Temporary' development (for up to five years)*
- *Agricultural buildings adjacent to existing farmsteads*
- *'Minor' works such as fences, bus shelters, gates, walls, accesses.*
- *Amendments to current permissions (with no additional land take involved)*
- *Changes of use*
- *Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements*
- *Listed Building Consent and applications for planning permission for demolition in a conservation area*
- *Applications for work on trees or removal of hedgerows*
- *Prior notifications for telecommunications, forestry, agriculture and demolition*
- *Redevelopment of previously developed land not increasing the footprint of the former development*
- *Certificates of Lawfulness of Existing Use of Development and*
- *Certificates of Lawfulness of Proposed Use or Development*

Policy 63: Minerals Development Proposals, Borrow Pits and Incidental Extraction

The policy needs expanding to make it effective as follows;

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

Proposals for mineral development including aggregate extraction, underground mining and hydrocarbon exploration, appraisal and development (including production) will be supported where all potential impacts are addressed and appropriately mitigated in accordance with policies in the Local Plan, national policy and guidance.

Incidental mineral extraction and borrow pits will be supported where:

A) the use of reclaimed, recycled or waste material has been considered and is not practical or suitable;

B) the proposal is short term and provides a clear amenity, environmental or local economic benefit; and

*C) ~~the borrow pit is situated next to and used only for the project it is intended to supply~~ **sand and gravel borrow pits will only be considered where it is demonstrated that:***

- 1. **geographically they are well related to the project they will serve***
- 2. **the quantity and timescale for the supply of sand and gravel may not pose problems of supply from existing quarries, or prejudice the steady supply of construction material for the local market***
- 3. **an unacceptable level of mineral traffic, and / or movements of unsuitable material arising from the scheme, will be removed from the public highway and / or from passing through local communities***
- 4. **the site will be restored within the same timescale as the project to which it relates, and that restoration can be achieved to an approved scheme in the event that it is only part worked***
- 5. **there will be no importation of materials other than from the project itself unless required to achieve beneficial restoration as set out in an approved scheme.***

*D) **proposals for development involving the incidental extraction and off site removal of mineral, will only be permitted where it can be demonstrated:***

- 1. **there is a proven need for the proposal***
- 2. **that any mineral extracted will be used in a sustainable manner***
- 3. **where the proposal relates to a reservoir, the design minimises its surface area by maximising its depth***
- 4. **the minimum amount of mineral is to be extracted consistent with the purpose of the development***
- 5. **the phasing and duration of development proposed adequately reflects the importance of the early delivery of water resources or other approved development***

The determination of planning applications will have regard to the objectives and policies in this Plan.

We welcome the opportunity to comment and are happy to discuss any of the above points if you feel it would be helpful.

M E NORTH
25 October 2018

