

Worcestershire County Council: Minerals Local Plan; Fourth Stage Consultation February 2019.

Comments 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 wish to appear at the Examination in Public.

Comments

Policy MLP1: Strategic Location of Development

Part a) ii of this policy states;

it is demonstrated that the mineral resource has qualities which mean a sustainable supply of the mineral cannot be delivered from extant or allocated sites.

We believe this is unsound as it is not effective and is not planning positively in that it threatens the ability to maintain or increase the productive capacity of aggregate production, particularly sand and gravel production. Furthermore, it could be argued to be anti-competitive to new entrants. It also implies a maximum landbank approach which is also against planning guidance where at para 27-084-20140306 it states that;

There is no maximum landbank level and each application for minerals extraction must be considered on its own merits.....

This also appears to go against paragraph 5.1 bullet 2 of the Plan and also policy MLP 10 and 11 where both policies seek to maintain or enhance productive capacity for sand and gravel and crushed rock respectively.

It is therefore suggested that this part of the policy is deleted in full.

Chapter 5. Supply of mineral resources (strategic policies)

We believe the wording of para 5.1 needs altering to make it with consistent with national policy at para 207 of the NPPF

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

*Minerals provide the raw materials to support sustainable economic growth and quality of life. It is essential that there is a **steady and adequate** ~~sufficient~~ supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. To ensure*

that minerals are readily available to meet market demand and to minimise uncertainty and volatility in supply, it is important for the Minerals Local Plan to ensure that....

Policy MLP13: Steady and Adequate Supply of Silica Sand

We support the principle of the policy but consider it unsound as it does not reflect properly NPPF at para 208, and is also not effective as it does not identify the quantum of landbank required by national policy at footnote 68 of the NPPF. The policy needs adjusting as follows;

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

Planning permission will be granted for minerals development proposals that will contribute to achieving a steady and adequate supply of silica sand for industrial uses.

A level of technical assessment appropriate to the proposed development will be required to demonstrate the contribution the proposed development will make towards:

*a) **maintaining reserves of at least 10 years for individual silica sand sites, and at least 15 years for silica sand sites where significant new capital is required** ~~Supporting investment in developing, maintaining or improving new or existing plant and equipment;~~ and/or*

b) Enabling Worcestershire's productive capacity for silica sand for industrial uses to be maintained or enhanced.

Policy MLP18: Green Belt

It is suggested that under para 6.26 (Reasoned Justification) that the temporary nature of mineral operations is also added as follows in the last sentence;

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

*The presence of minerals - which can only be developed where they exist - and the contribution they can make to maintaining a steady and adequate supply, **and the temporary nature of mineral operations**, may be capable of being relevant considerations, depending on the circumstances at the time of any application.*

The proposed changes will make the plan effective and is positive planning.

Policy MLP19: Amenity

We believe the reference to Health Impact Assessment (HIA) in para 6.3 exceeds national policy and is unsound.

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.

Health should form part of the scope and screening for an EIA to support an Environmental Statement. Reference to HIA should be deleted.

Policy MLP 21: Biodiversity

The policy as currently drafted does not properly reflect National Policy and is unsound.

Para 171 of the NPPF states;

Plans should: distinguish between the hierarchy of international and locally designated sites;

Policy 21 makes no such distinction and needs to be totally redrafted to properly reflect the requirements of national policy and make it sound.

Policy MLP22: Historic Environment

This policy is not consistent with national policy and is therefore unsound.

Para 189 of NPPF states in part;

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

As drafted the policy fails to make the distinction between the importance of different types of heritage and needs redrafting accordingly.

Furthermore, the policy uses the word *harm* throughout the policy. This word should have the word *permanent* preceding it to properly reflect the temporary nature of minerals and that any impacts are often temporary.

Policy MLP32: Safeguarding Mineral Sites and Supporting Infrastructure

The principle of this policy is supported but it is believed is not in full accordance with the NPPF and is unsound and not effective as it does not deal with the agent of change principle.

Para 182 of NPPF states that;

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs,

music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It is considered that an additional paragraph is required to the end of this policy to reflect the agent of change principle to ensure it is clear where the mitigation responsibility lies and make the policy consistent with national policy as follows;

In respect of mitigation, where development is proposed within or partially within an identified buffer zone, the 'Agent of Change Principle' will be applied in that the responsibility, and cost for mitigating impacts from existing noise-generating activities or uses will be placed on the proposed new noise- sensitive development and any such measures will not add to the costs and administrative burdens on existing noise generating uses.

Please note I would wish to appear at the Examination in Public.

M E North
07 February 2019