

Worcestershire County Council: Minerals Local Plan;Third Stage Consultation March 2017.

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

Contact: Mark North (Director of Planning), Gillingham House,38-44 Gillingham Street,London,SW1V 1HU.

Tel: 07568427719 **Email:**mark.north@mineralproducts.org

The MPA wish to be kept informed of the progress of the mineral plan.

Comments

Chapter 2: Portrait of Worcestershire

Para 2.20; Not sure that you can make the conclusion that working crushed rock is not commercially viable in Worcestershire. It would be useful to reference the NPPF para. 116 (*'the major development test'*) or make the statement that National Policy does not preclude mineral working in designations subject to certain conditions being fulfilled. As rock resources become further under pressure in surrounding counties it is not inconceivable that Worcestershire could see renewed interest (see comments on MLP 9).

Para 2.23;NPPF does not *advocate* a 7 year land bank it requires at least 7 year land bank. The word *advocate* should be replaced by *required* because as currently drafted it implies that the 7 year landbank is voluntary.

Para 2.24; The words *at least* should be inserted between *maintain* and *a*.

Chapter 3:Vision and Objectives

Vision; It is suggested that paragraph 3 of the vision should be moved to be the first paragraph of the vision and reworded, reflecting MLP8, as follows;

At least a seven year landbank of permitted sand and gravel reserves will be reached as soon possible, and in any event by 2025. At least a seven year landbank will be maintained thereafter to ensure a steady and adequate supply of minerals.

Objective; Objective 3 should have the words *as soon as possible* added to the end of the sentence reflecting policy MLP8.

The order of objective 2 and 3 should be swapped.

Chapter 5: Spatial Strategy: location of mineral development

Policies MLP2, MLP 3, MLP4, MLP5, MLP6; Paragraph 14 of the NPPF established a presumption in favour of sustainable development. Paragraph 7 of the same establishes that sustainable development has three pillars, economic, social and environmental with no difference in the weight given to any individual pillar. The above policies clearly address the environmental dimension, but fails to acknowledge that mineral development can also make significant contributions to both the economic and social dimension as well, both whilst operational and in terms of afteruse. This omission makes the policy somewhat partial in reflecting NPPF guidance relating to sustainable development which is considered unsound. Additional bullet points should be added to the above policies which allows them to better reflect all three pillars of sustainable development, both during development and afteruse, and not solely the environmental.

Chapter 6; Steady and Adequate supply of mineral resources

Policy MLP8; The two bullet points under a) need rewording as follows;

- ***Phase 1 (2016-2025): Increasing landbanks of permitted sand and gravel reserves as quickly as possible and subsequently maintain them at a level at least of 7 years.***
- ***Phase2 (2026-2035 and beyond):Maintaining landbanks of permitted sand and gravel reserves at a level of at least 7 years up to and beyond the Plan period.***

The change in wording properly reflects the requirements of NPPF in respect of landbanks. Furthermore the use of the word minimum implies that it is appropriate to plan for the minimum whereas National Policy /Guidance make it clear that there is no maximum when it comes to landbanks.

Policy MLP9: Steady and Adequate Supply of Crushed Rock;

While recognising the difficulties Worcestershire face on the matter of crushed rock there are resources within the county. The statement in para 6.32 that that the *Minerals Local Plan should not.....set a landbank requirement which it is not likely to meet for the foreseeable future* cannot be right. It is not for the mineral authority to determine whether it chooses to set the landbank figure. That requirement and obligation has been placed on it by NPPF at paragraph 145 and in respect of crushed rock is *at least 10 years*. Consequently reference to at least a 10 year landbank needs to be made within MLP 9 otherwise it is in danger of being unsound. The failure to reference the 10 year landbank could be used to frustrate any sites that are put forward in the future. It is suggested that Policy MLP 9 is reworded as follows;

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

Planning permission will be granted for minerals development that will contribute to achieving a steady and adequate supply of crushed rock.

Proposals will be required to demonstrate that the proposed development will contribute towards the security of crushed rock supply by:

*a) increasing or maintaining Worcestershire's landbank of permitted reserves **to achieve a landbank of crushed rock of at least 10 years;***

and/or

b) enabling Worcestershire's productive capacity for crushed rock supply to be maintained or enhanced

Policy MLP10; Needs rewording to properly reflect National Policy as follows;

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

Planning permission will be granted for minerals development proposals that will contribute to achieving a steady and adequate supply of brick clay and clay products.

Proposals will be required to demonstrate that the proposed development will contribute to the security of clay supply by:

- a) Increasing or maintaining Worcestershire's stock of permitted reserves **of at least 25 years** of brick clay; and/or*
- b) Enabling Worcestershire's productive capacity for brick clay or clay products to be maintained or enhanced.*

Policy MLP 11; Needs rewording to properly reflect National Policy as follows;

Proposed Changes (deletions in ~~strikethrough~~; 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.

Proposals will be required to demonstrate that the proposed development will contribute to the security of silica sand supply by:

- a) Increasing or maintaining Worcestershire's stock of permitted reserves of silica sand **of at least 10 years** for industrial uses; and/or*
- b) Enabling Worcestershire's productive capacity for silica sand for industrial uses to be maintained or enhanced*

Chapter 7;Development Management

Air Quality; Para 7.67 makes reference to PM10 particulates and quarry operations. In rural areas where quarries are most likely to be these are not an issue .The matter comes into play under Defra guidelines when considering AQMAs . The reference to PM10 particulates should be removed as the implication is that these should be measured as matter of course which is not the case.

Health and well-being; Para 7.92 to 7.93 implies that the mineral planning authority expects health impact assessments to be carried out in respect of quarry/mineral developments. If this is the case this far exceeds any requirements in National Policy and /or 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.

Suggested that paragraphs 7.92 and 7.93 are deleted or reworded to reflect our above comments.

Policy MLP 18: Biodiversity

The policy as currently drafted does not properly reflect National Policy NPPF at paragraph 113 makes it clear that;

Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to the wider ecological networks.

This policy gives equal weight to European sites, SSSI's and Local Wildlife Sites etc.

The policy needs rewording to properly reflect NPPF.

Policy MLP28: Safeguarding Permitted Mineral Sites and Supporting Infrastructure

The MPA supports this policy but it believes that it could be more explicit with respect to *supporting infrastructure*. In order to assist non mineral developers it would be helpful to expand section iii) of the policy as follows;

*iii) the continued operation of supporting infrastructure **e.g. mineral rail depots, mineral wharves, mineral recycling centres, bagging operations mineral processing plants, concrete batching and coated stone plants.***

M E North
06 March 2017