

East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan

Proposed Submission – April 2018

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

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The MPA has the following comments on the submission draft of the JLPM;

Vision for Minerals Development

Bullet two should be redrafted as follows (deletions in ~~striketrough~~; new text in **bold**)

- safeguard ~~important~~ **known locations of** mineral resources;

The reason for this change is that that as originally worded the vision qualifies National Policy and is therefore UNSOUND. Paragraph 143 bullet 3 refers to *known locations of specific minerals of local and national importance....*

The emphasis should be on *known locations*.

For the same reason the 5th paragraph of the vision needs redrafting as follows (deletions in ~~striketrough~~; new text in **bold**);

*The Plan will re-define the extent of ~~potentially important~~ **known** mineral deposits to be safeguarded from sterilisation by non-mineral surface development.*

Paragraph 6 of the Vision needs to be expanded to include safeguarding as follows (deletions in ~~striketrough~~; new text in **bold**);

*Capacity at rail facilities and at wharfs to meet requirements for the movement of minerals within the Plan area will be maintained **and safeguarded from non-mineral development**.*

The 7th paragraph of the Vision needs to be expanded to reflect the important role of the building stone in place - making. Building stone operations need to supply a wider market than heritage repairs or they will not survive. Suggested alteration (deletions in ~~striketrough~~; new text in **bold**);

*The plan will help to facilitate the supply of local sources of building and roofing stone that have the potential to contribute towards the maintenance and enhancement of locally distinctive buildings **recognising the positive contribution of building and roofing stone to the character of a place and place-making.***

The JLMP goes some way to recognising this point in paragraph 5.42.

Joint Minerals Local Plan Objectives

Objective 2 while supported needs adjusting as follows (deletions in ~~strike through~~; new text in **bold**);

2. Help prevent the unnecessary sterilisation of sand and gravel, chalk, limestone, clay, silica sand and ~~historic~~ building and roofing stone mineral resources by non-mineral forms of development by refining the extent of Mineral Safeguarding Areas.

The reason for the suggested deletion is for the same reason as articulated above in that building stone should not be restricted just to the historic market.

Policy AGG2

Policy AGG2 contains an additional criterion for proposals in the Areas of Search to satisfy of “1. *There is a need for sand and gravel reserves in order to maintain the landbank;*”

The policy as framed may adversely affect operator’s ability to extend operations when it is needed by the plan not being clear enough about the circumstances which would trigger the need test in Part B1 of the policy. PPG (Minerals) (ID 27-084-20140306) makes it clear that there is no maximum landbank and the sites and allocated areas have been identified in the JLMP as they are needed to provide the necessary tonnage over the Plan period. Part B1 of the policy could be used to prevent the timely bringing forward of mineral resources to maintain the productive capacity of the Plan area,

The MPA would like the following changes (deletions in ~~strike through~~; new text in **bold**);

B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:

~~1. There is a need for sand and gravel reserves in order to maintain the landbank; and~~

2. The proposals meet the requirements of Development Management Policies (DM1 to DM6) and identified area site briefs set out for each site.

Policy AGG8: Safeguarding capacity for marine importation of mineral resources

The wharves identified in paragraph 4.87 should be listed within the Policy as safeguarded operations.

In addition, the JLMP should introduce the *agent of change* principle to all its safeguarding policies.

It is felt that this will assist District Councils dealing with non-mineral development near or on mineral safeguarded areas as well as DCC in respect on mineral infrastructure.

The revised draft NPPF at paragraph 180 states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they were established. The paragraph goes on to confirm that where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development in its vicinity (including changes of use), the applicant (or 'agent of change') should be required to secure suitable mitigation before the development has been completed.

The principle of *agent of change* has recently been put forward in the London Plan as follows;

- *The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development.*
- *Reflecting the Agent of Change principle to ensure measures do not add unduly to the costs and administrative burdens on existing noise-generating uses*

Policy AGG9: Safeguarding of Rail Facilities used for the Importation of Aggregates and Other Minerals

The known rail facilities should be named and listed within Policy AGG9 as well as identified on the Policy Map.

Agent of Change principle should be introduced to the policy as articulated above

Policy AGG10: Safeguarding of Mineral Infrastructure and Facilities

Agent of Change principle should be introduced to the policy as articulated above

Policy NAM4: Building Stone

The Policy and supporting text at paragraphs 5.42 to 5.45 are fundamentally flawed and not consistent with National Policy and therefore UNSOUND.

We believe that the approach to building stone is too restrictive. The effect of the proposed wording is to limit building and roof stone proposals in both scale and market beyond the requirements of National Policy and is wrong and hence the plan is unsound. The policy should be more encouraging of building stone quarries, and plan positively for these and reflect the economic, social and environmental importance of supply of building stone.

The NPPF (para 144) refers to '*demand for small scale extraction of building stone*' in terms of determining applications, rather than setting policy. And it importantly qualifies the policy by doing so in the context of sites '*at or close to relic quarries*'. This is only applicable to a small proportion of building stone demand, much of which is national or international in scope and used for new build applications, not just for the historic repairs market. In doing so it requires that the '*small scale nature and impact*' of such quarries is taken into account. '*Small-scale*' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than '*local*' as described above and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations. Indeed, many building stone operations simply will not be commercially viable if they are only able to supply the '*local*' market that exists within the planning authority area – which is likely to be too small, and too infrequent. The demands for such products are just as likely to arise outside the Plan area as within it. There is no logic to this thinking. Why should a particular sector of an industry be limited to only *small-scale* operations? Building stone companies have just as much right to be entrepreneurial and look to expand their markets. All this would benefit the rural economy in line with NPPF para 28.

It should also be remembered that most of building stone in the UK is quarried in medium sized sites which also produce aggregates, either as the main product or as a by-product of a building stone business model.

The whole section in the JLMP with respect to building stone needs to be rewritten to reflect properly the NPPF and to plan positively for building stone.

Policy DM1: Impacts of Mineral Development

Need does not have to be shown and proposal should be measured on their own land use merits and against the Plan policies. See comment also in respect of Policy AGG2.

Part A 1 of the policy which states;

1. There is a clear need for the development proposed

should be deleted.

Policy DM3: Restoration and Aftercare

It is considered that additional qualification is needed in part A1 of the above policy. Due to many factors it might not be possible to deliver biodiversity objectives and in particular community use as part of restoration proposals. Consequently, the following amendment is suggested (deletions in ~~strike through~~; new text in **bold**);

A. Proposals for mineral development will be supported where it can be demonstrated that an appropriate restoration scheme would follow. This should be agreed with the MPA to achieve a high standard of restoration and aftercare for an appropriate period of time that:

*1. Ensures the site is restored in a manner which is sympathetic to the character, appearance and setting of the locality, and contributes **where practical** to the delivery of local objectives for biodiversity and community use;*

M E NORTH
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