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Planning Policy
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Dear Sir/Madam

LOCAL PLAN (PART TWO) LAND ALLOCATION AND DETAILED POLICIES - PREFERRED APPROACH

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of British Precast and the British Association of Reinforcement (BAR), it has a growing membership of over 480 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 GB cement production, 90% of aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. Each year the industry supplies £20 billion worth of materials and services to the Economy and is the largest supplier to the construction industry, which has annual output valued at £144 billion. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

Thank you for providing the MPA with the opportunity to comment on the consultation. We have the following comments to make.

Policy/Para	Local Plan wording	Concern	Suggested amendment or considerations
General Comment	Employment Policies and Housing policies must give due regard to the need to safeguard mineral deposits <u>and</u> minerals infrastructure to accord with the NPPF. It is not just the sterilisation by physical means, i.e. by building directly on top of a safeguarded feature which is a threat, but sterilisation by encroachment by development towards or close to a safeguarded area. The sustainability appraisal for each individual site development site proposed for housing, employment of industrial activity should fully consider minerals safeguarding area. It is therefore important that the safeguarding area is not drawn too tightly around the minerals deposit or infrastructure.		

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Registered at the above address

7.1-7.5	The wording of preamble paragraphs 7.1 to 7.5	National policy dictates that minerals development need not be inappropriate in Green Belt. This should be recognised in the text, notably paragraph 7.4	We would suggest an amendment to the text as referenced in Annex 1 below to include a Green Belt specific policy for minerals in GBC1.
GBC2	The policy identifies key considerations for development proposals in Green Belt	There is no reference to existing uses and minerals safeguarding.	Minerals safeguarding needs to be considered and referenced in the text.
GBC3	This policy identifies the nature of the development which will be acceptable in settlement gaps	There is no reference to existing uses and minerals safeguarding or the presence of mineral deposits, which ultimately may be acceptable within settlement gaps. Proposed development within these areas must accord with minerals safeguarding criteria	Minerals safeguarding needs to be considered and referenced in the text..
9.1	The text states <i>“Cheshire West and Chester contains a variety of minerals that are important to the regional and national economy, including salt and sand and gravel.”</i>	There is no reference to silica (industrial) sand in this paragraph yet it is proven to exist and historically has been developed in the area.	Amend the text to include reference to Silica Sand. <i>“Cheshire West and Chester contains a variety of minerals that are important to the regional and national economy, including salt, and sand and gravel and silica (industrial) sand.”</i>
9.1	The text states <i>“Salt is a nationally significant resource”</i>	The NPPF defines both salt and silica sand as minerals of national importance. There is no definition of <i>“nationally significant”</i> . We would therefore suggest use of recognised terminology to accord with the NPPF	Amend the text to state <i>“Salt and silica (industrial) sand are minerals of national importance as defined in the NPPF”</i>
9.2	The text states that <i>“The National Planning Policy Framework (NPPF)</i>	The NPPF also requires that mineral planning authorities plan for a	The text should be amended to reflect the NPPF.

	<i>requires all Mineral Planning Authorities to identify and include policies for extraction of mineral resources of local and national importance in their area”</i>	steady and adequate supply of minerals	
9.3	The text states that <i>“It (NPPF) also requires the provision of a steady and adequate supply of industrial minerals - for at least 10 years for individual silica sand sites and at least 15 years for silica sand sites where significant new capital is required”</i>	The NPPF states how the steady and adequate supply should be planned for, i.e. through the provision of a stock of permitted reserves to meet the at least 10 years or 15 years requirement respectively.	The text should be amended to reflect how the plan will meet the requirement of para 146 of the NPPF, as currently it makes no reference to “the stock of permitted reserves”.
M1	The text states <i>“Provision will be made for the extraction of 16 million tonnes over the plan period (0.8 million tonnes per annum), plus an additional 5.6 million tonnes to provide a seven year landbank at the end of the plan period. This is a total requirement of 21.6 million tonnes.”</i>	This in principle is supported, however, the NPPF requires the minimum 7 year landbank to be maintained. The word minimum needs to be inserted, to ensure the figures quoted are not deemed to be a maximum or cap to appropriate development	Amend the text to state “Provision will be made for the extraction of a minimum 16 million tonnes over the plan period (0.8 million tonnes per annum), plus at least an additional 5.6 million tonnes to provide a minimum seven year landbank at the end of the plan period. This is a total requirement of at least 21.6 million tonnes.”
M1	The text states <i>“Planning permission to extend a site will normally be conditioned so that the extension area can only be worked once mineral working within the</i>	The text would appear to indicate a lack of understanding of the nature of phased mineral extraction, particularly in to an extension area. The norm is to work in to one phase directly from another. This is not	The text should be deleted. <i>“Planning permission to extend a site will normally be conditioned so that the extension area can only be worked once mineral working within the existing site has</i>

	<p>existing site has largely been completed, unless it has been demonstrated that there are operational reasons why this is not practicable.”</p>	<p>the exception. Continuity of operations and the ability to meet the steady and adequate supply is imperative. Any control of phasing should be conditioned as per the working programme and is not a matter for policy</p>	<p>largely been completed, unless it has been demonstrated that there are operational reasons why this is not practicable.”</p>
M1	<p>The text states “Proposals for new sites within the Area of Search, as identified on the policies map, will only be supported where it has been demonstrated that permitted reserves, allocated site and/or Preferred Area cannot meet the required level of provision set out in this policy (16 million tonnes). Any proposals to develop new sites within the Area of Search will only be supported where it has been demonstrated that they accord with relevant development plan policies.”</p>	<p>The word “only” is superfluous and makes the wording of the policy negative contrary to guidance which requires LPAs to plan positively.</p>	<p>Delete the word “only” “Proposals for new sites within the Area of Search, as identified on the policies map, will only be supported where it has been demonstrated that permitted reserves, allocated site and/or Preferred Area cannot meet the required level of provision set out in this policy (minimum 16 million tonnes). Any proposals to develop new sites within the Area of Search will only be supported where it has been demonstrated that they accord with relevant development plan policies.”</p>
M1	<p>The policy goes on to state “Proposals for any other sand and gravel sites outside the existing sites, allocated site, Preferred Area and Area of Search will only be supported where it has been demonstrated that the required level of provision cannot</p>	<p>Again, the word “only” is superfluous and makes the wording of the policy negative contrary to guidance which requires LPAs to plan positively.</p>	<p>Delete the word “only” “Proposals for any other sand and gravel sites outside the existing sites, allocated site, Preferred Area and Area of Search will only be supported where it has been demonstrated that the required level of provision cannot be met from within</p>

	<i>be met from within these areas and the proposal would secure significant material planning benefits that outweigh any material planning objections.”</i>		<i>these areas and the proposal would secure significant material planning benefits that outweigh any material planning objections.”</i>
9.10	The wording states <i>“For the 20 year Local Plan period from 2010 to 2030, based on the sub-regional apportionment figure, the total requirement is 16 million tonnes. The additional requirement to provide a seven year supply beyond the plan period would result in an additional requirement of 5.6 million tonnes. The total requirement is 21.6 million tonnes.</i>	Whilst in general we support the approach adopted by the Council we have concerns that the figures quoted could be used as a maximum which would be contrary to guidance. We therefore suggest the insertion of the word “minimum” and/or “at least“ which would reflect the wording in the NPPF and would avoid the figures being used as a cap.	Amend the text to read <i>“For the 20 year Local Plan period from 2010 to 2030, based on the sub-regional apportionment figure, the total requirement is a minimum 16 million tonnes. The additional requirement to provide at least a seven year supply beyond the plan period would result in an additional requirement of a minimum 5.6 million tonnes. The total requirement is a minimum 21.6 million tonnes.</i>
9.13	The text states <i>“The total additional permitted reserves for the period between December 2009 and April 2017 was 5.402 million tonnes.”</i>	Minor grammatical error should be either <i>“reserve was”</i> or <i>“reserves were”</i>	Amend text accordingly.
9.13	The text states <i>“Taking account of these additional permitted reserves, the total remaining requirement is for 11.798 million tonnes of sand and gravel.”</i>	For the reasons set out above and to accord with the NPPF, the figures is a minimum to maintain the landbank. Text should be amended to ensure figures are not used as a cap	Amend the wording to <i>“Taking account of these additional permitted reserves, the total remaining requirement is for a minimum 11.798 million tonnes of sand and gravel.”</i>
M2	The text states <i>“In line with Local</i>	The policy provides protection for mineral	Amend the policy accordingly

	<p><i>Plan (Part One) policy ENV 9, minerals safeguarding areas (MSAs) will safeguard Cheshire West and Chester's extent of finite natural resources from incompatible development."</i></p>	<p>resources but omits minerals infrastructure. To accord with the NPPF minerals infrastructure. Further, the policy would benefit from advice to developers on the nature of information required to ensure any proposed development does not impact upon mineral deposits or infrastructure, such as boreholes, resource assessments, stand-off distances, opportunities for prior extraction, etc.</p>	
9.26	<p>The text states that <i>"The Local Plan (Part One) policy ENV 9 states that the Council will safeguard the extent of finite natural resources by delineating MSAs for sand and gravel, salt and shallow coal, as shown on the policies map."</i></p>	<p>There is no reference to silica (industrial) sand which should also be safeguarded.</p>	<p>The text states that <i>"The Local Plan (Part One) policy ENV 9 states that the Council will safeguard the extent of finite natural resources by delineating MSAs for sand and gravel, silica (industrial) sand, salt and shallow coal, as shown on the policies map"</i></p>
9.29	<p>This paragraphs states that <i>"No MSAs are required in respect of:"</i>.....and then lists <i>"Hard rock, building stone, silica sand, coal, clay, peat"</i>..</p>	<p>The plan is dismissive of the list of minerals which it does not propose to safeguard. However, it is evident that minerals such as silica sand, brick clay and building stone are found in the area. I would refer the Council to the BGS Mineral resources Map of Cheshire which states how building stone, Brick Clay and silica sand, etc, have all been worked in the area with resources</p>	<p>The policy and text should be extensively reviewed and a more detailed assessment undertaken of mineral resources which need to be safeguarded. At present failure to do this makes the plan unsound</p>

		indicated on the BGS map.	
9.30-9.31	The Council has indicated that it does not intend to propose buffer zone around MSAs	The safeguarding areas shown on the interactive proposals maps appear to follow the specific outcrop areas albeit different mineral types are not differentiated. In reality, a minerals does not need to outcrop to have an economic viability. We would question how the council intends to ensure incompatible development on the edge of a safeguarding area (mineral deposit or infrastructure) will not be sterilised	We seek the Council’s considered opinion and if necessary review of its current status. We would suggest the Council needs to provide more information on its proposed methodology towards MSAs.
M3 (1)	The policy states:- “Proposals for minerals development will be supported where: 1. they are sensitively located within the landscape and do not have a significant long-term detrimental impact on the landscape. This should take account of the operational requirements of the mineral extraction process, as well as landscape character assessment and proposed restoration.	It is not clear what the term “sensitively located” means. Minerals can only be worked where they are found. The Environmental Impact Assessment will determine the impact of a proposed development and with the ES identifying appropriate mitigation and compensation matters.	This paragraph is superfluous and should be deleted. 1. they are sensitively located within the landscape and do not have a significant long-term detrimental impact on the landscape. This should take account of the operational requirements of the mineral extraction process, as well as landscape character assessment and proposed restoration.
M3 (3)	The policy states:- 3. adverse impacts on designated biodiversity sites must be avoided,	There are different levels of protection on “designated biodiversity sites” and it may be that	The policy should be deleted as it is duplicated in Policies DM44 and 45 and it is unclear why mineral

	<p><i>in line with Local Plan (Part Two) policy DM 44, and project-level Habitats Regulations Assessment (HRA) may be required on a case-by-case basis.”</i></p>	<p>mitigation or compensation may be appropriate where avoidance is not possible. Mitigation and compensation may provide a longer term biodiversity interest. This is reflected in Policies DM44 and DM45 and it is unclear why Minerals development would appear to be sigled out in terms of this approach. Further, the Natura 2000 guidelines recognise that mineral working may not be incompatible within such sites. The policy should be reworded to recognise this.</p>	<p>have been specifically targeted. Alternatively the policy could be reworded to read:- <i>“the effects of a proposed development upon designated biodiversity sites should be avoided, where possible. Where this is not possible, appropriate mitigation and or compensation must be provided. Where a Habitats Regulation Assessment is necessary, the developer should submit sufficient information to inform the HRA process.”</i></p>
M3 (7)	<p>The policy states:- <i>“7. environmentally preferable alternatives to road travel are considered and used, where appropriate, to transport materials to and from the site, in line with Local Plan (Part One) policy STRAT 10.”</i></p>	<p>Transportation of mineral products would be part of an EIA if deemed appropriate under the scope of the EIA. Also STRAT 10 clearly states that alternative uses to road transport should be considered. The paragraphs is therefore not necessary and should be deleted.</p>	<p>Delete the paragraph:- 7. environmentally preferable alternatives to road travel are considered and used, where appropriate, to transport materials to and from the site, in line with Local Plan (Part One) policy STRAT 10.</p>
M3 (8)	<p>The policy states:- <i>“8. it will not result in an unacceptable adverse impact on tip- or quarry-slope stability.”</i></p>	<p>Slope and tip stability are covered by Mines and Quarries legislation. A policy is therefore unnecessary. The paragraph should be deleted.</p>	<p>Delete the paragraph:- “8. it will not result in an unacceptable adverse impact on tip- or quarry-slope stability.”</p>
M3 (9)	<p>The policy states:- <i>9. it will not result in damage or interruption to</i></p>	<p>Any impact on utilities will be a commercial decision between the land owner, the utilities supplier and</p>	<p>Delete the paragraph:- 9. it will not result in damage or interruption to</p>

	<i>statutory utilities or pipelines.</i>	the developer. There is no need for a policy on this. The paragraph should be deleted.	statutory utilities or pipelines.
M3(11iii)	The policy states:- <i>any plant or building: iii. will be removed from the site within six months of the cessation of mineral extraction unless there are overriding advantages in retention in connection with a related extraction proposal and the primary use is directly associated with the mineral extraction at the site.</i>	The paragraph does not accord the GDPO which (for good reason) permits 24 months to remove buildings post the cessation of minerals extraction. A policy requirement to remove a building within 6 months again show little understanding of the nature of mineral operations. Any shorter period could be imposed by planning condition. If deemed inappropriate, this would allow an operator to appeal the condition. The policy should be re-worded to reflect the GDPO.	Reword the policy to read:- <i>any plant or building: iii. will be removed from the site within six twenty four months of the cessation of mineral extraction unless there are overriding advantages in retention in connection with a related extraction proposal and the primary use is directly associated with the mineral extraction at the site.</i>
M5	This Policy states:- <i>Restoration proposals will be subject to a minimum five year period of aftercare. how this will be achieved”</i>	The legislation allows for a 5-year aftercare period. The proposed policy identifies circumstances where a longer period may be appropriate. The word minimum is superfluous.	Reword the policy to read:- <i>Restoration proposals will be subject to a minimum five year period of aftercare. how this will be achieved”</i>
M7	The policy is entitled “ <i>Industrial sand proposals</i> ”	The policy is entitled Industrial sand proposals, however, it refers to silica sand. For consistency it would be beneficial to make reference to “Silica (Industrial) Sand” throughout the document.	Amend the title and the text throughout the plan to read “ <i>Silica (Industrial) Sand</i> ”.
M7	The policy states:- <i>A steady and adequate supply of silica sand will be maintained throughout the plan period. This</i>	It is unclear why the steady and adequate supply is only to be maintained within the plan period, unlike sand and gravel where proposals to maintain a steady and adequate	The text should be amended to ensure “ <i>a steady and adequate supply of Silica (Industrial) sand will be maintained, with the provision of stock of</i>

	<i>will be achieved by....”</i>	supply go beyond the plan period through the maintenance of a landbank at the end of the plan period.. Although the policy makes reference to the length of permitted stocks, it does not seek to maintain these.	<i>permitted reserves of at least 10 years for individual sites and 15 years for sites where significant new capital is required throughout and at the end of the plan period.”</i>
M7	<i>The policy states: “the proposal will contribute to maintaining a stock of permitted reserves of at least 10 years for individual sites and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and equipment;”</i>	As referred to above, there is not commitment to maintain provision at the end of the plan period. The policy should be amended	Amend the policy to read: <i>“the proposal will contribute to maintaining a stock of permitted reserves of at least 10 years for individual sites and 15 years for sites where significant new capital is required, to support the level of actual and proposed investment required for new or existing plant and equipment with the maintenance of permitted stocks at the end of the plan period;”</i>
9.65	<i>The text states that “The British Geological Survey minerals data does not show any provision of industrial silica sand within Cheshire West and Chester, which is why the Local Plan (Part One) does not set out a requirement to allocate industrial silica sand sites.</i>	Representation were made to CW&C Council to earlier local plan consultations highlighting the importance of Silica (Industrial) Sand, yet the Council chose to disregard the information submitted, stating it would rely on national policy. The BGS data is irrelevant in this context, with the Council fully aware that historically there have been extensive silica sand operations within its administrative boundary.	The text should be deleted.

9.66	The text states that “The NPPF suggests that the required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales.”	The NPPF “states”, it does not simply “suggest”. The consideration within the policy should not be limited “suggestions”. It should also take into considerations representations made o previous consultations, on the national importance of the mineral (particularly the known fact that a reserve in Cheshire (East) is nearing exhaustion, and on the PPG.	Amend the text accordingly.
M8	Minerals infrastructure	Form the title it is not clear that this is a safeguarding policy and why it is separate to the general minerals safeguarding policy. However, the principle is supported. It may be beneficial to have the two safeguarding policies next to each other and similarly have other mineral provision policies together.	Restructure the Minerals section to have provision policies together and safeguarding policies together. It is also imperative that the safeguarding is not limited to the site boundary.
DM1	The policy identifies criteria associated with previously developed land	The policy should also reflect minerals safeguarding areas. The redevelopment of land may be incompatible with MSAs	Amend the policy accordingly.
DM7	Rural diversification of land based businesses	The policy should also reflect minerals safeguarding areas. The redevelopment of land may be incompatible with MSAs	Amend the policy accordingly.
Monitoring Framework	Policy M7	Unlike with aggregate provision, the text makes no attempt to maintain the stock of permitted reserve of silica (industrial) sand throughout the plan period	Amend the text accordingly.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Nick Horsley', is displayed on a light grey rectangular background.

Nick Horsley
Director of Planning, Industrial Minerals and MPA Wales

Annex 1

Green Belt

The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. With 42% of Cheshire West designated Green Belt, the need to protect the Green Belt is an important local consideration.

Taking into account the temporary nature of mineral extraction and associated development, the NPPF deems mineral extraction 'not inappropriate' within the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Minerals working can therefore be accommodated within the Green Belt provided that the associated developments, including buildings and processing machinery, are designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.

Each proposed facility will need to be appraised on a site- and technology specific basis and all development should be tied to the life of the extraction with plant and machinery removed expediently following the completion of the mineral extraction.

In addition to the need to protect the Green Belt, there is also an opportunity to enhance its beneficial use following the restoration of the site. Mineral extraction proposals that are restoration-led can be used to enhance Green Belt and the council will plan positively to enhance the beneficial use of the Green Belt through opportunities that provide access, outdoor sport, recreation, retain and enhance landscapes, visual amenity and biodiversity, and improve damaged and derelict land. Minerals can only be worked where they are found and this must be considered when determining mineral proposals within the Green Belt.

Green Belt

Proposals for mineral extraction and associated development in the Green Belt will be permitted subject to the development complying with national Green Belt policy and other policies set out in this Plan. Proposals must site machinery to preserve the openness of the Green Belt and prevent conflict with the purposes of including land in Green Belt throughout the duration of the minerals operations. Inappropriate development will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.