

8th March 2019

Durham Council
Spatial Policy Team
County Hall,
Durham,
DH1 5UG

Email: cdpconsultation@durham.gov.uk

Mineral Products Association Ltd

Gillingham House
38 - 44 Gillingham Street
London SW1V 1HU
Tel +44 (0)20 7963 8000
Fax +44 (0)20 7963 8001
info@mineralproducts.org
www.mineralproducts.org

Dear Sir/Madam

COUNTY DURHAM PLAN: PRE-SUBMISSION DRAFT 2019

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 affiliation of British Precast, the British Association of Reinforcement (BAR), Eurobitume, QPA Northern Ireland, MPA Scotland and the British Calcium Carbonate Federation, it has a growing membership of 500 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 UK cement production, 90% of GB 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 had annual output valued at £151 billion in 2016. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors. For more information visit: www.mineralproducts.org.

With reference to the current consultation we support many of the changes made to the previous draft and have outlined these, together with key areas where our concerns remain.

We would welcome our recent discussions with the Council and look forward to further the opportunities to meet with officers in advance of further iterations of the Local Plan.

Yours faithfully



Nick Horsley
Director of Planning

Email: nick.horsley@mineralproducts.org
Tel: 07568 427720



Mineral Products Association Ltd

Gillingham House
38 - 44 Gillingham Street
London SW1V 1HU
Tel +44 (0)20 7963 8000
Fax +44 (0)20 7963 8001
info@mineralproducts.org
www.mineralproducts.org

The Mineral Products Association is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries

Registered in England as Mineral Products Association Limited No. 1634996
Registered at the above address

Page/Policy	Current Wording	MPA Comment	Required amendment	New Page/ Policy	Change made	MPA position/comment
Page 4	Foreword	We note in the 3 rd Paragraph the Councillor references discussions with businesses, developers and investors. In the spirit of clarity and duty to cooperate, it would be helpful, if the councillor could confirm with whom discussions have taken place and whether or not any discussions have taken place with the minerals sector.	Point for clarity	Foreword	No change made	Comment remains
Para 1.8	“...considered to meet the future needs of County Durham and make an appropriate contribution, if necessary....”	The LAA is clear on Durham’s contribution to the wider regional and national needs. The text should be amended to say “.... <u>where</u> necessary....”	Amend text accordingly	Para 1.7	Change made	Change supported
Para 1.24	We have formal arrangements with authorities in Northumberland, North Yorkshire and Cumbria, where specific issues such as minerals and waste are discussed.	Minerals matters go beyond the authorities identified notably with regards to industrial minerals, building stone and high PSV aggregates. The scope of discussions should go beyond the authorities identified. It is notable that the Northumberland, Yorkshire	Durham should consider much wider engagement than that identified under the duty to cooperate.	Para 1.24	No change made	The wider scope for discussions LPAs further afield remains necessary for many minerals matters. We would encourage the authority to do this.

		Dales and North Yorkshire National Parks are within a reasonable distance which in the long term may have supply issues and there are also significant interregional movements occurring.				
Para 1.27	Monitoring Areas	The plan indicates nine monitoring areas. It is not clear what this monitoring will involve and how this will address minerals matters.	Greater clarity is sought on minerals matters, particularly where this involves cross boundary movements.	Para 1.27	No changes made	This point remains valid and greater clarity is sought.
Para 2.2 & 2.3	Reference is made to “better jobs” and “economic growth”	We would ask the Council whether or not any detailed assessment has been made of the importance of the minerals industry to the economy of Durham.	We seek clarity on this matter. Further it is well known that jobs in the minerals sector are highly skilled and well paid, when compared with other jobs in rural areas.	Para 2.2 & 2.3	Some changes have been made but these do not address the points raised	We seek clarity on this matter. Further it is well known that jobs in the minerals sector are highly skilled and well paid, when compared with other jobs in rural areas
Para 2.7	Reference is made to the rural economy being” Largely dependent around farming and food production...”	As referred to above, we ask whether or not the Council has undertaken an assessment of the importance the minerals industry to the economy of Durham. This is clearly a sector which is predominantly located in rural areas supplying skilled employment.	We seek clarity on this matter.	Para 2.6	No changes made	Our initial comments do not appear to have been addressed and remain valid.

Para 2.11	The paragraph refers to a range of key employment sectors, including construction	It is notable that raw materials supply is not referenced here. Without the supply of raw materials to basic industries, economic growth and housing delivery would be severely constrained.	The Council may want to Review the UK Minerals Strategy launched on 10 th July to assess the contribution made by the minerals sector.	Para 2.10	No changes made	Our initial comments do not appear to have been addressed and remain valid.
Para 2.12	“The Plan is based upon the principle of allocating brownfield land first wherever possible”	We draw the Council’s attention to paragraph 182 of the NPPF 2018 and the “Agent of Change” principle. Our experience suggests that inappropriate development on brownfield sites has the potential to severely restrict existing industrial activities	The Council should reflect on the “Agent of Change” principle and ensure existing developments are not needlessly sterilised or hindered by inappropriate housing or other developments.	Para 2.11	No changes made	Our initial comments do not appear to have been addressed and remain valid.
Para 2.15	“County Durham has a wealth of natural resources with nationally significant mineral resources....”	Whilst we support the Council’s approach and principle in this paragraph, the term “Nationally significant mineral” is not recognised in planning policy and not clarified in the glossary. The use of loose terminology may lead to confusion in the application of planning policy.	The Council should use recognised terminology as in the NPPF - “mineral of national importance”, unless it proposes to use its own definition which should therefore be included in the glossary.	Para 2.14	Changes made	We support the changes made.
Para 2.16	The final sentence of this paragraph refers to “ <u>Protection</u> of these assets”	To accord with national planning policy, in view of the array of designations referred to in the policy, some	Amend the text accordingly.	Para 2.16	Changes made	We support the changes made.

		international, some local, the sentence should read “ <u>Management</u> of these assets”				
Chapter 3	Spatial Vision	The spatial vision is largely supported, however, in the final paragraph, it must also recognise that minerals can only be worked where they are found.	Amend the Spatial Vision accordingly.	Chap 3	No change made	We remain of the opinion that the spatial vision should include the fact that minerals can only be worked where they are found.
Obj 1	Economic Ambition. The Council makes reference to “better jobs”	No definition of “better jobs” is provided in the plan. The minerals industry provides highly skilled jobs often in remote areas.	The Council should qualify what it means by “better jobs” and recognise the value of the minerals sector	Obj 1	No changes made	Our initial comments do not appear to have been addressed and remain valid.
Obj 18	Natural Resources	We support the Objective.	No amendments necessary	Obj 19	Changes made	No comment
Obj 19	Supply of Minerals	We strongly support this Objective	No amendments necessary	Obj 20	Changes made. New wording inserted “...whilst also protecting the environment, amenity and health of local communities”	Whilst the principle of the objective is supported, we object to the amended wording. The additional wording should be amended to read “...whilst also protecting <u>managing the effects of development on</u> the environment, amenity and health of local communities”
				Pages 25 & 30		The text on the graphs is impossible to read on the

						electronic (pdf) version of the plan.
Policy 1 b.	The current policy refers to minimising the use of non-renewable and unsustainable resources	The wording appears quite negative to the use of resources. The opening section should be amended.	Reword accordingly	Pol 1	Policy Deleted	Not clear why this policy has been deleted.
Para 3.11	This paragraph currently states “New development should seek to minimise the use of resources”.	Again, this has a rather negative feeling. In order to plan positively, it would be more appropriate to state “New development should seek the sustainable use of resources”.	This would make the plan read more positively	Para 3.11	Paragraph deleted	
Para 4.15	The plan refers to the number of houses over the plan period noting that this is “a target and not a ceiling”	This approach should be adopted for the provision of minerals. National policy as it applies to landbanks similarly cannot be regarded as a ceiling. As minerals are the key constituents for housing and infrastructure, minerals policies need an inherent flexibility in order to meet changes in demand.	The plan must reflect this	Para 4.16	Changes made	We note the changes made to the text and the housing numbers, but our comments remain valid, as they apply to minerals developments.
Para 4.18	The Council has highlighted a lower than average rate of lapses in planning	It is not clear why the Council has adopted the approach indicated.	We would welcome clarity on this point.	Para 4.20	Changes made	Point clarified.

	permission. (10% as opposed to 17%.)					
Para 4.24	Again, the Council has highlighted a lower than average number of demolitions. (50 as opposed to 75.)	It is not clear why the Council has adopted the approach indicated.	We would welcome clarity on this point.	Para 4.26	Changes made	We note the changes made but feel this needs better explanation.
Policy 11	Development in the Countryside	Whilst the Council recognises the value of redevelopment in rural areas, this Policy and the accompany text should recognise the need to safeguard minerals.	The policy and preamble should reflect the Minerals Safeguarding Areas. This would fit comfortably in the caveats (l) to (r) at the end of the policy	Pol 10	No changes made	Our initial comments do not appear to have been addressed and remain valid.
Policy 21	Green Belt	We support the recognition that minerals development need not be inappropriate in Green Belt and again the preamble may benefit from noting that minerals can only be worked where they are found.	We support the policy	Pol 20	No changes made	Support the policy
Policy 42	Trees and Woodlands "Proposals for new development will not be permitted that would result in the loss of, damage....."	Whilst the principle of this policy is generally supported, the policy itself has negative intonations and does not therefore meet the requirement of the NPPF to plan positively. The policy needs rewording to	Reword to plan positively.	Pol 41		No additional comments to those previously made

		“Proposals for new development will be permitted where this does not result in the loss of,”				
Policy 43	Biodiversity and geodiversity	As with Policy 42 above, the policy needs to be reworded to plan positively. Also, it would appear this policy has numbering which follows on from the paragraph numbers.	Reword to plan positively. Review the number of the policy and the following paragraphs on page 194	Pol 42	Changes made	Comments previously made have not been addressed
Policy 44	Internationally designated sites	Whilst the principle of this policy is generally supported, the policy itself has negative intonations and does not therefore meet the requirement of the NPPF to plan positively.	Reword to plan positively.	Pol 43	No changes made	Comments previously made have not been addressed
Policy 45	Protected Species and Nationally and Locally Protected Sites	We must object to this policy as it does not accord with paragraph 171 of the NPPF2018 which requires a clear distinction between nationally and locally designated sites. The NPPF refers to “Priority” not “Protected” Species. Further, again the policy itself has negative intonations and does not therefore meet the requirement of the NPPF to plan positively.	The policy should clearly distinguish between Nationally and Locally designated sites and should be reworded to plan positively.	Pol 44	Changes	We note changes have been made, but believe the Policy does not accord with the requirements of NPPF paragraphs 174 - 177.

Mineral Specific Matters (

Page/Policy	Current Wording	MPA Comment	Required amendment	New Page/Policy	Change made	MPA position/comment
Para 5.471	This paragraph refers to a separate Minerals and Waste Policies and Allocations document	It would be helpful to indicate when this document will be published with the anticipated period for adoption.	Include a timetable for the publication of the document.	5.491	Changes made	Amendments noted.
Para 5.472	Reference is made to the saved policies in the Durham Minerals and Waste Local Plan	We have concerns that many of these policies will be almost 20 years old and their relevance somewhat limited. It is questionable whether or not these policies are up to date and it is believed Para 11 c&d of the NPPF is applicable.	Review the section in light of the NPPF.	5.492	Changes made	Our previous comments remain valid.
Para 5.474	This paragraph recognises the national and regional importance of certain minerals.	It is not clear what evidence the Council has used to determine which minerals are of regional importance.	The Council should clarify this	5.4.94		This point remains to be addressed and clarification is needed.
Policy 49	Sustainable Minerals and Waste Resource Management	The policy should be separated in to individual minerals and waste policies to provide greater clarity.	Separate Minerals and Waste Policy matters	Pol 48	Some changes made	We remain of the opinion that the minerals and waste matters should be separated out.

Policy 49c.	The policy requires “all proposals” to minimise waste	Whilst the principle behind this subsection are understood, the aggregates levy provided an imbalance to the use of minerals waste. Quarry scalpings, in many instances cannot be sold, due to the competition from recycled aggregates. It is unclear how this policy can be applied or enforced.	Further clarity is sought on the implementation of this policy and its value.	Pol 48c	Changes made	We support the amendments to the wording.
Policy 49e)1	This policy refers to “permanent waste management facilities”....”for a temporary period”	The policy would appear to present conflicting considerations	Further clarity is sought on the implementation of this policy.	Pol 48e)1	No changes made.	The conflict in this subsection between references to “permanent” and “temporary” remains.
Para 5.4.87	This paragraph states that “Minerals are a finite resource. In order to support their long-term conservation.”	The paragraph should recognise that “minerals are not only a finite resource <u>but they can only be worked where they are found</u> ”. In addition, to conform with the title of the policy the following sentence should read “In order to support their <u>sustainable management</u> ”.	The policy would benefit from the amendments highlighted.	Para 5.503	Changes made	We support the amendments to the wording no proposed.
Indicator	The Council’s indicator is only to monitor the capacity at waste management facilities	It is not clear how the indicator would assess the sustainable management of minerals. This in itself would support separating out the Minerals	Separate out minerals and waste matters.	Indicator	No changes made	Previous comments expressing concern over the absence of any indicator for minerals remain valid.

		Policies from those relating to Waste management matters				
Policy 50	This policy deals with Safeguarding Minerals Sites, infrastructure and Waste Management sites	Whilst the principles are generally supported, for the reasons highlighted above, the plan would benefit from separate minerals and waste policies. The supporting text should make reference to the “agent of change” principle” referred to in the NPPF2018	Separate out minerals and waste matters.	Pol 49	Changes made	In general, we support the text, but remain of the opinion that
Policy 51	Meeting the Need for Primary Aggregates	This policy fails the requirement of being succinct. The Policy is almost two pages long and appears to incorporate, strategic, locational and development management matters. It is unwieldy, difficult to interpret, is overly restrictive, lacks flexibility and is not planned positively. It is also unclear if the aggregate provision also includes Industrial Lime. The Policy presents competition issues in terms of requiring the submission of sales information.	The policy needs a fundamental rethink to make it usable.	Pol 50, 51 & 52	Changes made.	We support separating out the policies as proposed. We note there is however repetition of the references to the designated areas in both the opening paragraph of Pol 50 and in the subsections. It may be that subsequent references in the subsections could be deleted and the policy shortened.
				Pol 52	New insertion	We note the insertion of new text headed “Improving the Evidence Base for Future

					<p>decision making” and the subsequent policy wording.</p> <p>We object to this most vehemently to this insertion as it is anti-competitive, breaches confidentiality, is unnecessary and fails the tests of planning conditions. The PPG is clear in recognising that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.</p> <p>Operators already provide data to the Mineral Planning Authority on <u>a confidential basis</u> through the annual surveys. The data is collated</p>
--	--	--	--	--	---

						<p>to ensure no confidentiality is breached.</p> <p>To incorporate such conditional requirement in to all mineral planning permissions a minimum of 15 years would have passed making this wholly irrelevant.</p> <p>Our objection is absolute.</p>
Para 5.493	This policy recognises the importance of Durham's aggregates to the north east economy	No economic assessment appears to have been made to support this statement and we would suggest the importance of the minerals industry is firstly not confined to aggregates, although clearly aggregates represent the largest raw material flow; with their economic importance extending beyond the immediate region.	Further assessment needs to be considered to support the text.	Pol 5.509	Changes made	We support the changes proposed.
Para 5.494	Reference is made to a steady and adequate supply of aggregates.	The NPPF does not confine itself to a steady and adequate supply of aggregates, but the wider minerals base.	Amend the text accordingly.			Deleted
Para 5.494	The third bullet point refers to preventing over provision.	This phrase would appear to be at odds with para 4.15 of the plan which refers to housing targets not being a ceiling. The inference of this bullet	Delete this bullet point.			Deleted

		point suggests a ceiling to prevent competition				
Table 9	Aggregate requirements	This table accords with the LAA and highlights projections based upon 10-year and 3-year sales averages. However, the local plan brings forward housing targets for Durham which is clearly relevant and in accordance with the NPPF2018 paragraph 207 constitutes other relevant local information. It would appear that this information may not have been considered in the forecast demands	Consider other relevant information as required by the NPPF.	Table 10	No changes made	We note that housing statistics early in the plan have been updated and suggest the Council may wish to update the minerals statistics as well.
5.506 to 5.514	Magnesian Limestone	It is not clear if the landbank figures and production figures quoted include aggregate use and industrial use	Greater clarity is needed over sales and landbanks for minerals which supply both aggregates and industrial applications.	5.513 to 5.519	Changes made	We support the changes made
5.524	Penultimate line "indicatethat"	Typographic error	Amend text	5.525	Changes made	Changes noted
5.525	Second line "recentyears"	Typographic error	Amend text	5.526	Changes made	Changes noted
5.526	Third line "existingpermitted"	Typographic error	Amend text	5.526	Changes made	Changes noted

Target	Points 1 & 3 refer to minimum 10-year and 7-year land bank	To accord with the wording of national policy in the NPPF, the target should be to maintain landbanks of “at least” 7-years and 10-years	Change “minimum” to “at least”.	Target	Changes made	Support changes
Policy 52	Footnote (189) refers to maintaining a stock of permitted reserves of 25 years	This footnote should be incorporated in to the policy to accord with the NPPF2018. Paragraph 3 of the NPPF2018 makes it clear that the footnote comprises planning policy as the Framework should be read as a whole. It is not clear if the accompanying footnotes are regarded as policy within the plan. Further, the policy is not prepared positively in that it states that proposals will only permitted where....., The word “only” is superfluous.	Amend policy to reflect the NPPF and delete the word “only”.	Policy 53	Changes made	Support changes
Policy 54	Natural Building and Roofing Stone The policy states that “great weight being given in decisions to the conservation of natural beauty...”	In order to be consistent, the policy should also reflect the NPPF2018 para 205 and recognise that great weight should be given to the benefits of mineral extraction.	Insert additional bullet point to reflect the NPPF.	Pol 55	No changes made	Our previous comments remain valid.
Target	The text says no Target	We would suggest the Target should be “to maintain a steady, adequate and diverse supply of natural building and	Insert the text within the target,	Target	Changes made	Support the changes

		roofing stone” to accord with the proposed policy.				
Policy 56	Safeguarding Mineral Resource	As stated above, it would be logical to locate the two minerals safeguarding policies consecutively. We would also suggest the Safeguarding Maps are made clearer. Finally, it is important to ensure that the mineral resources are not sterilised by development located adjacent to MSAs. It would therefore be appropriate to provide stand-off distances around the safeguarded resources.	Provide clarity and amend the plans accordingly	Pol 57	No change made	Our previous comments remain valid.
Para 5.556	First line “in accord”	Test should read “in accordance”	Amend text accordingly.	Para 5.566	Change made	Change noted
Para 5.556	The final sentence states that “MSAs are not to preclude all other forms of development, but to make sure that mineral resources are adequately and effectively considered in land use planning decisions.	The stated reasoning for MSAs does not accord with the NPPF which indicates that the purpose of MSAs is to cover known deposits of minerals and ensure they are “safeguarded from unnecessary sterilisation by non-mineral development”. It is unclear whether or not comments made on the MSA consultation have been taken on board	Amend text to accord with the NPPF.	Para 5.566	Change made	Change noted

Policy 57	The Conservation and Use of High Grade Mineral Resources	Whilst we support the policy, the use of the word “only” is superfluous. It is unclear however if this is a general policy for High Grade Mineral Resources or a site specific mineral policy for Thrislington Quarry. We seek clarification as to what the Council consider “High Grade Mineral Resources”	Delete the word “only” which appears in both the first sentence and third paragraph. Consider whether or not this is a general policy or site specific and separate if necessary.	Pol 58	No change made	Our previous comments remain valid.
Policy 58	Preferred Area for Future Carboniferous Limestone Extraction	There are various references in the plan to Carboniferous Limestone, in Policy 51, on page 225 and in Policy 58. This is a rather disjointed approach and it is unclear what the overall policy for Carboniferous limestone is. Whilst we support the recognition of the need to work Carboniferous limestone for example at Hulands Quarry, the Council’s overall strategy needs clarification.	Clarify the position with regards to the working of Carboniferous Limestone.	Pol 59	Changes made	Support the changes
Target	No Target	Again, we would suggest the Council recognise the need for a steady and adequate supply of Carboniferous Limestone.	Amend text accordingly	Target	Changes made	Change noted
Policy 59	Strategic Area of Search to the South	We are supportive of the of the Policy, but would again highlight the rather disjointed	Restructure the Minerals section to put like matters together.	Pol 60	No change made	Our previous comments remain valid.

	of Brickworks	Todhills approach to the Policy which would benefit from being consecutive to Policy 52				
--	------------------	--	--	--	--	--

Conclusions and suggested amendments

Whilst there are many matters and issues we support in the plan, unlike the mineral technical paper, we believe the policies in the plan, as they apply to minerals, have not been prepared positively. The minerals section would benefit firstly from being separated out from waste matters and secondly from a more structure approach to individual mineral types. The NPPF requires plans and policies to be succinct and prepared positively. We have concerns that the plan as prepared would not meet these criteria. At 280+ pages the plan could not be considered succinct and we have highlighted where we feel the plan policies have not been prepared positively.

We would welcome our recent discussions with the Council and look forward to further the opportunities to meet with officers in advance of further iterations of the Local Plan.

Yours faithfully



Nick Horsley
Director of Planning

Email: nick.horsley@mineralproducts.org

Tel: 07568 427720