



deunyddiau hanfodel  
atebion cynaliadwy

essential materials  
sustainable solutions

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Planning Policy Wales Consultation  
Planning Directorate  
Welsh Government  
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Dear Sir Madam

**DRAFT PLANNING POLICY WALES: EDITION 10**

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](http://www.mineralproducts.org)

Thank you for allowing us the opportunity to comment on the proposed review of Planning Policy Wales. We have endeavoured to answer the questions posed as they relate to the overall document, however, have focussed on more specific issues in the interest of our members in the supplementary MINERALS ANNEX.

We recognise that changes are necessary to PPW to ensure compliance with more recent legislation and whilst many of the modifications are commended, we have concerns that there are some fundamental omissions and that the new structure has resulted in a loss of clarity to certain minerals policies in the draft PPW. For example, aggregate landbanks now fall outside of the section headed "Aggregates". There is also inconsistency in the headings of certain sections which do not fully represent the importance of the respective sections. This makes the document difficult to navigate. A clear definition of the hierarchy within each section would be beneficial. Each separate chapter should provide a clearer breakdown of the contents under the respective headings.

We would be happy to discuss these matters with you in more detail if that would be of benefit.

Yours sincerely

Nick Horsley  
Director of Planning, Industrial Minerals and MPA Wales

MPA Wales/Cymru is part of the Mineral Products Association, the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries

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## Responses to Questions Posed in Consultation

**Q1**

Do you agree planning policy topics be clustered around themes which show their relationships with each other and the 7 well-being goals? If not, please explain why.

Yes, in general terms there is a good relationship between the themes and the well-being goals. The structure will necessitate changes to the Development Plans and Development Management Guidance manuals if it is to deliver an effective and efficient planning system

**Q2**

Do you agree the introduction provides an adequate overview of the planning system in Wales and appropriate context? If not, please explain why.

Yes, however, reference is made to the Sustainable Management of Natural Resources. The SMNR stills fall short of recognizing the full suite of natural resources upon which society in Wales relies upon. It is therefore difficult to fully appreciate the effect of the proposed revisions to PPW, its interaction with SMNR and the review of planning law in Wales.

**Q3**

Do you agree with the Planning Principles? If not, please explain why.

In general, yes, however with reference to, 2. *Making Best Use of Resources*, it should be recognized that the proximity principle has limitations, particularly when applied to mineral resources. It is an established principle in planning policy, that minerals can only be worked where they occur, which places an added constraint on minerals development. Case Law has established that minerals extraction is not a use of the land, which appears to have been overlooked. In the penultimate sentence “must” needs to be change to “should”.

Similarly, in 5. *Maximising Environmental Protection and Limiting Environmental Impact*, the word “must” in the first sentence should be changed to “should”, as again, this would appear to place an “absolute” on the protection of natural and cultural resources, etc. As currently worded, the approach to balance competing impacts which is inherent in the planning system, could not be achieved.

**Q4**

Do you agree with the definition of what is a ‘Sustainable Place’? If not, please explain why.

It is unclear if a “Sustainable Place” is required to deliver all the aspirational characteristics detailed on the figure on page 18 of the document. This needs to be clarified and we would suggest is extremely difficult, if not impossible, to deliver.

**Q5**

Do you agree with high-level planning outcomes highlighted by People and Places: The National Placemaking Outcomes? If not, please explain why.

Again, it is unclear if the “outcomes” are absolute or aspirational. It should be recognised that not all outcomes will be deliverable in every development and indeed there are notable conflicts. For example, absolute protection of landscape cannot be delivered if there is a need to build more houses. The document needs to ensure that planning is about balance often between significantly competing matters

**Q6**

Do you agree with the search sequence outlined for the formulation of development plan strategies? If not, please explain why.

The sequence follows a logical process; however, it may be necessary to provide supplementary guidance to ensure a consistent delivery throughout Wales.

**Q7** Do you agree with our revised policy approach for the promotion of new settlements and urban extensions? If not, please explain why.

We have no specific comments on the revised policy principle subject to the usual locational considerations such as avoiding Minerals Safeguarding Areas (MSA). However, we believe proposals for such major developments should include a supply audit to ensure minerals and minerals products necessary to facilitate the developments, may be planned for in the longer term.

**Q8** Do you agree with our revised policy approach to the preference for the re-use of previously developed land? If not, please explain why.

Previously developed land may appear attractive to avoid green field development, however, brownfield housing developments may inhibit existing legitimate businesses. Pressure to develop on industrial estates, rail sidings, wharves, etc. may place unreasonable constraints on aggregate depots, recycling facilities, coating and batching plants which may be required to operate on a 24/7 basis. Further, brownfield developments within rural areas may significantly affect MSAs if built development is expedited without due consideration.

**Q9** Do you agree with our revised policy approach for the designation of Green Belts and Green Wedges? If not, please explain why.

Whilst the principles of the Green Belt policy are supported, it must be restated that minerals can only be worked where they occur (including in Green Belt). Minerals development is essentially temporary with progressive site restoration and the removal of processing plant following extraction.

The revised PPW should include clarification of the definition of 'mineral extraction' or "mining operation" to the effect that this includes associated, activities, infrastructure and screening. It may be beneficial if this is formally defined in the review of the planning legislation

**Q10** Do you agree with the issues and inter-linkages highlighted in the introduction to the Active and Social Places chapter? What other issues and linkages could be identified to support this theme?

No comment.

**Q11** Do you agree that it is important for viability to be assessed at the outset of the plan preparation process and for this to be supported by an enhanced role for housing trajectories? If not, please explain why.

Whilst we agree it is important to assess the viability at the outset, plans should be better connected with the need to supply raw materials to ensure delivery of housing and infrastructure,

**Q12**

Do you agree that it is important for a flexibility allowance to be included as a policy requirement in order to facilitate the delivery of planned housing requirements? If not, please explain why.

Yes, there is a need to include a flexibility allowance within the policy requirement to facilitate the delivery of housing. However, the same flexibility must also be applied to the provision of minerals and mineral products in order to ensure the delivery of housing. For aggregates, this must also be reflected in the Regional Technical Statement, but in PPW this should also be applied to non-aggregate minerals.

**Q13**

Do you agree that to deliver the new housing Wales needs it is necessary for local planning authorities to allocate a range of site sizes, including small sites, to provide opportunities for all types of house builder to contribute to the delivery of the proposed housing? If not, please explain why.

No comment.

**Q14**

To ensure that small sites are allocated, should there be a requirement for a specific percentage (e.g. 20%) of sites to be small sites? If not, please explain why.

No comment.

**Q15**

Do you agree that the custom and self-build sector can play an important role in housing delivery, in particular when linked to the use of Local Development Orders and design codes? If not, please explain why.

No comment.

**Q16**

Do you agree that negotiating on an 'open book' basis would help to improve trust between the parties and facilitate the delivery of both market and affordable housing? If not, please explain why.

No comment.

**Q17**

Do you agree with the changes to emphasise the need for the appropriate provision of community facilities when considering development proposal? If not, please explain why.

The provision of community facilities would be appropriate for certain, but not all developments. There must be a direct link between the community needs and the development and the policy should not be interpreted to meet a "wish list".

**Q18**

Do you agree that giving greater emphasis to the transport hierarchy will improve the location and design of new development? If not, please explain why.

The transport hierarchy must be respective of the development being proposed and defined by local characteristics. Green transport initiatives must be reasonable. Minerals can only be worked where they are found and necessitate the use of specific vehicle types which may be

incompatible with certain elements of the transport hierarchy.

**Q19** Do you agree that the policy will enable the planning system to facilitate active travel and the provisions of the Active Travel (Wales) Act 2013? If not, please explain why.

We have concerns that strict application of the policy should only be applied where there is clear compatibility being the transport required to facilitate the development proposed and the transport hierarchy

**Q20** Do you agree that the policy will enable the creation of well-designed streets? If not, please explain why.

We would be in agreement if applied to urban areas.

**Q21** Do you agree with the requirement for non-residential development to have a minimum of 10% of car parking spaces with ULEV charging points? If not, please explain why.

We would support the approach subject to the confirmation within the policy that It is intended for this to be applied flexibly to ensure the level, location and type of charging provision is appropriate to the scheme and local circumstances.

**Q22** Do you agree with the issues and inter-linkages highlighted in the introduction to the Productive and Enterprising Places chapter? What other issues and linkages could be identified to support this theme?

As we have stated above care must be taken not to constrain existing land uses through inappropriate development.

**Q23** Do you agree with the changes to Telecommunications section of the draft PPW? If not, what other changes could be made to clarify the situation? If not, please explain why.

No comment.

**Q24** Do you agree with the location of the transport infrastructure section in the Productive and Enterprising Places chapter? If not, please explain why.

We have concerns that strict application of the policy should only be applied where there is clear compatibility between the transport required to facilitate the development proposed and the transport hierarchy.

**Q25** Do you agree with the new requirements for local renewable energy planning as set out in the draft PPW? If not, please explain why.

No comment.

**Q26** Do you agree with the use of the energy hierarchy for planning as contained in the draft PPW? If not, please explain why.

No comment.

**Q27** Do you agree with the approach taken to coal and onshore oil and gas as contained in the draft PPW? If not, please explain why. Please consider each source separately.

We seek Welsh Government's assurance that security of energy supply is not being overlooked by the approach proposed.

**Q28** Do you agree with the approach taken to promoting the circular economy and its relationship to traditional waste and minerals planning as contained in the draft PPW? If not, please explain why.

As indicated above we have added a comparison between the proposed PPW and the current version (PPWv9) as it applies to Minerals. As there is no specific question relating to Minerals we have provided a detailed analysis, identifying where inappropriate changes or omissions are proposed which will be to the detriment of planning for minerals in Wales.

Further, in response to the question on the Circular Economy, it is appropriate to restate previous comments submitted to Welsh Government regarding the sustainable use of building materials.

There is a misguided belief in a low CO<sub>2</sub> impact of timber when compared with other materials. The timber industry is selective when it comes to presenting the total environmental impact of timber construction. It fails to calculate the CO<sub>2</sub> impact of transporting the timber most often from overseas, it ignores the CO<sub>2</sub> impact of additional materials required for fire proofing and sound insulation, the need to reduce the effects of overheating in the face of advancing climate change, it ignores the CO<sub>2</sub> impact of end of life tipping and burning of timber and conflicts with creditable research that proves that the long-term operational CO<sub>2</sub> benefits of heavyweight construction far outweighs those of timber construction.

Published research from TRADA, the timber industry's own trade association show that the commonly used timber for construction in the UK comes from Sweden. The association calculates that if 70% of Swedish Redwood timber is burnt at end of life then the whole life CO<sub>2</sub> impact is 0.98 tonnes of CO<sub>2</sub> per tonne of timber. If 70% of Swedish Redwood timber goes to landfill at the end of life then the whole life CO<sub>2</sub> impact is 0.4 tonnes of CO<sub>2</sub> per tonne of timber. Averaging these two figures means that the total embodied CO<sub>2</sub> impact for timber is 690 kg per tonne of timber. This compares with 40 - 140kg of embodied CO<sub>2</sub> per tonne of concrete when cement replacement is used.

The cement sector in Wales is reliant on access to key materials, including suitable waste materials, and future availability of these materials is important to the continued environmentally and economically sustainable production of cement in Wales. Future availability of waste materials is a key concern for cement producers and, whilst not a current barrier, should be considered when developing resource efficiency policies and to encourage investment.

Unlike other combustion processes, like power generation, incineration and biomass boilers, the ash from fossil and waste derived fuels form part of the mineral content of the cement and not a waste residue. The total recycled content of all cement manufactured in the UK, through the recycling of waste materials and the use of by-products, was 12.5% in 2015. Almost 2% of this was ash recycled from the fossil and waste-derived fuels.

As such, the cement sector provides local, high added-value opportunities for waste materials that have reached the end of the value chain, and cement manufacturing contributes significantly to

the circular economy through resource efficiency in the production processes. Having a healthy domestic cement industry therefore reduces the UK's need for landfills and incinerators.

Cement manufacturing produces almost no process waste and since 2012 manufacturers have avoided landfill by recovering all process wastes for beneficial uses - either into construction products or as a soil improver/fertiliser. The ability to accept additional waste streams for energy recovery and recycling at cement plants requires multi million pound investments and are subject to planning and permitting processes. Such projects may take several years to plan, construct and commission. In order to make such an investment case, the long-term availability of materials to achieve an acceptable return on investment needs to be assured early in the decision-making process.

The MPA believes that the use of waste materials as fuel and raw materials for cement kilns should continue to be supported as a value-adding market for appropriate materials, and that the Welsh Government should be cognisant of the existing benefits already being delivered. The Welsh Government should be cautious of a 'one size fits all' approach that may discourage the supply of alternative materials to the cement industry. The MPA would welcome a targeted hierarchy that places the supply of alternative materials to cement kilns in preference to incineration or energy recovery in 'Energy from Waste' facilities and directed support to encourage the waste sector to turn low value wastes into fuel for the cement sector.

**Q29**

Do you agree with the issues and inter-linkages highlighted in the introduction to the Distinctive and Natural Places chapter? What other issues and linkages could be identified to support this theme?

In general, we support the interlinkages highlighted and remind Welsh Government that minerals can only be worked where they are found. Locally sourced building products ensure that the distinctive character of places can be maintained and are therefore valuable to the community from an aesthetic and economic perspective.

**Q30**

Do you agree with the approach taken to landscape, biodiversity and green infrastructure? If not, please explain why.

No comment.

**Q31**

Do you agree with the approach taken to distinctive coastal? If not, please explain why.

No comment.

**Q32**

Do you agree with the approach taken to air quality and soundscape? If not, please explain why.

No comment.

**Q33**

Do you agree with the approach taken to water services as contained in the draft PPW? If not, please explain why.

No comment.

**Q34** Do you agree with the approach taken to addressing environmental risks and a de-risking approach? If not, please explain why.

No comment.

**Q35** Do you agree that other than those policy statements referred to in Questions 1 to 33 above, the remainder accurately reflect the existing policy? If not, please explain why.

As indicated above, we have specifically focused on Minerals Policy in the supplementary information provided below (MINERALS ANNEX) as the questions raised above do not focus on Minerals or Minerals products, which are necessary to deliver many of the key aspirations within current and proposed Welsh Government policy.

**Q36** Are there any existing policy statements in PPW Edition 9 which you think have not been included in the draft of PPW Edition 10 and you consider should be retained? If so, please specify.

No comment.

## MINERALS ANNEX

## Introduction

We are concerned that a number of key phrases have been deleted which should be restated. For example, paragraph 14.8.1 of the current PPW states that *“Proposals for mineral development or proposals where minerals resources are relevant should be considered against the key principles identified in sections 14.1-14.6 of this chapter and other relevant policies contained in PPW (and Minerals Technical Advice Notes, Minerals Planning Guidance Notes and Technical Advice Notes) and the relevant development plan. Authorities will need to bear in mind that other legislation may also be relevant to some of these matters and that the planning system should not conflict with or attempt to duplicate controls better regulated by other bodies under different consent regimes.”* (Our underlining). This final sentence is key and should be restated within the PPW.

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	<p>1.8 The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land or to regulate development for other than land use planning reasons. It should not discriminate against or favour any particular group or members of society.</p>	<p>This statement is supported; however, further challenges must be addressed to ensure the planning system meets the objectives of being efficient effective and simple in operation. Further, there are areas such as minerals development where planning policy does interfere with and inhibit competition between users of and investors in land and regulates development for other than land use planning reasons. The WG's support of timber is one example where this occurs. However, the use of landbanks whilst supportive of an adequate supply has been used to constrain developments which would normally be acceptable in planning terms.</p>	<p>The text should be amended to reflect this</p>
	<p><b><u>Development Plans</u></b> Para 1.27</p>	<p>It is not clear where minerals are to be addressed in the hierarchy of Development Plans. It may be beneficial to identify what matter need to be addressed at which level in the plan hierarchy.</p>	<p>The paragraph should indicate which plans cover specific topics</p>
	<p>Para 1.39</p> <ul style="list-style-type: none"> <li>□ are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance</li> </ul>	<p>The list is fairly vague, not least the bullet point indicated. It must be made clear that these sites should have national, not just local interests.</p>	<p>Amend the text to clarify the differing policy contexts for local, national and international designations.</p>
	<p>Strategic Placemaking</p>	<p>This should recognise that not all developments have</p>	<p>Amend the text to reflect this</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
		<p>locational flexibility. The reader should be reminded that minerals can only be worked where they are found. Further, specific building materials such as dimension stone, roofing slate, brick type, etc. have a key role to play in “place making” by providing identity.</p>	
	<p>4.18 To ensure that minerals resources which may be needed in the future are safeguarded and an adequate supply of a diverse range of minerals and materials is available over the long term.</p>	<p>This should also refer to minerals infrastructure. Also, to ensure consistency with the wording within the document (paragraph 4.192, amend the text to read <i>a steady and adequate supply</i>.</p>	<p>Amend the text to ensure consistency</p>
	<p>4.19 Implementing the proximity principle for waste, minerals and district scale energy to minimise the need for road transport and its impacts and additional pressure on energy networks</p>	<p>The proximity principle is fundamentally flawed when applied to minerals developments, as minerals can only be worked where they occur and have limited locational flexibility due to their geology. Furthermore, markets will vary as construction projects vary and end uses depend very much on mineral quality which can vary significantly within operational quarries. The text should reflect this</p>	<p>Amend the text to recognise this point.</p>
	<p>4.167 both providing for an adequate supply of primary minerals</p>	<p>To ensure consistency with the wording for example at para 4.192, the text should be amended to read <i>a steady and adequate supply of primary minerals</i></p>	<p>Amend the text for consistency.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	<p>4.175 Industrial by-products have been used for many years to produce secondary aggregates so as to conserve primary resources. Slag from steel making, material from colliery shale, ash from power stations and slate waste can be processed and used in construction in place of other minerals and form about 10% of total aggregate supply. The use of these materials could contribute further to the overall supply of aggregates</p>	<p>It should be recognised that reduction in coal extraction referenced previously and the move away from coal fired energy generation will reduce material from colliery shale and power station ash potentially lowering the overall availability of secondary materials as a sustainable, long term source of supply. Further, secondary materials may also have a more constrained end use when compared to a primary source which may produce a variety of grade for different market end uses</p>	<p>Amend the text to recognise the limitations of the use of secondary materials in terms of quality, market use and long-term supply.</p>
	<p>4.176 Road planings and construction and demolition waste are a significant potential source of alternative aggregate material</p>	<p>We question the use of the word significant. Undoubtedly the materials described are a source of recycled aggregates, but their availability as a sustainable source of supply is a matter of fact and degree given it will be dependent upon other factors. Also, if applicable to minerals extraction, is the proximity principle not applicable here too?</p>	<p>Amend the text to reflect the points made.</p>
<p>7.2.2 Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there</p>		<p>It is noted that this paragraph has been deleted. It gives clear guidance on what the role of the planning authority should be.</p>	<p>Reinstate paragraph 7.2.2 within the new PPW</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
will be occasions when the economic benefits will outweigh social and environmental considerations			
7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence		It is noted that this paragraph has been deleted. It gives clear guidance on what the positive approach a planning authority should adopt.	Reinstate paragraph 7.6.1 within the new PPW
14.3.6 Irrespective of the Agricultural Land Classification grade, other agricultural factors such as farm structure, soil conservation, farm water supply, surface water and field drainage may be matters to take into account when appraising the full extent of mineral working, restoration and aftercare proposals. The objective should be, wherever possible, to minimise any adverse effects on agriculture occurring as a result of mineral development. These factors are likely to be particularly relevant where agriculture is to be the after use of the site.		It is noted that this paragraph has been deleted. It provides clear guidance on agricultural land considerations.	Reinstate paragraph 14.3.6 within the new PPW
<b><u>Chapter 14</u></b>	<b><u>Minerals</u></b>		
14.1.2 It is likely that society needs, and will continue to need for	4.192 Society needs, and will continue to need for the foreseeable	We support the recognition that "Minerals..... are	Insert the additions highlighted.

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>the foreseeable future, a wide range of minerals. ....</p>	<p>future, a wide range of minerals. Minerals are the principal constituents of most construction products, many pharmaceutical, chemical, agricultural, automotive, metallurgical, electronics, aerospace, plastics ceramic and paper products, sports &amp; leisure, horticultural and water filtration. Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary.</p>	<p>essential”. It is also helpful to make the link between minerals and their markets. The scope of end uses is significant, and it may be beneficial to add other and use markets to help make the link between minerals products and societal demand</p>	
<p>14.1.2 ..... The essential role of mineral planning authorities in relation to mineral working is to ensure that a proper balance is struck between that fundamental requirement, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment. The key principles are:</p> <ul style="list-style-type: none"> <li>• to provide for an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity;</li> <li>• to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and</li> </ul>	<p>4.193 The essential role of planning authorities, in relation to mineral working is to ensure that a proper balance is struck between the fundamental requirement to ensure a prudent use of finite resources and the protection of existing amenity and the environment. Notwithstanding the materials preference, the key principles are to:</p> <p>Provide positively for the safeguarding and working of mineral resources to meet society’s needs now and in the future, encouraging the efficient and appropriate use of high quality materials;</p> <p>Protect environmental and cultural characteristic of places,</p>	<p>We note the reference to planning authorities not Mineral Planning Authorities.</p> <p>We are not sure of the relevance of the inserted text “Notwithstanding the materials preference” which should be deleted or clarified</p> <p>Support inclusion of safeguarding.</p> <p>Unlike the current PPW the text for the next two bullets has no flexibility. Development must “Protect environmental and cultural characteristic of places”. The</p>	<p>We support the use of “planning authorities”.</p> <p>We agree that a proper balance should be struck, however, there is a distinct loss of flexibility with everything being protected including ancient woodland. This is properly considered at paragraph 5.63 and does not need to be introduced here. Further, the text as worded will seriously inhibit all forms of development. The current PPW refers to “acceptable limits” and this needs to be restated within the revised policy. Absolute protection does not allow balance.</p> <p>Similarly, the term “without compromise” should be deleted as this is unclear.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate and beneficial after-use;</p> <p>to help conserve non-renewable resources for future generations through efficient use, recycling and waste prevention; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials;</p> <ul style="list-style-type: none"> <li>to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.</li> </ul>	<p>including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;</p> <p>Reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and</p> <p>Achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.</p>	<p>current PPW allows “acceptable limits”.</p> <p>The words “Reduce the impacts” should be amended to “control the effects”</p> <p>We don’t see the purpose of the words “without compromise” as these words add nothing to the policy context.</p>	<p>If the term” protection of well-being” is to be included, this needs to be clarified.</p>
<p>14.1.1 For planning purposes mineral extraction and related development in Wales includes all minerals and substances in, on or under land extracted either by underground or surface working<sup>1</sup>. Mineral working is different from other forms of development in that.</p> <ul style="list-style-type: none"> <li>extraction can only take place where the</li> </ul>	<p>4.194 For planning purposes mineral extraction and related development in Wales includes all minerals and substances in, on or under land extracted either by underground or surface working. Mineral working is different from other forms of development in that:</p> <p>Extraction can only take place where the mineral is found to occur; It is transitional and cannot be regarded as a</p>		<p>We are unclear why the penultimate bullet point has been amended and relocated to 4.230 as it seems out of context in the revised location and should be reinserted here.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>mineral is found to occur;</p> <ul style="list-style-type: none"> <li>it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time;</li> <li>wherever possible any mineral workings should avoid any adverse environmental or amenity impact; where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits;</li> <li>when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.</li> </ul>	<p>permanent land use even though operations may occur over a long period of time; and</p> <p>When operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.</p>		
	<p><b>Efficient Use of Minerals</b></p>		
<p>14.6.1 Although there are large resources of useful minerals in Wales, it is important to ensure that they are not wasted and that they are used efficiently and for the purpose(s) specified in the planning permission, although flexibility may be necessary in some circumstances. .....</p>	<p>4.195 Although there are large resources of useful minerals in Wales, it is important to ensure that they are not wasted and that they are used efficiently and for the purpose(s) specified in the planning permission, although flexibility may be necessary in some circumstances.</p>	<p>We strongly believe that reference to the end use being specified in a planning condition should be deleted. It would be anticompetitive for a planning authority to seek to control a marketing strategy for a quarry development. Paragraph 4.193 already states that local planning authorities should encourage “the</p>	<p>Delete the words “and for the purpose(s) specified in the planning permission”.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
		efficient and appropriate use of high quality materials”	
<p>14.6.1 ..... In some exceptional cases, planning permission may have been granted because of UK or regional need for the mineral in areas which would not normally be suitable for mineral extraction because of environmental or policy objections. If this is the case, it is essential that the mineral is not exploited for a lower grade purpose than that originally intended. Where it is an exception to normal policy to allow mineral extraction at a particular location in order to fulfil a specific need, appropriate conditions and/or time limits should be considered carefully to ensure that the mineral extraction for the intended end-use is adequately controlled. Such controls would be particularly appropriate in National Parks, Areas of Outstanding Natural Beauty, Special Protection Areas, Special Areas of Conservation and Ramsar Sites, but may be applicable elsewhere. The method of extraction and processing to prevent waste</p>	<p>4.196 In some exceptional cases, planning permission may have been granted because of UK or regional need for the mineral in areas which would not normally be suitable for mineral extraction because of environmental or policy objections. If this is the case, it is essential that the mineral is not exploited for a lower grade purpose than that originally intended. Where it is an exception to normal policy to allow mineral extraction at a particular location in order to fulfil a specific need, appropriate conditions and/or time limits should be considered carefully to ensure that the mineral extraction for the intended end-use is adequately controlled. Such controls would be particularly appropriate in National Parks, Areas of Outstanding Natural Beauty, Special Protection Areas, Special Areas of Conservation and Ramsar Sites, but may be applicable elsewhere, for example, World Heritage Sites or registered historic landscapes. The method of extraction and processing to prevent waste production should be taken into account in</p>	<p>We have concerns that the inclusion of registered historic landscapes (RHL) undermines the importance of the key designated features highlighted in the paragraph. Further, it infers an exceptional circumstance test for such features. This approach is clearly in appropriate as the RHL is a local designation and shouldn't require the same level of scrutiny as a World Heritage Site.</p>	<p>Delete Reference to Registered Historic Landscape.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>production should be taken into account in determining planning proposals.</p>	<p>determining planning proposals.</p>		
<p>.</p>	<p><b>Safeguarding Mineral Resources and Infrastructure</b></p>		
<p>14.2.1 It is important that access to mineral deposits which society may need is safeguarded. This does not necessarily indicate an acceptance of mineral working, but that the location and quality of the mineral is known and that the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms of development, have been considered.</p>	<p>4.197 It is important that access to mineral resources, including secondary, recycled and marine dredged materials, which society may need, as well as the minerals related infrastructure to deliver this need, is safeguarded in order to prevent sterilisation by other forms of permanent development. Planning authorities should consider the long term and the need for preventative action to avoid the creation of problems in the future. Safeguarding does not indicate an acceptance of mineral working, but that the location and quality of the mineral is known and that the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms</p>		<p>We support the clarification within this paragraph.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	of development, have been considered.		
	4.198 The importance of the mineral resource or infrastructure required to support minerals development, such as existing or planned wharves, railheads, associated processing facilities and batching plants, relative to the need for non-minerals development should be given careful consideration so as to avoid the loss of infrastructure and resources which may be needed over the long term.		We support the clarification within this paragraph.
14.7.3 Areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes. Development plans should promote the integration and co-ordination of transport and land use planning, including the provision of adequate storage and processing facilities for minerals at docks and railheads.	4.199 Areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes. Development plans should promote the integration and co-ordination of transport and land use planning for minerals production, including the preference for non-road transport and provision of adequate storage and processing facilities for minerals at docks and railheads.	Whilst the use of non-road transport is an aspiration, it must be recognised that, whilst an extraction site may be connected or close to a rail facility, if an offloading facility is not available at the customers end and the tonnages sufficiently large to deliver, there will be significant economic constraints.	Change the word “docks” to “wharves”.  Note the limitations to other forms of non-road transport. Unless the market supply is to one major customer, this is wholly impractical and should be deleted.
Ensuring	Ensuring Supply		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>14.2.2 Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for minerals which reflects the nature and extent of resources in the area, subject to relevant environmental and other planning considerations.</p>	<p>4.200 Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area and their best and most appropriate use, subject to relevant environmental and other planning considerations<sup>5</sup>.</p>	<p>It is unclear what “their best and most appropriate use” actually means. As mentioned previously, it is not for a planning authority to seek to control a marketing strategy for a quarry development. Paragraph 4.193 already states that local planning authorities should encourage “the efficient and appropriate use of high quality materials”</p>	<p>The term “their best and most appropriate use” should be deleted.</p>
<p>14.2.3 The contribution that a resource could make to regional and UK demand must be taken into account and seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable. The contribution of recycled waste materials should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, and the use of marine-dredged materials should be taken into account where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations. As</p>	<p>4.201 The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions and seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable on the basis of adverse environmental impacts.</p>	<p>The proposed paragraph is a weakening of the PPW. The previous wording provided clarity. It is noted that some of the text has been inserted in to para 4.202. However, it is important that areas for future working should be identified.</p>	<p>Re-insert the text “As far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way.”</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way.</p>			
<p>14.2.2 For aggregates this should be done under the aegis of the North and South Wales Regional Aggregates Working Parties, whose role is to provide a regional overview of supply and demand and through the framework provided by the Regional Technical Statements for Aggregates in each Aggregate Working Party area</p>	<p>Footnote 5) For aggregates this should be done under the aegis of the North and South Wales Regional Aggregates Working Parties, whose role is to provide a regional overview of supply and demand and through the framework provided by the Regional Technical Statements for Aggregates</p>	<p>This should not simply be a footnote but part of the policy</p>	<p>It is essential that this is reinserted as policy, not a footnote. The importance of the RTS cannot be underestimated. Further, this is part of the aggregates consideration and should be relocated to this section of the PPW.</p>
<p>14.2.3.....The contribution of recycled waste materials should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, and the use of marine-dredged materials should be taken into account where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations</p>	<p>4.202 The contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, as well as the use of marine-dredged materials where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations.</p>	<p>This needs to be put in context of the availability of these materials, as highlighted above. In general, we support the approach, but policy should recognise the limitations in quality and quantity of recycled and secondary materials</p>	<p>Amend text to reflect limitations in quality and quantity of recycled and secondary materials</p>
	<p><u>Assessing Supply and Demand</u></p>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>14.7.1 Development plans should set out the broad strategy for mineral working and related development.....</p>	<p>4.203 Development plans should set out the broad strategy for mineral working and related development and as far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way. Such a strategy should outline the expectation of the planning authority with regard to the manner in which the existing mineral sites are operating both now and in the future.</p>	<p>The wording is very “woolly” and too vague and contrary to the wording in para 1.27 and 4.209 which require a “high degree of certainty” and provide certainty to developers and the public.</p>	<p>Delete the words “and as far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way”.</p>
<p>14.7.18 Development plans are subject to regular review. To facilitate this in relation to mineral policies and proposals, authorities should undertake regular assessments of mineral resources in their areas and of the reserves for which planning permission has been granted. They may do this individually or in collaboration with adjoining authorities. They should also assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction.</p>	<p>4.204 Development plans should assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction. An examination of landbanks for aggregates should be undertaken to highlight any shortfalls and to ensure productive capacity is maintained.</p>	<p>This is a weakening of the requirements of the current PPW as it applies to all minerals. The current PPW requires that planning authorities “may do this individually or in collaboration with adjoining authorities. They should also assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. They should also assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning</p>	<p>Reinstate the text accordingly.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
		for mineral extraction.” It is important the text is carried forward	
<p>14.7.5 A land-bank is a stock of planning permissions which usually relates to the extraction of non-energy minerals and provides for continuity of production in spite of fluctuations in demand. Authorities should include policies in their development plans for the maintenance throughout the plan period of land-banks for non-energy minerals which are currently in demand. ....</p>	<p>4.205 A land-bank is a stock of planning permissions which usually relates to the extraction of non-energy minerals and provides for continuity of production in spite of fluctuations in demand. For the purposes of commercial stability, the aggregates industry requires a proven and viable landbank. Authorities should include policies in their development plans for the maintenance throughout the plan period of land-banks for non-energy minerals which are currently in demand. This must be adequate but not excessive. A minimum ten year landbank of crushed rock and minimum seven year landbank for sand and gravel should therefore be maintained during the entire plan period of each development plan except within National Parks and AONBs, unless agreement is reached for other authorities to make a compensating increase in their provision.</p>	<p>It is preferable to have landbank requirements stated in the policy, however, it is not clear whether or not this is for aggregates or all minerals. AONBs are designations and are not planning authorities in their own right. It needs to be made clear that planning authorities, with the exception of NPs are required to maintain aggregate landbanks, albeit it maybe from outside the AONBs. It should also be clarified that these refer to aggregate landbanks and not stock of reserves for industrial minerals.</p> <p>It may also be worth replacing “during the entire plan period of each development plan” with “at all times” to ensure that where plans become out of date landbank requirements remain.</p>	<p>Reconsider the wording of the proposed text to provide clarity.</p>
<p>14.7.5 .....Mineral planning authority boundaries may form a suitable area basis on which to base a land-bank policy, however for some unitary authorities the administrative area may be too small, the environmental constraints too</p>	<p>4.206 Planning authority boundaries may form a suitable area basis on which to base a land-bank policy, however for some unitary authorities the administrative area may be too small, the environmental constraints too important, or the availability of a</p>	<p>The words “are likely to” should be replaced by “may”</p>	<p>Not all authorities have boundaries with English authorities.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>important, or the availability of a workable resource too limited to enable an individual land-bank policy to be applied. In these circumstances, authorities must agree a joint approach with neighbouring authorities in line with current regional arrangements and are likely to require liaison with relevant mineral planning authorities in England.</p>	<p>workable resource too limited to enable an individual land-bank policy to be applied. In these circumstances, authorities must agree a joint approach with neighbouring authorities in line with current regional arrangements and <u>are likely to</u> require liaison with relevant mineral planning authorities in England.</p>		
	<p><u>Inactive Sites</u></p>		
<p>14.7.14 Inactive sites with planning permission for future working which are considered unlikely to be reactivated for the foreseeable future should be identified in the development plan and should be the subject of a suitable strategy and associated policies to explain future proposals for the land. The strategy should outline the authority's overall approach to such sites and the policies should seek to deliver that vision. These could reasonably include, for example:</p> <ul style="list-style-type: none"> <li>• a clear intention to make prohibition orders to ensure that no further extraction takes place without a further planning consent so as to provide certainty about future workings;</li> <li>• restoration and after care proposals</li> </ul>	<p>4.207 Inactive sites with planning permission for future working which are considered unlikely to be reactivated for the foreseeable future should be identified in the development plan and should be the subject of a suitable strategy and associated policies to explain future proposals for the land. This could reasonably include:</p> <p>using prohibition orders to ensure that no further extraction takes place without a further planning consent so as to provide certainty about future workings; restoration and after care proposals (which could include natural re-vegetation for nature conservation/ecological interests in accordance with local Biodiversity Action Plans, green infrastructure assessments or the conservation of historic assets for tourism); and</p>	<p>This is already a requirement of MTAN1. It is unnecessary to require LPAs to include within their development plans, “suitable strategy <b>and associated policies</b>” to deal with inactive sites. Policy already exists</p>	<p>Delete text referring to <b>associated policies</b>.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>(which could include natural revegetation for nature conservation/ ecological interests in accordance with local Biodiversity Action Plans);</p> <ul style="list-style-type: none"> <li>• a proposed after-use - subject to relevant consultations.</li> </ul>	<p>a suitable proposed after-use.</p>		
<p>14.7.15 In Mid and North Wales in particular, aggregates landbanks are extensive, but a significant proportion of the reserves are contained in long inactive sites which may never be worked again. It is important that the future of these sites should be determined finally to provide certainty to the local community and secure the restoration of old workings at the earliest opportunity. It is in the interests of the minerals industry that landbanks reflect real possibilities for future mineral working. In some circumstances, it may be necessary to maintain an adequate landbank by approval of new permissions in more acceptable locations. Mineral operators are requested to discuss with authorities inactive permissions which will not be reactivated. Where these sites have been inactive and there is no prospect of future working, authorities should consider the</p>	<p>4.208 In Mid and North Wales in particular, aggregates landbanks are extensive, but a significant proportion of the reserves are contained in long inactive sites which may never be worked again. It is important that the future of these sites should be finally determined to provide certainty to the local community and secure the restoration of old workings at the earliest opportunity, <b>including capturing any potential for improving the resilience of ecological networks</b>. It is in the interests of the minerals industry that landbanks reflect real possibilities for future mineral working. In some circumstances, it may be necessary to maintain an adequate landbank by approval of new permissions in more acceptable locations. Mineral operators should discuss with authorities inactive permissions which will not be reactivated. Where these sites have been inactive and there is no prospect of future working, authorities should consider the use of prohibition orders.</p>	<p>Landbanks should not include reserves in inactive sites. This point is considered above and need not be repeated here. It is unclear what the term in “more acceptable locations” actually means. One assumes that the permissions have been duly considered through the formal planning process which considered them acceptable through the formal application and where relevant EIA process. MTAN already requires the LPAs to deal with inactive permissions. This paragraph is therefore now unnecessary.</p>	<p>Delete this paragraph.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
use of prohibition orders.			
	<u>Areas of Future Working</u>		
<p>14.7.10 Non-energy minerals policies and proposals in development plans should make clear where mineral extraction should or is most likely to take place. This approach brings a high degree of certainty to all. These should be clearly identified on a proposals map and should take the form of:</p> <ul style="list-style-type: none"> <li>• <b>Specific Sites</b> where mineral resources of commercial significance exist and where any planning applications which come forward for those sites are likely to be acceptable in planning terms;</li> <li>• <b>Preferred Areas</b> which will be areas of known resources with some commercial potential and where planning permission might reasonably be anticipated; or</li> </ul> <p><b>Areas of Search</b> where it is likely that some sites will be appropriate for mineral extraction, depending on economic and/or environmental circumstances. Areas of search will define</p>	<p>4.209 Where necessary, planning authorities should provide a clear guide to where non-energy mineral extraction is likely to be acceptable and include policies which protect sensitive environmental designations or historic features and environmental and resource protection. This approach brings a high degree of certainty to all. Policies and proposals should relate to identifiable areas of land unless there is a good reason why this is not possible and should cover mineral resources which are currently used or which may need to be used in the foreseeable future. These should be clearly identified on a proposals map and should, in the following order of preference, take the form of:</p> <p>Specific Sites where mineral resources of commercial significance exist and where any planning applications which come forward for those sites are likely to be acceptable in planning terms (indicated as allocations);</p> <p>Preferred Areas which will be areas of known resources with some commercial potential and where planning</p>	<p>The terms “where necessary” and “are likely to be” are considered a notable weakening of this policy and undermine the requirement for a high degree of certainty. Local planning authorities should be identifying clear allocations in development plans. Is the term “commercial significance” relevant to Site Specific. It is unclear what this term means. It should be clarified or deleted accordingly. The proposed wording states “include policies which protect sensitive environmental designations or historic features and environmental and resource protection”. The words “and environmental and resource protection” are superfluous and should be deleted.</p> <p>The wording also states “Within these areas it is likely that appropriate mitigation measures can overcome <u>“all”</u> environmental effects. This should be amended to read. Within these areas it is likely that appropriate mitigation measures can overcome</p>	<p>The terms “where necessary” and “are likely to be” should be deleted. The term “commercial significance” should be deleted.</p> <p>Delete the words “and environmental and resource protection”.</p> <p>Delete the word “all” and replace with “significant” environmental effects.</p> <p>Delete reference to “extensions to existing sites” as these are not site allocations unlike areas of search, preferred areas and site specifics.</p> <p>Delete the words acceptable and to have no adverse impact on the amenity. Amend the text to read “where the proposal is demonstrably proven to be environmentally acceptable <b>with impact on amenity minimised to an acceptable level</b>”.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. Within these areas it is likely that appropriate mitigation measures can overcome all environmental effects. Within areas of search, planning permissions could be granted to meet a shortfall in supply should specific sites, preferred areas, or extensions to existing sites identified in the plan, not come forward. It will not usually be appropriate for an authority to identify only areas of search in a plan; full justification for adopting such an approach would be needed;</p> <ul style="list-style-type: none"> <li>• <b>Other Areas:</b> Planning permission should not be granted in areas outside those identified in the plan except where the mineral is needed to make good a proven shortfall in supply, and where the proposal is demonstrably proven to be environmentally acceptable and to have no adverse impact on the amenity of nearby residents or communities.</li> </ul>	<p>permission might reasonably be anticipated;</p> <p>Areas of Search where it is likely that some sites will be appropriate for mineral extraction, depending on economic and/or environmental circumstances. Areas of search will define broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. Within these areas it is likely that appropriate mitigation measures can overcome all environmental effects. Within areas of search, planning permissions could be granted to meet a shortfall in supply should specific sites, preferred areas, or extensions to existing sites identified in the plan, not come forward. It will not usually be appropriate for an authority to identify only areas of search in a plan; full justification for adopting such an approach would be needed; or</p> <p>Other Areas: Planning permission should not be granted in areas outside those identified in the plan except where the mineral is needed to make good a proven shortfall in supply, and where the proposal is demonstrably proven to be environmentally acceptable and to have no adverse impact on the amenity of nearby residents or communities.</p>	<p>“significant” environmental effects.</p> <p>Reference to “extensions to existing sites” is unnecessary and should be deleted since such extensions would be allocated as ‘specific sites ‘or ‘preferred areas’.</p> <p>Further it is unlikely that a proposed development will have “no” adverse impact on the amenity</p>	

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>14.7.18 Development plans are subject to regular review. To facilitate this in relation to mineral policies and proposals, authorities should undertake regular assessments of mineral resources in their areas and of the reserves for which planning permission has been granted. They may do this individually or in collaboration with adjoining authorities. They should also assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction.</p>	<p>4.210 Planning authorities should undertake regular assessments of mineral resources in their areas and of the reserves for which planning permission has been granted. They may do this individually or in collaboration with adjoining authorities<sup>6</sup>.</p>	<p>We feel the original text in PPW was more specific in identifying what planning authorities should undertake to ensure a steady and adequate supply of minerals. In particular the last two sentences are a serious omission: - <i>“They should also assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction.”</i></p>	<p>Align the text to accord with the requirement of the current PPW</p>
	<p><b>National, Regional and Local needs for Non Energy Minerals</b></p>		
<p>14.8.9 Non energy minerals can be conveniently divided into aggregates and non-aggregates, though in practice some minerals, such as limestone, may be worked to meet a variety of end-uses. The recovery of high purity or high quality minerals to meet a particular specification may</p>	<p>4.211 Non energy minerals can be divided into aggregates and non-aggregates, though in practice some minerals, such as limestone, may be worked to meet a variety of end- uses. The recovery of high purity or high quality minerals to meet a particular specification may necessitate the removal of lower grade material. Wherever possible,</p>	<p>With reference to the final sentence, as mentioned above, it is not for the mineral planning authority to control markets, however, we recognise the need to ensure the sustainable production of minerals and feel this wording is more appropriate than previous wording.</p>	

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>necessitate the removal of lower grade material. Wherever possible, scarce resources of high grade material should be reserved for the most appropriate use.</p>	<p>scarce resources of high grade material should be reserved for the most appropriate high end use.</p>		
	<p><u>Aggregates</u></p>		
<p>14.8.10 It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs. The main sources of aggregates are crushed rock and sand and gravel - both land-won and marine-dredged. A number of secondary materials are used for construction purposes. These materials are often by-products of industrial processes and include slag from steel manufacture, ash from power stations, colliery spoil, slate waste and recycled material such as demolition arisings and road planings. The importance to the UK of aggregates should be taken into account when planning applications are being considered together with other policies in this guidance and relevant MTANs and TANs. In order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary</p>	<p>4.212 It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs. The main sources of aggregates are crushed rock and sand and gravel - both land-won and marine-dredged. A number of secondary materials are used for construction purposes. These materials are often by-products of industrial processes and include slag from steel manufacture, ash from power stations, colliery spoil, slate waste and recycled material such as demolition arisings and road planings. The importance to the UK of aggregates should be taken into account when planning applications are being considered together with other policies in this guidance and relevant Minerals Technical Advice Notes (MTANs) and Technical Advice Notes (TANs). In order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary materials where appropriate.</p>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>materials where appropriate.</p>			
<p>14.7.6 Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales. The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair. <b>Although new road building has declined</b>, authorities should identify potential high specification aggregate resources and consider whether there is a need to protect these resources and potential rail connections to the resources from sterilisation.</p>	<p>4.213 Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales. <b>The UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels.</b> The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair <b>and wherever possible high specification aggregates should be used for these purposes.</b> Authorities should identify potential high specification aggregate resources and consider whether there is a need to protect these resources and potential rail connections to the</p>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	resources from sterilisation.		
	For aggregates via RAWP annual surveys and the preparation of five yearly regional technical statements		
Slate			
<p>14.8.12 Slate is used for roofing, cladding and decorative purposes, and in powder and granular form for specialised applications such as fillers for bituminous products or as reconstituted slate tiles. The slates of north-west Wales are of high quality and are available in extensive quantities. The total area of land affected by slate extraction is relatively small, but vast quantities of waste materials have been generated and at the present time there are only limited potential uses. In South Wales, slate is more restricted in distribution and the resource has not been worked on any scale for many years although some slate waste has been used as aggregate material. In North Wales, whilst the industry has declined from its peak production of over 500,000 tonnes it is still an important employer locally. The production sites in Mid and North Wales account for over 85% of the UK output of roofing slate.</p>	<p>4.214 Slate is used for roofing, cladding and decorative purposes, and in powder and granular form for specialised applications such as fillers for bituminous products or as reconstituted slate tiles. The slates of north-west Wales are of high quality and are available in extensive quantities. The total area of land affected by slate extraction is relatively small, but vast quantities of waste materials have been generated and at the present time there are only limited potential uses. In South Wales, slate is more restricted in distribution and the resource has not been worked on any scale for many years although some slate waste has been used as aggregate material. In North Wales the increased use of slate waste should be encouraged, as for all potential sources of secondary material and where this option is not commercially viable, areas should be identified for restoration. Active slate quarries play an important part in maintaining local building character</p>		

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	<p>where the use of slate of a specific appearance is a strict planning policy. It is important that the supply of slate is maintained but balanced against the need to protect important landscapes.</p>		
	<p><u>Non-Aggregates Minerals</u></p>		
	<p><i>Dimension Stone</i></p>		
<p>14.8.11 Suitable stone is important for the restoration of historic buildings and ancient monuments and may be available from small operations in specific locations to supply local markets. Dimension stone is used in new buildings where it is important to maintain local building character. It may be necessary to obtain dimension stone from geological formations which are restricted in occurrence in order to obtain a particular colour, texture or homogeneity. There is often a large proportion of waste produced that may be utilised as general construction aggregate. Market demand will usually result in low rates of output from relatively small sites which may be temporary or intermittent. The cumulative impact of a number of small sites operating in close proximity should be considered.</p>	<p>4.215 Suitable building stone is important for the restoration of historic buildings and ancient monuments and may be available from small operations in specific locations to supply local markets. Dimension stone is used in new buildings where it is important to maintain local building character. It may be necessary to obtain dimension stone from geological formations which are restricted in occurrence in order to obtain a particular colour, texture or homogeneity. There is often a large proportion of waste produced that may be utilised as general construction aggregate. Market demand will usually result in low rates of output from relatively small sites which may be temporary or intermittent and a flexible approach may be necessary to deal with the long duration of planning permissions which result from such a working pattern. The cumulative impact of a number of small sites operating in close</p>	<p>Delete reference to “small” sites. The reference to ‘small-operations’ is potentially very limiting and does not reflect the reality that there may be demand for extraction of building/ dimension stone for new-build (place making) as well as restoration, and that the market may be relatively large and some distance from the quarry. “Small operations” isn’t defined. Protecting designated sites is covered by other policies in the PPW.</p> <p>Reference to “The cumulative impact of a number of small sites operating in close proximity should be taken into account.” This is no different to any other form of minerals development in that the minerals can only be worked where they are found.</p>	<p>Make the suggested amendments.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	proximity should be taken into account.		
	<i>Limestone for Industrial Uses</i>		
14.7.7 Limestone provides the raw material for major industries and it is important for the national economy that minerals of the quality and quantity required continue to be produced and are safeguarded for future use against sterilisation and from use as a lower grade material. There may be a need to maintain a longer landbank of reserves at such sites than required for general aggregates to justify the considerable investment in plant. Mineral planning authorities are encouraged to discuss these matters with the industry with a view to reaching agreement on the extent of resources likely to be required during the life of a development plan.	4.216 Limestone provides the raw material for major industries and it is important for the national economy that minerals of the quality and quantity required continue to be produced and are safeguarded for future use against sterilisation and from use as a lower grade material. There may be a need to maintain a longer landbank of reserves at such sites than required for general aggregates to justify the considerable investment in plant. Mineral planning authorities are encouraged to discuss these matters with the industry with a view to reaching agreement on the extent of resources likely to be required during the life of a development plan.		
14.8.17 Limestone resources with a certain minimum calcium carbonate content and low levels of impurities are used for industrial purposes, such as iron and steel making, as a catalyst in flue gas desulphurisation equipment and in cement manufacture. High purity limestone occurs in South Wales where most of the outcrop contains some	4.217 Limestone resources with a certain minimum calcium carbonate content and low levels of impurities are used for industrial purposes, such as iron and steel making, as a catalyst in flue gas desulphurisation equipment and in cement manufacture. High purity limestone occurs in south Wales where most of the outcrop contains some high purity material but	It is inappropriate to refer specifically to Tata steelworks.	Delete the reference to "Tata".

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>high purity material but is particularly consistent in the area near Bridgend where quarries produce limestone used in Port Talbot steelworks. The low grade Jurassic limestones in the Vale of Glamorgan and high grade Carboniferous limestones provide raw material for cement manufacture. In North Wales, the thickest deposits of high purity limestone occur near the Flintshire/Denbighshire border, which supply stone for cement manufacture at Buckley.</p>	<p>is particularly consistent in the area near Bridgend where quarries produce limestone used in the Port Talbot Tata steelworks. The low grade Jurassic limestones in the Vale of Glamorgan and high grade Carboniferous limestones provide raw material for cement manufacture. In north Wales, the thickest deposits of high purity limestone occur near the Flintshire/Denbighshire border, which supply stone for cement manufacture at Buckley.</p>		
<p>14.8.18 In most quarries, high purity limestone is extracted jointly with limestone for aggregate use and it can be difficult to differentiate between the material produced for the two different markets until after processing has been completed. The environmental impact of quarrying for high purity materials is similar to that for aggregates, except that processing plant may be on a larger scale and transportation of output may involve longer distances to industrial markets.</p>	<p>4.218 In most quarries, high purity limestone is extracted jointly with limestone for aggregate use and it can be difficult to differentiate between the material produced for the two different markets until after processing has been completed. The environmental impact of quarrying for high purity materials is similar to that for aggregates, except that processing plant may be on a larger scale and transportation of output may involve longer distances to industrial markets. Where quarries produce limestone for both aggregate and non-aggregate use, the reserve will normally be split and each category determined by the predicted reserve for each type. Operators should ensure such reserves are calculated using up to date information and using</p>	<p>PERC is not fit for purpose for use in the land use planning system. It introduces new terminology such as “unconsented reserves” which some authorities have sought to use in the calculation of land banks. This is inappropriate as landbanks identify minerals which can be readily worked to provide to meet an identified demand, whereas PERC is an accounting tool. Any unconsented reserve is not readily accessible.</p>	<p>Delete the reference to PERC as an alternative methodology. The final sentence should read “Operators should ensure such reserves are calculated using up to date information.”</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	recognised trade formulae (for example. PERC).		
	<i>Peat</i>		
<p>14.8.20 The use of peat is almost entirely related to horticulture, either as a growing medium or as a soil improver to enhance its physical condition. The main markets for peat are amateur gardeners and the professional horticulture industry, with a limited quantity used by landscape contractors and local authorities. The use of alternatives to peat has increased considerably over the last two decades and now accounts for about 30% of the total substrate used in horticulture in the UK. The use of peat substitutes should be expanded further through the use of material from composting of organic wastes.....</p>	<p>4.219 Peat has traditionally been used as a growing medium or soil improver to enhance the physical condition of soil, however, the use of alternatives has increased considerably over recent decades.</p>		
<p>14.8.20 .....Peat bogs are of significant nature conservation interest and are frequently important for archaeological interest and these areas should be protected and conserved for future generations. Future peat extraction should be limited therefore to exceptional circumstances in areas which have already been damaged significantly by recent human activity where</p>	<p>4.220 Peat bogs are of significant nature conservation interest and are frequently important for archaeological interest as well as providing a carbon sink and resources should be protected and conserved for future generations. Future peat extraction should not be granted permission unless it is limited to exceptional circumstances in areas which have already been damaged significantly</p>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>restoration towards wetland habitats could improve the nature conservation importance of a worked out bog. Natural Resources Wales should be consulted on proposals for peat extraction.</p>	<p>by recent human activity where restoration towards wetland habitats could improve the nature conservation importance of a worked out bog. NRW or the planning authority's archaeological advisor should be consulted on proposals for peat extraction.</p>		
	<p><i>Other Minerals</i></p>		
	<p>4.221 Historically minerals such as fireclay, silica sand, chert and metalliferous minerals all contributed to a diverse mineral extraction industry. Over time these activities have declined and some are unlikely to be reactivated. If applications for development do come forward the criteria based policy applicable for the extraction of aggregates should be applied. It may be appropriate to consider other policies, determined on a case by case basis, including an assessment of the need for the mineral.</p>		
	<p>4.222 Coking coal, which is generally imported, is used in coke manufacture for the steel industry and directly in blast furnaces. Should, exceptionally, planning applications come forward for industrial uses for coking coal then the policies contained in MTAN 2: Coal should be applied, including the test outlined in paragraph 45 of MTAN 2.</p>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	<i>Borrow Pits</i>		
<p>14.8.23 Borrow Pits are temporary mineral workings operated to supply particular construction projects, usually highway contracts. Major contracts may require the supply of large quantities of minerals as engineering fill over a short timescale which may cause significant environmental impact and disturbance to local communities. Borrow pits ought to be located within or close to a construction site and wherever possible the mineral should be supplied direct without using public roads. Authorities must ensure that there are clear environmental benefits from meeting supply from a proposed borrow pit as opposed to supply from secondary or recycled aggregates, or from established mineral working sites or areas identified in the development plan. Borrow pits must be restored to the high standard expected of other forms of mineral development. The potential cumulative impact of a number of closely sited borrow pits must be carefully considered and it is likely that the impact will not be acceptable in particularly sensitive locations. Early consultation should take place with mineral planning</p>	<p>4.223 Borrow Pits are temporary mineral workings operated to supply particular construction projects, usually major highway contracts, or small shale fill sites. Such contracts may require the supply of large quantities of minerals as engineering fill over a short timescale which may cause significant environmental impact and disturbance to local communities. Borrow pits should be located within or close to a construction site and wherever possible the mineral should be supplied direct without using public roads. Planning authorities must ensure that there are clear environmental benefits from meeting supply from a proposed borrow pit as opposed to supply from secondary or recycled aggregates, or from established mineral working sites or areas identified in the development plan. Borrow pits have potential for impacting adversely on buried archaeological evidence and early consultation should be undertaken with the planning authority's archaeological advisor so that all known sensitive archaeological features can be identified. Borrow pits must be restored to the high standard expected of other forms of mineral development. The potential cumulative impact of a</p>	<p>The proposed text states that "Borrow pits have potential for impacting adversely on buried archaeological evidence". It is unclear why there is specific reference to archaeological remains, when Borrow pits may impact upon a wide range of environmental matters. The reference should therefore be deleted</p>	<p>Delete reference to Borrow Pits impacting upon buried archaeological evidence. It must be made quite clear that there should be no difference in EIA requirements between a Borrow Pit and any other proposals to develop mineral reserves.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>authorities so that all options for supply can be considered without causing delay to the construction project.</p>	<p>number of closely sited borrow pits must be carefully considered and it is likely that the impact will not be acceptable in particularly sensitive locations. Early consultation should take place with planning authorities so that all options for supply can be considered without causing delay to the construction project.</p>		
	<p><b>Protecting Special Characteristics and Qualities of Places</b></p>		
<p>14.3.2 Minerals development should not take place in National Parks, Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest and National Nature Reserves, save in exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:</p> <ul style="list-style-type: none"> <li>• the need for the development in terms of UK considerations of mineral supply;</li> <li>• the impact on the local economy of permitting the development or refusing it;</li> <li>• whether alternative supplies can be made available</li> </ul>	<p>4.224 Minerals development should not take place in National Parks and Areas of Outstanding Natural Beauty (AONBs) except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:</p> <ul style="list-style-type: none"> <li>the need for the development in terms of UK considerations of mineral supply;</li> <li>the impact on the local economy of permitting the development or refusing it;</li> <li>whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;</li> <li>the detrimental effect of the proposals on the</li> </ul>	<p>The use of the word very is superfluous. Further, this does not accord with the wording of paragraph 5.29. Indeed, the wording of this paragraph and the tests to be applied should be amended to be consistent with para 5.29</p>	<p>Delete the word “very”. It is superfluous.</p> <p>Amend the paragraph to accord with paragraph 5.29.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>at reasonable cost, and the scope for meeting the need in some other way;</p> <ul style="list-style-type: none"> <li>the detrimental effect of the proposals on the environment and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species, bio-diversity; and</li> </ul> <p>in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity</p>	<p>natural and historic environment and local community and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species, bio-diversity; and</p> <p>in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity.</p>		
<p>14.3.3 Development adjacent or close to these areas may have significant detrimental effect on their special qualities. Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.</p>	<p>4.225 Development adjacent or close to these areas may have significant detrimental effect on their special qualities. Minerals development proposed adjacent or close to a National Park or AONB that might affect the setting of these areas, should be assessed carefully to determine whether the environmental and amenity impact is acceptable or not, or whether suitable, satisfactory conditions can be imposed to mitigate the impact.</p>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>14.3.4 Minerals proposals within or likely to significantly affect potential and classified SPAs, designated, candidate or proposed SACs or Ramsar sites must be carefully examined. If the proposal would adversely affect the integrity of the site (taking into account advice from Natural Resources Wales) and conditions would not remove this effect, planning permission will not be granted unless alternative supplies cannot be made available at reasonable cost, there is no scope for meeting the need in some other way and regard has been paid to considerations such as the need for the development in terms of UK mineral supply and the impact on the local economy of permitting the development or refusing it.</p>	<p>4.226 Minerals proposals within or likely to significantly affect Sites of Special Scientific Interest and National Nature Reserves, potential and classified Special Protection Areas, designated, candidate or proposed Special Areas of Conservation or Ramsar sites must be carefully examined. If the proposal would adversely affect the integrity of the site (taking into account advice from Natural Resources Wales) and conditions would not remove this effect, planning permission will not be granted unless alternative supplies cannot be made available at reasonable cost, there is no scope for meeting the need in some other way and regard has been paid to considerations such as the need for the development in terms of UK mineral supply and the impact on the local economy of permitting the development or refusing it.</p>	<p>National designations are being given the same weight as international designations. The planning tests for these are different. IROPI/exceptional circumstances don't apply to national designations. Further, these are matters of law and not policy.</p> <p>The wording of this paragraph is confusing, incorrect and largely superfluous.</p>	<p>Delete the paragraph as it is unclear, incorrect and the matters covered are for legislation and not policy.</p>
	<p>4.227 Mineral proposals within the setting of a scheduled ancient monument are likely to have an impact on its significance and should be carefully considered.</p>	<p>Rather presumptuous and should be deleted.</p>	<p>Delete the words "are likely to" and replace with "may"</p>
<p>14.3.5 Mineral planning authorities and the industry should take into account the need to protect the quantity and quality of surface and groundwater supplies. Changes in the water table as a</p>	<p>4.228 Planning authorities and the industry should take into account the need to protect the quantity and quality of surface and groundwater supplies. Changes in the water table as a result of mineral extraction or</p>	<p>This should not be about the quantity of water pumped, but about any impact of pumping water whatever the volume.</p>	<p>Amend the paragraph accordingly.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>result of mineral extraction or the disposal of mineral wastes must not cause unacceptable impact or otherwise damage or adversely affect water resources or sources of water which might be an integral part of sites of high landscape value or nature conservation importance. De-watering that would lead to an offence against a protected species would normally require a licence.</p>	<p>the disposal of mineral wastes must not cause unacceptable impact or otherwise damage or adversely affect water resources or sources of water, in line with the principles contained in the Water Framework Directive, which might be an integral part of sites of high landscape value or nature conservation importance, including protected habitats and species.</p>		
<p>14.3.5... Changes in the water table may also cause significant geohazards such as the shrinkage of clay soils leading to subsidence or karstic collapse in limestone areas. The impact of changes to surface and groundwater are likely to require monitoring and require remedial measures to be introduced. Mineral planning authorities must consult Natural Resources Wales on these complex issues and, where doubt exists, should adopt the precautionary principle in taking planning decisions on mineral development.</p>	<p>4.229 Changes in the water table may also cause significant geohazards such as the shrinkage of clay soils leading to subsidence or karstic collapse in limestone areas. The impact of changes to surface and groundwater are likely to require monitoring and require remedial measures to be introduced. Planning authorities must consult Natural Resources Wales on these complex issues and, where doubt exists, should adopt the precautionary principle in taking planning decisions on mineral development.</p>	<p>The paragraph states that “The impact of changes to surface and groundwater area likely to require monitoring and require remedial measures to be introduced”. This statement pre-empts the EIA process and should be amended. Delete the words “are likely to” and replace with “may”.</p> <p>Further this paragraph appears to be giving greater weight to NRW issues than other matters providing an immediate imbalance in the planning process. Doubt will always exist, but it is wholly inappropriate to expect the precautionary principle to be taken in to account in every circumstance.</p>	<p>New wording to read “The impact of changes to surface and groundwater may require monitoring and may require remedial measures to be introduced.</p> <p>Insert a full stop after “these complex issues.” The precautionary principle is not necessary for every circumstance where there is some doubt.</p>
	<p><b>Reducing the Impacts of Mineral Extraction and Related Operations</b></p>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
	<p>4.230 Mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are fully mitigated to acceptable limits. Any effects on local communities and the environment must be minimised and thereafter ameliorated to an acceptable standard.</p>	<p>Delete the word “fully”. Mitigation is either acceptable or isn’t. Also delete “and thereafter ameliorated” which is again superfluous</p>	<p>Amend the wording to read “any adverse effects on local communities and the environment are mitigated to acceptable limits. Any effects on local communities and the environment should be minimised to an acceptable standard”.</p>
<p>14.1.3..... In certain areas, mineral extraction may not be acceptable. For example, where a proposal for mineral extraction would cause demonstrable harm to the environment or amenity, which cannot be overcome by planning conditions or agreements, planning permission should not be granted.....</p>	<p>4.231 In certain areas, mineral extraction may not be acceptable. For example, where a proposal for mineral extraction would cause demonstrable harm to the environment, including on designated sites, or amenity, which cannot be overcome by planning conditions or agreements, planning permission should not be granted.</p>		
	<p><b>Buffer Zones</b></p>		
<p>14.4.1 There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing and vibration from blasting operations.8 Buffer zones have been used by mineral planning authorities for some time to provide areas of</p>	<p>4.232 There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing and vibration from blasting operations. Buffer zones should be used by planning authorities to provide areas of protection around permitted and proposed</p>	<p>It may be more appropriate to refer to “site allocation” rather than “proposed mineral working”. Further, it may be acceptable for future working to take place in a buffer zone subject to appropriate mitigation.</p>	<p>Amend text accordingly</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted. Within the buffer zone there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be located within or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations may be acceptable within the buffer zone.</p>	<p>mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted. Within the buffer zone there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be in a location remote from the active mineral site or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations, may be acceptable within the buffer zone on a case by case basis.</p>		
<p>14.7.16 To avoid conflict between mineral workings and other land uses buffer zones should be identified around existing or proposed minerals sites. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted</p>	<p>4.233 To avoid conflict between mineral workings and other land uses buffer zones should be identified around existing or proposed minerals sites. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and</p>	<p>It is important to state who should identify the buffer zones. Insert the word “by the local planning authority” at the end of the first sentence. Also, delete the word maximum as the extent of the buffer zone would depend upon a number of factors.....</p> <p>As above, replace ‘proposed mineral sites’ with ‘site allocation’.</p>	<p>Amend accordingly.</p>

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
vibration from blasting operations and availability of mitigation measures.....	availability of mitigation measures.		
14.7.16..... Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation, but must be clearly defined and indicated in development plans. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals is provided in Technical Advice Notes.	4.234 Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation, but must be clearly defined and indicated on proposals maps. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals is provided in Technical Advice Notes. <b>Whilst the primary purpose of buffer zones is to limit the impact of mineral working their wider beneficial role as part of green infrastructure provision and protecting and enhancing biodiversity should be explored.</b>	We believe the wording of the second sentence is the wrong way around. Instead of “This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings...”, it should read “This will ensure that there is unequivocal guidance on the proximity of sensitive land uses to mineral operations and that the potential impact of existing and future mineral workings...”.  Also, the word “Further” should be deleted	Amend the text accordingly.
14.7.17 Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the	4.235 Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and the		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>environment and the amenity of nearby residents.<sup>21</sup> Issues that must be addressed include:</p> <ul style="list-style-type: none"> <li>• access and traffic generation including the routes to be used for minerals transportation;</li> <li>• noise (in terms of limits, type and locations);</li> <li>• the control of dust, smoke and fumes;</li> <li>• disposal of mineral waste;</li> <li>• blasting controls;</li> <li>• land drainage, impact on groundwater resources and the prevention of pollution of water supplies;</li> <li>• visual intrusion and general landscaping;</li> <li>• impact on sites of nature conservation, historic and cultural importance, setting out clear and distinct policies for statutorily designated areas and non-statutorily designated areas;</li> <li>• land instability;</li> <li>• promotion of the use and treatment of unstable, derelict or contaminated land;</li> <li>• cumulative impact;</li> <li>• restoration, aftercare and after-use.</li> </ul>	<p>amenity of nearby residents. Issues that must be addressed include:</p> <p>access and traffic generation including the routes to be used for minerals transportation;</p> <p>noise (in terms of limits, type and locations);</p> <p>the control of air pollution namely dust, smoke and fumes;</p> <p>disposal of mineral waste;</p> <p>blasting controls;</p> <p>land drainage, impact on groundwater resources and the prevention of pollution of water supplies;</p> <p>visual intrusion and general landscaping;</p> <p>impact on sites of nature conservation and historic assets, setting out clear and distinct policies for statutorily designated areas and non-statutorily designated areas;</p> <p>land instability;</p> <p>promotion of the use and treatment of unstable, derelict or contaminated land;</p> <p>cumulative impact; and</p> <p>restoration, aftercare and after-use.</p>		
	<b>Extensions</b>		

<u>PPW (Edition 9)</u>	<u>PPW (Edition 10)</u>	<u>MPA Comments</u>	<u>Suggested changes</u>
<p>14.4.2 Extensions to existing mineral workings are often more generally acceptable than new greenfield sites. However, such a policy should not rule out the possibility of new workings where these may be environmentally more acceptable or where existing workings are unsuitably located and should not be designed to protect existing suppliers or constrain competition.</p>	<p>4.236 Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and will need to be considered on its own merits.</p>	<p>We note the change of emphasis to this paragraph; however, it is worth bearing in mind that extensions to sites often benefit from existing infrastructure and processing plant which may be more readily acceptable. Whilst the process of determination for an extension and a greenfield site remain the same as a result of the legislation, the effects of an extension may be better understood than a greenfield site and the policy emphasis should revert back to a favourable approach to extensions.</p>	<p>These comments should be recognised in the text of any new policy by reinserting the first sentence from para 14.4.2.</p>
	<p><b>Transport of Minerals by Road</b></p>		
<p>14.4.4 If road transport is the only means available to serve new mineral development, the capacity of the road network to deal safely with the movement of minerals and related products is a relevant consideration. As mineral development usually takes place in rural locations where the road network may be inadequate to accommodate a significant number of heavy vehicles, the impact of traffic generated by mineral development needs careful consideration and a traffic impact assessment may be required. If necessary, the routes to be used by mineral vehicles should be controlled</p>	<p>4.237 Whilst rail is the preferred option for transporting bulky minerals, if road transport is the only means available to serve new mineral development, the capacity of the road network to deal safely with the movement of minerals and related products is a relevant consideration. As mineral development usually takes place in rural locations where the road network may be inadequate to accommodate a significant number of heavy vehicles, the impact of traffic generated by mineral development needs careful consideration and a traffic impact assessment may be required. If necessary,</p>		

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<p>through Section 106 agreements or by planning conditions to encourage certain directions of movement through careful access design and appropriate signage. A reduction in the level of road traffic should be encouraged in order to protect the environment by minimising disturbance and congestion, particularly in residential areas.</p>	<p>the routes to be used by mineral vehicles should be controlled through Section 106 agreements or by planning conditions to encourage certain directions of movement through careful access design and appropriate signage. A reduction in the level of road traffic should be encouraged in order to protect amenity and the environment by minimising disturbance and congestion, particularly in residential areas.</p>		
	<p><b>Restoration and Aftercare</b></p>		
<p>14.5.1 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity, and work begun within 6 months of cessation of working wherever this is practicable (except where progressive restoration has already commenced). Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. This will be to the benefit of local communities and ensure that a valuable</p>	<p>4.238 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity, and work begun within six months of cessation of working wherever this is practicable (except where progressive restoration has already commenced). Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. The statutory five year aftercare period should be extended as appropriate for the intended end-use. End</p>	<p>The proposals for aftercare periods of normally a minimum 15-years and commuted sums being payable must be deleted. This is wholly unacceptable and unjustified with no supporting evidence to indicate these changes are reasonable or indeed necessary. The assets of mineral workings are passed on to society in other ways, through the provision of the raw materials to meet society's demands. This approach is akin to requiring a housing developer to provide a 15-year maintenance of the property and pay for all the upkeep including mowing the lawns, trimming the hedges and putting out the bins. These proposed requirements conflict with legislation and should be deleted. Any changes should be</p>	<p>Delete the text in paragraph 4.238 accordingly, with the statutory 5-year aftercare remaining the norm to accord with current legislation and commuted sums being the exception rather than the rule.</p>

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<p>natural asset will be passed on to future generations.</p>	<p>uses such as nature conservation will normally require a minimum of 15 years and commuted sums may be required to cover long term maintenance costs. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed onto to future generations.</p>	<p>justified on a site by site basis and must be the exception rather than the rule.</p>	
<p>14.5.2 Reclamation can provide opportunities for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan and those adopted in local Biodiversity Action Plans throughout Wales.</p>	<p>4.239 Reclamation can provide opportunities for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan and those adopted in local Biodiversity Action Plans throughout Wales. Reclamation can also provide opportunities for the conservation of historic assets and their settings. Capturing the potential of these opportunities should be explored at a strategic level through green infrastructure assessments.</p>		
<p>14.5.3 In view of the long life of many mineral working sites, it is essential that progressive restoration<sup>14</sup> is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so</p>	<p>4.240 In view of the long life of many mineral working sites, it is essential that progressive restoration is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so reducing the potential environmental damage</p>		

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reducing the potential environmental damage left by any failure to restore.	left by any failure to restore.		
	<b>After-Use</b>		
14.5.4 After-uses may include agriculture, forestry/woodland, nature conservation, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development.....	4.241 After-uses may include agriculture, forestry/woodland, nature conservation, heritage, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development.		
14.5.4.... The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation	4.242 The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation operation, it is essential that consultation is undertaken with the		

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<p>operation, it is essential that consultation is undertaken with the mineral planning authority prior to the submission of the application for mineral extraction, to determine the most sensible guiding principles and thus the most appropriate after-use of the restored land.</p>	<p>mineral planning authority prior to the submission of the application for mineral extraction, to determine the most appropriate guiding principles and thus the most suitable after-use of the restored land.</p>		
<p>14.5.4.... Where appropriate, development plans, informed by landscape assessments, local biodiversity action plans and countryside strategies, should provide guidance on the preferred after-uses and reclamation standards. A choice of after-use will depend on many issues, including the overall strategy of the development plan, as well as the location, final landform, availability and quality of soils or other restoration materials and neighbouring land uses.</p>	<p>4.243 Where appropriate, development plans, informed by green infrastructure assessments, including local biodiversity action plans and countryside strategies, should provide guidance on the preferred after-uses and reclamation standards. A choice of after-use will depend on many issues, including the overall strategy of the development plan, as well as the location, final landform, availability and quality of soils or other restoration materials and neighbouring land uses.</p>		
	<p><b>Financial Guarantees</b></p>		
<p>14.5.5 Properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and</p>	<p>4.244 Planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites<sup>7</sup>. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not</p>	<p>This paragraph appears to be geared towards the coal industry, however as the draft PPW moves away from coal, the paragraph is superfluous. It also conflicts with MTAN1.</p> <p>The wording of the NPPF may be more appropriate here which recognises that</p>	<p>Reword the text to require financial guarantees only in exceptional circumstances and where such matters are not already covered by an industry guarantee fund.</p>

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<p>aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction. For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.</p>	<p>need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction. <b>The objective is to ensure that the full restoration costs are covered commensurate with the stage of the development as set out in the Coal Authority's Best Practice guidance note.</b> For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.</p>	<p>restoration and aftercare can be achieved through appropriate conditions and that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.</p> <p>The Planning Practice Guidance, identifies the exceptional circumstances including:</p> <ul style="list-style-type: none"> <li>• very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;</li> <li>• where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;</li> <li>• where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.</li> </ul> <p>However, where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against</p>	

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		possible financial failure, even in such exceptional circumstances.	
<p>14.5.6 Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/ agreement as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission. Mineral planning authorities should have regard to the need to avoid imposing costs that are larger or longer</p>	<p>4.245 Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/ agreement as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission. Mineral planning authorities should have regard to the need to avoid imposing costs that are larger or longer</p>	<p>The ROMPS process should have ensured that phased schemes of working have been submitted for older minerals permissions. Restoration should be covered by conditions requiring progressive operations</p>	<p>There should be no sites now left unrestored “for a long period”.</p>

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<p>than strictly required to meet best standards.</p>			
	<p>5.33 SLAs are non-statutory designations that define local areas of high landscape importance, which may be unique, exceptional or distinctive to the area. Planning authorities should apply these designations where there is good reason to believe that normal planning policies cannot provide the necessary protection.</p>	<p>What evidence is there that “normal planning policies” do not provide appropriate protection”</p>	
	<p>5.34 Geological features are a key part of our natural environment, and protecting geodiversity underpins the wider protection and management of our natural resources, including land availability, renewable energy potential, groundwater supply and flood risk.</p>	<p>Is this the case? Does protecting geodiversity underpin the wider protection of the resources identified?</p>	
	<p>5.37 Some statutory Sites of Special Scientific Interest (SSSIs) are also designated for their nationally important geological or geomorphological features, and planning authorities have a duty to further the conservation and enhancement of those features.</p>	<p>This paragraph needs to incorporate flexibility that in working quarries quarry faces for which particularly features have been will move creating new exposures.</p>	<p>Suggest inserting further sentence “It should be noted that in operational mineral sites features of geological interest may move as quarry development progresses. It is important that LPAs, NRW and operators work together to ensure geological or geomorphological features of interest can be retained without sterilising mineral reserve and in cognisance of</p>

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			health and safety requirements.”
	5.49.....Further guidance, particularly in relation to Natura 2000 sites, is contained in TAN 5: Nature Conservation and Planning.	Should reference be added to the EU guidance “Non-energy mineral extraction and Natura 2000”?	