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Dear Sir/Madam

CHESHIRE EAST LOCAL PLAN: MINERALS AND WASTE DPD: ISSUES PAPER - APRIL 2017

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of British Precast and the British Association of Reinforcement (BAR), it has a growing membership of over 480 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9-major international and global companies. It covers 100% of GB cement production, 90% of aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. Each year the industry supplies £20 billion worth of materials and services to the Economy and is the largest supplier to the construction industry, which has annual output valued at £144 billion. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

Further to your recent consultation on the above document, please find below the MPA's comments on the above consultation, for your consideration.

Page/para	Current text	Issue	Suggested amendment
2/1.3	Overall the MWDPD will: Allocate sites and areas which will enable the Council to meet its minerals and waste needs; and Set out detailed policies to guide planning application decisions in the Borough.	This is a limited view of what the DPD should be achieving. It should better reflect the NPPF in terms of provision of a steady and adequate supply of minerals (construction and industrial minerals); providing landbanks and stocks of permitted reserves; safeguarding, etc. Further, bullet point one could be misconstrued that there is simply a requirement to meet the needs of Cheshire East Council (CEC) when in reality there are minerals of national importance within CEC	Widen the scope of what the MWDPD will set out to achieve to accord with National Policy for mineral provision and safeguarding. Amend the text to recognise that the scope of mineral provision goes beyond CEC's administrative boundaries

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5/2.2	These include: silica sand; construction sand and gravel; hard rock; salt; coal; hydrocarbons; and clay.	This paragraph lists minerals within CEC, however it omits sandstone used for aggregate purposes and for building stone. These are reference in paras 2.10 & 2.11	Include reference to sandstone for construction aggregate and building stone uses.
5/2.3	The British Geological Survey (BGS) report(2) on mineral resource in Cheshire and its accompanying map identifies the type and extent of the minerals present in the Borough.	Further reports are available such as the English Heritage publication “Strategic Stone Study - A Building Stone Atlas of Cheshire” Published in August 2011; the BGS Strategic Stone Study Database; and Dimension Stone An essential UK industry (MPA)	Widen the sources of published background geological data and information on mineral products published by the MPA as well as other document such as the mineral planning factsheets on Silica Sand, Construction aggregates.
5/2.4	Reference to Map 2.1	The inference is that the Map is a Minerals Resources Map, when in fact this map only shows the location of sites in CEC.	Remove this reference and refer to Appendices A to C which show the various mineral resources in CEC. Make it clear that Map 2.1 simply shows the location of mineral extraction sites in CEC and is not a resources map.
6	Map 2.1 Cheshire East Minerals Resources 2016	This Map is not a Mineral resources map, but simply shows the location of sites in CEC	Retitle the map and refer to appendices A-C for mineral resources.
6/2.5		For further information about Silica Sand, make reference to the BGS Minerals Planning Fact sheet	Make reference to BGS Factsheet https://www.bgs.ac.uk/mineralsuk/planning/mineralPlanningFactsheets.html
6/2.7	Extraction is carried out by surface quarrying.	Quarrying is a surface based operation.	For clarity replace the word “quarrying” with “mining”. This will help the distinction between surface mining, deep mining and solution mining
6/2.8	Maintaining a supply of silica sand is a national issue.....	This sentence needs to reflect National Policy	Maintaining a “ <i>steady and adequate</i> ” supply of silica sand is a national issue.....
6/2.8UK where high quality silica sand deposits occurs in enough quantities to be economically viable to extract.	This sentence is grammatically incorrectUK where high quality silica sand deposits occur in enough quantities to be economically viable to extract.

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7/2.11	However, the operation of these quarries is small in scale and they are unlikely to have the infrastructure to be able to supply enough rock for any large scale construction schemes.	This section is vague. As mineral planning authority, CEC should know whether or not quarries have the ability or not to supply large scale construction projects	Clarify the position with the operators of these sites to ascertain the scale of the operations.
7/2.11	The stone is then either crushed and screened or cut and dressed to the specification of the end user.	In the section on silica sand para 2.7 recognises the need for specialist processing plant. Dimension stone operators also need specialist cutting and processing equipment.	Amend the paragraph accordingly.
8/2.18	The unconventional reserves.....	It is assumed that these are resources as they are unconsented. Para 2.20 refers to resources	Amend text accordingly for consistency with para 2.20.
Question 1			
Have all workable and viable mineral resources present in Cheshire East been identified and is the information provided accurate?			
MPA Response			
The above comments should be taken on board to ensure that all minerals have been appropriately identified and considered. Additional sources of information have also been highlighted.			
10/2.24	In the case of aggregates, this means preparing an annual Local Aggregate Assessment (LAA) based on a rolling average of 10 years sale data and other relevant local information.	The PPG is also clear that Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.	Amend the text accordingly to reflect PPG.
10/2.23 to 2.26		There is no reference to Building Stone. Paragraph 144 bullet points 8 & 9 of the NPPF indicate the requirement for Mineral Planning Authorities to consider how to meet the demand for the extraction of building stone	Amend the text to reflect NPPF as it applies to Building Stone.
10/2.27	In addition, the Council must liaise with more distant MPAs where they either also produce or are significant recipients of silica sand, since this is identified as a nationally significant resource.	Liaison with other mpas must extend beyond silica sand matters. CEC should recognise the work of other AWP's and the Welsh RAWPs. A good starting point would be the evidence of inter-regional movements in the "2014 Aggregate Minerals survey for England and Wales"	Amend the paragraph accordingly.

Page/para	Current text	Issue	Suggested amendment
11/2.30 to 2.31	Sand and Gravel	It is unclear why the survey data being used is 2013. This is out of date. CEC should have survey data up to December 2015 even though the LAA for 2015 is still in draft. Delays to the publication of LAAs is detrimental to the proper planning for aggregates. By the time the DPD is advancing to EiP, CEC should be using sales data to Dec 2016.	Update the landbank and sales data accordingly to represent more recent survey information. In view of the use of out of date survey data, there is little point in analysing the figures provided
11/2.32 to 2.33	Crushed Rock	It is unclear why the survey data being used is 2013. This is out of date. CEC should have survey data up to December 2015 even though the LAA for 2015 is still in draft. Delays to the publication of LAAs is detrimental to the proper planning for aggregates. By the time the DPD is advancing to EiP, CEC should be using sales data to Dec2016.	Update the landbank and sales data accordingly to represent more recent survey information. In view of the use of out of date survey data, there is little point in analysing the figures provided
11/2.32 to 2.33	Crushed Rock	It is unclear if these statistics include building stone sales as there is no separate section on this	Clarify the position on building stone.
12/2.35	The Council is currently preparing the 2015 LAA which covers aggregate figures for the 2014 calendar year.	It is unclear why CEC is so far behind with its LAAs. The council should be considering aggregate figures for 2015. The use of out of date information affects the soundness of the DPD. In addition, the DPD should consider major demands for aggregates which have the potential to draw on supplies from CEC. These would include HS2, Wylfa Nuclear Power Station, the GMSF and the Northern Powerhouse.	Expedite the production of 2015 and 2016 LAAs to ensure the soundness of the plan. Monitor major development and infrastructure proposals as these represent the "other relevant local Information".

Page/ para	Current text	Issue	Suggested amendment
12/2.36	The 2014 LAA reported that approximately 1.04 million tonnes of silica sand from Cheshire was sold in 2011.	It is not clear why the 2014 LAA is reporting 2011 data and not 2013 data.	This needs to be clarified and more up to date information supplied.
12/2.36only two of the four silica sand sites in Cheshire East were reported to hold the permitted reserve stock of at least 10 years.....	The draft 2015 LAA indicates that only one of the four sites has a stock of permitted reserves of at least 10 years.	Amend the text accordingly incorporating the need for the stock of permitted reserves of at least 10 years to be at individual sites.
12/2.36	This would indicate the likely need for further provision to be made for silica sand.....	This clearly does more than indicated the “likely need”. The need is definitive.	Amend the text to indicate the definitive need to accord with NPPF
12/2.36	This would also contribute to the overall aggregate landbank in the Borough, since aggregate production in Cheshire East is currently only an ancillary product of silica sand quarrying.	This sentence is very presumptuous. Aggregate production is not a key driver for industrial sand production and whilst providing a windfall to the aggregate landbank aggregates will remain ancillary.	Amend the text to reflect the comments.

Question 2

Do you have any comments on the demand and supply of mineral resources, particularly aggregates and silica sand, in Cheshire East which the Council should consider in preparing the MWDPD?

MPA Response

We have concerns that the survey data being used in the document is out of date and there is little information about building stone. Also, the CEC needs to be more robust about the clear need for silica sand production in the area.

13/2.39	Vision and priorities	There is clearly a need for the vision and priorities to ensure the delivery of a steady and adequate supply of the respective minerals throughout the plan period and beyond. Further it is imperative to safeguard minerals and minerals infrastructure and not just “safeguard land”. Sterilising minerals can occur by allowing development of land containing minerals or developing in proximity to resources.	The vision and priorities need to reflect NPPF as these apply to the respective minerals in CEC.
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Question 3

Does the MWDPD require the development of a more detailed vision and priorities for minerals or are those already included in the LPS sufficient? If you think a more detailed vision and priorities are required, please explain why and indicate what these should cover.

MPA Response

The current vision and priorities is too generic and needs to be specific towards policy requirements for minerals reflected in the NPPF as it applies to CEC

Page/ para	Current text	Issue	Suggested amendment
14/2.41 to 2.43	Strategy	As the test indicates, there is a need for a combination approach in the plan-led system. Ideally site-specific allocations should be identified; however, this is not always practicable for a variety of reasons. Therefore, a hybrid approach of site specific, where these have been brought forward, preferred areas and Areas of Search where there is less certainty. However, experience shows that criteria based policies are appropriate for areas which fall outside the allocations.	A policy approach which captures the four bullet points is necessary particularly as the level of information, investigation and reconnaissance for the individual minerals will differ.
<p>Question 4 What approach do you think should be taken for each of the minerals present in Cheshire East to ensure that the MWDPD delivers an adequate and steady supply of minerals?</p>			
<p>MPA Response The combination approach is more practicable in view of the variation of minerals within CEC.</p>			
15/2.44 to 2.49		It is recognised that the sustainable development of minerals should be inherent within the plan. However, the restriction of sales to specific markets is impractical to monitor and enforce and counterproductive to the sustainable development of minerals. The document already acknowledges, that the development of silica industrial sand benefits the aggregates market. This is not because high quality materials are sold for lower quality uses, but that natural deposits are variable. This is also evident in other minerals such as construction aggregates and building stone. It is important that operators are not restricted in selling to a variety of markets to maximise deposits.	The plan should not seek to control markets into which mineral products can be sold.

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16/2.49	Further work will need to be undertaken as part of the LAA to gain an understanding of the contribution marine aggregates is currently making and may have in the future.	It is surprising that the work referred to has not been done. Marine aggregates have made a small but important contribution to aggregate supply in the North-West Region and will continue to do so. The Crown Estate is currently undertaking a market study of the north west and that a marine plan is currently being developed for the area. However, it should be recognised that CEC had no coastal port facilities.	We would seek clarity as to the nature of this “further work”. And when this will be available.
<p>Question 5 Do you have any comments on how the Council can ensure the prudent, efficient and sustainable use of minerals resources through its policies in the MWDPD?</p>			
<p>MPA Response CEC should not seek to restrict the use of primary materials by restricting markets in to which minerals may be sold. This would skew the markets and be anti-competitive.</p>			
16/2.50 to 2.56	Safeguarding Mineral resources	It is unfortunate that the Council has waited so long before producing a minerals DPD. Sites which are known to contain resources of minerals will be sterilised by built development. It is therefore, imperative that safeguarding maps for both mineral resources and minerals related infrastructure are produced as soon as possible.	We generally support CEC’s approach to safeguarding, but feel that the title of “Key Issue 3 Safeguarding Mineral resources” is misleading as CEC need to safeguard mineral resources and existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.
17/2.54	This may include policies that encourage the prior extraction of minerals.	The word “may” is inappropriate. Para 143 of NPPF requires policies for prior extraction.	Ensure the DPD includes a policy on prior extraction

Page/ para	Current text	Issue	Suggested amendment
<p>Question 6</p> <p>(a) Which mineral resources in Cheshire East do you consider warrant safeguarding?</p> <p>(b) Should Mineral Safeguarding Areas cover the full extent of the available resource or should it exclude existing urban areas?</p> <p>(c) Should buffer zones be used and should any distinction be made between different mineral resources and the buffer distances that apply?</p> <p>(d) Which mineral related infrastructure in the Borough should be considered for safeguarding?</p>			
<p>MPA Response</p> <p>a) All resources identified within the document should be safeguarded together with existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.</p> <p>b) The planning practice guidance is clear (Paragraph: 004 Reference ID: 27-004-20140306) Safeguarding mineral resources should be defined in designated areas and urban areas where necessary to do so.</p> <p>c) It is assumed that this question refers to buffer zones around safeguarding areas. This should be supported to avoid the unnecessary sterilisation of resources and infrastructure.</p> <p>d) Paragraph 143 of NPPF is clear on which minerals infrastructure should be safeguarded.</p>			

We trust the above comments are of assistance. We would welcome the opportunity to discuss the issues raised with CEC Officers.

Yours faithfully



Mr Nick Horsley
Director of Planning, Industrial Minerals and MPA Wales