

28th November 2018

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Dear Sir/Madam

**REVIEW OF THE JOINT LANCASHIRE MINERALS AND WASTE LOCAL PLAN:
PUBLICATION CONSULTATION VERSION (REGULATION 19)**

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the affiliation of British Precast, the British Association of Reinforcement (BAR), Eurobitume, QPA Northern Ireland, MPA Scotland and the British Calcium Carbonate Federation, it has a growing membership of 500 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of UK cement production, 90% of GB aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. Each year the industry supplies £20 billion worth of materials and services to the Economy and is the largest supplier to the construction industry, which had annual output valued at £151 billion in 2016. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors. For more information visit: www.mineralproducts.org.

With reference to the current consultation we have the following comments to make. Firstly, we note that this consultation does not appear to have been preceded by the usual pre-consultations and a formal call for sites and would seek the Joint Councils' assurance this exercise has been carried out. If not, we cannot see how the plan could be considered sound. In terms of specific comments on the consultation, these are tabulated below. Some comments propose minor changes, but others indicate where the plan does not conform with national policy and cannot therefore be considered sound.

Page/ Policy	Current Wording	MPA Comment	Amendments required/comments
1.1.3	The paragraph states that "many of the mineral resources are tightly constrained by valuable landscape and important nature conservation interests"	Whilst not underestimating the value associated with landscape and conservation designations, there are no outright blanket national or international policy restrictions on mineral resources in Lancashire, subject to the appropriate test specified in the respective policy considerations.	Amend the text to recognise the exceptional circumstances and public interest considerations associated with specific landscape and nature conservation interests.

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Page/ Policy	Current Wording	MPA Comment	Amendment required/comment
Spatial Vision	The first sentence states “...both through employment and by providing raw materials...”	National policy recognises that a sufficient supply of minerals is <u>essential</u> (para 204, NPPF)	Amend the first sentence “...both through employment and by providing <u>essential</u> raw materials...”
1.2	Strategic Priorities	The Strategic Priorities should reflect those in para 20 of the NPPF. It is surprising that the priorities make no reference to 20b) the provision and safeguarding of minerals, and minerals infrastructure and also the provision and safeguarding of waste management facilities despite this being a Minerals and Waste Local Plan.	Amend the Strategic Priorities to reflect Para 20b) of the NPPF to include the <u>Provision and safeguarding of Minerals and minerals infrastructure</u> and also the provision and safeguarding of <u>Waste Management facilities.</u>
1.3	Spatial Objectives	Unlike other forms of development, minerals can only be worked where they are found. This is a critical consideration in the sustainable management of minerals resources. The Spatial objectives should reflect this.	Amend the Spatial Objectives to make it clear that minerals can only be worked where they are found
1.3	“Objective: To maintain a suitable landbank in line with national policy”	The plan needs to reflect that there are different landbank requirements in National Policy. “Landbank” should therefore read “landbanks”.	“To maintain a suitable <u>landbanks</u> in line with national policy”
1.3	“Objectives: To identify and safeguard mineral resources	The objectives make no reference to the safeguarding of minerals infrastructure to accord with the NPPF	Amend the Objective to include reference to existing, planned and potential sites for minerals infrastructure.
2.2	The final sentence states that the Council may chose to “impose conditions on planning permissions restriction permitted development rights”	It is firmly established in planning guidance that the withdrawal of permitted development right should be the exception. A clear statement of such should be included in this paragraph, together with an indication of when and where such circumstances would arise to withdraw PD rights	Amend text to read “impose conditions on planning permissions restricting permitted development rights <u>where there are exceptional and sound planning reasons for doing so such as.....</u> ”

2.1.4	The paragraph states that “locations which can be viewed from a designated heritage asset <u>will</u> need to be dealt with more sensitively.....as they <u>may</u> affect elements of the asset’s setting”	We would suggest amending the “will” to “may”. If the locations does not affect the asset’s setting as suggested by the second part of the sentence, then why would the development need to be dealt with more sensitively?	Amend text to read “locations which can be viewed from a designated heritage asset <u>may</u> need to be dealt with more sensitively.....as they may affect elements of the asset’s setting”.
2.1.6	The paragraph states “In order to minimise the social, economic and environmental impact....”	As previously stated in the plan, impacts of minerals development may be positive or negative. It may therefore not be in the interest of the respective sustainability pillars to minimise the impacts	Amend text to read “In order to <u>manage</u> the social, economic and environmental impact....”
2.1.8 BP1	“...and security infrastructure”	We seek clarification of the Council’s meaning of “security infrastructure”	Provide details in a glossary.
2.1.23	The paragraph states “Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours”.	It is unclear how restricting the hours of operation would control potential dust.	Delete this sentence.
2.1.27	This paragraph states that proposals should be located so as to minimise “minerals and waste road miles”	As previously mentioned, unlike other forms of development minerals can only be worked where they are found. Whilst not seeking removal of this aspirational sentence from the paragraph, it should be amended to recognise this limiting factor. Further, the limiting approach to future minerals working by constraining the majority of these to “deepening of operations or small extensions does little to achieve a reduction in road miles.	Include an additional sentence to recognise that minerals can only be worked where they are found. Subsequent policies need to consider the wider scope for mineral provision from new sites.
2.1.35	Nature Conservation	This paragraph should also recognise the opportunities created by quarry development, through temporary or permanent habitat restoration to improved biodiversity.	Amend the text to recognise the opportunities for created by quarrying operations for improved biodiversity.
2.1.42	History and Geodiversity	There appears to be little logic combining History (Cultural Heritage) with Geodiversity.	Separate History (rename Cultural

		These are not comfortable bed partners as they are covered by different legislation and different regulators. If geodiversity is to be combined with another issue it would site more comfortably with Nature Conservation. Indeed, the subsequent paragraphs have little relevance or reference to Geodiversity	Heritage) from Geodiversity.
2.1.49	Soil Resource and Agriculture	It is assumed this relates to Soils Resources and Agricultural Land Classification or Quality	Amend the title accordingly
2.1.52	Public Health The paragraph states” “Where appropriate developers will need to consider and explain how they will provide baseline, and on-going health surveillance monitoring in a way that provides confidence to the community in terms of its independence, integrity and accuracy.”	This paragraph would appear to be prescribing the requirements of the EIA screening and scoping exercise. The independence of such is contained through the EIA consideration and the local authority’s assessment of such. It is also unclear why it is only this element of an EIA’s parameters which would be subject to “independence, integrity and accuracy”. These characteristics are integral to the EIA process and do not need to be repeated. For consistency of approach, the paragraph should be deleted.	Delete the paragraph
2..1.54	The paragraph states that “there is an expectation that proposed developments are supplied by local businesses as far as practicable”	Whilst this is a chivalrous aspiration, in reality support services will be based upon economics, availability and proximity of services. It cannot be controlled by policy or planning condition and should therefore be deleted.	Delete the paragraph
2.1.55	The final sentence of the paragraph states “it is appropriate that consideration is given to greenhouse gas emmissions.....in particular the location of the proposed development relative to its market”	Again, this paragraph should recognise that minerals can only work where they occur and as such aspirations for proximity to market may be fairly restricted.	Amend the sentence to recognise that minerals can only be worked where they are found.
MW 2	Minerals Exploration	The relevance of this policy is limited for minerals exploration as undoubtedly the	Delete the policy and the supporting text.

		vast majority of site investigations for mineral extraction are carried out under PD rights as referred to under para 2.2.2. It would be interesting to know how many planning applications the joint authorities have received for such development. Indeed, none of the other Mineral Planning Authorities in the region or further afield include such a policy as it is unnecessary. This policy may be appropriate for onshore oil and gas exploration but not for general mineral extraction. As the Joint authorities are looking to reduce the number of policies (page 8). This policy could certainly be removed without detriment to the plan.	
2.3.1	Community Infrastructure Levy	The Community Infrastructure Levy is not applicable to minerals extraction. This should be recognised in the paragraph in order to make this clear.	Amend the paragraph accordingly to ensure clarity.
2.4.1	The final sentence of this paragraph states “This is recognised in the NPPF, and the Plan’s spatial priorities and objectives”.	Paragraph 1.2 and 1.3 refer to the “Strategic Priorities” and “Spatial Objectives”. For consistency the text should be amended to reflect this.	Amend the text to read “This is recognised in the NPPF, and the Plan’s spatial strategic priorities and spatial objectives”
2.4.9	The opening sentence states that “.....by the very nature of the deposits they are often associated with the better quality landscapes”.	On the contrary, it is the better quality landscapes that are associated with the underlying minerals. It is the underlying geology that is the major influence on the landscape.	Amend the text accordingly.
2.4.10	Joint Authorities Monitoring Report	It would be helpful to include a footnote to explain precisely what this is and where it/they can be found.	Include a footnote accordingly.
2.4.11	Unitary?District Local Plan	Typographic error “/”	Amend text
MW5	Proposals for minerals or landfill developments will only be supported where	The word “only” is superfluous and creates a negative intonation to the policy. Its deletion will make the policy	Delete the word “only”

		positive as required by the NPPF	
MW6	Protection of the Surface of the Former Salt Field from Development	It is unclear if this policy is a Safeguarding Policy or a policy to protect future development. It is assumed to be the latter. If that is the case, then the salt fields should be included in Policy MW7. The current and adopted minerals safeguarding policy (M2) includes salt and there is no justification for its removal.	Clarify the policy and ensure the Preesall Salt field is properly safeguarded by policy and inclusion on a minerals' safeguarding map.
2.6.2	"Underground voids which are "filed" with saturated brine	Typographic error - "filled"	Amend text
MW7	Minerals Safeguarding	With reference to the above text, the safeguarding of the Preesall Salt Field should be included in this policy. The current and adopted minerals safeguarding policy (M2) includes salt and there is no justification for its removal. Further, it is not clear if the policy includes the safeguarding of building stone deposits. These may be included under "gritstone".	Amend the policy accordingly to include the Preesall Salt Field and clarify if building stone is included.
MW7	Minerals Safeguarding	The proposed revisions to the safeguarding element of this policy represent a significant weakening of the approach to minerals safeguarding and do not accord with established principles and guidance. There appears no justification to the amendments and the current proposals would appear to be tailored specifically to facilitate development to take place on an established mineral safeguarding area near Carnforth. Add to this the poor quality of the Safeguarding map and this policy is unsound. Rather than proposing new wording of the policy, the full and robust application of the current policy would be more appropriate.	Replace this policy with the currently adopted policy and simply apply the policy requirements. Improve the clarity of the safeguarding maps.

3.1.1 to 3.1.30	Minerals Safeguarding	This is a significant amount of text, which in many respects is very simplistic and doesn't recognise the differing nature of minerals deposits. Further, prior extraction may need the LPA to allow for imports in to sites in order to allow minerals to be worked. Much of this text could be stripped from the main body of the document and included in appendix F.	Give consideration to the content and location of the supporting text.
3.1.12	Urban Areas - 2 nd Bullet Point	The text omits the Policy referred to in this BP	Identify the Policy
3.2.2	The paragraph states " <u>rigorous</u> evidence will need to be provided to demonstrate the special quality of the material..."	We question why "rigorous" evidence is needed. This paragraph is analogous to establishing "exceptional circumstances" and public interest, for all mineral proposals which is wholly unnecessary.	Delete the paragraph
3.2.3	This paragraph states that ".....in some cases it may be appropriate to control the quantity and nature of the minerals to be extracted"	We question the purpose of this paragraph. It is extremely vague and does not justify why restrictions would be necessary. The paragraph requires further clarification or should be deleted	Delete the paragraph
MW9	Sustainable Construction	It should be made clear that this policy is outside the control of Lancashire County Council as mineral planning authority. The principles may already and rightly be included in the Local Plans for Blackburn and Blackpool respectively as it relates to a design principle. If the joint Council's are seeking to embrace sustainable construction it should be seeking resource assessment and supply audits on major development to enable the proper planning of resource assessments.	Delete the policy.
MW10	Designing in Waste Management	This policy lacks clarity. It is not clear if it is solely for Waste Developments, for Minerals and Waste Developments or as stated, for "All new developments", the	Provide the appropriate clarity in the policy

		majority of which the County Council has no control over.	
MW11	Aggregate Provision <p>“This provision will be made through a combination of existing permitted reserves, and limited new permissions or extensions where necessary (including where necessary to maintain a landbank of at least 7 years for sand and gravel and 10 years for limestone and gritstone”</p>	Whilst this policy provides projected numbers for provision during the plan period, it is not positively planned in that it contains text which clearly limit where such provision can be sourced. It should also be made clear that there is a national policy requirement for maintaining a landbank of at least 7 years and sand and gravel and at least 10 years for crushed rock (limestone and gritstone respectively) at the end of the plan period. The policy and supporting text need to recognise that there will be a shortfall, not least because as the text indicates, sites will run out of material and permissions expire during the plan period. The wording of the Policy and text fail to address the fact that as sites close, there is a serious risk that competition will be stifled with production limited to a small number of sites. The wording of proposed policy will exacerbate the problem, particularly for Sand and Gravel and Gritstone.	Amend the policy to reflect the need for the release of new reserves, to ensure the policy is positively planned. The final sentence should also be amended to read “ The provision will be made for a steady and adequate supply of aggregates through a combination of existing permitted reserves, and limited new permissions or extensions where necessary (including where necessary to maintaining a landbank of at least 7 years for sand and gravel and at least 10 years for limestone and gritstone throughout the plan period. ”
MW11	Meeting the Demand for Aggregates	As referred to above, we are not aware that the plan has been preceded by a formal call for sites. Although there is reference to industry identifying sites on page 9, there is not supporting documentation listed. The planning practice guidance is clear that in order to plan for a steady and adequate supply of minerals, mineral planning authorities should identify Specific Sites, Preferred Areas, and or Areas of Search. Through this policy and the subsequent mineral specific policies, the plan should identify appropriate allocations, in order to ensure soundness	Include Specific Sites, Preferred Areas and or Areas of Search to provide surety for a steady and adequate supply of minerals.

4.1.1	The policy states “The development.....all depend on a supply of aggregates....”	The paragraph should reflect national policy in the NPPF which requires a steady and adequate supply of materials.	Amend the paragraph to read “The development.....all depend on a <u>steady and adequate</u> supply of aggregates....”
4.1.1	The current wording indicates “gritstone (including sandstones and shales)	Whilst sandstones and gritstones may have similar properties and potential applications, the inclusion of shales in the gritstone land bank is of concern. Shales are fine grained with limited applications in construction other than fill. Whilst they can make an important contribution their limitations should be recognised and it is questionable whether or not they should be included in the aggregate landbank.	Delete the reference to shale from the gritstone landbank.....“gritstone (including sandstones <u>and shales</u>)
MW12	Limestone for Aggregate Purposes.	The word “only” in the first sentence is superfluous and creates a negative intonation to the policy. It should be deleted	Deleted the word “only”.
MW12	Limestone for Aggregate Purposes.	The value of Dunald Mill Quarry cannot be underestimated however the wording of the current policy is overly restrictive. Simply allowing any shortfall in limestone production to be bound up in one mothballed site is contrary to the NPPF. The imposition of the new water regulations which may restrict the depth of operations do not appear to have been considered and any potential to extend sites laterally or indeed allow for new sites do not appear to have been considered. Further, with the potential constraints and limitations in neighbouring authorities (Lake District and Yorkshire Dales National Parks), Lancashire should be considering longer term capacity potentially under the duty to cooperate.	Revise policy MW12 to increase its flexibility to broaden the scope for limestone aggregate production in the medium to long term.
4.1.1.1 & 4.1.1.2	These paragraphs provide justification for Policy MW12	These paragraphs recognise the need for greater flexibility in the provision of limestone for aggregate purposes over	Amend policy MW12 accordingly.

		the plan period but does little to address potential short falls.	
4.1.1.7	This paragraph states “...the working depth of a quarry can have implications for the hydrogeology of the area”	As referenced above, hydrogeological issues may limit the potential to deepen a quarry. The limited approach proposed in the plan, fails to provide the flexibility needed.	Amend policy MW12 to provide flexibility and ensure a steady and adequate supply of limestone.
MW13	Gritstone for Aggregate Purposes.	The word “only” in the first sentence is superfluous and should be deleted	Deleted the word “only”.
MW13	Gritstone for Aggregate Purposes	The wording of the current policy is overly restrictive and does not provide sufficient flexibility. As referenced in the supporting text, gritstone production is limited to few sites with the vast majority of the landbank bound up in one site where planning permission expires in 2042. The proximity of the key sites to the Greater Manchester conurbation cannot be underestimated, bearing in mind the growth aspirations in Lancashire and GM. Further, the limitations of gritstone as a low grade fill helps safeguard higher grade limestone reserves.	Revise policy MW13 to increase its flexibility to broaden the scope for gritstone aggregate production in the medium to long term.
4.1.2.1	This paragraph states “....reserves are distributed unevenly.....a significant proportion of the gritstone reserves is at one site in Rossendale.	The text in paragraph 4.1.2.1 endorses the need for greater flexibility in the policy	Amend policy MW13 to provide flexibility and ensure a steady and adequate supply of gritstone.
4.1.2.4	Paragraph 4.1.2.4 states that “Over time more of the production of gritstone aggregate would default to the larger quarries as those with smaller permitted reserves become worked out”. Further	Unfortunately, we do not agree that the policy (MW13) provides the flexibility needed to ensure a steady and adequate supply of gritstone. The NPPF seeks to ensure that large landbanks tied up in few conditions do not stifle competition. Of greater concern is the projected end dates for many of the gritstone sites, 2042. This may have a marked change in the production capacity of gritstone in the plan area.	Amend policy MW13 to provide flexibility and ensure a steady and adequate supply of gritstone.

4.1.2.5	This paragraph recognises the environmental issues associated with a number of the historic gritstone quarries	This paragraph together with paragraph 4.1.2.4 clearly indicates a crisis is brewing in the longer-term provision of gritstone in the area	Amend policy MW13 to provide flexibility and ensure a steady and adequate supply of gritstone.
4.1.2.7	Borrow Pits	It is unclear why Borrow Pits are referred to solely for the provision of gritstone and not other aggregate minerals. The plan would benefit from a separate and individual policy addressing Borrow Pits.	Include a separate policy on Borrow Pits.
MW14	Sand and Gravel The policy states that proposals for sand and gravel will be supported where “it is necessary to contribute to the <u>continuity</u> of supply during the plan period or the maintenance of a <u>suitable</u> landbank in line with national policy”.	The policy would benefit for inclusion of the wording in national policy	Amend the policy to read ““it is necessary to contribute to the <u>continuity steady and adequate</u> of supply during the plan period or the maintenance of a <u>suitable</u> landbank of at least 7 years in line with national policy”.
MW14	Sand and Gravel	Paragraph 4.1.3.2 indicates that a significant proportion of the permitted reserve is contained in one site, which has not yet commenced production. There are clear concerns that if this site, which has had planning permission for a number of years may not commence production in time to address the recognised shortfall. The policy needs to be more proactive and positive to ensure there are sufficient sand and gravel reserves available to the market to maintain a steady and adequate supply of raw materials.	The policy needs to plan more positively to avoid a shortfall. Relying on one site with a large landbank is contrary to national policy.
4.1.3.1	The final sentence states “.....to provide for a 7 year landbank beyond the plan period”.	The policy requirement is “at least” 7 years. The text should be amended to accord with national policy.	Amend the text to read “.....to provide for at least a 7 year landbank beyond the plan period”.
4.1.3.3	The paragraph states that “sand and gravel pits.....are often in	One would question is the relevance and accuracy of this	Delete the final sentence.

	areas of high landscape value and are not necessarily accessible from the primary road network.	statement. It adds little to the text and should be deleted.	
4.1.3.5	The paragraph states “There are two main factors when considering if a proposal is necessary”	The two points are of course relevant, but equally, in accordance with national policy, there is a need to maintain a steady and adequate supply of aggregates.	Insert a third bullet point to reassert this important factor of national policy.
MW15	Building Stone	We support the policy for building stone.	Support
MW16	Industrial Minerals The first bullet point states “The landbank of permitted reserves supplying the manufacturing plant can be shown to fall below an acceptable level during the plan period”	This is contrary to national policy in the NPPF. The policy should state clearly the requisite landbank requirements on the NPPF.	Amend the text to read “The landbank of permitted reserves supplying the manufacturing <u>plant is not sufficient to meet the national policy requirements of at least 15 years for cement manufacturing and at least 25 years for brick manufacturing during and at the end of 25 years can be shown to fall below an acceptable level during the plan period</u> ”.
MW16	The current wording of the third bullet point states “The release of permitted reserves is necessary to ensure security of supply to.....”	The wording should properly reflect the NPPF and be amended to ensure a steady and adequate supply.	Amend the text to read “The release of permitted reserves is necessary to ensure <u>security of a steady and adequate</u> supply to.....”
4.3.1	The paragraph states “As well as <u>our</u> aggregate minerals	The word “our” should be deleted.	Delete “our”
4.3.2	The final sentence states “The expected landbank described in the NPPF are 25 years for brick manufacturing and 15 years for cement manufacturing”	This is incorrect and does not reflect national policy in the NPPF. The text should be amended.	Amend the text to reflect the NPPF. “The expected landbank described in the NPPF are <u>at least</u> 25 years for brick manufacturing and <u>at least</u> 15 years for cement manufacturing”

4.3.3	This paragraph states that “during the plan period established sources of supply..... may fall short of the requirement.”	Unfortunately, neither the policy nor this paragraph detail what actions will be taken if there is a potential shortfall in the steady and adequate supply.	The policy and text need to clarify how the plan will address a potential shortfall.
MW25	Safeguarding Minerals Infrastructure	It is unclear why this policy is separate for the general minerals section and in particular the minerals safeguarding policy. Further, it seeks only to safeguard existing infrastructure and not planned and potential sites	Relocate the policy to follow on from minerals safeguarding and amend the policy to accord with national policy in the NPPF paragraph 204e).
MW25	Safeguarding Minerals Infrastructure	The policy does not fully incorporate the “agent of change” principle as required under policy 182 of the NPPF. It is recognised that subsequent paragraphs make reference to agent of change. It should be made clear that the onus is on any new developer to include appropriate mitigation.	Amend the policy to properly reflect para 182 of the NPPF.

Additional comments

It is not clear what pre-consultation has been undertaken as part of the plan process and there is no formal approach indicated to the “Duty to Co-operate”.

In addition, the inset maps document is confusing. Many of the plans do not conform to recognised scales and buffer zones refer to “sand buffer” when it is clear the sites are not sand sites. We have already mentioned the poor quality of the mineral safeguarding map. Safeguarding areas should clearly be shown on the inset maps.

Conclusions

We have a number of concerns on the proposed plan as detailed above, notably that the plan does not accord with national policies and is in many instances not justified and therefore unsound. We have suggested appropriate amendments in order to address the key issues and would like to participate in any examination.

We would welcome the opportunity to meet with officers in advance of further iterations of the Local Plan and trust the above comments are given due consideration.

Yours faithfully



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