

WELSH GOVERNMENT

Examination Hearing Statement

Bridgend Local Development Plan

**Hearing Session 10:
Minerals
9th January 2013**

SESSION 10 –Minerals

Objectives

Qn1a. Is the suggested change necessary for the Plan to be sound?

It is not considered that requests for minor wording changes that do not impact on the soundness, or otherwise of the plan should be acceded to. However if mining legacy is an issue it would not be inappropriate to reflect this in the objectives.

Coal

Qn2a. Does MTAN2 seek to safeguard tertiary resources and is their exclusion from the Plan in accordance, or in conflict, with national policy?

No. MTAN 2 does not require tertiary coal resources to be protected. Their exclusion from the Plan accords with national policy. It would be inappropriate to safeguard tertiary coal reserves.

Qn2b. What is the basis for the Background Paper 5 Minerals conclusion that tertiary resources are unlikely to be economic to mine?

No comment.

Qn2c. What is the evidence for the Coal Authority's position that tertiary resources are both proven and economically viable for potential extraction?

National policy does not require the safeguarding of tertiary coal resources. All adopted LDP's have followed this approach.

Qn2d. Is information available from BGS or elsewhere that shows where there are multiple mineral resources and if so do they need to be safeguarded if the LDP is to be sound?

No comment.

ENV12 Coal Extraction Operations

Qn3a. Is the Policy Env 12 restricted definition of the exceptions to the 500m exclusion zone around settlements in conflict with national policy and is any variation justified?

Advice in paragraph 49 of MTAN 2 details the exceptional circumstances where coal working may be permitted within 500m of settlements. It provides details of seven circumstances where working may be considered acceptable.

Advice in LDP(Wales) is that LDP's do not need to repeat advice contained in national planning guidance, this would include MTAN2.

In considering any circumstances where coal working may be acceptable the Council would need to have regard to both the LDP and advice in national guidance. Cross referencing national policy as suggested by the coal authority would appear to resolve the matter.

Qn3b. Although the LDP should not repeat national policy, should there be additional cross references or explanation of their application to the local area and could a reference to only two of the national criteria be interpreted as seeking to exclude other aspects of national policy?

Using the wording suggested by the Coal Authority could be considered to be beneficial.

Qn3c. Would the suggested addition of terms such as ‘generally’ and ‘normally’ be necessary for soundness, given that material considerations may still outweigh the application of a policy that is expressed in more certain terms?

The addition of ‘generally’ would accord with paragraph 29 of MTAN2 (Coal).

Qn3d.

Do criteria (i)-(iii) of Policy ENV12 reflect national policy or are they in conflict with it? Are they cumulative or alternative? Do they provide adequate clarity about what community benefits might be considered? And is the reference to public interest necessary if that is a normal objective of planning decisions?

It is considered that the view of the Coal Authority is appropriate. The policy should relate to resource working not safeguarding.

Some explanation of the community benefits would be beneficial.

It is not considered that the reference to public interest is necessary although its inclusion is not considered to impact on the soundness of the plan.

Qn3e. How does PACT consider that a policy constructed along the lines they suggest should be worded and would it satisfy relevant tests of soundness at paragraph 4.35 of Local Development Plan Wales(2005) such as C2; CE2 and CE4.

It is not considered that the policy constructed by PACT would comply with national policy and as such it would be contrary to soundness tests C2, CE2 and CE4.

Other Minerals

Qn4a. Has the Council had appropriate regard to cross boundary issues?

The council will provide a detailed response.

QN4b. Is there evidence to support the shortfall in reserves in the Vale of Glamorgan?

The Council will provide a detailed response.

Qn4b. If the Council has identified landbanks for both aggregates and non-aggregates, and having regard to MPPW paragraph 71, should Policy SP6 include a specified landbank for non-aggregates separate from the 10 year landbank for aggregates?

No. Paragraph 71 of MPPW, in relation to non aggregates, requires the authority to maintain a continuous supply.

Qn4c. What do the Representors consider to be the present extent of the landbanks for aggregates and for industrial limestone and what landbanks should the LDP seek to maintain?

We would seek a 10 year supply of hard rock and 7 years of sand and gravel, in accordance with national policy.

QN4d. What evidence supports the Representors' claim that additional permission for extensions to Cornelly Quarry will be required to maintain a 10-year landbank?

No comment.

Qn4e. Would that require an allocation?

No comment.

Qn4f. Are dormant reserves of aggregates identified in the Plan and shown in the landbank calculations as a separate category as required by MTAN1 para.47?

Bridgend County Borough Council to respond.

ENV9 Mineral Safeguarding Areas

Qn5a If the subject land is already covered by a County-wide safeguarding policy what effect would the reintroduction of the UDP safeguarding policy have other than potentially reducing the safeguarded area?

There is no necessity for a site specific policy due to the county wide safeguarding policy.

Qn5c. Is consideration of the current economic position on extraction of land-based sand and gravel relevant to the long term safeguarding sought by national policy?

Safeguarding refers to the extent of the resource not the financial concerns regarding extraction.

Qn5d. Is it implicit that the Plan is to be read as a whole in which case is this already covered by Policies such as ENV6?

Advice in Local Development Plan Wales 2005 is that 'the development plan should comprise a strategy and integrated set of policies and site specific proposals'. The Plan should be considered as a whole and this is considered to be implicit.

Qn5e. The subject site does not appear to be within a mineral safeguarding area but it does overlap a defined quarry boundary. Is that boundary correctly defined?

Bridgend County Borough Council to respond.

Qn5f What implications do the new safeguarding maps have for the Local Development Plan safeguarding areas which are said by the Council to be based on British Geological Survey information?

The Council will need to have regard to the latest information available. They will need to consider whether any amendments need to be made to the safeguarding areas based on the new information.

REG4 Former Stormy Down Airfield

Qn6a. Is the REG4 site included in the ENV9 Limestone resource Safeguarding Area as it does not appear to be shaded on the Proposals Map? If not included should the Proposals Map be amended?

The safeguarding policy should reflect the extent of the resource.

Qn6b. If the land is already within that safeguarding area, what would be the benefit of reviving the UDP safeguarding area?

There would not be a benefit.

Qn6c. How would the status of the safeguarded area differ from other safeguarded land in Policy ENV9?

There should be no differentiation.

QN6d. What precise period do the existing temporary consents cover and how does that relate to when the mineral resource may be required?

The Council can provide details of the nature of the permission.

Qn6e. In relation to the safeguarding of shallow coal resources, MTAN2 provides at paragraph 39 that temporary development such as a windfarm may

be acceptable. A windfarm has a typical life of 25 years. Are the circumstances similar here?

While it may be possible to restore the site to a condition that does not inhibit extraction, there could be issues surrounding the potential disturbance likely to be experienced by the businesses operating from the site. There would appear to be a subtle difference between a windfarm and business activities.

It can have a seriously detrimental impact on a business to deal with the potential disturbance of relocation and by having a 'temporary' permission that lasts for 35 years could mean that the businesses are well established and provide much needed jobs in the area.

ENV11 Mineral Development

Qn7a. Does the Representor dispute the Councils response?

It is not considered necessary to make minor wording changes to the Plan unless they would make a potentially unsound plan sound.

Qn7b. Are these relevant considerations in regard to the identification of dormant resources as required by MTAN1 paragraph 47?

Paragraph 47 requires development plans to identify sites that are 'dormant' where a further approval to recommence working is necessary and count these as 'dormant reserves' which should be clearly shown in the land bank calculations as a separate category. Any further approval would be subject to the criteria as set out in Policy ENV11. It is difficult to understand how a review of dormant sites relates to the policy and if it merits inclusion in the LDP.

QN7c. What if any reference should the Plan make to ROMP and the review of Mineral Conditions?

While the view of the Council is noted with regards to the ROMP and review on Minerals Conditions may go on beyond the life of the plan, the inclusion, or otherwise of a reference to them in the plan is not considered to impact on the soundness of the plan.

Qn7d. Is there evidence of health issues with minerals extraction other than surface coal?

No comment.

Qn7e. Should this be more directive/ Eg 'Measures will be taken.....'

A revision to the wording would imply a definitive requirement.

Qn7f. What is the intended meaning in this context and is further explanation needed?

Bridgend County Borough Council to respond.

ENV13 Unstable Land

Qn8a. Would the need for environmental assessment depend upon the scale of the project such that it would not be needed in many cases and should the policy wording be adjusted accordingly?

Yes. For clarity that would be beneficial, although it is not considered to impact on the soundness of the Plan. While the Welsh Government would not normally seek to endorse minor wording changes, in this instance it is considered beneficial.

Recycling of Commercial and Demolition Waste

Qn9a. Does ENV16 suitably provide for facilities for recycling commercial and demolition waste?

No comment.

QN9b. What provision does the Representor seek for temporary facilities and how does this differ from the Plan's provisions for permanent facilities?

No comment.