

Bridgend Local Development Plan

2006-2021



Bridgend Local Development Plan

Examination

<http://www.bridgend.gov.uk/ldpexamination>

Wednesday 9 January 2013 10:00am

(Session may continue in afternoon if not concluded by 1pm)

Session 10 – Minerals

Inspector's Agenda with Matters and Issues

[Figures in brackets () identify a Representor and their representation number eg 145.7 refers to Representor 145 and their Representation 7].

1. OBJECTIVES

- 1.1 The Coal Authority welcomes Objective 2d on page 6 which addresses mineral resources. However they consider that it should be made more explicit. The Representor suggests the objective be reworded to state: *'To meet the Council's regional and local commitments for mineral resources (including through minerals safeguarding and dealing with responding to mining legacy), waste management and waste disposal.'* (145.2)
- 1.2 Notwithstanding the appropriateness or otherwise of this suggested change, the Council consider that this does not go to the soundness of the Plan and therefore suggests no change. In this respect the Council offers no evidence to counter this representation given the limited impact such a change will have on the application of the Plan and any subsequent outcome as a result of implementation.

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

The proposed wording seeks to expand the extent of the objective but in so doing makes it less concise. Other objectives are short and concise.

2. COAL

Safeguarding of Tertiary Coal Resources

- 2.1 The Coal Authority (CA) considers that the 'Tertiary' surface coal resource across Wales should be included within the Mineral Safeguarding Area as they consider that the entire surface coal resource shown on the Coal Authority/ British Geological Survey (BGS) resource maps across the County Borough is, for planning purposes, both proven and economically viable for potential extraction. There is no firm evidence base underpinning the choice of only safeguarding the Primary and Secondary Coal Resource. The CA acknowledges that the LDP has placed reliance on following national Minerals Technical Advice Note (MTAN) 2, however this does not indicate how the Council justified this stance. (145.7).

- 2.2 The Council relies on the guidance contained within MTAN2 and the new mineral resource map of Wales produced by the BGS regarding mineral safeguarding areas. The Council considers that MTAN2 does not require tertiary resources to be defined or protected in the LDP.
- 2.3 MTAN2 at paragraph 23 refers to the three zones within which coals of potential economic interest for opencast extraction occur. The primary resource zones are referred to as the 'main targets' for opencast extraction and the secondary zones as an 'important resource'. The tertiary zones are described as smaller and with thin coal but there does not appear to be specific reference to their role. Paragraph 36 provides only that the Minerals Planning Authority 'should determine whether primary and secondary coal resource zones lie within its area'.

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

The Council considers there should be a rational approach to safeguarding and only resources of reasonable quality likely to be worked in the future should be allocated. The extraction of tertiary resources is extremely unlikely taking into account the economic value of thin seams of coal within a site. Such extraction would not meet the basic tests of viability (i.e. coal to waste ratio and lack of target seams). Moreover the Welsh Government do not require the safeguarding of tertiary resources as referred to at previous LDP EIP's in Caerphilly CBC etc.

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

Comments as 2a. This view is consistent with the view taken on all adopted LDP's in Wales to-date.

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

The Council awaits the response from the Coal Authority regarding the viability of tertiary resources.

Safeguarding of Multiple Mineral Resources on the Same Site

- 2.4 The Coal Authority points out that the Proposals Map does not appear to show more than one type of mineral being safeguarded in any one area. They suggest it is normal in the South Wales coalfield for primary or secondary coal resources to be present in the same areas as other minerals being safeguarded, for example limestone. In other LDPs where there is more than one mineral being safeguarded then all minerals have been shown. This LDP appears to only show the 'principal' mineral which is inconsistent with other LDPs (145.6).
- 2.5 The Council was provided with one dimensional maps from the British Geological Survey showing the mineral resources in the County Borough. These did not include overlapping resources and the safeguarding areas on the

LDP Proposals Maps replicate those received from the BGS, excluding those which were located within settlement boundaries.

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?

In Bridgend County Borough, coal and sandstone resources are generally found north of the M4 motorway and limestone to the south of the M4. The Council have relied on the BGS data on mineral resources in the absence of the BGS safeguarding maps which were not available at the time of publication of the Deposit Plan. Multiple mineral resources may well be present but in unknown quality or quantity.

3. ENV12 COAL EXTRACTION OPERATIONS

3.1 National Policy for coal extraction is set out in Minerals Planning Policy Wales (MPPW) and in Minerals Technical Advice Note 2 (MTAN2).

3.2 The Coal Authority considers that ENV12 does not comply with national policy in relation to the seven exceptions for new extraction and the eleven exceptions set out for extensions to existing operations. Therefore to avoid any potential to mislead local communities who read the policy as effectively only having two exceptions to the 'blanket ban' on surface coal extraction the Coal Authority would suggest an appropriate cross reference to national policy and the following wording:

3.3 Policy ENV12:

*"Coal extraction operations will **generally** be considered unacceptable in principle where they:*

*1) Are within 500 metres of a settlement boundary (unless they are deemed exceptions by the Council as they constitute acceptable land reclamation works or prior development extraction operations to facilitate development **(or fall within another exception set out in MTAN2)**;*

2) Affect any Natural 2000 Network site (including SACs); or

3) Affect any SSSI..."

Para 4.3.11:

*Coal MTAN (2) requires all authorities to define where coal related development would **generally** be unacceptable and identify these areas on the Proposals Map. In order to achieve this the policy identifies those areas which have an international/national nature conservation designation where no coal extraction would **normally** be permitted. The coal resource area is defined by the BGS coal resource plan.*

Para 4.3.12:

*Policy ENV12 makes it clear where coal extraction would be **generally unacceptable** (unless for deemed exceptions prescribed **in national planning policy in MTAN2 paragraphs 49 to 54** in principle but recognises that coal extraction may be acceptable in the remaining coal safeguarding area subject to the specified criteria in Policies ENV 11 and 12 being met.” (145.10)*

3.4 The Coal Authority also considers that Policy ENV12 fails to meet national policy for the following reasons:

- The policy should not be restricted only to the safeguarded coal resource, it should apply across the whole surface coal resource.
- The policy seeks to impose a more onerous set of criteria to national policy in MPPW and MTAN2 paragraph 45. The criteria i) and ii) in the policy are not intended to be cumulative tests.
- National policy does not anywhere set out a public interest test for coal extraction.

The Coal Authority recommends the final part of the policy is reworded as follows:

Proposals for coal extraction will need to satisfy the following criteria:

i) The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage.

ii) If this cannot be achieved, it should provide local or community benefits which clearly outweigh the disbenefits of likely impacts to justify the grant of planning permission.” (145.13)

The above wording is copied from MTAN2 Coal paragraph 45 and MPPW which also provide that mineral planning authorities should make clear the principal criteria they will use in determining local and community benefits.

3.5 The Council responds that Local Development Plan Wales (2005) states that though LDPs must have regard to national policies they should not repeat them, but rather explain how they apply to the local area. The Council has interpreted the guidance contained within MTAN2 and made it relevant to the County Borough based on experience with local sites.

Qn3a. Is the Policy ENV12 restricted definition of the exceptions to the 500m exclusion zone around settlements in conflict with national policy and is any variation justified?

[Replication of paragraph 49 of MTAN2 \(7 bullet points\) \(WD27\) regarding exceptional circumstances is not warranted as the policy needs to be relatively concise.](#)

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?

Criteria based Policy ENV11 covers the majority of the "exceptional circumstances" based on an interpretation of local circumstances.

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 Council consider the policy as worded is specific and gives a reasonable degree of certainty rather than the suggested amendment.

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?

There is considered to be no conflict with national policy. The criteria (i)-(iii) are cumulative. It is very difficult to be clear about the likely extent/nature of community benefits because quite often they are financial and covered in S.106 agreements and are site specific. Policies need to be concise but not over-prescriptive. Hence terms like community benefits and public interest are used to allow flexibility. MTAN2 (WD27) has been considered but it is advisory and gives guidance not policy.

3.6 Protecting and Conserving Together (PACT) has submitted a number of related representations which seek to restrict open cast coal mining as follows:

- There should be a strict presumption against opencast coal mining for any new applications or extensions from now onwards especially in Green Wedge Areas (703.1).
- A 500m separation distance should be an absolute minimum should any future opencast go ahead. The 500m should only be flexible for increase and have no caveats to reduce it. (703.2)
- The 500m should include all homes, particularly 1-9 dwellings (that are at present not protected at all). These rural hamlets and the citizens in 'so-called' isolated dwellings have, at present, unequal status and protection. (703.3)
- Future opencast should only be allowed for reclamation schemes and at least 90% of the land should be in need of reclamation or be derelict. On brown field development, buffer zones of 500m should still apply in order to protect communities. (703.4)
- The people of Bridgend are often living on and near the coal, therefore further opencast mining should be discouraged as there are environmental, health and social implications that make expansion unsuitable, unsustainable, unacceptable and an unhealthy development for the future. (703.5)

- There should be no opencast development in areas with existing low health statistics. Individual health and well being should be the prime consideration and, where there is doubt, the precautionary principle should be applied. (703.6)
- There should definitely be no opencast development where air quality is already poor. (703.7)
- The economics of coal extraction should not override the basic human rights of the local population. (703.8)

3.7 The Council responds that it is required by national guidance to make provision for potential future mineral extraction, including coal. Any proposals for mineral extraction operation will be considered in the context of the Policies contained within the LDP and any other relevant material considerations. The mineral buffer zones have been defined in accordance with advice contained in MTAN2. It would not be realistic to put buffers around all residential units as it would sterilise resources to an unacceptable level. However, in all of the remaining areas of safeguarded coal resource, Policy ENV12(i) does state that coal extraction operations will only be permitted where there would be no demonstrable harm to amenity. To only allow open cast mining as reclamation schemes would sterilise resources to an unacceptable level. The Council is required by national guidance to make provision for potential future mineral extraction, including coal. However, Policy ENV11 2(a) requires a health impact assessment to be undertaken as part of proposals for mineral extraction operations. The Council notes the comment about human rights.

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 Plans Wales (2005) such as: C2; CE2; and CE4?

[The Council awaits the response from PACT.](#)

4. OTHER MINERALS

Addressing a Potential Hard Rock Shortfall in the Vale of Glamorgan

- 4.1 Background Paper 5 Minerals (SD39) comments at paragraph 3.3 that, for confidentiality reasons, Bridgend's landbank reserve with planning permission for hard rock is linked with the Vale of Glamorgan. Paragraph 3.4 comments that no preferred areas or areas of search have been identified because the current landbank is significantly more than the minimum 10 years.
- 4.2 Tythegston Millennium Trust considers that paragraphs 4.3.1 - 4.3.5 should be amended by removing the reference to accommodating minerals demand from the Vale of Glamorgan as there is not sufficient evidence to show that this is necessary until the Vale of Glamorgan's LDP has been published showing that they require our reserves to meet any shortfalls in their landbank (792.7).
- 4.3 The Council responds that the current landbank in BCBC is more than capable of absorbing the estimated shortfall in the Vale of Glamorgan Council's aggregate reserves. MTAN1 only requires a minimum 10-year hard rock landbank throughout the plan period i.e. until 2021. As there was a perceived

shortfall in reserves in the Vale of Glamorgan, discussions between the two authorities took place in line with good practice and advice contained in the Regional Technical Statement (RTS) (SD107), and an agreement reached to accommodate the shortfall. This approach reduces the need for allocations of Greenfield land for aggregate extraction.

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

Yes. The Council carried out discussions with the Vale of Glamorgan at an early stage (see letter from BCBC dated 24.12.09 and response from the Vale of Glamorgan dated 6.1.10 (Appendix A)). These addressed the issue of collaborative working to overcome the shortfall in their reserves.

Qn4b. Is there evidence to support the shortfall in reserves in the Vale of Glamorgan?

Reserves in the Vale of Glamorgan are set out in the Vale of Glamorgan Minerals Background paper dated November 2011. This paper indicates at para 5.2 a shortfall of 8.6 mt. The apportionment for the Vale of Glamorgan is set out in the RTS but added to those in Bridgend to maintain confidentiality rules as required by the South Wales Regional Aggregates Working Party. It is evident a large part of the reserves (estimated at approximately 50%) are used for non-aggregates use but there is the possibility some of the reserves are interchangeable. It is believed the only reserves that are not interchangeable are those in the Lias limestone part of the resource.

It should be noted the plan period for the Council's LDP only covers a period of 9 years now to 2021. Based on current sales and with no probability of a significant increase in sales/consumption for several years (see MPA website for sales forecasts and wider economic forecasts) the landbank has increased. The review of the RTS (currently underway) will re-appraise the volumes of hard rock for aggregate use required in each authority as part of the apportionment exercise.

Maintaining the Supply the Supply of Aggregates and Non Aggregates

- 4.4 Minerals Planning Policy Wales at paragraph 71 provides that authorities should recognise the importance of maintaining a continuing supply of non-aggregate minerals and of particular policy considerations that may arise in each case.
- 4.5 Minerals Technical Advice Note 1 (Wales) (MTAN1) relates only to aggregates. It requires that the landbank of planning permissions is stated in the development plan based on 3 years' production figures. MTAN1 paragraph 49 seeks a minimum 10-year landbank of crushed rock and a minimum 7-year landbank for sand and gravel. Where landbanks already provide for more than 20 years of aggregate extraction, new allocations will not be necessary and extensions to existing sites or new extraction sites should not be permitted save in rare and exceptional circumstance. MTAN1 Paragraph 47 provides that development plans should identify those aggregate sites that are dormant and count these as dormant reserves.

- 4.6 Tythegston Millennium Trust objects to Policy SP6 on the grounds that it does not include reference to the provision for non-aggregates. The Representor considers that an additional criterion should be included in the policy, making reference to the need to maintain a supply of high-quality limestone for non-aggregate use (792.5).
- 4.7 Gaens Quarry and Tarmac similarly consider that Policy SP6(1) should be amended to include a reference to maintaining a minimum 10-year supply of aggregate and limestone for non-aggregate use, throughout and at the end of the plan period. They consider that the policy does not properly reflect the Regional Technical Statement which seeks separate provision for non-aggregates. (855.1; 853.1).
- 4.8 Gaens Quarry and Tarmac refer to the provisions of the UDP and consider that para 4.3.1 should also be amended to read: *'at present the total aggregate reserve is approximately 40 years, but a substantial proportion of the total reserve will be required as non-aggregate high purity limestone in the Port Talbot Steelworks. Extensions to Cornelly Quarry will be required to ensure that long-term reserves of high purity limestone will be available for steel manufacture. The extent of reserves to be released at any time will depend on the output prevailing at the time together with an assessment of available permitted reserves'* (855.3; 853.3).
- 4.9 Gaens Quarry and Tarmac consider that the 3rd, 4th, 5th and 6th sentences from para 4.3.1 should be deleted (855.4; 853.4).
- 4.10 The Council responds that Policy SP6 relates to 'minerals'. As such, high quality limestone for both aggregate and non-aggregate use is safeguarded in the LDP as referenced in Policy SP6. The LDP maintains an adequate landbank of mineral for aggregate and non-aggregate use in accordance with national policy. The suggested change does not affect the soundness of the LDP and no change is considered necessary.
- 4.11 The Council considers paragraph 4.3.1 adequately reflects the current reserve position in terms of aggregates. The current aggregate and non-aggregate reserve for BCBC as a whole is approximately 87 years. This figure is based on the average sales total over three years (2008-2010). This production figure is generated by Gaens and Cornelly quarries as Grove is currently inactive. All three quarries are in South Cornelly and in close proximity to each other. The approximate share of this reserve tonnage figure required for aggregate and non-aggregate use is approximate 50:50. Although in some years the split is 60:40 in favour of non-aggregate use. Hence, there is approximately 43 years of reserves for both aggregate and non-aggregate uses. It should be acknowledged that the quality of stone required for sinter/steel making (non-aggregate use) is of high standard and may be difficult to extract from all parts of the quarry. This affects production and hence a covered stockpile is utilised to overcome fluctuations in production. The 3rd/4th/5th and 6th sentences of para 4.3.1 should remain. The current land bank at 43 years is approximately '40' and should therefore remain. Retaining these sentences in the text of the LDP is required to provide appropriate interpretation of the policy.

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?

The Council has identified a landbank (single) which includes hard rock for both aggregate / non-aggregate uses. An attempt has been made to agree a Statement of Common Ground with the Representors but they felt they were in disagreement with a number of issues contained within the statement. It is very difficult to be particularly precise about the breakdown of non-aggregates to aggregates because of the lack of borehole data covering the quarry across the entire surface area. There is therefore a degree of estimation. At Cornelly quarry precise figures have been given for the split as part of the AS2011 SWRAWP report (WD82) (but these are confidential). In percentage terms, the ratio suggests the split is approximately 60:40(non-aggs to aggs). At present it is considered there is certainly no shortfall in reserves with total figures for the three quarries totalling in excess of 48mt.

It is difficult to define high purity limestone as acknowledged in the document "Industrial minerals-ODPM/BGS-2004" which states as follows at *para B.23. & B.24 (Appendix B)*.

Limestones can be categorised on their chemical purity in relation to the industrial uses to which they may be put. However it is neither practical nor desirable to categorise limestone resources for planning purposes on the basis of their chemistry to the degree of accuracy possible for defining industrial uses of limestone (See the report Appraisal of high purity limestones in England and Wales: A study of resources, needs, uses and demands, D.O.E.1991.) For planning purposes, limestone resources with potential for use in high purity applications, a minimum calcium carbonate content of 97% is appropriate. However a single definition of high purity limestone should be used with caution as there are many different qualities of limestone, including physical properties and consistency, that need to be considered in determining what is fit for particular purposes. What is high purity to one user may be considered as ordinary grade by another user. In the excavation of high grade limestone, rock of all grades will necessarily be produced.

It is therefore difficult to identify a separate landbank for high purity limestone. However, the RTS review will be addressing this issue shortly to try and resolve the matter and this will be re-considered under the LDP review.

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?

The Council awaits the response from the Representors.

Qn4d. What evidence supports the Representatives' claim that additional permission for extensions to Cornelly Quarry will be required to maintain a 10-year landbank?

Based on the current landbank figures (48mt) and the average sales of the two active quarries over the last 3 years there is no need to extend the current landbank by LDP allocations.

Qn4e. Would that require an allocation?

No allocation required.

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?

The only dormant reserves are the estimated 0.1 mt that relate to Stormy Down quarry. This is considered insignificant and given the constraints that exist in the quarry (water filled void and close proximity to houses; there would appear to be no reasonable likelihood of working in the near future). Local circumstances have therefore been taken into account.

5. ENV9 MINERAL SAFEGUARDING AREAS

Site Specific Safeguarding

- 5.1 The Unitary Development Plan 2005 included Policy M4 to safeguard 3 named sites from all permanent building in order to conserve limestone resources for future use. Policy ENV9 would replace that and other minerals safeguarding policies in the UDP with a county-wide safeguarding policy. The safeguarded areas are shown on the Proposals Map.
- 5.2 Tarmac and Gaens Quarry consider that Policy SP6(2) should be amended to include reference to a new policy which continues the site specific safeguarding allocations set out in Policy M4 of the UDP (853.2; 855.2). Policy ENV9 would be reworded to read: "
- Land shown on the proposal map will be safeguarded from all permanent building development for future limestone extraction as follows:*
- *East of Gaens Quarry;*
 - *East of Cornelly Quarry at Stormy Airfield. (853.5; 855.5)*
- 5.3 Tarmac and Gaens Quarry seeks associated changes to the Proposals Map as currently defined on UDP Map 25 as M4(1) and M4(3) (853.6; 855.6). Tarmac and Gaens Quarry also consider that paragraphs 4.3.4 and 4.3.5 should be deleted (853.7; 855.7).
- 5.4 Tythegston Millennium Trust similarly considers that a Policy replicating Policy M4 of the UDP should be included in the LDP as follows:

Land shown on the Proposals Map, will be safeguarded from all permanent building development for future limestone extraction as follows: M4(1) East of Cornelly Quarry at Stormy Down... (792.6).

- 5.5 The Council responds that there is no need for a site-specific safeguarding policy as a county-wide safeguarding policy is in place and is more appropriate and favoured in line with national guidance. Policy ENV9 should be retained and paragraphs 4.3.4 and 4.3.5 provide a clear understanding of the purpose for mineral safeguarding areas and the implications that they may have from a land use planning perspective. This issue does not impact on the soundness of the LDP.

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?

The re-introduction of the UDP safeguarding policy would not change the status of the land in question to any significant extent. MPPW refers to "preferred areas and areas of search" which inherently mean the resource is acknowledged. If it is safeguarded under the LDP there is no appreciable difference in terms of the degree of protection from sterilisation.

Sand and Gravel

- 5.6 MTAN1 recognises at paragraph 32 that land-based extraction of sand and gravel is not considered appropriate at present, but provides that those resources must be safeguarded in development plans for potential use by future generations.
- 5.7 Bellway Homes seeks the allocation of the land to the west of Heol Maendy, North Cornelly as an alternative site for housing (AS049). They consider that the northern section should be excluded from the mineral safeguarding area for sand and gravel given the level of reserves in this area and the need for additional housing. It is asserted that it is highly likely to be uneconomical to exploit the sand and gravel resource area. (788.8).
- 5.8 The Council responds that the mineral safeguarding areas have been defined on the proposals maps using the new mineral resource map of Wales produced by the BGS.

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?

The current economic viability of a reserve is irrelevant in principle to the objective of long term safeguarding. Economic viability requires detailed site data and an estimation of the value and potential market for the stone at any point in time. Safeguarding protects the reserve for future generations whatever the market change.

- 5.9 CCW seeks that unless a statement is added to the plan stating that the plan should be read as a whole, the policy should be amended by including an

additional criterion to protect and, where appropriate, enhance the natural heritage (to meet Test of Soundness CE1) (54.52)

- 5.10 Notwithstanding the appropriateness or otherwise of this suggested change, the Council consider that this does not go to the soundness of the Plan. However, the Council offers no evidence to counter this representation given the limited impact such a change will have on the application of the Policy and any subsequent outcome as a result of implementation.

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?

The LDP should be read as a whole to establish the concept of soundness and Policy ENV6 is considered sufficient to meet the concerns expressed. (See Action Point 1: Strategy Hearing Session)

Quarry Boundaries

- 5.11 PJK Development Ltd propose an alternative housing site (AS025) at Lamb Row/Devon View, South Cornelly. They note that Policies ENV9 (Development in Mineral Safeguarding Zones) and ENV11 (Mineral Development) do not necessarily restrict development if it complies with the criteria in the policies. The Proposals Map (Page 25) is objected to as a significant proportion of the site is shown as within a Mineral Site Quarry Boundary (1063.6).
- 5.12 The Council responds that the mineral safeguarding areas have been defined on the proposals maps using the new mineral resource map of Wales produced by the BGS. It considers that no action is required.

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?

The Gaens Quarry site boundary was drawn for the purposes of the UDP (SD29) on the boundary of the old Interim Development Order consent ref no JPC 892/1209. This consent was never renewed as such in the ROMP/Periodic review process. Consequently the consent lapsed. The boundary has not been the subject of a detailed review until the representor drew attention to the issue. The Council, in principle, consider it reasonable to review the line of the boundary to exclude the land in question.

On 14 November 2012 the British Geological Survey published new aggregates safeguarding maps for Wales. The maps can be accessed here:

<http://www.bgs.ac.uk/mineralsuk/planning/resource.html#ARW>

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 implications of the issue of the new safeguarding maps have been considered by comparing the extent of aggregate types shown on the current LDP resource dataset with the new safeguarding dataset.

It is evident as expected there are differences in the extent of the areas relating to different aggregate types i.e. sand and gravel; high purity limestone etc. Such differences, however, are not considered to be significant in terms of their effect on allocations. Given the proximity of the allocations to settlements the mineral resource would be unlikely to be worked in any event. It should be noted that the extent of the Safeguarding Areas reflect 'undeveloped' land whether these are inside or outside of settlement boundaries. They are also not entirely up to date extending, for example, over Cae Gleision, Broadlands (COM2(5)) which is now developed. Consequently, the changes are considered to be insufficient to warrant changes to the Plan at this advanced stage of the LDP process.

6. REG4 FORMER STORMY DOWN AIRFIELD

- 6.1 MPPW Paragraph 13 provides that mineral areas to be safeguarded should be protected 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.
- 6.2 Tythegston Millennium Trust objects to Policy REG4 on the grounds that the specific identification of the Stormy Down site for 'innovative green industries' may prejudice future mineral working and that the imposition of temporary consents does not represent adequate and effective measures to safeguard valuable mineral reserves. (792.8)
- 6.3 The Welsh Government considers that there is a potential conflict in granting temporary permissions for a period of 35 years on an acknowledged high quality limestone resource. It would not be prudent to perpetuate and/or expand a cluster of activities on a known resource which could sterilise the resource, contrary to national minerals planning policy (MPPW, paragraph 13). (64.13)¹.
- 6.4 The Council response refers to this as Alternative Site AS036 and says that the allocation under REG4 at the former Stormy Down Airfield reflects temporary consents which have been issued for 'innovative green industries' on the site. These consents run for the entire length of the Plan period, beyond 2021 and it is not considered that the high quality limestone resource will be required during this time period as there is more than 40 years supply of the resource identified. The allocation in the deposit Plan is to protect and control those uses which have already been given temporary permission along with the ability to produce a Development Brief to further control development whilst encouraging the development of innovative green industries and the generation of renewable energy. The Council considers that it has made a balanced choice in this regard in order to protect the resource by issuing temporary consents whilst encouraging this cluster of industries which has been supported by the Welsh Government.

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 REG4 site is included in the ENV9 limestone resource safeguarding area. The Council took a decision in principle to not to illustrate the resource area within the boundary of the allocated REG 4 area as it may have caused confusion due to a mixture of hatched areas and coloured areas. But the resource does include the allocated site.

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

The Council considers that there would be no benefit.

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

The status of the safeguarded areas is that they are based on known resources. No economic viability assessment has been undertaken.

Areas of search define broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. In principle, planning permission may be granted but only to meet a shortfall of supply (paragraph 14 of MPPW refers (WD25))

Preferred areas are areas of known resources with some commercial potential where planning permission might reasonably be anticipated.

Within the 9 year plan period remaining in the LDP (until 2021) period, the UDP areas are not considered to be essential and excessive landbanks are not encouraged in MTAN1. Moreover, it is not sustainable to identify land for quarrying unless it is justified to maintain an adequate landbank. This is to allow for any change in circumstances.

Qn6d. What precise period do the existing temporary consents cover and how does that relate to when the mineral resource may be required?

The temporary consents granted on the Stormy Down airfield (former) site of relevance are as follows:-

1. P/06/44/FUL: Soils and green waste recycling centre with associated buildings, access, parking, area and landscape. Condition Consent 29/03/2007. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31st December 2011.
2. P/11/643/RLX: Relax Condition 1 of P/06/44/FUL to extend time for soils & green waste recycling with assoc. buildings, parking, landscaping. Conditional Consent 19/12/2011. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31st December 2016.

3. P/07/631/FUL: C/U to provide test facility for innovative process to produce an alternative cement substitute. Conditional consent 05/06/2008. The use hereby permitted shall be discontinued on or before 31st December 2018.
4. P/08/778/FUL: Provision of 10 silos in connection with cement substitute test facility. Conditional consent granted on 12/12/2008. The silos hereby permitted shall be removed on or before 31/12/2018.
5. P/09/698/FUL: Provision of modular building for storage and drying of materials for use in Cement Facility. Conditional consent granted on 29/10/2010. The building hereby permitted shall be removed on or before 31/12/2035.
6. P/09/699/RLX: Vary condition 1 of P/07/631/FUL to permit retention of low carbon substitute test plant until 2034. Conditional Consent 23/10/2009. The use hereby permitted shall be discontinued on or before 31st December 2034.
7. P/08/804/FUL: Bio Gas Plant with associated buildings & gas pipeline to CHP unit at test facility at Unit 1 Stormy Down. Conditional consent 12/12/2008.
8. P/11/138/FUL: Ground based Solar Photovoltaic panels for energy generation. Conditional Consent 09/05/2011. The photo voltaic panels and all the supporting structures hereby permitted shall be removed from the site on or before 31 December 2035.
9. P/11/627/FUL: Erect 6 No. 50kw Solar photo voltaic tracking array. Conditional consent granted on 21/10/2011. The PV tracking arrays and all supporting structures shall be removed from the site on or before 31/12/2035.
10. P/11/140/FUL: Erect de-mountable research laboratory. Conditional consent granted on 18/05/2011. The Portakabin building hereby permitted shall be removed on or before 31/12/2026.
11. P/09/917/FUL: C/U to provide in-vessel compost facility, air management unit, (amendment-enlarged building). Conditional Consent 29/09/2010. The extension hereby permitted shall be removed from the site on or before 31 December 2035.

Taking into account the current landbank, the mineral resource may be required in 40-45 years. This assumes a basic ratio of aggregate to non-aggregate of 60:40 and current output levels.

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?

The circumstances are considered to be similar and only temporary consents have been granted on the former Stormy Down airfield site to-date based on the estimated life of the landbank.

7. ENV11 MINERAL DEVELOPMENT

7.1 Given that PPW advises that SSSIs can, in some cases, be damaged by development some distance away and not just from developments within or adjoining them, Countryside Council for Wales (CCW) advises that Criterion 1(c) of the policy should be amended by inserting at the start of the sentence: *"The potential impact on international and national nature conservation designations, and protected and priority species, and"* (to meet Tests of Soundness C2 and CE1) (54.53).

7.2 The Council considers that the criteria in Policy ENV11 are sufficient to cover this issue.

Qn7a. Does the Representor dispute the Council's response?

The Council awaits the response from the Representor.

7.3 The Habitats Regulations Appraisal (HRA) of the LDP recognises the importance of the on-going Review of Mineral Permissions (ROMP) and Review of Mineral Conditions relating to the group of quarries around Cornelly and the need for mineral policies and decisions to take full account of these processes. CCW's response to the HRA welcomes this recognition and recommends that this should be highlighted in the relevant minerals policies. CCW therefore recommends that reference to the ROMP and Review of Mineral Conditions are made in the policy amplification. (To meet tests of soundness C2, CE1 and CE2.) (54.54)

7.4 The Council responds that whilst such reviews constitute a material consideration when determining detailed planning applications they are not considered to be appropriately included within planning policy as they may not be relevant within the life of the plan. The Council considers this issue does not impact on the soundness of the LDP.

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

Clarification is required on this question before the Council can respond.

Qn7c. What if any reference should the Plan make to ROMP and the Review of Mineral Conditions?

A review of old planning permission (ROMP) application or Periodic Review application would be subject to assessment against policy ENV11 in the same way as any other mineral planning application (see para 4.3.9 regarding ENV11)

7.5 Tarmac and Gaens Quarry consider that the reference to 'health impact assessment' should be deleted from Policy ENV11(2a) as such assessments are not mandatory in MTAN1 for aggregates extraction whereas they are a

requirement of MTAN2 for surface coal mining. The need should be considered on the basis of individual merits (853.8; 855.8).

- 7.6 The Council responds that it is good practice that proposed mineral extraction operations should be accompanied by an assessment of its impacts on health.

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

Paragraph 75 of MTAN1(WD26) sets out the potential health issues from mining/quarrying operations. A dust monitoring programme was set up by the Council in South Cornelly several years ago using a TIOM data logger which is still in use. This was in response to long standing dust complaints in the village.

- 7.7 Policy ENV11 (1) and (20) before commence as: 'Measures can be taken ...'. That may be interpreted as an optional requirement.

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

Agree to amendment to read... "measures will be taken".

- 7.8 The supporting paragraph 4.3.9 states that Policy ENV11 will be used to assess proposals for new development, extensions and mineral review applications. It continues: *'Given the variety and diverse nature of such applications, however, other factors such as planning gain may also need to be considered for major development.'*

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

This sentence was intended to refer to legal agreements (Section 106 or otherwise) that may be required to provide financial/environmental improvements related to the development.

8. ENV13 UNSTABLE LAND

- 8.1 Policy ENV13 sets out requirements for planning applications affecting land with known instability/landslip issues. Criterion 4 requires a report that, amongst other things, 'addresses the need for formal environmental assessment for any identified stabilisation works'.

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?

The need for EIA would depend on the parameters of the proposed development, particularly in sensitive locations near SSSI's, SINC's, etc.

9. RECYCLING OF COMMERCIAL AND DEMOLITION WASTE

- 9.1 The Mineral Products Association Ltd considers that, whilst Policy SP6 promotes the use of Commercial & Demolition waste before the use of virgin aggregate, there should be a policy which identifies sites or criteria for the promotion of

these alternative materials. They state that Policy ENV14 only deals with the tipping of Commercial & Demolition waste and ENV16 is restricted to industrial and commercial waste. The Representor suggests the following policy is included to cover this issue:

"Priority will be given to the production and supply of recycled and secondary aggregates. Provision will be made for a network of permanent and long term temporary recycling facilities which will make a significant contribution to the production of recycled and secondary aggregates.

Suitable locations for permanent recycled and secondary aggregates facilities include:

- *general industrial land*
- *waste transfer stations*
- *permanent waste management sites*
- *railheads*

Suitable locations for temporary recycled and secondary aggregates facilities include:

- *mineral sites*
- *major development areas (Brownfield land)" (1100.1)*

9.2 The Council responds that Commercial & Demolition waste is often processed within existing quarries, significantly reducing the need to identify sites within the County Borough. However, Policy SP7 identifies preferred sites which are considered as appropriate for the location of waste processing facilities in accordance with the Regional Waste Plan. In addition, Policy ENV16(i) refers to Materials Recycling Facilities which often include the recycling of inert waste.

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

[Policy ENV16 meets the requirements of the regional Waste Plan and local circumstances within the Borough.](#)

Qn9b. What provision does the Representor seek for temporary facilities and how does this differ from the Plan's provisions for permanent facilities?

[The Council awaits the response from the Representors.](#)

Appendix A

copy

Pennaeth Adfywio a Datblygu
Y Gyfarwyddiaeth Cymunedau
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
Swyddfeydd Dinesig
Stryd yr Angel
PEN-Y-BONT AR OGWR
CF31 4WB

Ffôn: 01656 643643
Ffacs: 01656 668249

Gwefan: www.bridgend.gov.uk

Head of Regeneration & Development
Communities Directorate
Bridgend County Borough Council
Civic Offices
Angel Street
BRIDGEND
CF31 4WB

Telephone: 01656 643643
Fax: 01656 668249

Website: www.bridgend.gov.uk

Direct line / *Deialu Uniongyrchol*: 643178

Ask for / *Gofynnwch am*: Steve Bool

Our Ref / *Ein cyf*: 31A158/SJB

Your Ref / *Ein cyf*:

Date / *Dyddiad*: 24th December, 2009.

Mr R. Thomas,
Vale of Glamorgan Council,
Dock Offices,
Barry Docks,
Barry.
CF63ORT

FAO Martin Lucas.

Dear Mr Thomas,

RE: Bridgend LDP-Minerals background paper-Shared apportionment of hard rock reserves.

I refer to the recent discussion between Steve Bool and Martin Lucas regarding the above matter.

As you are aware, Bridgend CBC are currently working towards the deposit LDP stage in June/July next year. In order to provide a robust evidence base for the minerals background paper we need to support the proposed policies by reference to data for hard rock reserves. Our reserves at present in the order of 40 million tonnes which more than meets the MTAN1 requirement of a minimum of 10 years landbank throughout the plan period.

As discussed, some of the 40 mt is used for non-aggregate use and this obviously reduces the reserves for solely aggregate use but still leaves a significant surplus. This surplus requirement is available to "share" with neighbouring authorities if their reserve capacity is deficient. This sharing of reserves is endorsed by the Regional Technical Statement produced by the South Wales Regional Aggregates Working Party and as the Vale of Glamorgan appear to be deficient, or at least very close to the required target figure, it would seem prudent to formally acknowledge the BCBC's excess reserves should be shared with your authority.

In order to acknowledge this action for development plan purposes, it would therefore be beneficial if you could write formally to Bridgend CBC requesting this course of collaborative working be pursued to share reserves to meet the requirements of both MTAN1 and the RTS.

Finally, should you require further details or advice, please do not hesitate to contact the case officer.

Yours sincerely,

Handwritten signature in blue ink, appearing to be 'SB'.

Steve Bool
Principal Officer, Minerals

Date: 16th January 2010
To: Mr. M. Lucas
Tel: (01446) 704659
Fax: (01446) 704847
Your Ref: P/DC/ML/LDP15
My Ref: P/DC/ML/LDP15
E-mail: Planning&Transport@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Duck Office, Barry Docks, East, CF63 4RT
Tel: (01446) 704600
Dyker Bro Morgannwg
Gwyddfa'r Ddu, Docks, Barry, East, CF63 4RT
Tel: (01446) 704800
www.valeofglamorgan.gov.uk



Mr S Bool
Principal Officer, Minerals
Bridgend County Borough Council
Civic Offices
Angel Street
Bridgend
CF31 4WB

Dear Mr Bool,

LDP Minerals: shared apportionment of hard rock reserves

Thank you for your letter of 24th December outlining the present aggregate reserves situation in BCBC's area and the current surplus in relation to the MTAN 1 requirement and following up our earlier discussion.

2006-2008 average production indicates that current permitted aggregate reserves in the Vale of Glamorgan will not be sufficient to meet the MTAN 1 requirement of a minimum 10-year landbank throughout the LDP period, although if the remaining areas allocated for extraction in the current Unitary Development Plan but not yet granted planning permission (an application for the area adjoining Wenvoe Quarry is currently undetermined) were added then that target would be closely approached. However, from informal discussions with mineral operators it appears that the 2009 figures are likely to depress the three-year average so that the target will be met on that basis.

However, it is clear that the separate RTS joint Bridgend/Vale apportionment of 31.1 - 32.9 mt in the period 2007-2022 can be achieved only by collaboration between the authorities, and I therefore welcome your formal acknowledgement that BCBC's excess reserves should be shared with this authority.

In these circumstances I therefore request formally that this course of collaborative working on aggregates minerals policy should be pursued in order to meet the requirements of both MTAN 1 and the RTS. No doubt Mr Bool and Mr Lucas will discuss the technical aspects of this approach further in the near future.

Yours sincerely,

for Head of Planning & Transportation

Copyright © 2009 Vale of Glamorgan Council. All rights reserved. Printed in the Vale of Glamorgan.

Director: Cllr. David Jones, Vale of Glamorgan Council, Civic Offices, Angel Street, Bridgend, CF31 4WB
Deputy Director: Cllr. David Jones, Vale of Glamorgan Council, Civic Offices, Angel Street, Bridgend, CF31 4WB
Head of Planning & Transportation: L. Turner, Vale of Glamorgan Council, Civic Offices, Angel Street, Bridgend, CF31 4WB
Head of Minerals: S. Bool, Vale of Glamorgan Council, Civic Offices, Angel Street, Bridgend, CF31 4WB

Appendix B



Office of the
Deputy Prime Minister

Creating sustainable communities



British
Geological Survey

NATURAL ENVIRONMENT RESEARCH COUNCIL

industrial minerals

issues for planning



Silica Sand

- B.19** The Government's policy on silica sand is set out in DOE Circular 24/85 "Guidelines for the Provision of Silica Sand" [subsequently replaced by MPG 15].

Metalliferous Minerals

- B.22** Although the UK has to rely on imports of most of these minerals, either in unwrought metal or as concentrates, indigenous resources of metalliferous and other ores are not insignificant and the British Geological Survey (BGS) holds extensive information on areas with promising potential. MPAs should consult BGS, where necessary, and make provision in their development plan policies to safeguard such resources where they exist. As the extraction, processing and beneficiation of metalliferous minerals can cause environmental hazards and localised heavy metal pollution, MPAs should carefully balance the economic needs for these minerals against the environmental implications.

High Purity Limestone

- B.23** Limestones can be categorised on their chemical purity in relation to the industrial uses to which they may be put. However it is neither practical nor desirable to categorise limestone resources for planning purposes on the basis of their chemistry to the degree of accuracy possible for defining industrial uses of limestone. (See the report *Appraisal of high-purity limestones in England and Wales: A Study of resources, needs, uses and demands*, DOE, 1991.)
- B.24** For planning purposes, limestone resources with potential for use in high purity applications, a minimum calcium carbonate content of 97% is appropriate. However a single definition of high purity limestone should be used with caution as there are many different qualities of limestone, including physical properties and consistency, that need to be considered in determining what is fit for particular purposes. What is high purity to one user may be considered as ordinary grade by another user. In the excavation of high grade limestone, rock of all grades will necessarily be produced.

Fuller's Earth

- B.26** Fuller's earth is an important industrial mineral consisting essentially of the clay mineral calcium smectite. Smectite clays possess a unique combination of physical-chemical properties suiting them to a wide range of industrial applications. Fuller's earth has a very restricted geological occurrence in Britain and it is extremely unlikely that economically workable fuller's earth deposits exist outside areas of known resources.'