

Sefton Submission Local Plan Examination 2015

Joint Statement of Common Ground by

Sefton Council and the Minerals Products Association

20 November 2015

Main Matter 7 Design, Environmental Quality and Environmental Assets

Issue 7a: Whether the policies relating to design and environmental quality are justified and consistent with national policy.

7.8 Is the Plan correct in stating that Sefton has no known mineral resources likely to be commercially viable during the Plan period? Were the British Geological Survey maps consulted to determine the presence of such minerals? Do these maps show economic deposits of sub-alluvial sand and gravel in Sefton and, if so, should Mineral Safeguarding Areas be designated, as required by national policy? Are deposits of silica sand also present in Sefton which the Plan should address?

This Statement of Common Ground has been prepared to set out the areas of agreement, in relation to question 7.8 above

The Council generally accepts the MPA's suggested amendments to the policy. It considers that the amendments result in improvements to Policy NH8 and its supporting text without fundamentally altering its intention and are consistent with the requirements of national policy and guidance.

The suggested policy as agreed by both parties is provided at Appendix A. There remain two areas of difference between the Council and the Mineral Products Association.

- The Mineral Products Association would like the Council to include on the Policy Maps sites and areas of infrastructure supporting the aggregates industry which will be safeguarded from inappropriate development. This is consistent with the Town and Country Planning (Local Planning) (England) Regulations 2012 (section 9c) which require that the proposals map must illustrate geographically the application of the policies in the adopted development plan. The Council do not agree. There are numerous instances of policies with a spatial element not being identified on the Policy Map [e.g. listed buildings, contaminated land etc.]. The Council does not have a comprehensive list of infrastructure supporting the aggregates industry and to identify an incomplete list on the Policy Map is likely to cause issues being overlooked in the future. The Council would prefer to use its GIS [hazards] mapping, which can be updated often and quickly, to inform planning applications, as it does with a range of issues.

- The Council would wish to extend the development types that are listed in Figure 11.2A to include all minor development. It is considered that not exempting all minor development in this list would introduce an unacceptable burden on the Council and small developers in the context of a huge caseload, a limited time to process minor applications and that in Sefton there has been limited mineral extraction in recent years. The MPA do not agree. The list is derived from the BGS good practice advice (2011) para 5.2.7 which is recommended as good practice. This list has been used extensively in development plans since 2007 and BGS research indicates that it sieves out all but the most potentially significant applications. For example, in Nottingham only 21 applications were captured by this requirement out of a total of 181 applications submitted within the MSA (Table 4 - *The development and implementation of mineral safeguarding policies at national and local levels in the United Kingdom* C.E. Wrighton, E.J. Been, J.M. Mankelaw [<http://dx.doi.org/10.1016/j.resourpol.2014.05.006>])

Appendix A: Policy NH8

11.62 Sefton Council is a Minerals Planning Authority and the Local Plan is required to consider mineral resources and the needs of minerals development. Minerals are a finite resource and can generally only be worked where they are found. For the purposes of policy NH8 the term 'minerals' refers to primary and secondary or recycled aggregate minerals, industrial minerals and energy minerals including coal and other hydrocarbons such as oil and gas.

NH8 Minerals

1. To minimise the need for minerals extraction, the use of recycled, secondary and substitute materials will be encouraged. Mineral Safeguarding Areas have been defined for deposits of sub-alluvial sand and windblown silica sand (the Shirdley Hill Formation). ~~Mineral resources found to be present on sites intended for development will be expected to be extracted for beneficial use prior to development taking place, unless special circumstances can be demonstrated that justify proceeding without prior extraction.~~ Within Mineral Safeguarding Areas, as shown on the policy map, proposals for development will not be permitted unless:

- It is compatible with safeguarding the mineral; or
- the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or
- the mineral can be extracted satisfactorily prior to the development taking place; or
- the development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction; or
- there is an overriding need for the development; or
- the development is included on the list of exempt developments in figure 11.2A

2. ~~The Port of Liverpool and strategic rail freight links suitable for the movement of minerals will be safeguarded from inappropriate development. Proposals for non-mineral related development that may threaten the functioning of the wharfage of the Port of Liverpool, transport links or other infrastructure through which minerals are landed, processed (including secondary and recycled materials) and trans-shipped, will only be permitted where it can be demonstrated that:~~

- ~~The infrastructure is not required for mineral purposes, and is unlikely to be so in the future, or~~
- ~~There is an overriding case for development taking place, or~~
- ~~Equivalent alternative infrastructure capacity exists which is able to meet commercial needs.~~

Existing, planned and potential infrastructure supporting the aggregates industry will be safeguarded from inappropriate development. This includes the Port of Liverpool, strategic rail freight links, and sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. Proposals for non-mineral related development that may threaten, lead to the loss of or damage to, the functioning of safeguarded infrastructure or locations will not be permitted unless it can be demonstrated that:

- ~~• The site or infrastructure is of no commercial interest, and is unlikely to be so in the future; or~~
- ~~• There is an overriding case for development taking place and equivalent alternative infrastructure capacity exists which is able to meet continuing commercial needs.'~~
- An alternative site within an acceptable distance can be provided, which is at least as appropriate for the use as the safeguarded site; and
- It can be demonstrated that the infrastructure no longer meets the current or anticipated future needs of the minerals, building and construction industry or the waste management industry.

3. Proposals for the exploration, extraction, storage, processing and distribution of minerals will be permitted if all of the following criteria are met:

- Adverse impacts relating to any criteria set out in Section 4 of this policy can be avoided or appropriately mitigated
- The developer must demonstrate the proposed location for the development is suitable, taking into account factors such as environmental, geological and technical issues
- Restoration and aftercare of sites will be implemented at the earliest opportunity and to an agreed timescale, to a standard and manner consistent with the agreed end use and the context of its surrounding area including its character, setting and landscape.

4. Planning and environmental criteria to be taken into account when considering planning applications for minerals development are as follows:

- Amenity (e.g. dust, noise and vibration)
- Air quality
- Lighting
- Visual intrusion into local setting and landscape
- Landscape character
- Traffic, including air and rail, and access
- Risk of contamination to land
- Soil resources and the impact on best and most versatile agricultural land
- Flood risk and drainage
- Land stability
- Ecology, including habitats, species and designated sites and particularly the internationally important nature sites
- Heritage assets and their setting

~~11.63 Sefton has no active aggregate or industrial mineral extraction sites or any known resources considered likely to be commercially viable during the period covered by the plan. Therefore no mineral safeguarding areas are defined. Sefton has a number of active materials' recycling facilities that supply recycled and substitute materials to the construction market. The Port of Liverpool and Sefton's transport infrastructure facilitates the landing and transshipment of minerals, including aggregates from marine and onshore sources. Policy NH8 provides for these facilities to be safeguarded in the interests of facilitating the continuing supply of minerals.~~

Sefton Council participates actively in the NW Aggregates Working Party and subscribes to the national Managed Aggregate Supply System through market monitoring and production of an annual Local Aggregates Assessment. Whilst Sefton has defined Mineral Safeguarding Areas [MSAs], identified on the Policy Map, relating to identified sand resources, these are understood to be of limited scale and scope and not currently

commercially viable. However, the policy seeks to avoid sterilisation of aggregate and other mineral resources through non-mineral development and to encourage mineral resources present on development sites to be extracted where it is sensible to do so. Applications for non-mineral development in the MSAs, which are not listed in Figure 11.2A, will be required to include a Minerals Assessment setting out how it complies with section 1 of the policy. The Mineral Assessment should be proportionate to the situation and should have regard to the BGS report 'Mineral Safeguarding in England: good practice advice, 2011' or any subsequent updates. The Council will provide an Information Note for developers to provide guidance on mineral safeguarding and mineral assessments.

11.63A Safeguarding principles will also be applied to port, transport and other infrastructure important to the aggregate minerals market. The Port of Liverpool and Sefton's transport infrastructure facilitates the landing and transshipment of minerals, including aggregates from marine and onshore sources. If areas within the Port of Liverpool currently used for minerals purposes are no longer available for port-related reasons, the Council will work with the Port to seek a suitable alternative facility within the port estate. Policy NH8 provides for these facilities to be safeguarded in the interests of facilitating the continuing supply of minerals.

Figure 11.2A
Development Types that do not require a Minerals Assessment

Applications for householder development;

Applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;

Applications that are in accordance with the development plan where the plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications in a MSA came forward;

Applications for advertisement consent;

Applications for reserved matters including subsequent applications after outline consent has been granted;

Prior notifications (telecoms, forestry, agriculture, demolition);

Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);

Applications for works to trees;

Applications for temporary planning permission.

11.64 to 11.74 No further modifications