

# 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?**

#### 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?**

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

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

#### 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?**

### **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?**

**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?**

**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?**

**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?**

[WG](#)

The WG state that the Policy should relate to resource working, not safeguarding. The Council considers that the Policy is clear in its approach and requests clarification from the WG with regards their request for the change.

The Council considers that the supporting text to Policy ENV12 could include text to expand on the term 'community benefit' and reference to 'public interest' could be deleted as a MAC.

- 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?**

[PACT](#)

[Pact`s statement sets out a number of concerns the community have over opencast coal mining. A strong request for policies which resist further opencast coal mining](#)

are made. Bridgend County Borough Council have no presumption in favour or against opencast mining in line with national policy.

#### 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?**

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

##### SLR

The Council has had regard to discussions with the Vale of Glamorgan on the shortfall of reserves in the authority and also their Background Paper, dated November 2011. This paper (P.5 / Para 5.2) acknowledges a shortfall of 8.6mt.

##### MPA

Most quarries have a 30km (20m) maximum haulage distance which puts Cardiff / Swansea within a marketable range. Bridgend County Borough's approach is underpinned by what the RTS says for both authorities re- apportionment. It is a SWRAWP document and collaborative working is encouraged to overcome shortfalls in any one unitary authority area. Despite the MPA saying evidence is required, there is no such requirement set out in the LDP / National Policy Minerals Guidance.

It is very important to note that the SWRAWP has no remit to comment on the LDP process or what individual authorities care to undertake in implementing it. The WG have the ultimate sanction (see RTS foreword).

At present, the current RTS apportionment figures are based on the previous 3 years. The predicted demand levels for aggregate (MPA) remain stable for several years with the possibility of a slight increase. The LDP review will pick up any perceived likelihood of demand surges.

The LDP adheres to the RTS process.

The evidence base (tonnages etc. are sound and the interchangeability between aggregate and non-aggregate has been examined in depth).

No consultation with RAWP takes place in Wales.

#### 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 Representer 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?**

#### SLR

SLR fail to acknowledge the last line of paragraph 3.88 which states "The works is also supplied with lime from the Mendips, Somerset". Cornelly Quarry is not therefore the sole supplier to the steelworks but its importance as part of the supply network is acknowledged.

SLR's representations fail to acknowledge the last line of para. 3.93 which states "Furthermore, it is suggested that policies concerning a separate landbank for this purpose and of appropriately balancing high purity stone and aggregates won from that resource, should be considered before the next RTS review".

The use of high purity limestone is acknowledged in the LDP text at 4.3.1. For the sake of brevity, full reference to the importance of high purity limestone is made in the BCBC Background Paper 5: Minerals (39).

## MPA

There is inherent difficulty in identifying separate landbank. This is not required by MPPW, only that Local Authorities should ensure a continuous supply of non-aggregates. There is at least a 25 year supply of aggregates (excl. non-aggregates) bearing in mind the 48 mt reserve.

**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?**

## SLR

SLR quote the reserves at Cornelly Quarry as 33mt. Tarmac confirm it is in excess of 35mt. The assumed sales at current (2011) rates of Cornelly and Gaens quarries are approximately 0.8 mtpa (no sales from Grove Quarry). At any point in time a landbank needs to be calculated based on the approved SWRAWP method (average of sales over 3 years). Within the next five years the MPA, Mineral Products Association, calculate no or very little increase in sales due to the current recession. In general, economic forecasts predict a very low, if any growth in the immediate future. The LDP review (v 4 years based on monitoring) will be used to make adjustments if necessary.

At current output rates, Gaens Quarry will still be active in 2021, contrary to the representations made.

The 'unconstrained' landbank referred to by the representations are not taken as the landbank for the SWRAWP survey. Consequently, the figure of 12 - 15 years cannot be taken as the current landbank for the quarry. Uncertainties generated by the Environment Act review cannot be pre-determined at this moment in time. The steelworks at Port Talbot are experiencing a significant drop in demand caused by the world-wide recession and the new blast furnace will be mothballed until there is a recovery in the market.

Tarmac have confirmed the ratio of aggregate to non-aggregate elements of the landbank is 40:60. It is assumed this assessment has taken into account the current geology of the quarry which is known to be viable.

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

## SLR

As stated, MTAN 1 (para 49) requires a minimum 10 year landbank but no maximum is given, although there is a strong inference in the same paragraph; 20 years is considered to be the maximum before an allocation is required.

It is incorrect to refer to the 'areas of search / preferred area' in the UDP as 'allocations'. The status of these areas is the same as safeguarding.

Having called in the ROMP/IDO planning applications, the Welsh Government have the responsibility to determine the applications. The implications of imposing new conditions have to be carefully considered, otherwise BCBC as the 'host' authority would be liable to pay compensation if the asset value of the quarry is significantly affected. Thus, it would appear extremely unlikely that any restrictions would be placed on the depth of extraction. Indeed, the whole thrust of MPG14 is to impose essentially 'cosmetic' conditions which may reduce impact on the environment and amenity of local residents, landscaping etc. Thus no significant impact on the reserves is likely to arise given the circumstances that prevail at Cornelly Quarry.

It should be noted Tarmac have indicated in the IDO planning applications, the working of Cornelly Quarry would be combined with Grove Quarry. Thus, the combined reserves for Grove/Cornelly Quarry would be approximately 45 mt.

Gaens Quarry is referred to as if similar circumstances apply. This quarry does not supply sinter and in any event the determination of the landbank does not take into account the circumstances at any one quarry, if more than one quarry exists, in any unitary authority. The owner of the quarry has been talking about an extension to the quarry for the last 15 years but has not taken the step of submitting an application for one reason or another.

**Qn4e. Would that require an allocation?**

SLR

The areas of land in question form part of a very large area for the safeguarding of high purity limestone on the LDP Proposals Map. This effectively means any proposals that may sterilise the resource would need to demonstrate via detailed investigations, there would be no significant adverse effect on the integrity of the resource. The WG support this approach which is also endorsed by MPPW.

Reference is made to the 'ad hoc' development control decisions at Stormy Down. It should be acknowledged that any planning applications submitted on this site are considered in accordance with policies in the UDP and the SPG for Stormy Down airfield. Consequently, the term 'ad hoc' is inappropriate and does not accurately reflect the Council's attempts to control development in a structured and sustainable manner.

**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?**

SLR

The Council forwarded a statement of common ground to Tarmac outlining the basis on which the landbank calculation. Tarmac declined to accept the statement. The dormant reserves at Stormy West (dormant) quarry is 0.1mt which Tarmac are aware of.

## **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?**

### SLR

The Council are in receipt of the new safeguarding maps which define the current UDP 'preferred area / area of search' areas as areas of high purity limestone with category (material) status. This adequately reflects the importance of the resource.

### 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?**

- 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?**

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?**

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?**

## **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)<sup>1</sup>.
- 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.

### SLR

In recognition of the importance of high purity limestone resources located under the former Stormy Down airfield site (operated as Policy Reg 4 on the Proposals Map), the Council produced SPG para. 1.2 of the brief, sets out the main aim which is:

*“To ensure that future development proposals are adequately controlled and do not prejudice future mineral resources and are generally in compliance with policies in the UDP and the future LDP .....*”

To date, the Council has been consistent in only granting temporary not permanent consents on the site. Whilst representations indicate consents with a duration of 25 years or more are not temporary, the Council takes the view if the consent is conditioned in terms of duration, it is in principle temporary. In granting such temporary consents, the Council have been mindful of the extent of the landbank and the period that may elapse before such reserves may be required.

It should also be noted the area of land at Stormy Down is only a part of the safeguarded area for high purity limestone around Cornelly Quarry. Consequently, potential extensions may in principle be sought on land to the north or south of the quarry.

**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?**

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

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

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

**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?**

## **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 Representer dispute the Council's response?**

CCW

The Council considers that ENV12 (2) and (3) can be removed from the Policy and rely on Policy ENV4 and MAC 1.1. which states that the LDP should be read as a whole.

- 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?**

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

- 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?**

- 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 ...'**

- 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?**

## **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?**

## **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?**

[MPA](#)

BCBC has not identified any business parks but mainstream longstanding mid. Estates with mixed use. AC/DC still generate a site on the Brynmenyn Industrial Estate. Shillibier run a site on Village Farm Industrial site.

Several quarries have initiated C & D waste operators competing with their market of virgin aggregate. This was can also be mixed with the quarry output to overcome the Aggregates Levy.

MPA question the lack of policy re C & D waste. Policy ENV 16 / Policy SP7 caters for new commercial and mid waste operations but there are several existing at present:-

Heol-Y-Splott  
Village Farm Industrial Estate  
Brynmenyn Industrial Estate

If the writer chose to look at the SWWRWP it sets out what space for facilities are in the Bridgend County Borough.

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