

	 <p>CYNGOR SIR YNYS MÔN ISLE OF ANGLESEY COUNTY COUNCIL</p>	<p>For office use only:</p> <p>Representor No. 1647/624</p> <p>Date received: 27/3/15 ela</p> <p>Date acknowledged:</p>
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**Anglesey and Gwynedd Deposit Joint Local Development Plan 2011-2026  
Representation Form**

**Data Protection**

How your representation and the information that you give us will be used. All information submitted will be seen in full by the Joint Planning Policy Unit staff dealing with the Joint Local Development Plan (Joint LDP). Your name and comments as set out in your representation form will be published together with the Councils' response. This helps to show that the consultation was carried out properly. Please note that this form may also be made available to any Public Examination on the Joint LDP.

We would prefer that you submit your representations directly online. Alternatively, an electronic version of this form can be completed online at [www.gwynedd.gov.uk/ldp](http://www.gwynedd.gov.uk/ldp) or [www.anglesey.gov.uk/ldp](http://www.anglesey.gov.uk/ldp) Separate forms should be completed for each comment that you wish to make.

Additional representation forms can be obtained from the Joint Planning Policy Unit on 01286 685003 or may be downloaded from the Council's web site at: [www.gwynedd.gov.uk/ldp](http://www.gwynedd.gov.uk/ldp) or [www.anglesey.gov.uk/ldp](http://www.anglesey.gov.uk/ldp) or you may photocopy this form. When making comments please use additional sheets as required clearly numbering each consecutive sheet.

**PART 1: Contact details**

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# ANGLESEY AND GWYNEDD JOINT LOCAL DEVELOPMENT PLAN

## DEPOSIT DRAFT PLAN

### **Comments of the Mineral Products Association**

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the recent addition of The British Precast Concrete Federation (BPCF) and the British Association of Reinforcement (BAR), it has a growing membership of 450 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of GB cement production, 90% of aggregates production and 95% of asphalt and ready-mixed concrete production and 70% of precast concrete production. Each year the industry supplies £9 billion of materials and services to the £120 billion construction and other sectors. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors.

Given the government's recognition of the economic and employment benefits of the extractive industries we should like to direct your attention to 'Making the Link', a document produced by the MPA to highlight the contribution that the sector makes to the economy. The document can be downloaded from the following website.

[http://www.mineralproducts.org/documents/MPA\\_MTL\\_Document.pdf](http://www.mineralproducts.org/documents/MPA_MTL_Document.pdf)

### **STRATEGIC POLICY PS19 MINERALS**

In accordance with our previous comments on this policy, we believe this policy is in danger of confusing separate objectives of mineral planning by putting them under the general heading of supply and is thus UNSOUND by reason of being incoherent (test CE1).

Safeguarding is a resource protection issue for the long term and not a supply issue which must concentrate on the provision of landbanks and alternative materials within the plan period.

Similarly, restoration is not a supply issue and should be listed separately.

The policy deals at a strategic level with minerals but only refers explicitly to aggregates when the supporting text makes it clear the building stone and industrial minerals are also important. We

consider that the strategic policy context requires that mention is also made of all minerals present in the Joint Plan area, which can then be referenced in more detailed policies.

In addition, the policy has been amended to reflect national policy on supply. For example, in item 1 the change is designed to more fully reflect the wording of MPPW para 17 and MTAN1 para 49.

We suggest the reordering of the policy as follows,

The Councils will contribute to regional and local demand for a continuous, secure and sustainable supply of minerals by:

1. Maintaining a **minimum** 7 year land bank of Sand and Gravel and **minimum** 10 year land bank of crushed rock aggregate reserves **throughout the plan period** in line with national guidance.
2. **Making provision for the production of dimension stone.**
3. **Making provision for the production of industrial minerals.**
4. Maximising the use of secondary and recycled materials and mineral wastes **for which appropriate provision will be made in land allocations**
5. Acknowledging that where the principles of sustainable development can be achieved, the extension of existing quarries and/or new quarries is likely to be appropriate.
6. **Requiring that** where there is a need for new capacity of minerals, these should come from locations of low environmental constraint and take into account transport implications.
7. Minimising potential conflict between mineral and non-mineral land uses.

**The Councils will safeguard** ~~ing~~ known / potential mineral resources from permanent development that would sterilize them or hinder extraction **and protect** maritime wharf and railhead facilities as a means of encouraging sustainable transport of aggregates.

**The Councils will** ensure good restoration and aftercare.

All Dormant and long-inactive minerals sites identified on the proposals map will be reviewed to assess their potential to contribute to the land bank and the likelihood of their re-opening. Where appropriate, Prohibition Orders will be served.

## **POLICY MWYN1: SAFEGUARDING MINERAL RESOURCES**

This policy is incoherent, contradictory and does not demonstrate accordance with national policy. It thus fails soundness tests C2, CE1, CE2 & CE3. In particular, we could not find any reference to Mineral Safeguarding Areas (MSAs) on either the Proposals Map or its Key. The plan cannot be considered sound unless this information is shown and can be checked. We reserve our position until we can see this information and enter an objection to the Proposals Map on the basis that it is not shown and consequently the soundness of this policy cannot be demonstrated.

Unfortunately, we consider the proposed criteria for assessing non mineral development are incoherent. The problem is essentially the inclusion of prior extraction in both criteria, which is confusing. On the face of it, criterion 1 allows development where prior extraction takes place, but criterion 2 also requires the demonstration of outweighing need and prior extraction. Arguably, if there is an outweighing need, prior extraction is not required.

The text of the policy follows the wording of paragraph 13 of MPPW but the policy does not fully in our view provide for an effective system of development management for mineral safeguarding.

The BGS report 'Aggregate Safeguarding Maps for Wales' was published in 2012 (under the auspices of the Welsh Government). The Introduction says, '*Identifying the distribution of known mineral resources in Wales, identifying areas where other forms of development might prohibit or restrict access to them, and adopting development plan policies that aid management of development in those areas, allows minerals to be considered with other land-use information when applications for development are determined. This process is commonly known as 'mineral safeguarding'.*

Whilst national policy (MPPW) says nothing about how development should be managed in MSAs it is clear that the BGS expects effective policies to be developed.

In this respect the safeguarding regime in Wales is similar to that pertaining in England. Whilst there is no guidance or policy for developing development management criteria for mineral safeguarding in Wales, such guidance has been developed by the BGS, government and the industry for England and represents best practice which surely must apply everywhere a similar regime exists.

The deficiencies of the current policy are that it does not specify a minerals report which should provide information on the quantity and quality of mineral potentially sterilised; it does not distinguish between forms of permanent development that pose a real risk to mineral sterilisation

and those like minor applications, that do not; and it does not require that a statement of relative need between the mineral and the proposed development is submitted for the mpa to make a judgement of the planning balance.

We have therefore proposed a replacement policy for mineral safeguarding development management criteria for the Draft LDP based on the BGS good practice guidance<sup>1</sup> which is designed to assist the mpa in the management and determination of non mineral applications in MSAs.

The principle of this model policy has already been accepted in recent examinations in Wales, particularly in Carmarthenshire and is likely to be proposed and adopted elsewhere.

This proposed replacement policy is as follows,

**“Mineral Safeguarding Areas have been identified and are shown on the Proposals Map to ensure that known mineral resources are safeguarded for the future. Planning permission will not be granted for any form of development within a Mineral Safeguarding Area that is incompatible with safeguarding the mineral and significant infrastructure unless:**

- **the applicant can demonstrate to the satisfaction of the Local Planning Authority that the mineral concerned is no longer of any value or potential value; or**
- **the mineral can be extracted satisfactorily prior to the incompatible development taking place; or**
- **the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or**
- **there is an overriding need for the incompatible development; or**

**it constitutes ‘exempt development’, namely householder application and development already allocated in a statutory plan.”**

**With the exception of exempt development, all applications in Minerals Safeguarding Areas should be accompanied by a Mineral Assessment Report prepared by a qualified person, which includes a site-specific desk-based assessment of the existing surface and solid geological and mineral resource information, including where appropriate, borehole data leading to an estimate of the economic value (for**

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<sup>1</sup> 'Mineral safeguarding in England: good practice advice' BGS, Keyworth, 2011

example quality and quantity) of the mineral resource, its potential for use in the forthcoming development and an assessment of whether it is feasible and viable to extract the mineral resource ahead of development to prevent unnecessary sterilisation. Where prior extraction can be undertaken, an explanation should be included of how this will be carried out as part of the overall development scheme.

~~Mineral resources will be safeguarded from non-mineral development which would sterilise or hinder their extraction. Proposals for non-mineral development will only be granted within Mineral Safeguarding Areas where:-~~

- ~~1. Such development would not have a significant impact on the viability of future exploitation of the mineral; or extraction of the mineral is undertaken prior to the carrying out of the development.~~
- ~~2. It can be demonstrated that the need for the development outweighs the need to protect the mineral resource and, where feasible, extraction of the mineral is undertaken prior to the carrying out of the development.~~

## **POLICY MWYN2: SUSTAINABLE SUPPLY OF MINERAL RESOURCES**

In view of the fact that the size of the landbank to be secured by policy is indicated in sufficient detail in policy PS19 we question whether this policy is necessary and is not a duplication. It thus fails soundness test CE1. We suggest it is deleted.

## **POLICY MWYN3: PREFERRED AREAS OF SEARCH**

This policy is deficient in confusing terminology mentioned in national policy. It thus fails soundness tests C2 and CE1.

The objection is not to the sites listed but to the way they are referred to. The policy uses the term 'preferred areas of search'. This confuses two completely different and distinct types of mineral provision in Local Plans which it is important to maintain. MPPW para 14 mentions three types of mineral local plan provision. These are Specific Sites which have a high certainty of planning permission being granted because of the extent of information provided. Next comes Preferred Areas which are areas of known resources where planning permission might be reasonably be expected. Last come Areas of Search (AoS) which are broad areas where the mineral content is uncertain. Local Plans should not rely on AoS alone unless there is clear justification for doing so.

Paragraph 7.5.68 appears to suggest that the allocations proposed are Areas of Search since the Councils do not have sufficient information to identify specific sites. This is bolstered by the

comment in para 7.5.69 that the areas have the potential to deliver much more than the identified RTS shortfall.

We believe it is important to retain the correct terminology in LDPs for mineral allocations since the approach of the industry to them will depend on their categorisation. It is also incumbent on the authorities to justify their approach to the shortfall, about which nothing is said in the Plan, in order to satisfy the requirements of national policy. We trust the confused terminology is not an attempt to avoid this obligation. In this respect, the Plan needs to include additional text to support the approach taken.

In addition, there is a typographical error in para 7.5.67 in respect of Anglesey's shortfall of crushed rock which should be 1.31 Million tonnes.

Moreover the implications for provision have not been set out in a logical way. Paragraph 7.5.66 says that where it is not possible to maintain a minimum landbank the 'preferred areas of search' will serve to maintain provision. We are not certain of the latter's status since Policy PS19 and Policy MWYN4 mention a preference for extensions. We also assume that the 'preferred areas of search' are not by their nature extensions, which raises the question of whether they are likely to be considered favourably. Readers of the Plan need more information about the allocation process before knowing how policy MWYN3 fits into the Local Plan strategy. For example, if an operator invested in an area of search and another operator presented an extension, which proposal would be preferred by the authorities? Have the authorities already canvassed the industry for sites? To what extent does a poor response to a call for sites reflect current depressed economic conditions rather than point to levels of longer term need?

At present we suggest the dropping of the word 'preferred' from areas of search to align more closely with national policy. However, whilst we ask for further clarification about the mineral site strategy we are unable to make any suggestions for changes at this time.

#### **POLICY MWYN4: MINERAL DEVELOPMENTS**

This policy is unsound because it fails soundness test CE1. The following criteria are the subject of objection,

1. We question whether the inclusion of odour in the list of amenity effects relates to minerals at all. Surely, this is limited to the deposit of waste?
7. We object to the inclusion of this criterion because we believe it is not needed since all aspects of the environment are already covered by other criteria in the policy and it thus serves no useful purpose because an overall assessment of all environmental effects would be carried out in the

determination process. It is moreover, notoriously difficult to define environmental capacity for all types of effects for which the concept is unsuited.

We suggest the following changes to the policy

Mineral exploration, working or extension to existing operations will be granted to maintain the Plan area's landbank of aggregates, or to meet a demonstrated need for other minerals provided the following criteria are met:

1. There is no unacceptable harm to the amenity or health of local residents in terms of visual impact, levels of dust, noise, vibration, odour and light as a result of the operation itself or the resulting traffic movements;
2. There is a suitable buffer between mineral development and sensitive development;
3. There is no unacceptable harm to the stability and support of adjacent land;
4. The development is sensitively screened and landscaped;
5. The development will not have a significant adverse impact on sites of international, national, regional or local environmental, nature conservation, landscape and /or heritage importance;
6. The proposal does not sterilize or otherwise prevent the working of other significant mineral deposits;
7. ~~The proposal does not increase the extent of active mineral working in a particular locality beyond its environmental capacity;~~
8. There is no unacceptable harm to land drainage groundwater and water resources;
9. The proposal ensures that the potential use of the resource is maximised and there is satisfactory disposal of any waste arising from the mineral operation;
10. Where blasting is proposed, the proposal includes a scheme of blasting to demonstrate that it can be controlled to meet the conditions detailed in Mineral Technical Advice Note MTAN (Wales) 1: Aggregates, or any amendments;
11. The proposal includes a scheme for the after use of the site and details of the restoration and aftercare required to achieve it in accordance with Policy MWYN/11;
12. Wherever economically feasible, mineral waste or products should be transported by rail or water;

#### **POLICY MWYN5: LOCAL BUILDING STONE**

We caution against this policy as worded since it is overly onerous and will be ineffective, this failing soundness test CE2 and is contrary to national policy failing test C2.



The MPA has a dedicated Dimension Stone Group and our members are among the largest producers of dimension stone in the country. We lobby mpas extensively on the problems our members face and seek a more understanding planning system.

The reference to 'small scale' in the policy presumably comes from MPPW para 72. This document was published in 2001 and predates the 2004 Symonds report, *Planning for the Supply of Natural Building and Roofing Stone in England and Wales*. The Symonds report emphasised the small scale nature of the industry and stressed its difference from aggregates operations, and the importance of the heritage repair market. This continues to be emphasis of English and Welsh policy, but our members report that typically, only 10% to 30% of their business is in the heritage market and the occurrence of contracts for it are so sporadic that they cannot retain highly skilled labour forces nor provide operating margins to run a modern business if they are dependant on it solely. In these circumstances the policy must be considered out of date.

Dimension stone producers face a number of commercial obstacles which other mineral operators do not have.

- There is a significant competition with imports which are often a third of the price of indigenous natural stone and competition with reconstituted stone products which are typically half the price.
- Prospecting is risky and very expensive being dependent on core drilling at close intervals. Known sources of dimension stone tend to be located adjacent to existing workings.
- Health and safety requirements are increasingly onerous especially for siliceous products where operators have a duty to protect their workforce against Respirable Crystalline Silica (RCS). Current European-led initiatives are likely to cut the current British Workplace Exposure Limit (WEL) of 0.1 mg/m<sup>3</sup> by half, which would require substantial new investment in workforce protection. On top of that health surveillance and Stone Saw Guarding are additional (and necessary) burdens for a professional operator.
- Planning and development costs constitute one of the most costly and difficult things for dimension stone operators to deal with because of its open ended nature.
- Dimension stone is not a commodity like aggregates. It is often site or regionally specific and the major operators' products are branded. For new-build projects architects require demonstration that stone of consistent quality and colour will be available for decades or even centuries for any necessary repairs. Major new-build projects often specify the supply of extensive quantities of stone which many traditional operators are unable to supply, due to planning restrictions.

- Dimension stone production requires the retention of skilled workforces able to operate complicated and often dangerous machinery to make products of consistently high quality.

Bearing the mind the foregoing, the industry needs planning policy to do the following,

- Allow long term reserves, not short term planning permissions which do not provide the necessary security of supply required by customers. Specifications of dimension stone require consistency of performance over long time scales – approaching the lifetime of buildings – and it takes time for a product to become established and for customers to have confidence in the consistency of colour, durability, hardness, porosity, workability and that volumes required will be guaranteed. Members continually report that they lose out to imports because they cannot guarantee volumes either because they have no security of supply or planning restrictions prevent them from doing so.
- Not limit proposals to local markets only which reflect the historic circumstances of the industry and the emphasis on heritage end uses. Local market means restricted outlets, low volumes and low turnover/operating profit. This scenario does not allow the operator to invest in the technology and training, and his low sales forecast means that he will be turned away by his bank manager for loans to keep the business going. This is a serious threat to continuity of security of supply. Conversely, serving wider markets makes it easier to guarantee that stone will also be available to serve the local market.
- Not limit proposals to small scale which will in the long term result in scarcity of supply because it leads to restrictions in income generation and money for investment.
- Not impose arbitrary restrictions on output volumes, traffic, aggregates output as a by-product, etc. Aggregates produced as by-products of dimension stone manufacture (coming from quarry waste or overburden removal) often provide an essential accounting contribution to keep the high costs of production down and to supplement income between dimension stone contracts.

As the trade federation for the industry we very much doubt that any building stone quarry operated to modern professional and sustainable standards can meet the requirements of the policy. The policy as drafted does not in our opinion provide a realistic prospect to encourage new dimension stone operations, although it may allow continuation of existing ones. An application for more than a small operation (undefined) proposing to serve a wider market not limited to the heritage market by building a sustainable local business would undoubtedly fail. As would an application that produced material already available even if in tiny quantities from another site. There is no reason adduced that would justify such draconian and punitive conditions. One would have thought that

encouraging local businesses to use local Welsh resources would have found favour in terms of the positive economic effects.

We believe the policy is profoundly anti-business and unsound at this point because although MPPW para 72 mentions local markets and small scale operations this is descriptive of the traditional character of the industry and is not prescriptive. As we have sought to show, this is should not be taken as a description of how the industry must be since it is changing rapidly in the light of regulatory drivers and commercial pressures. We believe that the plan is further unsound by reference to para 71 where mpas are told to recognise the importance of maintaining a continuing supply of these materials (i.e. non-aggregates) and to para 7 of MPPW because the way the policy is framed it will not *"provide for the benefits of increased prosperity through an adequate supply of minerals that society needs now and in the future"*. On the contrary, it will tend to discourage proposals because its requirements are too onerous.

We suggest the following changes to the policy

The temporary working or reopening of ~~small-scale~~ mineral operations to provide traditional building materials ~~for the repair and/or alteration of buildings or walls of architectural or historic importance or the construction of new buildings, walls or other structures on sensitive sites~~ will be granted provided that:

1. It is compatible with other Plan policies ~~and that it is in the interests of building conservation, the local landscape and sustainability.~~
2. ~~Where it can be demonstrated that the need cannot be met from existing reserves/sources.~~

~~The duration should be considered on a case by case basis, taking into account the need for the mineral type concerned. The Council will attach a condition specifying end use to which the stone is to be put.~~

## Templed Cyfieithu Sylwadau ar y Cynllun Datblygu Lleol – Cynllun Adnau

<b>Rhif y Gwrthwynebiad:</b>	1647_ 624
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### Geirfa i'w Gyfieithu:

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### Requested Changes to Plan

We suggest the following changes to the policy

The working or reopening of mineral operations to provide traditional building materials will be granted provided that: It is compatible with other Plan policies

### Cyfieithiad

Amau'n gryf y medrai unrhyw chwarel cerrig adeiladu sy'n gweithredu i safonau modern proffesiynol a chynaliadwy ddiwallu gofynion y polisi hwn. Yn ein barn ni, nid yw'r polisi yn ei ffurf ddrafft yn cynnig darlun realistig i annog cwmnïau gwaith cerrig trin newydd, er gall alluogi parhad y rhai sy'n bodoli eisoes. Yn ddiau, byddai cais am rhywbeth sy'n fwy na gwaith bychan (heb ei ddiffinio) sy'n bwriadu gwasanaethu marchnad ehangach nad ydyw wedi'i chyfyngu i'r farchnad dreftadaeth trwy adeiladu busnes lleol cynaliadwy yn siŵr o fethu. Felly hefyd cais am gynhyrchu deunydd sydd eisoes ar gael o safle arall, hyd yn oed os yw hynny ddim ond ar raddfa fechan iawn. Nid oes unrhyw reswm wedi'i nodi fyddai'n cyfiawnhau amodau mor ddidostur a chosbol.

### Gofynnir am y Newidiadau a ganlyn i'r Cynllun

Awgrymwn newid y polisi fel a ganlyn:

Caniateir gweithio neu ailagor gweithfeydd mwynau i ddarparu deunydd adeiladu traddodiadol cyn belled: Ei fod yn cyd-fynd â pholisïau eraill y Cynllun