

**Document reference: ED89**

## **TOPIC PAPER 4**

### **Areas of Search for Minerals, Mineral Safeguarding Areas and Mineral Consultation Areas**



### **CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK**

### **REPEATED SITE ALLOCATIONS POLICIES AND PROPOSALS MAP**

***This Topic Paper is in response to Issue 4 of the  
Inspector's Issues and Questions (document reference  
ED81)***

### **HEARING SESSION 3**

**WEDNESDAY 25 APRIL  
(10.00 TO 13.00)**

**Committee Room 1  
County Offices, Kendal**



## **Policy 7: Site M12 Roosecote**

### **Question 4.1**

**Is the evidence included within the Sustainability Appraisal (RSAP2) for this site robust?**

#### *Background information*

1. M12 was put forward for consideration, as a potential alternative source of sand and gravel to site M27 Roose sand quarry, in a representation at an early Regulation 25 stage in 2007.
2. When work on sites recommenced in 2009, it was identified in the June and September 2009 Regulation 25 consultations as a site that was being considered. The September 2009 consultation document (LD162) was the first one that included draft policies. M12 was not included in the relevant policy for Preferred Areas and Areas of Search for minerals, which at that time was Policy 6. However, together with other sites that had been considered but not included in policies, it was included in the Sustainability Appraisal (SA) section of the document (pages 180 to 184 of LD162).
3. The SA site assessment scoring matrix provided a mechanism for reviewing and scoring the site against the Core Strategy's site selection criteria and the SA's objectives and criteria. The site assessments were carried out by County Council specialist minerals and waste planners, an officer with specialist knowledge of SA and Strategic Environmental Assessment, plus input from other specialists – such as the Historic Environment team.
4. During the 2010 Examination of the Site Allocations Policies, it was decided (see paragraph 106 of the Inspector's Report, RSAP10) that Area of Search M12 needed to be included in the policies, in order for them to be consistent with the Core Strategy.

#### *Regulation 27 and Sustainability Appraisal*

5. For the repeated Regulation 27 consultation (October to December 2011), the Area of Search was reassessed and the site assessment matrix was updated (pages 78 to 82 of RSAP2). Changes made were:
  - text added in criterion 1 of the site scoring matrix for M12, to read "The site would be likely to have a very localised supply area, mainly Barrow. It is situated to the south and east of the town centre and is likely to result in traffic using town centre roads to reach the site. A transport assessment would be required."
  - text amended in criterion 5, to read "Check Moor Head Cottages – Listed Buildings opposite the site (boarded up for many years)"
  - text amended in the Summary of the site scoring matrix, to read "This locality is important as the only identified resource of sand and gravel for the south of the county. This site is within a proposed Minerals Safeguarding Area. Nearby Roose Sand Quarry, which is the Preferred Area, now has planning permission that expires 2016."
6. It is considered that the evidence included within the SA (document RSAP2) for this Area of Search is robust and up-to-date. This locality is not well related to the primary road network and the site does not have realistic potential for rail access

and these are reflected in the negative scores. It is outside an identified area of flood risk and scores positively for that.

7. The Area of Search is over 800 metres from the nearest European and national wildlife sites and is scored positively for that. If the Area of Search is quarried, there would be significant enhancement potential in a restoration scheme, which is scored very positively.
8. Moor Head Cottages are directly opposite the Area of Search. They have not been regarded as houses for site selection criterion 5, because they have been boarded up and have not been lived in for many years. It is understood that they are owned by Centrica Ltd, which owns the nearby gas terminal.
9. The status of these cottages as Listed Buildings is recognised in the amended scoring matrix. With regard to site selection criterion 7 and its associated SA objectives and criteria, their conservation would not be directly affected by the Area of Search. Questions relating to the setting of these Listed Buildings would be matters for any planning application proposals within the Area of Search. The Area of Search is not near to any national landscape designations.
10. The very positive scoring in relation to economic potential reflects the fact that this is the only locality providing land won sand and gravel in the south of the county. The ambitious regeneration and development schemes in Barrow will require substantial amounts of construction aggregates, including sand and gravel for concrete. The scoring reflects the potential of this Area of Search to meet such needs.

## Question 4.2

### **Is the decision not to report on this site within the Habitats Regulations Assessment (RSAP3) justified?**

11. The Habitats Regulations Assessment (HRA) was prepared in close consultation with Natural England. Natural England agreed that the HRA (RSAP3) should not include Mineral Safeguarding Areas (MSAs) or Areas of Search, for extending quarries. The latter are not like Preferred Areas, where planning permission might reasonably be anticipated, and there is less knowledge about their mineral resources.
12. Natural England's response to the consultation for the resubmitted policies is representor reference 20 in document RSAP7. The previous consultation response, to which it refers, was the letter, dated 5 February 2010, that was included in the suite of documents submitted for the first Site Allocations examination, document SAP7, representor 73. That letter confirmed that Natural England agreed with the conclusion that the Site Allocations Policies and Proposals Map are not likely to adversely affect the integrity of European Wildlife Sites.

## Question 4.3

### **Having regard to the circumstances of site M27 (Roose sand quarry), the text of CSD14 paragraphs 10.20 to 10.21 and CS Policy 7 and no evidence of any other sites coming forward, would the DPD be sound if identified site M12 was not to be included as an Area of Search?**

13. M12 is considered to be needed for consistency with Core Strategy Policy 13. This states that provision will be made not just to meet the Regional Spatial Strategy's sub-regional apportionment to Cumbria for sand and gravel production, but also to

maintain appropriate landbanks for local supply areas. This takes account of the characteristics of Cumbria and its pattern of quarries and the criterion in Core Strategy Policy 1 of minimising “minerals road miles”. Alternative sources of land won sand and gravel are around 65km away in Copeland or 110km in Eden, Carlisle or Lancashire.

14. The reasoned justification for the policy is set out in Core Strategy paragraphs 10.20 and 10.21. With reference to Core Strategy Policy 7, it has not been necessary to identify supply and production areas in the Site Allocations Policies because of subsequent planning permissions.
15. It is not difficult to understand where the supply area is for M27 Roose sand quarry; it is the only sand quarry in the south of the county. Its current planning permission is until 31 August 2016 and is only for the remaining reserves in that part of the original planning permission area that has already been worked. That is the northern half of the Preferred Area.
16. It is a material consideration that the owner, of both the land and the mineral rights, is only prepared to allow extraction on a one year at a time basis. That is not considered to be a viable foundation for mineral planning.
17. During the 2010 Examination, the Inspector accepted that the geological information provided sufficient evidence of the potential reserves of sand and gravel at M12, to justify its inclusion as an Area of Search. Since that Examination, Holker Estates has commissioned a borehole survey of a more appropriately defined area of land than the original area shown for M12. This is in the context of a potential planning application proposal rather than the Site Allocations Policies.
18. In response to the repeated Regulation 27 consultation, October-December 2011, the agent for Holker Estates (representor 27 in RSAP7) submitted a representation that set out progress on the M12 area. The Estate is working towards obtaining planning permission for M12 before the consent for M27 expires. This will include undertaking further borehole investigations to confirm the depth and quality of the sand and gravel at M12. The representation also included several documents that were referred to during the 2010 Examination, relating to the potential of M12 for sand and gravel extraction.
19. With the uncertainties about the continued availability of site M27, the need to find a replacement source of sand and gravel in the area is considered to be paramount. This construction aggregate will be needed to fulfil the ambitious regeneration and development aspirations in the Barrow area, including those expected to arise from the Barrow Port Area Action Plan.
20. It is considered that the DPD would be unsound without the inclusion of M12 as an Area of Search, as it is a necessary provision for continuity of supply in the south of the county, in accordance with the Core Strategy.

## **Policy 7: Omission: Extension to Holmescales Quarry**

### **Question 4.4**

**This matter was debated during the previous examination (see RSAP10 paragraphs 110 to 113). What evidence is there of a change in circumstances to suggest that the DPD would be unsound if the proposed site was not added to Policy 7?**

21. From the County Council's point of view, there have been no changes in circumstances for this site (M16) and it is not possible to see a practicable solution to the site's access issues. Holmescales is not included in the Sustainability Appraisal; however, its Minerals Site Scoring Matrix follows paragraphs 948 to 955 of the Site Assessments Report (RSAP4) (on the website this is in RSAP4 part 6, for South Lakeland).
22. Aggregate Industries (representor 19 in RSAP7) submitted a representation on this site for the repeated Regulation 27 consultation. The representor advised that this site is of regional importance for the supply of High Specification Aggregates (HSA), which has limited consented reserves, but has potential for extension. It was requested that this extension be included as an Area of Search in Site Allocations Policy 7.
23. Furthermore, Aggregate Industries argues that the issue of imminent closures of HSA quarries in the adjacent Yorkshire Dales National Park (YDNP) will have an impact on future provision of this resource. This, coupled with the importance of HSA regionally and nationally, is stated to make the DPD unsound, because the policy relating to this issue is not justified or effective.
24. There is no separate regional apportionment for these specialist aggregates, but figures for reserves and sales are given for Cumbria in the NW Regional Aggregates Working Party Annual Monitoring Reports. The most recent (LD177) suggests a landbank for this mineral in excess of 30 years at current sales (0.78 million tonnes).
25. The issue of HSA resources and, in particular, Holmescales Quarry, was discussed at length at the 2010 Hearing of the Site Allocations Policies. The quarry falls within a Minerals Safeguarding Area for sandstone, which is consistent with Core Strategy Policy 14. The biggest problem with this quarry is the inadequate road access, for which the representor agreed at the 2010 Hearing that there was no evidence for a solution. If a proposal for a quarry extension was submitted, one of the policies against which it would be considered is General Development Control Policy 6 in relation to the landbank at that time.
26. Recent discussions with the YDNP Authority have provided the following information about the high specification roadstone quarries within its administrative area:
  - Dry Rigg – a decision notice has been issued and working is permitted until the end of 2021, providing an additional 3.5 million tonnes;
  - Arcow - a decision notice has been issued and a time extension ensures that working is permitted until June 2015; Tarmac has indicated that it is looking at proposals to seek approval for additional reserves;
  - Ingleton – has permission for extraction until May 2018, but there are potential additional reserves;
  - Horton – a limestone quarry which is not worked for high PSV stone at present; Hanson has indicated that it intends to submit an application to work

the high PSV stone below the base of the quarry, as a replacement for Ingleton.

This information is in line with that provided by YDNPA during the Core Strategy Hearing.

27. On this basis, it is unlikely that the availability of high specification roadstone from within the YDNP will be reduced within the plan period. The Site Allocations Policies will not, therefore, be unsound if an Area of Search around Holmescales Quarry is not added to Policy 7. It is also relevant that the DPD does identify an Area of Search for high specification roadstone adjacent to M30 Roan Edge quarry. M30 is approximately 6 km north of Holmescales, adjacent to Junction 37 of the M6.

## **Policy 7: Omission: Areas Around Moota Quarry**

### **Question 4.5**

**Is the crushed rock landbank position now materially different from that recorded at RSAP10, paragraph 109?**

28. As stated in RSAP10, there was a very large landbank of permitted reserves in 2010 and that situation, as set out in the 2010 NW Regional Aggregates Working Party Annual Monitoring Report (LD177), has not significantly changed – it is now around 41 years. The identification of two further Areas of Search for limestone at Moota Quarry, proposed by Cemex (representor 15 in RSAP7), would not be consistent with the Core Strategy, unless a local supply area shortfall within the plan period can be demonstrated. This would be in accordance with Core Strategy Policy 13 and paragraph 10.13. The County Council is not aware of such a shortfall.

### **Question 4.6**

**Even if there is no material change, are there any local supply issues, such as those for sand and gravel in the south of the county, which would nevertheless justify the identification of an additional Area of Search in this part of Cumbria?**

29. This is one of only three crushed rock quarries within Allerdale Borough and Carlisle City, and the quarry predominantly supplies this northern part of Cumbria. It is noted that Cemex refer only to a 10-mile radius supply area. The County Council has not been made aware of local supply issues for limestone that would justify an Area of Search in this part of the county. Moota Quarry is located in the north west, on the edge of the Lake District National Park, and is quite close to two other limestone quarries – Eskett/Rowrah (in Copeland) and Tendley. The other crushed rock quarry in the north is Silvertop Quarry (site M10), which is to the east of Carlisle. An Area of Search for that quarry is identified in Policy 7, for the reason explained in paragraph 5.86.

### **Question 4.7**

**If such an identification was justified for soundness, is there any evidence about the mineral potential to include the suggested site(s) in the DPD as Areas of Search?**

30. The quarry and adjacent land are within the proposed carboniferous limestone Mineral Safeguarding Area. The County Council is not aware of any current evidence of the quality of the limestone within those areas put forward as Areas of Search at

this site. Cemex (representor 15, RSAP7) states in its representation that it is in the process of evaluating the mineral potential and that, in general, the quarry produces high quality limestone. It is not made clear to which characteristic of the rock this description refers.

## **Question 4.8**

### **Has the suggested site(s) been subject to Sustainability and consultation?**

31. The two suggested Areas of Search were not put forward for consideration at any of the Regulation 25 stages of the Site Allocations Policies. Therefore, they have not been subject to Sustainability Appraisal, nor included in any of the County Council's consultation documents.

## **Policy 8: Omission: Mineral Safeguarding Area for Slate**

## **Question 4.9**

**In the light of the County Council's response (RSAP5, paragraphs 10.3 to 10.5), is the DPD not consistent with the Core Strategy (and thus not sound) if the requested Mineral Safeguarding Area is not identified?**

32. There was discussion at the 2010 Hearing on the Site Allocations Policies, in connection with the agent's request that a Preferred Area for extending Kirkby Slate Quarry be added to the Policies (representor 33 in SAP7). It was decided that, for that specific small area of land, the issues were ones relating to a planning application not planning policy. Text was, however, added to the DPD, in paragraph 3.25, emphasising the importance of Burlington Slate Ltd. to the economy. There was no request at that time for a slate Mineral Safeguarding Area (MSA).
33. Core Strategy Policy 17: Building Stones, is worded positively and bullets two and three of Generic Development Control Policy 6 would be taken into account when determining whether favourable consideration should be given to any proposal for extraction of local building stones, including slate.
34. For the repeated Regulation 27 consultation, representor 26 (see RSAP7) requested that the Wray Formation, within which Kirkby Slate Quarry lies, should be added to the DPD as a slate MSA.
35. It seems unlikely that a new MSA could be included on the Proposals Map at this late stage, without yet another repeat of the Regulation 25 and 27 consultation processes. The County Council considers that this would be inappropriate, but proposes that the matter is considered in the forthcoming review of the Core Strategy, alongside the MSA for gypsum.
36. Identifying an MSA for slate would be consistent with Core Strategy Policy 14: Mineral Safeguarding, and it seems likely that one would have been identified if it had been requested at an earlier stage. It is not considered that the DPD is unsound without such an MSA. That is because the policy does not state that MSAs will be identified for all building stones or for any specific ones.



## Question 4.10

**If that would be the case, is the County Council proposing a change to the text, as indicated, to address the issue?**

37. Whilst the County Council does not consider that the DPD is unsound without the slate MSA, a change to the text is now proposed.
38. In a similar way that text was added to the DPD (paragraph 3.30) concerning a review of the gypsum MSA, text could be added with regard to a slate MSA. Suggested wording to be included in paragraph 3.25 is "It is intended that the matter of an MSA for slate building stones will be addressed in the forthcoming review of the Core Strategy." In the opinion of the County Council, this would not constitute a significant or major change to the Site Allocations Policies DPD.

## Mineral Consultation Areas

### Question 4.11

**The County Council recognises (RSAP5, section 11) that it cannot show material on the Proposals Map that extends into adjoining administrative areas. However, the issue raised in paragraph 11.5 of RSAP5 appears valid. How is this to be taken forward with adjoining mineral planning authorities and is this a soundness issue for the DPD?**

39. As Unitary Authorities, Durham County Council and Northumberland County Council do not need to designate statutory Mineral Consultation Areas (MCAs). As the higher tier of a two-tier authority, Cumbria County Council is required by legislation to identify MCAs, so that there is no unnecessary sterilisation of minerals by non-mineral development.
40. Following adoption of the Site Allocations Policies in January 2011, and prior to their being quashed by the High Court, further work was carried out by the Minerals and Waste Planning Policy Team in connection with the MCAs. This was to agree a protocol about how the consultation arrangements would work between the County Council and the six Cumbria districts and two National Parks. Of particular note is the discussion with the Lake District National Park Authority, which is similar to a Unitary Authority.
41. It was informally agreed that there would have to be a mechanism across the boundary for picking up any potentially sterilising planning applications, though a strict 250 metres may not be the best buffer size.
42. The matter was discussed with Northumberland and Durham at an officer meeting on 22 March 2012. The representatives confirmed that they were not objecting to the principle of having these consultation zones, but questioning how they could be achieved. It seems that the only possible way, is that they would have to be incorporated in some manner into the Proposals Maps for those two counties.
43. It is not considered that this is a soundness issue for Cumbria, because these parts of the MCA are not land within the plan area. It seems likely that a solution can be found with the adjacent authorities, in connection with the Duty to Co-operate.