TOPIC PAPER 5

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

SITE ALLOCATIONS POLICIES AND PROPOSALS MAP

PREFERRED AREAS for MINERALS and MINERAL SAFEGUARDING AREAS

HEARING SESSIONS 6 and 9 to 14

This Topic paper is in response to the Main Matter 5 of the Inspector's Main Matters, Issues and Questions (document reference ED50)
SESSION 6
MONDAY 11 OCTOBER (18.00 TO 20.00)

Sub Matter 1: Gypsum

Question 5.1
1. CS Policy 13 states that provision will be made to recognise the national importance of the gypsum resources and Policy 14 follows this up by stating that a Preferred Area and/or Area of Search will be identified. Core Strategy paragraph 10.3 explains the differences between the different measures for safeguarding minerals. M18 meets the criteria for a Preferred Area.

2. M18 is the only area of land for which there is sufficient information about the geological resource to justify a Preferred Area. Planning permission was granted in the early 1990’s and it was a Preferred Area in the Minerals and Waste Local Plan. The earlier planning permission is no longer valid and a new planning application is likely to require Environmental Impact Assessment, it cannot be assumed that a new permission will automatically be granted.

3. Failure to identify a Preferred Area or Area of Search would mean the Site Allocations Policies would be unsound because they were not in accordance with Core Strategy.

4. A change since the Core Strategy was written, is that the recession has caused a substantial reduction in sales of plaster and plasterboard and a consequent fall in demand for gypsum. However, it still seems likely that a replacement for the Birkshead mine reserves will need to be considered before the end of the plan period. This takes account of the lead-in time needed for bringing a new site into production. The best estimate is that Birkshead will last up to 15 years. An overlap between a new site commencing production and the underground mine ceasing seems likely to be a reasonable commercial requirement.

Question 5.2
5. Section 5 of the Site Allocations Policies is not intended to be comprehensive in covering all material considerations for a planning application. It will be given policy effect through the Development Control Policies.

6. A planning application would trigger the need for a Screening Opinion. Without pre-empting that Opinion, it seems likely that Environmental Impact Assessment would be considered to be needed. In those circumstances, a Scoping Opinion would set out all the matters that the planning authority considers would need to
be addressed. The Habitats Regulations Assessment concludes that Appropriate Assessment would be needed.

Question 5.3

7. In accordance with national policy in Minerals Policy Statement 1 (ND11) and the BGS Guidance (LD158), the Mineral Safeguarding Area (MSA) has been defined for a mineral of economic importance. In addition to the importance of the gypsum, the works at Kirkby Thore are important as a major employer.

8. MSAs based solely on the extent of the resource shown on the geology map are not considered to be appropriate. This is because the map shows only the outcrop of gypsum. Typically, an area three times as large would be needed to work the mineral and it is considered that that is the minimum area that should be safeguarded. The alternative approaches would identify a much larger and more broadly defined area, in an attempt to be less specific about precise areas of land and properties. Maps showing possible alternatives that have been discussed at public meetings and the submitted version are in the Appendix, together with a map showing the consultation areas for the three gypsum/anhydrite mines that have been notified to the planning authorities by the Health and Safety Executive.

9. The County Council does not consider that the alternative ways of defining the MSA are determining factors for the matter of whether the plan is sound or unsound. There is a procedural issue about the change made between the Regulation 27 and submitted versions and other alternatives that may not be able to be resolved in this Examination process.
SESSION 9

WEDNESDAY 13 OCTOBER

Sub Matter 2: Land Won Sand and Gravel

Question 5.4

10. Site Allocations Policies paragraph 3.13, summarises the planning permissions that have been given since the Core Strategy was written. What is not yet clear are the full effects of the recession on sand and gravel sales.

11. The Core Strategy Policies refer to the sub-regional apportionments to Cumbria for aggregates. The updated national and regional figures are for the period 2005 to 2020 and show slight reductions in need for land won sand and gravel and crushed rock in the North West. (It is understood that those figures have not taken account of the recession).

12. Notwithstanding this reduction, the North West Regional Aggregates Working Party, in applying these figures to the sub-regional apportionments, has suggested an increased apportionment to Cumbria for sand and gravel. This would be to 800,000 tonnes/year, compared with 700,000 tonnes/year at present. Cumbria is dissenting from this approach, which is currently having its Sustainability Appraisal.

13. The current landbank of sand and gravel planning permissions in Cumbria is equivalent to around 15 to 20 years sales at these rates, sufficient to maintain a seven year landbank until the end of the plan period.

14. M6 and M8 in the north of the county are not considered to be likely to be needed within the plan period. However, they are identified as Areas of Search, recognising that some planning permissions expire within the plan period and the lead-in time that may be needed to bring additional reserves into production.

15. M15 in the west and M27 in the south are considered to be needed for the Site Allocations Policies to comply with the second bullet point in Core Strategy Policy 13.
Question 5.5

16. The County Council understands that the landowner owns a substantial proportion of the Area of Search for M15. This casts serious doubt on its deliverability.

17. The current planning permission expires in April 2015. The County Council does not know if the existing permitted reserves are likely to be exhausted by that date. At the time of the 2006 planning application, the applicant anticipated sales of around 100,000 tonnes/year and reserves of 951,000 tonnes.

18. It is important that there should be a continued source of sand and gravel in this part of the county; for example, developments at Sellafield have required considerable quantities for concrete, etc. If this area proves not to be available in the longer term, then an alternative should be found. The County Council is not aware of any geological information to a level of detail that would justify more precise safeguarding than the proposed Mineral Safeguarding Area. In these circumstances, it will be for the industry to bring alternative sites forward on the basis of information provided by borehole surveys.

Question 5.6

19. In view of the distances and road network that are involved, the County Council does not consider that M32 would provide an appropriate alternative to a site in the west of the county.

20. M32 is not included in the Sustainability Appraisal, but its Minerals Site Scoring Matrix follows paragraphs 1.229 to 1.235 in the Site Assessments Report (SAP8).

Question 5.7

21. The County Council understands that the land and mineral owner does not now object to M27, but is only prepared to consider its use as a quarry on a year by year basis. That is considered to provide too great a level of uncertainty for this plan. The Council would prefer that the site is retained as a reserve but that alternatives are investigated.

Question 5.8

22. Discussions have continued with Holker Estates. There is only one (very deep) geological borehole within the area put forward as M12 Roosecote Quarry Extension and, because of this, it could not be included as an Area of Search or Preferred Area instead of the Mineral Safeguarding Area.

23. The County Council has suggested that there should be a borehole survey of a more appropriately defined area of land based on M12. This is in the context of a potential planning application proposal rather than the Site Allocations Policies.

24. M12 is not included in the Sustainability Appraisal, but its Minerals Site Scoring Matrix follows paragraphs 1.351 to 1.359 in the Site Assessment Reports (SAP8).
Question 5.9

(i)

25. M6 is considered to serve the north and parts of the west of the county. In addition, it may be likely that it could also be used to serve part of the North East region and parts of southern Scotland.

(ii)

26. Neither M6 or M8 are considered likely to be needed within the plan period (paragraphs 5.44 and 5.77 of the Site Allocations Policies). The justification for including them as Areas of Search is the level of certainty about the mineral resources in areas of the county where there will be continuing need in the long term. In addition, there is a general, though not absolute, preference for extensions to existing quarries rather than the development of new ones.

27. The disproportionate distribution of sand and gravel quarries also reflects the disproportionate distribution of known sand and gravel resources. There is a not so extreme mirror image distribution of crushed rock quarries.

(iii)

28. Planning permission was granted in July 2009 which provided a total of around 800,000 tonnes of reserves at Kirkhouse, a life of around 12 years at the applicant’s estimated 75,000 t/y. The planning permission expires in July 2023.

29. The allocation of further land as a Preferred Area or Area of Search is not necessary in order to comply with Core Strategy Policies. This is because of the size of the current landbank of permitted reserves.

30. M11 is not included in the Sustainability Appraisal, its Minerals Site Scoring Matrix follows paragraphs 1.544 to 1.552 in the Site Assessments Report (SAP8).
SESSION 10
THURSDAY 14 OCTOBER (am)

Sub Matter 6: Coal

Question 5.14
31. The County Council does not have information about the quality or quantity of unworked coal within site M28. As owners of the site, the County and Borough Councils are currently considering schemes from a number of interested parties for its disposal for regeneration. Not all of the schemes that have been submitted would involve coal extraction.

32. It is not considered appropriate that the site should be identified as an Area of Search because of the uncertainties about coal resources but, more particularly, about whether coal extraction would help or hinder the regeneration of the site and could maintain its environmental interests. It would also be difficult to define the boundaries of an Area of Search; the site has an area of around 400 ha which includes areas with significant wildlife interests. Some matters should become clearer when the “bidders” submit their more detailed proposals later this year.

33. Core Strategy Policy 14 gives the option of identifying Areas of Search and/or Mineral Safeguarding Areas for shallow coals. The Council has chosen the latter, which accords with the policy and is considered to be sound.

Question 5.15
34. M28 is mentioned in this section because of the representations and because it is an important current issue, not just within the context of the plan. It seems likely that this site could prove to be the first test case for the mineral safeguarding policies. It is accepted that this provision of information is not really consistent with the approach for the other sites in section 5. The County Council considers it is useful to include the information and that no-one’s interests have been prejudiced by its inclusion.
SESSION 11

THURSDAY 14 OCTOBER (pm)

Sub Matter 7: Sites for Secondary or Recycled Aggregates Facilities

Question 5.16

35. There is uncertainty about the proportion of aggregate use that is made up of these alternative aggregates. A survey of the construction, demolition and excavation wastes sector, for authorities in the North West, had such a poor return rate that no confidence could be placed in its results. Nationally, it is claimed that the 25% target has been reached, but whether that applies to a county with Cumbria’s characteristics of geology and settlement pattern is not known. There are already several aggregates recycling plants in Cumbria and the County Council has no doubts that the hard rock quarries have the potential to provide sufficient facilities to ensure that the target could be met.

36. No specific hard rock quarries have been identified in the Site Allocations Policies and it is correct to assume that the delivery mechanism will mainly be through the operation of the Development Control Policies.

37. The identification of the M24 slag bank is considered to be consistent with Core Strategy policy.

Question 5.17

38. M24 is a major potential source of secondary aggregates, owned by the County Council. Part of it is currently being used, on a relatively modest scale, to supply a concrete block works. The issues that are mentioned in Site Allocations Policies paragraph 5.46 and Site Assessments Report paragraph 1.170 (SAP8), mean that it would be difficult to identify the boundaries of a Preferred Area.

39. It is likely that continued extraction of this sustainable alternative aggregate can be considered to be appropriate, the rate of such extraction would need to be considered at planning application stage. The County Council considers the plan may have been considered to be unsound if it had not identified this important resource.
Question 5.18

40. The County Council accepts the importance of this site to its operator, its contribution to re-use and recycling and its convenient location near to a motorway junction. However, the Council does not consider this site is essential for meeting the target in Core Strategy policy or that the plan is unsound without it.

41. The land in question is greenfield land, in a prominent and sensitive location near to, and visible from, the M6, and an important route between the Lake District and Yorkshire Dales National Parks (the Kendal to Sedbergh road). It has proved difficult for the site to be operated in an environmentally acceptable manner with regard to landscape and visual impacts.

42. The most recent extension to the site required a small quarry to be excavated to accommodate the operations, and it is likely that the suggested extension area would require the same, together with artificial screening bunds. No permanent machinery or plant are required for these types of operations and it is difficult to see why it should be considered to be preferred to locations within existing quarries.
SESSION 12

Sub Matter 5: Crushed Rock

Question 5.13

43. The approach that has been adopted is in accordance with Core Strategy paragraph 10.13 and is considered to be sound. The County Council is not aware of any specific needs being identified for additional reserves of crushed rock for general aggregate uses. The updated National and Regional Aggregates Guidelines 2005 to 2020 (ND37) include a slightly lower figure for crushed rock in the North West.

44. M29 is not included in the Sustainability Appraisal. However, its Minerals Site Scoring Matrix follows paragraphs 1.887 to 1.896 in the Site Assessments Report (SAP8).
SESSION 13

MONDAY 18 OCTOBER (pm)

Sub Matter 4: Local Building Stones

Question 5.12

45. The identification of Mineral Safeguarding Areas only is in accordance with Core Strategy Policy 14 and is, therefore, considered to be sound.

46. There are site specific reasons why they are not considered appropriate for more specific safeguarding measures. For M21 Baycliff Haggs and M22 Birkhams these are described in paragraphs 1.956 and 1.743 to 1.747 and the Minerals Site Scoring Matrices in the Site Assessments Report (SAP8). For Kirkby Slate, the land in question is within the boundary of an existing planning permission and its issues are at a planning application level of detail that cannot be addressed at the policy level.
SESSION 14

TUESDAY 19 OCTOBER (am)

Sub Matter 3: High and Very High Specification Roadstones

Question 5.10

47. The County Council considers that paragraphs 5.109 and 5.110 do reflect the content of the other documents. They are not intended to be a comprehensive description of all the matters that would be material considerations for a planning application. The paragraphs could be expanded to refer to the SSSI consultation area, the adjacent Ancient Woodland and the need for assessing the possible presence of bats and other species.

Question 5.11

(i)

48. The County Council considers that Paragraphs 5.138 to 5.141 adequately reflect the content of the other documents. They are not intended to be a comprehensive description of all the matters that would be material considerations for a planning application. The paragraphs could be expanded and reference could be made to the public bridleway and to Killington Reservoir consultation area.

(ii)

49. The County Council is not aware of any showstoppers for this site. The issue of diverting the bridleway would need to be resolved and other main considerations would be landscape and visual impacts. An initial walk-over of the land suggests that a quarry extension could be designed so as not to be visually intrusive. By contrast, it is not possible to see a practicable solution to the M16 Holmescales access issues.

50. Holmescales is not included in the Sustainability Appraisal. However, its Minerals Site Scoring Matrix follows paragraphs 1.948 to 1.955 of the Site Assessments Report (SAP8).
APPENDIX

ALTERNATIVES FOR GYPSUM MINERAL SAFEGUARDING AREA

These maps show:-

1. the geological outcrops;
2. the estimated areas of land required for working them, used for the Regulation 27 version;
3. possible areas to be removed from map 2, shown at public meetings Nov 2009 and January and July 2010;
4. alternative broader area, shown at public meetings Nov 2009 and January and July 2010;
5. broader area included for Regulation 30 submitted version;
6. Health and Safety Executive notified consultation areas;
7. outcrops of the “B” beds that could be used for a larger MSA.
Geology map
Areas suggested by CCC to be removed from MSAs at public meetings (in purple)
Possible alternative MSA suggested by CCC at public meetings.
The circles are the H&SE notified consultation areas for Newbiggin, Longriggs and Birkshedd mines under Article 10 of the Town and Country Planning General Development Procedure order 1995.
Alternative basis for MSA to include the “B” bed gypsum