

Representor No: 2282

WELSH ASSEMBLY GOVERNMENT

Position Statement

Examination Hearings: April 2010

Session 9: Minerals and Waste

Caerphilly Local Development Plan

**Caerphilly Local Development Plan
Examination Hearing Session 9:
MINERALS AND WASTE**

MINERALS

**2. DOES THE PLAN SATISFACTORILY TRANSLATE NATIONAL
MINERALS PLANNING POLICY DOWN TO THE LOCAL LEVEL?**

- **Should the identification of minerals safeguarding areas in policy SP9**
 - (i) **be unqualified by references to the environmental etc. impacts of minerals working,**
 - (ii) **refer to “resources” rather than “reserves” and to a minimum 10-year landbank?**

i). Yes – as advised in our deposit plan representation number 2282.D3 (*i.e. Policy SP9 and paragraph 1.69 propose that safeguarding is affected by relevant environmental, planning and transportation considerations – which the policy justification fails to clarify; and that the need for mineral safeguarding is ‘balanced’ against the potential impact on the landscape and sites of ecological interest - however, such impacts, other than international and national designations for coal, should not be taken into account in determining the safeguarding area.*)

We have no objection to the changes to policy SP9 proposed by FC23 which meet this part of our deposit representation number 2282.D3; this change is contained in the Minerals Statement of Common Ground (ED23).

ii). - Resource / reserves - Yes – ‘resource’ means the mineral is identified as potentially being present, whereas ‘reserve’ implies there is permitted working or operator assessment.

We have no objection to the changes to policy SP9 proposed by FC23 which meet this part of our deposit RepNo.2282.D3; this change is contained in the Minerals Statement of Common Ground (ED23).

- Landbank - By requiring “a minimum 10 year landbank of permitted aggregate reserves”, with no differentiation between aggregate types, policy SP9 exceeds the minimum requirement of the Aggregates MTAN; this does not go against national mineral planning policy. Paragraph 49 of MTAN1: Aggregates (2004) says, “*a minimum 10 year landbank of crushed rock and minimum 7 year landbank for sand and gravel should be maintained during the entire plan period...*”.

We have no objection to the changes to policy SP9 proposed by FC23 (we made no representation on this matter); this change is contained in the Minerals Statement of Common Ground (ED23).

- **Are the coal and other minerals safeguarding areas identified under policy MN 2 adequate in extent? Should they extend right**

Caerphilly Local Development Plan
Examination Hearing Session 9: Minerals and Waste

up to settlement boundaries and be identified on the Proposals Map? Should the coal safeguarding areas include the tertiary coal resource?

- Are the coal and other minerals safeguarding areas identified under policy MN 2 adequate in extent?

MPPW (Dec2000) paragraph 13 requires that potential mineral resources be safeguarded from other types of permanent development which would either sterilise them or hinder extraction. LDP Background Paper 5 Minerals (Oct'08) identifies aggregate, coal & energy and other minerals in the plan area.

MTAN2: Coal (Jan'09) provides steps that the MPA should take in determining the area(s) for safeguarding; these exclude settlements amongst other things (paragraph 34-43).

MPAs should liaise with neighbouring MPAs to ensure consistency - MTAN2: Coal (Jan'09) paragraph 41. (We note that Examination Document ED37 has now been produced which considers cross boundary allocations.)

- Should they extend right up to settlement boundaries and be identified on the Proposals Map?

Yes. MPPW (Dec2000) paragraph 13 states that areas to be safeguarded should be identified on the proposals map. MTAN2: Coal (Jan'09) provides steps that the MPA should take in determining the area(s) for safeguarding; these exclude settlements as defined by the LPA, amongst other things (paragraph 34-43). Our representation numbers 2282.D3 and D4 refer.

- Should the coal safeguarding areas include the tertiary coal resource?

No. MTAN2: Coal (2009) provides steps that the MPA should take to meet the safeguarding requirement; this requires the consideration of primary & secondary coal Resource Zones in the plan area (paragraph 36).

- **Is reducing the extent of sand and gravel safeguarding areas under policy MN 2 compared to the MTAN 1: Aggregates map, so as to create separate buffer zones, justified?**

No comment

- **Does the Plan adequately define buffer zones around all mineral sites, including dormant (inactive) sites and Bryn Quarry?**

Mineral buffer zones have been defined for active quarries (MN1).

Mineral buffer zones have not been defined for dormant mineral sites.

To accord with the requirements of *MPPW* paragraph 40 and *MTAN1: Aggregates* paragraphs 70-71 paragraph 32, buffer zones should be defined around all permitted and proposed / allocated mineral sites. Our representation number 2282.D6 refers.

Caerphilly Local Development Plan
Examination Hearing Session 9: Minerals and Waste

- **Does policy SP9 comprise an adequate strategy in relation to the area's contribution to the regional demand for a continuous supply of minerals?**

No, unless amended in accordance with FC23.

(N.B. The landbank requirement in national policy relates to aggregates; there is no statement of need for coal.)

- **Is there a need for a policy setting criteria for considering proposals for minerals working?**

MPPW paragraph 15 and elsewhere (e.g paragraph 34) refers to UDP policies providing criteria for the assessment of mineral proposals. There is no MPPW Companion Guide to advise on the application of MPPW to the new system of LDPs. However, LDPs should not repeat national planning policy. If the minerals planning authority does not want to use local criteria then a distinct criteria policy is not required.

We note that the Caerphilly LDP contains a range of development management policies against which mineral development proposals, like any other proposals, would need to be assessed.

- **Should the Plan identify specifically those areas where coal operations would not be acceptable?**

The LDP should make clear where coal operations will not be acceptable in the plan period (MPPW paragraph 15 and MTAN 2: Coal – paragraph 26-31). Consider that an appropriate clarification statement in the text of the Written Statement would suffice.

- **Does the plan adequately set out a strategy for the future use of all dormant mineral sites, in line with MPPW Para 19?**

No. The LDP should set out a strategy for the future use of all dormant mineral sites as specified in paragraph 19 of *MPPW*. Our representation number 2282.D6 refers.

- **Is there a need for a policy concerned specifically with onshore gas (Coal Bed Methane) extraction?**

MPPW paragraph 64 refers. (We regard coal bed methane as a mineral.) LDPs should not repeat national planning policy. A policy would only be required if the minerals planning authority wants to go beyond national policy.

- **Are the provisions of the Plan sound in relation to the Nant Llesg area north of Fochriw? Does the absence of an allocation of the Nant Llesg site for mineral development make the Plan unsound?**

No comment

Caerphilly Local Development Plan
Examination Hearing Session 9: Minerals and Waste

- **Is FC14 (MN1.2 Hafod Quarry Buffer Zone/MN99.3 Hafod Quarry Mineral Safeguarding Area/NH2.3 VILL Abercarn) necessary in the interests of Plan soundness? Is it sufficiently clear that FC14 also proposes changes to the extent of VILL and SLA designations in relation to other mineral working sites in the county borough? Have these other changes been adequately identified and advertised?**

No comment

WASTE

3. DOES THE PLAN SATISFACTORILY TRANSLATE NATIONAL AND REGIONAL WASTE POLICY DOWN TO THE LOCAL LEVEL?

- **Does the Plan adequately translate the provisions of the Regional Waste Plan (RWP) down to the level of Caerphilly Borough, and demonstrate how the policies and proposals of the Plan help to facilitate implementation of the RWP?**
- **Does the evidence base provide sufficiently detailed and specific information about current and anticipated waste arisings; existing and foreseeable arrangements to deal with the different waste streams; and the consequent land-use and spatial requirements of future waste management arrangements, to demonstrate the adequacy and deliverability of the Plan's waste policies?**
- **Is policy SP11 founded on a sufficiently robust evidence base? Are its provisions demonstrably adequate, sufficiently clear, realistic and deliverable?**

Yes - We consider that the LDP, supported by the evidence base as revised (Background Paper 4 and its Supplementary Papers 1 & 2), adequately translates the provisions of the Regional Waste Plan (RWP) down to the level of Caerphilly Borough, in terms of meeting minimum requirements contained in the Policy Clarification Note CL-04-04. In conjunction with Policy SP11 the availability and suitability of B2 land should provide a flexible approach and enable the County Borough Council to contribute towards the provision of an adequate network of waste management facilities.

Supplementary Paper 1: Operational Arrangements (doc SB28) provides detail on the current and foreseeable arrangements to deal with the municipal waste stream. This is generally supported, however, it should be noted that it is not exactly clear what the longevity of the current arrangements are. There

**Caerphilly Local Development Plan
Examination Hearing Session 9: Minerals and Waste**

is less certainty surrounding future arrangements for other waste streams, however, this is overcome by the flexibility inherent in the B2 policy element of SP11 and the further evidence provided, which demonstrates that facilities for the main waste streams can be supported on the identified (current and allocated) B2 land.

Background:

The deposit plan as supported by the Waste Management Background Paper 4 is not adequately clear in, firstly, that it fails to clarify the current context for waste planning and waste management in Caerphilly, and secondly, that it fails to demonstrate that there is actually capacity to meet the requirements identified in the RWP and hence demonstrate that delivery through the B2 policy is realistic. These points are detailed in WAG representation numbers 2282.D7 & D8; in addition D9 relates to the Cwmbargoed Washery site proposal.

LDP Background Paper 4 on Waste Management (doc SB27) covers the context on the various European Directives and the Regional Waste Plan and identifies existing facilities in the County Borough. As identified in the Background Paper 4 (in particular paras B19, B20 and Table 2), the RWP 1st Review (doc SEW10) identifies an estimated land take need for waste / recycling 'in-building' facilities to each Unitary Authority for between 3.7 and 10.4 ha; it also identifies a current need for new hazardous waste landfill capacity in the region as well as a need for new inert waste landfill capacity in the region around the end of the decade.

The Background Paper 4 has now been supplemented by further Papers:

- Waste Management Supplementary Paper 1: Operational Arrangements (doc SB28) details present operational arrangements for dealing with waste arisings in the CBC, together with future proposals. We note that this paper was prepared in response to the WAG representation number 2282.D7.
- Waste Management Supplementary Paper 2: Land Availability (doc SB29) details how the industrial site availability for class B2 land use is fully adequate to meet expected needs of further waste management facilities. We note that this paper was prepared in response to the WAG representation number 2282.D8.

4. POLICY WM 1 (HOVRA) – CWMBARGOED WASHERY SITE

- **Is the policy founded on a robust evidence base?**
- **Does the proposal fit with the waste strategy of neighbouring authorities?**
- **Is the policy realistic and deliverable?**
- **Is the proposal consistent with emerging LDP allocations for that part of the site within Merthyr Tydfil CBC?**

Caerphilly Local Development Plan
Examination Hearing Session 9: Minerals and Waste

- **Should the policy be replaced by one allocating the Cwmbargoed Washery site in mixed-use terms, including for Waste Management Facilities?**

We had no objection to the Cwmbargoed Washery site remaining in the plan as a long-term prospect, having pointed out in our deposit representation (number 2282.D9) that, because the Washery is still needed to support the Ffos-fran coal recovery project, the site is unlikely to be a realistic prospect for waste management facilities during the period of the plan.

We note that Examination Document (ED.17, January 2010) proposes changes to the Written Statement and Appendix 6 (pages 9 & 10 of ED.17) which address errors of understanding and which, it concludes, would have no detrimental impact on the LDP strategy. It advises that the original policy WM1.1 was based upon misinterpretation of Candidate Site information.

We also note the Statement of LDP Cross-Boundary Policy Co-Ordination Agreement between with Merthyr Tydfil CBC and Caerphilly CBC(Examination Document ED.24, February 2010).

We have no objection to the changes proposed in ED.17, and consider that the evidence provided in the document would appear to be sufficiently robust to justify the change. The key issue for the waste planning element of the LDP, however, is that the plan must provide land which is suitable and available to facilitate the provision of an adequate network of waste management facilities over the plan period, particularly with landfill diversion targets in mind. In this context the Cwmbargoed Washery Site cannot be seen as a substitute for any lack of availability which may be identified elsewhere in the plan.

5. BRYN QUARRY WASTE TRANSFER STATION AND COMPOSTING FACILITY

- **Does the absence of identification of the Bryn Quarry site as a waste facility under policies SP11/WM 1 render the Plan unsound?**

No evidence to suggest the plan is unsound without the identification of this site.

- **Is the nature and use of the site such that its inclusion within a Special Landscape Area under policy NH 1 is unsound?**

No comment
