



Caerphilly County Borough Local Development Plan

MINERALS Statement of Common Ground

Caerphilly County Borough Council
and the
Welsh Assembly Government

Examination 2010

Caerphilly County Borough Council submission

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MINERALS
Statement of Common Ground

**Caerphilly County Borough Council
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Welsh Assembly Government**

July 2009

STATEMENT OF COMMON GROUND – MINERALS

The LDP Manual June 2006 states:

*“Where there are strategic or substantial objections to the deposit plan, or ones from **statutory consultees** (my emphasis), the LPA may wish to discuss further with the respondent(s), whether they will reconsider their objection, and which aspects can be agreed in order to narrow the disagreement to its essentials. Including areas of agreement/disagreement in a ‘**statement of common ground**’ for the Inspector would be helpful at this stage.”*

Statutory Consultee – Welsh Assembly Government

A meeting was held at officer level with the Welsh Assembly Government (WAG) on 13 January 2009 to try to reach agreement on some of the matters raised in the Assembly’s representation in respect of Minerals issues dated 25 November 2008. The matters on which agreement was reached are set out below.

Policy SP9 Minerals Safeguarding

Policy SP9 in the deposit LDP reads:

“The council will contribute to the regional demand for a continuous supply of minerals by:

- A Safeguarding known reserves of coal, sand and gravel and hard rock, taking into account relevant environmental, planning and transportation considerations**
- B Maintaining a 10 year landbank of permitted aggregate reserves in line with national guidance.”**

SUMMARY OF REPRESENTATION

2282.D3	Welsh Assembly Government	Object	Policy SP9 fails to adequately safeguard mineral resources and national policy has therefore not been satisfactorily transposed to the local level. Environmental, planning and transportation considerations should not be taken into account in determining the safeguarding areas. Sand and gravel safeguarding areas should not be reduced by a buffer zone and hard rock resources should be shown on the Proposals map. The policy should refer to “resources” rather than “reserves”.
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Policy Wording

In their representation the WAG indicated that Policy SP9 should refer to “resources” rather than “reserves” and that the safeguarding of the mineral should not take into account environmental, planning and transportation considerations.

The council accept that “reserves” implies that there is a planning permission for the extraction of the mineral or at least that some degree of assessment by an operator has taken place. The policy seeks to prevent the sterilisation of minerals that society may need in the future in line with national guidance, not only permitted reserves or those that have been tested by the industry.

It is accepted that the safeguarding of the mineral should be unconditional. Planning, environmental and transportation considerations would be considered when an application for planning permission was made or an allocation for development of the resource.

RECOMMENDATION

That the Council recommend to the Planning Inspector that to better reflect the intention of the policy the wording below is, therefore, proposed:

The council will contribute to the regional demand for a continuous supply of minerals by:

- A Safeguarding known resources of coal, sand and gravel and hard rock**
- B Maintaining a minimum 10 year landbank of permitted aggregate reserves in line with national guidance.**

Lafarge Aggregates (4140.D2) also draw attention to the wording of the policy in terms of resources / reserves and say that the ten year period referred to in national guidance is a minimum period and this should be reflected in the policy.

The proposed new wording would address these representations also.

With regard to the reduction of the sand and gravel safeguarding areas by a buffer around settlements, it is agreed that all mineral safeguarding areas should extend up to settlement boundaries. This, together with policy CW 24, will ensure that the implications of new development on safeguarding areas will be fully considered and that the resource is not incrementally sterilised by new development. See also response to representation reference 2282.D4 below.

Para 1.69

Para 1.69 states

“The strategy will balance the need for safeguarding of nationally important mineral resources (eg coal, sand and gravel) against the potential impact of such development on the landscape and on sites of ecological interest. It advocates that mineral resources as indicated on the Constraints Map should be safeguarded from permanent development that would prevent their working.”

SUMMARY OF REPRESENTATION

2282.D3	WAG	Object	The proposals map does not show any safeguarding of hard rock resources.
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WAG argued that the safeguarding areas should be shown on the Proposals Map rather than the Constraints Map. The pennant sandstone resource covers the majority of the county borough and, on the information available to the council, is fairly uniform in terms of quality and accessibility. The resource was shown on the constraints map to avoid an array of layers that would only be legible on a GIS.

However, it is recognised that MPPW requires that access to mineral deposits that society may need is safeguarded and that the areas to be safeguarded should be shown on the proposals map (Para 13). It is therefore proposed that the Planning Inspector be invited to amend the plan to show the hard rock resources as a background notation on the Proposals Map.

RECOMMENDATION

1. That the Council recommend to the Planning Inspector that the LDP be amended as follows:
 Paragraph 1.69 be amended to read:
“.....It advocates that minerals resources as indicated on the Proposals Map should be safeguarded from permanent development that would prevent their working.”
2. That the Proposals Map be amended accordingly to show safeguarding areas for coal, sand/gravel, limestone and sandstone.

SP9 and MN2 Minerals Safeguarding

SUMMARY OF REPRESENTATION

2282.D4	Welsh Assembly Government	Object	The deposit plan has not satisfactorily translated national policy down to the local level in that coal is not safeguarded within buffer zones.
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The Assembly pointed out that there was a conflict because the safeguarding areas did not extend up to settlement boundaries. If new development was permitted within the buffer zones around settlements without reference to the criteria set out in policy CW2, it may sterilise the resource beyond the buffer zone (this was also raised by Miller Argent (1844.D1) and COALPRO (2183.D1)).

This is accepted, as a result it is now proposed that the safeguarding areas for all minerals should be extended up to settlement boundaries as identified on the proposals map as set out in the proposed amendment above.

The council have considered whether resources should, in addition, be safeguarded under settlements. BGS are currently undertaking research for

WAG to inform minerals mapping and safeguarding in LDPs and this option was considered by BGS. The main advantage of this approach is that it flags up opportunities for prior extraction on large development sites within settlement boundaries. If settlement boundaries change there is also no need to re-define safeguarding areas. However, due to amenity considerations close to residential areas, the main opportunity for prior extraction would be for sand and gravel. Sand and gravel deposits within the county borough are generally small and are not found within settlements, although there is a small resource on the edge of Nelson. The council considers that opportunities for prior extraction will, therefore, be limited and any that do exist, could be identified in a design brief for the site.

The Minerals mapping and safeguarding research is due to be published in 2010 and the results will be taken into account in reviews of the LDP.

The Welsh Assembly Government also made representations on buffer zones around dormant mineral sites (2282.D6) and areas where coal operations would not be acceptable (2282.D5). These are matters where agreement has failed to be reached and will be considered by the Planning Inspector during the Examination.