

**Local Plan (Part Two) Land Allocations and
Detailed Policies examination**

MATTER 15

Minerals and safeguarding

August 2018



Matter 15: Development management policies

Issue 1:	Future sand and gravel working policy M1	1
Issue 2:	Mineral safe guarding areas policy M2	6
Issue 3:	Proposals for minerals working policy M3	7
Issue 4:	Proposals for exploration, appraisal or production of hydrocarbons policy M4	9
Issue 5:	Restoration of minerals and oil and gas sites policy M5	10
Issue 6:	Salt and brine working policy M6	11
Issue 7:	Industrial sand proposals policy M7	14
Issue 8:	Minerals infrastructure	18

Matter 15: Minerals and safeguarding**1. Issue 1: Future sand and gravel working policy M1****Questions**

Q1. What justification is there for the proposed safeguarded areas, extension of Forest Hill, Sandiway, the Preferred Area and identification of an Area of Search? Was the site selection process robust? Was an appropriate selection of potential sites assessed? Were appropriate criteria taken into account in deciding which sites to select and was the assessment against these criteria robust? How were the site areas defined?

- 1.1 The justification for safeguarding the existing sites and allocated site within policy M1 is to protect the sites against non-mineral development that prejudices their ability to supply sand and gravel. This will help ensure that they contribute to maintaining a steady and adequate supply of aggregate land-won sand and gravel throughout the plan period and a minimum seven year landbank, in accordance with policy ENV 9 (Local Plan Part One).
- 1.2 Policy ENV 9 states that the adequate, steady and sustainable supply of sand and gravel will be achieved by identifying specific sites and Preferred Areas within the Local Plan (Part Two) for the future extraction of aggregate land-won sand and gravel. It also states that it will be achieved by safeguarding existing and potential sites for minerals infrastructure.
- 1.3 All operational and inactive sand and gravel quarries have been identified to be safeguarded. The inactive quarry has been included as there is still workable sand and gravel available at this site and an extant planning permission and changes in the market could lead to resumed extraction.
- 1.4 After the Local Plan (Part Two) was submitted, the Council became aware (in May 2018) that Town Farm has now closed as the remaining sand is poor quality and is not currently worth extracting.
- 1.5 The allocation, Preferred Area and Area of Search are based on the occurrence of these minerals within the borough and on the results of the minerals call for sites consultation, as explained in paragraph 4.2 – 4.6 of the land allocations background paper 2017 (EB046) and the Minerals call for sites assessment outcomes report (CWC017).
- 1.6 Further information and justification of the site selection methodology and criteria is provided in the response to Matter 6, issue 1, questions 1 and 3.
- 1.7 The site areas for the allocation and Preferred Area were based on the information submitted through the call for sites process and additional discussions with the operator. The decision to allocate part of the area at Forest Hill and to identify part of the area as a Preferred Area is based on land ownership and the level of information available from the operator. At the allocated site, viable resources are known to exist through borehole evidence, the site is within the operator's ownership and the mineral call for sites process did not identify any major constraints. The Preferred

Area was also put forward by the operator, but is not yet in the operator's ownership. The identification of these sites complies with Paragraph 008 of the Minerals Planning Practice Guidance.

- 1.8 The area of search is based on the British Geological Survey mapping of sand and gravel resources. Policy M 1 identifies that proposals in these areas will only be supported where it has been demonstrated that the permitted reserves, allocation or Preferred Area cannot meet the required level of provision. As such, this also complies with Paragraph 008 of the Minerals Planning Practice Guidance.

Q2. Are there any significant factors that indicate that those sites/areas should not be allocated/identified?

- 1.9 Land adjacent to Forest Hill quarry (forming part of the allocation and Preferred Area) was submitted and assessed through the Minerals Call for Sites process. The stage one assessment against exclusionary criteria (relating to availability, resource evidence, policy fit and constraints) did not identify any issues. The stage 2 assessment identified that the site is located near ecological designations with groundwater dependent features that could be impacted by sand and gravel extraction. The need to protect nearby Local Wildlife Sites and TPOs, for example through stand-off areas was also identified. As a result, text was included within policy M 1 to state that proposals would need to consider potential impacts on the nearby Local Wildlife Site, SSSI, Ramsar site and SAC, for example in terms of groundwater and provide mitigation measures if necessary to avoid significant detrimental impacts on biodiversity.
- 1.10 The stage 2 assessment also identified potential issues relating to diverting the footpath / byway, Locally Listed Buildings, archaeological mitigation and impact on the road local road network. These issues can be avoided or mitigated at planning application stage and do not indicate that the sites should not be allocated / identified.
- 1.11 The Sustainability Appraisal (SA) forms part of the evidence base to inform the decision-making process. Due to the nature of quarrying, the SA (SD3) of the Forest Hill site scored very negatively in relation to climate change and energy, biodiversity, land and resources and cultural heritage and landscape. Text is included within the policy to protect biodiversity and landscape and heritage are protected by other policies in the Plan. Two other sand and gravel sites were put forward through the call for sites process, but did not meet the exclusionary criteria within stage 1, due to potential conflicts of uses and impacts on biodiversity. As such, there were no reasonable alternative sites to consider through SA or HRA.
- 1.12 In the updated HRA (CWC005) the Forest Hill site was screened in for further assessment based on potential hydrological impacts on West Midlands Mosses. The policy includes text requiring consideration of potential biodiversity impacts, for example in terms of groundwater and provision of mitigation if necessary, to avoid significant detrimental impacts. The appropriate assessment identifies that there will be no adverse impact on integrity as no net drawdown of groundwater should be experienced.
- 1.13 Comments were received through the mineral call for sites process in relation to impacts on the road network, road safety, after use, proximity to the railway and

need to protect banks. These issues can be dealt with through design and mitigation at planning application stage and do not indicate that the site should not be allocated.

Q3. Is there any risk that in relation to the proposed allocation site conditions and constraints might prevent allocation or adversely affect viability and delivery? Is it site viable and deliverable? When would it deliver? Is this realistic?

1.14 As explained in the response to matter 6, issue 1, question 1 the allocated site was proposed by the operator and was prepared in consultation with the operator. The operator owns the land and considers that the site is viable and deliverable within the plan period. The site constraints have been investigated through the mineral call for sites process and those identified as potential issues have been dealt with through wording within the policy, as explained in the response to matter 15, issue 1, question 2. The operator was involved in preparation of the policy wording. It is not possible to identify exactly when the allocated site will deliver as this will depend upon the speed of extraction of the remaining part of the Forest Hill site and the market for sand and gravel.

Q4. How was the site area and capacity determined? Are the assumptions justified and based on available evidence? Are the site boundaries correctly defined?

1.15 The response to matter 6, issue 1, question 1 explains how the allocation has been developed through consultation with the operator, who also owns the site. The boundary of the site was developed through consultation with the operator, based on land ownership and the level of information available about reserves on the site. Paragraph 9.22 of the Local Plan (Part Two) identifies the likely reserve of sand and gravel within the site. This is based on information submitted by the operator, based on borehole investigations.

Q5. Is the detailed policy wording clear and effective? The fifth paragraph states that, 'planning permission to extend a site will normally be conditioned so that the extension area can only be worked once mineral working within the existing site has largely been completed, unless it has been demonstrated that there are operational reasons why this is not practicable'. Is this too restrictive?

1.16 The policy wording clearly identifies how the maintenance of a steady and adequate supply of aggregate land-won sand and gravel and a minimum seven year landbank will be achieved. The policy provides a range of sites and explains when proposals will be supported and as such, it will be effective and provides the ability to meet the requirement within the plan period (and provide a seven year landbank at the end of the plan period).

1.17 The aim of the fifth paragraph is to try to reduce impacts on local residents by reducing the geographical extent of minerals workings and therefore potential noise and disturbance. The text refers to minerals working largely being completed, and it would be likely that several phases would be completed before work moved on to the extension. The text also includes the caveat "...unless it has been demonstrated that there are operational reasons why this is not practicable", which would enable operators to provide evidence why it is not practicable. As such, the policy is not considered to be unduly restrictive.

Q6. Are the allocation/identified areas justified, effective and consistent with national policy?

- 1.18 The allocation, Preferred Area and Area of Search are justified, as set out in the response to matter 15, issue 1, question 1. They will work together to maintain a steady and adequate supply of aggregate land-won sand and gravel, in accordance with policy ENV 9 (Local Plan Part One). The identified sites and boundaries have been considered against reasonable alternatives through the mineral call for sites process, SA and HRA. They are based on proportionate evidence and are considered to be the most appropriate strategy. The response to matter 15, issue 1, question 3 explains why the allocation is considered to be viable and deliverable. The allocation, Preferred Area and Area of Search provide sufficient sites / areas to enable the delivery of a steady and adequate supply of aggregate land-won sand and gravel throughout the plan period.
- 1.19 The allocation and identified areas are consistent with national policy, as set out in the Framework, as they form part of a policy for extraction of mineral resources of local and national importance.

The Council is requested to address the questions in Q1-6 above for the proposed allocation and as relevant the safeguarded sites, the Preferred Area and Area of Search. For those sites where representations have been made the Council is requested to respond to the particular issues raised. In doing this any updated information regarding planning permissions, sites under construction and existing uses should be included.

- 1.20 Representations (329438/222/P9.20-9.22/ and 1055564/505/M 1/Map242/3/ and 244136/622/M 1/) have been made in relation to the allocated site north of the railway at Forest Hill relating to access, impacts on the local road network and on road safety. Policy M 1 refers to the need to accord with relevant policies, including M 3, which supports use of environmentally preferable alternatives to road travel to transport materials. The Plan must be read as a whole and as such, the policies relating to transport (e.g. STRAT 10 (Local Plan Part One) and T 5 (Local Plan Part Two) are relevant and should ensure that additional traffic can be accommodated safely and satisfactorily, safe provision is made for access to the site and it will not create any unacceptable impacts on amenity or road safety. The Council's Highways team identified during the minerals call for sites process that any future planning application would need to include a transport study, demonstrate no material harm to the road network and that access onto Weaverham Road may not be supported. The operator is undertaking transport feasibility work and may transport the mineral through a rail tunnel to the existing site, avoiding use of Weaverham Road.
- 1.21 One representation (329438/222/P9.20-9.22/) stated that the community should be involved in plans for the afteruse of the site at the planning application stage. Policy M 5 states that proposals will be supported where the scheme includes an appropriate phased sequence of extraction, restoration and after use and aftercare. As such, information regarding restoration should be available at planning application stage and would be subject to the usual consultation requirements. Paragraph 9.36 of the explanation to policy M 3 states that operators should liaise with local communities when preparing new proposals and during working and restoration of minerals sites.

- 1.22 Another representation (1037878/844/M 1/) states that Forest Hill should not extend too close to the railway and banks need to be maintained. The rail operator / Network Rail would be consulted on relevant planning applications. Policy M 1 supports proposals where they accord with relevant policies, including policy M 3, which prevents unacceptable impacts on tip- or quarry-slope stability. Protection of the rail line and maintenance of banks could therefore be dealt with through design and mitigation measures during the planning application stage and would not prevent the site from being developed.

2. Issue 2: Mineral safe guarding areas policy M2

Questions

Q1. How has this area been defined? Is it justified and effective?

- 2.1 Policy ENV 9 (Local Plan Part One) states that the Council will make provision for the adequate, steady and sustainable supply of sand, gravel, salt and brine and this will be achieved by a series of measures, including safeguarding the extent of finite natural resources by delineating Mineral Safeguarding Areas (MSAs) for sand and gravel, salt and shallow coal. The boundaries of the MSAs were set and justified within the Local Plan (Part One) and are shown on the Policies Map and as such, there are no reasonable alternatives to be considered through the Local Plan (Part Two).
- 2.2 As set out in paragraph 9.30 of the Local Plan (Part Two), the boundaries of the MSAs are those indicated on the BGS Mineral Resource Maps, with no additional buffer zones. Paragraph 9.30 explains how this was informed by consultation on safeguarding of minerals and minerals infrastructure (CWC018). As explained in paragraph 9.29, no MSAs are required in respect of hard rock, building stone, deep coal, coal bed methane, shale gas, brick clay. Paragraph 9.31 explains why no buffer zones are proposed for the MSAs.
- 2.3 Policy M 2 explains when non-mineral development in MSAs will be supported, in order to safeguard Cheshire West and Chester's extent of finite natural resources. As such, Policy M 2 aims to ensure that the protection of the MSAs identified in the Local Plan (Part One) is effective.

Q2. Is the wording clear and effective and in accordance with national policy?

- 2.4 The wording of policy M 2 clearly identifies when non-mineral development or hydrocarbon development in MSAs will be supported. It will ensure the Cheshire West and Chester's extent of finite natural resources will be safeguarded from incompatible development. It identifies alternative options to enable development to come forward as long it prevents mineral sterilisation, or enables prior extraction of the mineral, or there is overriding need for the incompatible development and accords with the Framework (paragraph 144).

3. Issue 3: Proposals for minerals working policy M3

Questions

Q1. Would criteria 5 accord with national policy as set out in Framework paragraph 142 and PPG *Minerals* paragraphs 091 and 124 and BS 8233:2014 *Noise control on construction and open sites* and the WMS relating to *Shale and gas and oil*?

- 3.1 Criterion 5 specifies that noise/vibration should be controlled, mitigated or removed and refers to a significant detrimental impact and an unacceptable rise in background noise levels, so is not aiming just to prevent any noise, but ensure that any additional noise is acceptable. As such, it will not prevent the ability to provide a sufficient supply of minerals and would still enable minerals to be worked where they are found, in accordance with paragraph 142 of the Framework.
- 3.2 As set out in paragraph 9.37 of the explanation to policy M 3, the policy does not cover proposals for hydrocarbons. As such, paragraph 091 of the PPG and the WMS are not relevant.
- 3.3 Paragraphs 19 – 22 of the PPG relate to noise. Criterion 5 refers to prevention of a significant detrimental impact on residential amenity, and therefore complies with paragraph 020, which states that mineral planning authorities should consider whether noise from the proposed operations would give rise to a significant adverse effect and enable a good standard of amenity to be achieved.
- 3.4 BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' in paragraph 6.6 refers specifically to BS 5228:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites – Part 1: Noise Part 2: Vibration'. It states in paragraph 6.6.1 that it is commonly accepted that controls are necessary for many construction and open sites, unless they are sufficiently remote from occupied buildings, and as such criterion 5 accords with this. BS 5228:2009+A1:2014 provides the detailed approach for the assessment and noise mitigation and section 8.7 deals with the control of noise from surface mineral extraction sites. It identifies that surface mineral extraction sites can present different problems of noise control compared with most other industrial activity and that measures to control noise are generally necessary where sites are located in the vicinity of noise sensitive premises. It also states that to allow specific work to be carried out, higher noise level limits for short periods of time might need to be agreed. Criterion 5 refers to control, mitigation or removal of noise and states that proposals should not result in an unacceptable rise in background noise levels and refers to policy DM 30. It therefore accords with BS 5228:2009+A1:2014.

Q2. Would the policy wording be justified, effective and consistent with national policy?

- 3.5 The wording of policy M 3 is justified, effective and consistent with national policy. It is a clear policy that provides the most appropriate strategy to support minerals development, whilst preventing significant detrimental impacts on residential amenity and protecting landscape, visual amenity and biodiversity. It is consistent with national policy as it facilitates the sustainable use of minerals and sets environmental criteria against which planning applications will be assessed so as to ensure that

permitted operations do not have unacceptable adverse impacts, in line with paragraph 143 of the Framework.

4. Issue 4: Proposals for exploration, appraisal or production of hydrocarbons policy M4

Questions

Q1. Would criteria 3 accord with national policy as set out in Framework paragraph 142 and PPG *Minerals* paragraphs 091 and 124 and BS 8233:2014 *Noise control on construction and open sites* and the WMS relating to *Shale and gas and oil*?

- 4.1 Criterion 3 specifies that noise/vibration should be controlled, mitigated or removed and refers to a significant detrimental impact and an unacceptable rise in background noise levels, so is not aiming just to prevent any noise, but ensure that any additional noise is acceptable. As such, it will not prevent the ability to provide a sufficient supply of minerals (shale gas / oil) and would enable them to be worked where they are found, in accordance with paragraph 142 of the Framework.
- 4.2 Paragraph 091 identifies pressing need to establish whether there are sufficient recoverable quantities of unconventional hydrocarbons to facilitate economically viable full scale production. Criteria 3 would not prevent this from occurring.
- 4.3 Paragraphs 19 – 22 of the PPG relate to noise. Criterion 3 refers to prevention of a significant detrimental impact on residential amenity and therefore complies with paragraph 20, which states that mineral planning authorities should consider whether noise from the proposed operations would give rise to a significant adverse effect and enable a good standard of amenity to be achieved.
- 4.4 Criterion 3 accords with BS 8233:2014 and BS 5228:2009+A1:2014, for the same reasons set out in paragraph 3.4 in the response to matter 15, issue 3, question 1, as it also refers to control, mitigation or removal of noise and states that proposals should not result in an unacceptable rise in background noise levels and refers to policy DM 30.
- 4.5 It is not clear which WMS is being referred to in the question. The Energy Policy Written Statement (HCWS690, 17 May 2018) reiterates the benefits from development of onshore shale gas resources. It also identifies that minerals resources can only be worked where they are found, plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification and that policies should avoid undue sterilisation of mineral resources. Criterion 3 is not aiming to prevent any noise, but ensure that any additional noise is acceptable. As such, criterion 3 may influence the location of well-pads and drilling rigs and / or operation, but would not prevent the exploration and development of onshore shale gas resources.

5. Issue 5: Restoration of minerals and oil and gas sites policy M5

Questions

Q1. Is the detailed wording clear and effective and in accordance with national policy?

- 5.1 The wording of policy M 5 is clear and will effectively ensure the proposals for minerals development and oil and gas development include an appropriate phased sequence of extraction, restoration and after use and aftercare which will enable long-term enhancement of the environment. The seven criteria clearly set out requirements for proposals for restoration and aftercare.
- 5.2 The policy is effective and deliverable and provides a balance between the costs and benefits of restoration. It complies with paragraph 144 of the Framework, which requires that local planning authorities provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

6. Issue 6: Salt and brine working policy M6

Questions

- Q1. What justification is there for the proposed safeguarded areas and the preferred areas? Was the site/area selection process robust? Was an appropriate selection of potential sites/areas assessed? Were appropriate criteria taken into account in deciding which sites/areas to select and was the assessment against these criteria robust?**
- 6.1 The justification for safeguarding the existing operational sites at Winsford Rock Salt Mine and Holford Brinefields is to protect the sites against non-mineral development that prejudices their ability to supply sand and gravel. The safeguarding of these sites will help ensure that they contribute to maintaining a steady and adequate supply of salt and brine, in accordance with policy ENV 9 (Local Plan Part Two).
- 6.2 The Preferred Area for rock salt extraction at Winsford Rock Salt Mine was put forward by the operator through the minerals call for sites process, as explained in paragraph 4.2 – 4.6 of the land allocations background paper (EB046).
- 6.3 The Preferred Areas for controlled brine extraction at Holford Brinefield A, B, C and D were also put forward through the minerals call for sites process.
- 6.4 Further information and justification of the site selection methodology and criteria is provided in the response to matter 6, issue 1, question 1 and question 3. All sites proposed for rock salt or brine have been taken forward as Preferred Areas.
- 6.5 The Preferred Areas were based on the information submitted by operators through the call for sites process and additional discussions with operators. The sites were identified as Preferred Areas as they are areas of known resources where planning permission might reasonably be anticipated, in accordance with Paragraph 008 of the Minerals Planning Practice Guidance.
- 6.6 Due to the nature of brine and salt extraction, there are likely to be very few impacts above ground level and due to the scale of the areas it will be possible to locate access points and wellheads to avoid potential constraints. The Mineral Call for Sites Assessment Outcomes report (CWC017) identified that the area at Winsford Rock Salt Mine includes Wimboldsley Wood SSSI and any above ground impacts would need to be avoided in this area. It also identified that the potential for impacts on Delamere sand aquifer and groundwater and other nearby protected sites will also need to be taken into account. The explanation to the policy (paragraph 9.64) identifies that these issues will need to be taken into account and avoided or mitigated sufficiently.
- 6.7 The assessment of the sites at Holford Brinefields within the Mineral Call for Sites Assessment Outcomes report (CWC017) identified that potential impacts from development depend entirely on the location of wellheads and the working methods to be used and would need to be assessed through the planning application process.

Q2. Are there any significant factors that indicate that those sites/areas should not be identified?

6.8 There are no significant factors that indicate that the sites / areas should not be identified. See the response to matter 15, issue 6, question 1 for more information.

Q3. Is there any risk that site conditions and constraints might prevent identification?

6.9 There are no site conditions or constraints that would prevent identification of the sites as Preferred Areas. See the response to matter 15, issue 6, question 1 for more information.

Q4. How were the site areas and capacities determined? Are the assumptions justified and based on available evidence? Are the site/area boundaries correctly defined?

6.10 The process of identifying the sites, areas and boundaries is described in the response to matter 15, issue 6, question 1. The boundaries of the preferred areas follow the boundaries of the areas submitted through the call for sites process, but only include the parts of the site within the borough boundary.

6.11 The reserve of rock salt within the Winsford Rock Salt Mine Preferred Area and the reserve of brine at Holford Brinefields Preferred Area have not been identified as this is not currently known and will depend upon further investigation of the resource and methods of extraction.

Q5. Are the areas justified, effective and consistent with national policy?

6.12 The safeguarded existing sites and proposed Preferred Areas for rock salt and brine are justified as they will make provision for a steady and sustainable supply of salt and brine. Liaison with the operators through the minerals call for sites process and during preparation of the policy and identification of the Preferred Areas has ensured that the policy and sites will be effective. There are no reasonable alternative sites.

6.13 The areas are consistent with national policy, as set out in the Framework as they form part of a policy for extraction of mineral resources of local and national importance. Safeguarding of the existing sites will also ensure that specific mineral resources of local and national importance are not needlessly sterilised by non-mineral development, in accordance with paragraph 143 of the Framework.

The Council is requested to address the questions in Q1-5, as relevant for the proposed safeguarded sites and preferred areas. For those sites/areas where representations have been made the Council is requested to respond to the particular issues raised. In doing this any updated information regarding planning permissions, sites under construction and existing uses should be included.

6.14 No representations were made at Publication draft stage in relation to policy M 6, or that referred to the safeguarded sites or Preferred Areas for salt and brine.

Q6. Is the detailed policy wording clear and effective?

- 6.15 The detailed policy wording clearly identifies how provision of a steady and sustainable supply of salt and brine will be achieved. The policy safeguards existing sites and identifies preferred areas in order to achieve this steady and sustainable supply and liaison with the operators ensures that the policy will be effective.

7. Issue 7: Industrial sand proposals policy M7

Questions

Q1. What justification is there for the proposed allocation for silica sand production? Was the site selection process robust? Was an appropriate selection of potential sites assessed? Were appropriate criteria taken into account in deciding which sites to select and was the assessment against these criteria robust?

- 7.1 Justification of the allocation is provided through the Framework, which identifies:
- the importance of ensuring there is a sufficient supply of minerals and that minerals can only be worked where they are found (paragraph 142);
 - policies for extraction of minerals resources of local and national importance should be included in Local Plans (paragraph 143); and
 - minerals planning authorities should plan for a steady and adequate supply of industrial minerals (paragraph 146).
- 7.2 During preparation of the Local Plan (Part One), silica sand was not included as it was not shown on British Geological Survey minerals data, as explained in paragraph 9.65 of the Local Plan (Part Two). This paragraph also explains that borehole evidence of silica sand has been received and viable resources are known to exist at the site. The landowner is supportive of mineral development and the proposal is likely to be acceptable in planning terms. This also provides justification for allocation of the site.
- 7.3 The site at Rudheath Lodge, New Platt Lane was submitted and assessed through the minerals call for sites process. In the assessment (CWC017), no exclusionary criteria were identified in the stage 1 assessment. The stage 2 assessment identified issues relating to biodiversity, trees, landscape and transport, but considered that these could be dealt with through design or mitigation measures. The responses to matter 6, issue 1, questions 1 and 3 provide further details of the robust site selection process and criteria. The Rudheath Lodge site was also assessed through the SA and HRA process and the findings were taken into account.
- 7.4 No alternative sites were put forward for industrial silica sand and as such, no alternative sites have been considered.
- Q2. Are there any significant factors that indicate that the site should not be allocated?**
- 7.5 As explained in the response to matter 15, issue 7, question 1, the Rudheath Lodge site was submitted and assessed through the mineral call for sites process. The stage 2 assessment (CWC017) identified that as Newplatt Mere Local Wildlife Site is adjacent to the site, impacts on its hydrological regime should be assessed and mitigation may be required. As a result, policy M 7 includes text to state that proposals would need to consider the potential impacts on Newplatt Mere Local Wildlife Site and provide mitigation measures if necessary, to avoid significant detrimental impacts on biodiversity. There are also trees protected by Tree

Preservation Orders on the boundary of the site and proposals could impact on the landscape in the area, but mitigation planting could reduce impacts. There is a locally listed building close to the boundary of the site. These issues are sufficiently covered by the requirements set through other policies within the Local Plan and / or can be dealt with through design and mitigation. As such, there are no factors that indicate that the site should not be allocated.

- 7.6 The SA (SD3) of the Rudheath Lodge site scored very negatively in relation to climate change and negatively in relation to many other objectives. This is due to the nature of silica sand extraction and the potential for impacts on biodiversity, water, air etc. However, the text included within the policy in relation to biodiversity and the other policies within the Local Plan should prevent any significant detrimental impacts. The SA informed the decision making process. The HRA report (SD5) did not identify any implications for designated sites, due to its location.

Q3. Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery? Is the site viable and deliverable?

- 7.7 As explained in the response to matter 15, issue 1, question 1 and question 2, the site was proposed by the operator and the allocation was prepared in consultation with the operator. The operator considers that the site is viable and extraction of the mineral reserve is likely to take around 12 years, which would predominantly be within the plan period.

- 7.8 As explained in the response to matter 15, issue 1, question 2, the site constraints have been investigated through the mineral call for sites process and those identified as potential issues have been dealt with through wording within the policy.

Q4. How was the site area and capacity determined? Are the assumptions justified and based on available evidence? Are the site boundaries correctly defined?

- 7.9 As set out in the response to matter 15, issue 1, question 1 and 2, the site area is based on information submitted by the operator through the call for sites process and review through the minerals call for sites process indicates that there are no major constraints and the site is likely to be acceptable in planning terms.

- 7.10 No site capacity is defined within the policy, but the policy states that the proposal will be supported where it contributes to maintaining a stock of permitted reserves of at least 10 years for individual sites and 15 years for sites where significant new capital is required. It is not possible to calculate the required stocks of permitted reserves as there are no current silica sand sites within the borough and required stock should be based on the average of the previous 10 years sales. The stock required should be linked to the scale of capital investment required to construct and operate the facility and should be calculated when a planning application is submitted.

- 7.11 The site boundary is based on the site put forward through the mineral call for sites process. However, the site allocation does not include the small area to the north of New Platt Lane, as this includes part of Newplatt Wood and is adjacent to a mere. The operators submitted a representation at Publication draft stage to state that the map should include within the proposed allocation area the proposed processing

plant location which would serve the Rudheath Lodge site. The proposed processing plant location is the area to the North of New Platt Lane, as identified on the map submitted through the mineral call for sites process.

Q5. Is the allocation justified, effective and consistent with national policy?

- 7.12 The allocation is justified, as set out in the response to matter 15, issue 7, question 1. As part of policy M 7 it will help to maintain a steady and adequate supply of silica sand throughout the plan period.
- 7.13 The response to matter 15, issue 7, question 3 explains why the allocation is considered to be viable and deliverable. The allocation and the criteria based section of the policy relating to proposals for industrial silica sand extraction enable the delivery of a steady and adequate supply of industrial silica sand extraction throughout the plan period.
- 7.14 The allocation is consistent with national policy, as set out in the Framework, as it forms part of a policy for extraction of mineral resources of local and national importance.

Q6. Would this proposed allocation accord with Local Plan Part One, which does not set a requirement for industrial sand? Is the detailed policy wording clear and effective? In the absence of a requirement figure, would this policy be effective?

- 7.15 As explained in the response to matter 15, issue 7, question 1, during preparation of the Local Plan (Part One), silica sand was not specifically included as it was not shown on British Geological Survey minerals data. However, policy ENV 9 in the Local Plan (Part One) does state that provision will be made for the adequate, steady and sustainable supply of sand and does not specifically exclude industrial sand. As such, the proposed allocation accords with the Local Plan (Part One). As borehole evidence of silica sand has now been received, viable resources are known to exist at the site, the landowner is supportive and the proposal is likely to be acceptable in planning terms, inclusion of the allocation complies with the Minerals Planning Practice Guidance (paragraph 008).
- 7.16 The detailed policy wording clearly identifies how a steady and adequate supply of silica sand will be maintained throughout the plan period. The mineral call for sites process and involvement of the operator in this means that the allocation is realistic and is likely to be effective.
- 7.17 No requirement figure has been identified within the policy as this needs to be calculated based on required stocks of permitted reserves, as explained in the response to matter 15, issue 7, question 4. The policy identifies that proposals will be supported where they contribute to maintaining a stock of permitted reserves of at least 10 years for individual sites and 15 years for sites where significant new capital is required. This can be used when assessing planning applications and ensures that the policy is effective in the absence of a requirement figure. The Minerals Planning Practice Guidance (paragraph 088) identifies that the stock required should be linked to the scale of capital investment required to construct and operate the facility and should be calculated when a planning application is submitted.

The Council is requested to address the questions in Q1-6 above for the proposed allocation. The Council is requested to respond to any particular issues raised in representations in this regard. In doing this any updated information regarding the site should be included.

- 7.18 One respondent (381178/796/M 7/S) requested clarification on the wording of policy M 7 in terms of whether 'outside the site' refers to the area immediately adjoining the site boundary or to other sites where proposals for industrial sites may be submitted in the future. Outside the site means any other areas around the allocated site, not just the area immediately adjoining the site boundary.
- 7.19 One objection (1024130/875/M 7/2.3.4/LC) was received to the Rudheath Lodge site on the grounds that the site was intended to be a Preferred Area only, rather than an allocation and that the Mineral Call for Sites identifies that there is no need for further sand allocations as there is a landbank of 10 years from other sites and availability in nearby areas. The objection also queries why this site has been chosen at the expense of other sites and queries how much bearing the current application should have on the Local Plan process. It requests justification and re-scoring of the site compared to other sand sites and states that insufficient justification has been provided in relation to the potential unacceptable impacts. The responses to matter 15, issue 7, question 1 and 2 explains the process undertaken and justifies the allocation, the site assessment process and scoring and identifies how potential issues can be mitigated. Reference to the 10 year landbank and availability on other sites relates to aggregate sand and gravel and is not applicable to industrial silica sand. The Rudheath Lodge site is the only site put forward for industrial silica sand. Information about the planning application is provided in the response to matter 2, issue 3, question 1.

8. Issue 8: Minerals infrastructure

Questions

- Q1. What justification is there for the mineral infrastructure safeguarded sites as set out in table 9.1, in particular potential ones? Was the site selection process robust? Was an appropriate selection of potential sites assessed? Were appropriate criteria taken into account in deciding which mineral infrastructure safeguarded sites to select and was the assessment against these criteria robust?**
- 8.1 Paragraph 9.67 in the explanation to policy M 8 in the Local Plan (Part Two) explains that the results of the consultation on safeguarding of minerals and minerals infrastructure have informed the identification of mineral infrastructure. An informal consultation on safeguarding of minerals and minerals infrastructure was undertaken in 2011, targeted at the minerals industry, relevant trade associations, landowners and government organisations. The document was also made available online and Parish Councils were informed. The document was split into infrastructure types (rail facilities, wharfage, concrete plants and sites with processing facilities) and asked what types of sites should be safeguarded. It identified some sites and asked whether any other sites should be safeguarded. Responses were received from 22 different organisations. An outcomes report was published and circulated in 2012 (CWC018), within which all relevant mineral infrastructure sites were identified.
- 8.2 Ince Park is safeguarded in policy STRAT 4 (Local Plan Part One) as a multi-modal resource recovery park and energy from waste facility. The planned / non-operational rail siding and wharf at Ince formed an important part of the approved planning application and improves the sustainability of the proposed operation of the site. Identification The Minerals Planning Practice Guidance identifies that planning authorities should safeguard existing, planned and potential storage, handling and transport sites. The non-operational former mineral sidings at Lostock works has been retained as this may be required in the future. There have been no objections to the retention of this site as a safeguarded minerals infrastructure site.
- 8.3 The minerals infrastructure safeguarded sites were identified at previous stages of preparation of the Local Plan (Part Two), including Preferred Approach stage. As such, interested parties were able to comment on the sites, whether the information (for example relating to the operator) was correct and whether the site should be retained as a safeguarded site. Some information was also received through the secondary and recycled aggregate survey undertaken annually to provide information to assist with preparation of the North West Aggregate Working Party Annual Monitoring Report and the Council's Local Aggregate Assessment (EB053). These comments were taken into account in the submission version of the Plan.
- 8.4 At the Local Plan (Part Two) Publication Draft stage, no comments were received regarding the sites that had been included as minerals infrastructure safeguarded sites.

Q2. Are there any significant factors that indicate that those sites should not have been selected?

- 8.5 The approach to identifying safeguarded minerals infrastructure sites is identified in the response to matter 15, issue 8, question 1. There are no significant factors that indicate that the sites should not have been selected.

The Council is requested to address the questions above for the non-operational sites. The Council is requested to respond to any particular issues raised in representations in this regard. In doing this any updated information regarding the sites should be included.

- 8.6 No comments were received at Local Plan (Part Two) Publication Draft stage regarding sites that had been included as mineral infrastructure safeguarded sites.

Q3. Is the policy wording effective and clear, in respect of safeguarded sites that are not being worked?

- 8.7 The policy wording is effective and clear as it identifies that non-mineral development with the potential to impact on a mineral infrastructure safeguarded site used for mineral processing, handling, and transportation will not be supported, unless specific circumstances can be demonstrated. This refers to sites 'used for mineral processing', but does not say currently used, so this includes sites that could be used in the future. Paragraph 9.68 of the explanation clearly identifies that mineral infrastructure safeguarded sites are identified in Table 9.1. Table 9.1 clearly lists the sites, planning status and operator.