

MINERALS – SUPPLY: GENERAL MATTERS AND AGGREGATES

Key Issue – General:

Whether there is clarity in matters relating to the adequacy of and supply of minerals to be extracted and the appropriateness of the source locations; also whether the proposals are justified. (National Policy: PPS 12, Para 4.1; MPS 1, Para 15; Planning and Minerals Practice Guide, Para 21)

Specific Issues and Matters for Discussion:

Whether the strategy for the supply of minerals is supported by the background facts

1. *Does the DPD spell out what are the appropriate contributions towards local, regional and national needs (Para 4.5)?*

Policy CS2 specifies the contribution that the County should make in order to meet the sub-regional apportionment requirements for aggregates provision (sand and gravel, and crushed rock). Specific contributions are not identified for the provision of other minerals extracted within the County as there are no national or regional targets for such minerals. The DPD does however indicate the shortfall in landbank provision (based on the advice contained within MPS1 (MCD 2)) for particular brickworks within the County during the Framework period.

2. *Would it be better to define landbanks at the point where the term is first used (Para 4.6) rather than later in the text (Para 4.15)?*

Yes. The Council accepts that it would be better to include the general text about landbanks (as set out in Para 4.15) earlier within the chapter where the term is first used (Para 4.6).

3. *Are minerals of regional and national significance clearly identified (Para 4.10)? What is the status of the categorisation?*

Draft RSS (MCD 9) Policy 36 'Regional Priorities for Minerals' does not specify which minerals are of regional or national significance within the East Midlands Region. The supporting text to the Policy does however include the following statements:

'The East Midlands Region provides a significant proportion of the UK's mineral production, including coal, aggregates such as sand and gravel, limestone, sandstone and igneous rock, and quantities of gypsum, high purity limestone, fireclay, brick clay, locally distinctive building materials, and oil and gas. Much of the production has been consumed within the Region - coal for power generation and aggregates for the building industry and road construction. However, the Region is also a major exporter of primary aggregates and high quality minerals.' (Para 3.3.44)

'The East Midlands is a major producer and exporter of aggregates, with important implications for employment, landscapes and transport infrastructure. About 21% of the sand and gravel and 44% of the crushed rock production is exported from the Region.' (Para 3.3.45)

'Some other minerals found in the East Midlands are also of national and regional significance, notably building stone and roofing slate/stone, brick clay, and limestone for cement production.' (Para 3.3.47)

'The East Midlands has significant coal reserves that have been exploited by both deep mined and opencast methods' (Para 3.3.48)

The indication in the draft RSS that particular minerals are of regional or national significance does not bestow on them any special status.

4. *In Policy CS1, does the DPD provide clarity as to what would constitute "an adequate and steady supply of minerals"? Is there clarity as to how "need" would be demonstrated? Have anticipated needs been quantified for all minerals?*

The maintenance of appropriate landbanks for aggregates and brickclay is seen as the principal means of maintaining the adequate and steady supply of these minerals. Landbanks are not appropriate in the case of energy minerals, with the Government advising that it is for individual operators to determine output levels in the light of market conditions. Uncertainties regarding the extent and economic viability of future resources for other minerals (fireclay, gypsum and building and roofing stone) inhibit the Council's ability to ensure an adequate and steady supply of these materials, but the DPD does include policies which enable their extraction.

The demonstration of 'need' will be dependent on the nature of the industry involved. The DPD indicates the various factors relating to the provision of particular minerals that would need to be addressed in demonstrating the need for the development. 'Demonstrated need for the mineral to be worked' is a phrase that is used in the adopted Minerals Local Plan (Policy 2 a (i)(a)). The minerals industry has not expressed any concern about the interpretation of this requirement.

Anticipated needs have not been quantified for all minerals (see response to question 1 above).

Whether there is clear evidence and guidance on how much extraction of aggregate minerals is intended to take place and how best to maintain an adequate and steady supply

5. *What and where is the evidence base setting out information on permitted reserves (Para 4.19 and Box 1)?*

The permitted reserves figure quoted in Box 1 is derived from the AM 2001 survey, adjusted for the subsequent reassessment of reserves at Huncote Quarry.

Information on permitted reserves is obtained by the County Council in the form of annual returns from individual operators for the East Midlands Regional Aggregates Working Party (EMRAWP). Each year the EMRAWP carries out annual 'standard' surveys of permitted reserves, sales/production and planning decisions. Every fourth year, the EMRAWP is committed to conducting a major in-depth study commissioned by the Department for Communities and Local Government known as an Aggregates Monitoring (AM) Survey. This covers some of these aspects in more detail and in addition, data on secondary aggregates, activities in environmentally designated areas and distribution of sales. Returns are made by individual operators to their MPA. The MPA collates information for its area before forwarding the collated data to the EMRAWP.

AM2001 was a full depth survey. Data from this survey was therefore considered to provide more accurate information for the baseline figure than AM2000, when operators were only asked whether any reassessment of reserves had occurred. The 2001 AM survey (MCD 12) indicated that, as at the end of December 2001, Leicestershire had 11,120,100 tonnes of permitted reserves of sand and gravel. When combined with the sales figure for 2001, of 1,403,000 tonnes, this made a total of 12,523,100 tonnes at the commencement of the MDF period.

The MLP Monitoring Report and Key Issues consultation undertaken in May 2003, and subsequent information provided by the minerals industry, has led to a revision of the reserve data gathered for AM 2001. In 2003, Acresford Sand and Gravel Ltd informed the County Council of a significant reassessment of reserves at their Huncote Quarry, down by some 1.5 million tonnes. This amendment is witnessed in the AM2002/3 returns (MCD 13-14), where permitted reserves between 2002-3 only increased from 9.286 million tonnes to 10.06 million tonnes despite the release of 3.79 million tonnes of additional reserves (at Brooksby and Quorn) and sales during 2003 of 1.49 million tonnes – a net loss of some 1.53 million tonnes.

Information on additional reserves permitted since 2001 is derived from information supplied in planning applications submitted to the County Council for its determination. The County Council provides details of planning applications and decisions to the EMRAWP for inclusion in its Annual Report. The additional reserves permitted between 2001 and 2008 are documented in the relevant annual reports. (MCD 12-17)

6. *In Para 4.19 and Box 1 (and elsewhere) does any adjustment need to be made for Rutland? Also, what are the figures from the emerging RSS?*

There is no need to adjust the sub-regional apportionment figure in Para 4.19 and Box 1 to allow for a contribution for Rutland. No extraction of sand and gravel occurs within Rutland.

In February 2004, the East Midlands Regional Assembly approved sub-regional apportionments for each of the Mineral Planning Authorities across the region. Policy 36 of the draft RSS (MCD 9) states that LDFs should seek to apply these aggregates apportionment figures. Figure 1 of the draft RSS indicates that Leicestershire should provide 20 million tonnes of sand and gravel between 2001 and 2016, as stated in Para 4.19 and Box 1. The sub-regional apportionment figure remains unchanged in the Proposed Changes to the RSS.

7. *How does the list of active sand and gravel sites (Para 4.20) compare with those listed in the footnote to Box 1?*

Four of the active sites listed in Para 4.20 received additional permitted reserves between 1/1/2001 and 31/12/2007. Lockington was the only site that did not receive permission for any additional reserves during that period. The footnote to Box 1 refers to 3 other sites that are not currently active, namely Fosse Way, Syston (extraction not yet commenced), Quorn (extraction complete), and Ashby Parva (site currently inactive).

Planning permission was granted for the extraction of 3.9 million tonnes of sand and gravel from an extension to Lockington Quarry in September

2008. These permitted reserves are not taken into account in the calculation of sand and gravel provision in Box 1.

8. *Should policies governing the identification of reserve sites be included in the core strategy (Para 4.23 and Policy CS2)?*

The process of identifying and selecting potential sites for sand and gravel extraction has already commenced as part of the work for the Site Allocations DPD (SADPD), involving consultation with the minerals industry, landowners and other stakeholders. Chapter 2 of the SADPD Preferred Options document outlines a two-stage process, initially obtaining information on potential sites from the minerals industry, and then assessing these sites in detail, informed by early stakeholder consultation, with complementary SA/SEA work together with the strategic assessment of flood risk and Appropriate Assessment under the requirements of the Conservation (Natural Habitats) Regulations.

Policy CS2 outlines the strategy for the release of sand and gravel reserves including the overall required provision, the priority for extensions and the need to ensure that proposals will not cause unacceptable harm to the environment or communities. In respect of the latter, other policies in the DPD provide the framework for assessing potential sites.

The Council considers that this approach is broadly in line with national guidance in MPS1 (MCD 2) on the selection and assessment of mineral extraction sites and, in the Council's view, provides sufficient strategic guidance and spatial direction for the allocation of sand and gravel sites in the subsequent SADPD.

9. *In respect of Para 4.26, what and where is the evidence base setting out information on permitted reserves and subsequent planning permissions?*

See Topic Note – Provision for Crushed Rock (paragraphs 14-18) (LCC M2)

10. *In Box 2 (and Policy CS2), does any adjustment need to be made for Rutland? Also, what are the figures from the emerging RSS?*

See Topic Note – Provision for Crushed Rock (paragraphs 7-10) (LCC M2)

11. *Have the figures in Box 2 been over-estimated? Will provision need to be made for future reserves at rail-linked sites? [Aggregate Industries]*

See Topic Note – Provision for Crushed Rock (paragraphs 19-26) (LCC M2)

12. *In Box 2, should the total requirement be given as 344.5m tonnes (as in Policy CS2)?*

See Topic Note – Provision for Crushed Rock (paragraph 11) (LCC M2)

13. *In Policy CS2 (and in respect of other minerals), would it be better to set a target for new reserves sought over the plan period? [GOEM]*

National and regional targets are only provided for aggregates. The Council does not consider that it is appropriate to set unjustified targets for the extraction of other minerals within Leicestershire. The 1st bullet point of Policy CS2 provides a target for aggregate provision over the plan

period. The Site Allocations DPD will address the release of sand and gravel reserves with a view to meeting the shortfall identified in Box 1. It is acknowledged that this matter will need to be closely monitored and the policy reviewed if necessary.

14. *Should there be greater flexibility with regard to landbanks (Policy CS2)? Should the landbanks to be maintained extend beyond the end of the plan period? [Quarry Products Association; Lafarge]*

See Topic Note – Provision for Crushed Rock (paragraphs 12-13) (LCC M2)

15. *In Policy CS2, should there be a preference for extensions at quarries served by rail? [GOEM]*

See Topic Note – Provision for Crushed Rock (paragraph 27) (LCC M2)

Whether there is clear evidence and guidance on the locations where extraction of aggregate minerals may take place

16. *In respect of the priority to be given to the extension of existing sites, should Croft Quarry be excluded / subject to additional protection? [BDC; Croft Parish Council]*

See Topic Note – Provision for Crushed Rock (paragraph 28) (LCC M2)

17. *In respect of the priority to be given to the extension of existing sites, should Bardon be excluded? [Residents of Brickhill Cottage; Woodhouse Parish Council]*

See Topic Note – Provision for Crushed Rock (paragraph 28) (LCC M2)

18. *Should Policy CS2 contain a presumption against the extraction of rock from new sites? [GOEM]*

See Topic Note – Provision for Crushed Rock (paragraph 29) (LCC M2)

Whether there would be adequate safeguarding of resources

19. *Policy CS10 (Resource management) supports the extraction of proven mineral reserves. Is this positive enough? Should developers be required to demonstrate that they have actively considered extraction?*

The Council considers that Policy CS10 accords with the advice contained in MPS1 (MCD 2) (Para 13 2nd bullet point) which states that MPAs should 'encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in MSAs'. Policy DC8 is intended to control development within MSAs. This identifies a number of factors that would need to be addressed before allowing development that is incompatible with safeguarding the mineral within a MSA, one of which relates to prior extraction. Applicants will therefore have to demonstrate that consideration has been given to prior extraction in order to satisfy the requirements of this policy.

20. *Policy CS10 supports the use of high quality materials for appropriate purposes. Is this positive enough? Is it more a question of the MPA resisting the use of high quality materials for inappropriate purposes?*

The Council considers that Policy CS10 accords with the advice contained in MPS1 (MCD 2) (Para 18 2nd bullet point) which states that MPAs should 'encourage high quality materials to be used for appropriate purposes'. Para 4.86 indicates that in some cases the size and nature of the materials to be extracted could be controlled to ensure the best and most efficient use of the resource.

21. *Should aggregate railheads be protected under Policy CS10 and Policy DC8? [Lafarge]*

The Council accepts that aggregate railheads should be protected under Policy CS10 and policy DC8. The Council proposes changes to these policies to make reference to 'significant infrastructure such as rail linked facilities' together with the inclusion of an additional paragraph (after Para 4.84) related to the protection of associated infrastructure.

The Council considers that this change would be in accordance with MPS1 (MCD 2). This states that MPAs should safeguard 'existing, planned and potential rail heads, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, particularly coal and aggregates, including recycled, secondary and marine-dredged materials' (6th bullet point in Paragraph 13).

The protection of associated infrastructure has already been taken into account in the work that has been carried out to date regarding the identification of MSAs within Leicestershire. The BGS report referred to in Para 4.81 adopted a different approach for each mineral, reflecting not only their different geology but also associated infrastructure. It recognised that the County's igneous rock quarries have extensive associated infrastructure, including rail links. In consultation with industry, this was taken into account in defining MCAs (BGS report para.4.2.4) (MIN 30). Thus the draft MSA shown on Figure 4 of the Minerals Spatial Strategy (2007) includes the Barrow railhead and conveyor link to it associated with Mountsorrel Quarry. Similarly, in consultation with brick clay producers, MCAs for were drawn around existing brickclay sites taking account of existing infrastructure (BGS report para.4.2.6).