

Statement on behalf of the Mineral Products Association (MPA)

N Yorkshire Joint Mineral & Waste Local Plan; Examination in Public

**Matter 1: Minerals**

**Issue: Whether the vision, objectives and strategic minerals policies seek to provide a sufficient supply of locally and nationally important minerals in an efficient and sustainable manner and whether the proposed allocations are the most appropriate**

**Questions:**

Minerals allocation in general

**9. Where it has been agreed by the Authorities to amend the boundaries of minerals allocations (such as MJP17 and MJP21) are the new boundaries shown in Appendix 1?**

Both the above-mentioned allocations are controlled by a MPA member company and we leave it to them to argue the merits of the allocation. However, the principle of, and the reasons for, amending the allocation boundaries at this late stage are not justified. The changes could lead to sterilisation of mineral unnecessarily.

The most appropriate time to test the land use merits or otherwise of the allocation MJP17 would be at the planning application stage which due to the scale of the potential development would need to be assessed via an Environmental Impact Assessment (EIA). The EIA would inform the design of the development proposal where mitigation can be designed if required. It should be remembered that mineral workings are temporary in nature.

In respect of MJP21 this is subject to an application which NYCC resolved to grant in 2017 including the area of land now removed from the allocation. The retrospective removal of this land after it has been tested through the planning process appears perverse. As with the allocation MJP 17 it is considered that any impact on the setting of the building concerned would be temporary.

We consider that the late change in the boundaries to the two-referenced allocation is not positive plan making as required by NPPF at para. 157, and furthermore it cannot be right to potential sterilise mineral resources unnecessarily.

Aggregates

***Aggregates in general***

**15. Should references to "minimum" landbank time periods be changed to "at least" to be consistent with national policy? (NPPF paragraph145).**

Yes, otherwise not complying with national policy and the plan could be considered unsound. NPPF makes no mention of minimum landbanks. This needs to be addressed in Policy and supporting text.

### ***Concreting Sand and Gravel***

**17. Whilst it may be justified to state in MWJP paragraph 5.15 that “..it is not considered appropriate to specify, at this stage, the precise level of further provision that may be needed in order to maintain a minimum 7 year landbank at 31 December 2030” (with reviews going forward ensuring greater accuracy), it is nonetheless important to be clear in the policy that the MWJP still makes provision for a steady and adequate supply of the different aggregates based on current information for the Plan period. The wording of the second paragraph of Policy M02 appears somewhat ambiguous. It could be taken to mean the additional provision needed to maintain a 7-year landbank as of 31 December 2030 or alternatively any extra provision for the Plan period that might be identified by later LAAs? To be effective, would the Policy benefit from clearer wording?**

Yes, redrafting required. It is necessary to maintain at least a 7-year landbank whether a review is undertaken. Furthermore, the annual rate of provision should be based on planning policy and guidance. The wording of the last part of the sentence could be interpreted as the planning authority determining provision out with planning policy which is unsound.

**18. Should reference be made to a “mid-term review” or should there be a commitment to carry out a review within 5 years from adoption? (PPG ID: 12-008-20140306). The Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017, regulation 4 “Review of local development documents” states that reviews of local plans must be completed every five years, starting with the date of adoption of the local plan. This regulation is due to come into force on 6 April 2018.**

Yes. As per our representations there should be a commitment to a 5-year review and National Policy is explicit on the point. In any event as stated in the question Regulations as of April 2018 will require it so the Plan text should acknowledge the fact to avoid uncertainty. In the effective absence of National Guidelines on Aggregate Provision mineral plans need to have regular reviews to ensure that demand for minerals is met.

**20. In order to reflect the geographical application of policies M03 (Overall distribution of sand and gravel provision), M04 (Landbanks for sand and gravel) and M07 (Meeting concreting sand and gravel requirements) should the Southwards distribution area and the Northwards distribution area be shown on the Policies Map and should this be referred to in these policies?**

Yes as this would help clarity. Given the location of the existing and allocated sites in the Plan Area plus taking into consideration the location of the Areas of Search it seems that the eastern part of the Plan Area in the Vale of Pickering is

in danger of being left out of consideration. The LAA admits this area is 'relatively isolated' and the MPA has submitted evidence of the problems lack of provision for rock can have on local supply. This is an argument that is equally applicable to sand and gravel supply. The MPA believes that the understandable concentration of attention on the continued supply of aggregates from the A1 corridor should not obscure or neglect the need to ensure provision for this part of the Plan Area which is designated an economic growth area (see Key Diagram). It will continue to be important to maintain local supplies to this area for sustainability reasons and we ask that a statement is added to the supporting text to make this clear.

**21. Does Policy M07 (Meeting concreting sand and gravel requirements) allocate sufficient sites in both northwards and southwards distribution areas to meet current forecasts of need for the main types of concreting sand and gravel throughout the Plan period including at least a 7-year landbank at the end of the Plan period?**

The MPA would like to see some flexibility in the provision of sand and gravel to take account of aspects of demand (need) that have not previously been acknowledged in addition to the identification of Areas of Search. Specifically, since the aim of national policy is to aim to 'source minerals supplies indigenously' (NPPF para 143 bullet point 2) it should be part of the Local Plan strategy to avoid unnecessary imports of mineral where local supplies could make a contribution. Some importing of material will be necessary where there are no local resources, and equally some cross boundary sales will be part of the operation of the market, but in some cases there may be a valid reason to make supplies more sustainable by minimising mineral miles and providing more mineral locally. The MPA strongly advocates the principle of providing for local supplies of mineral as this not only ensures sustainability but also make sound economic sense too.

An allowance for flexibility of provision is a soundness issue in case problems develop with allocated sites, or demand increases suddenly or an opportunity arises for greater sustainability. This is recognised in national policy (NPPF) in respect of local plans in paragraphs 14 bullet point 2 and in paragraph 157 bullet point 5, and for the economy in paragraph 21 bullet point 3.

This could be accommodated by additional wording either in the policy or the supporting text, to provide for exceptional circumstances. Suggested text as follows,

*"Proposals will be supported in exceptional circumstances outside of the Areas of Search where allocated sites cannot supply demand, or to take advantage of an opportunity for greater sustainability."*

**32. Should Policy M06 (Landbanks for crushed rock) provide more flexibility with respect to new reserves from Areas of Outstanding Natural Beauty (AONBs) by inserting "as far as practical" in the second paragraph (NPPF paragraph 144 second bullet uses this phrase)?**

Yes. As currently drafted this Policy is UNSOUND. The requirement of the policy to source new reserves from outside the National Park and ANOBs is not consistent with National Policy. NPPF (para144) states that;

*-as far as is practical* [emphasis added], provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage sites, Scheduled Monuments and Conservation Areas;

As currently drafted this Policy could be construed as no future development in the National Park regardless of circumstances.

Furthermore, the use of the wording of Policy M06 is not consistent with the wording of NPPF with respect to the maintenance of landbanks for crushed rock. At para 145 NPPF requires the *maintenance of at least 10 years* and does not refer to a *minimum 10-year landbank* which is the wording in Policy M06.

**33. Is the basis for discounting the omission site at Whitewall Quarry (MJP12), which extracts Jurassic limestone, justified? I note that the Discounted sites summary document (SD18), October 2016, indicates that there is no need to release additional reserves of Jurassic Limestone, yet the Plan does not provide figures to support this. Is this an existing working quarry? What would the economic impact be of its closure? Does it supply crushed rock and building stone?**

The MPA believes that the role of Jurassic limestone in the Plan Area has been unjustifiably downplayed. Although the sales of this stone are not huge by the standards of much more versatile Carboniferous Limestone and not as extensively exported as Magnesian Limestone, it nevertheless provides an essential function in the eastern part of the Plan Area, whose loss or diminution would have to be met by working within protected landscapes or by importing material over 40 miles away, neither of which is as sustainable as continuity of production in existing sites.

It is true that the Joint Authorities have not released any figures for the sales and reserves of this mineral and yet have come to the conclusion there is no strategic need for it. Our members estimate that the local sales of Jurassic limestone are typically about 400,000 tpa from up to three active sites. A combined extraction rate of this magnitude is not insignificant despite the fact that this is a relatively soft rock with a limited range of uses.

This would imply that a total reserve of at least 6Mt should be provided for the plan period. Our members also estimate that the active sites have limited reserves and need to be extended if productive capacity is to be maintained. A further two sites are located in the Howardian Hills AONB, but it is uncertain if they can meet the shortfall in demand if active sites become exhausted and are not replaced.

The MPA's case for recognition of the strategic importance of this mineral is simply that of geography. If local supplies are allowed to wither, then there is no effective local substitute, and supplies would have to be imported from other parts of the plan area at much greater distances of over 40 miles and therefore at a greater cost to the customer and to local construction, and would result in a much less sustainable outcome.

We can confirm that Whitewall is an active quarry. However, we leave the details of its operation and status to our member company to describe in their statement to the Examination.

The plan is unsound because it is not positively prepared, not justified and not consistent with national policy. This has led to underprovision of mineral contrary to national policy (NPPF para 145) which makes the plan unsound because it has not assessed mineral requirements in sufficient depth, and therefore the strategy presented is not shown to be the most appropriate because the alternatives have not been examined.

We have asked for recognition of Jurassic Limestone in Policy M05 and in an additional paragraph, which we repeat here for the Examination's convenience.

The proposed changes to Policy M05 and supporting text are as follows (deletions in strikethrough; additions in **bold**)

#### **Policy M05: Provision of crushed rock**

Total provision for crushed rock over the 15 year period 1st January 2016 to 31st December 2030 shall be 56.3 million tonnes, at an equivalent annual rate of 3.75 million tonnes, within which specific provision for a total of 22.5 million tonnes at an equivalent annual rate of 1.50 million tonnes per annum shall be for Magnesian Limestone, **and 6.00 Million tonnes at an equivalent annual rate of 0.4 million tonnes per annum shall be for Jurassic Limestone**. Additional provision shall be made through **at least a five year** ~~a mid-term~~ review of provision in the Plan, if necessary, in order to maintain **at least** ~~a minimum~~ 10 year landbank of crushed rock, including a separate ~~minimum 10 year~~ landbanks **of at least 10 years** for Magnesian Limestone **and Jurassic Limestone**, at 31 December 2030 based on an annual rate of provision to be determined through the review.

#### **New paragraph after 5.29**

**Jurassic limestone deposits form a ring around the Vale of Pickering on high ground much of which is in protected landscapes. Mineral working has taken place from sites within the deposits for many years and although the mineral is soft and therefore has a restricted range of uses, it nevertheless performs a significant role locally in aggregates supply. It is considered that**

**specific policy support in the Joint Plan is necessary because of this role and also because alternative supplies could only be made available at greater haulage distances from the centre of the county which would be a less sustainable outcome than maintaining adequate supplies locally. The local market is recognised as an economic growth area, and an assured local supply of mineral would assist in the development needs of this part of the plan area. Locations for further working are addressed through specific site allocations in the Joint Plan, which have been subject to assessment, including in relation to their potential for impact on landscapes and amenity interests. Policy support for the continued availability of Jurassic Limestone, which is a well-established element of the supply of crushed rock in the locality, is important in that it would help to maintain an appropriate distribution of supply of crushed rock and reduce the need to import stone from other sources in the plan area unnecessarily.**

5.35 The assessment of future requirements for aggregate, carried out when preparing the Joint Plan, has indicated that provision needs to be made for further working to help to ensure continuity of supply of concreting sand and gravel, building sand, **Jurassic Limestone** and Magnesian Limestone.

5.46 During preparation of the Joint Plan, sites for working other crushed rock resources (Carboniferous Limestone and ~~Jurassic Limestone~~) were put forward for consideration<sup>9</sup>. No specific requirement has been identified for the release of further reserves of ~~these types of crushed rock~~ **Carboniferous Limestone** in order to meet requirements over the period to 31 December 2030 and it is not considered that identifying allocations for ~~these~~ **this** is a priority for the Joint Plan. **However, it is considered that policy support is needed for the extraction of Jurassic Limestone in view of its importance to the local aggregates market and lack of alternatives.** ~~a small volume of further reserves of Jurassic Limestone (estimated at 1.8mt) could~~ **Further reserves of XX Mt will** be needed to maintain a 10 year landbank at 31 December 2030. ~~Of the four sites put forward, only one is considered suitable for allocation. The reserves in this site (1.7mt) could~~ **Allocations at XXXXXXXXXX and XXXXXXXXXX** will help to sustain security of supply of Jurassic Limestone in this part of the Plan area. Should proposals come forward for extensions to other existing Carboniferous or Jurassic Limestone sites these will be assessed under the requirements of Policy M10 Unallocated

extensions to existing quarries and, if the site is located in an AONB, Policies M01 and D04.

END

2657 words including questions.