

Minerals Issues Discussion Paper: Report of Consultation



Introduction

The following report provides a summary of the responses from the Minerals Issues Discussion Paper consultation that took place from 2nd March until 2nd April 2012. The consultation was aimed at any organisations and individuals with an interest in minerals planning in Cheshire East. It gave opportunity for consultees to offer their views on how the Local Plan should approach key strategic minerals planning issues.

The Discussion Paper was made available to view and download electronically on the Council's website with hard copies supplied to all Cheshire East Libraries and Customer Service Centres and to anyone on request. Responses were accepted via the Council's online consultation portal, e-mail and the post.

The consultation was publicised through Council press releases with notification given to Cheshire East Local Members, Town and Parish Councils, MPs, statutory consultees, local mineral operators, environmental groups and all contacts held on the Spatial Planning consultation database.

A total of 31 responses were received on the Minerals Issues Discussion Paper, primarily from groups and organisations (or their agents) with an interest in minerals planning in Cheshire East.

Given the way in which questions were posed in the Discussion Paper, responses were qualitative in nature providing detailed information and views from a range of consultees. This report has sought to capture the key viewpoints expressed and where possible identify any consensus of opinion concerning the approach to minerals planning policy formulation for the Local Plan.



Summary of Responses

Background - Mineral Resources in Cheshire East

Question 1

Have all workable and viable mineral resources that occur within Cheshire East been included and is this information accurate?

The majority of those who responded to this question agreed that the Discussion Paper has identified the key mineral resources present within Cheshire East.

However, it should be acknowledged we do not have a complete knowledge of mineral resources as this would depend on extensive geological surveying and the information currently held should only be a starting point. It should also be noted that the viability of mineral resources is dependent on the prevailing economic climate at any moment in time. It would therefore be prudent to allow some degree of flexibility when defining viability.

Concerning silica sand, it should be emphasised that Cheshire East contains resources of the highest quality and that this mineral has been recognised as being of national importance. It is not so much a question of there being few locations in the UK where silica sand occurs in sufficient quantities to be economically viable to extract, but that there are very few silica sand deposits of any size within the UK.

Concerning hard rock resources, further acknowledgement should be made of their importance for historic building and area conservation and enhancement. The National Planning Policy Framework (NPPF) addresses both the need to secure building and roofing stone for the repair of heritage assets.

Issue 1 - Securing Adequate and Steady Supply

Question 2

What approach do you think should be taken to ensure that an adequate and steady supply of minerals is secured? Please specify what approach you think is most suitable for the mineral type(s) you have an interest in. If you feel a criteria approach is most suitable please give details.

The responses on what approach should be taken to ensuring that a steady and adequate supply of minerals (as outlined in National Planning Policy) related to the mineral resource in question.

Responses from those with an interest in silica sand favoured the identification of Preferred Areas for future extraction and Areas of Search for possible extraction. This approach would provide a degree of both certainty and flexibility for the industry and local community. The need to maintain a minimum 10 year landbank at each site throughout the Plan period (or 15 years where significant capital investment required) was highlighted.



From those with an interest in sand and gravel, the identification of specific sites, allocation of Preferred Areas and Areas of Search would provide the minerals industry and local communities with certainty as to the future location of mineral workings. It was suggested that this could be underpinned by a criteria based policy to provide the Plan with flexibility to meet any shortfall in sites to meet the sub-regional provision, or, in the event that Preferred Areas or sites within Areas of Search do not come forward within the Plan period. The need for the Local Plan to seek to meet sub-regional apportionment through allocations and maintain a minimum landbank of 7 years was highlighted.

Responses concerning the provision of hard rock for aggregate purposes highlighted the need for meeting the recommended sub-regional apportionment and maintaining at least a 10 year landbank. With the landbank standing currently at about 34 years of production there is no general need for additional provision of hard rock reserves. However, there should be provision for borrow-pits where major infrastructure projects may be implemented, and where equivalent reserves may need to be imported from other areas.

Planning to meet this aggregate provision and maintain supply should also be considered in the wider context, taking into account the impacts of the gradual rundown of aggregate supply from the neighbouring Peak District National Park. Responses also noted the need for and supply of stone for heritage building and roofing stone.

A general note on aggregate supply highlighted that an increase in the overall proportion of mineral provision should be secured from secondary and recycled sources first before primary aggregates in line with national policy in the NPPF.

For future areas for salt extraction in Cheshire East, responses suggested a site specific approach is appropriate to provide certainty of supply for industry, which in turn helps future investment decisions and secures jobs.

Responses relating to future coal extraction suggested that the Plan should not discount coal proposals coming forward, although it is probably sufficient for the Plan to set out overall criteria based policy framework for energy minerals collectively.

Responses concerning the securing of an adequate and steady supply of onshore hydrocarbons highlighted the need for clearly defined policy that provides a presumption in favour of exploration and development, subject to assessing site specific considerations.

Responses concerning future peat extraction highlighted policy in the NPPF stating that local authorities should not identify new sites or extensions to existing sites for peat extraction. It is noted that good quality peat is vital to act as a buffer to climate change and is valuable for maintaining good water quality, flood attenuation, storing water, recording archaeology and historic climate changes as well as providing wildlife habitat for a range of protected flora and fauna.



Issue 2 - Ensuring Prudent, Efficient and Sustainable Use of Mineral Resources

Question 3

Should criteria be set for any new primary extraction to ensure the prudent, efficient and sustainable use of the mineral resource? If so what should this include? Please specify for the mineral type(s) you have an interest in.

Responses on whether criteria should be set to ensure that mineral resources are used prudently, efficiently and sustainably related mainly to silica sand and aggregates.

One view suggested that for specialist materials, such as silica sand and building stone, the end use needs to be clearly identified as part of the planning application process and controls on end use put in place. This could be achieved through suitable agreements or planning conditions. A fundamental element of the approach to minerals planning should be increasing targets for the proportion of mineral provision to be met by secondary and recycled minerals.

However, a general view presented was that it would be very difficult to set criteria that could then be monitored and controlled with the market ultimately determining how the resource is used. To say that resources are being used for a less than efficient purpose would require evidence and competence on the part of the Local Authority to judge whether a mineral is being used sustainably. Planning would therefore be straying into the realm of the commercial business of mineral operators for no good reason.

In the case of silica sand, end uses are continually changing and whilst advancements are being made in technology to help increase recycling of glass cullet, the specification required by industry is so high that a large proportion of primary material is still required to produce the right quality glass.

Question 4

How should policy encourage the provision of suitable recycled materials to minimise new extraction of primary minerals?

Responses generally agreed that the use of recycled materials should be encouraged and maximised. However, limitations to how much policy can achieve were identified. Key reasons were:

- With the exception of glass, recycling would not be feasible in respect of silica sand.
- Sources of recycled aggregates are not necessarily going to be located in areas where demand is being generated.
- The environmental impacts of longer haulage for some recycled products should be taken into account.



- Due to the nature of the processes, the recycling of salt as a raw material for the salt and soda ash industries is not a viable option.
- Promotion of secondary mineral resources can only be achieved through the planning system by permitting sufficient environmentally acceptable recycling facilities (in quarries if necessary) and by changing specifications for public works to include recycled materials where possible.

Responses noted that for recycled aggregates to achieve a significant part in the supply chain, sites where materials can be processed will be needed. The best place for policies encouraging recycled materials would be in the Waste Plan either through the identification of potential recycling sites or policy that supports planning applications for appropriately sited facilities which may include mineral working sites.

Issue 3 - Safeguarding Mineral Resources

Question 5

Which mineral resources in Cheshire East do you consider warrant safeguarding? Please specify.

The majority of responses considered that all surface mineral resources in Cheshire East, with the exception of peat, warranted safeguarding to prevent their sterilisation, namely silica sand, sand and gravel, hard rock and coal.

Responses in relation to underground salt resources noted that a sufficient land area should be safeguarded to allow for access and extraction of the mineral and sufficient above and below ground infrastructure for development of gas storage facilities. A safeguarded area for salt should be sufficiently large to allow for the safety requirements of a COMAH¹ site in the case of gas storage.

In relation to underground unconventional hydrocarbon resources, it was suggested that the full extent of the PEDL² area should be assumed to be viable and safeguarded with policy framed to provide a presumption in favour of exploration and development.

Other comments noted that as below ground mineral resources are extensive, if the areas they cover were the subject of Mineral Safeguarding Areas (MSAs) it would greatly constrain any new development activity therefore should not be the subject of MSAs.

With regard to the initial approach to safeguarding, it was noted that there should be a robust assessment of which minerals present in Cheshire East are of 'local and national importance' as set out in the NPPF.

¹ Control of Major Accident Hazards

² Petroleum Exploration and Development Licence

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Question 6

Should Minerals Safeguarding Areas cover existing urban areas? Please explain.

The prevailing view considered that Minerals Safeguarding Areas (MSAs) should not be curtailed by urban areas. Reasons given included:

- Nowhere in National Policy does it indicate that mineral safeguarding is not necessary to be undertaken in urban areas.
- Best practice advice from the British Geological Survey on safeguarding advises that urban areas and environmental designations should not be excluded - MSAs are intended to protect mineral resources for the long term.
- MSAs need to guard against indirect sterilisation from development of proximal areas.
- MSAs can highlight the potential opportunity for valuable prior mineral extraction, for example on brownfield or regeneration sites.
- The Coal Authority is not aware of any Development Plan Document having been successfully adopted with the urban area excluded from mineral safeguarding. Prior extraction of surface coal resources can easily take place within urban areas without undue harm to residential amenity.
- Technological advancements develop very quickly and may enable safe extraction in the future.

Other views questioned the need to safeguard all areas. Reasons for not safeguarding all areas included:

- Conflict with the health and safety of an existing urban area where there may be environmental considerations which could be detrimental for the urban area.
- Areas are highly unlikely to be brought forward by the industry having regard to political issues and environmental constraints.
- Good quality deposits of salt are primarily located in rural areas therefore existing urban areas are unlikely to be affected by future extraction of minerals.
- Insofar as sand and gravel is concerned, land values and the cost of working reserves let alone environmental concerns would be likely to make any urban MSA an irrelevance.

Question 7

Should any distinction be made between different mineral resources and any buffer distance applied around them?

Responses generally noted that buffer zone distances depend on the mineral resource in



question. Advice on mineral safeguarding buffers is contained within BGS guidance and most Authorities seem to use either 200m or 250m for sand and gravel and other soft rocks, and 500m for hard rocks that need blasting.

In respect of coal, the Coal Authority does not see any particular need to apply a buffer zone around the surface coal resource in the definition of any MSA. For salt and subsequent gas storage, any requirement for a buffer distance is specified by COMAH requirements.

A general comment noted that buffer distances are a useful aid to minerals planning, but they need to be flexible in order to take account of other methods of mitigation, such as bunding and tree planting, which could limit the requirement for a specific buffer distance. There is no need to distinguish between different mineral resources, and buffer distance applied around them, as long as Government guidance relating to noise, air quality, blast vibration and visual amenity are met in respect of each proposal.

Question 8

Which minerals related infrastructure in Cheshire East should be considered for safeguarding?

Comments noted that the infrastructure listed in the NPPF (para. 143) should be safeguarded. Particular comments emphasised the need to safeguard infrastructure associated with the processing of silica sand and salt (brine). Infrastructure related to sustainable modes of transportation should in principle also be safeguarded, such as historic rail sides or rail junction sites.

Issue 4 - Ensuring High Quality Restoration and Aftercare

Question 9

What do you consider are appropriate end uses for minerals sites following extraction? Please specify.

The majority of responses concurred that the appropriate restoration of mineral sites should depend on the nature of the site taking each case on its merits. Restoration proposals that assist in providing for climate change adaptation being the most valued. Suggested appropriate end uses included:

- Leisure facilities/areas for the public or private use.
- Wildlife conservation/place of beauty.
- Returned to agricultural use including salt cavities used for gas storage.
- Infill of inert materials.
- Housing, business and retail parks, employment land, office based business and science parks



Responses also noted that a pre-defined afteruse may not be appropriate as local societal and community needs will inevitably change.

Question 10

Should priority be given to certain end uses over others? If so, please specify.

Responses considered that priority should not be given to specific after-uses as such an approach may place unnecessary restrictions or burdens on future mineral sites and stifle innovative restoration/after-use proposals.

It would therefore not be appropriate to designate specific afteruses for certain types of mineral working. Instead Local Planning Policy should be developed to encourage consideration for positive and sustainable after uses appropriate for the local environment and the needs of the community as a whole.

It was noted that by generalising and placing preference over certain types of restoration on an Authority-wide basis, this may lead to a distorted number of projects that may not necessarily be in keeping with the local setting of the site, community aspirations for the long term use of the site or its environmental setting.

Issue 5 - Sustainable Transport of Minerals

Question 11

How can the sustainable transportation of minerals be best achieved in Cheshire East?

Most respondents considered that the location of mineral deposits in Cheshire East does not generally lend itself to sustainable alternatives, such as strategically placed railways, waterways or pipelines. With the exception of salt (brine) and some silica sand, there is currently no alternative transport method to road.

It was noted that sustainable transportation infrastructure can often require significant capital investment. As such investment can only be made if sufficient long term supplies of mineral are available, long term planning is essential.

Responses highlighted that minerals can only be worked where they are found, often in rural locations where road is the only means of transporting the mineral from site to market. In the case of local quarries serving local markets, minimising the distance travelled even by road is a sustainable outcome. Moreover, if there is no alternative to road transport then this is by definition the most sustainable option.

Other responses noted that, as with the waste hierarchy, the first requirement should be minimising demand. This, in turn, minimises the need for mineral transportation.



Question 12

Should minerals operators be required to demonstrate the suitability of sustainable alternatives to road based transport?

Views differed slightly on this question. Those of the view that operators should be required to demonstrate suitability of sustainable alternatives noted that this should only be done if a viable/economical alternative exists. This would need to be appropriate and accord with the NPPF and national and international obligations in respect of climate change.

Others expressed the view that any requirement would go beyond any national policy or technical guidance and be an expensive and futile exercise as there is no realistic alternative in Cheshire. It was also pointed out that mineral operators are already required to look at transport alternatives as part of the Environmental Impact Assessment for new mineral sites and extensions to existing sites.

A general comment noted that alternatives such as rail and water require very specific locational criteria (on top of a rail line, or next to a canal or river), plus a large reserve (to amortise the investment over 20 years or more), plus a concentrated market (to minimise double handling once delivered), plus large volumes (i.e. a train full) plus long distances to market (to out-compete with road haulage). The chance that all of these will occur together is fairly slim. Therefore, encouragement should be given to alternative transport where it is likely to be feasible but maintain a flexible attitude and not require every operator to demonstrate why they are not proposing alternatives such as rail or water.

Issue 6 - Underground Gas Storage Following Mineral Extraction

Question 13

What approach should be taken to future underground gas storage following salt extraction in Cheshire East?

Responses broadly favoured a pro-active approach in accordance with policy in the NPPF, providing that safety measures are in place and that any conflict with areas of future mineral extraction is avoided.

For gas storage and solution mining operators, economically viable projects require scales of economy that can only be achieved by developing a sufficient number of cavities that lie in close proximity to each other. For such reasons a pro-active approach is supported by the industry as it would give certainty to potential investors and developers.

Responses also noted that permissions for gas storage in old salt mines should include a compulsory obligation that infrastructure on the surface is landscaped and screened.

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Questions for Minerals Industry

The Minerals Issues Discussion Paper consultation also gave an opportunity for those in or representing the local minerals industry to provide additional information on possible sites/areas for future mineral working and areas for mineral safeguarding. The following tables summarise the responses received.

Question 14

Do you have any sites or areas you would wish to see allocated in the Local Plan for possible future mineral extraction? If so, please provide details.

Site/Area	Reserve Details (if given)	Promoter
Area to the south and west of Arclid Quarry, in land between Arclid Green, Hemmingshaw Lane (to the south west), the A534 (to the north west) and Newcastle Road (to the north east). Area to remain in the current Preferred Area.	Silica sand (in excess of 2mt, finest quality).	Jolley & Co (Consultants) on behalf of landowner.
Land at Dairy House Farm, Chester Road, Over Tabley.	Sand and gravel (subject to full exploration of the nature and extent through additional boreholes).	Civitas Planning Ltd. (Consultants) on behalf of landowner.
Extensions at Eaton Hall, Jack Fields Farm and Fields Farm.	Silica sand (sites previously identified as possible Preferred Areas in Cheshire County Council MDF I&O consultation).	Tarmac.
Land to the west of Hilltop and Hole House farms at Warmingham	Salt (brine) followed by gas storage.	Tata Chemicals/British Salt Ltd.
Arclid Quarry, areas to the south for Preferred Area and Area of Search.	Silica sand.	Sloane Mead (consultants) on behalf of Archibald Bathgate Ltd.
Sites for possible Preferred Areas.	Further information available on request.	Hanson Quarry Products Ltd.

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Adlington area.	Sand and gravel.	Mellor Braggins (consultants on behalf the Adlington Estate.
Sites at: Holford Farm, Pitcher Lane area, Brownlow Farm South, Rudheath Lodge Farm, Arclid. Area of Search east of Sandbach.	Silica sand.	Sibelco UK.
Land at Madeley, Staffordshire (SITE NOT IN CE)	Approx 10mt sand & gravel, 3mt Etruria marl.	Willard Willard (consultants) on behalf of Madeley Aggregates Limited.

Question 15

Do you have any local information on mineral resources that could be used to assist in the definition of Mineral Safeguarding Areas? If so, please provide details.

Resource	Information	Information Holder
Coal	The data illustrating the surface coal resource provided to the Council by The Coal Authority on the 23rd July 2010 should be utilised as the basis for the definition of the MSA for surface coal.	The Coal Authority.
Unconventional Gas	The resource that exists within PEDL 197.	CB Richard Ellis Limited (consultants) on behalf of Dart Energy (Europe) Ltd.
Salt	Land to the west of the Hole House development likely to contain an extensive area of good quality and relatively deep minerals. These are likely to be excellent for salt extraction (as brine) and resulting void spaces should be excellent candidates for gas storage.	Tata Chemicals/British Salt Ltd.

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Silica Sand	Areas around Arclid Quarry.	Sloane Mead (consultants) on behalf of Archibald Bathgate Ltd.
Silica Sand	Available on request.	Sibelco UK.

Question 16

Do you know of any minerals related infrastructure in Cheshire East that should be considered for safeguarding? If so, please provide details.

Site	Infrastructure Details	Information Holder
Arclid Quarry	Pipeline to transport minerals (silica sand) from its extraction site to its processing plant site. This pipeline passes under the A534.	Sloane Mead (consultants) on behalf of Archibald Bathgate Ltd.
Bent Farm	Processing plant area.	Sibelco UK.
Dingle Bank	Processing plant area.	Sibelco UK.
None specified	The rail transport corridor for width of 50 metres or more on either side of rail lines. Policy should give support to new or expanded businesses that are dependent upon a rail infrastructure (for consideration).	Willard Willard (consultants) on behalf of Madeley Aggregates Limited.