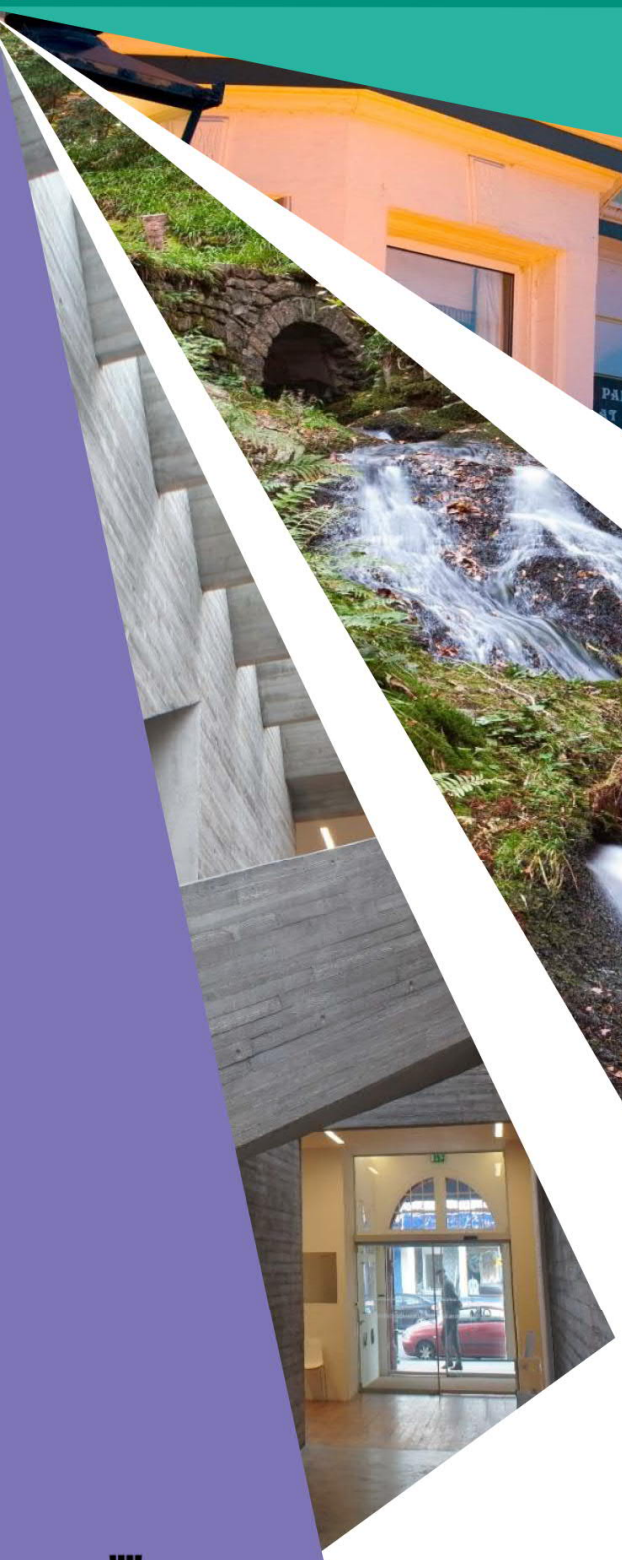
Replacement Local Development Plan 2018-2033

Background Paper



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BP 37: Minerals

CONWY
CYNGOR BWRDEISTREF SIROL
COUNTY BOROUGH COUNCIL

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1. Introduction

1.1 This background paper has been prepared to support the development of the Replacement Local Development Plan (RLDP) 2018-2033. The purpose of the paper is to review the evidence base upon which the LDP was developed and to provide any additional evidence. Minerals are an important component of the Conwy economy with a number of strategically important sites located within the County Borough. The minerals of economic value in Conwy are predominantly crushed rock aggregates. Minerals are critical to the construction industry, therefore their continued supply is fundamental to the delivery of the RLDP to meet sustainable development and the management of resources required to meet growth, social and economic aspirations. Minerals are a finite resource which can only be worked where they occur. Increasing pressure for non-mineral development is a particular challenge.

2. Policy Context

2.1. Minerals Planning Policy Wales has been incorporated within Planning Policy Wales, however, its content remains the same. Minerals Technical Advice Note 1 and 2 also remain in place. MTAN 1 advises that where landbanks already provide for more than 20 years of aggregates extraction, new allocations will not be necessary. However, Clarification Letter CL-05-14 has since advised that this does not reflect the Local Development Plan period of 15 years, the implication being that it may not be sufficient to conclude that having a 20 year or more landbank is sufficient and that it would only be prudent to come to this conclusion if there was in place a landbank of 25 years or more.

2.2. The Regional Technical Statement (RTS) has been reviewed since the adoption of the LDP, in August 2014. However, the conclusion for Conwy has not changed and no allocations for sand and gravel or crushed rock are identified as required over the life of the LDP. Given the extensive landbank of crushed rock this is considered unlikely to change. Notwithstanding this, the RTS is undergoing a second review which it is understood will be published during the Review period, and it is possible that a requirement for an allocation is required to meet any shortfall in a sub-regional regional grouping if the other local authorities are unable to make the required provision. This is a matter that will be kept under review, and may require collaboration with neighbouring local authorities.

2.3. The BGS published a National Aggregate Safeguarding Map in November 2012 prior to adoption of the LDP which the Council dealt with during the examination process. As a consequence of the publication of the Map the extent of areas identified under the safeguarding policy was increased and buffers applied around the areas to be safeguarded.

2.4. The RLDP is required to contribute to regional and local mineral needs in a sustainable manner, and is enshrined within Strategic Objective 11 (SO11) Minerals and Waste: Contribute to the implementation of the circular economy, manage waste with minimal environmental impacts and ensure the sustainable use of natural resources, including for energy generation and providing an adequate supply of minerals and materials for construction.

2.5. In addition amenity and environmental protection is enshrined within Strategic Objective 15 (SO15) Water, Air, Soundscape and Light: Reduce exposure to air and noise pollution, balance the provision of development and lighting to enhance safety and security, and protect and enhance the water environment and water resources, including surface and groundwater quantity and quality.

3. Findings of AMR

3.1. The annual monitoring has shown that there are a number of developments which have been caught by the safeguarding policy but which are acceptable because the resource is either already sterilised or would never be worked on a commercial scale because of its limited distribution. Part of the issue in Conwy is the extensive distribution of isolated or very narrow deposits which are exposed at the surface, particularly lower quality sand and gravel which is highly unlikely to be worked on a commercial basis given its distribution and issues with accessibility.

3.2 The monitoring has demonstrated that there are extensive permitted reserves within the County Borough which meet the need identified by the RTS over the Plan Period and beyond. There are a small number of sites, 3 of which are operational and which collectively have permitted reserves of over 62 million tonnes. One site with permitted reserves, Plas Gwilym Quarry, has been the subject of a planning application for housing, reference 0/43938, which was refused and then dismissed on appeal. The application was refused on open space grounds and was not related to the presence of permitted minerals. The North Wales Minerals and Waste Shared Service Officer did not object to the proposal and concluded that the proposed housing development would have no significant impact on the viability of any future mineral that may be worked.

4. Contextual Changes

4.1. The mineral industry has been affected by the economic crash of 2008. Regional monitoring has confirmed that sales across the region had, by 2016, still not fully recovered and still remain below pre-2007 levels. The active sites within Conwy supply mineral for a range of different uses included concrete. Demand for mineral naturally fluctuates over time in response to the location of significant building projects, however, the general decline in construction as a consequence of a weaker economy will have impacted these sites in a similar way to others across the country. There has been significant consolidation within the minerals industry over the last two decades which has resulted in a smaller number of operators controlling a number of different quarries within a region. In North Wales, this has led to a number of quarries being mothballed whilst extraction is concentrated at a smaller number of sites which leaves uncertainty to the affected communities.

4.2. The Welsh Government consulted on a draft Planning Policy Wales 10. The biggest changes are to the approach to energy minerals. Conwy has no coal resources and this is therefore of no relevance to the County Borough. Exploitation of gas at depth is also considered unlikely because of the presence of more easily accessible coal bed methane in Denbighshire and Flintshire Coalfields.

5. Safeguarding

Current policy approach

5.1. Policy MWS/1 Minerals and Waste sets out that certain minerals are safeguarded, including hard rock and sand and gravel. Policy MWS/3 is a more detailed policy which clarifies that infrastructure including jetties and rail heads are also safeguarded. The LDP safeguards sandstone with potential for high specification aggregate, which is identified as a Category 1 mineral within the Aggregate Safeguarding Maps. The distribution of this type of mineral near the surface is very limited in North Wales compared with South Wales which has extensive deposits. Deposits within the County Borough are small, isolated, and in locations where development pressure is likely to be limited to agriculture and wind farm development. The application of a 200m buffer zone has resulted in relatively large areas being safeguarded which is unnecessary and disproportionate. Given the above, it is recommended that this mineral is no longer safeguarded through the LDP.

5.2. Category 1 and 2 sand and gravels have been safeguarded through the LDP. The deposits are generally poorer quality sands and gravels, narrow, following rivers and within the flood plain. A study published in 2004 considered the potential sand and gravel resources of North West Wales. Two resource blocks in the Conwy Valley, from south of Llanrwst to a little short of Conwy, were identified as of potential, though three quarters of the block in Llanrwst is already sterilised. Very little is known geologically about the sand and gravel elsewhere, though from the BGS mapping it is understood to be generally poorly sorted and locally clayey. There has been no pressure to work the sand and gravels within Conwy to date. There has also been no pressure to work high quality sand and gravels within Denbighshire despite a positive policy framework within which extraction would be supported. In light of this, it is recommended that only Category 1 sand and gravels are safeguarded within the County Borough. There are numerous small, isolated deposits within the County Borough which would not be viable to work on a commercial basis. Once a buffer is applied this results in a much larger area to be safeguarded which is disproportionate and unnecessary. It is therefore also recommended that small, isolated deposits of less than 100m at the widest point are not safeguarded.

5.3 Category 1 and 2 hard rock (or crushed rock) are safeguarded through the LDP, including limestone. High purity limestone outcrops on the Great Orme has been historically exploited. Lower quality limestone has been worked historically at Llanddulas, and is still worked within the County Borough at Raynes Quarry and St George. The same outcrop is also worked at Denbigh, Denbighshire. Igneous rocks are identified as Category 2 and are worked at Penmaenmawr. Penmaenmawr is a diorite quarry which historically exported rail ballast to England by rail, however, this has significantly declined in recent years. Notwithstanding this, it is considered that, given that this material has limited distribution in Conwy outside of the National Park, and that there is commercial interest in working it, it should be safeguarded within the LDP. Penmaenmawr can potentially be reactivated to a high level of production in the event that the current owners, Hanson, secure national rail ballast contracts, especially as there are only a limited number of quarries in the UK

capable of providing rail ballast quality stone and which also have a direct rail link. These other (albeit better located to the central rail network in places like Buxton, Leicestershire, and Somerset) sites are more likely to provide ballast until they are exhausted, at which point Penmaenmawr will become the next nearest source of suitable stone.

5.4 In addition, there are a number of Welsh and UK national infrastructure projects which are likely to come into being during the Conwy RLDP period, and it is conceivable that uptake of aggregates from quarries elsewhere will exceed productive capacity, in which case the more remote quarries such as those in Conwy are more likely to be reactivated or production increased to keep the operators supply to their regular customers flowing. Such projects are HS2 rail link from Birmingham to Crewe, Manchester and upgrading of the West Coast Mainline to Preston. Other projects are the A55 /A494 upgrading and new road in Deeside, Flintshire, the replacement of the roundabouts at Penmaenmawr and Llanfairfechan, and the third Menai Bridge Crossing, all of which will place a new demand for aggregates for fill, concrete and possibly rail ballast.

5.5 Whilst negotiations with the prospective developer of the Wylfa Newydd replacement nuclear power station in Anglesey has stalled, it is entirely conceivable that a revised proposal may be negotiated with the UK government within the timeframe of the RLDP. Active discussion was ongoing with quarry operators potentially gearing up to bid for contracts to supply stone to Wylfa Newydd Nuclear Power Station, some possibly via road, others via existing or new landing wharfs, to enable stone to be carried using barges to the proposed marine landing facility to be constructed as part of the Wylfa project (takes traffic off the A55 and A5025 in Anglesey).

5.6 The ongoing appetite for windfarms and the possibility for new flood defence works as the frequency of adverse weather and sea level rises may result in uptake of aggregates towards the end of the plan period, and beyond.

5.7 A final point relates to Slate. Conwy does have a number of historic slate tips, mainly in the Penmachno area leading towards Blaenau Ffestiniog, and some is located in Snowdonia National Park, so not included in the RLDP for Conwy. There is highly unlikely to be a sudden demand to rework slate waste tips given the vast quantities located in Gwynedd, but local roadbuilding or river flooding defence works, or windturbine development could potentially utilise this material in historic pits, in a manner akin to the borrow pit philosophy. Further to this, local gritstones can be used for track haulage access for wind turbine developments.

5.8 In summary, the policy wording within Policy MWS/3 is considered generally appropriate to ensure that the presence of economically important mineral is given adequate consideration during the determination of applications for non-mineral development. The changes recommended above would require the proposals maps to be amended.

Proposed Allocations

5.9 As part of the LDP, the impact of allocating land was considered against the loss of mineral in areas underlain by mineral of economic importance. This exercise will need to be undertaken for any new sites proposed through the Review. Generally,

because the allocations were small in scale and adjacent to existing sensitive development, it was concluded that their allocation would not result in the loss of important mineral. Development pressure within the County Borough is particularly significant along the coast, in areas underlain by limestone and will need careful consideration through the LDP Review to ensure that important mineral is not sterilised.

6 Mineral Supply

6.1 Crushed rock is extracted at three sites within the County Borough: Limestone is extracted at Raynes and St George and Diorite, an igneous rock, is extracted at Penmaenmawr. The planning permissions are time limited and extraction is required to cease by 2028, 2030 and 2042 respectively. There are extensive reserves remaining at these consented quarries and, notwithstanding the time limits attached to the different planning permissions, at current rates of production they would enable the County Borough to meet identified needs over the Review Plan Period and well beyond.

6.2 It is considered highly likely that the existing sites will continue to be worked and that applications to extend the lives of the quarries would, in principle, be acceptable. Policy MWS/2 states that the existing quarries at Penmaenmawr, Raynes and St George will provide the County's contribution to the regional supply of hard rock and this is considered to remain an appropriate position over the Review period. Both Raynes and St George would need an extension of time during the Review period, though this would not involve any additional landtake and would therefore not require an allocation in the LDP Review. The Policy provides a degree of flexibility to enable applications to come forwards where there is an identified need. This is also considered to remain appropriate since need and provision may change over the Review period.

6.3 In addition, there are facilities and resources required for processing, handling, and distribution of minerals, including wharves, railheads, batching and coating plants. In the case of Conwy, there is a marine loading facility at Raynes Quarry, and a rail loading facility at Penmaenmawr. Ready mixed concrete and coated roadstone plant are present at a number of the existing quarries, but plant of this nature may also be located in a number of industrial estates close to the local markets. Policies should ensure that provision is made for such facilities, or where prudent, afforded protection for potential future use.

7 Buffer Zones

7.1 There are buffers around each of the quarries which helps minimise conflict between sensitive development and the quarrying operations. These buffer zones vary in extent due to the proximity of existing sensitive development but in general are 200m, in line with MTAN 1. It is considered that these buffers are an appropriate means of not only protecting sensitive development but also protecting strategically important quarries and should remain in place.

8 Monitoring

8.1 The monitoring indicators and triggers will need to be considered as part of the Review. Welsh Government has indicated its intention to publish a Development Plans Manual which may update the Core Indicators contained within the existing Development Plans Manual. In relation to minerals, the Core Indicator is: The extent of primary land-won aggregates permitted in accordance with the Regional Technical Statement for Aggregates expressed as a percentage of the total capacity required as identified in the Regional Technical Statement. It is considered unlikely that this Indicator will change given the policy framework contained within Planning Policy Wales and MTAN 1. Nevertheless, this matter will need to be kept under review and the monitoring amended if necessary.

9 Cross Border Issues

9.1 The Regional Technical Statement (RTS) ensures that, with respect to minerals, there is a collaborative approach in meeting need. The RTS does not require that Conwy allocate sites for sand and gravel extraction because, despite the fact that there are sand and gravel deposits present within the County Borough, it is generally lower quality and in locations which are remote from the markets with no commercial interest in extracting it. Conversely, the County Borough is a significant producer of crushed rock, helping balance the need for other authorities to make allocations within their LDPs. This regional approach helps ensure that allocations are genuinely necessary and in less environmentally constrained areas.

9.2 The approach to safeguarding has differed between local authorities in North Wales, mainly as a result of the timing of the publication of the Aggregates Safeguarding Maps, though there are differences in geology across the different authority areas which would justify a different approach being taken. In Gwynedd, for example, there is evidence that good quality sand and gravel deposits occur outside the areas identified on the Minerals Resource Maps and Aggregate Safeguarding Maps. However, evidence in Conwy simply reaffirms the conclusion that there is very little sand and gravel of good quality which is not already constrained.

9.3 It should be noted that the technical statement is currently under review and is due to be published in early 2020. The revised RTS will make recommendations for any apportionments necessary to ensure an adequate supply of crushed rock and sand & gravel aggregates, including the nationally recommended minimum provision of 7 years sand & gravel and 10 years crushed rock as set out in Paragraph 49 of MTAN1 are available for the entire duration of any given LDP, recognising the spatial availability of suitable minerals resources across each local authority area. It is conceivable that sub-regional apportionments of minerals for crushed rock and sand & gravel are made, and if a given authority is unable to make provision, there is an expectation of collaborative working between authorities to make necessary allocations within their respective LDPs. This may require a statement of common ground to be produced between the respective local authorities to be agreed.

9.4 At this time there remains a significant landbank of permitted crushed rock reserves in Conwy which is predicted to last the full RLDP period plus the required 10 years landbank, and it is considered unlikely that there would be any significant

requirement to make additional provision. An absence of commercially viable and unconstrained sand & gravel resources, mainly on account of them being located in flood risk areas of the coastal strip and vale of Conwy river plains, or narrow upland stream deposits, means that any provision potentially required of Conwy for sand & gravel is more likely to be met by an apportionment on Gwynedd.

9.5 Since the publication of the RTS in late early 2020 will occur during the production of the Deposit RLDP, the policy and any necessary requirements for allocations (site specific allocations, preferred areas or areas of search) would need to be carried out as part of the future review and monitoring of the LDP.

Appendix 1 – Links to Planning Policy Wales

Planning Policy Wales 10, Chapter 5 Productive and Enterprising Places. Compliance Listing. Minerals and Waste Policy Issues.	
Paragraph	Policy Issue
5.10.11 Oil and Gas	Extraction of fossil fuels is not compatible with decarbonisation targets. Policies should be aimed at preventing and limiting the environmental impacts of extraction.
5.10.14 Coal	Proposals for coal extraction should not be permitted.
5.10.17 Coal Safeguarding	The safeguarding of primary coal resources is not required.
5.11.6 Circular Economy	Materials needed or generated by development should be considered at an early stage in the planning process.
5.12.4 Materials Balance on Site	Cut and fill balance. Developers to achieve earthworks balance via a natural material balance plan.
5.12.6 Design in Locally Sourced, Alternative or Recycled Materials	Policies should encourage reuse and recycling of secondary aggregates, construction, demolition, excavation wastes and other suitable materials.
5.12.8 Design in Locally Sourced, Alternative or Recycled Materials	Innovative approaches to recycling, including 'urban quarries' and builder's merchant yards.
5.14.2 Minerals - Supply and Protection of the Environment	The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment.
5.14.5 Efficient use of Minerals	Ensure minerals are not wasted and are used efficiently.
5.14.7 Safeguarding and Mineral Resources and Infrastructure.	It is important that access to mineral resources, including secondary, recycled and marine dredged materials, which society may need, as well as the minerals related infrastructure to deliver this need, is safeguarded in order to prevent sterilisation by other forms of permanent development.
5.14.8 Safeguarding and Mineral Resources and Infrastructure.	Mineral resource or infrastructure required to support minerals development such as wharves, railheads, processing facilities and batching plant relative to need for non-minerals development should be given

	careful consideration to avoid loss of infrastructure and resources which may be needed over the longer term.
5.14.9 Safeguarding and Mineral Resources and Infrastructure.	Using the National Minerals Resource Maps and the National Aggregates Safeguarding Maps for Wales, areas to be safeguarded should be identified on proposals maps and policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes. Development plans should promote the integration and co-ordination of transport and land use planning for minerals production, including the preference for non-road transport and provision of adequate storage and processing facilities for minerals at wharves and railheads.
5.14.10 Ensuring Supply	Ensuring the sustainable supply of minerals is a strategic issue which plays a fundamental underpinning role in supporting non-minerals development.
5.14.11 Ensuring Supply	Contribution a resource could make to UK or Regional demand.
5.14.13 Assessing Supply and Demand	Development plans should set out the broad strategy for mineral working and related development and as far as practicable, areas for future working should be identified, where this can be undertaken in a sustainable way. Such a strategy should outline the expectation of the planning authority with regard to the manner in which the existing mineral sites are operating both now and in the future.
5.14.14 Assessing Supply and Demand	Development plans should assess with regard to local, regional and national considerations, the significance of all types of mineral working in their area including the need, distribution and production of each type of mineral and of the reserves for which planning permission has been granted. It is essential to have a comprehensive and up-to-date set of information to facilitate future sustainable planning for mineral extraction.

5.14.15 Assessing Supply and Demand	Development plan should include policies for landbanks for non-energy minerals for a minimum of 10 years for crushed rock and 7 years for sand & gravel, unless agreement is reached for other authorities to make a compensating increase in their provision.
5.14.17 Inactive Sites	Inactive sites with planning permission for future working which are considered unlikely to be reactivated for the foreseeable future should be identified in the development plan and should be the subject of a suitable strategy and associated policies to explain future proposals for the land, including using prohibition orders.
5.14.19 Areas of Future Working	Where necessary, planning authorities should provide a clear guide to where non-energy mineral extraction is likely to be acceptable and include policies which protect sensitive environmental designations or historic features and environmental and resource protection. This approach brings a high degree of certainty to all. Policies and proposals should relate to identifiable areas of land unless there is a good reason why this is not possible and should cover mineral resources which are currently used or which may need to be used in the foreseeable future. These should be clearly identified on a proposals map in the order of specific sites, preferred areas, areas of search and other areas.
5.14.23 Areas of Future Working	Identify potential high specification aggregate resources and consider whether there is a need to protect these and potential rail connections to the resources from sterilisation.
5.14.31 Other Minerals	Applications for other minerals to be assessed by criteria based policies applicable to aggregates.
5.14.35 Protecting Special Characteristics and Qualities of Places	Minerals development should not take place in National Parks and AONB except in very exceptional circumstances.
5.14.37 Protecting Special Characteristics and Qualities of Places	Consideration of Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas,

	Special Areas of Conservation or RAMSAR sites must be carefully examined.
5.14.38 Protecting Special Characteristics and Qualities of Places	Consideration of Scheduled Ancient Monuments.
5.14.39 Protecting Special Characteristics and Qualities of Places	Planning authorities and the minerals industry should take into account the need to protect the quantity and quality of surface and groundwater supplies
5.14.41 Protecting Special Characteristics and Qualities of Places	The objective should be, wherever possible, to minimise any adverse effects on agriculture occurring as a result of mineral development.
5.14.43 Reducing the Impacts of Mineral Extraction and Related Operations	Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and the amenity of nearby residents. Issues that must be addressed include: • access and traffic generation; • noise; • the control of air pollution; • disposal of mineral waste; • blasting controls; • land drainage, impact on groundwater resources and the prevention of pollution of water supplies; • visual intrusion and general landscaping; • impact on sites of nature conservation, geodiversity and historic assets; • land instability; • promotion of the use and treatment of unstable, derelict or contaminated land; • cumulative impact; and • restoration, aftercare and after-use.
5.14.44 Buffer Zones	Buffer zones should be used by planning authorities to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted.
5.14.45 Buffer Zones	To avoid conflict between mineral workings and other land uses buffer zones should be identified in development plans around existing or proposed minerals sites.

5.14.47 Extensions	Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites.
5.14.50 Restoration and Aftercare	Restoration and aftercare should provide the means to at least maintain and preferably enhance the long term quality of land and landscapes taken for mineral extraction.
5.14.54 After-use	Guiding principles and minimum standards for restoration.
5.14.55 After-use	Where appropriate, development plans, informed by green infrastructure assessments, including local biodiversity action plans and countryside strategies, should provide guidance on the preferred after-uses and reclamation standards. A choice of after-use will depend on many issues, including the overall strategy of the development plan, as well as the location, final landform, availability and quality of soils or other restoration materials and neighbouring land uses.