

Cyngor Sir CEREDIGION



CEREDIGION County Council

UDP – Public Local Inquiry Proof of Evidence

Proof Number:	LA/No.167 ENVM1.2
Policy:	ENVM1.2 Landbanks for Aggregates

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II. Introduction

This is the proof of evidence of NAME, representing Ceredigion County Council, whose details and qualifications are displayed in the Programme Office and at all Inquiry venues.

This introduction explains how to use this document (proof). The proof covers all the objections to Policy Landbanks for Aggregates. Different objectors may have made the same or a very similar point, the LPA has tried to identify the issues arising out of the objections and then to address each issue, once, in this proof. Each issue is numbered and you can identify the issues which relate to your objection in Appendix 1. Also in this Appendix any Proposed Change that may have resolved the issue is identified. A detailed summary of your objection is in Appendix 2.

Policy

The Policy shown is the Proposed Change version. The removal of **bold text** and the reinstatement of ~~strike through~~ text represent the original text of the policy in the Deposit version of the UDP

<p>PC 71</p>	<p>ENVM1.2 Landbanks for Aggregates</p> <p>In determining applications for the working of aggregate minerals the Council shall have regard to whether the development is needed in order to maintain an adequate landbank of mineral reserves in accordance with levels set by National Guidance as interpreted by the South Wales Regional Aggregate Working Party. So long as Ceredigion's landbank is considered adequate to meet Ceredigion's mineral supply requirements meets or exceeds the landbank level set for the County any further mineral extraction will only be permitted where either of the following can be clearly demonstrated: that:</p> <ol style="list-style-type: none"> 1. There is a need for the mineral that cannot be met by existing mineral sites; or 2. The balance of environmental, social, economic and amenity costs of meeting the need for the mineral from existing sources is likely to be greater than meeting the need from the development proposed.
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III. Summary of Representations

5 Representations: - 2 supporting, 3 objecting to the deposit and. 1 representation supporting the proposed change.

Deposit Objections and LPA Responses

1. ISSUE 1

1.a. Opposition to the proposal to limit permissions to a landbank level sufficient to meet Ceredigion's needs only.

1.a.1. Similar objections came from two separate sources. The authority interpreted the objector's comments as a misreading of the policy. Upon re-examination of the wording of the policy the authority accepted that the policy was perhaps ambiguous and therefore required alteration.

Accordingly the policy was re-worded for the Proposed Changes document as per PC71 to avoid any ambiguity and misinterpretation. Since the policy re-wording one of the two objectors has indicated support for the proposed change and has conditionally withdrawn the objection. The other objector has requested an informal hearing and has produced a Proof of Evidence in support of the objection.

The authority has considered the objector's proof in detail and accepts much of what is stated therein. The two main thrusts of the objection are 1) that the policy does not reflect the regional importance of the sand and gravel supplies in Ceredigion and the immediate adjoining authorities; and 2) that the policy and supporting text do not reflect the new mineral planning framework established by

Minerals Planning Policy (Wales) 2000 (MPPW), Minerals Planning Policy Mineral Technical Advice Note 1 'Aggregates' March 2004 (MTAN1) or the enhanced role to be played by the two Regional Aggregates Working Parties (RAWPs). Accordingly, the objector 'seeks the fundamental updating and revision of the aggregates supply policy and supporting text'.

The authority acknowledges the importance of conforming to the latest guidelines and technical advice as set out in MPPW and MTAN1. The latter document postdates both the Deposit Version of the UDP and the Proposed Changes Document. The authority considers it entirely appropriate that Policy ENVM1.3 and the 'Reasons for Policy ENVM1.3' should be modified to take into account the advice that has emerged since the policy was drafted.

In the light of the above it is proposed to amend the policy.

2. ISSUE 2

2.a. The 'Reasons for Policy' section should be amended to include the identification of inactive sites along with the future proposals for the land within them.

- 2.a.1. Paragraph 19 of Minerals Planning Policy Wales refers to the need to identify 'Inactive sites with planning permission for future working which are considered unlikely to be reactivated in the foreseeable future'. There are no sites fitting this description in Ceredigion so there is no reason to refer to them in the 'Reasons for Policy' as suggested'

3. Issue 3

3.a. The 'Reasons for Policy' section should be amended to include a reference to the intention to use prohibition orders in the case of inactive sites, along with the guidance on when and how they will be used.

3.a.1. In view of the absence of any inactive sites in Ceredigion (see issue two above) it is not appropriate or necessary to include any reference to the intention to use prohibition orders in relation to such sites.

IV. Conclusion

Further Proposed Changes

IV.a. The LPA propose the following further amendments to policy ENVM1.2:

<p>PC 71.001</p>	<p>ENVM1.2 Landbanks for Aggregates</p> <p>In determining applications for the working of aggregate minerals the Council shall have regard to whether the development is needed in order to maintain an adequate supply landbank supply landbank of aggregate minerals reserves in accordance with levels set by levels set by National Guidance and advice and regional guidance and advice as interpreted provided by the South Wales Regional Aggregate Working Party (SWRAWP). <i>In assessing need the nature and quality of the mineral, and geographic location will be taken into account.</i> So long as Ceredigion's landbank is considered adequate to meet Ceredigion's mineral supply requirements meets or exceeds the landbank level set for the County any Unless it can be shown that there is a demonstrable need for further mineral extraction in the context of the above, further mineral extraction will only be permitted where either of the following can be clearly demonstrated: that:</p> <ol style="list-style-type: none"> 1. There is a need for the mineral that cannot be met by existing mineral sites; or 2. The balance of environmental, social, economic and amenity costs of meeting the need for the mineral from <i>the proposed mineral extraction is likely to be less than would be the case if only the existing sources could continue to supply the mineral</i> existing sources is likely to be greater than meeting the need from the development proposed. <p>Reasons for Policy ENVM1.2 A mineral resource is only considered to be a reserve once there is planning permission in place for its extraction. <i>Traditionally</i> Local authorities as Mineral Planning Authorities (MPAs) are have been required to ensure that a landbank (a stock of aggregate reserves) is maintained at an appropriate local level to ensure that the</p>
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construction industry receives an adequate and steady supply of minerals at the best balance of social, environmental and economic costs. Since 1989 the landbank requirement in Wales has been set at a level sufficient for 10 years extraction for both rock and sand and gravel unless exceptional circumstances prevail. An areas landbank (in years) ~~is~~ **has traditionally been** calculated by dividing the total stock of aggregate reserves with planning permission for ~~an~~ **the** area by the average recent annual production rate.

In 1996 an assessment was made of the landbank situation for west Wales. In Ceredigion the landbank for rock ranged from 33 to 36 years and the landbank for sand and gravel ranged from 31 to 37 years (the range in figures reflecting different methodologies and assumptions). Demand and supply patterns have not changed significantly since these figures were produced. The lower than average population density in West Wales generates what is in the national context a low **local** demand for aggregates and ~~this long-term background demand~~ is likely to remain low for the foreseeable future. ~~Even allowing for the occasional cyclical peaks~~ **On the face of it** there ~~remains~~ **is** a more than adequate landbank for minerals within Ceredigion to last throughout the UDP Plan period and beyond.

However, aggregates sales reach beyond county boundaries and future changes in demand and/or supply patterns outside Ceredigion could have a significant effect on the demand for exports of aggregates from Ceredigion. The main sources of land won sand and gravel in South Wales are all in West Wales, with the principal sources being Ceredigion, Pembrokeshire (including the Pembrokeshire Coast National Park) and Neath. Ceredigion produces the lion's share with 75% of the tonnage. Yet, this only represents a small fraction of the sand used in south Wales, where there is a unique dependence on marine aggregates to provide sand and gravel. In southeast Wales only 5% of the sand used comes from land based sand and gravel sources. There remains uncertainty as to whether (and to what extent) future aggregates dredging will continue to supply the South Wales construction market. This has clear implications for future supply patterns from land-derived sources. Although there is a requirement for authorities in the southeast to identify and safeguard sand and gravel resources for future generations any reduction in the availability of marine sands to the south Wales markets is bound to have a knock-on effect on the level of demand for sand and gravel from the major land based suppliers in the west to cover the shortfall. In these circumstances, the demand for sand and gravel from Ceredigion based sources could increase substantially.

Paragraph 11 of MPPW indicates that each MPA should ensure that an appropriate contribution is made in its UDP to meeting local, regional and UK needs for minerals, reflecting the nature and extent of resources in the area subject to relevant environmental and other planning considerations. For aggregates this should be done under the aegis of the RAWPS, whose role it will be to provide a regional overview of supply and demand. N.B. There are

two RAWPs in Wales, (North and South) and Ceredigion falls within the South Wales RAWP. Paragraph 12 of MPPW adds that it will be necessary for agreement to be reached by groups of authorities to determine the contribution that each should make to regional needs.

The Welsh Assembly Government (WAG) acknowledges that the minimum landbank should remain at 10 years for hard rock and 7 years for sand and gravel, but notes that aggregate resources are not ubiquitous across Wales and that for this and other reasons it is unlikely to be possible or desirable to maintain an adequate landbank in every mineral authority. By implication other authorities will need to maintain a larger landbank as part of a regional contribution.

The methodology for assessing supply is radically changing. One of the WAG's guiding principles is sustainable development. The WAG regards the traditional manner of determining levels of supply to be outdated and considers that a primary determinant should be environmental capacity. Accordingly, the role of the RAWPs is to be extended to include an analysis of the environmental capacity of local authority areas in each region to supply aggregates to ensure that an adequate supply is maintained and that supply is obtained from the most suitable locations. A study of the geological availability of suitable minerals and the 'environmental capacity' of each authority to contribute to the supply of aggregates to meet regional demand is to be commissioned shortly by the Welsh Assembly Government.

Notwithstanding the above, landbanks in Wales are extensive. Paragraph 49 of MTAN indicates that 'where landbanks already provide for more than 20 years of aggregates extraction, new allocations in development plans will not be necessary, and mineral planning authorities should consider whether there is a justification for further extensions to existing sites or new extraction sites as these should not be permitted save in rare and exceptional circumstances'.

The two RAWPs will each be expected to prepare a five-year technical statement for their region to ensure that an adequate supply of primary aggregates can be maintained, taking into account the sustainable objectives outlined in MTAN1. This statement should be produced by the RAWPs within 18 months of the completion of the Environmental Capacity Assessment for Wales. In line with the advice set out in the TAN the relevant parts of the strategy will then be incorporated into the Ceredigion UDP.

~~Notwithstanding the above, the Council will continue to consider the regional and national position. To this end it will undertake regular assessments of mineral resources within Ceredigion and of the reserves for which planning permission has been granted and~~

~~provide as an input into the South Wales Regional Aggregates Working Party (SWRAWP) which provides a mechanism for examining issues of aggregate provision and provides statistics and comments for consideration by the National Assembly for Wales.~~

~~The above could be interpreted as evidence that there is no need for further mineral extraction or related development in Ceredigion. However, the position is less simplistic.~~ Although the existence of a healthy landbank within Ceredigion and the wider region reduces the need to grant further planning permissions for quarrying for aggregate minerals, it does not by itself mean that it is necessarily inappropriate to allow any further mineral extraction. There can be circumstances where there remains a need for further aggregates even though the volume of reserves with planning permission might vastly exceed the required landbank. The following hypothetical examples illustrate:

- An area's landbank requirement might be met by a single enormous quarry supplying a single mineral type, but that same area may be host to a variety of other minerals all of which may be required for different purposes;
- Existing sites may have large reserves but a restricted rate of output and thus be unable to meet the real need for the material. Such a restriction might be imposed e.g. by conditions attached to a planning permission, or it might be that these quarries operate on a very small-scale;
- Sites producing low-grade material may be located some distance from areas of demand. As the relatively high cost of transporting low value minerals limits the economic distance that they can be carried there is a need to ensure that such material is available from local sources.

The above is not intended to be a definitive list. There may be other circumstances where there is a need for a mineral from a particular site, but it is a matter for the developer to demonstrate that this is the case.

Traditionally mineral landbanks have related purely to reserves of primary aggregates for which an extant planning permission exists. For the purposes of this policy any known quantities of alternative materials that are available, as substitutes for primary aggregates shall count towards the total landbank figure.

IV.b. The Inspector is invited to approve the Further Proposed Changes to Policy ENVM1.2 PC71 and the Further Proposed Changes ENVM1.2 PC71.001

Appendix 1

List of Objections by Objectors

Representation Numbers	Names of Respondents	Issues	PC Number to Meet Issue
R/5228 S/30921	Ceredigion Green Party		
R/5229 S/31032	Mr Chris Simpson		
R/5244 B/31007	Welsh Assembly Government		
R/5346 B/31021	Quarry Products Association		
R/5346 S/50351 PC/071	Quarry Products Association		
R/5350 B/31035	Cardigan Sand & Gravel Co.Ltd.		

(R= Respondent Number, Representation Number S= Support B= Objection, PC= Proposed Change Number)

~~(R/9999 B/99999 PC/000 — A Another = Conditional Withdrawl of Objection)~~

~~(R/0000 B/00000 PC/000 — A Another = Unconditional Withdrawl of Objection)~~

Appendix 2

Representations received to the UDP Deposit Version

Respondent Name Ceredigion Green Party
Respondent Number R/5228
Agent (Y or N) N
Contact Name Mr C Simpson
Contact Position and Company (if applicable) Secretary
Contact Address Trewylan, Ffordd Brynymor, Aberystwyth Ceredigion SY23 2HX
Admin Number D/427
Representation Number S/30921
Summary Support for policy, especially detailed constraints and the protection of water supplies.

Respondent Name Mr Chris Simpson
Respondent Number R/5229
Agent (Y or N) N
Contact Name Mr C Simpson
Contact Position and Company (if applicable)
Contact Address Trewylan, Ffordd Brynymor, Aberystwyth Ceredigion SY23 2HX
Admin Number D/426
Representation Number S/31032
Summary Support the need for constraints on mineral extraction, particularly to prevent pollution of water supplies.

Respondent Name Welsh Assembly Government
Respondent Number R/5244
Agent (Y or N) N
Contact Name Ms K Powell
Contact Position and Company (if applicable) Head of Planning
Contact Address Planning Division P3 Branch, Cathays Park, Caerdydd / Cardiff CF1 3NQ
Admin Number D/1221
Representation Number B/31007
Summary Objection to policy ENVM1.2.
Amend Reasons for Policy to include identification of inactive sites, along with future proposals for the land. Amend Reasons further to refer to the intention to use prohibition orders in the case of inactive sites, along with guidelines on when and how they will be used.

Respondent Name Quarry Products Association
Respondent Number R/5346
Agent (Y or N) N
Contact Name Miss N Veldkamp
Contact Position and Company (if applicable) Assistant Planning Officer

Contact Address 156 Buckingham Palace Road, London SW1W 9TR
Admin Number D/2071
Representation Number B/31021
Summary Objection to policy ENVM1.2 that it is entirely inappropriate to meet only the needs of Ceredigion. The policy should be brought more into line with national guidance and the last three lines (after reference to South Wales RAWP) should be deleted.

Respondent Name Cardigan Sand & Gravel Co.Ltd.
Respondent Number R/5350
Agent (Y or N) N
Contact Name Mr M J McGee
Contact Position and Company (if applicable) Managing Director
Contact Address Penparc, Aberteifi/Cardigan Ceredigion SA43 1RB
Admin Number D/1638
Representation Number B/31035
Summary Objection to policy ENVM1.2. The proposal to limit permissions to the satisfaction of Ceredigion's needs only, potentially prohibits commercial viability of aggregates quarrying in Ceredigion. The county market is subject to competition and is very small: traditional exports contribute to the reduction of unit cost to Ceredigion customers as well as sustaining employment of local personnel. The nature of product demand in Ceredigion is also a factor which requires the industry to address it by blending from simultaneous quarrying of different deposits.

Propose amendment to policy as per representation from Quarry Products Association ((see B31021)

Appendix 3

Representations received to the UDP Proposed Changes Document

Respondent Name	Quarry Products Association
Respondent Number	R/5346
Agent (Y or N)	N
Contact Name	Miss N Veldkamp
Contact Position and Company (if applicable)	Assistant Planning Officer
Contact Address	156 Buckingham Palace Road, London SW1W 9TR
Admin Number	C/5188
Representation Number	S/50351
Summary	<p>Support proposed change to the wording of the policy and have stated they would conditionally withdraw their objection.</p> <p>They have also made comments about the last paragraph of the reasons to the policy but as these are not specific to any proposed change, these are not duly made.</p>