

## **Greater Manchester Minerals Plan**

### **Examination in Public**

#### **Matter 1 The Spatial Strategy**

*Issue: Whether the spatial strategy accurately reflects the geology of Greater Manchester and the balance of environmental considerations.*

*In particular:*

- *What is the Spatial Strategy, which is referred to in Policy 4?*
- *Why were Areas of Search chosen over Allocations or Preferred Areas?*
- *Were economic factors taken into account in assessing the Areas of Search, and if so, were some more heavily weighted than others?*

The Mineral Planning Group Comment.

#### **Introduction**

1. My name is Martin Millmore. I hold a degree in geology and a postgraduate Diploma in Town Planning. I am a corporate member of the RTPI and Fellow of the Geological Society (FGS). I have 42 years experience of mineral planning and exploration geology and have worked in industry, local government and consultancy. I was Minerals Officer/County Geologist with Cheshire County Council for 13 years including 10 years as Secretary of the NAWWP and have headed The Mineral Planning Group (MPG) consultancy firm for the last 20 years. My clients include aggregate 'majors' and 'minors' international 'blue chip' mining companies, Mineral Planning Authorities, RTPI Services Ltd., dimension stone quarry operators as well as landowners and local resident pressure groups.
2. In relation to this Examination in Public I am acting for a local dimension stone and crushed rock (gritstone) aggregate quarry operator, Armstrongs Aggregates Ltd. (AA) who operate two strategically placed gritstone/sandstone quarries located at Horwich in the Bolton Council administrative boundary.
3. I am assuming that, at this point in the Greater Manchester Minerals Plan process that all my previously submitted comments on the Plan will be taken into account. I will, therefore, keep my submissions brief and try and avoid repetition wherever possible. I will also only comment, where appropriate, on the Matters as set out in the Programme of Hearing Sessions V2.

#### **What is the Spatial Strategy, which is referred to in Policy 4?**

4. The Spatial Strategy is described in paras. 4.43 - 4.56 of the plan and amply expanded upon by the Mineral Product Association (MPA) submission on Matter 1.
5. Para. 4.45 of the plan states: -

*“The Spatial Strategy aims to direct minerals development to places ....”*

And para. 4.56 boosts this by saying: -

*“Map 2a in Appendix 2 (Maps) shows how the Areas of Search allocated in the Minerals Plan will help to deliver this spatial approach”.*

At this point one would be heartened to think that the plan is going to show on OS based maps, just where Greater Manchester are directing minerals development to take place, either through actual Allocations, Preferred Areas or the more broad-brush Areas of Search approach for all mineral types.

6. Looking at Policy 4 in particular, it is a specific policy relating solely to the Primary Extraction of Non-Aggregates minerals.
7. The Minerals and Waste Planning Unit (MWPU) on behalf of Greater Manchester Authorities acknowledge that:

*“Areas of Search have not been developed for non-aggregate minerals.” and suggest that the reason for this is that “...there is insufficient information available regarding the quality of minerals available outside the BGS data and no information was submitted by industry to support the identification of Preferred Areas or site specific allocations for any mineral resource”.*

8. On behalf of our client (AA) The Mineral Planning Group did put forward two areas that we had hoped might be given at least “Preferred Area” status for dimension stone – in this instance Carboniferous Gritstone & sandstone. The two areas were made up of land in the ownership of AA – and therefore with good prospects of being able to be considered for extraction proposals through appropriate planning applications in the future. One area was directly to the south of the existing Pilkington Quarry known to have been worked for high quality dimension stone in the past, indeed, to have been of sufficient high quality that it was used in the construction of Bolton Town Hall. As MWPA also acknowledge, during the production of the GM Minerals DPD this area of land was the subject of a planning application (by AA) for the extraction of some 800,000 tonnes of high quality dimension stone and 2m tonnes of ancillary crushed rock aggregate by-product. The application was accompanied by detailed cored borehole logs i.e. qualitative data held by Bolton Council, one of the Greater Manchester Authorities, as well as being in the public domain. I should add that MWPA in its former guise GMGU were formal consultees on this application and therefore also held the geological data submitted with the application.
9. I acknowledge, as does MWPA, that the application was finally approved in January 2011. However, that consent was, as I understand matters, the reason for the plan maker’s rejection of the proposed site and its non-allocation. I submit that it should not have been rejected at this stage since the permission was then subjected to Judicial Review (JR) proceedings of a protracted nature ensuring that the permission was unable to be implemented as well as the threat of it being quashed. MWPA were well aware of the JR proceedings, which threatened the validity of the permission but nevertheless rejected the site for any proposed

Preferred Area allocation before the JR proceedings were resolved. Happily, events have only just overtaken the non-allocation issue when in January 2012 the threat of JR was formally withdrawn. What these complex events highlight is that decisions on acceptance or rejection of a proposed site for allocation should not be taken until “*the fat lady sings*”. Had the JR proceedings been successful then our client would have been put in the unenviable position of having to start again with a fresh planning application on land that was not allocated in the Greater Manchester DPD and one which had indeed been rejected!

10. The second site we put forward for allocation as a Preferred Area in the DPD was land effectively sandwiched between Pilkington Quarry and Montcliffe Quarry. This site has, likewise, not found favour with the plan makers for allocation. This is a narrow strip of land which is exposed to both east and west with open quarry faces offering clear confirmation of the quality of the stone – both quarries are regularly visited by officers from the MWPA and it is undeniably evident from viewing the excellent geological rock exposures and BGS maps that the proposed site for allocation as a Preferred Area for dimension stone extraction contained the appropriate quality of stone, so much so, that there was, and still is, no need for any additionally borehole data. Again this proposed site was rejected, on the basis, as I understand matters, that the permissions at both Montcliffe and Pilkington quarries would allow for mineral extraction until 2026 and, therefore, any further; and allocation was premature. This reason is flawed. Firstly, Montcliffe Quarry has, at present, no extant planning permission for mineral extraction – the permission that did exist, lapsed in September 2011. Yes, an application has been made to extend the time-period for extraction for a further 9 years until 2021/21 but that application is not yet determined and is only due for determination on 16/02/2012. I can say that the application is recommended for approval but no more than this as I write this submission. Even if approved, it may yet suffer the threat of JR and must therefore be treated with caution. It certainly does not justify rejection of the proposed allocation. As far as Pilkington Quarry extension is concerned, I am happy to report that the consent is finally free of the threat of JR but only since January 2012. Thus, this too was no reason for rejection of the proposed southern allocation.
11. I would, therefore, put it to this Hearing that the proposed “Preferred Area” that lies between Pilkington and Montcliffe quarry should still be brought back into the Greater Manchester Minerals Plan DPD, albeit that the likelihood of an application on this area for dimension stone extraction (with ancillary crushed rock aggregate by-product production) would be nearer the end of the plan period than before.
12. Thus, having said all this, in answer to the question: -  
“*What is the Spatial Strategy which is referred to in Policy 4?*”  
I don’t believe there is a Spatial Strategy in relation to non-aggregate minerals. The only comfort that can be gained from the DPD, as it stands, is that any application for non-aggregate mineral development will be dealt with as a “*windfall*” site, to be considered on its merits against all other relevant policies in the plan. Whilst this is, at least, a level playing field for all such applications I do not believe it can be described as a “*Spatial Strategy*”. (See comment 1D46 & MPG response at 4.11).

**13. Why were Areas of Search chosen over Allocations or Preferred Areas?**

I have already set out our views on this matter at comment 1D46 submitted 31/08/2011 and stand by these.

**14. Were economic factors taken into account in discarding resources from Areas of Search?**

I support the comments made by MPA on this matter.

**15. Were planning and environmental criteria taken into account in assessing the Areas of Search, and if so, were some more heavily weighted than others?**

I consider that some of the absolute constraints have been applied too rigorously. The 250m buffer from “*urban areas*” (Appendix 1 par.1.21) is highly questionable. Firstly, what is an “*urban area*”? – This is undefined in the Glossary. Secondly, the reason put forward at para.1.21 is “...*to protect residents from noise and dust created by quarrying*” It is now well established that noise and dust from mineral extraction operations can and are properly controlled by appropriate planning conditions and mitigation measures. These are dealt with at the Development Control stage, which allows for such matters to be fully considered. Since the buffer is to “...*protect residents from the noise and dust created by quarrying*” any resident could, on this basis, succinctly argue that just because their property doesn’t fall within an “*urban area*” they have just as much right for a 250m buffer zone as any other citizen. Whilst the buffer zone concept may have some merit in areas of the country where AoS are broad (e.g. AoS for sand & gravel in Cheshire), when the AoS are extremely limited it leads to the diminishing likelihood of finding adequate resources that can be allocated. Greater Manchester clearly falls into this latter category and more flexibility is required in the plan. The way para.1.21 is worded is, in my view, a recipe for conflict at the Development Control stage.

16. I note that Sites of Biological Importance has been used as a Category 1 constraint. Montcliffe Quarry, whilst still active, was recently (2008) designated SBI Grade A status due to the presence of two Schedule 1 bird species recorded as breeding on exposed rock faces. The GM Ecology Unit have recognized that the important bird species have continued to use the quarry while it is operational and that this would indicate the birds are able to habituate to some disturbance (including blasting) caused by quarry activities. On that basis, subject to safeguarding of the nesting areas during operation the Unit raised no objections to the recent application for continued quarrying for the next 9 years. Common sense has prevailed but it points to the blanket use of SBI’s as a Category 1 Constraint being inappropriate.

17. As it becomes harder to locate viable sand & gravel resources in Greater Manchester, the use of Grade 3a agricultural land as a Category 2 Constraint becomes questionable. The mineral industry has clearly shown that it is not beyond the wit of man to restore Grade 3a land back to Grade 3a quality and occasionally better. I therefore caution the use of Grade 3a agricultural land as a

constraint, especially in a plan area where very limited AoS are being revealed through the sieve analysis technique.

18. **Conclusion**

The lack of any form of allocation in the Minerals DPD for non-aggregate minerals such as dimension stone is disappointing and deserves revisiting.

Just because a planning permission has been issued for both non-aggregate (dimension stone) and ancillary crushed rock aggregate during the plan processes (3+years) does not mean Greater Manchester planners can relax and chuck-out proposed allocation sites. A lot can happen in the interim that might frustrate such permission. If the plan makers have doubts about the quality or quantity of the mineral in a proposed allocation all they need to do is ask for more information and it will be supplied! However, if they already hold that information, they really ought to use it in the decision making process.

If the first draft sieve analysis exercise only produces very limited Areas of Search then again, the plan makers should re-visit the constraints they have used and see where there might be some sensible relaxations.

Finally, the plan makers should do what is right to ensure a steady supply of all mineral types including non-aggregate minerals, not what is just politically easy.