

Greater Manchester Minerals Plan

Examination in Public

Hearing Statement in Response to Inspector's Questions

8 February 2012

Introduction

The Peel Group of companies has interests in both mineral extraction and the development of land for a range of uses, including infrastructure, housing and commercial use. The Group has made representations to the Publication DPD.

In relation to Policy 7 Mineral Safeguarding Areas, representations were also made at earlier stages of the DPD. Following this, Peel was generally satisfied with the revised policy approach and elected not to comment specifically at Publication stage in respect of Policy 7. Peel took account of comments made in response by Urban Vision (email dated 01/09/2010 from Alethea Faulkner to Rachael Thorne) in coming to this position. A copy of this email is enclosed as **Appendix 1**.

It is recognised that in responding at this stage in relation to Policy 7, our representations on Policy 7 were not made in response to the Regulation 28 consultation. However we understand that the Inspector has identified a number of issues that our earlier representations related to. We would therefore like to make a small number of comments as set out below, directly in response to questions raised by the Inspector and recent documentation produced by the authority. We understand that the Inspector can consider all representations where they relate to matters considered to be of importance to the soundness of the Plan.

We address the two Inspector's Questions with which we are concerned below.

Matter 3, Question (a): How will Mineral Safeguarding work in practice?

The authority published in December 2011 a Mineral Safeguarding Area (MSA) Process Flow Chart (Ref. RD008) setting out how Mineral Safeguarding will work in practice. We consider this should be included within the final DPD to ensure the plan is effective.

The explanatory text to Policy 7 should, again for the purpose of effectiveness, provide guidance on how the process will work. Specifically, the box within the Chart titled 'The LPA Consider that the Proposal demonstrates Policy 7 justification' is critical to the process. However the Chart, read with the policy, provides little guidance on how the process will work, with major scope to be interpreted many different ways in different areas. We suggest the following principles and guidance should be embedded within the Policy's explanatory text:

- *Information required of the applicant should be proportionate to the scale and value of the potential mineral resource;*
- *The planning judgement as to whether the proposal demonstrates a Policy 7 justification should not be considered in isolation – the LPA will need to weigh up the relative merits of other policies applicable to the project. Specifically this should consider policies which establish a need and/or importance for the development to proceed, which may in some cases outweigh the need for and benefit of extracting the material;*
- *Regard should be had in applying Policy 7 that the aim of national policy is to encourage prior extraction rather than to presume that it is required unless it can be otherwise demonstrated.*

Matter 3, Question (b): Who will assess the need to work the mineral to determine whether prior extraction is appropriate?

The Local Planning Authority will be the responsible body for determining the need to work the mineral and determining whether prior extraction is appropriate, within the framework of the development and other material considerations (including national policy guidance).

To inform this determination, appropriate expertise is required. This may be provided from within the LPA, from the wider GM authorities or be commissioned by the authority.

Where there is disagreement between the proposer and the LPA over matters of technical expertise, including those relating to viability, a suitably qualified independent expert should be appointed. For example, if there is disagreement over the financial viability of extraction a suitable MCRIS surveyor and MICE engineer may need to be engaged, or where there is disagreement over environmental impact, a registered IEMA environmental assessor should be commissioned.

Conclusion

In conclusion, Peel hopes that its comments above are helpful and lead to the necessary clarity and effectiveness of Policy 7. Peel considers that these comments broadly accord with comments submitted to early stages of the DPD and to the intentions set out in response by Urban Vision.

Enclosed: Appendix 1 Email from Urban Vision dated 01/09/2010