

Greater Manchester Joint Minerals DPD

Responses received during Proposed Main and Minor Changes Consultation August-Sept 2012

In total 32 representations have been received from 15 organisations/individuals. The following tables sets out a summary of the key points made by representees and any changes they suggest as necessary to render the Plan sound and legally compliant.

Name/ Organisation	Chapter/ Policy/ Paragraph	Is the DPD legally compliant/ sound	Representation	What changes are necessary to make the DPD sound/legally compliant?
United Utilities	DPD	Y	United Utilities PLC has no additional comments to make at this stage on the proposed modifications	N/a
Environment Agency	DPD	Y	No comments to make	N/a
National Trust	DPD	Y	No comments to make	N/a
Network Rail Mining Team	DPD	Y	Network Rail has no comments on the Modifications from the Minerals viewpoint but would request that the Network Rail Mining Team is consulted on all planning applications for mineral extraction within 200 metres of the railway	N/a
Network Rail Planning Team	DPD	N	<p>Development proposals' affecting the safety of level crossings in the Greater Manchester area is an extremely important consideration for Network Rail and emerging planning policy to address. The impact from development can result in increases, often significant, in the vehicular and/or pedestrian traffic utilising a crossing which in turn can have impacts upon safety and service provision.</p> <p>As a result of increased patronage over crossings (including HGVs), Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements.</p>	<p>Inclusion of an additional policy on Level Crossings to confirm the following:</p> <ol style="list-style-type: none"> 1. The Greater Manchester Council have a statutory responsibility under planning legislation (Schedule 5 (f) (ii) of the Town & Country Planning (Development Management Procedure) Order, 2010) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the

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			<p>In this regard, we request that the potential impacts from development effecting Network Rail's level crossings are specifically addressed through the Greater Manchester Minerals Plan: Consultation on Proposed Modifications. There have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing.</p> <p>We strongly believe that the importance of Level Crossing safety warrants a specific Policy included in the Greater Manchester Minerals Plan: Consultation on Proposed Modifications which will help to elevate the importance of Level Crossings within the development management and planning process.</p>	<p>character of traffic using a level crossing over a railway;</p> <p>2. As a first principle, Network Rail would seek to close Level Crossings where possible.</p> <p>3. Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing impact and mitigation measures including assessment of closure; and</p> <p>4. The developer is required to fund any qualitative improvements required to the level crossing identified as a direct result of the development proposed.</p>
Simon Lord	DPD	Y	I am unable to provide an informed comment but I reserve the right to offer objections at a later date.	N/a
Cheshire East Council	DPD	Y	No comments to make	N/a
Environment Agency	DPD	Y	No comments to make	N/a

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United Utilities	DPD	Y	No comments to make	N/a
The Coal Authority	Para 4.44 (PMC/AG MA/21)	Y	No comments to make	N/a
Martin Leay (on Behalf of Sinclair's, operators of Chat Moss and Astley Moss Peat Sites)	Policy 1 PAMC/AG MA/49	N	In addition to the proposed change wording for Policy 1, additional wording for Policy 1 should be added.	<i>In line with the presumption in favour of sustainable development set out in the National Planning Policy Framework positive consideration will be given to minerals development which accords with the policies set out in this document and with all other relevant Local Plan (Local Development Framework) policies. Such development will be considered to be sustainable and will be permitted unless other material considerations indicate otherwise, whilst also giving great weight to the benefits of mineral extraction, including to the economy.</i>
Friends of the Earth	Policy 1: PAMC/AG	N	Friends of the Earth objects to the insertion of the main modification to Policy 1 because it presumes that	Policy 1: The Presumption in favour of Sustainable Minerals

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	MA/49		<p>development that is in line with the Plan is sustainable, and is not explicitly integrated with the existing environmental criteria set out in the Plan in the original Policy 1 Key Planning and Environmental Criteria. A presumption in favour of sustainable development as set out in the main modification to inserted Policy 1 is also not explicitly integrated to Policy 5 Unconventional Gas Resources of the submission document which seeks to set environmental criteria for unconventional gas applications.</p> <p>The modification to Policy 1 must be amended to be in line with the precautionary principle and sustainable development principles as set out in the 2005 Sustainable Development Strategy and the National Planning Policy Framework, and para 143 of the National Planning Policy Framework.</p>	<p>Development should read as follows:</p> <p><i>In line with the above criteria and the presumption in favour of sustainable development as set out in the National Planning Policy Framework, positive consideration will only be given to minerals development which accords with the policies set out in this document and with all other relevant local plan (Local Development Framework) policies. Such development will be considered to be sustainable and will be permitted unless other material considerations indicate otherwise. where the applicant can demonstrate by appropriate evidence and assessment that reasonable scientific doubt can be excluded as to adverse impacts of the proposed development alone or in combination with other developments:</i></p> <p><i>- On the quality and quantity of</i></p>

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				<p><i>water resources, including groundwater and water courses</i></p> <ul style="list-style-type: none"> - <i>On air quality (including through emissions of methane and sulphur)</i> - <i>On local communities</i> - <i>On greenhouse gas emissions and climate change.</i>
Mineral Product Association	Policy 1: PAMC/AG MA/49	Y	No comments to make	N/a
Peak District National Park Authority	Policy 2 (PAMC/AG MA/3)	Y	No comments to make	N/a
Mineral Planning Group (representing Armstrongs, owners of two quarries in Bolton)	Policy 2 (PAMC/AG MA/3)	N	<p>Policy 2 is proposed to be modified and we are pleased to see the inclusion of the essential term “at least” in relation to both sand & gravel and crushed rock landbanks.</p> <p>However, we are still of the firm view that this policy needs to take account of the significant difference in both specification and end-use of the two types of sandstone that occur in the Greater Manchester Joint Minerals DPD area. We reiterate that the soft red sandstones found, for example at Bold Heath quarry, cannot be likened or compared to the hard gritstone/sandstone reserves or resources found at and around Pilkington and Montcliffe</p>	<p>We believe the best approach would be to have separate crushed rock landbanks for each mineral type i.e. Soft Permo-Triassic Red Sandstones as one landbank.</p> <p>We believe the best approach would be to have separate crushed rock landbanks for each mineral type i.e. Soft Permo-Triassic Red Sandstones as one landbank and Hard Carboniferous buff/grey</p>

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			quarries in Bolton. At present the crushed rock landbank of these two utterly different mineral types are lumped together into one landbank (crushed rock).	Sandstones/Gritstones as the other landbank. To lump the two distinctive rock types into one landbank calculation will only mislead the general public and possibly even formal consultees, allowing them to be lulled into a false sense of security in thinking that the crushed rock landbank is adequate when, in reality, it may not be. We would be most grateful if the above comments are taken on-board. Might we respectfully suggest that the matter could be dealt with in the form of a “Note” at the end of the suggested amended Policy 2.
Mineral Products Association	Peat issues: PAMC/AG MA/45	Y	No comments to make	N/a
Martin Leay (on Behalf of Sinclair’s, operators of	Paragraph 6.4 PAMC/AG MA/45	N	Although it is agreed that there is no need for Peat to be included in the Minerals Search Area policy, non support for deletion of last bullet point – as this would imply that peat is either not to be included as currently of economic	Safeguarded Areas for Peat should still be included within the LDF even though there is no future need to search for new Peat

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Chat Moss and Astley Moss Peat Sites)			importance, nor has the potential to become important. Without doubt the peat mineral resources within the Greater Manchester area are of economic importance and should not, therefore, be deleted from the minerals safeguarded areas already identified.	Safeguarded Areas.
The Coal Authority	Para 6.6 (PMC/AG MA/46)	Y	No comments to make	N/a
The Coal Authority	Policy 7 (PMC/AG MA/24)	N	Policy 7 as amended is not justified, effective or consistent with national policy. The Coal Authority has previously commented we support the proposed modification to Policy 7 in so far as it goes. However it no way overcomes our objection in principle to the soundness of the DPD with regard to Mineral Safeguarding- which was fully articulated in our case to the Public Examination which remains before the Inspector for consideration.	We consider that the whole Surface Coal Resource should be included within an MSA. The Coal Authority would be happy to attend any additional hearing session to continue the debate in relation to the Soundness of the DPD based upon the conclusion the Inspection may have reached, should the Inspector deem it necessary/appropriate to reopen this debate.
Natural England	Policy 7 PAMC/AG MA/45:	Y	The removal of peat from the MSA as it is no longer considered a locally or nationally important mineral reflects national policy which prohibits further extraction of peat. Natural England does not comment on the extent or	N/a

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			content of MSA as these are designed to preclude the sterilisation of mineral from other development rather than an allocation for mineral development, therefore we have no comment to make on this modification to the Plan.	
Mineral Products Associated	Policy 7: PAMC/AG MA/24	N	We object to this proposed change. The approach of the authorities to Mineral Safeguarding Areas was discussed extensively at the Inquiry and we wish to rely on our submitted evidence and oral comments made at the hearings in addition to these comments. Policy formulation is intended to be evidence based (NPPF para 158). BGS (Oct 2011) guidance on the identification and policy for MSAs also places emphasis on a robust evidence base (para 4.0.2). Part of the evidence base for economic minerals present in Greater Manchester has been used to identify MSAs. However, some of that evidence on the occurrence of mineral has been deliberately ignored. Thus the policy as it is proposed to be amended describes two such categories for prior extraction of mineral; within MSAs and outside MSAs, whereas the BGS guidance assumes that the process of plan making would have identified all potentially viable deposits of economic mineral and included them in a MSA. Therefore we believe the policy is unsound because it is not justified, not being founded on a robust evidence base and it is contrary to national policy.	<p>The following alternative policy wording for Policy 7. A prerequisite for this alternative policy is that the entire sand and gravel resource should be included in the proposed MSA including urban areas.</p> <p><i>Within the Minerals Safeguarding Areas, applications for non mineral development unless exempted, must demonstrate that proposals will not result in sterilisation of the mineral resource beneath or adjacent to the site and that removal of the sand and gravel will take place prior to or during development unless:</i></p> <ol style="list-style-type: none"> <i>it can be shown that it is not economically viable to do so (including effects on</i>

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			<p>In addition, the policy makes no allowance for the potential sterilisation of mineral by adjacent or proximal development. This is specifically referred to in the BGS guidance (para 4.2.8 and MPS1 Practice Guide para 32). Thus even if it is not feasible to extract mineral prior to the implementation of a non mineral development in a MSA, sterilisation may still occur as a result of the development closing off access to adjacent mineral, or by making the later extraction of that mineral either economically or environmentally unacceptable. A system where all deposits of economically important mineral are included within a MSA will be able to pick up cases such as these because the policy approach is inclusive of all development (save those minor developments that are considered to be exempt). In contrast, the Greater Manchester approach will not allow all such cases to be picked up because a significant area of mineral deposit lies outside of a MSA, and the intended identification of sites for potential prior extraction through DPDs will not flag up potential problems due to proximal development. The only way we can see this being rectified is if the DPD process specifically looked at the potential for sterilisation by proximal development for every proposed site allocation and redevelopment proposal (not just for those where prior extraction is considered viable), which would</p>	<p><i>communities or the wider economy), or</i></p> <ol style="list-style-type: none"> 2. <i>it is not environmentally acceptable to do so, or</i> 3. <i>the need for the development outweighs the need to extract the sand and gravel, or</i> 4. <i>The sand and gravel will not be sterilised by the development.</i>

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			<p>be onerous and completely unworkable. The policy must therefore be considered unsound because it is not effective.</p> <p>The policy as proposed to be amended will also result in an unsustainable outcome in that it is selective in the protection afforded to a scarce resource, in a way that would not be tolerated for another resource such as heritage or wildlife.</p> <p>The Greater Manchester authorities have made much of the perceived difficulties for developers caused by including urban areas in a MSA. However, the authorities have offered no evidence that the prospect of prior extraction will put potential developers off. We believe that if properly constructed a minerals safeguarding policy for all areas of economic mineral will result in a consistent treatment of the mineral resource.</p> <p>This is how we see an effective system working. The way the BGS guidance promotes best practice is to recommend the mapping of the mineral resource including enough of a buffer around it to deal with proximal issues. This is then backed up by a criteria based policy with exemptions for certain developments, such a householder development, temporary uses,</p>	

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			<p>changes of use, etc. The final piece of the framework is a set of validation requirements for developers if their site is in the MSA. The BGS guidance recommends that developers produce a desk top assessment of any effects on mineral safeguarding using published information including the potential sterilisation of mineral in adjacent land. This should be enough to confirm if mineral is present in potentially exploitable quantities or of there are proximal issues. It would then be up to the developer to mount an argument against prior extraction if he didn't think it was viable, or show why his development will not affect potential mineral working from adjacent or nearby sites, or why his development should override the mineral interest. Only if there was a prima facie case for prior development would the authority then ask for details of boreholes, quality analyses, and working/restoration programmes. We do not think that as presented, this is an onerous requirement or burden on a developer, who after all will have to carry out a similar exercise for archaeological potential and ecological interest.</p> <p>The authorities will also point to the lack of examples of prior extraction in urban areas as evidence of a corresponding absence of viability. However, this is flawed for two reasons. First, the lack of examples demonstrates that sterilisation has been taking place for</p>	

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			<p>lack of a safeguarding system. The first version of the BGS guidance published in 2007 said “It is the purpose of the planning system to address competing demands on land-use, but until recently that system gave little effective weight to the protection of minerals resources in comparison with that afforded to environmental assets. As a result, there have been many instances where minerals were needlessly sterilised.” (page 4) and one might add, a corresponding lack of examples of prior extraction. Second, the lack of urban examples will be self perpetuating if urban areas continue to be excluded from MSAs.</p>	
Coal Pro	Policy 7: PAMC/AG MA/24	N	<p>CoalPro’s main concern initially was that the mineral safeguarding area for coal should include all shallow coal resources, including within the urban area. CoalPro was also concerned that the policy on prior extraction was insufficiently robust and that this, combined with a restricted MSA, meant that the draft Plan was unsound. CoalPro supports the proposed modification to policy 7 so far as it goes as it deals more robustly with prior extraction both within and outside Mineral Safeguarding Areas.</p>	<p>We continue to take the view that the MSA for coal should cover all of the shallow coal resource, including within the urban area. Indeed, the amended prior extraction policy, whilst much improved, will still be inadequate if not combined with a MSA which covers the whole of the area over which prior extraction may be possible.</p>
The Coal Authority	Para 6.17 (PMC/AG	Y	No comments to make	N/a

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	MA/12)			
UK Coal	Policy 12 PAMC/AG MA/5	Y	UK Coal supports the proposed modification. In accordance with Paragraph 144 of the NPPF bonds or other financial guarantees should only be sought in exceptional circumstances.	N/a
The Coal Authority	Policy 12 (PMC/AG MA/5)	Y	No comments to make	N/a
Natural England	Policy 12 (PMC/AG MA/5)	Y	<p>The deletion of the requirement for restoration bonds may impact on the quality of or reduction in some restoration schemes in some circumstances. Good restoration, particularly near urban areas can provide important greenspace and green infrastructure which is known to be beneficial to health. The deletion therefore could lead in some circumstances to an impact on objective 6 - To improve physical health and mental health and reduce health inequalities.</p> <p>Depending on the circumstances and nature of the restoration, schemes can also contribute to the following objectives:</p> <p>11: To protect, enhance, manage and restore where appropriate biodiversity, protected species, habitats and sites of geological importance.</p> <p>12: To protect and improve landscape and townscape</p>	N/a

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			<p>character and accessibility. – (by appropriate restoration and green infrastructure enhancement)</p> <p>14: To protect and improve the quality of controlled waters.</p> <p>15: To protect and improve air quality. (By planting and restoring open areas)</p> <p>16: To restore and protect land and soil and to manage contaminated and potentially unstable land</p> <p>17: To mitigate and adapt to climate change - (provision of alternative habitats lost due to climate change)</p> <p>18: To minimise the risk of flooding and increase the use of SUDS. – (the creation of flood relief schemes)</p> <p>These benefits could be impacted upon if mineral workings were not adequately restored. It is for the authorities to consider whether the complete removal of restoration bonds is appropriate or whether some provision should remain for certain circumstances.</p>	
Martin Leay (on Behalf of Sinclair's, operators of Chat Moss and Astley Moss Peat	Policy 12 Restoration and Aftercare PAMC/AG MA/5	Y	Support for deletion of financial provision text – bullet no. 3 of 5.	

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Sites)				
Friends of the Earth	Policy 12: Restoration and Aftercare PAMC/AG MA/5	N	Friends of the Earth objects to the removal of bullet 3 from Policy 12 regarding details of financial provision. Policy 12 must be amended to include the precautionary principle.	<p>Policy 12 must be amended as follows:</p> <p><i>Applications for minerals extraction will only be permitted where they satisfy the precautionary principle and are accompanied by appropriate proposals for site restoration and aftercare. This should include all of the following:</i></p> <ol style="list-style-type: none"> <i>1. Details of the final restoration scheme and proposed future land use;</i> <i>2. Details of timescales for completion of restoration including details of completion of individual phases of restoration where a progressive restoration scheme is proposed;</i> <i>3. Details of financial provision to be put in place to guarantee the restoration of the site;</i> <i>4. Details of aftercare</i>

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				<p><i>arrangements that are to be put in place to ensure the maintenance and management of the site once restoration is complete;</i></p> <p><i>5. Details of community liaison measures to be put in place during the operation of the site including mineral extraction, restoration and final land use.</i></p>
Friends of the Earth	Insertion of new Policy: Fracking & Shale Gas Extraction	N	<p>Friends of the Earth recommends that a new policy is inserted specifically in relation to fracking and other unconventional gas to support the amended main modification Policy 1 and to replace Policy 5 which does not contain any criteria relating to groundwater contamination and climate change.</p>	<p><i>Planning permission for fracking or shale gas operations (including test drilling and extraction) will not be granted unless</i></p> <p><i>a) the Council is satisfied that all reasonable scientific doubt that there is any risk of adverse impacts including groundwater contamination has been eliminated</i></p> <p><i>b) the proposal will not compromise the Council's duties in relation to climate change mitigation; and</i></p>

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				<i>c) the proposal is environmentally acceptable, or it can be made so by planning conditions or obligations.</i>
Peak District National Park Authority	Maps	Y	No comments to make	N/a
Mineral Products Association	Maps 1-10: PAMC/AG MA/3	Y	No comments to make	N/a
Mineral Products Association	Map 2a: PAMC/AG MA/5	Y	No comments to make	N/a
The Coal Authority	Maps 4-8 11-20 (PMC/AG MA/20 & PMC/AGM A/21)	Y	No comments to make	N/a
The Coal Authority	PMC/AGM A/30 & PMC/AGM A/32 & PMC/AGM A/4	Y	No comments to make	N/a

