

GREATER MANCHESTER JOINT MINERALS DEVELOPMENT PLAN DOCUMENT

Summary of comments received in relation to NPPF and MWPU comments

May 2012

1. Introduction

1.1 This document sets out a summary of the comments received from stakeholders in relation to the recently released National Planning Policy Framework and includes a commentary from the Minerals and Waste Planning Unit to the issues raised.

Summary of representations received in relation to the NPPF and Minerals and Waste Plan Unit commentary

In total XX representations have been received from XX organisations/individuals. The following tables sets out a summary of the key points made by representees and the Minerals and Waste Planning Unit response to each one.

Name/ Organisation	Policy/ Chapter/ Paragraph	Summary of Representation and suggested change	MWPU Response
The Coal Authority	Chapter 6 Policy 7: Mineral Safeguarding Areas	<p><u>Mineral Safeguarding</u></p> <p>This was previously addressed by MPS1 and the MPS1 Practice Guide, with further detailed practice advice being contained in the BGS/The Coal Authority document 'A Guide to Mineral Safeguarding' (2011).</p> <p>National Policy relating to Mineral Safeguarding is now contained within the NPPF at paragraph 143 (bullets 3 to 5) and paragraph 144 (bullet 7). Coal is a mineral of national importance as defined in the glossary.</p> <p>As the relevant Specific Consultation Body The Coal Authority considers that to comply with the NPPF it is necessary to safeguard all of the surface coal</p>	<p>The Mineral Safeguarding Area for Coal resources across Greater Manchester is allocated within the Minerals Plan and was addressed during the Examination in Public Hearings in February 2012.</p> <p>The Mineral Safeguarding Area for Coal was developed in line with planning policy and guidance, including the Guide to Mineral Safeguarding, as relevant at that time. Following the release of the 2011 'Guide to Mineral Safeguarding' and the NPPF the approach to Mineral Safeguarding Areas has been revisited and judged as consistent with the requirements and guidance of these documents.</p> <p>Identifying a coal MSA across the urban area of Greater Manchester would mean that non-minerals development would not normally be</p>

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		<p>resources. We further consider that it is necessary to safeguard the deep coal resources which are currently licensed for extraction; it is felt impractical to safeguard all of the deep coal resource.</p> <p>The NPPF in paragraph 143 in the third bullet point makes it clear that LPAs should “<i>define MSAs and adopt appropriate policies in order that known locations of specific mineral resources of local and national importance are not needlessly sterilised by non-mineral development...</i>” (my emphasis)</p> <p>In relation to the situation in Greater Manchester we consider that the publication of the NPPF further strengthens our case that all of the surface coal resource should be safeguarded and that the argument that urban areas should be excluded is untenable in the context of the NPPF.</p> <p>The surface coal resource within the urban area represents a mineral of national importance as defined by the</p>	<p>permitted within the urban area of Greater Manchester, in line with Bullet Point 7, Paragraph 144 of the NPPF.</p> <p>Whilst it is understood that not all minerals defined within MSAs will be worked, the purpose of MSAs is to protect mineral resources from being needlessly sterilised by non-minerals development, which means that non-minerals developments should be the exception rather than the rule in MSAs. As a consequence, in order to avoid inadvertently sterilising large areas of land within the urban area from non-minerals development (e.g. Housing or Employment), the boundaries of an MSA need to be carefully drawn.</p> <p>The Coal MSA in the Plan covers defined non-urban areas with workable surface coal deposits. The justification for this approach is contained in paragraph 6.5 of the Plan.</p> <p>A modification to the Plan suggested during the hearing sessions (PAMC/AGMA/24) ensures that prior extraction of coal in advance of non-mineral development is not</p>

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		<p>NPPF. It also represents the known location of the mineral resource and as such it is considered that the NPPF compels MPAs to define Mineral Safeguarding Areas around the whole of the surface coal resource. If this is not undertaken then the risk of needless sterilisation when urban regeneration and new development takes place will occur. The NPPF reiterates the requirement in paragraph 143 to encourage the prior extraction of minerals of national and local importance, including coal. The current approach advocated in the Minerals Plan only goes some way towards encouraging prior extraction it does not set out a firm enough policy context to achieve the proper implementation of this national planning policy requirement.</p> <p>The Coal Authority considers that the NPPF strengthens the objection made by ourselves and others that the MSAs in Greater Manchester have to be revised to include the urban areas.</p>	<p>precluded.</p> <p>The approach in the Plan modification recognises the importance of surface coal reserves, as well as the importance of wider sustainable development implications.</p> <p>Therefore, the GM Authorities consider that this modification addresses the issues raised within this additional response in a pragmatic and measured way.</p>

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The Coal Authority		<p><u>Energy Minerals</u></p> <p>This was previously addressed by MPS1 Annex 4 and MPG3 and is an obligation on MPAs. National Policy in the NPPF on new coal technologies falls within the remit of 'hydrocarbons' in paragraph 147, it positively encourages the capture and use of methane from coal mines in active and abandoned coalfield areas.</p> <p>The approach towards coal extraction proposals has been revised, there is no longer a presumption against such proposals and this should be reflected in Local Plan policies. It is important that policies do not seek to introduce wider considerations than the two sequential aspects set out in paragraph 149. Paragraph 147 requires Local Plans to indicate areas where coal extraction and the disposal of colliery spoil may be acceptable. Paragraph 22 of the Technical Guide on Minerals makes it clear that mineral working in proximity to residential</p>	<p>The Minerals Plan sets out the approach in relation to unconventional gas resources in Chapter 5 on pages 29-31. The term 'unconventional gas resources' is described in paragraph 5.44 to include coal mine methane.</p> <p>Policy 5 and supporting text between pages 29 -31 addresses the requirements of para 147 of the NPPF.</p> <p>The Minerals Plan sets out the approach in relation to Coal in Chapter 5 on pages 27-29.</p> <p>The Minerals Plan Policy 4 allows for the positive consideration of Coal working where such proposals are judged to be acceptable in terms of impacts.</p> <p>The considerations set out within paragraph 149 of NPPF are the exact considerations included within paragraph 5.31 of the Minerals Plan.</p>

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		property may be necessary to meet the objective of addressing land instability and policies should therefore allow for this flexibility.	
The Coal Authority		<p><u>Unstable Land</u></p> <p>This was previously contained within PPG14, advice is now set out in NPPF paragraphs 109 (bullets 4 & 5), paragraphs 120 & 121. This is an issue for all LPAs to address.</p> <p>Specific advice for Local Plans and land instability is contained in paragraph 166 which makes it clear that Local Plans may require assessments of the physical constraints of land including for land instability. The data provided by The Coal Authority on the Coal Mining Development referral Areas are based on mining legacy risk and this would provide a suitable evidence base for this aspect in our view.</p> <p>We do not consider that there has been</p>	The issues associated with land stability are not specific to minerals development only, therefore this issue is addressed by other planning documents, such as Core Strategies and other development plan documents, which form part of each of the ten GM Authority Local Plans

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		any fundamental change of policy approach towards unstable land, the existing PPG14 approach is reinforced in the NPPF in our view.	
Martin Leay Associates (on behalf of W. Sinclair Horticulture Ltd)	Chapter 5 Policy 6: Peat	<p>The NPPF explains that minerals are essential to support sustainable economic growth and our quality of life (para 142).</p> <p>The approach of ensuring sufficient supply of material to provide the goods that the country needs remains unchanged (see para 142).</p> <p>The adopted NPPF provides (as the draft NPPF did) that when determining planning applications local planning authorities should not grant planning permission for peat extraction from new or extended sites (para 144 5th bullet). No further guidance is provided as to the meaning of the phrase “new or extended sites”.</p> <p>In the context of the Government’s state</p>	<p>The Minerals Plan approach to Peat resources is set out in Chapter 5 pages 32-33. Two modifications in relation to Peat have been proposed and will be the subject of public consultation in summer 2012. These modifications stem from changes in policy set out within the NPPF and result in an amendment to the supporting text between Paragraphs 5.59 – 5.68 to (PAMC/AGMA/47) and also to remove the MSA allocation in relation to peat resources (PAMC/AGMA/45).</p> <p>The Minerals Plan is in conformity with the NPPF, it does not identify new sites or extensions to existing sites for peat extraction.</p> <p>The GM Minerals Plan takes all aspects of sustainable development into account, and this is made explicit through the addition of a new Policy 1 on sustainable development</p>

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		<p>of knowledge (namely its awareness that there is insufficient indigenous supply of peat to meet the residual need in the transition period) the NPPF cannot be construed as meaning no further planning permissions for peat extraction shall be granted. The NPPF cannot be read as precluding the grant of permission for time extensions relating to sites that have been previously extracted; to do so would result in the failure to achieve the policy objective set out in paragraph 142 within the Growing Media market; i.e. the peat that the country needs in the period until 2030 would not be provided from indigenous sources.</p> <p>One NPPF policy change which is significant to the GMJMP is the requirement to give “great weight” to the benefits of mineral extraction including to the economy (paragraph 144). The requirement to give great weight to the benefit of mineral extraction is a strengthened emphasis that applies to peat extraction as much as to any other</p>	<p>(PAMC/AGMA/49).</p> <p>Whilst the provisions of paragraphs 142-144 can be considered to apply to peat as to other minerals, a clear distinction is drawn between peat and other minerals within the NPPF. This is expressed most clearly in the prohibition on new or extended sites for peat extraction and is also reflected in the fact that the glossary does not include peat in its list of minerals of local and national importance.</p>

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		<p>mineral.</p> <p>The dimensions of sustainable development identified in paragraph 7 of the NPPF are of relevance. For the three roles identified – the economic, social and environmental roles. Paragraph 8 of the NPPF explains that to achieve sustainable development - economic, social and environmental gains should be sought jointly and simultaneously through the planning system.</p> <p>The Core planning principles set out in the NPPF include the exhortation that every effort should be made objectively to identify and then meet development needs (paragraph 17 3rd bullet point). Within the previous representations a residual need for peat to 2030 has been objectively identified utilising robust assumptions. Having identified that residual need for the supply of peat, the proposed rewording of Policy 6 will assist in the delivery of the NPPF core planning principles.</p>	

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		<p>The core planning principles also provide that planning should support the transition to a low carbon future in a changing climate, encourage the reuse of existing resources and the use of renewable resources (paragraph 1 6th Bullet point). The residual need identified in the previous submissions arises only after all available peat alternatives are assumed to be utilised. The provision of additional indigenous peat supply, by amending Policy 6, would thus support the use of all available non-peat alternatives and meet the shortfall to 2025.</p> <p>The core planning principles also provide that planning should contribute to conserving and enhancing the natural environment. The proposed amendment to Policy 6 achieves this through securing the restoration of previously worked sites which would not otherwise be achieved. The principle goes on to explain that planning should direct development toward sites of lesser environmental value. That is the</p>	

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		<p>case with sites that have been previously worked for peat extraction but which have not been the subject of a restoration plan to lowland bog</p> <p>The NPPF states in terms that objectively assessed needs should be met except where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole (NPPF para 14 second bullet).</p> <p>For the reasons set out above in this further representation, publication of the NPPF adds weight to the reasons why the wording of Policy 6 should be amended in line with the previously submitted representation and as for the wording confirmed in para 3 of this submission.</p>	
Wildlife Trust for Lancashire, Manchester &	Minerals Plan	There is no reference in the Greater Manchester Minerals Plan to joint working with authorities outside the	Preparation of the GM Minerals DPD has included consultation and engagement with a range of stakeholders across the North west

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North Merseyside and Cheshire Wildlife Trust		<p>Greater Manchester Minerals Plan’s geographical remit. This may be a nature conservation issue around all the plan’s boundaries, but especially in the South Pennines National Character Area (including the West Pennine Moors), which extends into neighbouring Blackburn with Darwen Borough, Lancashire County, West Yorkshire County and Derbyshire County; and the Manchester Mosslands National Character Area (including the former extent of Chat Moss), which extends into neighbouring Warrington Borough. Extant policy should be amended and/or new policy proposed accordingly.</p> <p>The proposals map should now identify the Greater Manchester Ecological Framework and its associated Natural 2000 sites, Sites of Special Scientific Interest (SSSI) and Local Wildlife Sites—the latter are known within Greater Manchester as “Sites of Biological Importance” or “SBI”. The extant biodiversity policies in the Minerals Plan</p>	<p>and neighbouring authorities. Joint working with such organisations is not a requirement of NPPF; rather the Plan preparation has included cooperation with relevant bodies, organisations and stakeholders on a constructive, active and an ongoing basis.</p> <p>There are no ‘biodiversity policies’ in the Minerals Plan, nor are any such policies necessary. Instead the issues associated with biodiversity, conservation and enhancement underpinned the preparation of the Plan. It is more appropriate for such policies to be directly considered within other Local Planning Documents such as Core Strategies.</p> <p>There is no proposals map in the Plan. All allocations will be mapped on individual GM Authority Adopted Policies Maps and the biodiversity designations listed (with the exception of Nature Improvement Areas) will already be represented on such maps.</p>

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		<p>do not make specific reference to the designated nature conservation areas or the framework.</p> <p>The ten Greater Manchester councils may also wish to identify Nature Improvement Areas within and/or across Greater Manchester's boundaries. A "Great Manchester Wetlands" proposed Nature Improvement Area partnership and business plan is already in existence and a similar proposal for the South Pennines appears likely.</p>	
Wildlife Trust for Lancashire, Manchester & North Merseyside and Cheshire Wildlife Trust	Chapter 5 Policy 6: Peat	The Greater Manchester Minerals Plan needs to be strengthened to reflect the statements in the published National Planning Policy Framework (para 143) regarding new and extended peat extraction sites in order to make it explicit that such applications will not be approved.	An update to the supporting text on Peat Resources resulting from the NPPF has been drafted and will be made available for comment in summer 2012.
Coal Pro	Chapter 6 Policy 7: Mineral Safeguarding	The main issue on the DPD raised by CoalPro, and discussed at the EIP on 23 February, relates to the extent of the	The Mineral Safeguarding Area for Coal resources across Greater Manchester is allocated within the Minerals Plan and was

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	Areas	<p>mineral safeguarding area (MSA) for shallow coal resources in the DPD and CoalPro's view that this MSA should include urban areas underlain by shallow coal resources.</p> <p>The NPPF reiterates existing policy on MSAs but does so in a way which is more succinct and which more clearly sets out the principles involved. Annex 2 also specifically includes a definition of a Mineral Safeguarding Area. It is CoalPro's view that this substantially strengthens the case for the inclusion of urban areas in the MSA for shallow coal.</p> <p>Para 143, third bullet, requires MSAs to be defined so that known locations of specific minerals resources of local and national importance are not needlessly sterilised. Shallow coal is defined in Annex 2 as being a mineral of local and national importance. As shallow coal is known to be present in some urban areas in Greater Manchester, CoalPro is of the view that the MSA should</p>	<p>addressed during the Examination in Public Hearings in February 2012.</p> <p>Identifying a Coal MSA across the urban area of Greater Manchester would mean that non-minerals development would not normally be permitted within the urban area of Greater Manchester, in line with Bullet Point 7, Paragraph 144 of the NPPF.</p> <p>Whilst it is understood that not all minerals defined within MSAs will be worked, the purpose of MSAs is to protect mineral resources from being needlessly sterilised by non-minerals development, which means that non-minerals developments should be the exception rather than the rule in MSAs. As a consequence, in order to avoid inadvertently sterilising large areas of land within the urban area from non-minerals development (e.g. Housing or Employment), the boundaries of an MSA need to be carefully drawn.</p> <p>The Coal MSA in the Plan covers defined non-urban areas with workable surface coal deposits. The justification for this approach</p>

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		<p>include such areas. If it does not, the risk of needless sterilisation when urban redevelopment takes place will be significantly greater.</p> <p>Para 143, fifth bullet, requires policies to be in place to encourage prior extraction. CoalPro is of the view that the exclusion of urban areas with shallow coal resources will discourage prior extraction when urban redevelopment takes place. The inclusion of separate prior extraction policies on their own will not be sufficient encouragement when urban redevelopment takes place if such areas are excluded from the MSA.</p> <p>The definition of MSA in Annex 2 states that it should cover known deposits of minerals which are desired to be safeguarded from unnecessary sterilisation. If the MSA does not include shallow coal in urban areas, it can only be concluded that it is not desired that such resources be safeguarded. This cannot be right when</p>	<p>is contained in paragraph 6.5 of the Plan.</p> <p>A modification to the Plan suggested during the hearing sessions (PAMC/AGMA/24) ensures that prior extraction of coal in advance of non-mineral development is not precluded.</p> <p>The approach in the Plan modification recognises the importance of surface coal reserves, as well as the importance of wider sustainable development implications.</p> <p>Therefore, the GM Authorities consider that this modification addresses the issues raised within this additional response in a pragmatic and measured way.</p>

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		<p>set against para 143.</p> <p>For the avoidance of doubt, CoalPro wishes to reiterate that there is no desire to prevent urban redevelopment because of the presence of shallow coal resources but that prior extraction should be considered as an option. That option can only be assured of being properly considered if the resources in question are within the designated MSA.</p>	