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Brecon Beacons National Park Authority

Response to Inspector's Additional Questions

Re Blaenau Gwent Local Development Plan Examination

Submitted 18th May 2012

Introduction

The NPA have prepared this short paper in response to the Inspector's questions set out in section 3.5 of the Minutes of the Blaenau Gwent Local Development Plan Pre Hearing Meeting

The questions raised are set out below.

3.5 Brecon Beacons National Park

Brecon Beacons National Park Authority (BBNP) is invited to prepare a short paper that will be of use when considering minerals issues in Blaenau Gwent. The paper should clarify:

- (1) the statutory basis for the designation of the national park, explaining the implications for development proposals adjoining or visible from the park;
- (2) the relevance to Blaenau Gwent County Borough Council of its obligations under Section 62 (2) of the Environment Act 1995;
- (3) the current position of the BBNP in its UDP with regard to minerals and its draft LDP position (including extracts of any current or draft policies); and
- (4) any action being undertaken by BBNP to bring about the closure of existing dormant mines in the park and funding available to do this.

In response to Points 1 & 2

Clarify

- (1) the statutory basis for the designation of the national park, explaining the implications for development proposals adjoining or visible from the park;
- (2) the relevance to Blaenau Gwent County Borough Council of its obligations under Section 62 (2) of the Environment Act 1995;

The Statutory basis for the designation of the National Park is set out in the Environment Act 1995¹. Section 61 sets out the two purposes of the National park designation which are (1) To conserve and enhance the natural beauty, wildlife and cultural heritage; and (2) To promote opportunities for the public enjoyment of the area's special qualities. There is also a "duty" to foster social and economic well being which is set out in section 62(1).

The "special qualities" to which the act refers have been defined through the BBNPA's National Park Management Plan.² The Management Plan also sets out objectives which seek to achieve the conservation and enhancement of those qualities.³

Section 62(2) of the Environment Act sets out how adjoining Authorities will be required to contribute to achieving the statutory purposes of designation⁴. The relevance to Blaenau Gwent of s62(2) of the Environment Act 1995, with regard to the LDP, is that, on land adjacent to or visible from the National Park, it must ensure that it has the appropriate policy framework in place to make development control decisions which have regard to the purposes for which the National Park is designated and ensure that only development appropriate to that designation is permitted.

The NPA's own LDP strategic Policy SPI⁵ sets out what is appropriate development in a National Park. Essentially this is development which conserves or enhances the natural beauty, wildlife and cultural heritage of the National Park and (b) which provides for the understanding and enjoyment of the National Park's special qualities. Development which prevents the pursuit of these two purposes is considered to be inappropriate.

The NPA has recently commissioned a Landscape Character Assessment which is intended to provide the necessary resource to enable development control planners to assess the impacts of fringe development applications on the special qualities of the National Park. This is of particular concern in relation to large scale developments such as wind turbines and other energy generation schemes.

¹ <http://www.legislation.gov.uk/ukpga/1995/25/part/III>

² Brecon Beacons National Park Management Plan: Chapter 3. <http://www.breconbeacons.org/the-authority/planning/strategy-and-policy/nmpm/link-folder/nmpm-2010-chapter-3>. Special qualities include qualities of peace and tranquillity, vitality and healthfulness, sense of discovery, sweeping grandeur and outstanding natural beauty, contrasting patterns colours and textures, diversity of wildlife, rugged, remote and challenging landscapes, enjoyable and accessible countryside and intimate sense of community.

³ **Management Plan Objectives**

1. Conserve and enhance the sense of tranquillity, peace and remoteness experienced throughout the National Park.
2. Conserve and enhance the beautiful and varied character of the landscape via sustainable, integrated management.
3. Prevent degradation of the Park's landscape and enhance derelict land.
4. Develop understanding and awareness of landscape's varied character and the processes that influence it.

⁴ **Extract Environment Act 1995 s62(2)**

"62 Duty of certain bodies and persons to have regard to the purposes for which National Parks are designated.

(2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

⁵ LDP Policy SPI: National Park Policy http://www.cartogold.co.uk/brecon/text/04_overarching.html#41

In response to Point (3)

Clarify the current position of the BBNP in its UDP with regard to minerals and its draft LDP position (including extracts of any current or draft policies);

a) The position in the Unitary Development Plan (Approved for Development Control Purposes 2010)

Chapter 4 of the UDP⁶ sets out the NPA's position on Minerals development. Extracts of UDP policies are included at Appendix I.

The UDP follows National Guidance by setting out policies to ensure that minerals development does not take place in the National Park save in exceptional circumstances where it can be demonstrated to be in the public interest.

In light of this guidance the Authority determined that it was not appropriate to safeguard areas of sand and gravel resource in a National Park. This issue was a key matter at examination. The Inspector concluded that the Plan should not include safeguarding areas and the Authority accepted her recommendation. However, the Plan was subject to a direction from WAG not to adopt the plan unless amendments were made to include the safeguarding of sand and gravel resources. This was on the basis that National Planning Policy contained a requirement for all minerals planning authorities to safeguard sand and gravel resources. The Authority resolved not to comply with this direction and thus the plan was approved for Development Control purposes.

The section below sets out a brief summary of the content of each of the relevant Minerals policies in the Plan.

Part 1 Policy 6: Allocation for the Extraction of Aggregate Minerals sets out the strategic position that the NPA will not identify any safeguarded or preferred areas or areas of search for further aggregate mineral extraction within the National Park.

Part 1 Policy 7: Minerals Development sets out the strict strategic criteria against which applications for new minerals development will be assessed. This includes a criteria requiring that the applicant demonstrate that there are no alternative supplies out the park available at reasonable cost and that the need cannot be met in any other way.

Policy S2: New or Extended Mineral Workings provides detailed criteria against which new or extensions to existing mineral workings will be considered

Policy S7: Mineral Processing identifies the circumstances under which minerals processing plants will be permitted

Policy S8: Buffer Zones restricts inappropriate development within buffer zones and lists the areas to which buffer zones will be applied.

⁶Unitary Development Plan text <http://www.breconbeacons.org/the-authority/planning/strategy-and-policy/udp/udp-full-text>

b) The Position in the Draft Local Development Plan

Local Development Plan Policies can be found in the Composite Plan⁷ which contains the Deposit LDP text and sets out the proposed focused changes. The NPA's current position relating to the use of Minerals Resources is set out in Chapter 10 of the Composite Plan at page 201. An extract of the chapter is included at Appendix 2.

The LDP follows National Planning Guidance contained in Minerals Technical Advice Note 1: Aggregates (Para 51 – 52) which makes clear that there is no need to permit proposals for the extraction of aggregates from National Parks in Wales save in exceptional circumstances .

Proposals for new minerals sites or extensions to existing sites in the National Park are therefore determined against the clear statements of development control policy on minerals in National Parks set out in National Guidance. There is no specific policy in the LDP. In the case of "Major Developments" these will be considered under LDP Policy SP2: Major Developments.

The plan also states at Para 10.2.5 that applications for mineral workings adjacent or close to the National Park will be determined in accordance with National Guidance.

The NPA's position on the apportionment of minerals in National Parks reflects that set out in the Regional Technical Statement (2008). This issue is discussed in the LDP Minerals Issues Paper an extract of which is included at Appendix 3. This discusses the need to explore the extent to which BBNPA's neighbouring MPA's can accommodate a migration of the contribution to supply presently made by quarries in the BBNPA. It suggests that with further consideration the seven or eight MPA's on the NPA's southern border could probably cover redistribution from the BBNP area.

A list of Minerals sites in the National Park with planning permission is set out at Appendix 9 of the LDP and sites are shown on the Proposals Map.

⁷ Composite Plan <http://www.breconbeacons.org/the-authority/planning/strategy-and-policy/ldp-examination/composite-local-development-plan>

In response to point (4)

1. Clarify any action being undertaken by BBNP to bring about the closure of existing dormant mines in the park and funding available to do this.

During 2007 and 2008 the National Park Authority served a total of 11 Prohibition Orders on inactive sites throughout the Park. A list of these sites is available in the Deposit Local Development Plan at Appendix 9. These were secured with the aid of funding from the Aggregates Levy Sustainability Fund for Wales. A further 2 Prohibition Orders were served but were subsequently withdrawn. There are also another 5 sites in the Park which may be considered appropriate sites for future Prohibition Orders, taking into account the circumstances at the time. However there is currently no funding in place to achieve this. The information in the Deposit LDP updates the information in the Unitary Development Plan which was adopted at the time when the process of serving the Prohibition Orders was still underway.

Extracts of the relevant sections of the UDP and LDP are attached at Appendix 4.

Appendices

Appendix I: Extract UDP Minerals Policies

Our Strategic Approach

- 4.5 Minerals are necessary to society, serving the energy supply, construction and other industries. They provide employment in a few parts of the National Park. However, mining and quarrying make irrevocable changes to the landscape and can destroy historical features and sites of nature conservation value. Although they are temporary activities, working often takes place over many years, and can cause serious disturbance to nearby communities. WAG guidance states that minerals development should not take place in National Parks save in exceptional circumstances, applications should be subject to the most rigorous examination and all major developments must be demonstrated to be in the public interest.
- 4.6 Minerals are a non-renewable resource. The principles of sustainability suggest the need to reduce exploitation through efficient use, particularly of high quality minerals, and through the promotion of secondary and recycled aggregates. There is also a need for energy savings, both in terms of a reduced demand for energy minerals and in the transport of mineral products.

The Mineral Resource

- 4.7 The National Park is underlain by rocks of Ordovician, Silurian, Devonian and Carboniferous age, in places covered by glacial and post-glacial deposits. They comprise shales, sandstones, limestone, coal, sands, gravels, boulder clay and peat, most of which have been exploited at some time. The most widespread rock is Devonian Old Red Sandstone, which forms the highest mountains and in the past was the main source of building and roofing materials.
- 4.8 The Carboniferous limestone, Millstone Grit and Coal Measures form the Park's most economically important mineral resources. The main market is for limestone for aggregate use. Glacial sands and gravels in the Usk Valley may become commercially significant as aggregates in future. The Park's mineral workings are described in detail in Appendix 6.

Aggregates

- 4.9 Aggregates are bulk minerals such as crushed rock, sand and gravel, used in the construction industry for concrete, mortar, roadstone or fill. Because of their importance to the economy, WAG requires Minerals Planning Authorities, individually or jointly, to maintain a landbank of aggregate reserves with planning permission.
- 4.10 Limestone is at present the only aggregate mineral won in the National Park. There are 2 active quarries (see Appendix 6).
- 4.11 Most of the sand and gravel used in South Wales is currently dredged from glacial deposits in the Severn Estuary. The more accessible supplies are being worked out, and concerns have been expressed that some dredging may cause coastal erosion and damage to wildlife habitats and the fishing industry. Technical difficulties preclude the exploitation of deeper resources in the short term. If dredging licences are not renewed, then the region is likely to experience a shortage of this important resource. Research for WAG has identified suitable deposits on land, including the Usk Valley within the Park, and the Minerals Technical Advice Note (Wales) Aggregates requires these to be safeguarded in UDPs for potential future use.
- 4.12 WAG guidance also requires that minerals development should not take place in National Parks save in exceptional circumstances where it can be demonstrated to be in the public interest, after an assessment of the need in national (UK) terms and the availability of alternative supplies, as well as the impact on the local economy and detrimental effects on the environment and landscape.
- 4.13 Even though the amount of marine sand and gravel extracted is likely to decrease during the life of this Plan, there are significant alternative supplies in South Wales outside the Park, mostly much nearer to major

markets. It is the NPA's view that the impact of sand and gravel extraction on the Usk Valley would be unacceptable in terms of National Park designation.

- 4.14 The NPA has therefore not specifically safeguarded the identified sand and gravel sites in the Park in this UDP, but nor are any of the sites allocated for other forms of development. Some are unsuitable for significant development of any type due, for example, to their location in the Usk floodplain, their proximity to the River Usk SAC, or the presence of gas pipelines or listed buildings. These factors, in addition to the stringent criteria governing mineral extraction in national parks, make it unlikely that applications would be recommended for approval.

Part I Policy 6: Allocation for the Extraction of Aggregate Minerals
The NPA will not identify in this UDP any safeguarded or preferred areas or areas of search for further aggregate mineral extraction within the National Park.

Energy Minerals

- 4.15 A band of coal runs along the southern boundary of the National Park. In the east it is bituminous, as required in power stations, while the anthracite coal in the west is also used in the domestic and industrial market. Both types were heavily worked in the past. There is now no deep mining in the Park, but there are major opencast workings just outside it and one recently completed which straddled the Park boundary north of Ystradgynlais.
- 4.16 The remaining reserves are mainly in the east at Pwll Du, where permission for opencasting was refused on appeal in 1993. Much of this area is now within the Blaenavon Industrial Landscape World Heritage Site. No coal companies have indicated an interest in further coal mining or opencast development within the Park.
- 4.17 Coal-bed methane may be present in the Park, but as yet this resource is not being exploited. If vented from old mine shafts this goes to waste, and as a greenhouse gas it contributes to global warming. These factors will be taken into account by the NPA when considering any applications to utilise coal-bed methane.

Industrial Minerals

- 4.18 Minerals from the Park have in the past had industrial significance. Some very pure limestones were used for processes such as flux in the steel industry; Millstone Grit, high in silica, was quarried widely for use in refractory bricks, and rottenstone was quarried for industrial abrasives. No such minerals are supplied from the Park today. If any demand should arise in the future, a case would have to be made in line with the WAG's guidance to open or reopen a quarry to fulfil a national need.
- 4.19 The other important use of minerals was for building and roofing stone supplying the Park and surrounding areas, giving differing character and building styles across the Park. There is a small but steady demand for these, as old buildings are renovated or new ones built in the vernacular style in line with the NPA's policies. There are not enough existing quarries to meet demand and a suitable site may have to be found during the Plan period for this local need.
- 4.20 Applications for minerals development may therefore be made within the Park. They will be assessed against Part I Policy 7, which is in line with the criteria for minerals development in National Parks set out in Minerals Planning Policy Wales 2000. It should be noted that to obtain approval, all of the criteria of Part I Policy 7 must be met. Potential landscape enhancement alone will not justify extending a quarry.

Part I Policy 7: Minerals Development
Applications for new or extended mineral workings including the depositing of

mineral waste (except where an extension involves no more than minor rounding off) will be subject to the most rigorous examination and will only be permitted in exceptional circumstances where it is demonstrated to be in the public interest, that is where all the following criteria are met:

- i) there is a proven national or specific local need;**
- ii) benefit to the economy of the Park can be shown to outweigh the detriment that would be caused to tourism and other economic activities;**
- iii) there are no alternative supplies outside the Park available at reasonable cost and the need cannot be met in any other way;**
- iv) there are no significant detrimental effects on the Park's special qualities, its natural beauty, wildlife and cultural heritage or communities;**
- v) the proposal clearly demonstrates that the site is capable of being reclaimed to a beneficial and appropriate afteruse; and**
- vi) in the case of an extension to an existing quarry, the proposal would enhance the landscape and benefit nature conservation and biodiversity.**

Sustainable Use of Minerals

Our Detailed Policies

Policies for Mineral Working

- 4.21 The following policies apply to proposals for all forms of mineral working and the depositing of mineral waste. In line with WAG's guidance, the NPA will permit mineral working only in exceptional circumstances, for instance where there is a national need for the mineral concerned. In such cases, it will be important to ensure that the mineral is indeed used for that purpose. The NPA will seek to minimise damage to - and where possible to enhance - the Park's natural beauty, wildlife and cultural heritage and the life of nearby communities during and after the working life of the quarry. Applications must be accompanied by an environmental statement, if required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The use of best techniques and working practices will be required and the NPA will ensure that restoration and other conditions are fully complied with. Where appropriate it will seek to meet other objectives through restoration schemes, such as providing for recreation or restoring wildlife habitats such as calcareous grassland, in accordance with the Local Biodiversity Action Plan.
- 4.22 An Act of Parliament permits the NPA to impose a planning condition requiring a developer to give a financial guarantee relating to the restoration of a coal mine in Carmarthenshire. In other areas or types of quarry any guarantee would have to be arranged through a Section 106 agreement, which has not been normal practice for aggregates quarries. The need for a bond is further reduced by the Quarry Products Association's new Restoration Guarantee Fund which provides an indemnity where a member company has defaulted on restoration obligations due to insolvency.
- 4.23 Proposals that satisfy the criteria in Part I Policy 7 will be determined in accordance with Policy S2. The policy will also apply to proposals to extend existing workings. Where dormant quarries with Interim Development Order permissions are to be reopened, or applications are made for the determination of planning conditions under the 1995 Environment Act, these will be determined under Policy S2 insofar as it is applicable.
- 4.24 The NPA will take every opportunity to ameliorate the effects of existing and proposed minerals development, such as the promotion of progressive restoration. Improvements in working methods, landscaping and the final form of the restored quarry will be sought if permission is to be given for a quarry to be extended.

Policy S2: New or Extended Mineral Workings

Applications for new or extended mineral working, including plant, buildings and machinery and the depositing of mineral waste which have satisfied the criteria in Part I Policy 7 will only be permitted where:

- i) it is possible to ensure that the mineral will be used for the purposes for which a need was established under Part I Policy 7;
- ii) conditions can be imposed or planning obligations or agreements made to the satisfaction of the NPA relating to:
 - a) the working area,
 - b) the design and phasing of operations,
 - c) the deposit of soil and waste material, which should normally be disposed of within the site,
 - d) safeguarding protected species, habitats, caves and other features of Earth heritage importance,
 - e) access by and to public roads,

- f) traffic generation and vehicle movements,
 - g) the prevention of pollution,
 - h) flood control and the protection of surface waters, groundwater and water supplies,
 - i) noise,
 - j) dust emissions,
 - k) blasting,
 - l) fumes,
 - m) floodlighting, and
 - n) working practice in general, so as to minimise disturbance to local residents and essential interests;
- iii) satisfactory conditions can be imposed relating to the design and phasing of landscaping, restoration and aftercare for an agreed form of after use in line with the NPA's statutory purposes;
 - iv) where appropriate in relation to coal mining, arrangements for a financial guarantee can be made in line with government guidance;
 - v) agreement can be reached on dates by which mineral working operations should have ceased and full restoration taken place; and
 - vi) where an extension to an existing mineral working is to be permitted, the NPA will seek to negotiate beneficial changes to existing consents in relation to working practices, landscaping and restoration conditions.

Appendix 2: Extract Deposit LDP Minerals Policies from Composite LDP

<http://www.breconbeacons.org/the-authority/planning/strategy-and-policy/deposit-local-development-plan/composite-plan>

10 Sustainable Use of Minerals Resources

10.0.1 The National Park's strategy through this LDP is;

~~10.0.2 To protect the National Park against new mineral workings and extensions to existing mineral workings, whilst also safeguarding appropriate mineral resources from sterilisation.~~

Strategic Policy SP8 as shown in the Preferred Strategy has been deleted and replaced with the following set of detailed policies which seek to deliver the above strategic objective.

10.1 Minerals extraction in National Parks

10.1.1 National Planning Guidance is contained in Minerals Technical Advice Note 1: Aggregates (para 51 – 52) makes clear that there is no need to permit proposals for the extraction of aggregates from National Parks in Wales save in exceptional circumstances. ~~Exceptional circumstances can include over-riding national interest, or when significant overall benefits to the National Park can be demonstrated.~~

~~10.2 New Sites or Extensions to Existing Sites in the National Park~~

~~10.2.1 To justify new sites or extensions to existing sites within the National Park, it must be demonstrated that alternative resources that would be environmentally acceptable for extraction are not available; the scope of meeting the need in some other way has been assessed and rejected; and that the detrimental effects of the proposal can be mitigated or compensated for.~~

~~10.2.2 The National Park Authority is committed to exploring the possibility of output currently met from reserves within the National Park being sourced from outside.~~

Proposals for new minerals sites or extensions to existing sites in the National Park will therefore be determined against the clear statements of development control policy on minerals in National Parks set out in National Guidance. All major proposals will also be considered under LDP Policy SP2: Major Developments."

~~10.2.3 Minerals Planning Policy Wales sets out clear statements of national development control policy on minerals in National Parks.~~

10.2.4 Areas of mineral resources Safeguarding and Planning Permissions with Buffer Zones are identified on the Proposals Map.

10.2.5 Applications for mineral workings ~~on the Park's fringe will be subject to the same considerations as new workings and as such~~ adjacent or close to the National Park will be determined in accordance with National Guidance.

~~10.3 Minerals Safeguarding~~

- 10.3.0.1 Minerals safeguarding is undertaken to ensure that mineral resources which may be required by future generations are not unnecessarily sterilised by permanent development.

~~10.3.1 Sand and Gravel Resources~~

- 10.3.1.1 The Authority NPA will take account of the presence of sand and gravel, limestone and sandstone resources in considering planning applications for development which would otherwise sterilise these resources. Policy 45 sets out the criteria against which such applications will be considered. The identification of minerals resource safeguarding areas on the Proposals Map for sand and gravel does not identify areas where mineral working can take place, and gives no indication of the suitability of working or commercial quality of material. Any proposals for mineral working would be subject to national and regional guidance and relevant planning policy and will need to provide sufficient details of the proposed site restoration including materials. Consideration of environmental impacts will include undesignated sites as well as designated sites, such as Natura 2000 sites. ~~and undesignated sites.~~

~~10.3.2 Safeguarding of Other Minerals Coal Resources~~

- 10.3.2.1 *Coal:* Whilst the southern edge of the National Park contains coal resources, in line with the advice set out in Minerals Planning Policy Wales and MTAN2 there is no requirement to safeguard such resources within the National Park. Consequently the National Park Authority is not safeguarding coal resources through this LDP.
- ~~10.3.2.2 *Old Red Sandstone:* Most of the Brecon Beacons National Park is comprised of Old Red Sandstone which is generally unsuitable for commercial aggregate production.~~
- ~~10.3.2.3 *Carboniferous Limestone:* Along the southern fringes and certain parts of the western Park there are outcrops of Carboniferous Limestone. However, these outcrops are highly protected in landscape terms and are small in comparison to the remainder of the outcrop outside of the Park boundary. Whilst the limestone is not ubiquitous there are extensive potential resources available in neighbouring Authorities. In line with the Welsh Assembly Government's emerging policy, which is enshrined in the Regional Technical Statement, the NPA's objective in relation to Hard Rock resources is to gradually move production out of the National Park. In light of this, the NPA does not consider that there is a legitimate need to safeguard the hard rock resources present in the National Park.~~

Policy 45**Minerals Safeguarding**

Reserves of sand and gravel, limestone and sandstone will be safeguarded as shown on the Proposals Map.

Extraction of minerals before development ~~which that~~ would otherwise sterilise mineral resources of current or likely future economic importance will be required, provided there is no suitable alternative location and an overriding need for the development, and extraction can be achieved:

- a) without prejudicing the proposed development; ~~and~~
- b) by completing the extraction within a reasonable timescale; ~~and~~
- c) without unacceptable environmental impacts.

Appendix 3: Extract BBNPA Minerals Issues paper relating to Minerals apportionment and National Parks⁸

2.2.2 The Regional Technical Statement (October 2008)

In relation to the National Park, the appropriate policy is set out in Appendix 21 of the RTS (Appendix I of this Report), and has helped to define the approach within the RTS.

The RTS indicates that in relation to apportionment MPAs are expected to take account of local circumstances. The possible implications for meeting the demand currently sourced from National Parks in the longer term, from non-park areas are reviewed and it is considered that in most instances, this would be feasible over the medium term (say 5-10 years), given some local adjustments. However the current published information base is insufficiently refined to be able to assess the situation at the appropriate level. (Page 11).

2.2.3 Guidance on Apportionment

- The RTS provides guidance in relation to Minerals Planning Authorities whose administrative areas adjoin the National Park. Information is also provided specifically relating to the Brecon Beacons National Park.
- With regard to the National Park Area, the RTS indicates that
- *“There are 4 permitted limestone quarries, but only two are currently active. These mainly serve adjacent areas to the south, outside the National Park. “*
- *“Reserves are well in excess of the 15 year minimum requirement.”*
- *“Although where any mineral extraction is proposed, it is subject to rigorous scrutiny and controls, the environmental capacity exercise suggested that the limestone area between the Taf and the Carmarthenshire border has generally average or in some instances, high environmental capacity to accommodate future working. This contrasts with much of the contiguous limestone outcrops to the east and west where capacity is almost always low (at least until about the A48 in the west).”*
- *Land-based sand and gravel resources are present particularly in the Usk Valley, but the quantity and quality is not known in detail and it scores low in terms of environmental capacity. However, and notwithstanding the National Park status, they must be safeguarded against prejudicial development in view of limited regional availability of the resource.*
- *Bearing in mind any implied obligation to explore the extent to which neighbouring MPAs can accommodate a migration of the contribution presently made by quarries in the BBNP and the small amounts involved, this appears at first sight to be reasonably feasible without transferring an unacceptable burden to other MPA areas. In detail the situation is not straight forward (see related MPAs). This does not of course mean such a change could be effected rapidly in view of the extensive permitted reserves in the BBNP area. In essence, demand is very low in Powys to the north and reserves are considerable (see above). Most of the stone currently produced in BBNP however is destined for markets to the south, which are fragmented between seven or eight MPAs which themselves have varying scales of permitted reserves and environmental capacities (see below) but overall, could probably cover redistribution from the BBNP.*

The RTS recommends for the Brecon Beacons National Park that

“MTAN 1 (paragraph 49) indicates that plan allocations for aggregates in National Parks are inappropriate. The possibility of a gradual transfer of production from the BBNP to other areas should be explored with other MPAs and the industry.

Land-based sand and gravel resources should be safeguarded from prejudicial development. There may be a need to make provision to meet a specific need for sand and gravel, but only where these can be worked without significant adverse environmental effects”

⁸ LDP Minerals Issues Paper <http://www.breconbeacons.org/static/LDP/LDP/02%20Deposit/Supporting%20Documents/Issues%20Papers/L-D-SD-IP-9-Minerals%20Issue%20Paper.pdf>

Appendix 4: Extracts of UDP and LDP policies on Inactive Minerals Sites

10.7 Inactive Mineral Sites

10.7.1 The National Park Authority has served prohibition orders at a number of sites. There are also sites which may be the subject of consideration for future prohibition orders during the lifetime of this Plan. All sites are listed at Appendix 9.

10.7.2 The Authority will investigate the appropriateness of making Prohibition Orders to provide certainty about future workings at all appropriate sites which meet the circumstances set out in National Guidance. In considering what action to take the Authority will take into account likely benefits for the restoration of sites and appropriate after uses.

Policy 48 Inactive Mineral Sites

Where the Authority is satisfied that the winning and working of minerals or the depositing of mineral waste has ceased permanently it will serve a Prohibition Order on the owner(s).

Extract of Appendix 9: List of Prohibition orders

B. List of Prohibition Orders
I. List of Sites subject to Prohibition Orders

Quarry	Date order made
Carreg Dwfn, Llandyfan	Order Made 8/8/07
Brownhill, Llandybie	Order Made 8/8/07
River Amman, Rhosaman	Order Made 8/8/07
Cwar Glas, Llangadog	Order Made 8/8/07
Caerhowell, Penderyn	Order Made 30/10/07
Dan y Darren, Cefn Coed	Order Made 30/10/07
Daren Hillside, Llangattock	Order Made 22/01/08
Hafod Farm, Brynmawr	Order Made 09/04/08
Craig y Gaer, Clydach	Order Made 22/01/08
Daren Felen Crossing, Llanelly Hill	Order Made 22/01/08
Clydach Station, Clydach	Order Made 21/01/08

2. List of Sites where prohibition order served, but subsequently withdrawn.

Cefn Cadlan, Penderyn	Prohibition Order withdrawn 24/7/08
Blaen Onneu	Prohibition Order withdrawn 27/1/09

C. List of Sites of Possible future Prohibition Orders The following list shows sites which may be considered appropriate sites for future prohibition orders, taking into account the circumstances at the time. Grid Ref

Llanfair, Crickhowell	SO206200
Cefn Cadlan	SN954112
Blaen Onneu	SO152166
Vaynor (part)	SO036099
Penwyllt	SN856159

An extract of the position on prohibition orders from the UDP is set out below.

Review of Mineral Working and Prohibition Orders

- 4.33 The NPA as Minerals Planning Authority has a duty to review active mineral working sites every 15 years according to a timetable set out in the Environment Act 1995 and Minerals Planning Guidance Note 14. The purpose of these reviews is to ensure that all minerals developments are operating to the same modern environmental standards, with planning conditions approved under Policy S2. Dormant IDO quarries and dormant Phase I sites may not reopen until such conditions have been approved.
- 4.34 As required by statute, and as resources allow, the NPA will regularly monitor all quarry sites. It will seek to establish closer relationships with quarry operators to ensure that planning conditions are being observed, and where possible to moderate any damaging effects arising from old permissions with inadequate conditions. Where this would be beneficial, it will seek the restoration and aftercare of worked out areas with inadequate restoration conditions.
- 4.35 Many quarries are dormant, with no likelihood of their being reopened. The NPA is keen to see these permissions revoked using Prohibition Orders under the Town and Country Planning Act 1990. There may also be opportunities to reopen some quarries for building stone under Policy S4. Table 6 in Appendix 6 shows the quarries concerned.

Policy S8A: Minerals Review and Prohibition Orders

- i) **The NPA will use the criteria of Policy S2, as appropriate, when reviewing minerals planning permissions under the Environment Act 1995.**
- ii) **The NPA will serve Prohibition Orders on dormant quarry sites where working has permanently ceased, as set out in Appendix 6.**

Table 6 (Appendix 6) Proposals for Dormant Quarries

WAG requires mineral planning authorities to identify inactive sites which have not worked for at least two years and are unlikely to be reactivated for the foreseeable future, and to have a strategy for their future use. One option is to make Prohibition Orders to ensure that no further extraction takes place without a new application for planning permission. The NPA's proposals for dormant quarries, and for making Prohibition Orders in line with Policy S8A, are shown in Table 6.

Table 6: Proposals for Dormant Quarries (as at November 2003)

Quarry	Current status	Proposed action
Carreg Dwfn, Llandyfan	Dormant Phase I site	Access land. Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.
Brownhill, Llandybie	Dormant Phase I site	Private land. Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.
River Amman, Rhosaman	Dormant Phase I site	Access land. No sign of working. Prohibition Order proposed.
Cwar Glas, Llangadog	Dormant Phase I site	Private land by road. Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.
Caerhowell, Penderyn	Dormant Phase I site	Restoration unlikely and not necessary as quarry is well weathered. Public path across site. Prohibition Order proposed.
Cefn Cadlan, Penderyn	Dormant IDO	Access land. Restoration required. Prohibition Order proposed.
Dan y Darren, Cefn Coed	Dormant IDO	Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.
Llanfair Crickhowell	Dormant IDO	Restoration unlikely and not necessary as quarry is well weathered and tree-covered. Application to reopen the quarry with modern conditions under consideration.
Daren Hillside, Llangattock	Dormant Phase I site	Restoration unlikely and not necessary as quarry is well weathered. In use for rock climbing by agreement. Prohibition Order proposed.
Hafod Farm, Brynmawr	Dormant Phase I site	Private land. Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.

Craig y Gaer, Clydach	Dormant IDO.	Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.
Daren Felen Crossing, Llanelly Hill	Dormant IDO.	Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.
Clydach Station, Clydach	Dormant IDO.	Restoration unlikely and not necessary as quarry is well weathered. Prohibition Order proposed.

Weblinks

BBNPA LDP Minerals Issues Paper

<http://www.breconbeacons.org/static/LDP/LDP/02%20Deposit/Supporting%20Documents/Issues%20Papers/L-D-SD-IP-9-Minerals%20Issue%20Paper.pdf>

BBNPA Unitary Development Plan: See Chapter 4 Pages 53-60

<http://www.breconbeacons.org/the-authority/planning/strategy-and-policy/udp/udp-full-text>

BBNPA Deposit Local Development Plan

<http://www.cartogold.co.uk/brecon/>

BBNPA Composite Plan (incorporating suggested focused changes)

<http://www.breconbeacons.org/the-authority/planning/strategy-and-policy/ldp-examination/composite-local-development-plan>