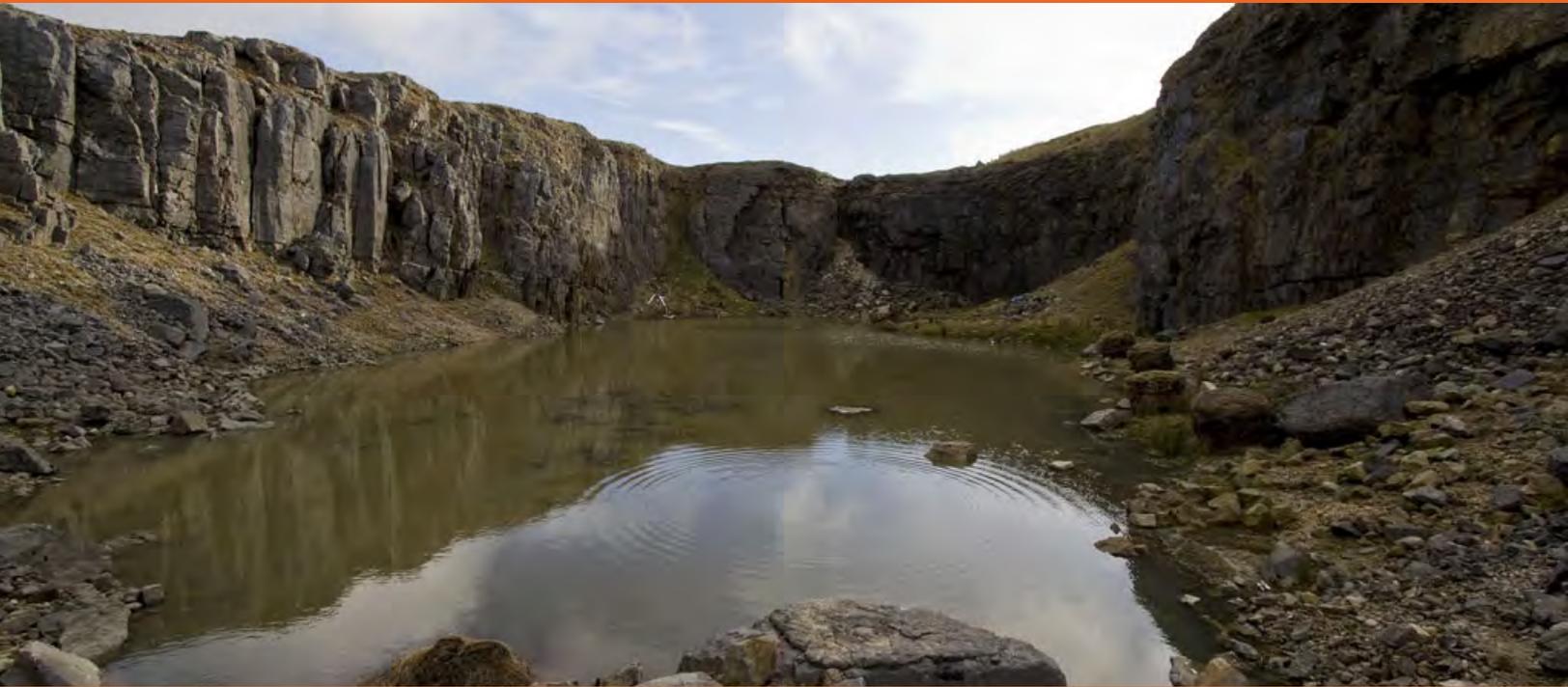


**Blaenau Gwent County Borough Council**  
Cyngor Bwrdeisdref Sirol Blaenau Gwent



**(Updated) Minerals  
Background Paper  
Papur Cefndirol Mwynau  
(Wedi'i Ddiweddarau**

**Deposit Local Development Plan  
Cynllun Adeneuo Datblygu Lleol**

| <b>CONTENTS</b>  | <b>Page</b> |
|--|-------------|
| <b>1.0 INTRODUCTION</b>                                    | <b>1</b>    |
| <b>2.0 POLICY CONTEXT</b>                                  | <b>2</b>    |
| National   | 2           |
| Regional   | 6           |
| <b>3.0 GEOLOGY OF THE BOROUGH</b>                          | <b>8</b>    |
| <b>4.0 SAFEGUARDING</b>                                    | <b>9</b>    |
| Aggregates   | 9           |
| Coal   | 9           |
| <b>5.0 CURRENT SUPPLY OF AGGREGATES AND COAL</b>           | <b>11</b>   |
| Aggregates   | 11          |
| Coal   | 11          |
| <b>6.0 MINERAL REQUIREMENTS AND ALLOCATIONS</b>            | <b>12</b>   |
| Aggregates   | 12          |
| Identification of Preferred Areas                          | 14          |
| Coal and Energy Minerals                                   | 15          |
| <b>7.0 RESULTS OF PREVIOUS CONSULTATION</b>                | <b>16</b>   |
| Draft Preferred Strategy                                   | 16          |
| <b>8.0 DRAFT LOCAL DEVELOPMENT PLAN POLICIES</b>           | <b>18</b>   |
| Objective 15   | 18          |
| SP12 Securing an Adequate Supply of Minerals               | 18          |
| DM19 Criteria for the Assessment of Mineral Applications   | 19          |
| DM20 Mineral Safeguarding                                  | 21          |
| M1 Safeguarding of Minerals                                | 22          |
| M2 Mineral Buffer Zones                                    | 22          |
| M3 Areas where Coal Working will not be Acceptable         | 23          |
| M4 Preferred Areas   | 23          |
| <b>9.0 DEVELOPMENT PLAN REPOSES</b>                        | <b>25</b>   |
| Policy SP12 Securing an Adequate Supply of Minerals        | 25          |
| Policy DM20 Mineral Safeguarding                           | 26          |
| Policy: M1 Safeguarding of Minerals                        | 26          |
| Policy: M2 Mineral Buffer Zones                            | 28          |
| Policy: M3 Areas where Coal Working will not be acceptable | 29          |
| Policy: M4.1 Trefil Quarry                                 | 30          |
| Alternative Site Ref: AS (A) 08, AS (D) 05                 |             |
| Policy: M4.2 Tir Pentwys Tip Preferred Area                | 32          |
| Alternative Site Ref: AS (D) 15, AS(A)16                   |             |

|   |           |
|---|-----------|
| <b>10.0 PROPOSED FOCUSSED CHANGES</b>   | <b>37</b> |
| <b>Focussed Change 9: Assessment of Mineral Applications and Applications in Mineral Safeguarding Areas</b> | <b>37</b> |
| <b>Focussed Change 12: Trefil Quarry – Interim Development Order (IDO)</b>                                  | <b>37</b> |
| <b>Focussed Change 13: Trefil Quarry – Preferred Area and Buffer Zone MC29</b>                              | <b>38</b> |
| <b>MC30</b>   | <b>38</b> |

## **APPENDICES**

|   |  |
|---|--|
| <b>Appendix 1: Safeguarding Areas (Aggregates)</b>                    |  |
| <b>Appendix 2: Safeguarding Areas (Coal)</b>                          |  |
| <b>Appendix 3: Trefil Quarry</b>                                      |  |
| <b>Appendix 4: Six Bells &amp; Vivian Tips Arrael Farm, Six Bells</b> |  |
| <b>Appendix 5: Trefil Quarry Lateral Extension</b>                    |  |
| <b>Appendix 6: Tir Pentwys Tip</b>                                    |  |
| <b>Appendix 7: South East of Cwm</b>                                  |  |
| <b>Appendix 8: Trefil Quarry IDO</b>                                  |  |



## 1.0 INTRODUCTION

### Aim

- 1.1 The aim of this Background Paper is to set out the background and evidence for the Mineral policies in the Deposit Plan.

### Overview of how this Paper fits into Plan preparation

- 1.2 This paper will provide information for Officers and Members of the Authority, stakeholders, members of the public and the Inspector to help explain the approach taken on Minerals.

### Context

- 1.3 Minerals play a vital role in the nation's economy and touch upon all our lives whether it be for the provision of energy or its use in the construction industry, meeting our household and commercial needs. However, the extraction of mineral resources is often emotive as minerals can only be worked where they occur, which often leads to conflict with other land uses. The extraction of the mineral raises issues in terms of its impact on the environment, residential amenity, landscape and traffic generation.
- 1.4 Blaenau Gwent County Borough Council as Mineral Planning Authority is responsible for the control of mineral workings within its area under the provisions of the Town and Country Planning Act 1990. Such control is exercised by the preparation of statutory development plan policies, and decisions on planning applications and enforcement of conditions.
- 1.5 This Background Paper aims to identify how Blaenau Gwent can provide for the mineral needs of the current economy, whilst ensuring that extraction is sustainably controlled and managed.
- 1.6 This Background Paper examines:
- Policy Context
  - Geology of the Borough
  - Safeguarding
  - Existing Quarries and Workings
  - Results of Previous Consultation
  - Recommended Policies

## 2.0 POLICY CONTEXT

### NATIONAL

#### Minerals Planning Policy Wales (2001)

2.1 The Welsh Assembly Government's overarching policy on minerals is set out in Mineral Planning Policy Wales (2000). It provides guidance on how local authorities should meet the objective of providing a sustainable pattern of mineral extraction. It sets out 5 key principles on how this can be achieved:

- i. Provide mineral resources to meet society's needs and to safeguard resources from sterilisation;
- ii. Protect areas of importance of natural or built heritage;
- iii. Limit the environmental impact of mineral extraction;
- iv. Achieve high standard restoration and beneficial after-use; and
- v. Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

2.2 In order to achieve these principles. Blaenau Gwent Borough Council, as Minerals Planning Authority, will need to ensure the following requirements are met:-

#### 1. Meeting Society's Needs and Safeguarding Resources

2.3 Appropriate supply must be identified to meet local, regional and UK needs for minerals. In the case of Blaenau Gwent, the South Wales Regional Aggregates Working Party identifies the need for aggregates. Where the location and quality is known, and environmental constraints considered, mineral deposits and resources and access to them need to be safeguarded for future society's need. These areas of land need to be identified on proposals maps with appropriate policies.

#### Non-energy Minerals

2.4 Policies and proposals maps should clearly identify where mineral extraction should, or is most likely, to take place. There are four possible classes of this:

- Specific site allocation where the principle of development is accepted;
- Preferred areas of known resource;
- Broad areas of search;
- Other areas where permission would not normally be allowed, apart from when major shortfalls exist.

#### Energy Minerals

2.5 Due to the uncertainty within the energy and power industry and the minerals role within it, it is difficult to plan to meet this need. However, the guidance states that as much information as possible should be considered in the Plan to give an indication as to where extraction will and will not be acceptable.

## Other requirements

- 2.6 Policies are required in the LDP for the maintenance of Landbanks, which may be considered on a regional level. A Landbank usually applies to non energy minerals and is a stock of planning permissions for extraction.
- 2.7 Policies should also consider how Borrow Pits (temporary workings to supply specific construction projects) are considered in terms of location, need or alternative supply. Strategies and policies should also outline the authority's intentions on 'Inactive Sites' with planning permission.

## 2. Protection of Important Areas

- 2.8 Mineral proposals within or likely to affect international sites (Special Areas of Conservations (SAC's or proposed SAC's)), will only be considered where there are no alternative solutions or there is an imperative reason for overriding public interest. The Blaenau Gwent local planning authority area does not presently contain any SAC's, although there is a SAC on Blaenau Gwent's north-east boundary. Proposals within or likely to affect national designations Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNR's), should be rigorously examined and assessed. This should be on the scale of possible detrimental nature conservation effect against its need in terms of UK supply, the impact of the local economy and alternative supplies. Proposals that fall within locally designated areas will need to be given careful consideration and the degree of protection should be commensurate with their relevant importance to the biodiversity and/or landscape area concerned.

## 3. Limit Environmental Impact

- 2.9 Generally, any minerals proposals should take into specific consideration the need to protect the quality of surface and groundwater, historic buildings and landscapes, ancient monuments and other cultural interests and agricultural land.
- 2.10 The Minerals Planning Policy document outlines a range of issues that needs to be addressed in development plans to ensure that minerals proposals, and in particular the working practices, do not have an unacceptably adverse impact on the environment. Conditions will also be put on planning permissions to achieve this. Certain proposals will also be subject to Environmental Impact Assessment (EIA).
- 2.11 Buffer zones are required to address conflict between mineral working and other land uses due to noise, dust and blasting. Within these zones, no new development of sensitive land uses, such as residential, hospitals or schools, or indeed other new extraction sites, are allowed.
- 2.12 The guidance considers that extensions to mineral workings sites are often generally more acceptable than new greenfield sites, although more environmentally suitable new sites could be considered.

- 2.13 Welsh Assembly Government policy encourages freight carried by rail in preference to road. It also advises that the capacity and impact of movement of minerals needs to be carefully considered.

#### **4. Restoration and after-use**

- 2.14 Suitable restoration should be identified before planning permission is permitted, which should subsequently begin within 6 months of cessation of work. After-uses should be identified in advance of permissions and may include agriculture, forestry/woodland, public open space, recreation or other development. There is also an opportunity to create nature conservation sites. Conditions need to be set when planning permissions are granted, and financial issues secured with regard to guaranteeing the agreed restoration.

#### **5. Efficient use of Minerals and Re-use and Recycling of suitable Materials**

- 2.15 It should be ensured that high quality minerals are not wasted and are only used where necessary, not for a lower grade purpose. Industrial by-products such as slag from steel making, colliery tip material, ash from power stations and slate waste should increasingly be considered for use as secondary aggregates, to relieve the pressure on primary extraction. Construction and demolition waste should also be increasingly used to meet the demand for lower grade aggregate material.
- 2.16 The development plan is required to take into consideration the need to encourage both the practice of on-site recycling of construction and demolition material and also provide locations for the storage and processing of these recyclable materials in general. If such locations cannot be identified, then criteria based policies should be included to set out how planning applications will be assessed.

#### **Ministerial Interim Minerals Planning Policy Statement (MIMPPS) 01/2009 – on Health Impact Assessment for Opencast Coal Sites**

- 2.17 It is the policy of the Welsh Assembly Government that Health Impact Assessment should be provided to accompany any application for opencast coal working. If the mineral planning authority decides that an applicant has failed to provide adequate information on health impacts, it may decide that it cannot process and proceed to determine the application without that information. This may inform the Environmental Statement.

#### **Mineral Technical Advice Note (MTAN) (Wales) 1: Aggregates (March 2004)**

- 2.18 This document provides advice on the mechanisms for delivering the policy for aggregate extraction by mineral planning authorities and the aggregate industry. The document covers the same five themes as the Mineral Planning Policy document but provides more information on the background and processes of the industry and considers each issue in more detail.
- 2.19 Aggregates are categorised into three, primary aggregates, mineral waste and secondary/recycled aggregates.

- 2.20 The overarching objective in planning for aggregates provision is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.
- 2.21 The MTAN makes reference to the need to locate new permissions for extraction in areas which are in accordance with the Regional Technical Statement, which has been informed by an environmental capacity assessment.
- 2.22 Furthermore, there is an objective whereby any future increase in total demand for aggregates over and above present levels of demand should be met from secondary sources or recycled materials. The advice note also gives further indication as to where recycling of aggregates should be located.
- 2.23 However, it also identifies aggregates that have limited availability due to geological reasons, such as high quality aggregates used in road construction as a special case. Pennant Sandstone, which is plentiful in Blaenau Gwent but unavailable in many parts of the UK falls within this category.

### **Minerals Technical Advice Note (MTAN) Wales 2: Coal (2009)**

- 2.24 This MTAN sets out detailed advice on the mechanisms for delivering the policy for coal extraction by mineral planning authorities and the coal mining industry. The first four principles as set out in MPP are followed in this TAN but are considered in greater detail:
- Providing Coal Resources to meet society's needs;
  - Protecting areas of importance;
  - Reducing the impact of coal mining activities;
  - Achieving a high standard of restoration, after care and after use.
- 2.25 Government objectives outlined in the MTAN seek to ensure a secure, diverse and sustainable supply of energy at competitive prices. The Coal MTAN requires local authorities to determine the extent of such resources in their areas and to take appropriate measures to safeguard them in order to protect what may be a strategic resource in the future. The British Geological Survey mapping information shows primary and secondary coal resource zones. BGS are currently refining this information for the Welsh Assembly Government in order to seek to identify areas where resources may be viable.
- 2.26 Specific guidance is given on the need for buffer zones of 500 metres around permitted and proposed mineral workings, from the site boundary.

### **Towards Zero Waste – One Wales One Planet (2010)**

- 2.27 Towards Zero Waste is the new overarching waste strategy document for Wales. It details high-level outcomes, policies and targets, and forms part of a suite of documents that together comprise the national waste management plan for Wales. It sets out a long term framework for resource efficiency and waste management

between now and 2050 and outlines the actions we must all take if we are to reach the Assembly's ambition of becoming a high recycling nation by 2050 and a zero waste, one planet nation by 2050. The Strategy is relevant to minerals planning because it stresses the importance of using resources more efficiently through waste prevention and high re-use and recycling rates, promoting the re-use of Construction and Demolition Waste and the use of secondary aggregates in preference to primary aggregates, in order to protect primary resources. The Strategy will be implemented through the development of Sector plans, which will describe the role of the sector, the Assembly and others in delivering the outcomes, targets and policies in Towards Zero Waste. These will be developed on a priority basis with 'Construction and Demolition' amongst the first to be produced.

### REGIONAL

#### Regional Technical Statement for Aggregates (October 2008)

- 2.28 The Regional Technical Statement (RTS) has been produced by the South Wales Regional Aggregates Working Party (SWRAWP). This document has been prepared to help guide relevant authorities on how to implement Welsh Assembly Government policy and advice in preparing Local Development Plans policies and allocations.
- 2.29 A key issue in the RTS is the proposed apportionment of aggregate production rates between individual authorities. This will be achieved through existing permitted reserves within the authorities or through allocating new areas for quarrying.
- 2.30 In order to ensure that the objectives of the RTS are achieved, the document makes specific recommendations in respect of Blaenau Gwent County Borough Council:

In order to meet a proportionate share of demand, the MPA should assess the potential to make a resource allocation of at least 3Mt in the LDP. Where feasible this should be of limestone.

Additional Carboniferous Limestone Resources need to be examined and safeguarded.

Alternative Carboniferous Sandstone resources need to be examined and selectively safeguarded for possible future use.

- 2.31 The RTS also summarises the current position in Blaenau Gwent:

Currently, one limestone quarry is active. The present site is in close proximity to, but outside, the BBNP boundary. Despite a recent extension, reserves are well below the recommended 15 year minimum landbank. The operators are currently investigating an extension to the quarry. Other limestone resources are present, but are extremely limited beyond the existing permitted areas and are sensitive from an environmental capacity point of view.

- 2.32 Carboniferous sandstone resources occupy much of the MPA area, more than half of which has environmentally low capacity. Both limestone and sandstone resources require more detailed investigation.
- 2.33 Some secondary aggregate sources may be available for limited substitution (colliery shale), but the sources are not significant and the quality is poor compared with quarried rock.
- 2.34 Construction and Demolition (CD) & Extraction Waste (EW) is available in the area and a new site has recently commenced recycling.
- 2.35 Although the MPA is not on the coast, the greater part of the area is within 30km of the marine wharves in Newport.
- 2.36 On the basis of existing or per capita-based requirements, additional reserves of about 3Mt would need to be provided for. In terms of its existing share, Blaenau Gwent could not continue to meet even this and therefore could not additionally absorb some of the BBNP, if called to do so from existing permitted reserves.
- 2.37 In order to ensure that an appropriate planning framework exists for mineral and aggregates operations in Blaenau Gwent, the LDP will need to consider the recommendations contained in the RTS.
- 2.38 The strategic nature of the RTS means that it does not put forward specific sites but points to a general provision to meet anticipated shortfall. This process has been the subject of strategic analysis by way of an environmental capacity assessment based on implementing the methodology for assessing the Environmental Capacity for Primary Aggregates (IMAECA) system. The IMAECA system is not intended to be used for, or indeed be suitable for, the detailed identification of potential resource allocations or in the determining of planning applications.

## 3.0 GEOLOGY OF THE BOROUGH

- 3.1 Blaenau Gwent County Borough Council lies on the north eastern edge of the South Wales coalfield. The Coal Measures underlie the majority of the County Borough. The area has a legacy of deep coal mining and open cast coal mining.
- 3.2 The coal bearing rocks are overlain in the south of the County Borough by Pennant Sandstone, predominantly the Hughes and Grovesend Beds. The properties of the Pennant Sandstone in Blaenau Gwent make it suitable for use as High Specification Aggregate (HSA) as well as general aggregate and building stone. HSA is used where a high degree of skid resistance is required like motorways and airport runways. The availability of such materials is limited to a relatively few locations in England and Wales and is therefore a nationally important resource.
- 3.3 There is an outcrop of Carboniferous Limestone on the edge of the coalfield in the north of the County Borough. The Limestone is versatile being used not only in construction but also for cement production (Refer to map attached at Appendix 1).

## 4.0 SAFEGUARDING

### AGGREGATES

- 4.1 Blaenau Gwent, in association with other former Gwent Local Authorities, commissioned Cuesta Consulting (in order) to address the aggregate mineral safeguarding and apportionment requirements of the South Wales Regional Technical Statement (RTS), published in 2008. The report is available as part of the evidence base for the LDP.
- 4.2 Minerals Planning Policy Wales (MPPW) notes, at paragraph 13, that *“it is important that access to mineral deposits which society may need is safeguarded”*; and that this means developing policies which *“protect them from other types of permanent development which would either sterilise them or hinder extraction”*. The same paragraph makes clear that safeguarding *“does not necessarily indicate an acceptance of working, but that the location and quality of the mineral is known, and that the environmental constraints associated with extraction have been considered”*.
- 4.3 The findings of the report and associated mapping have provided the safeguarding areas to be identified in the Deposit Plan. The report identified that it is the Carboniferous Limestone and ‘Pennant’ Sandstones, which are generally strong enough to meet aggregate specifications and capable of being economically worked (See Proposals Maps and Appendix 1 for map of safeguarding areas). The report points out that the delineation of potential resources should not be taken to infer that all such areas are necessarily capable of being worked commercially. In all cases, more detailed geological exploration and laboratory testing will be necessary in order to prove the existence and quality of aggregate reserves within these areas.

### COAL

- 4.4 Rising coal prices have recently made coal more attractive economically. New mines have opened in the Neath Port Talbot area and Ffos Y Fran in Merthyr. WAG policy seeks to protect coal resources for the potential contribution they can make to the energy supply. MTAN 2 – Coal, therefore, requires local planning authorities to safeguard coal resources for the future. The safeguarding does not make any presumption in favour of working but it prevents the sterilisation of the resource by other development. Any proposals to work in those areas would need careful consideration of the benefits of extraction with the impact on the environment and on the communities affected.
- 4.5 The British Geological Survey has identified primary and secondary coal resources within the County Borough and these are shown on the proposals maps and at appendix 2. The safeguarding areas are the areas of the resource outside the settlements.
- 4.6 The primary resource area lies across the north of the Borough along the Heads of the Valleys Road and is heavily constrained by the urban areas of Tredegar, Ebbw Vale and Brynmawr. There has also been extensive previous working of this source in the past. However, modern mining methods may mean that it is viable to re-work

older sites. The secondary resource runs to the north and south of the primary resource, the southern area is again heavily constrained by urban areas.

- 4.7 Areas where coal working will not be acceptable are identified on the Proposals maps. In accordance with national guidance the LDP identifies a 500m buffer around settlements and exclude national designations of environment, historic and cultural importance - thus excluding the SSSI at Cwm Merdog Woodlands and Cwm Clydach, Ancient Monuments and Historic Landscapes.

## 5.0 CURRENT SUPPLY OF AGGREGATES AND COAL

### AGGREGATES

#### **Limestone – Trefil Quarry**

5.1 The limestone outcrop on the northern rim of the coalfield is exploited at Trefil Quarry (see map at Appendix 3). This quarry extracts limestone for concrete and building stone. As a result of a recent permission for the deepening of the quarry, existing permitted reserves now stand at 3.006 million tonnes, as at end of 2008. Based on past extraction rates (last 3 years of working) as of 2009 there was a 15.63 - year supply. This meets the 15-year minimum land bank required by national policy. However, it falls below the 10-year land bank national guidance suggests is required at the end of the Plan period.

5.2 A 200m buffer will be identified around the quarry on the proposals map.

### COAL

#### **Six Bells & Vivian Tips Arrael Farm, Six Bells**

5.3 There is currently one open cast coal recovery operation in progress at Six Bells & Vivian Tips Arrael Farm, Six Bells (see map at Appendix 4). The tips are estimated to contain 1.1 million cubic metres of material of which approximately 300,000 tonnes of coal is potentially recoverable by means of washing. Extraction of minerals is required to cease by April 2012 and restoration be completed by September 2012. The restored area shall be maintained for a period of 5 years, in accordance with a scheme, which shall be approved by the local planning authority.

5.4 A lateral extension to this site was granted in 2010 for 50,000 tonnes of recoverable coal. The extraction of the mineral and restoration was estimated to last for 4 months and will be completed within the timeframe set for the above scheme.

5.5 A 500m buffer will be identified around the site on the proposals map.

#### **Johnson Mine, Forgeside, Blaenavon**

5.6 The Johnson Mine Forgeside, Blaenavon in Torfaen currently has planning permission. It has permission for 50,000 tons of coal per annum for the period ending 2025. Approximately 20% of the land with permission to be mined lies within Blaenau Gwent County Borough. Torfaen and Blaenau Gwent Mineral Planning Authorities are currently reviewing the conditions of the consent.

5.7 This site will not be identified on the proposals map as the entrance and associated buffer required are outside Blaenau Gwent's boundary.

## 6.0 MINERAL REQUIREMENTS AND ALLOCATIONS

### AGGREGATES

- 6.1 Minerals Planning Policy Wales requires the maintenance of Landbanks which are a stock of planning permissions for extraction. Previously, econometric forecasting has predicted the likely demand for minerals for a given period and this has been allocated to individual mineral planning authorities, largely on the basis of past production. This approach has been considered to be unreliable and unsustainable. The new approach requires the production of a Regional Technical Statement (RTS) which assumes only low growth in the use of primary aggregates and allocates the production to individual mineral planning authorities on the basis of environmental capacity. It is assumed that any additional growth in demand will be met from secondary or recycled aggregate, although there are indications that alternative sources of aggregates have limited potential for growth (RTS).
- 6.2 The RTS requires Blaenau Gwent to make a resource allocation of 3Mt. A recent extension at Trefil Quarry made a resource allocation of 2.24Mt thus to meet the RTS requirement Blaenau Gwent planning authority needs to make a resource allocation of 0.76Mt. However, to meet MTAN1 paragraph 49 requirements the Plan is required to provide a 10-year landbank during the entire plan period. As at 2009 Blaenau Gwent had a 15.63 year supply based on past extraction rates which means that at the end of the Plan period there would be a shortfall of 6.37 years.

### Candidate Sites

- 6.3 During the consultation process for the LDP, the Council invited stakeholders to put forward sites that may come forward for development during the plan period.

### Trefil Quarry – Lateral Extension

- 6.4 The owners of the site put forward a proposal to extend the quarry in a north-east direction (see map attached at Appendix 5).
- 6.5 The Environment Agency commented that any planning application would require a water feature survey and a hydrogeological risk assessment. The site is sensitive as it is located on a Source Protection Zone (SPZ) and major aquifer. A discharge consent is in place, any development may have an impact on the suitability of this consent.
- 6.6 The Countryside Council for Wales (CCW) commented that the site runs near Mynydd Llangynidr a Geological Conservation Review (GCR) site adjacent to Mynydd Llangatwg, 1 of 4 of the Usk Bat Sites SAC. The extension could affect hibernation sites for Lesser Horseshoe Bats thus having a detrimental impact on their Favourable Conservation Status.
- 6.7 The Glamorgan and Gwent Archaeological Trust noted that, west of the area is a scheduled ancient monument. Little field survey of the area has been undertaken.

They advise that an Archaeological desk-based assessment including field survey plus possible evaluation of specific sites will be required prior to determination of planning application.

- 6.8 The applicant has since submitted further evidence in support of this proposal in terms of the resource, ecology and hydrology.
- 6.9 The 'Former Gwent' Aggregates Study suggested the possibility of a further allocation at Trefil. If the Council were to allocate a specific site it would be suggesting that any planning application that came forward is likely to be acceptable. However, there is insufficient evidence for the Council to make this decision. Therefore, it is suggested that the area is identified as a Preferred Area, this is an area where planning permission might reasonably be anticipated.

### **Pennant Sandstone**

#### **Tir Pentwys Tip**

- 6.10 A further proposal has been put forward through the candidate site process for reclamation & recovery of secondary aggregates at the former open cast site at Tirpentwys Cut (see map at Appendix 6). The development of this site is dependent on the larger part of the scheme gaining planning approval from Torfaen County Borough Council. This is key as access and the first stages of the reclamation work will take place within Torfaen.
- 6.11 The Countryside Council for Wales (CCW) noted that the site includes an acid/neutral flush/spring with an adjoining standing water body and that there was a record of protected species on the site. The site has recently been identified as a Site of Interest for Nature Conservation.
- 6.12 The Environment Agency (EA) noted that the site lies on a minor aquifer and, as the site was previously opencast, there is potential for contamination. The EA require a water feature survey and method statement. It is also concerned with the loss of spoil which has a high biodiversity value. The EA requested that the watercourse be protected from development by a 7m buffer strip. Also, the possible contamination of historic operations will have to be investigated.
- 6.13 The Glamorgan & Gwent Archaeological Trust noted a restraint - Post-medieval farm of Blaen-cwnc. It advises that an archaeological evaluation on specific sites will be required prior to determination of planning application.
- 6.14 There is insufficient evidence to allocate this site as suggested by the 'Former Gwent' Aggregate Study but the Council proposes to identify the site as a Preferred Area.

### **South East of Cwm**

- 6.15 Although extensive primary sources of Pennant Sandstone are located in Blaenau Gwent, these are not currently exploited. At the Candidate Site process stage no sites came forward even though a developer is known to be interested in the area. However, the 'Former Gwent' Aggregate Study suggests the identification of a

Preferred Area South East of Cwm, Ebbw Vale containing 60Mt of high PSV sandstone (see map attached as Appendix 7).

### Identification of Preferred Areas

- 6.17 The Former Gwent Aggregates Study (at paragraph 2.29) points out that other than stating that Preferred Areas “will be areas of known resources with some commercial potential, and where planning permission might reasonably be anticipated”. MPPW gives no prescriptive guidance on how they should be identified. Logically, however, the identification of such areas should take a balanced view of both:
- Opportunities (e.g. areas, if any, that are identified by industry – or by the MPAs – as having known “commercial potential”, including any areas or specific sites that had been put forward for inclusion in the LDP); and
  - Constraints (e.g. areas where it is known that no suitable or workable mineral exists; and designations or issues which would affect whether or not “planning permission might reasonably be expected” )
- 6.18 Paragraph 2.3 of the study states “in considering opportunities, much depends on the interpretation of the phrase “known resources with some commercial potential”. If this was taken to include all of the resources identified for safeguarding, identification of Preferred Areas would be a relatively simple matter of subtracting from the MSA those areas affected by relevant constraints (see below). As already noted, however, geological characteristics (and thus, commercial potential) are known to vary from one part of an outcrop to another, and it cannot be assumed, without more detailed geological information, that all areas within the same formation are equally suitable for use as aggregates. In order to withstand the level of scrutiny required by the planning system it would seem logical that Preferred Areas should only be identified in areas where more specific information is available regarding the quality and economic viability of the resource. At present such information is only available for areas that have been investigated and tested by industry.”
- 6.19 Finally, paragraph 2.31 of the Study states “ in considering potential constraints allowance should be made for the fact that many potential impacts of mineral working (e.g. on ground water, noise, dust, ecology and traffic) can be overcome or mitigated to an acceptable degree through the use of conditions and or good design (including ideas put forward by operators in connection with proposed sites). For this reason Preferred Areas should not necessarily exclude areas which are close to national or European designations, or those which are within, close to, or overlapping with any ‘lesser’ designations. They might, however, exclude the most visually intrusive locations (where the MPA considers that no amount of screening would be able to mitigate the impact), and areas where there is currently no feasible access to transportation routes (e.g due to topographic constraints or being completely surrounded by urban development).”

### COAL AND ENERGY MINERALS

- 6.20 The County Borough Council has no knowledge of the viability of resources in the County Borough though one expression of interest in working the resources has been expressed through the candidate site process.
- 6.21 The proposed site is related to a small coal level east of Llanhileth. There are issues with the site in terms of access, visual impact and biodiversity. The site is also within an area where coal working is not allowed as it is within 500m of the urban boundary of Llanhileth.
- 6.22 The South Wales Coalfield is known to contain coal bed methane but the area of Blaenau Gwent has not been identified as being an area of interest. The DTI have not issued any licenses in the Blaenau Gwent Area.

## 7.0 RESULTS OF PREVIOUS CONSULTATION

### DRAFT PREFERRED STRATEGY

- 7.1 The Draft Preferred Strategy included a strategic policy to guide the development of minerals in Blaenau Gwent:-

**SP18** The Council will contribute to the regional demand for a continuous supply of minerals by:

- Safeguarding known reserves of coal, sand and gravel, limestone and high quality hard rock taking into account relevant environmental, planning and transportation considerations; and
- Maintaining a 10-year land-bank of permitted aggregate reserves in line with national guidance.

- 7.2 In all, 2 comments of support and 10 comments were made to the detail of Strategic Policy 18. These covered the following issues.

#### Coal Resources

##### Issue - Identify where coal working will not be permitted

- 7.3 One objector highlighted the need to identify where coal working will not be permitted.

##### Response

- 7.4 It is agreed that areas where coal working will not be permitted must be identified. These are shown on the Proposals Maps.

##### Issue - Coal resources should have helped shape the strategy

##### Response

- 7.5 The coal resources were known when the strategy was developed. It should be noted that the Preferred Strategy has not led to an increase in constraint on the identified resource. All extensions to the urban boundary have been minor and if anything, have generally led to the reduction in the urban area.

##### Issue - Resources rather than Reserves

- 7.6 One comment stated that the policy should refer to Resources rather than Reserves.

##### Response

- 7.7 It is agreed to change the policy to refer to resources.

#### Aggregates

##### Issue - Accord with Regional Technical Statement

7.8 One comment noted that this policy should accord with the Regional Technical Statement in that a resource allocation of 3mt of hard rock should be provided in the LDP.

### **Response**

7.9 It is accepted that the LDP needs to be in accordance with the Regional Technical Statement. Reference to meeting the need identified is now included in the policy.

### **Issue - Promotion of Secondary and Recycled Aggregates**

7.10 One objector requested that the use of secondary/recycled aggregates should be promoted.

### **Response**

7.11 It is agreed that the Plan should promote the use of secondary/recycled aggregates. The policy has been amended to include such a reference.

### **Issue - Lack of Evidence Base**

7.12 One objector commented on the lack of an evidence base.

### **Response**

7.13 It is accepted that this document was not made available when the Council consulted on the Preferred Strategy. However, this document together with the Safeguarding Study now provides the evidence base requested.

### **Issues - Consistency across boundaries with neighbouring authorities**

7.14 One comment requested consistency between authorities.

### **Response**

7.15 Blaenau Gwent has worked with other former Gwent authorities in identifying safeguarding areas. It has also been mindful of Caerphilly and Brecon Beacons NP policies.

### **Issue - Protection of Biodiversity and Landscape**

7.16 It was noted that the Initial Sustainability Appraisal Report recommendation relating to protection of biodiversity and landscape and the importance of aftercare needed to be taken into consideration.

### **Response**

7.17 The policy has been amended to take into account these concerns.

### **Issue - Clarification of considerations which affect Safeguarding**

7.18 Relevant environmental, planning and transportation consideration, which affect safeguarding are not clarified.

### **Response**

7.19 The former Gwent authorities jointly commissioned work to identify safeguarding areas. This document provides the methodology of how the safeguarding area was identified and is available as supporting evidence.

## 8.0 DRAFT LOCAL DEVELOPMENT PLAN POLICIES

Although no objection was made to the lack of an objective on Minerals, it is considered appropriate to include one.

### **Objective 15**

By 2021, 3 million tonnes of mineral resources will have been made available and resources of local, regional and national importance safeguarded.

Following consideration of the above comments, Strategic Policy 12 has been amended to read:

### **Strategic Policy**

#### **SP12 Securing an Adequate Supply of Minerals**

Blaenau Gwent will contribute to local, regional and national aggregate supplies by:

- a. Maintaining a 10-year land bank of permitted aggregate reserves in line with national guidance and addressing the 3Mt apportionment set by the Regional Technical Statement;**
- b. Safeguarding existing mineral reserves and potential resources from development that would preclude their future extraction or encouraging the pre-working of mineral resources, where appropriate;**
- c. Ensuring that future mineral working accords with national guidance in terms of protecting areas of importance of natural and built heritage and limiting the environmental impact of mineral extraction;**
- d. Ensuring that high standards of restoration and aftercare measures are incorporated at sites;**
- e. Ensuring that impacts upon residential areas from mineral operations are limited to an acceptable proven safe limit through residential amenity buffer zones; and**
- f. Promoting the efficient use of minerals and use of alternatives to naturally occurring minerals including the re-use of secondary aggregates.**

An adequate and steady supply of minerals is essential to the national, regional and local economy. Minerals provide the essential raw materials for construction, roads, energy and our household and commercial needs. However, the extraction of mineral resources can have major impacts upon the environment and landscape.

National Guidance (MPPW, MTAN1) requires Local Planning Authorities to provide a landbank of 10 years throughout the Plan period subject to environmental capacity not being exceeded. Existing permitted reserves of hard rock minerals in Blaenau Gwent stood at 3.006 million tonnes at 2009 corresponding to approximately 15.6 years at current extraction rates (end 2008). This means that there will only be a 3.6-year landbank at the end of the Plan period.

In order to address sustainability concerns the Regional Technical Statement (RTS) on Aggregates identifies a new apportionment method which is based on the proximity principle and a focus on areas which have greater environmental capacity. As a result of this work Blaenau Gwent is being required to provide 3 million tonnes of new capacity. A recent planning permission for the deepening of Trefil quarry provides 2.24 million tonnes of this requirement leaving a shortfall of 0.76 million tonnes. The Council will need to grant planning permission for either the re-working of a reclaimed tip an extension to an existing quarry or a new quarry before 2021.

The strategy aims to balance the need for the safeguarding of nationally important mineral resources and ensuring their appropriate extraction against the potential impact of such development on residential occupiers, the landscape, and on sites of nature conservation interests.

The strategy is also about promoting the increased use of alternatives to naturally occurring minerals. The re-use or recycling of construction and demolition material and industrial wastes serves not only to reduce the amount of waste produced but also conserves scarce resources and minimises environmental damage.

### Development Management Policies

#### **DM19 Criteria for the Assessment of Mineral Applications**

**Proposals for mineral extraction and associated development, including the tipping of mineral waste and the reworking of tips, will be permitted where:**

- a. A proven need has been established for the material involved, either in a local, regional or national context;**
- b. An assessment has been made that demonstrates that it would not be feasible to supply the mineral from secondary sources;**
- c. Benefits to the local economy will result;**
- d. The impact of operations and associated works and activities together with the duration of development upon neighbouring communities and land uses can be mitigated to acceptable levels, including the effects of noise, light, dust and vibration;**

- e. The effects on surface water, groundwater resources and water supplies are acceptable;**
- f. Adverse impacts on sensitive landscapes can be minimised;**
- g. Measures can be taken to ensure that ecological and wildlife interests do not suffer significant adverse effects, particularly where designated and proposed areas of nature conservation interests or protected species may be affected;**
- h. Proposals are acceptable in terms of highway and transportation considerations, particularly the consequences of traffic movements and volume of traffic, with transportation by rail being favoured, where appropriate;**
- i. The proposal is unlikely to create or exacerbate problems associated with ground stability in the surrounding area;**
- j. Impacts on health are considered and found to be within acceptable limits;**
- k. Adverse impact on important features of the built environment and archaeologically sensitive areas, including conservation areas, listed buildings and scheduled ancient monuments can be mitigated;**
- l. There is no adverse impact on nationally protected geological and geomorphological features;**
- m. The visual impact of the proposal can be mitigated by landscaping; and**
- n. Appropriate, acceptable proposals for restoration, after-use and after care are provided.**

The above policy sets out criteria against which all mineral applications will be assessed including the reworking of mineral tips for their mineral contents and complements policy SP12. It does not preclude other policies being taken into account where relevant, and where criteria are not relevant for those not to be taken into account. More detailed guidance on the implementation of this policy can be found in MTAN 1 and 2.

In considering proposals for the winning and working of minerals it will be important to ensure that sensitive areas in terms of landscape, nature conservation, historic environment and local amenity are protected and that adequate restoration is carried out when operations have ceased. In order for planning permission to be granted it must be demonstrated that mineral extraction will not cause demonstrable harm and that any negative impacts can be addressed by planning conditions or

agreements. Account must also be taken of the extent to which impacts can be mitigated and any positive environmental or economic benefits which may arise.

In accordance with national planning policy a Health Impact Assessment will be required, where appropriate. This is likely to form part of any Environmental Statement submitted with the proposal.

Restoration proposals should be phased to commence as early as possible. The authority will, where appropriate, encourage progressive restoration at the earliest opportunity. After-uses may include agriculture, forestry/woodland, public open space, recreation or other development. They should favour the creation of landscapes which are characteristic of the area and priority habitats identified in the Local Biodiversity Action Plan.

### **DM20 Mineral Safeguarding**

**Development proposals will not be permitted where they would permanently sterilize important mineral resources within Aggregate and Coal Safeguarding Areas identified on the Proposals map unless:-**

- a. The mineral resource is recovered before development commences; or**
- b. There is an overriding need for the development and prior extraction cannot reasonably be undertaken; or**
- c. The developer satisfactorily demonstrates that the extraction of the mineral is impracticable, uneconomic or environmentally unacceptable; or**
- d. The scale and location of the development would have no significant impact on the possible working of the resource: or**
- e. It is temporary development and can be implemented and the site restored within the timescale the mineral is likely to be required.**

In accordance with national planning policy the LDP should safeguard aggregates and primary and secondary coal resources from permanent development that would sterilize the mineral resource. It should be noted that, according to MPPW, safeguarding “*does not necessarily indicate an acceptance of working, but that the location and quality of the mineral is known, and that the environmental constraints associated with extraction have been considered*” (WAG:2010 para. 13).

In most instances, development may proceed within safeguarding areas as long as developers demonstrate the resource in question is either of poor quality/quantity and would not be economical to exploit, or the nature of the development in question would not prejudice exploitation of the resource. Details of how the

safeguarding areas have been identified are contained in the Mineral Background Paper.

## Allocations

### **M1 Safeguarding of Minerals**

**The following mineral resources are identified on the Proposals Maps:**

- 1. The Limestone Resource**
- 2. The Sandstone Resource**
- 3. The Primary and Secondary Coal Resource**

The identification of safeguarding areas for the above minerals does not carry any presumption that planning permission would be granted for their extraction. The purpose of safeguarding is to ensure that known resources are not needlessly sterilised by permanent development (Policy DM20).

The limestone resource is confined to the northern extremity of the County Borough north of Trefil whereas, the sandstone resource is generally located in the mid and southern parts of the Borough.

The Proposals Map identifies the primary and secondary coal resource areas (as identified by the British Geological Survey) as one safeguarding area, as they benefit from the same safeguarding considerations. The primary resource includes the thicker closely-spaced coals, with the secondary resource area having thinner, more widely spaced coals. These areas are generally located in the north of the County Borough and along the valley floors.

### **M2 Mineral Buffer Zones**

**Within a Mineral Buffer Zone:**

- a. Any proposed development that would prejudice the extraction of the mineral or operation of the site will be refused; and**
- b. No new mineral extraction will be permitted.**

**The following Mineral Buffer Zones are identified on the Proposals Maps:**

- 1. The Limestone quarry at Trefil, Tredegar (200 metre buffer)**
- 2. Six Bells and Vivian Tips, Six Bells (500 metre buffer)**

In accordance with national planning policy buffer zones are identified around permitted mineral sites to safeguard sites from new development that would prejudice future extraction of permitted reserves or the operation of the site. Mineral Buffer Zones have been identified around the limestone quarry at Trefil and the open cast coal recovery operation at Six Bells.

### **M3 Areas where Coal Working will not be Acceptable**

**Areas where coal working will not be acceptable are identified on the Proposals Map.**

In accordance with national planning policy, the LDP identifies areas where coal working will not be acceptable, these are 500m from the settlement boundary and within International and National designations of environmental and cultural importance.

### **M4 Preferred Areas**

**Preferred Areas and associated buffer zones are identified at:**

- 1. Adjacent Trefil Quarry, Tredegar (200m buffer)**
- 2. Tir Pentwys Tip, Llanhilleth (200m buffer)**
- 3. Land South East of Cwm, Ebbw Vale (200m buffer)**

The Regional Technical Statement (RTS) on Aggregates identified the need to assess the potential to make a resource allocation of at least 3 million tonnes in the LDP. According to the RTS 'where feasible this is to be limestone'. A recent permission for the deepening of Trefil Quarry has resulted in an additional resource allocation of 2.24 million tonnes which means that Blaenau Gwent needs to identify a further 0.76 million tonnes.

It has not been possible to allocate specific sites to meet this requirement. Instead three preferred areas have been identified. Preferred Areas are areas of known mineral resources with some commercial potential, and where planning permission might reasonably be expected. Any application for aggregate extraction will be considered against Policy DM19 and national planning policy.

Land adjacent to the existing Trefil Quarry has been identified as an area of known mineral resource with commercial potential. The resource may provide for a continuous supply for use as building stone and in making concrete. Development of this site is dependent on the ability to address a number of environmental concerns.

The Tir Pentwys Tip lies east of Llanhilleth within the Pennant Sandstone outcrop. It is a westward extension of the Tir Pentwys spoil reclamation proposal in neighbouring Torfaen County Borough Council. No sampling or testing information for the western part of this area has been seen but it is likely that it will contain High Specification Aggregate and lower quality general fill material. Development of the site is dependent on the Torfaen part of the site receiving planning permission.

Land South East of Cwm has been identified in the 'Former Gwent' Aggregate Study as being suitable for identification as a Preferred Area. The area contains 60Mt of high Polished Stone Value (PSV) sandstone.

## 9.0 DEPOSIT PLAN RESPONSES

### Policy SP12 Securing an Adequate Supply of Minerals

#### **Issue - Apportionment should be raised to 6Mt to absorb BBNP requirement**

9.1 This objection relates to the apportionment process identified in the Regional Technical Statement (RTS) which was subject to consultation in January 2008. Harmers consider the 3Mt apportionment figure is wrong on two grounds. Firstly with the statement that Blaenau Gwent could not additionally absorb some of BBNP apportionment and secondly with the process by which the figure for each authority was based (population, environmental capacity and the proximity principle) as it ignores the availability of resources.

9.2 Although they welcome the identification of the extension to the site they do not want to be restricted by an artificially depressed apportionment figure. They argue that a planning application will be required well before the end of the Plan period as the existing permission will be exhausted by then.

#### **Response**

9.3 No justification has been demonstrated for increasing the apportionment figure for Blaenau Gwent and decreasing the BBNP apportionment. The current consented reserves in the BBNP cannot be reduced at present unless there is successful service of prohibition orders which are the responsibility of BBNP as Mineral Planning Authority and not the RTS process. Whilst there is some reference to the desirability of MPA's adjoining the BBNP taking on some of the future demand in the RTS, this is very much for the future when the BBNP reserves have been reduced over time (Recommendation 81 of RTS). It could be argued that Vaynor Quarry in Merthyr is more strategically placed to serve any future demand from the main urban area of Brecon within the BBNP.

9.4 The second issue raised, regarding the distribution of resources not being taken into account, can cause issues for some authorities although this can be addressed through agreements between authorities. MTAN1 also infers strongly that the present method of calculating landbanks needed to be reconsidered (i.e. based on apportionment derived from past production and reserves), as it reinforces the existing distribution of operations, a system based on perpetuating historic producing areas.

#### **Issue Clarification of where Coal Working is acceptable**

9.5 Wrong to say that coal working within 500m from urban boundary is not acceptable in accordance with national policy. Para. 49 of MTAN2 sets out exceptional circumstances where coal working may be permitted within 500m and within designated areas.

#### **Response**

9.6 The Council has determined that coal working in the identified areas is unacceptable.

### Policy DM 19 Criteria for the Assessment of Mineral Applications

#### **Issue - Paragraph 7.96 to reflect nature conservation as appropriate after-use**

### **Response**

- 9.7 It is agreed that nature conservation is an acceptable after-use which should be included in paragraph 7.96. It is suggested to the Inspector that this issue is addressed through a focussed change.

### **Issue - Criterion f needs to be strengthened**

- 9.8 Objects to criterion f) on the grounds that the reference to "sensitive landscapes" is not strong enough to allow adequate consideration of the likely impacts of an extension at Trefil Quarry on the National Park.

### **Response**

- 9.9 The use of the word sensitive is considered to cover protected landscapes.

### **Issue - Energy and non-energy minerals need to be dealt with separately**

### **Response**

- 9.10 It is agreed that the policy needs to take into account the different policy requirements for energy and non-energy minerals. It is suggested to the Inspector that this issue is addressed through a focussed change.

### **Policy DM20 Mineral Safeguarding**

### **Issue - Clarification of overriding need**

- 9.11 The criteria to policy DM20 are given as alternative scenarios by the link word 'or', however, criterion b requires an overriding need for the proposed development, whereas criterion c does not. Define overriding need - if retaining.

### **Response**

- 9.12 It is agreed that there is an anomaly which needs to be removed to accord with MTAN2 paragraph 39. It is suggested to the Inspector that this issue is addressed through a focussed change.

### **Issue - Extent of Safeguarding Areas**

- 9.13 The tertiary coal resource should be safeguarded. The Coal Authority resource maps should be used to determine the resources to be safeguarded. Coal resources in designated areas should also be safeguarded.

### **Response**

- 9.14 This issue is more appropriately dealt with under Policy M1 Safeguarding of Minerals.

### **Policy: M1 Safeguarding of Minerals**

### **Issue - Identification of sand and gravel resources**

- 9.15 No sand and gravel resource has been identified and 'sand and gravel' is not specified in Policy M1.

### **Response**

9.16 It is agreed that this issue needs to be covered within the Plan. The Plan needs to state that it is considered that there are no relevant sand and gravel resources to safeguard. The evidence for this is set out in the ‘Former Gwent Aggregates Safeguarding Study’ and is based on work undertaken for WG by Symonds Group Limited (Thomson et al., 2000 paras. 2.15-2.18). It is suggested to the Inspector that this issue is addressed through a focussed change.

**Issue - Clarification of mapping of safeguarding areas with neighbouring authorities**

9.17 The plan's written statement should clarify the relationship between this plan area and its neighbours. It would be useful for the plan to clarify its relationship with the existing and emerging LDP of neighbouring plan area with regard to the mapping of Mineral Safeguarding Areas.

**Response**

9.18 It is agreed that the plan needs to clarify how it's mapping of the safeguarding areas meets with neighbouring authorities. It is suggested to the Inspector that this issue be addressed through a focussed change.

**Aggregate Resource Mapping**

| Authority                    | Difference                                      |
|------------------------------|---|
| Torfaen                      | Identify same resource but added a 200m buffer. |
| Caerphilly                   | No difference.                                  |
| Brecon Beacons National Park | Identify different resource areas               |

**Coal Resource Mapping**

| Authority                    | Difference  |
|------------------------------|---|
| Torfaen                      | Have a 500m buffer around their resource.   |
| Caerphilly                   | Two areas of difference due to Blaenau Gwent identifying narrow veins which Caerphilly omitted. |
| Brecon Beacons National Park | Differences due to BG including part of sandstone in secondary coal resource                    |

**Issue - Identify tertiary coal resource**

9.19 The tertiary coal resource should be safeguarded.

**Response**

9.20 MTAN 2 paragraph 35 requires only that the primary and secondary resource be safeguarded. Paragraph 35 of the MTAN explains that this approach is considered as meeting the requirement for safeguarding as set out in MPPW.

**Issue - Identification of Coal Resource**

9.21 The Coal Authority resource maps should be used to determine the resources to be safeguarded. Coal resources in designated areas should also be safeguarded. It is noted that a 500m buffer had been identified on the Proposals Map around coal resource in Blaenau Gwent. This approach is not consistent with Caerphilly

approach but recognise that this is on advice from WG and therefore do not wish to object

### **Response**

9.22 The Coal Resource safeguarding area is based on information provided by BGS as advised in paragraph 24 and 25. The information provided by the Coal Authority relates to the whole resource area – not the primary and secondary resource. The Coal Authority request that coal resources in designated areas should also be safeguarded. The Council can confirm that this is the case as the safeguarding area includes designated areas.

9.23 Blaenau Gwent has not added 500m to the boundary as is suggested by Caerphilly. The discrepancy with Caerphilly is due to Blaenau Gwent including areas which Caerphilly omitted.

### **Issue - Need for consistency in the safeguarding of aggregates**

9.24 Issue with Aggregate Safeguarding areas and the need for consistency between Blaenau Gwent and BBNP.

### **Response**

9.25 When preparing the safeguarding areas there was no clear guidance on the exact approach to be adopted. Blaenau Gwent worked with other former Gwent areas to commission Cuesta Consulting to identify aggregate safeguarding areas. The aggregates protected are Pennant Sandstone and Carboniferous Limestone (details of the strata can be found in the Former Gwent Aggregate Safeguarding Study p.9). There appears to be a discrepancy between what Brecon Beacons National Park are going to identify and what Blaenau Gwent have identified. The reason for this is firstly due to the fact that Blaenau Gwent is protecting a wider resource and secondly because Blaenau Gwent has missed a small area of Limestone from the safeguarding area. It is proposed that the missing limestone resource is added to the safeguarding area. It is suggested to the Inspector that a minor change can address the issue of the missing limestone area.

### **Issue - Presence of high pressure underground gas transmission**

9.26 One of National Grid's high pressure underground gas transmission pipelines crosses through an area identified in the Deposit Proposals Map for Coal Safeguarding. Developers should be made aware of this issue.

### **Response**

9.27 Safeguarding does not carry a presumption that planning permission will be granted. The underground gas transmission line is identified on the constraints map and would be considered during the planning application process if an application were to be submitted.

### **Policy: M2 Mineral Buffer Zones**

### **Issue - Position on dormant/inactive sites**

9.28 It is not clear from the plan or background paper whether there are any dormant/inactive mineral sites. To accord with MTAN1 buffer zones should be

defined around all permitted and proposed/allocated mineral sites: this includes dormant/inactive.

### **Response**

- 9.29 It is agreed that this issue needs to be clarified. The dormant/inactive area covered by the IDO in Trefil needs to have a buffer around the site. It is also suggested that the reasoned justification is amended to provide more certainty for residents of Trefil in terms of what development may be permitted and what the Councils plan of action is for the site. This Background Paper has been updated to reflect this change. A map of the IDO is attached at appendix 8. It is suggested to the Inspector that the issue of a buffer around this site be addressed through a focussed change.

### **Policy: M3 Areas where Coal Working will not be acceptable**

#### **Issue - Reference to impact on designated International and National Sites**

- 9.30 Recommends that the LDP states that although outside a site designated for its national or international importance, development can still have a significant impact on such sites and any proposals will need to be considered for environmental impact.

### **Response**

- 9.31 This policy identifies the areas where coal working is not acceptable. Policy DM19 will be used to guide where coal working may be acceptable and the impact on designated sites will be taken into consideration at this stage. An additional sentence within the reasoned justification of this policy will not improve the soundness of the Plan.

#### **Issue - Clarification of where Coal Working is acceptable**

- 9.32 To state that coal working is not acceptable within 500m from settlement boundary and within international and national designations of importance is incorrect. MTAN2 provides for exceptional circumstances within buffer zones and may be acceptable.

### **Response**

- 9.33 The Council has determined that coal working in the identified areas is unacceptable. This approach is supported by WG. The Council has followed the advice in MTAN 2 in paragraph 26 and have provided through policy M3 an unequivocal statement of where coal working will not be allowed.

#### **Issue - Approach not consistent with CCBC**

- 9.34 Approach to areas where coal working is not allowed being identified on the proposals map is not consistent with Caerphilly CBC approach. However, do not wish to object as recognise that need for the designation has arisen since their LDP adopted.

### **Response**

- 9.35 It is agreed that Caerphilly have not identified areas where coal working will not be allowed but as Caerphilly acknowledge Blaenau Gwent has been encouraged to adopt this approach by WG in accordance with MTAN2 paragraph 29.

**Policy: M4.1 Trefil Quarry**  
**Alternative Site Ref: AS (A) 08, AS (D) 05**

## **General Issues with site:**

### **Issue - Exacerbate existing problems for the community especially highways**

#### **Response**

- 9.36 The existing issues with the working of the site will not increase as any proposal would be looking to extend the existing working of the quarry rather than increase output. The fact that the operations will be more distant from the community means that any existing issues with relation to noise should decrease. Notwithstanding this permission would only be granted at the site if a planning application could meet the policy requirements set out in DM19 and national guidance, regarding impact on neighbouring communities and highway considerations.

### **Issue - Lack of communication with the community**

#### **Response**

- 9.37 Site notices were placed in Trefil during consultation on the Deposit Plan and Alternative Sites. In addition every household in the borough were sent a leaflet informing them of the consultation on the LDP. A formal notice was placed in the Gwent Gazette informing the public of consultation on the Plan and Alternative Sites. Exhibitions held at the deposit stage were well advertised in the Gwent Gazette. Nevertheless, it should be noted that more extensive consultation would be undertaken as part of the planning application process.

### **Issue - Establishment of need**

#### **Response**

- 9.38 The need for further mineral working is set out in this paper and the Regional Technical Statement on Aggregates (SWRAWP 2008) and these identify that Blaenau Gwent needs to make a resource allocation of at least 3 million tonnes. It should be noted that Blaenau Gwent is only looking to permit a further 0.76 million tonnes to meet the RTS requirement or a further 6.37 years supply. The contribution which secondary/recycled material is expected to make has already been top sliced from the overall requirement figure. Notwithstanding this, Policy DM3 will require any future planning application to establish need and undertake an assessment to demonstrate that it would not be feasible to supply the mineral from secondary sources.

### **Issue - apportionment figure**

#### **Response**

- 9.39 This issue has already been discussed under policy SP12 and no change is required to the Plan as a result.

## Alternative Site Response

### Amendment to boundary of Trefil Quarry

- 9.40 CCW suggested the boundary of Trefil Quarry be amended to take into account the:
- Impact on geodiversity
  - Impact on biodiversity
  - Proximity to National Park

### Response

- 9.41 At a meeting held between CCW, BGCBC and Harmers on the 27<sup>th</sup> of October Harmers suggested an amendment to the Preferred Area. These changes were to take account of geological formations to the east of the site, biodiversity interests, visual impact and the boundary with BBNP. Further to the meeting CCW have suggested that they now wish to object to the site. Due to the timing of this and the fact that no formal notification has been received it is suggested that this is dealt with through the Examination process. It is suggested to the Inspector that the amendment to the boundary is a more appropriate boundary and should be considered as a Focussed Change.

## Deletion of Trefil Quarry

### Issue - Impact on area of outstanding beauty

### Response

- 9.42 In determining any future planning application the adverse impacts on sensitive landscapes will be required to be minimised. Whilst the area is not identified as an area of outstanding natural beauty (AONB) the qualities of the landscape will be taken into account.

### Issue - Impact on biodiversity

### Response

- 9.43 In determining any future planning application, measures will be required to ensure that ecological and wildlife interests do not suffer significant adverse effects, particularly where designated and proposed areas of nature conservation interests or protected species may be affected. If there are adverse effects on European Protected Species a project level Habitat Regulation Assessment will be required. If the proposal would adversely affect the integrity of the site (taking into account advice from the Countryside Council for Wales) and conditions would not remove this effect, planning permission will not be granted unless there are: No alternative solutions (i.e. alternative supplies cannot be made available at reasonable cost; and there is no scope for meeting the need in some other way); and, Imperative reasons of overriding public interest – including those of a social and economic nature. In determining this, authorities are required to have regard to considerations such as the need for the development in terms of UK mineral supply; and, the impact of permitting the development or refusing it on the local economy. The Assembly would consider the question of whether there are imperative reasons of overriding public interest for the development, taking account of advice from the Countryside Council for Wales, and bearing in mind the views of any other competent authority.

### **Issue - Adverse impact on Scheduled Ancient Monument and its setting**

#### **Response**

- 9.44 In determining any planning application consideration will be given to any adverse impact on important features of the built environment and archaeologically sensitive areas, including scheduled ancient monuments.

### **Issue - Impact on landscape**

#### **Response**

- 9.45 In determining any future planning application the adverse impacts on sensitive landscapes will be required to be minimised.

### **Issue - Impact on tourism/leisure and the economy**

#### **Response**

- 9.46 In determining any future planning application consideration will be given to the benefits to the local economy. However, it should be noted that no evidence has been provided on how this area boosts the economy.

### **Policy: M4.2 Tir Pentwys Tip Preferred Area Alternative Site Ref: AS (D) 15, AS(A)16**

### **Issues regarding the allocation of M4.2**

#### **Issue – Problem with access of the site should be covered in the reasoned justification**

- 9.49 CCW request that the issues regarding the access of the site which involve the loss of an area of ancient woodland should be covered in the reasoned justification.

#### **Response**

- 9.50 .The reasoned justification makes it clear that the development of this site is dependent on Torfaen granting planning permission although it is accepted that this is one outstanding issue to be addressed there may be other issues which may lead to a refusal by Torfaen County Borough Council. It is therefore suggested that no additional information should be included.

#### **Issue - The site should be allocated and should contribute towards Torfaen's 8 million tonnes SWRAWP requirement**

#### **Response**

- 9.51 Blaenau Gwent has not been provided with sufficient evidence to support the allocation of this site. Without information on the size of the resource, when it is likely to come forward, or information to address other concerns raised by statutory undertakers, it is not possible to allocate the site or commit the resource. Therefore, no change is required to the Plan.

### **Issues regarding the deletion of Tir Pentwys Tip as a Preferred Area from the Plan**

## **Issue - Adverse impact on biodiversity**

### **Response**

- 9.52 It is acknowledged that the site is identified as a Site of Importance for Nature Conservation (SINC) and that CCW has identified that there is a record of protected species on the site. However, such consideration will be considered in determining any future planning application. Policy DM19 states that measures will be required to ensure that ecological and wildlife interests do not suffer significant adverse effects, particularly where designated and proposed areas of nature conservation interests or protected species may be affected. A full ecological survey would be required as part of any future planning application and CCW will advise the Council in respect of ecological interests.

## **Issue - Impact on Landscape / Special Landscape Area**

### **Response**

- 9.53 In determining any future planning application the adverse impacts on sensitive landscapes will be required to be minimised. Proposals for restoration will be required to favour landscapes which are characteristic of the area and cater for priority habitats identified in the Local Biodiversity Action Plan.

## **Issue - Buffer zone would prohibit development of tourism proposal on adjacent land**

### **Response**

- 9.54 It is accepted that the buffer zone would prohibit such a proposal. However, this would be lifted once the operation was completed. Refer to the Council's response on AS (N) 22 for further information regarding the tourism proposal.

## **Issue - Detrimental to livestock in terms of dust and noise**

### **Response**

- 9.55 In determining any future planning application the impact of operations and associated works will be required to be mitigated to an acceptable level.

## **Issue - Impact on tourism**

### **Response**

- 9.56 Any impact on tourism will be for the duration of the operation of the site and will be balanced against the benefits to the local economy. Conditions attached to any planning permission for the restoration of the site will be able to ensure that it is restored to a condition which supports tourism.

## **Issue - Inadequate road network**

### **Response**

- 9.57 It is agreed that one of the main issues with developing this site is the issue of access. Unless a solution can be found the site will not be developed. It should be noted that access cannot be gained from Blaenau Gwent.

## **Issue - Impact of dust and noise and light**

### **Response**

- 9.58 In determining any future planning application the impact of operations and associated works will be required to be mitigated to an acceptable level.

### **Issue - Impact on health**

#### **Response**

- 9.59 In determining any future planning application the impacts on health will be considered and will be required to be within acceptable limits.

### **Issue - Impact of traffic**

#### **Response**

- 9.60 In determining any future planning application proposals would be required to be acceptable in terms of highway and transportation considerations. It should be noted that access will not be through Blaenau Gwent.

### **Issue - Impact on ground waters**

#### **Response**

- 9.61 In determining any future planning application the effects on surface water, groundwater resources and supplies will have to be acceptable. The EA will advise the Council on this. It should be noted that whilst the EA identified issues at the site they have not objected to it's identification as a Preferred Area.

### **Issue - Loss of recreation resource**

#### **Response**

- 9.62 Any loss is likely to be for the duration of the operations, it should be possible to ensure the site is restored to ensure the site can be used as a recreation resource.

### **Issue - The way the site was chosen**

#### **Response**

- 9.63 The site was chosen through a call for Candidate Sites. Following this, Blaenau Gwent in association with other former Gwent authorities commissioned Cuesta Consulting to address the aggregate mineral safeguarding and apportionment requirements of the South Wales Regional Technical Statement (RTS). This study suggested that this site should be allocated, however given there was insufficient evidence to support allocation Blaenau Gwent decided to identify the site as a Preferred Area.

### **Issue - Problems with Torfaen application**

#### **Response**

- 9.64 It is accepted that there are issues which still need to be addressed before a decision on the planning application can be made by Torfaen. If planning permission is not granted then the Preferred Area in Blaenau Gwent will not be worked. The reasoned justification to the policy explains this.

### **Issue - Impact on heritage**

#### **Response**

- 9.65 The Glamorgan and Gwent Archaeological Trust noted a restraint and advised that an archaeological evaluation will be required prior to the determination of a planning application. In determining any future planning application any adverse impacts on important features will need to be mitigated. The noise from the proposed scheme is unlikely to have a negative impact on the Grade II listed building at St Illtyds, over a mile away but again this issue will be dealt with at the planning application stage.

### **Issue - Mineral not viable**

#### **Response**

- 9.66 The 'Former Gwent' Aggregates Safeguarding Study (2009) suggests that the site is viable. To identify a Preferred Area the Council only needs to ensure that a site has 'some commercial potential'.

### **Issue - Impact on geology**

#### **Response**

- 9.67 It is noted that the site known as Llanhilleth Quarries is one of very few significant exposures of measures in the "Rider" portion of stratigraphy. The site offers great research potential since it provides clear access to some of the youngest beds in the eastern end of the coalfield. There are only one or two other small and inferior examples of this formation exposed locally in small quarries and walling pits. However, it is suggested that reclaiming the overburden mounds should have no detrimental effect on their geological value; indeed there is an opportunity for the geological value to be improved as part of the site restoration scheme securing "better" exposure, legal & safe public access, information boards, etc. It should be noted that Policy DM19 requires that there is no adverse impact on nationally protected geological features.

### **Issue - Exploitation of the area**

#### **Response**

- 9.68 A number of the objectors raise concerns with the fact that the area has been subjected to mining in the past and do not want to see the area exploited again. It is recognised that the extraction of mineral resources is often emotive as minerals can only be worked where they occur. However one of the key principles of Minerals Planning Policy Wales is to 'encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials'. The reworking of this site involves the recovery of secondary material, which is a more sustainable option that relieves the pressure on primary extraction. It should be noted that the proposed operation will be limited to the removal of rock from the existing spoil tip and the planning application would be required to ensure that impacts including the duration of the development can be mitigated to acceptable levels.

### **Issue – Impact on horse riding route**

#### **Response**

- 9.69 It is noted that a restricted Byway and a Bridleway cross the site. The developer would need to apply through separate legislation to divert these routes for the duration of the operations.

**Issue - The site should be allocated for amenity, tourism or leisure use**

**Response**

- 9.70 Tourism and leisure allocations have been considered through the candidate site process and through liaison with the Councils Leisure Department. This site was not identified for such use through either process. The LDP, however, does support the development of such proposals in (SP2) and it may be possible to consider such an after-use through any restoration plans for the site.

## 10.0 PROPOSED FOCUSSED CHANGES

### FOCUSSED CHANGE 9: ASSESSMENT OF MINERAL APPLICATIONS AND APPLICATIONS IN MINERAL SAFEGUARDING AREAS

#### **FC9.A: Amend Criteria a and b of Policy DM19 Criteria for the Assessment of Mineral Applications to read as follows:**

Proposals for mineral extraction and associated development, including the tipping of mineral waste and the reworking of tips, will be permitted where:

- a. **For non-energy minerals a** proven need has been established for the material involved, either in a local, regional or national context;
- b. **Where appropriate,** an assessment has been made that demonstrates that it would not be feasible to supply the mineral from secondary sources;

#### **FC9.B: Amend Policy DM20 Mineral Safeguarding by the deletion of criterion b. as follows:**

~~b. There is an overriding need for the development and prior extraction cannot reasonably be undertaken; or~~

### FOCUSSED CHANGE 12: TREFIL QUARRY – INTERIM DEVELOPMENT ORDER (IDO)

**FC12A: Amend the boundary of Policy M2.1 on the proposals map to reflect the boundary of the IDO, as shown on map 8, attached at appendix 3.**

#### **FC12B: Amend paragraph 8.82 to read as follows:**

**Mineral Buffer zones are shown around all quarries and mineral operations, including dormant sites. The purpose of the buffer zone is to safeguard mineral reserves for future working, by ensuring they are not sterilised by alternative development, but also to ensure the environmental effects of quarrying/mining do not adversely affect sensitive development (including residential areas, hospitals and schools). However, development such as extensions to existing properties, small infill development within settlement boundaries would normally be permitted.** Mineral Buffer Zones have been identified around the limestone quarry at Trefil, the open cast coal recovery operation at Six Bells and around Blaentillary Drift, which is located in Torfaen County Borough.

**In the case of the buffer zone at Trefil the boundary is identified around the dormant part of the quarry in addition to the active part. Whilst dormant sites retain permission, full modern conditions would be applied to the extant permission in accordance with national guidance prior to any working recommencing on site. National guidance also recognises the importance of determining the future use of dormant sites to give certainty to local communities that may be affected by future mineral operations. Having regard**

to this, the Council will consider an appropriate strategy for the future use and restoration of the site which may include a Prohibition Order.

### **FOCUSSED CHANGE 13: TREFIL QUARRY – PREFERRED AREA AND BUFFER ZONE**

**FC13.A:** Amend the proposals map to delete part of the Preferred Area of Policy M4.1 as shown on map 9, attached at appendix 3.

**FC13.B:** Amend the buffer around Preferred Area of Policy M4.1 to reflect the amendment to Preferred Area as shown on map 10, attached at appendix 3.

#### **Minor Change to Proposals Map**

**MC.29** Amend the proposals map by the addition of limestone north of Trefil Quarry as identified on map 11 attached at appendix 3.

#### **Minor Change to Paragraph 8.79**

**MC.30**

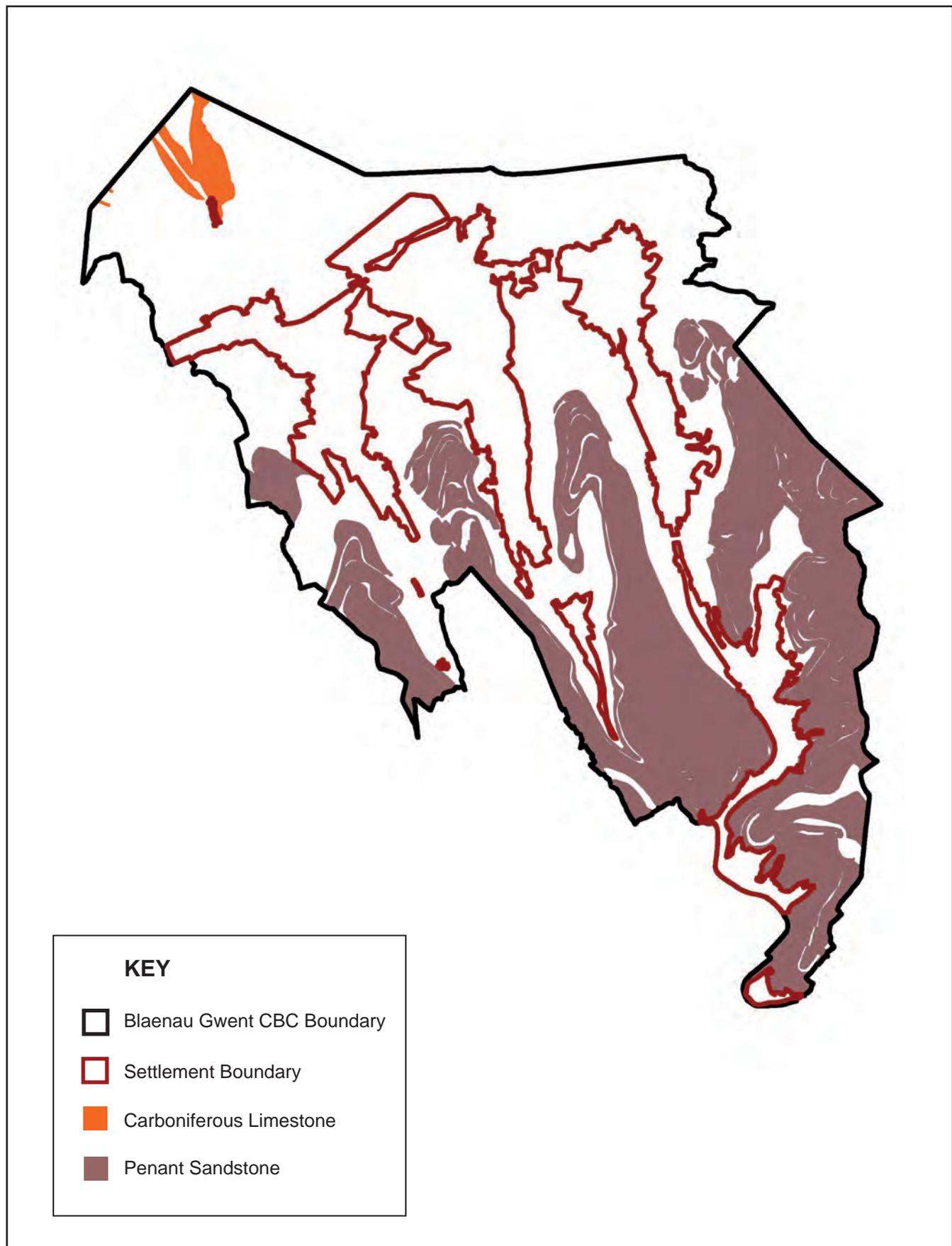
# APPENDICES



# UPDATED MINERALS BACKGROUND PAPER

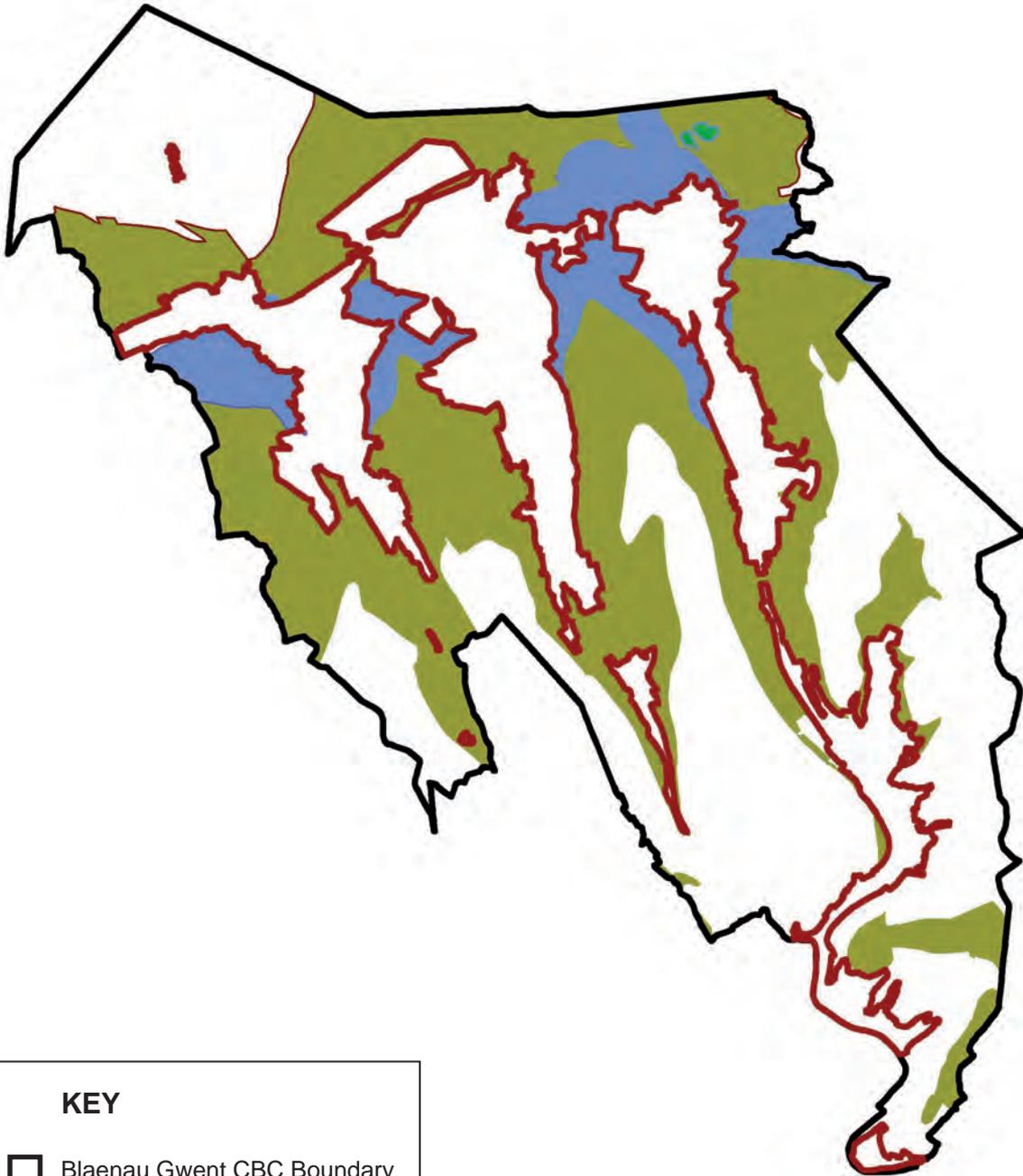


|                   |                           |   |
|-------------------|---------------------------|---|
| Date : 18/01/2010 | Minerals Background Paper | <br><b>Blaenau Gwent</b><br><small>County Borough Council</small><br>Regeneration Division |
| Scale : 1:85000   | Blaenau Gwent Aggregates  |   |



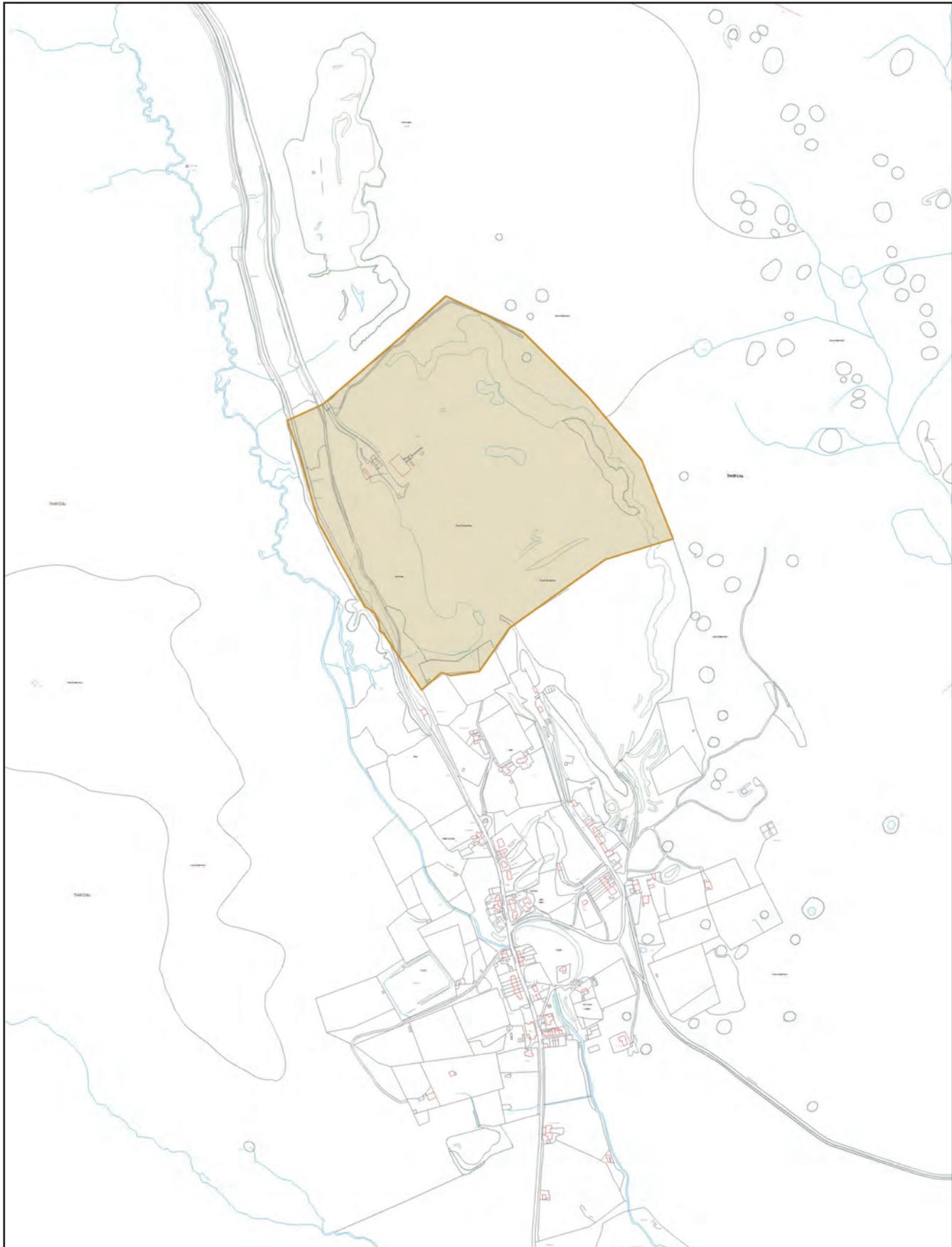
| KEY   |                            |
|---|----------------------------|
|  | Blaenau Gwent CBC Boundary |
|  | Settlement Boundary        |
|  | Carboniferous Limestone    |
|  | Penant Sandstone           |

|                   |                           |  |
|-------------------|---------------------------|--|
| Date : 18/01/2010 | Minerals Background Paper | <br>Cynghor Blaenau Gwent<br><b>Blaenau Gwent</b><br>Gwent Borough Council<br>Regeneration Division |
| Scale : 1:85000   | Blaenau Gwent Coal        |  |

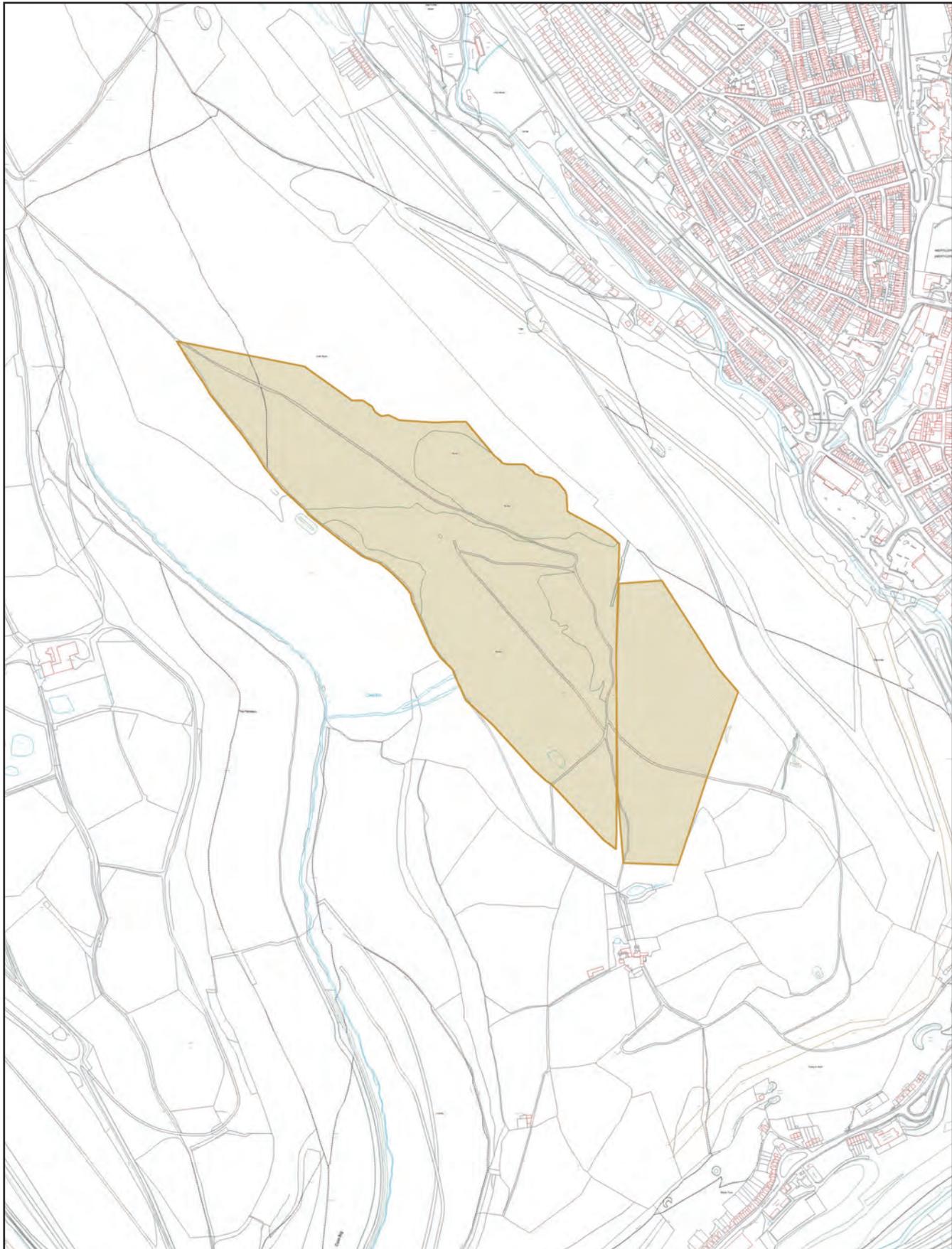


| KEY   |                            |
|---|----------------------------|
|  | Blaenau Gwent CBC Boundary |
|  | Settlement Boundary        |
|  | Primary Coal Resource      |
|  | Secondary Coal Resource    |

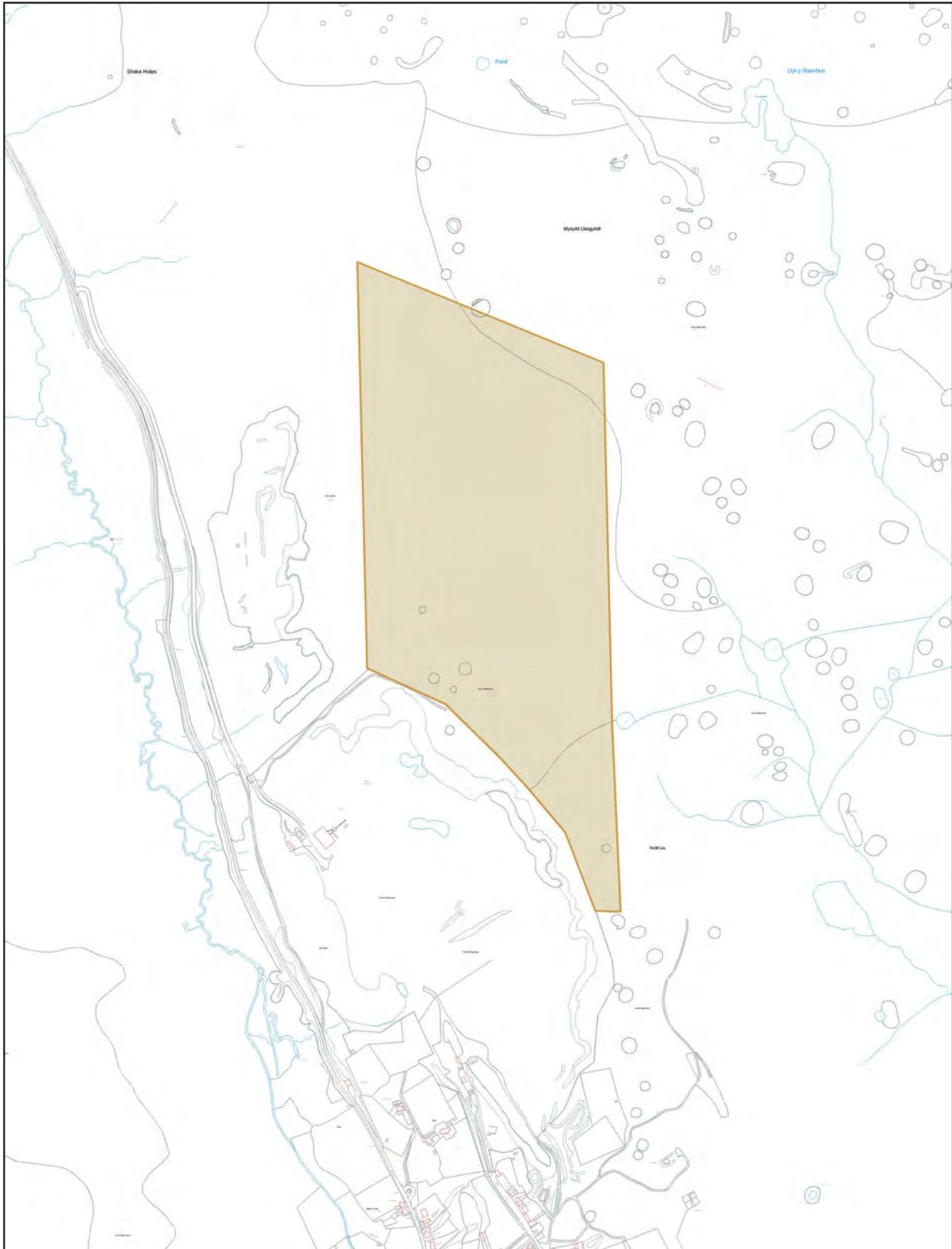
|                   |                                  |   |
|-------------------|----------------------------------|---|
| Date : 09/03/2011 | <b>Minerals Background Paper</b> | <br><b>Blaenau Gwent</b><br><small>County Borough Council</small><br>Regeneration Division |
| Scale : 1:10000   | <b>Trefil Quarry</b>             |   |



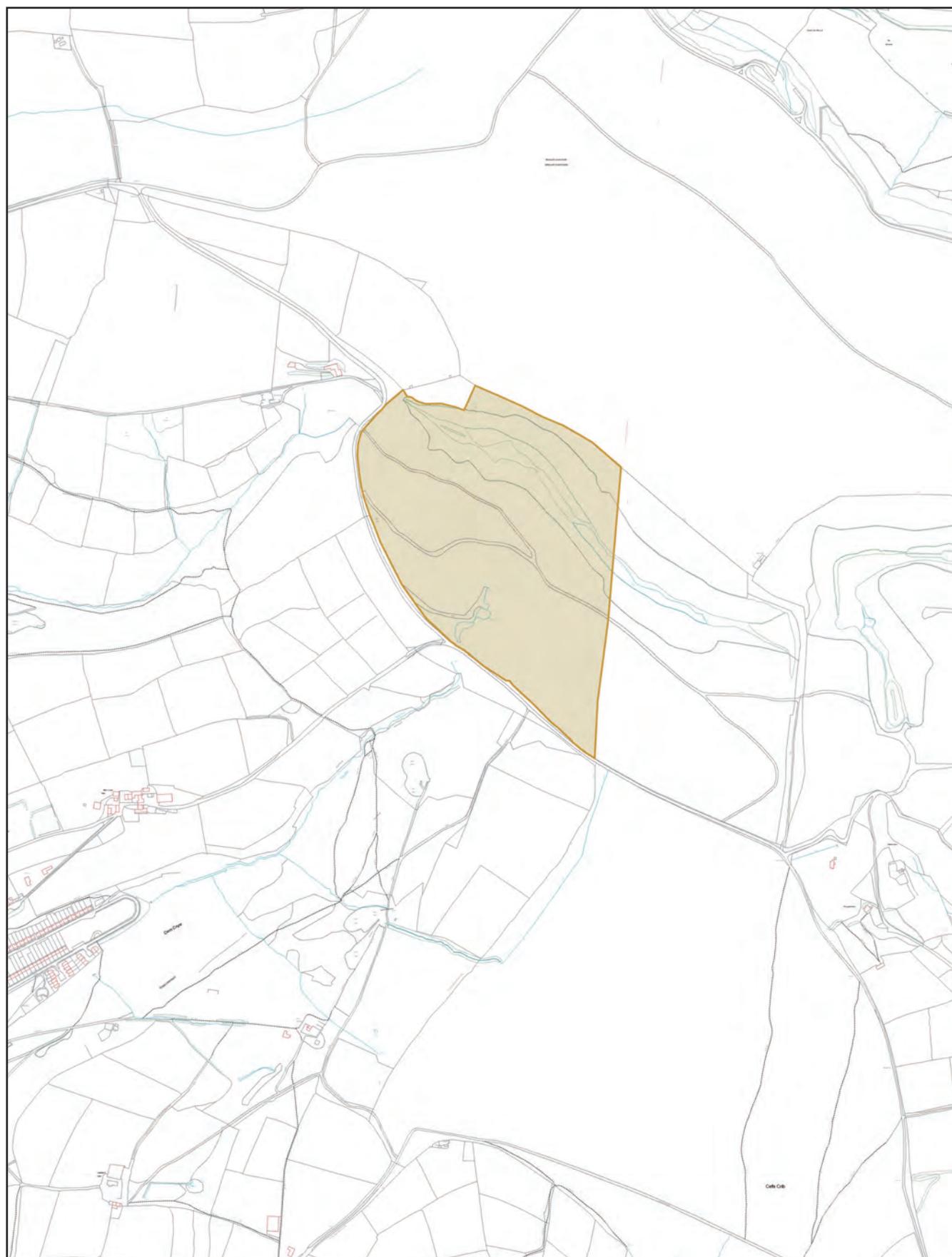
|                   |   |   |
|-------------------|---|---|
| Date : 09/03/2011 | <b>Minerals Background Paper</b>                        | <br><b>Blaenau Gwent</b><br><small>County Borough Council</small><br>Regeneration Division |
| Scale : 1:10000   | <b>Six Bells and Vivian Tips Arrael Farm, Six Bells</b> |   |



|                   |                                   |   |
|-------------------|-----------------------------------|---|
| Date : 09/03/2011 | Minerals Background Paper         | <br>Blaenau Gwent<br>County Borough Council<br>Regeneration Division |
| Scale : 1:10000   | Trefil Quarry - Lateral Extension |   |



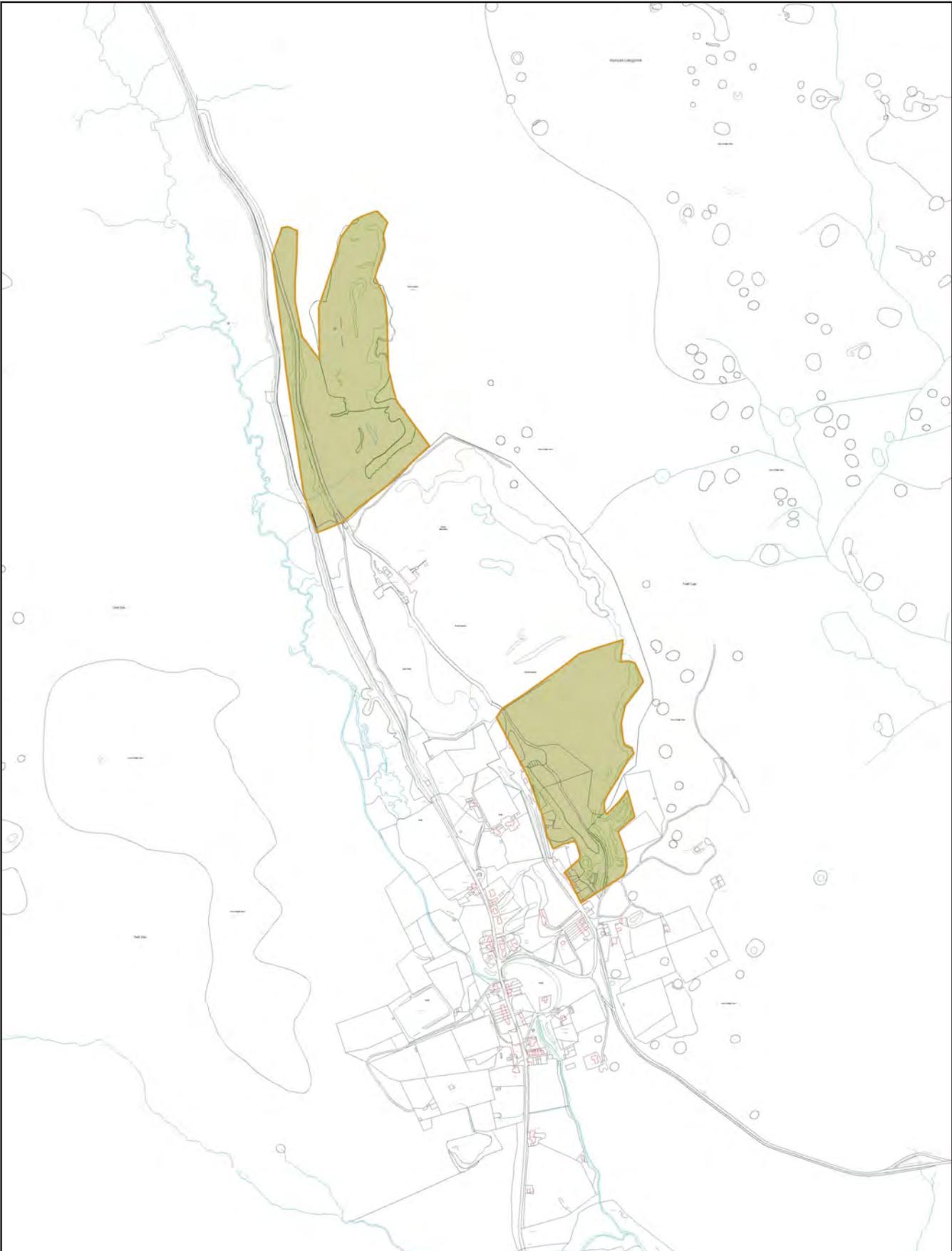
|                   |                           |   |
|-------------------|---------------------------|---|
| Date : 09/03/2011 | Minerals Background Paper | <br><b>Blaenau Gwent</b><br><small>County Borough Council</small><br>Regeneration Division |
| Scale : 1:10000   | Tir Pentwys Tip           |   |



|                          |                                  |  |
|--------------------------|----------------------------------|--|
| <p>Date : 09/03/2011</p> | <p>Minerals Background Paper</p> |  <p>Blaenau Gwent<br/>Gwent Borough Council<br/>Regeneration Division</p> |
| <p>Scale : 1:10000</p>   | <p>Land South East of Cwm</p>    |  |



|                          |  |  |
|--------------------------|--|--|
| <p>Date : 09/03/2011</p> | <p>Minerals Background Paper</p>                 |  <p><b>Blaenau Gwent</b><br/>County Borough Council<br/>Regeneration Division</p> |
| <p>Scale : 1:12000</p>   | <p>Trefil Quarry - Interim Development Order</p> |  |



**For further information please contact:**

Planning Policy Team  
Blaenau Gwent County Borough Council  
Business Resource Centre  
Tafarnaubach Industrial Estate  
Tredegar, Blaenau Gwent  
NP22 3AA

Tel. 01495 354740/355538/355544/355501  
email. [planningpolicy@blaenau-gwent.gov.uk](mailto:planningpolicy@blaenau-gwent.gov.uk)  
or visit [www.blaenau-gwent.gov.uk](http://www.blaenau-gwent.gov.uk)