

Bolton Council

Report to: Executive Cabinet Member
Environment, Regulatory Services and Skills

Date: 18th February 2013

Report of: Director of Development and Regeneration

Report No: ECME/74/13

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Report Title: **Adoption of the Greater Manchester Joint Minerals Development Plan Document**

Non Confidential: (**Non-Confidential**) This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose: To inform the Executive Cabinet Member of the receipt of the Inspector's report following the public examination into the Joint Minerals Development Plan Document for Greater Manchester (the Minerals Plan) and to seek a recommendation to Full Council that it adopts the Minerals Plan and agrees consequential changes to Bolton's existing Proposals Map to show modified Areas of Search and Mineral Safeguarding Areas.

Recommendations: It is recommended that the Executive Cabinet Member for Environment, Regulatory Services and Skills notes the contents of this report and recommends to Full Council that it:

(a) Approves the adoption of the Joint Minerals Development Plan Document and consequential changes to Bolton's Proposals Map on 26th April 2013.

Decision:

Background Doc(s): GM Joint Minerals Development Plan Document – Adoption version
Inspector's Report on the examination into the Greater Manchester Minerals Development Plan Document 18th January 2013
Changes to Bolton's Proposals Map arising from the Minerals Plan

(for use on Exec Rep)

Signed:

Leader / Executive Member

Monitoring Officer

Date:

Summary:

In August 2009 the ten Greater Manchester Authorities agreed to produce joint Development Plan Document covering minerals (the Minerals Plan). Since then the document has undergone a series of consultations in order to identify sites for extraction along with depots for transport and storage, areas for the safeguarding of minerals, and to develop a suite of minerals planning policies.

The Minerals Plan was submitted to the Secretary of State in November 2011. The examination into the soundness of the Submitted Minerals Plan commenced at the Pre Hearing Meeting on 6th December 2011, with hearing sessions over two days during February 2012 and an additional morning on 21st November 2012.

The Inspector has issued his report which confirms the soundness of the Submission Plan with modifications and the plan can now be adopted by each of the ten Greater Manchester Local Planning Authorities.

The report sets out the final steps in the plan process and the approval required from Full Council.

1.0 Background Information

- 1.1 The ten Districts constituting the Association of Greater Manchester Authorities (AGMA) agreed to produce a Joint Minerals Development Plan Document (the Minerals Plan) in 2009. This was considered to be the most effective way to produce a Minerals Plan for Greater Manchester. When adopted this plan will form part of Bolton's Local Plan and will be used in determining planning applications.
- 1.2 The Minerals Plan covers land-use planning matters in relation to minerals development across the ten Greater Manchester districts and includes detailed criteria based policies, as well as policies covering Areas of Search and Mineral Safeguarding Areas. The plan includes a set of development management policies which will assist in the consideration of minerals planning applications. It also contains a set of plans identifying Areas of Search for Minerals and Mineral Safeguarding Areas for each of the 10 districts which, on adoption, will necessitate revisions and additions to each district's Local Plan Proposals Map.
- 1.3 The Minerals Plan aims to ensure Greater Manchester contributes towards the sub-regional requirement of sand and gravel, and crushed rock. It also seeks to ensure that other mineral resources are not needlessly sterilised by non-mineral development. No specific site allocations came forward as part of the development of the Minerals Plan and therefore the Plan can only achieve these requirements through the identification of Areas of Search for sand, gravel and sandstone/gritstone and designation of Mineral Safeguarding Areas to protect mineral resources from needless sterilisation. All Areas of Search and Mineral Safeguarding Areas, as well as accompanying policies within the Minerals Plan, have been subject to consultation with stakeholders.
- 1.4 The plan is now approaching its adoption stage, having been through its public examination and been found sound by an independent inspector. Copies of the version to be adopted, the Inspector's Report and changes to Bolton's Proposals Map have been placed in Members' Rooms. All other documentation produced throughout the plan preparation process including for example previous consultation documents, Sustainability Appraisal reports and the underlying evidence base used are available to download from the dedicated Minerals Plan website at www.gmmineralsplan.co.uk/.
- 1.5 The remainder of this report sets out the steps required to secure adoption by Bolton Council on 26th April 2013, the common date being used by all 10 GM districts.

2.0 Submission and Public Examination 2012

- 2.1 Following approval by each of the Full Councils in Greater Manchester, in Bolton's case on 20th April 2011, the plan was submitted to the Secretary of State in November 2011. The Planning Inspectorate appointed Inspector Mr Andrew Mead BSc (Hons) MRTPI MIQ to undertake the Examination into the soundness of the Plan.
- 2.2 The Examination hearing sessions took place over two days during February 2012. A further consultation on Proposed Modifications to the Minerals Plan took place between 3rd August and 14th September 2012. An additional hearing session relating to the representations made during this consultation took place on the morning of the 21st November.

3.0 Publication of the Inspector's report and steps to adoption

- 3.1 In January 2013 the report was received from the Planning Inspectorate. This concludes that the Minerals Plan provides an appropriate basis for minerals planning for Greater Manchester over the next 15 years and providing a number of main modifications are made, the plan is sound and can be adopted as part of the Local Plan of each of the ten Greater Manchester authorities.
- 3.2 It is worth noting that, in line with revised planning legislation, the 10 GM authorities requested the Inspector to recommend any modifications needed to rectify matters that make the plan unsound and legally complaint and therefore incapable of being adopted. All the modifications were proposed jointly by the 10 authorities, consulted on as discussed in paragraph 2.2 and fully considered through the examination process.
- 3.3 The main modifications which are largely required to comply with national planning policy can be summarised as follows:
- MM1: Policy 2 – the introduction of the minimum landbank requirements for sand and gravel, and crushed rock;
 - MM2: Policy 12 – the deletion of the requirement for a financial guarantee to ensure restoration;
 - MM3: Policy 7 – the inclusion within the policy of a section seeking prior extraction of minerals where appropriate outside Mineral Safeguarding Areas (MSAs);
 - MM4: Policy 7 and related Maps – the deletion of Peat from MSAs; and
 - MM5: New Policy 1 – the inclusion of a policy in favour of sustainable minerals development as advised on the Planning Portal
- 3.4 None of the changes alters the thrust of the overall strategy. The only site-specific change in Bolton is the removal of the Minerals Safeguarding Areas for peat at Red Moss and Kearsley/Clifton Moss. The National Planning Policy Framework no longer lists peat as a mineral that is of local or national importance and it also states that planning permission should not be granted for new or extended sites. In these circumstances the Inspector considers that it is no longer necessary to safeguard peat from sterilisation by development.
- 3.5 As a consequence of adoption each district is also required to adopt specific changes to its Adopted Proposals Map to transpose allocations in the Minerals Plan onto it.
- 3.6 All districts have been asked to formally adopt the Minerals Plan before the end of 25th April 2013 to allow the Plan to come into force from the 26th April 2013. This provides consistency across Greater Manchester and ensures a common start date for the 6 week legal challenge period.
- 3.7 Once the council has adopted the Minerals Plan it must make it available for inspection at the council's offices and libraries, publish it on the council website, place an advertisement in the Bolton News, and notify people who have taken part in the proceedings. The council is also required to publish an adoption statement and make copies of the Sustainability Appraisal report available for inspection.

4.0 The implications of adoption

- 4.1 On adoption, the Minerals Plan will become part of the development plan for Bolton. It will replace the last remaining saved Unitary Development Plan policy for minerals M4, the Core Strategy having already replaced policies M1, M2, M3 and M5 by its strategic minerals policy P4 and CG4 on compatible uses. The Proposals Map will be modified in respect of existing Areas of Search and new Minerals Safeguarding Areas.

4.2 The development plan for Bolton will then comprise:

- The Core Strategy
- Remaining saved policies in the 2005 UDP
- The Proposals Map as updated by the Core Strategy at Horwich Loco Works and by the Greater Manchester Joint Waste and Joint Minerals Development Plan Documents
- The Greater Manchester Joint Waste Development Plan Document
- The Greater Manchester Joint Minerals Development Plan Document
- The North West Regional Spatial Strategy

4.3 Planning applications must be determined in line with the policies in these plans, unless material considerations indicate otherwise.

5.0 Equality Impact Assessment

5.1 An equality impact assessment has been completed by Urban Vision on behalf of the 10 districts. This is attached to the report at Appendix 1.

5.2 The EIA looks at the anticipated impacts of the proposal on people from Bolton's diverse communities, and whether any group is likely to be directly or indirectly differentially affected. This does not identify any differential or negative impacts.

5.3 The Minerals Plan is a Greater Manchester-wide plan which provides the framework to enable delivery of a steady and sustainable supply of minerals necessary for economic development while taking fully into account the impacts on the environment and the community. It also acts to safeguard valuable minerals from sterilisation. In the light of this all residents benefit from having an up to date planning framework which allows any proposals for minerals or minerals related development to be appropriately assessed.

6.0 Recommendations

6.1 It is recommended that the Executive Cabinet Member for Environment, Regulatory Services and Skills notes the contents of this report and recommends to Full Council that it:

- (a) Approves the adoption of the Joint Minerals Development Plan Document and consequential changes to Bolton's Proposals Map on 26th April 2013.

Equality Impact Assessment
Pro Forma for the Initial Assessment

Name of the Document to be assessed:

Greater Manchester Joint Minerals Publication Draft Development Plan Document

Directorate:

AGMA

Business Unit and Area:

Greater Manchester Geological Unit (GMGU)

Completed By:

Name:

Philippa Lane

Position:

Planner (Minerals and Waste)

Email:

Philippa.lane@urbanvision.org.uk

Date Completed:

15/02/2011

Signed off by:

Name:

Carolyn Williams

Position:

Principal Planning Officer

**Date signed off:
(approved)**

16/02/2011

Date on which the document and EIA is to be reviewed

At least every 5 years

Briefly describe the aims, objectives and purpose of the document?

The aim of the Minerals Plan is: To provide a minerals spatial planning framework which takes into account the unique features of Greater Manchester. This framework will facilitate economic development, whilst having due regard to the environmental and community impacts of minerals developments in order to deliver a steady and sustainable supply of minerals, safeguard mineral resources, enable Greater Manchester to contribute to its sub-regional apportionment and facilitate greater use of recycled aggregates and secondary mineral products.

The purpose of the Minerals Plan is to identify locations for mineral extraction along with depots for transport and storage and to support economic growth whilst protecting the amenity of local residents and safeguarding the environment.

Who defined the terms/scope of the document? (e.g. GMGU, central or regional government/ Stakeholders/Consultation)

The broad scope for this document is determined by Government guidance in Minerals Policy Statement 1 (MPS1). MPS1 requires Minerals Planning Authorities to safeguard minerals as far as possible and identify sites, preferred areas and/or areas of search, having taken into account of environmental considerations.

The detailed scope of the Policies have been defined by a series of wide ranging consultations led by groups of officers and elected Members from the commissioning local authorities. These consultations have involved members of the public, interest groups, other public sector organisations such as the Environment Agency and the minerals industry.

Is the document directed or influenced by another policy controlled by the Councils?

The Joint Minerals Development Plan Document sits below the 10 Greater Manchester District Council's Core Strategy Policies and particularly those on Minerals. Each Core Strategy will have its own Equalities Impact Assessment.

Are there any other Council services or external agencies who share responsibility for the document?

Who implements the policy and who is responsible for it?

- (i) the responsibilities which the Councils holds and
- (ii) the responsibilities held by other bodies (public, private or 'other')

Local Planning Authorities are responsible for monitoring the Plan and ensuring decisions on planning applications are made in line with the Minerals Plan, their Core Strategy and other Development Plan Documents. Once adopted the Minerals Plan policies and allocations will become part of the Local Development Framework of each of the ten Greater Manchester Planning Authorities.

Landowners have a role in putting forward suitable sites for minerals proposals.

The **minerals industry** have the role of initiating, constructing and operating quarries and minerals-related infrastructure in accordance with the Minerals Plan.

The **Environment Agency** has role in the operation of minerals developments in terms of regulating groundwater quality through abstraction and discharge permits.

What outcomes are expected from the policy and who is intended to benefit and in what way?

It is intended that the following will be achieved by introducing the Minerals Plan:

- Protect and enhance local communities and the natural and built environment from the impacts of minerals development and promote and ensure the achievement of effective restoration (reclamation) recognising the potential positive impacts on biodiversity(6) once operations have ceased;
- Safeguard potentially economically viable mineral resources and infrastructure from sterilisation, protect minerals related infrastructure and encourage the appropriate use of high quality materials;
- Promote, where practicable, the sustainable transport of minerals;
- Seek to provide a steady and adequate supply of minerals to meet Greater Manchester's needs through:
 - i. Contributing to the sub-regional apportionment of aggregates including maintenance of appropriate landbanks;
 - ii. Identifying and protecting existing non-aggregate minerals; and
 - iii. Facilitating the re use of secondary and recycled aggregates.
- Support the development of local energy minerals (excluding peat) where required to supplement the energy mix nationally and regionally.

The following groups/individuals will benefit:

- Local Communities living within Greater Manchester
- Local communities living outside of Greater Manchester
- The Minerals Industry

What factors could contribute / detract from the outcomes?

Lack of implementation- Progress of the Minerals Plan will be monitored annually. This will highlight the performance of all policies and allocations and include recommended actions where targets are not met.
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It is crucial that you provide as much evidence and/or, consultation as possible to justify your answers around differential / negative impacts – Whether ‘YES’ or ‘NO’

Equality Strand	Differential Impact - Please justify and explain your answer 'YES' or 'NO'	Negative Impact - Please justify and explain your answer 'YES' or 'NO'	Can the negative impact be reduced on the grounds of promoting equality of opportunity for another group or for any other reason?
	<p>Please state any National/Local evidence including any previous or new consultation undertaken to support and justify your claims around differential impacts. If there is limited evidence we strongly recommend undertaking consultation</p> <p>Please note – if you identify a differential impact it may be advantageous to discuss whether this impact is also negative and record your findings in the next box</p> <p>If no differential impact is identified there will be NO negative impact</p>	<p>This can include research, evidence, and, or consultation undertaken when identifying differential impacts.</p>	<p>When the answer is 'YES', there is a negative impact against one of the equality strands, please explain whether this negative impact can be reduced on the grounds of promoting equality of opportunity for another group or for any other reason?</p> <p>le: – Monitoring information shows that disabled people are under represented in the organisation therefore we have a guaranteed interview scheme for those people who meet the essential criteria. This is an example of a differential impact but it is negative as it is addressing a particular issue.</p>
Race	No	No	N/A
Disability	No	No	N/A

Gender including trans	No	No	N/A
Sexual Orientation	No	No	N/A
Religion and Belief	No	No	N/A
Age	No	No	N/A
Socio- economic	No	No	N/A
Other including carers	No	No	N/A

Taking into account the views of the groups/experts, and the available evidence or any consultation undertaken - Please clearly evidence how the EIA has influenced any changes to the document

N/A as no differential/ negative impacts were identified

As a result of these conclusions what actions (if any) will be included in your business planning and wider review processes?

N/A as no differential/ negative impacts were identified

What performance indicators (if any) will be used to monitor the impact of the document on relevant groups?

The following Core Output Indicators will be used to monitor the impact of the policy:

Core Output Indicator M1- Production of primary land won aggregates by mineral planning authority

Core Output Indicator M2- Production of secondary and recycled aggregates by mineral planning authority

Equality Monitoring

Legal duties require the Councils to monitor its policies for any adverse impacts on promoting race, gender and disability equality and to **publish the results of this monitoring**. In anticipation of emerging legal duties the Councils are extending this monitoring requirement in order to examine differential impacts in the areas of: age, sexual orientation, religion and belief and carers.

Please state clearly what monitoring systems have been used to date and/or will be used to measure the impact of the document on relevant groups.

The following baseline data information has been collected to date and will continue to be collected and monitored in the future through the Greater Manchester Joint Minerals Sustainability Scoping Report:

Objective:

- To encourage sustainable economic growth and assist in reducing the disparities of sub-regional economic performance.

Indicator:

- Minerals landbank and production figures
- Site Waste Management Plans submitted in planning applications for new developments
- CDEW arisings and recycling rate

- Use of Aggregates Levy Sustainability Fund

Objective:

To reduce the need to travel, improve choice and use of sustainable transport modes.

Indicator:

- Number or percentage of aggregates and waste imported/exported by rail/water
- Number of planning permissions securing routing schemes

Objective:

- To improve physical health and mental health and reduce health inequalities

Indicator:

- Number of complaints to Local Authorities relating to minerals development
- Nuisances
- Mortality rate
- Population in 'good' health (in particular respiratory diseases)
- Indices of deprivation

Objective:

- To improve access to good quality affordable and resource efficient housing

Indicator:

- Site Waste Management Plans submitted in planning applications for new developments

Objective:

To enable groups and communities to contribute to decision making, and to reduce social exclusion.

Indicator:

- Number of forums/workshops associated with Minerals Plan
- Number of respondents at each stage of Minerals Plan consultation

Objective:

- To improve access to and use of basic goods, services and amenities for all groups

Indicator:

- Area of land to be restored to 'soft' end uses as detailed in mineral planning applications, i.e. cultural, sporting and leisure facilities
- Length of new Public Right of Way created on former minerals sites

Please clearly state how often and where you will publish the results of monitoring.

The outcome of monitoring will be set out as part of the individual district council's Annual Monitoring Reports.

Do the conclusions and evidence in the initial EIA suggest a more detailed, i.e. Full EIA is required?

Yes ☐

No ☒

Please explain:

No differential/negative impacts have been identified and therefore a full EIA is not required.