

WIRRAL LOCAL PLAN

Minerals Report

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REPORT

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1 INTRODUCTION

1.1 Wirral Council has commissioned RPS to undertake a complete review of mineral resources and mineral-related facilities in Wirral, with a view to providing advice on future minerals planning policy; and how best to deal with any proposals that may come forward for minerals related development within Wirral.

1.2 In doing so, the following work has been carried out:

- A complete review of mineral resources and mineral-related facilities in Wirral;
- A review, update and replacement of Wirral elements of the previous study for Merseyside (2008);
- An assessment of the requirements of the National Planning Policy Framework and its associated Planning Practice Guidance in respect of minerals planning and determination of applications.
- Provision of advice and guidance on how best to address mineral-related issues in the new Local Plan to meet the requirements of national policy and ensure soundness and legal compliance; and
- Engagement with industry (as necessary) in order to understand proposals/likelihood of any future minerals development.

2 NATIONAL MINERALS POLICY

Introduction

- 2.1 Key national planning policy has been reviewed, including:
- National Planning Policy Framework (revised February 2019 – as updated 19 June 2019 to delete paragraph 209 part a)
 - Planning Practice Guidance (PPG) (2014 - as updated 1st October 2019)
 - National and Regional Guidelines for Aggregates Provision in England 2005 – 2020.
- 2.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for development can be produced.
- 2.3 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11).
- 2.4 For plan- making this means that:
- a. plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
 - b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.5 For decision-making this means that:
- a. approving development proposals that accord with an up-to-date development plan without delay; or
 - b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.6 Chapter 17 of the NPPF deals specifically with minerals.
- 2.7 Set out below are the most relevant policies from the NPPF; starting with minerals and followed by other more generic policies.

Facilitating the sustainable use of minerals

- 2.8 At the outset, in Paragraph 203, the NPPF states that “It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”.
- 2.9 At paragraph 204 the NPPF states that planning policies should:

- a. provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
- b. so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
- c. safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- d. set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
- e. safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
- f. set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
- g. when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
- h. ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.

2.10 Paragraph 205 advises that great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

- a. as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
- b. ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take in to account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c. ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d. not grant planning permission for peat extraction from new or extended sites;
- e. provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f. consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g. recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

- 2.11 The NPPF also advises that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas (see paragraph 2.17) if it might constrain potential future use for mineral working.

Maintaining supply of Aggregates

- 2.12 For aggregates, the NPPF states at paragraph 207, that minerals planning authorities should plan for a steady and adequate supply of aggregates by:
- a. preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
 - b. participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
 - c. making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
 - d. taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
 - e. using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
 - f. maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised;
 - g. ensuring that large landbanks bound up in very few sites do not stifle competition; and
 - h. calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

Areas for future minerals working

- 2.13 Planning Practice Guidance (PPG) advises that Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority) (Paragraph: 008 Reference ID: 27-008-20140306).
1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;
 2. Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or
 3. Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

Landbanks

- 2.14 A landbank is the total permitted reserves for a mineral authority within a geographic area. The reserve life of a landbank is calculated using the expected provision (supply in response to demand) included in the development plan expressed on an annual basis.
- 2.15 The NPPF defines the minimum requirement for a landbank of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised (Paragraph 207(f)). This takes into account the length of time needed to obtain planning permission and bring replacement operations into production. NPPF also confirms that longer periods may be appropriate to take account of the need to supply a range of type of aggregates, locations of permitted reserves relative to market, and productive capacity of permitted sites.

Safeguarding mineral resources

- 2.16 PPG advises that Mineral Planning Authorities should adopt a systematic approach for safeguarding mineral resources which:
- uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources;
 - consults with the minerals industry, other local authorities (especially district authorities in 2-tier areas), local communities and other relevant interests to define Minerals Safeguarding Areas;
 - sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and
 - adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals.

(Paragraph: 003 Reference ID: 27-003-20140306)

Green Belt

- 2.17 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 2.18 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.19 The NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Some development is appropriate in the Green Belt and this is listed at Paragraph 145 of the NPPF. In addition, certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction.
- 2.20 It is, however, worth noting that only mineral *extraction* is listed. Processing plant, offices and other buildings can still be deemed to be inappropriate development in the Green Belt.

Conserving and enhancing the natural environment

2.21 Another particularly relevant chapter of NPPF, when considering mineral extraction, is Conserving and enhancing the natural environment. At Paragraph 170, the NPPF states that:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c. maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e. preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f. remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

2.22 Regarding habitats and biodiversity, paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), biodiversity adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b. development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Conserving and enhancing the historic environment

2.23 In respect of conserving and enhancing the historic environment, the NPPF, at paragraph 184 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 2.24 Paragraph 190 advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

3 OVERVIEW OF MINERALS IN MERSEYSIDE AND WIRRAL

Introduction

- 3.1 The Metropolitan Borough of Wirral forms the northern most part of the peninsula between the Dee and Mersey Estuaries on the opposite bank of the Mersey from Liverpool, between Liverpool and North Wales. Wirral is bordered to the south by the district of Cheshire West and Chester. The majority of the 25-mile coastline is of international importance for migratory birds.
- 3.2 The land area extends to 60 square miles with just under half being open countryside. Approximately 58 percent of this area is used for farming, over half of which is high quality agricultural land. Most of the remaining open land is designated as Green Belt (45%) with a boundary tightly defined by the surrounding urban area.
- 3.3 The Merseyside Mineral Resource Study¹ (MMRS) confirmed at the time, following consultation with the mineral industry, that Wirral had no workable resources for land-won crushed rock, sand and gravel or industrial minerals.
- 3.4 Much of the background information contained within the MMRS was taken from the BGS² report of 2006, which set out the background to mineral resources on Merseyside. It states that there is very limited current extraction of sand and gravel in Merseyside; most of which is marine dredged and is landed at coastal ports such as the Port of Liverpool.
- 3.5 Much of Wirral is founded on sandstone, which is major aquifer. Wirral does not however have any significant mineral reserves, apart from small amounts of winnable brick clay. The MMRS recommended that only the Carr Lane Brickworks at Moreton should be safeguarded for future mineral extraction.
- 3.6 From 2007 to 2015, marine-won sand and gravel from Liverpool bay was landed at a purpose-built facility at Bromborough Coast. The 2016 North West Regional Aggregates Working Party Annual Monitoring Report stated that annual landings had been as high as 124,000 tonnes, but also advised that “the facility has now closed”.

Geology

Sand and Gravel

- 3.7 Sand and gravel resources occur in a variety of geological environments. Generally, in Merseyside these resources occur mainly within superficial or drift deposits, subdivided into river sand and gravel, glaciofluvial sand and gravel and blown sand, with additional resources of bedrock sand and gravel. In Wirral, these superficial deposits occur as marine deposits or on the northern coastal areas.
- 3.8 The BGS report, however, notes that the most extensive glaciofluvial sand and gravel deposits in the (Merseyside) area occur to the east of Prescott. River sand and gravel deposits are best developed along the River Alt in Sefton, Sankey Brook in St Helens and in the north of Wirral and along the River Fender which runs parallel with the M53.

¹ The Evidence Base for Minerals Planning in Merseyside Final Report August 2008 (Urban Vison)

² BGS: Mineral Resource Information in support of National, Regional and Local Planning: Merseyside (2006)

- 3.9 Sand and gravel may also be won from suitable bedrock deposits. In Merseyside, the main lithology worked for sand is the Triassic, Chester Pebble beds Formation, which occurs in the south of the sub-region. Resources of sand and gravel primarily occur within superficial or 'drift' deposits of glacial and post glacial origin, see fig 3.1 below.

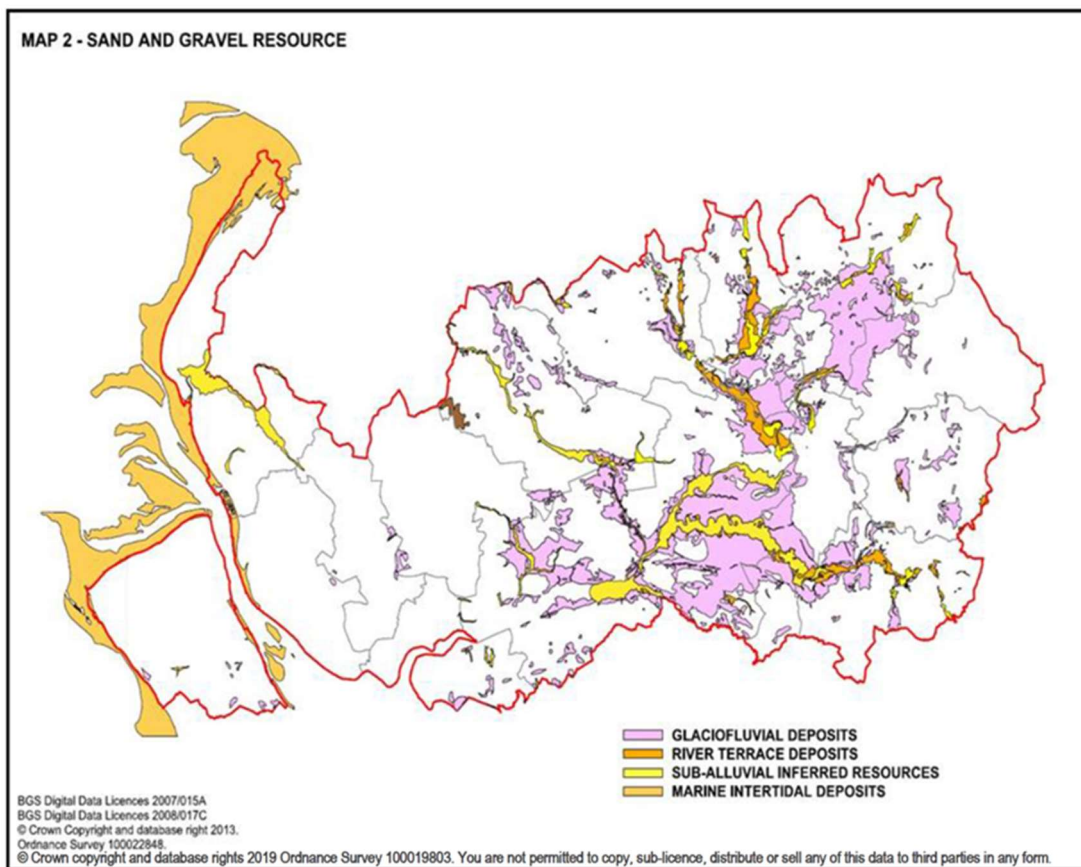


Figure 3.1: Sand and Gravel Resources on Merseyside

(Source: Joint Local Aggregate Assessment, Greater Manchester, Merseyside and Halton, and Warrington, July 2019).

Brick Clay

- 3.10 The Pennine Coal Measures remain the principal brick clay resources in Northern England. Resources on Merseyside occur mainly in Knowsley and St Helens. The Etruria formation occurs in the southern part of St Helens around Prescott. The BGS report does not mention Wirral in respect of clay resources. While there have in the past been winnable reserves in the northern part of the authority, these are now very limited in extent.

Building Stone

- 3.11 Building Stone has been produced from several horizons within the Carboniferous and Perm-Triassic rocks of the area. In the past, working of local sandstone was widespread. However, today there is no quarrying of Building stone within the Merseyside sub-region.
- 3.12 The red and white sandstones of the Sherwood Sandstone group historically were by far the most important sources of building stone within the Merseyside area. In Wirral many large quarries also worked the Sherwood sandstone group around Thingwall, West Kirby, Irby, Heswall, Higher Bebington, Storeton, Oxtan, Bidston and Wallasey. None of these are now active.

Coal

- 3.13 Merseyside lies predominantly within the South Lancashire Coalfield. The coal-bearing strata of the Pennine Lower and Pennine Middle Coal Measures generally dip to the south. To the west, coal measures continue below Liverpool and the Wirral Peninsula to join up with the North Wales coalfield. There are no deep mines in operation in the South Lancashire Coalfield. The last deep mine, Parkside in St Helens, was closed in 1993. Future potential areas for deep coal have only been identified in the south of the sub-region, between Widnes, Warrington and St Helens.

Hydrocarbons

- 3.14 Onshore oil and gas is mainly encountered in the Pennine coal Measures of the South Lancashire Coalfield to the east of the Wigan area. The Wirral Peninsula is underlain by generally easterly dipping Pennine Lower-Middle Coal Measures of the North Wales coalfield. The succession includes numerous thin coal seams of mainly medium volatile coking coal at depths of between 250 and 1500 metres.
- 3.15 The BGS report states that prospects for Abandoned Mine Methane (AMM) north of the Mersey are not good because the former mines are long abandoned and are likely to be flooded. However, measures in the North Wales coalfield have been mined more recently and prospects for AMM are good provided that the abandoned mines have not been flooded.
- 3.16 The South Lancashire coalfield has been heavily mined and therefore Coal Bed Methane (CBM) development from virgin coal seams may only be a prospect in unmined areas of the coalfield in the south of the sub-region. CBM potential is thought to be particularly good in the North Dee Area of the north Wales coalfield. If similar conditions extend beneath the Wirral Peninsula, then similar potential may exist here.
- 3.17 There is one Petroleum Exploration and Development License (PEDL) in Wirral, held by Island Gas Ltd. (see Appendix B). PEDLs are areas of land, which has been leased by the Oil and Gas Authority to a particular drilling company. So, if a PEDL is held by Igas, only Igas can drill for gas in that license area. A company cannot drill in an area unless they have secured the PEDL for it. No proposal has however yet come forward for active exploration.

Summary Map

- 3.18 On the BGS Resource Map, Wirral's main resource is shown as being superficial sub-alluvial inferred sand and gravel deposits, together with small pockets of glaciofluvial deposits in the southern part of the peninsula (see Figure 3.2 below, which is extracted from the Merseyside Mineral Resource Information Map [British Geological Survey & Office of the Deputy Prime Minister 2006]).

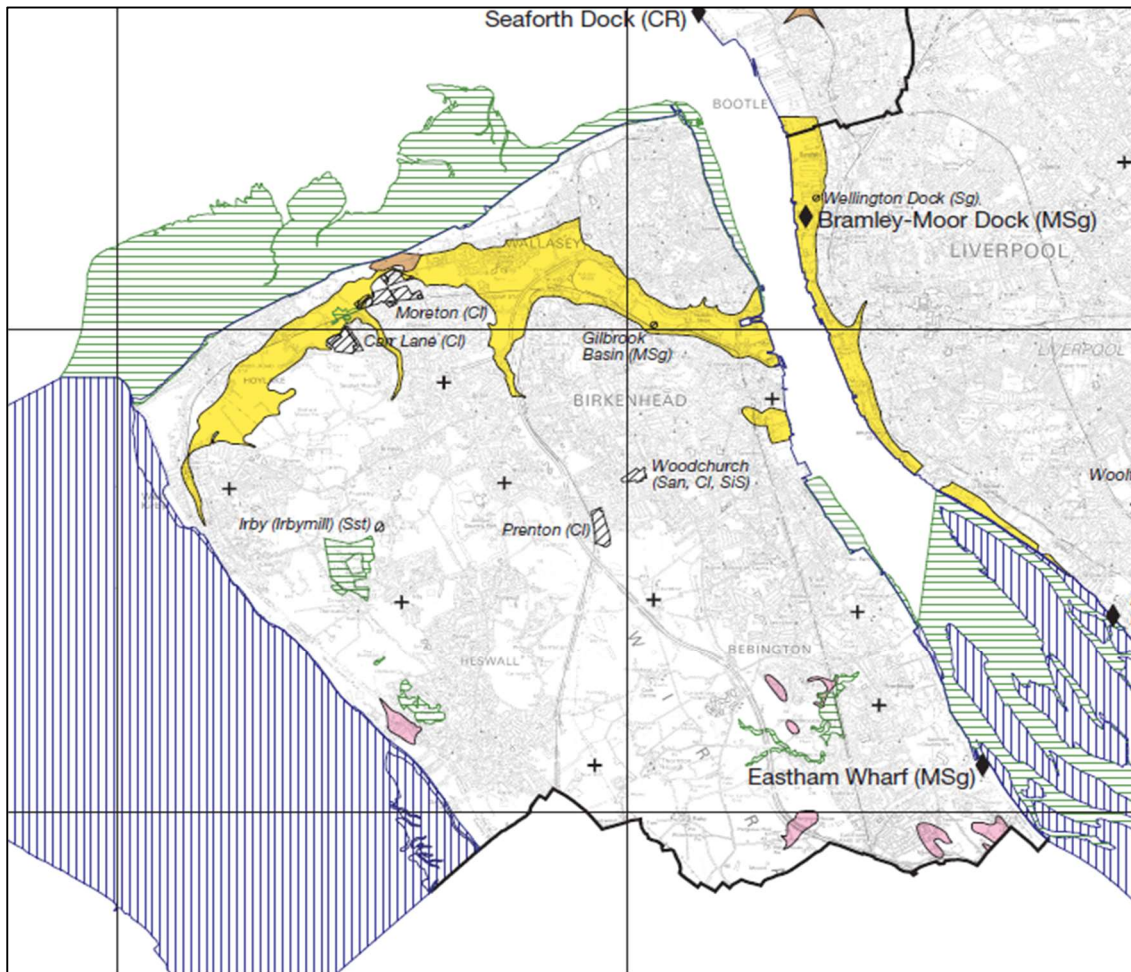


Figure 3.2: Mineral resources/sites in Wirral

(Source: Minerals Resource Information in support of National, Regional and Local Planning: Merseyside, a summary of the Mineral Resources of the North West of England, British Geological Survey & Office of Deputy Prime Minister 2006) Open Government Licence:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

- 3.19 The green striped areas show existing national nature conservation areas at the time. The plan also shows the existing clay quarry at Carr Lane; the closed and restored site at Moreton, the worked-out sites at Prenton and Woodchurch; together with Eastham Docks marine sand and gravel import facility which has now also closed. The striped blue area in the surrounding River Dee, Mersey and Irish Sea are international nature conservation designations. The yellow and pink areas represent the potential location of superficial sand and gravel deposits.

4 AGGREGATES SUPPLY

- 4.1 The NPPF requires mineral planning authorities to plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA). The LAA should be based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources). The LAA should conclude if there is a shortage or a surplus of supply and, if the former, how this is being addressed ((Paragraph 207 (a)).
- 4.2 PPG explains that mineral planning authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply (Paragraph: 064 Reference ID: 27-064-20140306).

Sand and Gravel Resources in the Sub-Region

- 4.3 There is a limited amount of sand and gravel extraction in the sub-region. Sand and gravel has been extracted in the past in Warrington although there are no working quarries at present. Activity in Merseyside is mainly limited to the landing of marine-dredged material at coastal ports such as the Port of Liverpool and historically at Eastham and Bromborough.

Local Aggregates Assessment (LAA)

- 4.4 The Minerals Planning Authorities of Greater Manchester, Merseyside and Warrington (17 unitary local authorities/the sub-region) have worked together to produce a series of joint LAAs, reflecting their status as a single aggregate apportionment sub-region under the Managed Aggregate Supply System (MASS). MASS seeks to ensure a steady and adequate supply of aggregate mineral, to handle the significant geographical imbalances in the occurrence of suitable natural aggregate resources, and the areas where they are most needed. It requires those authorities with adequate resources to contribute to national as well as local supply.
- 4.5 The latest LAA (Joint Local Aggregate Assessment, Greater Manchester, Merseyside and Halton, and Warrington, January 2019) covers aggregate supply in the sub-region in 2017, with data for the period up to December 2017.
- 4.6 The LAA is a factual based monitoring document that acts as an evidence base to assist the individual Mineral Planning Authorities (MPAs) in their policy formulation.
- 4.7 Bold Heath Quarry is the only quarry in Merseyside with an active planning consent for production of crushed rock (sandstone) aggregate. It produces low grade crushed sandstone for use as construction fill. According to the latest LAA, it should continue to contribute to apportionments for some time into the future.
- 4.8 There are currently no aggregate quarries in Wirral (either sand and gravel or crushed rock).

Land-won Sand and Gravel Landbank

- 4.9 The most recent LAA (January 2019) states that reserves of land-won sand and gravel in the sub-region fell in 2017 because there is now only one quarry, Astley Moss in Salford, contributing to the landbank. Planning permission at Astley Moss is due to expire by 31 December 2022.
- 4.10 A planning application for an extension at Morley's Hall in Wigan, which would have extended the landbank by 2 years, has now been 'withdrawn' and the site is expected to close shortly; currently it is just active for inert landfill. The landbank for aggregate land-won sand and gravel as at 31 December 2017 was 4.5 years based on 10-year average sales.

Movement of Aggregates – Imports/Exports

- 4.11 Information on imports and exports of aggregates into and out of the North West region is taken from the 2014 Aggregates Minerals Survey (AMS) undertaken jointly between the Department for Communities and Local Government (DCLG) and the British Geological Survey (BGS). This is the most up-to-date data available on flows of aggregate materials. The data tables express the movement of minerals in percentage ranges, so there are limitations in the precision of the data.
- 4.12 The AMS reports that the North West consumed 15,363 thousand tonnes of primary aggregate in 2014, 45% of which originated within the North West region and 55% of which was imported into the region. No separate data for the LAA sub-region has been published. In summary, the North West region is a net exporter of sand and gravel and a net importer of crushed rock.

	Import (000 tonnes)	Export (000 tonnes)	Balance (000 tonnes)
Sand & Gravel (land won and marine)	240	723	-483 (net export)
Crushed Rock	7,740	313	+ 7,427 (net import)

Table 4.1: North West Net Imports/Exports (2014)

Secondary and Recycled Aggregates

- 4.13 Recycled aggregates, which include inert materials such as concrete, stone, brick and other similar materials, are reprocessed materials previously used for construction purposes and which are often taken from the Construction, Demolition and Excavation (CD&E) waste stream. Secondary aggregates are usually by-products of industrial processes and can include materials such as clay waste, ash and slag.
- 4.14 The use of secondary and recycled materials not only reduces the requirement for new production of primary aggregate, but also reduces the need for disposal to landfill of CD&E waste materials. NPPF strongly promotes the use of secondary and recycled materials as an alternative to primary aggregate (Paragraph 204 (b)).
- 4.15 Data on secondary and recycled aggregate production and use is often variable and incomplete. This is because, while some sites operate under licence and can be monitored, much recycling and re-use occurs on individual construction sites which are temporary in nature and do not produce data. The Mineral Products Association has published data on the likely contribution that secondary and recycled materials make to the aggregates market, reporting that nationally these materials made up 29% of the market in 2017.
- 4.16 The use of secondary and recycled aggregate materials is acknowledged to be of some importance to the sub-region, as it is heavily urbanised and therefore is likely to have production levels significant enough to offset against the apportionment figures. Seeking a means to provide a reliable estimate for secondary and recycled aggregate production is therefore a priority action for future LAAs.

Future Aggregate Supply and Demand

- 4.17 Annual surveys of aggregate sales and reserves have historically been undertaken by the North West Regional Aggregates Working Party (NWAWP) and provide a basis for establishing future supply and demand. There has been a decline in sales of land won sand and gravel and an increase in the sales of crushed rock in the sub-region. This is due to:
- Closure of sand and gravel quarries, which have not been replenished;

- Development of more efficient construction techniques requiring less aggregate;
- Increased use of marine won aggregate and secondary and recycled aggregates.

- 4.18 Given the above, it is likely that imports of primary aggregate material into the sub-region will continue to be important. It is also likely that secondary and recycled aggregates will continue to compete with primary aggregate extracted in the sub-region.
- 4.19 The 2019 LAA states that forecasting future aggregate market conditions is difficult and advises that it is the import of aggregates which will continue to be of most importance to the sub-region. The pre-recessionary peak for sales was reached in 2006 with 1.94mt of recorded aggregate sales, compared with 0.51mt in 2010 and 1.1mt in 2016. However, ambitious local authority housing delivery targets and the potential effects of local devolution will be a factor in the recovery of demand for aggregate.
- 4.20 Crown Estates, while recognising that a market recovery for marine aggregate is underway, does not expect a return to 2008 peak levels until the early 2020's. This suggests that recovery to peak levels is certainly possible but may take some time. The LAA advises that there is expected to be enough unused capacity within the aggregates market onshore, and particularly off-shore, to service any increase in demand in the short-to-medium term.
- 4.21 For the reasons outlined above, CD&E waste, and its use for aggregate purposes, has been identified by the NWRAWP as an area requiring further interrogation and review.

Marine Won Aggregates and Wharves

- 4.22 The sub-region contains significant marine infrastructure, most notably in the Port of Liverpool, but also other dock facilities at Garston, historically at Bromborough and Eastham and a range of smaller wharf facilities along the Manchester Ship Canal to its terminus in Salford.
- 4.23 The Crown Estate, along with the British Marine Aggregate Producers Association (BMAPA), publishes reserve and dredge statistics on an annual basis⁸. The 'Marine Aggregates the Crown Estate Licences Summary of Statistics 2017' report, provides summary statistics relating to the dredging and landing of marine dredged aggregate sand. Reserve information is published by The Crown Estate in the 'Capability and Portfolio' report (2018). In addition, The Crown Estate and BMAPA publish a summary of the extraction activity in the 'Area Involved Report', the 20th of which was published in 2018.
- 4.24 In 2017, 321,090 tonnes of marine sand and gravel was delivered to the North West. Landings at Liverpool ports increased from 260,398 tonnes in 2016 to 278,617 tonnes landed in 2017. This is a significant reduction in the amount of material being dredged off the North West coast in 2015, when the total was 1,161,600 tonnes.
- 4.25 Over 97% of the primary aggregate was delivered to North West wharves, with Liverpool by far the most significant destination. Crown Estates anticipates 3% annual growth in demand nationally in the period up to 2030 and the North West offshore licenses should be well placed to accommodate this level of growth.
- 4.26 Some 0.53mt of igneous rock from the Glensanda Superquarry was landed at Liverpool Wharf in 2017 and used in ready mix concrete; this is a drop from 0.65mt in 2016. This material is transported by road to Cheshire, Lancashire and within the sub-region.
- 4.27 The 'Marine Aggregates Capability and Portfolio document 2018' reports that there are currently 12.56mt of primary marine aggregate reserves in the north west dredging areas, which when compared to the 10-year average annual off take rate, would provide a reserve life of approximately 37.49 years.
- 4.28 A key issue for the sub-region is the importation of aggregates from within the North West and beyond. In order to meet construction needs, it is likely that imports will continue to be required.

Therefore, safeguarding of rail depots and wharves by the MPAs is a requirement of the NPPF (Paragraph 204 (e)). None however are currently operating in Wirral at the present time.

Apportionment Determination

- 4.29 The 2019 LAA principal conclusion is that the authorities of the sub-region should adopt a 2% annual uplift for predicted future demand for aggregates, in line with predicted economic growth. This is considered to be more realistic and achievable than the sub-regional apportionment, or the 10-year and 3-year rolling averages from previous years' sales. The sub-region has not met its apportionment for some time and the 2019 LAA states that there is no indication that this position is likely to change in the immediate future, as no new proposals for quarries are currently known. The situation will be kept under review through future LAAs.
- 4.30 Although the latest LAA has highlighted a number of areas where data is weak, absent or not readily applicable at MPA level, it has identified a number of key issues for policy makers in individual MPAs, taking account of their local circumstances and the position for the sub-region identified by the LAA.
- 4.31 These key messages for the future direction of policy for Wirral is set out in the table below. Given the lack of winnable aggregates in Wirral this position is unlikely to change in the foreseeable future. The planning implication to *"Provide for windfall applications appropriately"* needs to be assessed against current UDP saved policies.

Aggregate Resources Present?	Aggregate Extraction Sites with Live Consents?	Aggregate Wharves?	Planning Implications
NO	NO	YES	<ul style="list-style-type: none"> • Prioritise use of secondary and recycled material. • Safeguard wharves and associated transport infrastructure and processing facilities • Safeguard critical transport infrastructure. • Provide for windfall applications appropriately. • Continue to work with industry in order to contribute to the apportionment and participate in AWP. • Monitor landbank adequacy through annual LAA. • Safeguarding of mineral resources

Table 4.2: Extract from 2019 LAA (Planning Implications) for Wirral

5 FUTURE MINERALS POLICY

- 5.1 The Council has two existing adopted local plans:
- Unitary Development Plan for Wirral (February 2000)
 - Joint Waste Local Plan for Merseyside and Halton (July 2013)
- 5.2 The policies in the Unitary Development Plan will be replaced by a new Local Plan to be submitted to examination in 2020. The proposed Local Plan will update the Council's long-term vision, objectives and spatial strategy for the Borough and will identify land allocations for development up to 2035.
- 5.3 In Merseyside and Halton, the six authorities are each independently considering minerals matters within their broader Local Plans. There are no plans to produce a common plan or separate Minerals Local Plans within each authority. However, specific policies for minerals planning matters and associated issues will be included within local plan documents, as appropriate, and all the authorities intend to continue to work within the Managed Aggregate Supply System (MASS) and to participate in the NW Regional Aggregates Working Party. Merseyside and Halton authorities will prepare their plan coverage in full compliance with the requirements of Duty to Co-operate
- 5.4 The Liverpool City Region (LCR) now has a formally constituted Combined Authority and a devolution agreement with Central Government, with an elected LCR Mayor appointed in May 2017. The agreement includes development of a Statutory Spatial Framework for the City Region, which will support the delivery of strategic employment and housing development and future local plans will be in general conformity with. As a strategic planning document setting the agenda for major development schemes, the Spatial Framework will have implications for the aggregates market in the Liverpool City Region and, in due course, future Local Aggregates Assessments will need to take account of it. The timetable for the creation and adoption of a Spatial Framework for the LCR envisions that a Spatial Framework will be adopted in 2020 with initial consultation taking place in late 2019.

6 ASSESSMENT OF SAVED UDP POLICIES

- 6.1 There are several saved mineral policies from the UDP. However, these are now almost 20 years old and predate NPPF. For this reason, Chapter 17 of the NPPF should be the starting point for policy drafting and determination of planning applications given that the UDP could be considered 'out of date'. That is not to say that the saved UDP policies are not relevant - they still represent the development plan - but they must be in conformity with NPPF to be valid. Saved UDP minerals policies and supporting text are reproduced as Appendix A.
- 6.2 Table 6.1 assesses the saved UDP policies in respect of whether they are still relevant and whether they comply with the NPPF.
- 6.3 Most of the policies are still considered to be relevant, but in some cases would need redrafting to be fully compliant with the NPPF.
- 6.4 For example, the supporting text for the Policy M14 states that:
- There are small deposits of sand and gravel within Wirral, but all lie beneath best and most versatile agricultural land, and/ or Areas of Special Landscape Value. Commercial use of sands extracted from the Mersey Estuary is limited by contamination from industrial pollution, and sand within the Dee Estuary and North Wirral foreshore are located in SSSI's, and in the case of North Wirral has been proved to be not commercially usable, even as building sand.*
- In view of this, the winning of sand and gravel from land-based deposits will not normally be allowed.*
- 6.5 Whilst it is accepted that this may still the case, it is unlikely, given the general pro-mineral stance of the NPPF, that such a preclusive policy would be acceptable. In reality, it may well be that sand and gravel (or sandstone) may not be commercially viable or environmentally acceptable. However, such development should never be ruled out completely.

Table 6.1: Assessment of UDP Policies

UDP Policy	Still Relevant?	Compliant with NPPF (reference)	Comment
MIN1: Maintaining Minerals Supply Strategic Policy	Yes, as part of the sub-region but needs to be refined. If no crushed rock resource, then this does not need to be referred to.	Yes - Para 207 refers.	This is one of the main planks of national mineral policy. There are sand gravel resources in Wirral and a site may come forward during the life of the Plan. Also, potential may exist for marine aggregates to be landed in Wirral.
MIN2: Safeguarding Mineral Reserves Strategic Policy	Yes	Yes – Paras 203 and 204 (c) refer.	Safeguarding does not mean permission for extraction would necessarily be granted. It is a completely sustainable policy as it protects potentially valuable minerals from being sterilised by other forms of development. It is also meant to be a long-term requirement, for the life of the Plan and beyond. This may require further consultation with BGS.

UDP Policy	Still Relevant?	Compliant with NPPF (reference)	Comment
MIN3 Restoration and Aftercare of Mineral Extraction Sites Strategic Policy	Yes, but needs refinement.	Yes – Para 204 (h) refers.	See also PPG, Paragraph: 013 Reference ID: 27-013-20140306.
MI1 The Control of Clay Extraction Policy	No, Carr Lane has planning permission until 2042. There are no other operational sites and no evidence of any recent interest in developing new sites.	No - negative slant would not meet the general policy stance of Paras 203 and 205.	Not included in draft Policy CS38.
MI2 The Control of Oil and Gas Facilities Policy	Yes, but needs updating to accord with NPPF.	Yes – Para 209 refers.	There is a PEDL Licence mainly covering West and Mid Wirral
MI3 Facilities for Marine Won Sand and Gravel Policy	Yes	Yes, inferred by Para 207 (a)	Bromborough and Eastham are not operational but could be in future.
MI4 Sand, Gravel and Sandstone Extraction Policy	Yes	No. The policy is too negative and does not reflect the general stance of para 205. The issue of constraints/unlikely economic viability can be addressed in the supporting text.	Not included in draft Policy CS38.
MI5 Development Control Criteria for Mineral Extraction Policy	Yes – but should also include aviation impact.	Yes - Para 204 (f) refers.	Could be cross-referred to the general development management policy in the Core Strategy (Policy CS42). Draft Policy CS38, (3) is inadequate.
MI6 Use of Secondary and Recycled Aggregates Policy	Yes	Yes - Para 204 (b) refers.	Draft Policy CS38 (2) is imprecise.

7 DRAFT MINERALS POLICY

7.1 The updated draft Policy CS38 proposed to be carried over into the new Wirral Local Plan is set out below:

Policy CS38 - Minerals

Facilities for the exploration, extraction, storage, processing and distribution of minerals will be permitted where it can be demonstrated that:

1. there is a demonstrable need and market demand, extraction is necessary and no other viable source for the mineral is available;
2. the proposal would not undermine the greater use of alternative, secondary or recycled materials;
3. the operations permitted will not have an unacceptable adverse impact on the natural, water or historic environment, neighbouring uses, amenity or on human health, particularly as a result of appearance, lighting and visual intrusion, noise, odours, dust, air quality, vermin, vibration, traffic and other nuisance and contamination;
4. adequate provision for the mitigation of any negative impacts during operations and periods when the site is not being worked will be secured;
5. sensitive environmental restoration and aftercare of sites will be secured at the earliest opportunity to an agreed timescale and, to a standard and form consistent with the character, setting and landscape of the surrounding area; and
6. the proposals will comply with the requirements of Policy CS1A and Policy CS1B.

Proposals for development should ensure the minerals reserve for clay extraction in North Wirral is safeguarded as shown on the Local Plan Proposals Map. Development will only be permitted within the safeguarded area where it can be demonstrated that the mineral cannot be extracted prior to development or is no longer of any value or potential use subject to compliance with Policy CS2 and Policy CS1A.

Facilities for the importing, storage, processing and distribution of minerals, including the landing of marine-won sand and gravel, will be directed towards existing facilities and to land within the port estates to maximise the use of sustainable transport by rail and water.

Existing facilities for landing marine-won sand and gravel will be safeguarded within the boundaries defined on the Local Plan Proposals Map.

7.2 Observations on the individual elements of draft Policy CS38 are set out below:

1. There is a demonstrable need and market demand, extraction is necessary and no other viable source for the mineral is available;	Comment: demonstrable need and market demand could be regarded as being the same thing.
2. The proposal would not undermine the greater use of alternative, secondary or recycled materials;	Comment: Undermine is too vague; the policy is not precise and likely to be unenforceable.
3. The operations permitted will not have an unacceptable adverse impact on the natural, water or historic environment, neighbouring uses, amenity or on human health, particularly as a result of appearance, lighting and visual intrusion, noise, odours, dust, air quality, vermin, vibration, traffic and other nuisance and contamination;	Comment: Should be copied over as a separate policy, or cross reference the general development management policy in the Local Plan.
4. Adequate provision for the mitigation of any negative impacts during operations and periods when the site is not being worked will be secured;	Comment: Not precise and likely to be unenforceable.
5. Sensitive environmental restoration and aftercare of sites will be secured at the earliest opportunity to an agreed timescale and, to a standard and form consistent with the character, setting and landscape of the surrounding area;	Comment: Would be better to be carried over as a separate policy revised to reflect wording in the NPPF.
6. The proposal will comply with the requirements of policy CS1a and CS1B.	Updated cross reference should be made to other policies in the Local Plan.
Proposals for development should ensure the minerals reserve for clay extraction in North Wirral is safeguarded as shown on the Local Plan Proposals Map. Development will only be permitted within the safeguarded area where it can be demonstrated that the mineral cannot be extracted prior to development or is no longer of any value or potential use subject to compliance with other policies in the Local Plan.	Comment: It would be better if this was copied over as a separate policy.
Facilities for the importing, storage, processing and distribution of minerals, including the landing of marine-won sand and gravel, will be directed towards existing facilities and to land within the port estates to maximise the use of sustainable transport by rail and water.	Comment: This should be copied over as a separate policy.
Existing facilities for landing marine-won sand and gravel will be safeguarded within the boundaries defined on the Local Plan Proposals Map.	Comment: Not detailed enough. See paragraph regarding Clay safeguarding in the draft policy. It would be better to combine the two under one safeguarding policy

General Comments

- 7.3 As a general observation it is difficult to try and address several different issues under one policy. The wording can become clumsy and the policy then loses its preciseness and enforceability.
- 7.4 Draft Policy CS38 as it stands does not fully comply with NPPF. Clearly Wirral, as MPA, cannot meet some of the requirements of the NPPF (para 204 a) and para 207 e) and f) because it only has one active site (for clay extraction) and there is no immediate likelihood of any new sites coming forward. However, it does have other mineral reserves, so it is possible that proposals for minerals development could come forward during the Plan period. There is also no reference to oil and gas exploration. Wirral does have a PEDL, which covers most of the administrative area and so a criteria based policy will need to be included in the Local Plan to meet the positive requirements of the NPPF.

- 7.5 In addition, the policy does not meet all of the recommended actions from Table 4.2: Extract from 2019 LAA (Planning Implications) for Wirral, in the 2018 LAA; in particular to “Continue to work with industry in order to contribute to the apportionment and participate in AWP”.

Future Policy

- 7.6 In response to the general comments above, a suite of Draft Policies and associated supporting text have been drafted for insertion into the emerging Local Plan. These are included as Appendix C.

8 CONSULTATION

- 8.1 As part of this review, a limited consultation has been carried out with industry stakeholders and was primarily aimed at providing additional supporting information.
- 8.2 The following were consulted via a combination of e-mails and telephone calls:
- British Marine Aggregate Producers Association - no response received
 - Mineral Products Association no response received
 - British Aggregates Association – response received confirming no member interest
 - Carr Lane Brickworks, Moreton - response no response at time of writing.
 - Island Gas Ltd (Igas Ltd) – no response
 - North West Aggregate Working Party – no response
 - D Morgan plc – response no response at time of writing.
 - Mersey Wharf – response via a telephone call
 - Peel Ports Group Ltd – detailed response via conference call
 - Merseyside Environmental Advisory Service – detailed response
- 8.3 The response to consultation was limited and the consultees were all informed that future, formal consultation would take place as the Local Plan evolved.

9 CONCLUSIONS AND RECOMMENDATIONS

- 9.1 At the outset, in Paragraph 203, the NPPF states that *“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”*.
- 9.2 Paragraph 205 goes on to say that “great weight should be given to the benefits of mineral extraction, including to the economy”.
- 9.3 The NPPF is therefore very clear that the supply of minerals and conservation of mineral resources is considered to be of high importance to the Government.
- 9.4 Wirral does not, however, have any significant mineral reserves, apart from small amounts of winnable brick clay. The Merseyside Mineral Resource Study of 2008 recommended that only the Carr Lane Brickworks at Moreton should be safeguarded for future mineral extraction.
- 9.5 The extant UDP is now almost 20 years old but progress on replacing it with a new Local Plan has been complex, following the Core Strategy Proposed Submission Draft in 2012, which is now to be replaced by a new Local Plan to be submitted to the Secretary of State in 2020.
- 9.6 The “current” Draft Minerals Policy (CS38) covers too many separate issues. In attempting to be concise, the policy loses focus and some elements are imprecise and unenforceable. Many aspects would need re-drafting to be fully compliant with NPPF.
- 9.7 Given the lack of active mineral sites in Wirral, it may seem excessive to have a “suite” of policies. However, the UDP did have this, and although now somewhat dated, most of the policies are still relevant. Furthermore, there are still separate issues which need to be addressed in policy terms, regardless of any active minerals sites, such as minerals and infrastructure safeguarding, promoting the use of recycled/secondary aggregates and a commitment to participate in the LAA process, even if at the present time Wirral’s contribution is zero.
- 9.8 There is also the question of windfall sites. Parts of draft Policy CS38 could be redrafted to address this. The negative UDP stance on potential sand gravel extraction would be unlikely to find favour with an Inspector now, because it is contrary to the general thrust of NPPF on minerals supply.
- 9.9 It is therefore recommended that the following topics should be covered by individual policies in the new Local Plan:
- a. General Minerals Development
 - b. Maintaining the supply of aggregates
 - c. Safeguarding Mineral Reserves & Infrastructure
 - d. Use of Secondary and Recycled Aggregates
 - e. Oil and Gas Exploration
 - f. Site Restoration
- 9.10 Draft Policies and supporting text are included as Appendix C.

APPENDICES

Appendix A

SAVED MINERAL POLICIES

MIN1 Maintaining Minerals Supply Strategic Policy

The local planning authority, in conjunction with the other Merseyside metropolitan districts, will endeavour to maintain a landbank of reserves of sand, gravel and crushed rock, with planning permission, equivalent to at least seven years extraction, and also maintain its contribution to meeting its share of the aggregates demand in the region, on the advice of the north west aggregates working party, unless exceptional circumstances prevail, in accordance with national guidance.

MIN2 Safeguarding Mineral Reserves Strategic Policy

The local planning authority, where practical, will safeguard mineral reserves. It will refuse planning permission for surface development which would prevent mineral extraction or will permit extraction of the mineral prior to surface development commencing.

MIN3 Restoration and Aftercare of Mineral Extraction Sites Strategic Policy

The local planning authority will enforce an agreed set of restoration and aftercare conditions for mineral extraction sites in accordance with an agreed after use which is compatible with the environment surrounding the site.

MI1 The Control of Clay Extraction Policy

The Local Planning Authority will control and monitor the extraction of clay within the Borough to ensure that any adverse environmental impact is minimised.

MI2 The Control of Oil and Gas Facilities Policy

Planning applications for oil and natural gas exploration and extraction facilities within the Borough may be permitted, but the Local Planning Authority will have particular regard to the following:

- (i) national energy policies;
- (ii) the design of installations;
- (iii) the siting of proposed facilities, particularly in relation to the Green Belt, Areas of Special Landscape Value, areas of nature conservation value, and the Coastal Zone;
- (iv) visual appearance, noise, dirt, dust and odours associated with installations;
- (v) the traffic generated by the development in relation to the local road network; and
- (vi) proximity to residential or other sensitive development.

MI3 Facilities for Marine Won Sand and Gravel Policy

The Local Planning Authority acknowledges that the retention and expansion of port-side facilities for the storage and distribution of marine-won sand and gravel will continue to be a viable and appropriate use within all the Dockland areas of the Borough and will continue fully to support such use.

MI4 Sand, Gravel and Sandstone Extraction Policy

The extraction of sand, gravel and sandstone within the Borough will not be permitted where it would have significant adverse effects that could not be satisfactorily alleviated. Proposals within, or likely to affect

designated areas of national or international nature conservation importance will be subject to the most rigorous examination in terms of their environmental effects. The Local Planning Authority will give the most special scrutiny to proposals within or likely to affect sites of local biological, nature conservation or geological importance and Areas of Special Landscape Value.

MI5 Development Control Criteria for Mineral Extraction Policy

In assessing planning applications for non-energy mineral extraction, the Local Planning Authority will be guided by the following criteria:

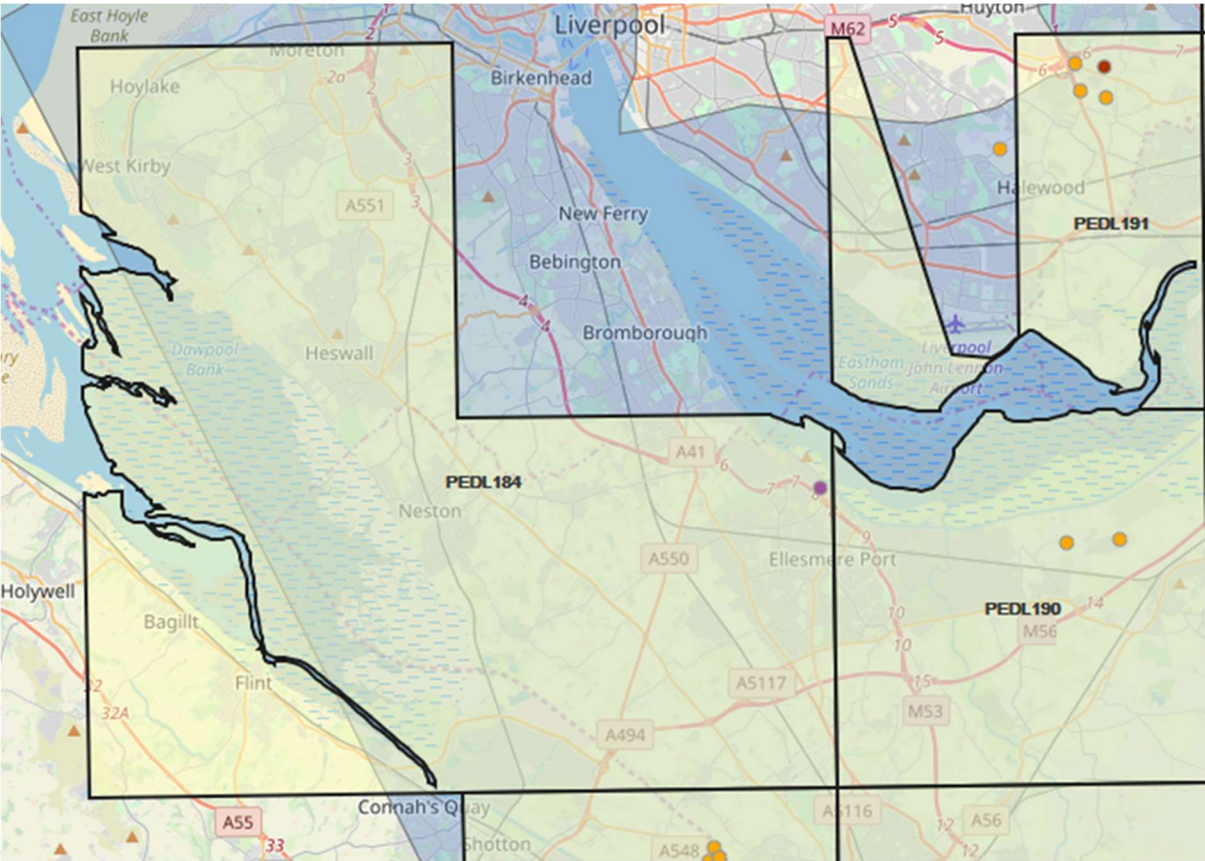
- (i) that there is a demonstrable need and market demand for the mineral in line with Government guidance;
- (ii) operations will not have an unacceptable impact on existing or proposed residential or other sensitive uses in terms of visual amenity, noise, vibration, smells, dust, litter, vermin, pollution of air, land or water, or another nuisance;
- (iii) adequate provision is made for screening and landscaping whilst work is in progress; for restoration, which should be phased on larger sites; and for appropriate aftercare;
- (iv) operations will not have unacceptable effects on the water environment;
- (v) traffic access arrangements are satisfactory and not environmentally unacceptable;
- (vi) operations will not have an unacceptable effect on the viability or structure of an agricultural holding, nor lead to the permanent loss or reduction in quality of best and most versatile agricultural land;
- (vii) operations will not unacceptably affect Listed Buildings or their settings, Scheduled Ancient Monuments, Areas of Special Landscape Value, Conservation Areas, sites of archaeological importance, and nationally and locally designated sites of importance for nature conservation or earth science;
- (viii) operations will not lead to the sterilisation of other workable mineral deposits on or adjacent to the site;
- (ix) operations will not have an unacceptable impact on the general landscape setting; and
- (x) operations will not increase the extent of active workings in a particular location to an unacceptable degree.

MI6 Use of Secondary and Recycled Aggregates. Policy

The Local Planning Authority will encourage the use of secondary aggregates and inert waste materials, such as re-usable demolition wastes, colliery shale and pulverised fuel ash, as alternative materials to newly won minerals, provided this is economically and environmentally acceptable.

Appendix B

PEDL



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Licence No	184
Licence Reference	PEDL184
Licence Type	PEDL
Licence Sub Type	Landward
Licence Start Date	July 1, 2008
Licence Status	Extant
Award Round	13
Round Type	Onshore
Round Start Date	
Round End Date	
Licence Administrator	ISLAND GAS LIMITED
Licence Administrator's Parent Group	IGAS PLC
Licensee(s)	INEOS UPSTREAM LIMITED, ISLAND GAS LIMITED
Licensee(s) Parent Group	IGAS PLC, INEOS INDUSTRIES

REPORT

Agreed Acreage (km2)	292.60
Calculated Acreage (km2)	292.60
Block Reference	SJ27, SJ28, SJ37
Initial Term End Date	June 30, 2016
Second Term End Date	June 30, 2024
Licence End Date	June 30, 2039

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Appendix C

DRAFT MINERAL POLICIES AND SUPPORTING TEXT

Introductory text

Mineral resources are defined as natural concentrations of minerals or, in the case of aggregates, bodies of rock that are, or may become, of potential economic interest due to their inherent properties. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

NPPF advises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.

Minerals extraction may only take place if the operator has obtained both planning permission and any other permits and approvals. These include permits from bodies such as the Environment Agency, and licenses from Natural England and, in relation to hydrocarbons, the Oil and Gas Authority.

Planning for the supply of minerals has a number of special characteristics that are not present in other development:

- minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited.
- mineral working is a temporary use of land, although it often takes place over a long period of time;
- working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
- following working, land should be restored to make it suitable for beneficial after-use.

Wirral Council is a Mineral Planning Authority (MPA) and as such the Local Plan has to include policies to reflect the presence of viable mineral resources within the Borough and any potential future mineral development.

The Wirral Minerals Report 2019 confirmed, following consultation with the mineral industry, that Wirral has no existing/workable resources for land-won crushed rock, sand and gravel or industrial minerals.

For the purposes of Policy 1 the term 'minerals development' refers to primary, secondary or recycled aggregate minerals, industrial minerals and energy minerals including hydrocarbons such as oil and gas.

Policy 1: Proposals for Minerals Development

Planning permission will only be granted for minerals development where:

- a. The development will not result in any unacceptable impact on the natural or historic environment, water resources, amenity or on human health; and**
- b. If the development involves extraction the extraction is necessary; and no other viable source is available; and**
- c. The proposal will not undermine the use of alternative, secondary or recycled materials; and**
- d. The proposal will not be detrimental to local residents and businesses or to the enjoyment of the surrounding area as a result of noise, smell, dust, vibration or other nuisance or loss of visual amenity; and**
- e. The proposal contains a satisfactory scheme of working which incorporates provision for site security and the containment and management of materials within the boundaries of the site; and**
- f. The access arrangements are satisfactory, and traffic generated will not have an unacceptable effect on road safety, or on properties adjoining routes used by site traffic, anywhere between the site and the primary and strategic road network; and**
- g. If applicable, there is a satisfactory scheme of restoration and after use which would not prejudice the flight path of Liverpool Airport; and**
- h. The development will not lead to the permanent loss or reduction in quality of best and most versatile agricultural land; and**
- i. Any ecological/nature conservation interests of a site will not be harmed; and**
- j. The proposal would not contravene any other policies of the Local Plan.**

Minerals are an important economic asset, but the working, storage, processing and distribution of minerals can have harmful effects on the environment and local amenity. In line with national policy, applicants will need to demonstrate that mineral sites can be sensitively designed and operated in a way to ensure there are no unacceptable adverse impacts on the environment or human health. The worked land should be reclaimed at the earliest opportunity, taking account of aviation safety, in accordance with an aftercare scheme and a budget that makes provision for high quality restoration, aftercare and after-use consistent with the landscape character of the surrounding area.

Policy 2: Maintaining Supply of Aggregates

In determining proposals for the extraction of aggregate minerals, regard will be given to the following:

- a. The contribution the proposal would make toward maintaining the sub-regional apportionment of the regional production of aggregates, as expressed in the NPPF; and**
- b. The need to maintain a landbank of reserves with permissions within the sub-regional area, in accordance with the latest LAA recommendations.**

There are small deposits of sand and gravel within Wirral, but all lie beneath best and most versatile agricultural land, and/or Areas of Special Landscape Value. Commercial use of sands extracted from the Mersey Estuary is limited by contamination from industrial pollution, and sand within the Dee Estuary and North Wirral foreshore are located within international nature conservation areas. Wirral currently has no workable sand and gravel reserves and no crushed rock reserves at all. Industry consultation, as part of the Wirral Minerals Report 2019, indicate that this situation is unlikely to change in the foreseeable future. Consequently, Wirral is not able to include a policy within the Local Plan, which commits the Borough to contributing to the sub-regional aggregates supply.

However, Wirral Council participates actively in the North West Aggregates Working Party (NWAWP) and subscribes to the national Managed Aggregate Supply System through market monitoring and co-production of an annual Local Aggregates Assessment (LAA). The LAA is produced jointly with other authorities to reflect an aggregates sub-region which includes Merseyside, Warrington and Greater Manchester. Matters related to minerals reserves and land banks are therefore monitored and reported annually at this sub-regional level through the LAA. This is the principal component of the evidence base to inform Wirral's future role in facilitating the appropriate supply of aggregate minerals. Accordingly, Wirral will maintain its commitment to the Managed Aggregate Supply System through continued representation in the North West Aggregates Working Party.

Policy 3: Safeguarding Mineral Reserves and Infrastructure

The mineral reserve for clay extraction in North Wirral is safeguarded as shown on the Local Plan Policy Map. Non-minerals development will only be permitted within the safeguarded area where it can be demonstrated that the mineral cannot be extracted prior to development or is no longer of any economic value or potential use subject to compliance with Policy 1 and national Green Belt controls.

Facilities for landing marine-won sand and gravel will be safeguarded within the boundaries as defined on the Local Plan Policy Map. Non-minerals development will only be permitted within the safeguarded area if:

- a. an alternative site within an acceptable distance can be provided, which is at least as appropriate for the use as the safeguarded site; and**
- b. it can be demonstrated that the infrastructure no longer meets the current or anticipated future needs of the minerals and/or construction industry.**

Note: Safeguarding of marine landing facilities needs to be agreed with relevant Port Authority.

The remaining workable site for clay extraction, which has consent to operate until 2042, is now used only intermittently and land for potential expansion is already owned by the operator. The site is identified as a Safeguarded Mineral Reserve on the existing Unitary Development Plan Proposals Map, which this Local Plan will replace – in effect a “mini” MSA. As such it is important to safeguard any future working from inappropriate built development. Applications for non-mineral development in the MSA, which is likely to comprise any built development given the size of the MSA, will be required to include a Minerals Assessment setting out how it complies with the policy. The Mineral Assessment should be proportionate to the situation and should have regard to the BGS report ‘Mineral Safeguarding in England: good practice advice, 2011’ or any subsequent updates. The Council will provide an Information Note for developers to provide guidance on mineral safeguarding and mineral assessments.

Marine-won sand and gravel from Liverpool Bay has previously been landed at port facilities at Birkenhead and Eastham and at a purpose-built facility on the Bromborough coast. Annual landings have been as high as 124,000 tonnes. However, there has been no marine landing of aggregates in Wirral since 2014 and following consultation with Industry and the Port Authority, this situation is unlikely to change in the foreseeable future.

Policy 3 provides for these facilities to be safeguarded in the interests of facilitating the continuing supply of minerals. However, as the Port Authority benefits from permitted development rights for many types of development, safeguarding of minerals infrastructure would not be enforceable in the Port’s operational area. If areas within the Port recently used for minerals purposes are no longer available for port-related reasons, the Council will work with the Port Authority to seek a suitable alternative facility within the Port Estate, which could be safeguarded for future use, if required.

Policy 4: Oil and Gas Development

Proposals for oil and gas development will be supported, subject to the following criteria:

1. Exploration and appraisal

Proposals for the exploration and appraisal of hydrocarbons within areas benefiting from a Petroleum Development Licence (PEDL), will only be supported where it has been demonstrated that well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed and they accord with the other Local Plan policies, including Policy 1.

Where proposals for exploration and appraisal are permitted, there will be no presumption that production from those wells will be permitted.

2. Production

Proposals for the production of hydrocarbons will only be supported where it has been demonstrated that the further works and the surface facilities are justified as being required to manage the output from the well(s), including facilities for the utilisation of energy, where relevant, and that they are sited in the least sensitive location from which the target reservoir can be accessed. Proposals will also need to accord with other Local Plan policies, including Policy 1. Proposals should also be supported by a full appraisal programme for the hydrocarbon resource.

3. Overall assessment

Having assessed the impacts of the proposals for the exploration, appraisal and production of hydrocarbons, planning permission will only be granted where it has been demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, or the material planning benefits of the proposals outweigh the material planning objections.

All proposals should include restoration and aftercare measures for each of the stages of development. Combined planning applications for more than one phase will only be considered if all relevant information, including environmental information, to support the full extent of the application is provided.

The exploratory, appraisal or production phase of hydrocarbon extraction can only take place in areas where a licence has been issued under the Petroleum Act 1998 (Petroleum Exploration and Development Licence, or PEDL).

There is no current energy mineral extraction within Wirral. However, there is an existing PEDL licence which covers most of the Borough.

The licence (issued by the Oil and Gas Authority) is shown on the Local Plan Policy Map. However, while Wirral is expected to show the licences on the Policies Map as described by paragraph 106 of the PPG, they are not subject to any local authority control and the Local Plan cannot influence them. Additional licences may be issued that cover other parts of the Borough and the Policies Map will be updated if and when that occurs. The Government allocates new licences and produces regularly updated maps showing those areas currently under licence.

NPPF requires planning policies to make a clear distinction between the three phases of development (exploration, appraisal and production) and national guidance supports the identification of criteria to assist with the location and assessment of well sites within areas licensed for hydrocarbon development.

Applications for energy mineral development require planning consent at each phase of onshore hydrocarbon development and the Council will advise applicants on the scope of information required to support applications at each stage. Some exploration work or testing, such as initial seismic work, may not require consent from the planning authority.

Policy 5: Substitute, Secondary and Recycled Aggregates

The Council will encourage the use of substitute, secondary or recycled aggregates and mineral waste as alternative materials to primary land-won minerals, provided this is economically and environmentally acceptable.

In line with the NNPF, the Council will encourage the use of secondary and recycled aggregates in building projects.

The use of such materials, often perceived as “waste”, as an alternative to natural aggregates is, in many cases, technically feasible and economically sound. It is also fully in line with the achievement of sustainable development, as it conserves valuable aggregate resources and reduces the quantity of material requiring disposal.

For example, temporary facilities could be located on sites for major demolition or construction projects; whilst permanent recycling plants for construction and demolition waste may also be viable in appropriate locations. Developers are advised to refer to the Joint Waste Plan for Merseyside in this regard.

However, in implementing Policy 5 the Council will need to be satisfied that, in particular cases, such use of materials is economically justified, and that the implications of using recycled materials, including the recycling process itself, will not result in unacceptable impacts on the environment or local amenity.

Policy 6: Restoration

All proposals for mineral extraction will require the submission of a restoration plan for the reclamation of the site to an appropriate after use, or to a state capable of beneficial after use, within a suitable and reasonable timeframe.

The plan should include:

- a. Details of the final restoration scheme and the proposed future land use;**
- b. Details of the timescales for completion of the restoration scheme; and**
- c. Details of aftercare arrangements that are to be put in place to ensure the maintenance and management of the site once restoration is complete.**

NNPF requires that planning policies ensure that land is reclaimed at the earliest opportunity, taking account of aviation safety and that high-quality restoration and aftercare of mineral sites takes place. Therefore, in respect of proposals for mineral extraction the Council will request details of the restoration and aftercare of the site. The land should be restored at the earliest opportunity in accordance with an aftercare scheme and a budget that makes provision for high quality restoration, aftercare, after-use and a final landform consistent with landscape character of the surrounding area.

The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:

- an overall restoration strategy, identifying the proposed afteruse of the site;
- information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;
- where the land is agricultural land, an assessment of the agricultural land classification grade; and
- a landscape strategy.