



Planning Sub-Committee

Date:	Tuesday, 3 March 2020
Time:	6.00 p.m.
Venue:	Committee Room 3 Wallasey Town Hall

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AGENDA

1. MINUTES

The Director of Governance and Assurance submitted the minutes of the meeting held on 18 February 2020 for approval.

2. DECLARATIONS OF INTEREST

Members of the Sub Committee were asked whether they had any personal or prejudicial interests in connection with any application on the agenda and if so to declare them and state the nature of the interest.

3. COMMITTEE REPORT 03.03.2020 (Pages 1 - 78)

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WIRRAL COUNCIL

PLANNING SUB COMMITTEE

3 MARCH 2020

TITLE	EMERGING WIRRAL LOCAL PLAN – WORKING DRAFT POLICIES: RETAILING & TOWN CENTRES
REPORT OF	THE DIRECTOR OF REGENERATION & PLACE

1.0 REPORT SUMMARY

- 1.1 The Council is in the process of preparing policies for the emerging Local Plan, which is scheduled for submission to the Secretary of State in November 2020.
- 1.2 The Planning Sub Committee was established by Planning Committee on 18th July 2019 to make recommendations, in consultation with the relevant Overview and Scrutiny Committee, to the Cabinet on the policies that will be included in the Local Plan for the Borough.
- 1.3 A series of meetings have been scheduled to consider working draft policies for the emerging Local Plan.
- 1.4 The purpose of this meeting is for Members to consider the contents of the initial working draft policies that would cover the hierarchy of the retail centres; and criteria for development, hot food, drink, night time uses, impact assessment, out-of-centre facilities and minerals, which are enclosed in Appendix 1.
- 1.5 A copy of the evidence base documents for minerals produced by RPS and for hot food takeaways produced by Wirral's Intelligence Service and Public Health Team, which were published alongside the Local Plan Issue & Options consultation are provided in Appendix 2 and Appendix 3 for information.

RECOMMENDATION

1. That Planning Sub Committee considers the content of the initial working draft policies for the Hierarchy of Retail Centres; Criteria for Development within Existing Centres & Parades; Small Shopping Centres & Parades; Hot Food & Drink and Night Time Uses in Existing Centres; Town and Local Centre Impact Assessments; Criteria for Edge-of-Centre & Out-of-Centre Facilities; Proposals for Minerals Development; Maintaining Supply of Aggregates, Safeguarding Mineral Reserves & Infrastructure, Oil & Gas Development; Substitute, Secondary and Recycled Aggregates; and Restoration set out in Appendix 1, and decide if there are matters that should be given further consideration by officers before reports for Cabinet are finalised.

SUPPORTING INFORMATION

2.0 REASON/S FOR RECOMMENDATION/S

2.1 To assist in the preparation of the Local Plan.

4.0 BACKGROUND INFORMATION

4.1 The Council is currently preparing its Local Plan for submission to the Secretary of State in November 2020. A key aspect of this work is the review and development of Development Management (DM) policies, which upon the adoption, will be used to determine planning applications.

4.2 There are a number of tasks, which include:

- 1 Reviewing existing DM policies.
- 2 Revising these policies to ensure that they are up to date and take account of current and emerging agendas, for example, climate change.
- 3 Writing new policies to ensure that the Council is able to effectively manage development in the Borough.
- 4 Regularly review policies to ensure they remain relevant, up to date and represent best practice.

4.3 These tasks are urgent and need to be completed within the timescales set out for the submission of the Local Plan as the council is still under threat of intervention by Government if it does not meet the timescales.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications from this report.

6.0 LEGAL IMPLICATIONS

6.1 Local plans must be positively prepared, justified, effective and based on up to date relevant evidence about the economic, social, environmental characteristics and prospects for the area consistent with national policy in accordance with the Planning and Compulsory Purchase Act 2004 (as amended). The emerging Local Plan cannot be formally adopted as part of the statutory Development Plan unless it is found to be legally compliant and sound following independent examination.

6.2 Approval of the final Draft Local Plan will require a resolution of Council before it can be published and submitted to the Secretary of State for public examination.

7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

7.1 This sub-committee will be supported by the Council's existing planning staff.

8.0 RELEVANT RISKS

8.1 If the work set out in this report is delayed, the Council may not be able to meet its timetable for submission of the Local Plan, which could result in Government intervention.

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APPENDICES

- 1. Initial Working Draft Policies:** Hierarchy of Retail Centres; Criteria for Development within Existing Centres & Parades; Small Shopping Centres & Parades; Hot Food & Drink and Night Time Uses in Existing Centres; Town and Local Centre Impact Assessments; Criteria for Edge-of-Centre & Out-of-Centre Facilities; Proposals for Minerals Development; Maintaining Supply of Aggregates, Safeguarding Mineral Reserves & Infrastructure, Oil & Gas Development; Substitute, Secondary and Recycled Aggregates; and Restoration.
- 2. Hot Food Takeaways Evidence Report**
- 3. Minerals Evidence Report**

BACKGROUND DOCUMENTS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee	18th July 2019
Planning Sub Committee	12th September 2019
Planning Sub Committee	1st October 2019
Planning Sub Committee	7th November 2019
Planning Sub Committee	3rd December 2019
Planning Sub Committee	7th January 2020
Planning Sub Committee	18th February 2020

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RETAILING AND TOWN CENTRES

The following network of centres will be used to guide the distribution of main town centre uses and other uses that are likely to attract a significant number of people for day-to-day activities, subject to Policies CS26 to CS29:

Policy CS25 - Hierarchy of Retail Centres

1. Sub-Regional Centre

Birkenhead Town Centre (including Grange Road West, Oxton Road, Europa Boulevard, Argyle Street, Market Street and Hamilton Street)

The Borough's main comparison-shopping destination and the primary focus for retail, office, leisure, service, arts, culture and tourist development, community facilities and other main town centre uses of Borough wide significance.

2. Town Centres

*Heswall
Moreton*

*Liscard
West Kirby*

The main focus for development and investment in shops, services and leisure and community facilities outside Birkenhead.

3. District Centres

*Bromborough Village
Woodchurch Road*

*Hoylake
Prenton*

The focus for district level shops, services and community facilities at a level above local centres.

4. Local Centres

*Borough Road (Prenton Park)
Dacre Hill
Greasby (Arrowe Road/Mill Lane)
Laird Street
New Ferry
Seacombe (Poulton Road)
Tranmere Urban Village
New Brighton (Victoria Road)*

*Claughton Village
Eastham (Mill Park Drive/New Chester Road)
Irby Village
Lower Bebington
Oxton Village
New Brighton (Seabank Road)
Upton Village
Wallasey Village*

The focus for neighbourhood level shops, services and community facilities to serve everyday needs. The boundary to each of these centres, including sites for new development, primary and secondary shopping frontages and primarily commercial areas, are defined on the Local Plan Proposals Map.

Wirral has an extensive network of centres providing a wide range of shops and services. Policy CS25 sets out the hierarchy of centres that will be used to support community regeneration and provide a sustainable distribution of shops and services. Main town centre uses are defined in national policy. Other uses that is likely to attract a significant number of people for day-to-day activities would include health and medical services, auctions, showrooms and community facilities, including places of worship.

Birkenhead forms part of the second tier of sub-regional centres across the City Region, including Southport and St Helens, which sit below and complement Liverpool City Centre as the Regional Centre. The Council will direct growth to Birkenhead to create a vibrant and locally distinctive centre that maximises local expenditure and attracts investment into the Borough. Detailed priorities for Birkenhead Town Centre as part of the wider Commercial Core are set out in Policy CS5.

Three levels of centre have been defined below Birkenhead, based on evidence of surveys, floorspace and spending patterns provided in the Town Centres, Retail and Commercial Leisure Study. Further proposals for more local improvements are identified in the Town, District and Local Centres Study and Delivery Framework and will be included in a series of more detailed Town Centre Action Plans.

The main objective for the *Town Centres* is to provide for ongoing improvement to the environment and support investment to achieve a mix of uses, with retail as the principal use, to ensure the centres continue to meet the needs of the communities within the catchments that they serve.

The main objective for the *District Centres* is to provide for ongoing improvement to the environment and support investment to achieve a mix of uses, with retail as the principal use, to ensure the centres will continue to meet the needs of the local communities within the catchments that they serve and to support diversification and specialisation where this can be shown to contribute to the overall vitality of the centre. Development proposals should respond to the needs of the catchment and recognise the need to support the vitality and viability of the town and local centres.

The main objective for the *Local Centres* is to provide for ongoing improvement to the environment, maintain and improve the range of local shopping and service provision where viable and an important service to the local community. New small-scale retail facilities will be encouraged where they would provide for local everyday needs and promote vitality during the daytime and would not be harmful to the vitality and viability of nearby centres.

The recent Town, District and Local Centres Study and Delivery Framework shows there is up to 4.2 hectares of development land within these centres, plus a further 27,490 square metres gross in vacant units in centres outside Birkenhead.

The boundaries for each centre are shown on the Local Plan Proposals Map to provide a strong focus for investment. Where relevant, the location of potential development sites, the primary and secondary retail frontages and primarily commercial areas are also defined to show the function of the centre, and areas where a proportion of shops (Use Class A1) will be promoted and safeguarded in support of the maintaining and enhancing the function of the centre.

Wirral also has a number of smaller neighbourhood centres and parades which sit outside the formal network identified in Policy CS25, which consist of small clusters of shops which serve their catchment area for local convenience retailing. It is important to protect their role and where necessary, secure environmental improvements, but a significant increase in retail floorspace will not normally be appropriate, as the Town and District centres will be the priority for new retail floor space outside Birkenhead.

Existing out-of-centre retail parks are not regarded as “centres” for the purposes of Policy CS25 and proposals for their expansion or redevelopment, including extensions and proposals to vary or remove conditions in respect of the range of goods sold, will be subject to the requirements of Policy CS29.

Policy CS26 - Criteria for Development within Existing Centres & Parades

Development for within Use Classes A1, A2, A3, A4, A5, B1, C1, D1, D2 and other main town centre uses, including new build, extensions, alterations and changes of use, will be permitted within the centres listed in Policy CS25 and within smaller local shopping areas and parades provided :

1. it promote competitiveness, customer choice and a diverse retail offer that reflects the individuality of the centre;
2. it is are consistent with the local priorities identified in Policies CS4 to CS11;
3. maintain an appropriate street-level of shops (Use Class A1) in primary and secondary retail frontages;
4. the design would include ground floor window displays and avoid dead frontage to enhance appearance of the street scene;
5. it would not cause a nuisance, hazard or obstruction in the surrounding area; and
6. meet the requirements of Policy CS1A including Policy CS1B.

Uses that will sell food or drink, including sweets, for consumption off the premises will additionally be required to include measures for litter control and street cleansing, including the provision and installation of at least one public litter bin, in accordance with Policy CS44.

Food and drink (Use Classes A3, A4 and A5) proposals must also comply with Policy CS27.

Proposals for non-main town centre uses at ground floor within retail or commercial frontages, will not be permitted unless: robust and verifiable evidence clearly demonstrates that there is no reasonable prospect of the site being used for the range of purposes permitted in this policy; the function of the centre and neighbouring uses would not be adversely affected; and the proposal complies with the requirements of Policies CS1A and CS1B.

In all centres, residential development including conversions will only be permitted at appropriate sites on upper floors within retail and commercial frontages; on back-land sites with no street level retail and commercial frontages and within any area that has been formally identified for planned contraction through a future review, provided that the operations of existing and future businesses and community facilities are not adversely affected; and an high quality of amenity and design can be secured in accordance with Policies CS1A and CS21.

Policy CS26 aims to ensure that a suitable mix of uses, including independent shops and services help to maintain and enhance a network of vital and viable centres for the Borough in line with national policy and consistent with the Broad Spatial Strategy set out in Policy CS2, and priorities in Policies CH4 to CH11. Key local shops and facilities such as banks, bakers, butchers, grocers, greengrocers, specialist food shops, dispensing chemists and primary care facilities, launderettes, newsagents and post offices often meet essential day-to-day needs for local communities, particularly in local and district centres and smaller shopping area outside the hierarchy in Policy CS25. Their loss may compromise the retail function and character of a centre and limit residents' accessibility to local shops.

Policy CS26 also makes provision for residential uses on suitable sites subject to consideration of the amenity of future residents and the operation of neighbouring uses.

Policy CS27 - Food and Drink and Night Time Uses in Existing Centres

Proposals for food and drink outlets and uses related to the night-time economy will be permitted within the centres listed in Policy CS25, where there are no unresolved amenity, traffic or safety issues relating to existing similar uses within the surrounding area and it can be demonstrated that the proposal will:

1. contribute positively to local environmental quality, including the experience for visitors and users of the area;
2. have a frontage at least 40 metres from the main elevation of a dwelling house and a residential institution, when measured along the public highway.
3. not have an adverse effect on the character and function of the centre or on residential amenity through an over-concentration and/or clustering of food and drink uses, having regard to:
 - the existing number of food and drink uses in the area;
 - their proximity to each other;
 - the nature of other surrounding uses;
 - the function of the centre or parade;
 - the number of shops and other uses remaining to serve the community;
 - vacancy rates;
 - the condition of the unit; and
 - any wider social, health and/or economic impacts.
3. include appropriate measures to mitigate the impact of odours, noise and litter to safeguard local amenity;
4. contribute positively to the visual appearance of the area during opening and non-opening hours;
5. not have an adverse impact on the free flow of traffic or on highway and pedestrian safety; and
6. incorporate appropriate measures for preventing crime and disorder.

Proposals involving over the counter sales of hot food for consumption off the premises will only be permitted where it can be demonstrated that:

- i) it would result in no more than 10% of units within the centre being in use as a hot food take-away;
- ii) there would no adjoining hot food take-away in any frontage of up to 10 units; and
- iii) it would not result in other uses having a hot food take-away on both sides.

Outside designated centres and subject to the above criteria and compliance with Policy CS29, proposals that can result in the sale of hot food over the counter for consumption off the premises will only be approved where it can be demonstrated the premises will not be open to the public within 1 hour of the starting and closing times of a school, a venue for youth organisations or a children's play facility that are located within 400 metres of the site.

Policy CS27 applies to uses, such as hot food take-aways, restaurants, cafes, pubs, wine bars and other drinking establishments and nightclubs, to ensure that uses associated with the evening and night time economy uses will contribute positively to the vitality and viability of Wirral's existing centres and support a safe, balanced and socially-inclusive evening economy, whilst avoiding

dead frontage during the day. While these uses are an important source of economic activity, they need to be balanced against the other functions within the designated centres and the need to support continued activity during the day.

Policy CS27 therefore makes provision to prevent an over concentration of hot food take-away outlets in retail frontages to protect the character and function of established shopping areas, whilst including protection for the amenity of neighbouring uses. The Council will also seek to ensure that any potential harm to the area from the proposal can be controlled, for example, through limiting operating hours, requiring that shutters are not left down during the day time operating hours of other retailers in the area and ensuring that any measures to mitigate odours and internally-generated noise are fully installed before the business commences trading.

The Council has also produced local evidence which demonstrates that obesity rates are higher than the national average and are a cause for concern particularly in relation to children’s health and the ongoing wellbeing into adult life. While this in itself cannot be solely attributed to hot food take-aways, the evidence base produced by the local Public Health Department and Health & Wellbeing Board supports the introduction of a 400m zone where the sale of a hot food to take-away should be restricted around schools, venues for youth organisations and play facilities as part of the Council’s wider strategy to reduce obesity rates and achieve sustainable development in support of the community’s health and wellbeing.

Additional guidance will be set out in a Supplementary Planning Document for town centre uses following the adoption of the Proposed Local Plan.

Policy CS28 - Town and Local Centre Impact Assessments

Applications for new retail, and leisure development , including new buildings, alterations, extensions and changes of use or to vary or remove conditions in respect of the range of goods sold or service provided, in edge or out-of-centre locations will be required to submit an impact assessment that demonstrates there would be no significant adverse impact on the vitality, viability and investment any designated centre taking account of trade draw where the following floorspace thresholds are exceeded:

Catchment area includes the Sub-Regional Centre

Birkenhead: xxx square metres (gross)

Catchment area includes a Town Centre

Liscard: xxxx square metres (gross)

Heswall, Moreton and West Kirby: xxx square metres (gross)

Catchment area includes a District Centre

Bromborough Village and Woodchurch Road (Prenton): xxxx square metres (gross)

Hoylake: xxxx square metres (gross)

Catchment area includes a Local Centre

All Local Centres: xxxxx square metres (gross)

The floorspace thresholds identified in the adopted Local Plan of an adjoining authority will be applied to proposals likely to fall within the catchment of a centre in an adjoining authority.

The Wirral Retail Study 20xx concludes that there is xxx quantitative requirement for additional convenience floorspace in the Borough over the period to 203xxx and that capacity for additional comparison floorspace is limited (xxxx square metres (net) at 203xxx). Therefore, developments below the default national policy threshold of 2,500 square metres gross floorspace are likely to have a xxxxx impact on existing centres within the Borough.

Policy CS28 sets out the local thresholds for gross floorspace which will trigger the requirement for an impact assessment to be submitted as part of a planning application.

Applicants will be required to demonstrate that there would no significant adverse impact over 5 to 10 years upon investment and the vitality and viability in any affected centre. The content of the assessment will need to be related the size of the proposed scheme and consider on effects on trade draw from the affected area, in which case applicant's will be expected to provide scoping information after taking account of the Council's retail and leisure evidence base, for consideration through the Council's pre-application service to ensure the appropriate catchment area and factors to address in the impact test are identified.

If the catchment area of a proposed development extends across a number of centres, the lowest threshold will trigger the need for an impact assessment to be undertaken. Further guidance will be provided in a Supplementary Planning Document for Town Centre Uses.

The requirement to complete an impact assessment will also apply to centres in an adjoining Local Planning Authority.

Policy CS29 - Criteria for Edge-of-Centre and Out-of-Centre Facilities

Applications for Use Classes A1, A2, A3, A4, A5, B1, C1, D1, D2 and other main town centre uses outside the centres listed in Policy CS25, including changes of use, extensions to existing floorspace and proposals to vary or remove conditions in respect of the range of goods sold and Use Class restrictions, will only be permitted where it can be demonstrated that:

1. no alternative, suitable sites are available, first within, and then at the edge of a centre listed in Policy CS25; and
2. the site is easily accessible by a choice of means of transport and preference has been given to sites which are or will be well-connected to a town, district or local centre; and
3. an impact assessment submitted in accordance with Policy CS28 demonstrates that the new floorspace or variation of condition would not have a significant adverse effect on the vitality and viability of a centre listed in Policy CS25 or designated in the adopted Local Plan of an adjacent authority or on any existing, committed or planned public or private investment within them; and
4. the proposal meets the requirements of Policy CS1A, Policy CS1B and CS27 where relevant.

Edge-of-centre proposals must demonstrate how the proposal will be connected to the centre, encourage linked trips and enhance the vitality and viability of the centre.

Where proposals meet the above criteria, appropriate planning conditions will be used if necessary to control the type, mix and quantum of gross and net retail floorspace; the range of goods sold; size of units; and number of operators per building; to protect existing centres

The Council's priorities are to promote sustainable shopping patterns, focus the provision of shops and other facilities within existing centres to protect and enhance their vitality and viability, including local consumer choice and trade; promote social inclusion and minimise transport emissions.

The Wirral Town Centres Retail and Commercial Leisure Study indicates that if all existing commitments are implemented, there would be no capacity for additional convenience floorspace in the Borough before 20xx and that capacity for comparison floorspace would only emerge in the medium term as expenditure growth increased. The latest update confirms that any capacity for additional comparison floorspace is only likely to emerge further towards the end of the plan period.

The Council's preference in line with national policy is for new floorspace to first be directed to existing centres in line with the hierarchy of retail centres identified under Policy CS25 and only then to edge-of-centre or out-of-centre locations, subject to proposals satisfying the sequential test and not having a significant adverse impact on existing centres.

For retail purposes, edge-of-centre will be taken to mean within 300 metres walking distance of the edge of the primary shopping area within a centre listed in Policy CS25, without intervening obstacles such as major roads, railway lines and other potential barriers to pedestrian movement. Out-of-centre will be taken to mean any site further than 300 metres walking distance of edge of the primary shopping area within a centre listed in Policy CS25.

Minerals

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.

The National Planning Policy Framework 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.

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 xxx: Proposals for Minerals Development

Planning permission will only be granted for minerals development where:

- a. There is a clear need for the development and the proposal can mitigate and adapt to climate change and will not result in any unacceptable impact on the natural, geological or historic environment, water resources, amenity and/or on human health and safety; 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 character of the area as a result of noise, smell, dust, vibration, land stability, contamination or other nuisance or visual impact; and
- e. The proposal contains a satisfactory scheme of working which incorporates provision for site security and the containment, storage and management of materials and waste within the boundaries of the site; and
- f. If applicable, there is clear provision for the restoration, aftercare and use of the land at the earliest opportunity, to high quality environmental standards which would be compatible with the character and setting and landscape character of the surrounding area; and
- g. The development will not lead to the permanent loss or reduction in quality of best and most versatile agricultural land; and
- h. Ecological/nature conservation interests will not be harmed; and
- i. The proposal would not contravene any other policies xxxxx of the Local Plan.

Minerals, equipment and materials should be transferred by the most sustainable form of transport, such as by rail and/or water that would have the least impact on local communities and the environment.

Transportation by road would only be supported if there is no feasible alternative and the highway network and access arrangements can safely accommodate traffic to be generated without unacceptable impact on the environment and/or the living conditions of local communities along the routes to be used.

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 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 in line with Policy xxx.

Proposals will also need to make use rail and water transportation for the movement of minerals and materials for operational reasons wherever feasible. Applicants will be expected to demonstrate the effects of traffic on the environment, the character of the area and amenity can satisfactorily minimised.

Policy is applicable to all minerals development, including primary, secondary or recycled aggregate minerals, industrial minerals and energy minerals including hydrocarbons such as oil and gas. Proposals involving development for hydrocarbon will also be assessed for compliance with Policy xxx.

xxx: 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 Local Aggregates Assessment recommendations.

There are small deposits of sand and gravel within Wirral, but all lie beneath best and most versatile agricultural land, and/or built up areas. 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 xxx and 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.

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 Local Plan Policy Map. 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 British Geological Survey 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 xxx 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 xxx: Oil and Gas Development

Proposals for oil and gas development will only be permitted where it is clearly demonstrated that the safety of the process and the risk of adverse impacts have been fully addressed and 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 including any underground working and lateral boreholes are sited in the least sensitive location from which the target reservoir can be accessed.

Where proposals for exploration and appraisal are approved, 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 should also be supported by a full appraisal programme for the hydrocarbon resource.

3. Overall assessment

Proposals for the exploration, appraisal and production of hydrocarbons, approval will only be granted where it has been clearly demonstrated that there are no unacceptable adverse impacts on human health, general amenity, safety, traffic management, water and air quality, ecology, geology, the landscape, archaeology the natural and historic environment and:

- The extent of the reservoir, boreholes and period of time in which development and operations would take place are clearly identified;
- Measures will be in place to prevent adverse impacts from vibration and induced seismicity;
- Operational processes and gas flaring, and arrangements for waste disposal, including unwanted gas or oil, will not cause unacceptable impacts on the living conditions of local communities and the operations of existing businesses;
- Adequate provision is made for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality;
- Pollution and contamination of the land, ground water, aquifers, and potable water supplies will be prevented;
- Satisfactory arrangements will be in place to manage or dispose of any waste materials and returned water from the development;
- A full appraisal programme for the gas or oil resource has been completed to the satisfaction of the Mineral Planning Authority; and
- A management plan with a comprehensive economic assessment and monitoring arrangements will be in place for all operations and mitigation measures.
- The proposal would be compliant with Policies xxxxxx of the Local Plan.

All proposals must include restoration and aftercare measures for each of the stages of development, including the treatment of any boreholes in accordance with Policy xxxxx.

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, [PEDL]).

Licences and maps showing area boundaries are issued, published and updated by the Government. The maps can be viewed on the [Government's website](#). While an existing PEDL licence covers a large part of the Borough there has been no indication that production of land-based oil in Wirral would be possible or viable.

NPPF paragraph 209 (b) currently indicates that the minerals planning authorities should make a clear distinction between the three phases of development (exploration, appraisal and production). National Planning Practice Guidance for Minerals (paragraphs 012 & 013) also sets out the principle environmental issues from minerals extraction that should be addressed by the planning authority and the issues for other regulatory regimes to address.

Applications for energy mineral development require planning consent at each phase of onshore hydrocarbon development; and developers would be expected to approach the Council for pre-application discussions on the scope of information needed for each stage. Some exploration work or testing, such as initial seismic work, may not require consent from the planning authority.

Policy xxxx: 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 NPPF, 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 xxx 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 xxxx: Restoration

All proposals for mineral works will require the submission of a high quality restoration and aftercare plan for the reclamation of the affected land to secure appropriate after use that would be compatible with the character and setting and landscape character of the surrounding area at the earliest opportunity.

The plan should include:

- a. Details of the existing ground levels, top and sub-soil structure and hydrology and how it will be handled over the course of the proposed development;
- b. Details of the final restoration scheme including remediation, landscaping, ground levels, landform, and the proposed future land use;
- c. Details of the timescales for the removal of obsolete development and completion of the restoration scheme; and
- d. Details of aftercare arrangements that are to be put in place to ensure the maintenance and management of the site once restoration is complete.

The National Planning Policy Framework requires that planning policies ensure 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 management, aftercare and subsequent long term use of the site;
- information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled when operations and development take place;
- where the land is agricultural land, an assessment of the agricultural land classification grade; and
- a landscape strategy.

Evidence in support of policy

Wirral Intelligence
Service & Public
Health, Wirral
Council

June 2019

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1.0 Introduction

1.1 This document provides evidence, which indicates that controls on **Hot Food Takeaways (Use Class A5)** could be justified through a planning policy in the future Local Plan for Wirral as part of the Borough's current 2020 Plan to reduce local obesity levels.

1.2 This would contribute to achieving the Council's Spatial Vision in the emerging Local Plan through which Wirral will continue offer a high quality of life as an attractive place to live an active, sustainable, productive safe and healthy lifestyle in plan period to 2035. Council departments including Public Health, Licensing, Environmental Health, Planning and Education are working towards a **robust and cohesive** approach to address the Borough's overweight and obesity issue through which healthy and active lifestyles will be encouraged, and the consumption of unhealthy food discouraged.

2.0 National Policy Background

2.1 The purpose of the planning system is to contribute to the achievement of sustainable development for meeting current needs without comprising the ability of future generations to meet their own needs. Economic, social and environmental objectives need to be pursued in mutually supportive ways so opportunities for net gains to help build a strong economy, support vibrant healthy communities and contribute to environmental protection.

Planning policies and decisions should aim to achieve healthy, inclusive and safe places to support and enable healthy lifestyles especially where this would address identified local health & wellbeing needs. For example, through the provision of safe accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. Refer to parts 2 and 8 of the National Planning Policy Framework (NPPF).

2.2 Further context on Health & Wellbeing is provided in the National Planning Practice Guidance (NPPG), which indicates that planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can consider bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant.

Local planning authorities and applicants could have regard to the following issues:

- proximity to locations where children and young people congregate such as schools, community centres and playgrounds;
- evidence indicating high levels of obesity, deprivation and general poor health in specific locations;
- over-concentration and clustering of certain use classes within a specified area;
- odours and noise impact; traffic impact ; refuse and litter

NPPG Paragraph: 006 Reference ID: 53-006-20170728 - Revision date: 28 07 2017

3.0 Scope

3.1 Policy CS27 'Food & Drink Uses in Existing Centres & Parades' in the emerging Local Plan already includes provision to have regard to wider social, health and economic impacts. This could be modified to seek additional controls through planning applications for use as hot food takeaways within Use Class A5 which for example includes **kebab shops, fried chicken shops, fish and chip shops, pizza shops, drive through premises** and other premises that primarily sell **hot food for consumption off the premises**. Any additional guidance on how the policy should be implemented could be included in a Supplementary Planning Document (SPD's) for town centre uses. The production of the Local Plan and SPDs will be subject to public consultation in line with the Council's Statement of Community Involvement and must follow statutory procedures set out in national legislation.

4.0 Local Health Concerns in Wirral

4.1 Statistics, produced by Public Health England on an annual basis since 2013, show there has been no significant sign of the rate of obesity reducing in Wirral and the **Active Lives Survey (2016/17)** showed that **63.3%** of the Borough's adult population are overweight including obese which higher than the national average (61.3%).

4.2 There is concern about the rise of childhood obesity and the implications of such obesity persisting into adulthood. The risk of obesity in adulthood and risk of future obesity-related ill health are greater as children get older. The National Child Measurement Programme (NCMP) measures the height and weight of children in Reception class (aged 4 to 5) and year 6 (aged 10 to 11), to assess overweight and obesity levels in children within primary schools. Defining children as overweight or obese is a complex process, given that children of different ages and sexes grow and develop at different rates. **Nationally, Public Health England refers to overweight and obesity together as 'unhealthy weight'**.

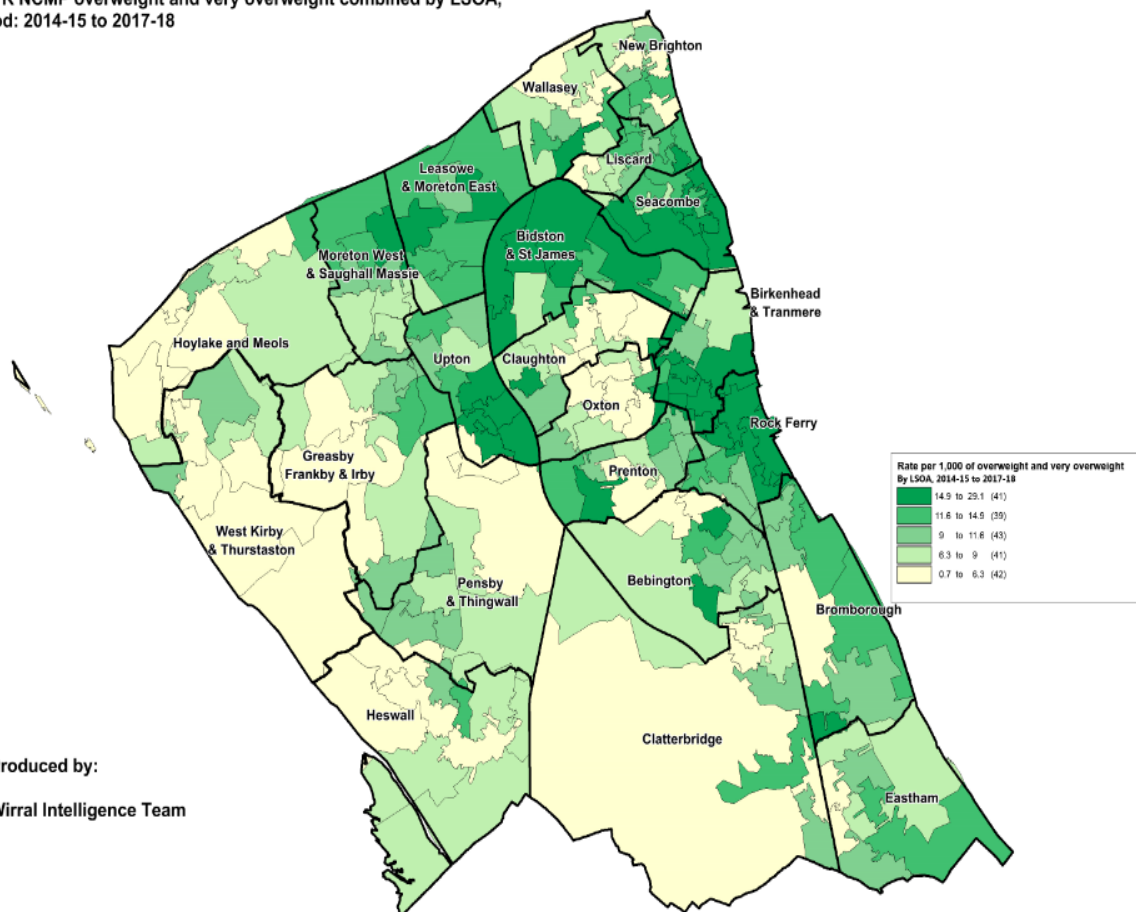
Obesity doubles in Wirral school children between reception and Year 6 (this is also true nationally and regionally) from 10.8% of children, to 20.6% of children. Based on the latest published NCMP data from 2017/18, at the age 4/5, one in ten Wirral children are obese. By the age of 10/11, one in five are obese [5].

When looking at the results of the NCMP geographically by Lower Super Output Areas (LSOA) the data has been combined for four years as the numbers are too small to report for one year only. The following maps have pooled data from 2014/15 to 2017/18 (4 pooled years). The maps show 'unhealthy weight' (combined measure of overweight and very overweight), which again, makes the data more robust.

Map 1a & 1b: Distribution of unhealthy weight in Wirral children by age and Lower Super Output Area, 2014/15–2017/18

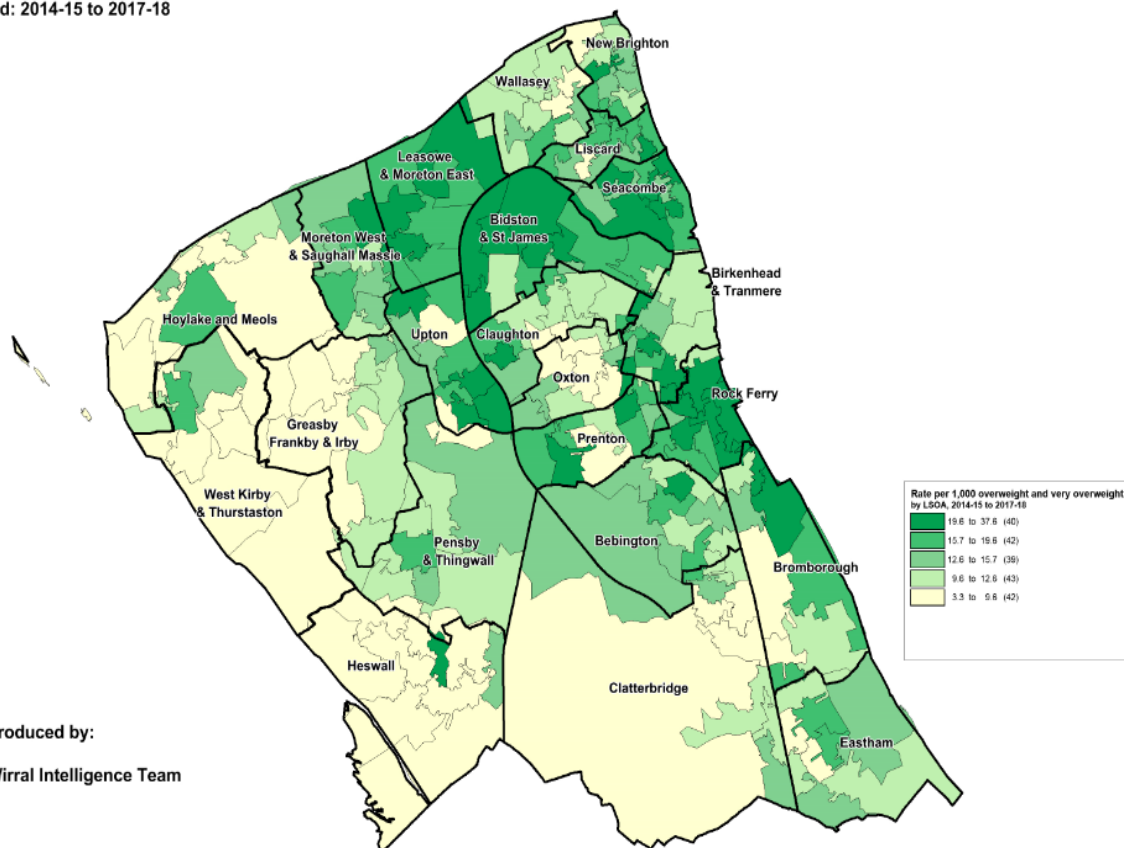
Reception (age 4/5)

Year R NCMP overweight and very overweight combined by LSOA, Period: 2014-15 to 2017-18



Year 6 (age 10/11)

Year 6 NCMP overweight and very overweight combined by LSOA,
 Period: 2014-15 to 2017-18



Produced by:
 Wirral Intelligence Team

Source: Wirral Intelligence Service 2018 using, [NCMP, 2018](#)

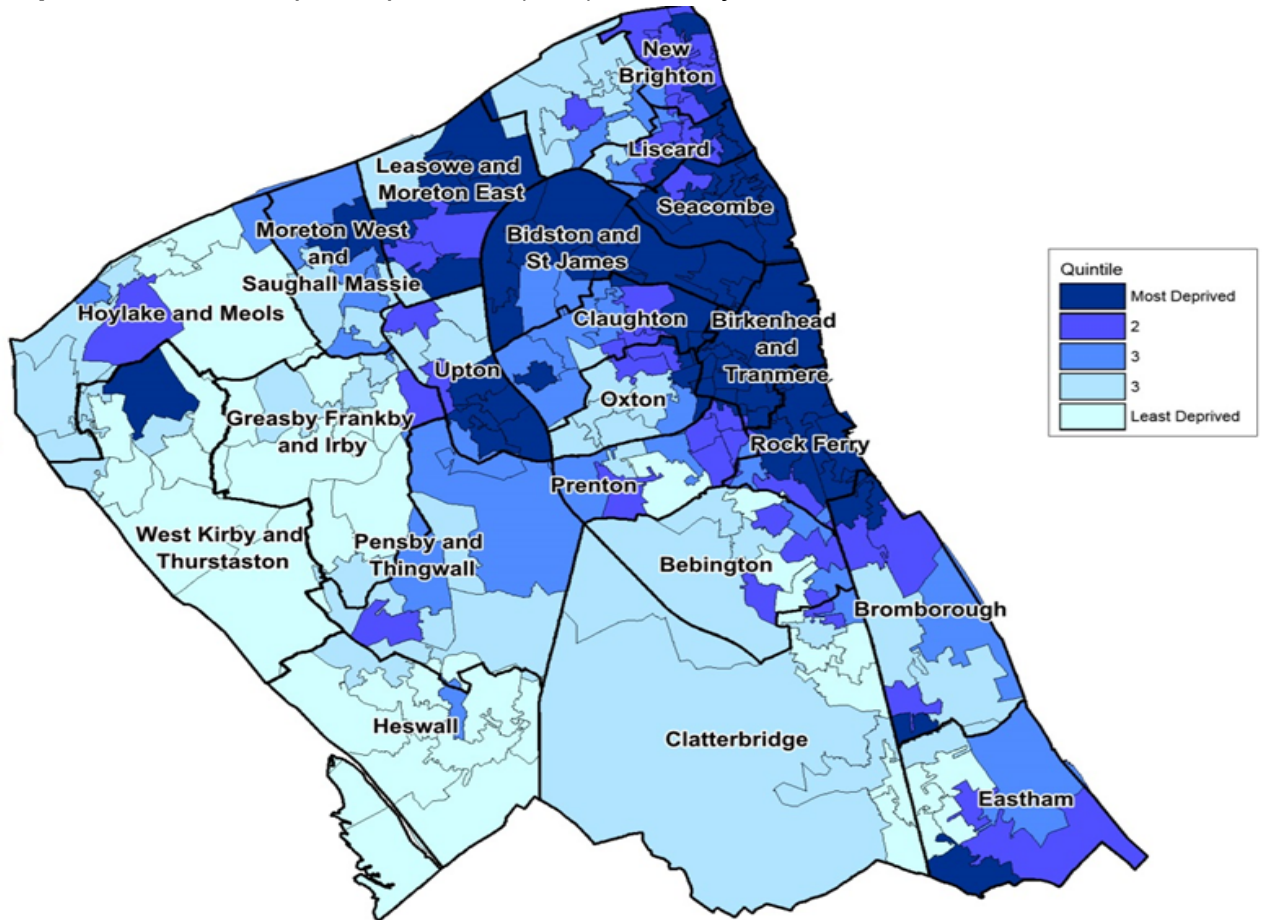
Note: LSOA is 206 geographies made up of 1500 average populations.

Note: Overweight and obesity together are often referred to as 'unhealthy weight'. Obesity is often now referred to as 'very overweight' <https://fingertips.phe.org.uk/profile/national-child-measurement-programme>

The link between obesity and deprivation is well documented and the maps above reflect this. There are some pockets of deprivation in Birkenhead and Tranmere and some areas of Heswall (generally affluent) which appear not to follow this general trend, but broadly speaking, 'unhealthy weight' in Wirral children in both Reception and Year 6 appears to be associated with deprivation (higher levels of overweight and very overweight shaded in dark green mostly fall into the 20% most deprived areas in Wirral).

The map below (Map 2) shows Wirral's level of deprivation according to the Index of Multiple Deprivation in 2015 for comparison. It shows that areas where unhealthy weight is prevalent correspond very well to the most deprived areas of Wirral.

Map 2: Index of Multiple Deprivation (IMD), 2015, by Wirral LSOA

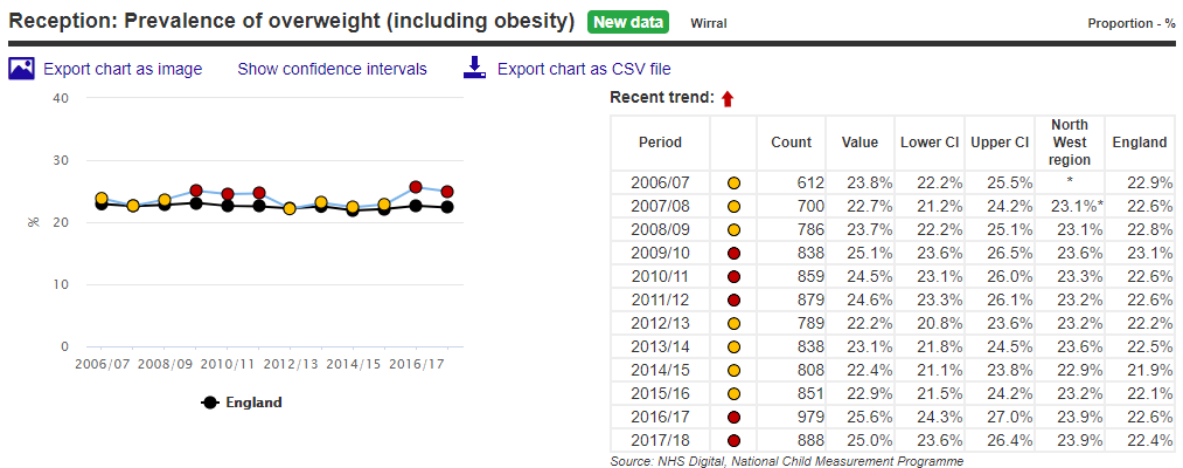


Source: Wirral Intelligence Service 2015

Note: LSOA is 206 geographies made up of 1500 average populations.

Note: Overweight and obesity together are often referred to as 'unhealthy weight'. Obesity is often now referred to as 'very overweight'

Figure 1: NCMP trend obese (Very overweight) and Overweight year reception



Source: [Public Health Outcomes Framework](#)

Figure 2: Wirral children NCMP trend obese (very overweight) and Overweight year 6



Source: [Public Health Outcomes Framework](#)

4.3 Life expectancy also varies considerably within Wirral and is, overall, lower than the England average. The inequality in life expectancy in Wirral means that men in the most deprived areas of Wirral live **11.0** years less than men in the most affluent areas, and for women, the equivalent figure is **10.1** years difference.

4.4 Typical hot food takeaways provide meals with high salt and **low nutritional value** that are directly linked to obesity, **high BMI** and **diabetes** [6]. It is estimated that health costs associated with obesity in Wirral is £63.6 million per year [7]. It is estimated that the health cost of obesity for the borough by 2020 will be **£73.1 million per year** [7].

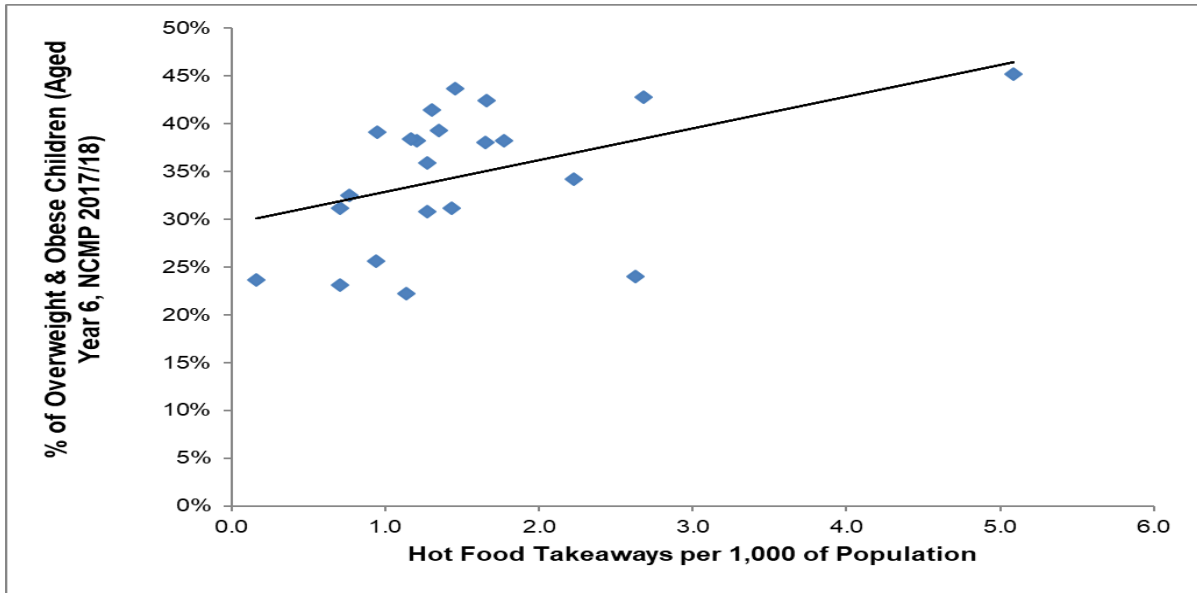
4.5 The density of hot food takeaways and general ease of access in certain areas is almost certainly a contributory factor in increased levels of obesity. Addressing this significant health issue at an early stage is vital in order to support and encourage 'strong, vibrant and healthy communities'.

4.6 Studies have concluded that **hot food takeaways** are most likely to be **concentrated in deprived areas**, with The **Royal Society for Public Health (RSPH)** suggesting; 'this increased presence may be due to increased availability of premises, less resistance to new planning applications by the community and lower rental and purchasing cost as well as **greater demand for inexpensive and calorie dense food**' [6].

4.7 This statement has particular relevance in Wirral, where around 1 in 3 residents live in areas classed as deprived (in other words, they are among the **20% most deprived** areas in the country). The highest number of hot food takeaways can be found in Birkenhead and Tranmere, Liscard, Bromborough, Hoylake and Meols and Bidston and St James wards. Three of these wards are amongst the most deprived wards in Wirral (Birkenhead and Tranmere, Liscard and Bidston and St James).

4.8 There is moderate evidence of a positive correlation between childhood obesity rates and exposure to hot food takeaways in Wirral. This means that as the **number of hot food takeaways in a ward increases**, there is an **increase in the percentage of overweight children**. Although this is not the only contributory factor, greater access and availability to hot food takeaways can only worsen this health issue. The charts below show the strength of various correlations, using data for Wirral.

Figure 3: Correlation between unhealthy weight in Year 6 Wirral children (2017/18) and rate of hot food takeaways in Wirral, by Wirral ward

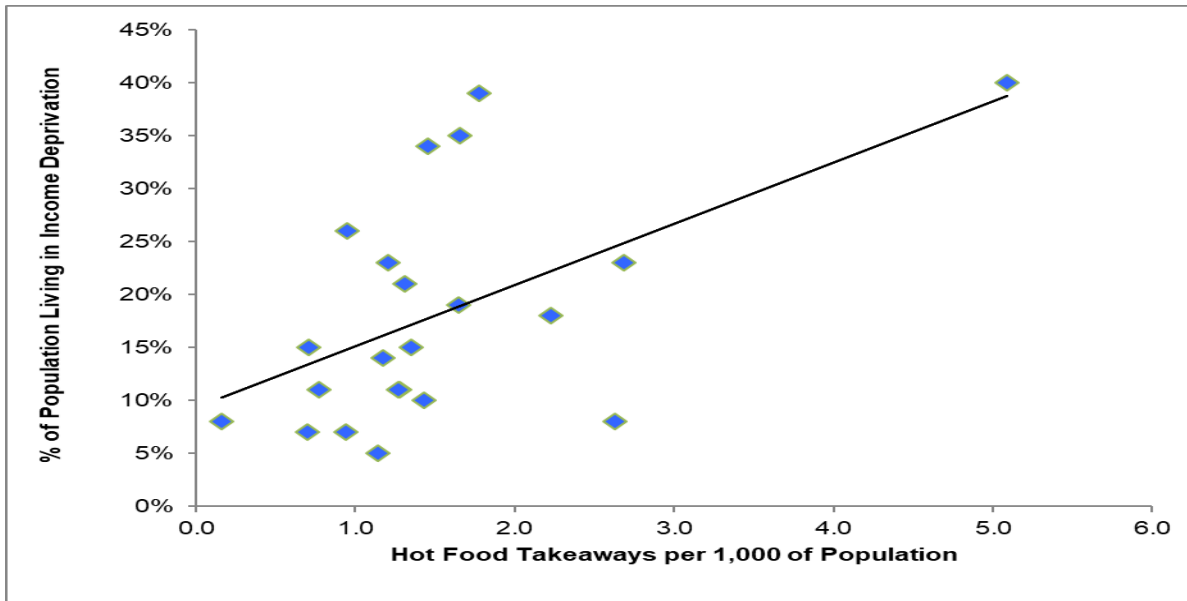


$R = 0.46$; $p = 0.03125$; $p < 0.05$

Interpretation:

Figure 3 shows that as the rate of hot food takeaways increases in Wirral, so does the rate of childhood unhealthy weight.

Figure 4: Correlation between rate of income deprivation (2015 IMD) and the number of hot food takeaways, by Wirral ward

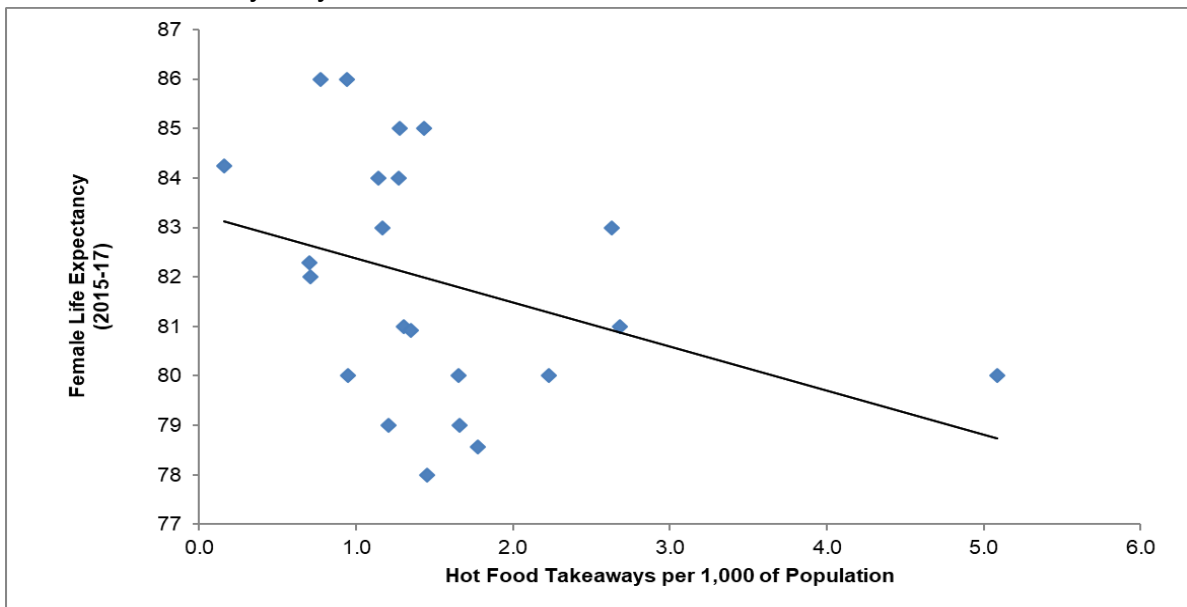


R= 0.53; p= 0.0112 ; p < 0.05

Interpretation:

As Figure 4 shows, there is a very strong, positive correlation between income deprivation (according to the 2015 IMD) and the rate of hot food takeaways in Wirral.

Figure 5: Correlation between female life expectancy (2015-17) and the number of hot food takeaways, by Wirral ward.

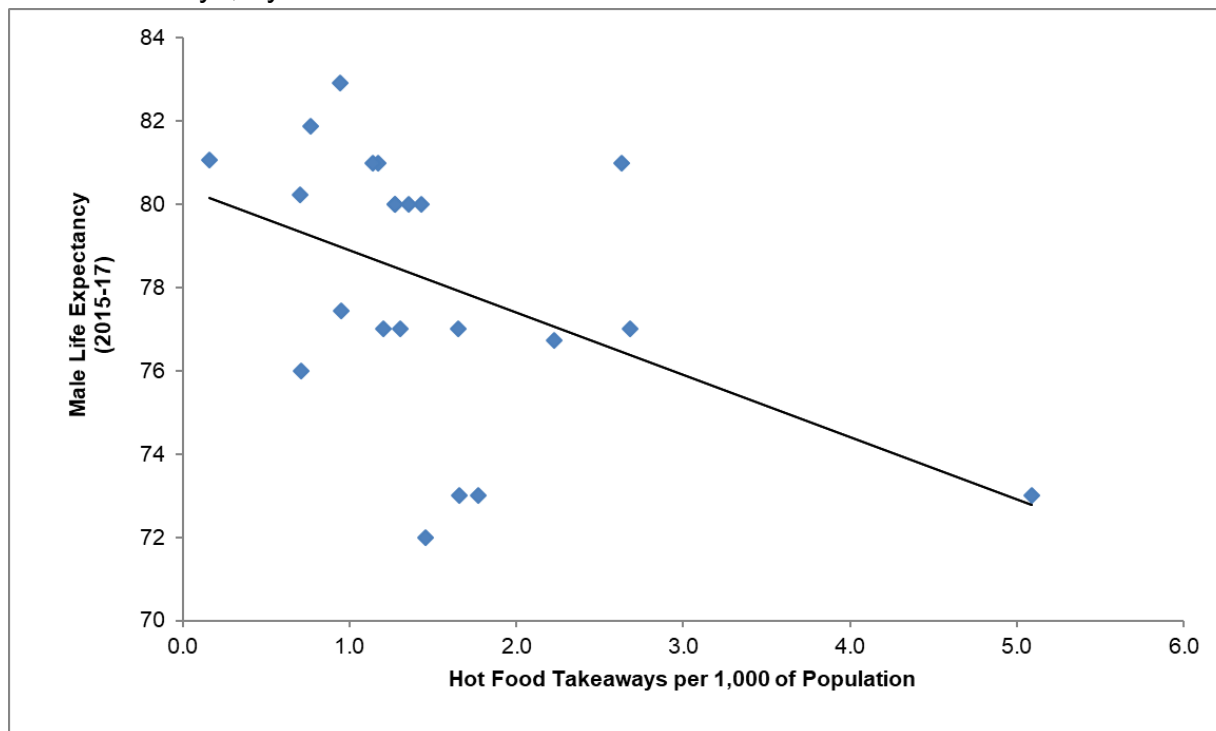


R= -0.36; p= 0.0998; p < 0.10

Interpretation:

Figure 5 shows there is a strong, negative correlation between female life expectancy and the number of hot food takeaways in Wirral, with life expectancy decreasing as the number of hot food takeaways increases.

Figure 6: Correlation between male life expectancy (2015-17) and the number of hot food takeaways, by Wirral ward.



$R = -0.46$; $p = 0.0312$; $p < 0.05$

Interpretation:

Figure 6 shows there is a strong, negative correlation between male life expectancy and the number of hot food takeaways in Wirral, with life expectancy decreasing as the number of hot food takeaways increases. This mirrors the trends seen in females (Figure 5).

4.9 Figures 3-6 provide evidence of the association between hot food takeaways in Wirral and areas with high rates of obesity and deprivation. A multi-disciplinary or whole systems approach is required to address this issue, an important aspect of which involves planning and controlling any greater proliferation of hot food takeaways.

4.10 See appendix for examples of the terminology of correlations, confidence intervals and how they are worked out and statistically relevant.

5.0 Existing Guidance, Strategies and Studies

5.1 The NHS Long Term Plan (LTP) [16] aims to relieve pressure on services and ensure sustainability for future years. The NHS LTP highlights obesity and type 2

diabetes as one of the key priorities for the NHS. The plan makes clear that people will get more tailored support.

5.2 Duncan Selbie, Chief Exec of Public Health England, welcomed the measures proposed in The Childhood obesity: a plan for action, chapter 2 [17] to help government achieve its ambition of halving childhood obesity by 2030 and significantly reduce the gap in obesity between children from the most and least deprived areas. Local action requires a sustained collaborative approach across the borough that will focus on make healthier decisions easier, providing healthier options and creating healthier environments.

5.3 The Wirral Plan outlines key pledges which local residents have highlighted as priorities [8]. This includes a pledge to support Wirral residents to live healthier lives, promoting healthy eating and tackling health inequalities including obesity.

5.4 The 2008 Government document 'Healthy Weight, Healthy Lives: a Cross-Government Strategy for England' states that 'Local authorities can use existing planning powers to control more carefully the number and location of fast food outlets in their local areas' [9]. Wirral Council could seek to use this power in through Policy CS27 in the emerging Local Plan in order to control planning applications for hot food takeaways close to secondary schools and further education colleges and other locations where children and young people are likely to congregate such as community and sports centres.

5.5 Healthy People, Healthy Places, commissioned by Public Health England, published a briefing in 2014, 'Obesity and the environment: regulating the growth of fast food outlets'. The document stresses the importance of improving the quality of food environments around schools and how a number of local authorities are producing guidance in the hope of restricting access to unhealthy uses and improving children's dietary habits [10]. The briefing references a recommendation by NICE which encourages planning authorities 'to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools)' [11].

5.6 Also referenced in the above Public Health England briefing is the Takeaways toolkit which was produced by the London Food Board and Chartered Institute of Environmental Health in 2012. It recommends four broad approaches that could be taken to address the proliferation of hot food takeaways in certain locations, including around schools, one recommendation is through planning measures [12]. It also highlights that any case for action should be built on an understanding of the local area and the health needs of the local population. With a high rate of childhood obesity in Wirral, action at this point is necessary.

5.7 The 2007 Government Office for Science Foresight report ‘Tackling obesity: future choices - project report (2nd edition)’ acknowledges how complex of an issue tackling the national obesity epidemic is, however is direct in stating the importance of planning and controlling the built environment around us in order to improve health and wellbeing [13]. Other mechanisms referred to in the report include education and media as well as overcoming influential barriers such as nature of work, early life experiences, economic drivers and food production and supply.

6.0 Hot Food Takeaways in Wirral

6.1 Table 1 below details existing hot food takeaways within the Borough organised by ward (July 2017).

Table 1: Number and rate of existing hot food takeaways in Wirral, per ward.

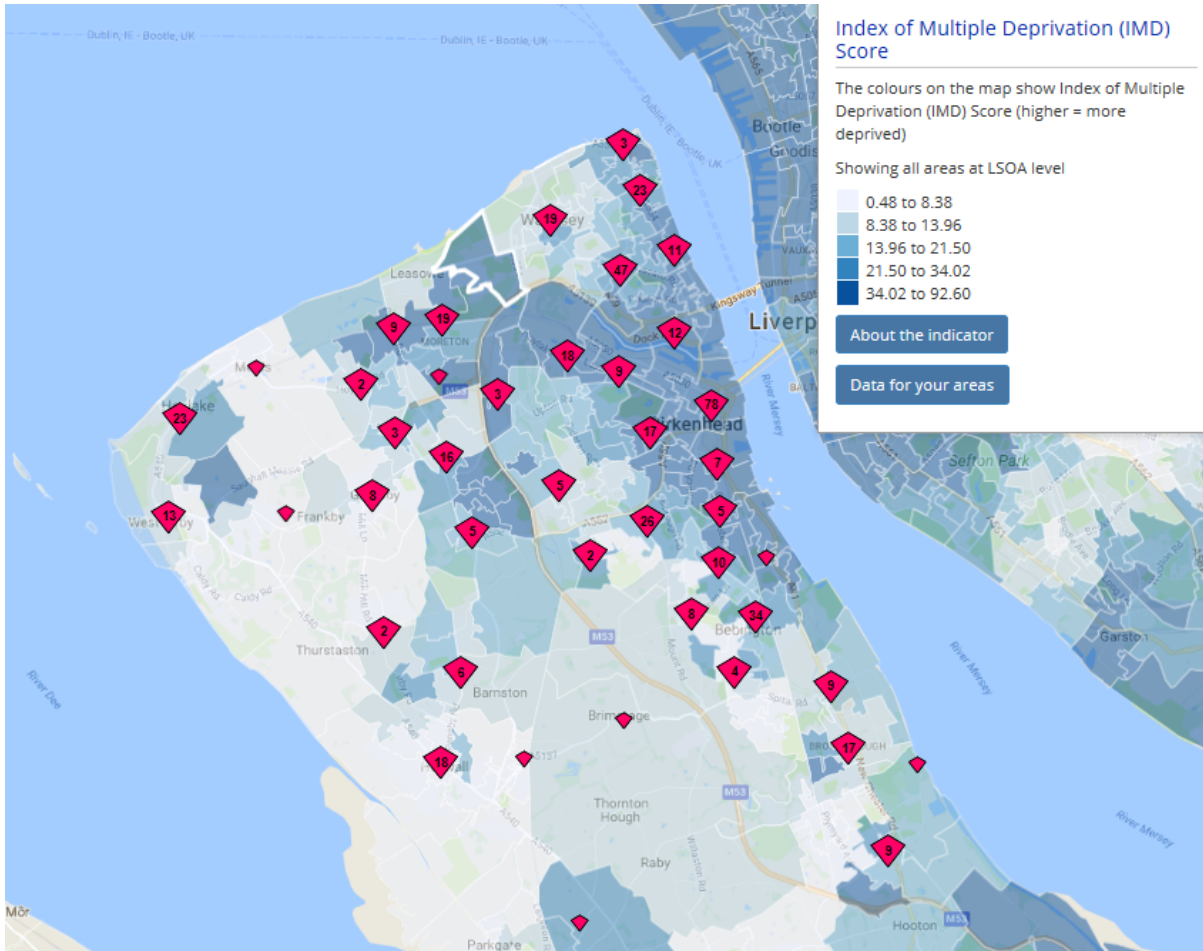
Wards	Hot Food Takeaways		
	Number	Rate per 1,000	Obese Adults %
Birkenhead & Tranmere	85	5.1	19.0%
Liscard	43	2.7	19.1%
Bromborough	35	2.6	16.4%
Hoylake & Meols	35	2.2	18.9%
Bidston & St James	28	1.8	18.9%
Seacombe	26	1.7	19.2%
New Brighton	25	1.7	19.3%
Rock Ferry	21	1.5	19.2%
Cloughton	19	1.4	16.6%
Prenton	17	1.4	17.9%
Wallasey	21	1.3	18.8%
Upton	20	1.3	16.7%
Moreton West & Saughall Massie	19	1.3	16.7%
Eastham	18	1.2	18.3%
Bebington	20	1.2	18.4%
Leasowe & Moreton East	14	1.1	14.3%
Heswall	15	1.0	18.7%
Greasby, Frankby & Irby	13	0.9	14.9%
Clatterbridge	10	0.8	17.0%
Pensby & Thingwall	10	0.7	17.7%
Oxton	10	0.7	15.1%
West Kirby & Thurstaston	2	0.2	15.1%
TOTAL	506	1.6	

6.2 Wirral has an abundance of hot food takeaways, with one such premise for every 634 people. A high number of these premises are located in Wirral’s town centres in areas that are also amongst the most deprived areas of Wirral. **Around a quarter of Wirral’s existing hot food takeaways (24%) are located within 400 metres**

(approximately a five minute walk) of secondary schools and further education institutes.

6.3 The following maps detail existing hot food takeaways within the Borough and their concentration amongst areas of deprivation.

Map 3: Location of Hot Food Takeaways and deprivation in Wirral

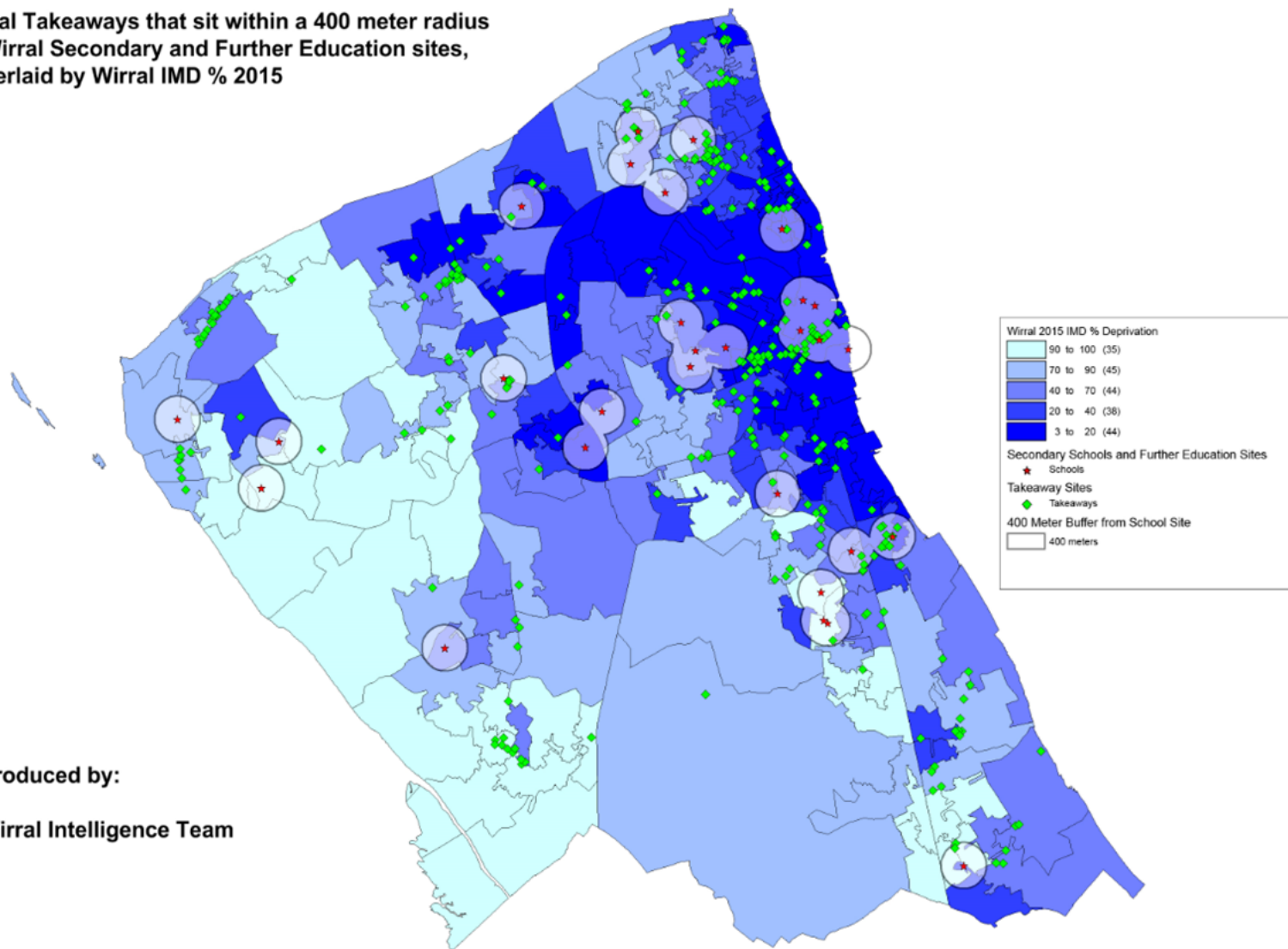


6.4 The number in the diamonds on Map 3 indicates the number of takeaways in that location. Some areas have so many takeaways they cannot all be shown clearly, so numbers have been shown for clarity.

6.5 As previously detailed, **one in four takeaways** in Wirral (121 from a total of 508), **were within 400m of a secondary school or further education sites**. Map 4 shows this information visually.

Map 4: Location of Wirral Secondary schools and further education sites, alongside hot food takeaways (background of deprivation)

Wirral Takeaways that sit within a 400 meter radius of Wirral Secondary and Further Education sites, underlaid by Wirral IMD % 2015



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Wirral Intelligence Team

7.0 Adopted Statutory Development Plans and Supplementary Planning Documents

7.1 A number of **Core Strategies** and **Local Plans** have been adopted throughout the UK that aim to control the A5 use class based on health and wellbeing concerns. Many policies however, fail to explicitly state how this should be implemented. This has instead been guided in **Supplementary Planning Documents** (SPD examples include Barking and Dagenham, Halton, Sandwell and St Helens).

7.2 SPDs supported by an adopted plan policy have been identified as a **material consideration** in several appeals, although hold less weight than adopted Local Plan policies. In a 2010 **Judicial Review** the London Borough of Tower Hamlets was deemed to have acted unlawfully after the council's planning committee granted planning permission for a hot food takeaway close to a school; having stated that the health impact was not a material consideration [14].

7.3 In June 2015, the **Preston Local Plan** was found **sound** upon modification. Policy WB3 initially placed a 400 metre exclusion zone around secondary schools and sixth form colleges banning all new hot food takeaways regardless of location. The Inspector judged this approach as excessive and to be unsound [15]. Modifications were proposed to exempt **town and district centres** as well as to incorporate a clause which allows for new hot food takeaways within the exclusion zone, permitted that they are **subject to restricted opening times** that do not coincide with school lunch breaks [15]. Sefton is taking a similar approach.

8.0 Success at appeal

8.1 A main indicator of the relevance of planning policies and SPDs is the rate of success upon appeal to the Secretary of State. The list below indicates cases where a Planning Inspector has placed weight on health and wellbeing when considering applications for A5 uses.

a) APP/C5690/A/14/2228987 209 Lewisham Way, London, SE4 1UY

On controlling A5 uses close to schools, in areas of deprivation and with high concentrations of hot food takeaways the Inspector stated: 'I note that the health gains from this approach in isolation could in fact be limited and that there are other causes of obesity. However, when considered in combination with other local and national initiatives, resisting proposals for hot food takeaway establishments could have a meaningful impact.'

b) APP/H4315/A/11/2164087 7 Waterdale Place, Sutton, St Helens, WA9 3XN

On Hot Food Exclusion Zones, the Inspector noted: 'The objective of the SPD, to establish healthy eating habits and reduce childhood obesity, is an important one and whilst not a main issue, the proposal's failure to comply with it adds weight to my decision.'

c) APP/G5750/A/11/2162904 77 Plashet Road, London E13 0RA

On overconcentration the Inspector noted: 'The proposal would add to a local clustering and as such is contrary to Policy SP6 of the CS.' On health and wellbeing in general, the Inspector noted: 'I conclude the proposal would conflict with the Council's healthy living strategy contrary to Policy SP2 of the CS.'

d) APP/Z5060/A/10/2136264 233 Heathway, Dagenham, Essex RM9 5AN

On overconcentration the Inspector noted: 'while there is no dispute that the cumulative length of the non-retail frontages in the parade already exceeds the policy thresholds, this is not a good argument in favour of the proposal, as it could be repeated too often to the detriment of retail activity in the centre.' On health and wellbeing in general, the Inspector noted: 'the appellant is willing to accept a condition requiring its counter service to close between 15.00hours and 16.30hours each afternoon on schooldays. If enforced, it would prevent over-the-counter sales to parents and children immediately after school.'

9.0 Collaborative Responses

9.1 To address the levels of obesity in Wirral, a collaborative multi-disciplinary approach is being put in place. The following list details just some of the local and national programmes and strategies which are currently are being undertaken to tackle obesity.

Wirral Council Policies, Programmes and Strategies

- The Wirral Plan: A 2020 Vision. <https://www.wirral.gov.uk/about-council/wirral-plan-2020-vision>
- Wirral Residents Live Healthier Lives, 2016-2020.
- Wirral's Strategy for Children, Young People and Families, March 2016.
- Cheshire & Merseyside Sustainability & Transformation Plan (STP). November 2016.

Other Policies, Programmes and Strategies

- Childhood obesity: applying All Our Health <https://www.gov.uk/government/publications/childhood-obesity-applying-all-our-health/childhood-obesity-applying-all-our-health>
- Childhood obesity: a plan for action, chapter 2 (2018) <https://www.gov.uk/government/publications/childhood-obesity-a-plan-for-action-chapter-2>
- Action for Children (2017). Eat Better Start Better. Voluntary food and drink guidelines for Early Years settings in England. <https://www.actionforchildren.org.uk/resources-and-publications/information-guides/eat-better-start-better/>
- Feeding in the First Year of Life (2018) <https://www.gov.uk/government/publications/sacn-report-on-feeding-in-the-first-year-of-life>

- Healthy Weight, Healthy Lives: a Cross-Government Strategy for England
- Children's Food Campaign
- Healthy Schools Programme and Healthy School Status
- Change4Life www.nhs.uk/change4life/about-change4life
- UK Active: <http://ukactive.com/>
- Mind, Exercise, Nutrition and Do it!: <http://www.mendfoundation.org/home>

10.0 Conclusion

10.1 Obesity in Wirral is a major issue that can have an adverse impact on the health and wellbeing of thousands of local people at increased risk for serious health conditions, with increasing costs for local health providers each year. Addressing obesity has therefore become a **key priority** for the Council. The rate of obesity amongst children in the Borough is higher than national average and a **collaborative approach** is necessary in order to tackle this epidemic. Unhealthy food is a principle cause of obesity, and the content, relatively low-cost and ease of access for such food is a significant cause for concern.

10.2 The study of how the built environment can influence our diets is an emerging one, however there is a strong indication that hot food takeaways tend to **cluster in areas of deprivation**. Although hot food takeaways are not the only factor in increasing obesity rates amongst children in Wirral, it remains the case that those Wirral wards with the **highest levels of childhood obesity** and deprivation also have the **highest number of hot food takeaways**. While other measures, through health education, food and advertisement standards can help to influence the type of food that is consumed, in encouraging greater availability of unhealthy food in areas where young people can congregate would undermine Councils aims to enable people to have healthy active lives conflict with local, regional and national strategic aims.

10.3 It is recommended that **controls on hot food takeaways** in areas of **overconcentration** and **close to educational establishments through planning Policy CS27** be proposed for adoption **in the emerging Local Plan** for implementation.

References

1. Department for Communities and Local Government, National Planning Policy Framework, March 2012; Paragraph 23.
2. DCLG, National Planning Policy Framework, March 2012; Paragraph 69.
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Appendix

What is a Correlation Coefficient (R value)

1 - A number between +1 and -1 calculated to show how interdependent two variables or sets of data are

2 - A value of exactly 1 means there is a perfect positive relationship between the two variables. For a positive increase in one variable, there is also a positive increase in the second variable

3 - A value of exactly -1 means there is a perfect negative relationship between the two variables. This shows the variables move in opposite directions; for a positive increase in one variable, there is a decrease in the second variable

4 - A value between 0 and 1 means that there is a positive correlation between the two variables however the strength of the relationship varies in degree based on the value of the correlation coefficient for example 0.7 is a positive strong correlation whereas 0.2 is a positive weak correlation. (This also applies for negative relationships where example figures are *-1)

5 - A value of exactly 0 means there is no relationship between the two variables.

6 - P values are used to determine the statistical significance of a correlation coefficient where a P-value is less than 0.05 the data is statistically significant

Data Monitoring table

Data	Frequency	Published	Latest Version Available
NCMP	Annually	Data published in the final quarter of the calendar year	2017/18
IMD	3/4 years	12/18 months after IMD collected	2015
Life Expectancy	Annually	December	2015/17

What is a Confidence Interval

Confidence interval method	Wilson Score method
Confidence interval methodology	<p>A confidence interval is a range of values that is used to quantify the imprecision in the estimate of a particular indicator. Specifically it quantifies the imprecision that results from random variation in the measurement of the indicator. A wider confidence interval shows that the indicator value presented is likely to be a less precise estimate of the true underlying value.</p> <p>The Wilson Score method¹ gives very accurate approximate confidence intervals for proportions and odds based on the assumption of a Binomial distribution. It can be used with any data values, even when the denominator is very small and, unlike some methods, it does not fail to give an interval when the numerator count, and therefore the proportion, is zero. The Wilson Score method is the preferred method for calculating confidence intervals for proportions and odds, but it can also be used for rates, as long as the event rate is low (relatively rare events within the population) as the Binomial distribution is a very good approximation to the Poisson distribution when the event rate is low. The method is described in detail in APHO Technical Briefing 3: Commonly used public health statistics and their confidence intervals.²</p> <p>¹ Wilson EB. Probable inference, the law of succession, and statistical inference. <i>J Am Stat Assoc</i> 1927;22:209-12.</p> <p>² Eayres D. APHO Technical Briefing 3: Commonly used public health statistics and their confidence intervals York: APHO; 2008.</p>

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WIRRAL LOCAL PLAN

Minerals Report

OXF11442
Wirral Minerals Report
3
7 January 2020

REPORT

Quality Management

Version	Status	Authored by	Reviewed by	Approved by	Review date
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Appendix A: Saved Mineral Policies

Appendix B: PEDL

Appendix C: Draft Minerals Policies and Supporting Text

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.

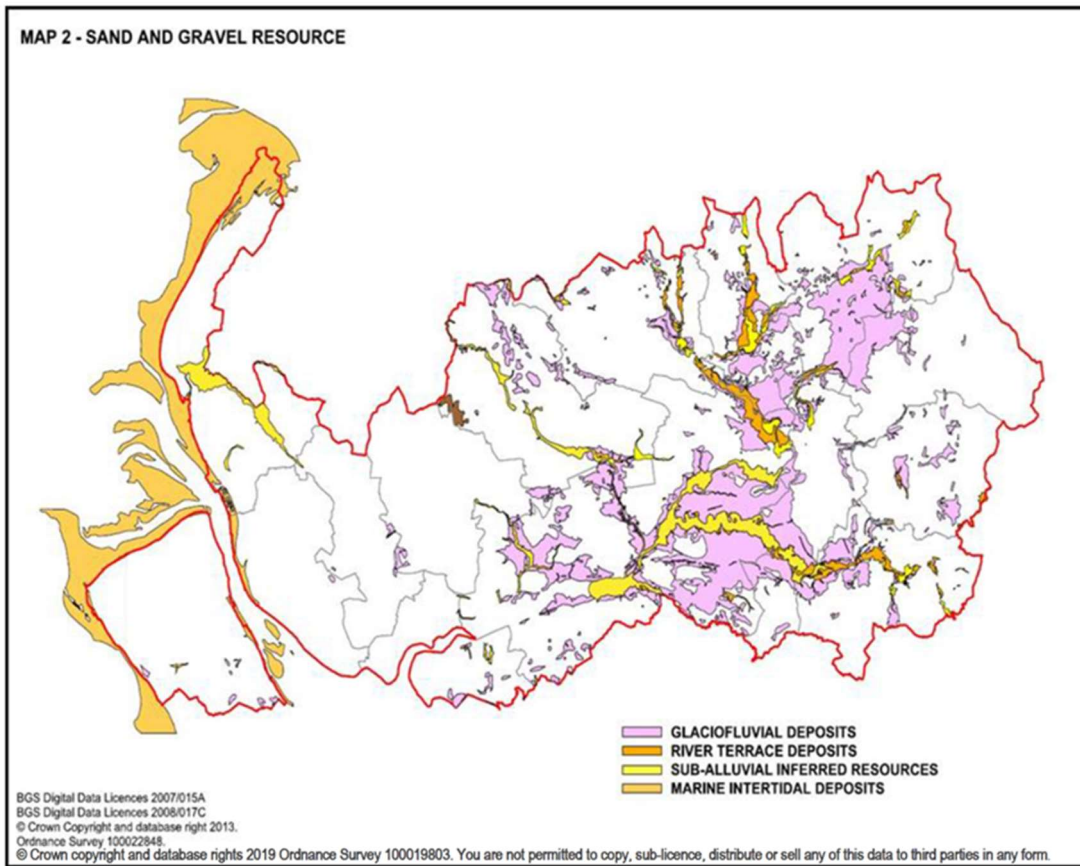


Figure 3.1: Sand and Gravel Resources on Merseyside

(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]).

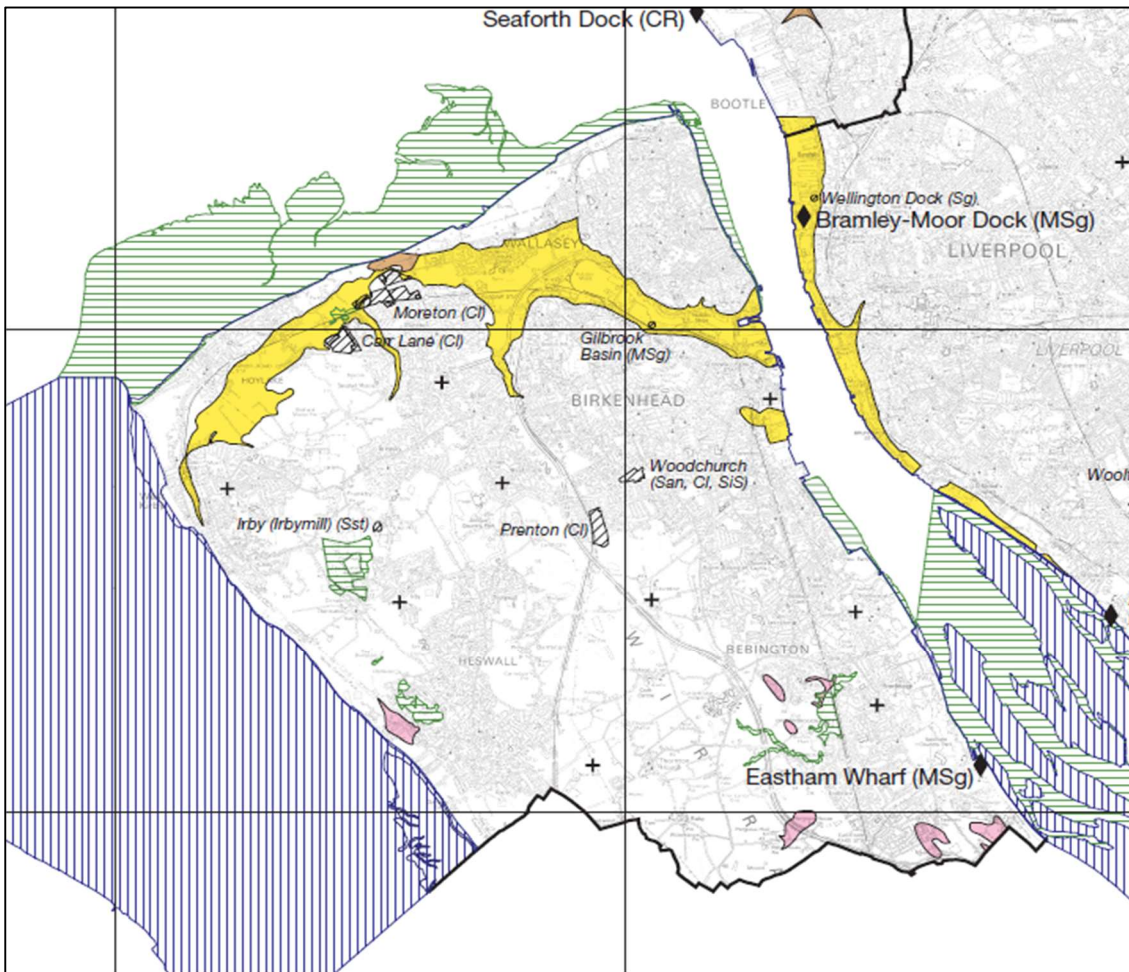


Figure 3.2: Mineral resources/sites in Wirral

(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 (NRAWP) 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 NWRWP 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 wharfs 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 be 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

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

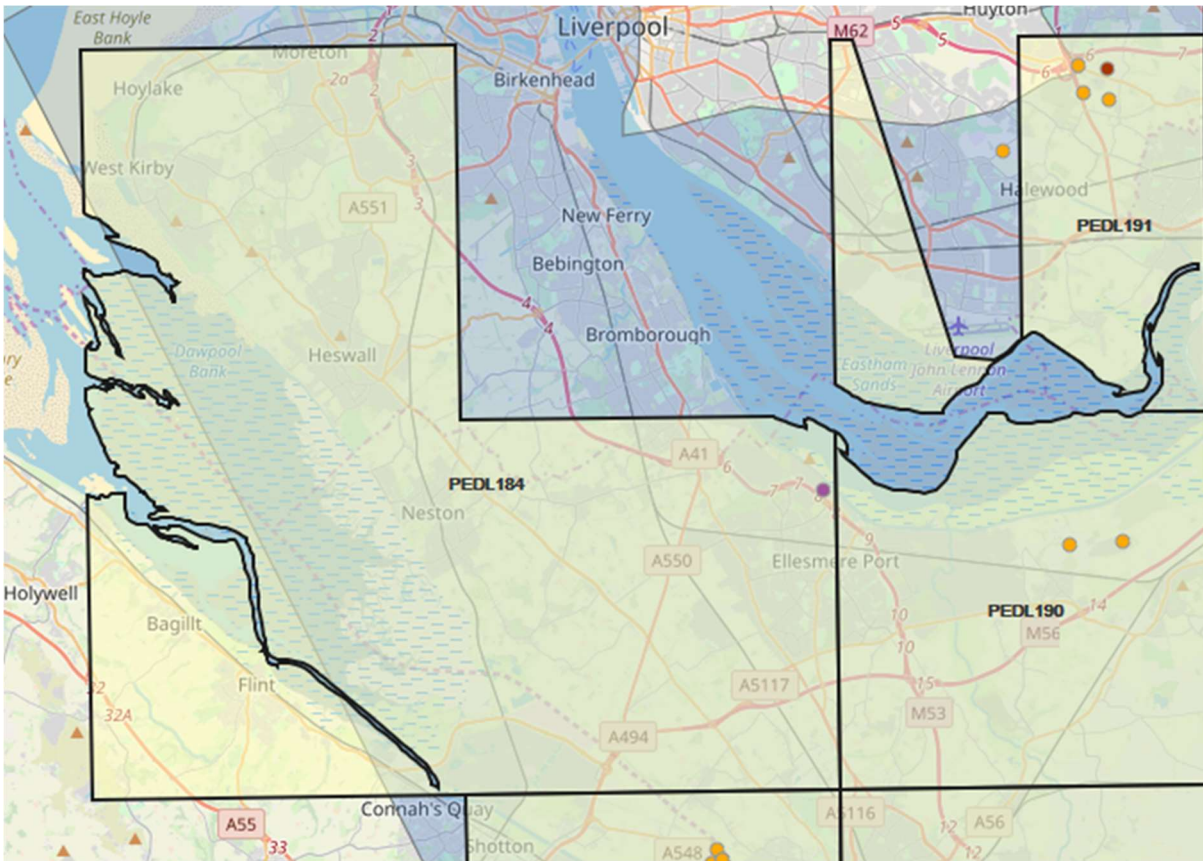
In assessing planning applications for non-energy mineral extraction, the Local Planning Authority will be guided by the following criteria:

- (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.

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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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.