

Appendix A

Extract of Proposed Draft Minerals Policies for the Deposit Local Development Plan

LDP Key Issue

- The County has rich mineral resources which will need to be safeguarded from sterilisation

LDP Objectives

7. Support the safeguarding and sustainable use of natural resources where appropriate

- Promote a sustainable development strategy that prioritises the re-use of appropriate previously developed land, avoids significant adverse environmental impacts and respects environmental assets

INTRODUCTION

Mineral working is different from other forms of development in that extraction can only take place where the mineral is found to occur. The policies in this section are therefore formulated with a view to striking an acceptable balance between the national, regional and local requirement to both develop and safeguard mineral resources, the protection of the natural and built environment and the quality of life for those people living and working within the County.

Mineral resources within the context of the LDP refers to all minerals which geologically have resource potential within the County – primary aggregates (hard rock, sand and gravel), coal and onshore oil and gas resources. National mineral planning policy seeks to ensure a sustainable pattern of mineral extraction and is set out in Mineral Planning Policy Wales (MPPW) and further developed in Minerals Technical Advice Note (MTAN) 1: Aggregates and MTAN 2: Coal, together with Policy Clarification Note CL-04-14 and The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015.

The County sits on the edge of the South Wales Coalfield Basin. Opportunities for mineral development are limited to the north of the County, due to the high level of protection afforded to the Gower AONB and the extent of the built development that sterilises much of the land to the south of the M4. The only significant mineral resource physically available is coal and the Pennant Sandstone which caps the coal measures. The Pennant Sandstone has the greatest environmental capacity for extraction to the north of the M4. There is also the potential for the exploration of coal bed methane gas associated with the lower seams of the Coal Measures, as well as scattered outcrops of sand and gravel resources.

The South Wales Regional Technical Statement (RTS) provides a strategy for the future maintenance of an adequate and steady supply of construction aggregates. The RTS 1st Review recommends that, due to the lack of recent historical demand for hard rock or land won sand and gravel production within the County; the lack of suitable limestone resources that are not constrained by existing development or by the Gower AONB; and the availability of crushed rock supplies from nearby quarries

in adjoining MPAs, the Council is not required to make any future provision for land-won primary aggregates, including allocations for future workings, within the LDP. Any proposal which is forthcoming during the plan period for mineral development will be assessed against criteria-based mineral policies.

The Welsh Government has adopted a precautionary approach to the development of unconventional oil and gas resources in Wales. In support of this approach The Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015 requires that where it is proposed to approve a planning application for unconventional oil and gas development which uses hydraulic fracturing technology then the local planning authority must first refer the planning application to Welsh Ministers to determine whether the application should be called in. The Direction clarifies that 'development' is defined as development involving the onshore exploration, appraisal or production of coal bed methane or shale oil or gas using unconventional extraction techniques, including fracturing (but does not include the making of exploratory boreholes which do not involve the carrying out of such unconventional extraction techniques).

Despite the existence of possible land based sand and gravel resources within the County, all the County's sand and gravel is imported from marine-dredged sources in the Bristol Channel, via wharves in Swansea and in neighbouring Neath Port Talbot and Carmarthenshire. In accordance with MPPW, the wharves and railheads in Swansea Docks, whether currently utilised or not, will be safeguarded on the Proposals Map in order to provide a range of sustainable transport options. Future development proposals will need to consider the potential impact on the landing of marine sand and gravel at Swansea Docks. The safeguarding of the wharf does not prevent its use to land other goods and does not affect permitted development rights.

Secondary aggregate is also imported (by road) from the Port Talbot steelworks, whilst recycled aggregates from construction, demolition and excavation wastes are also available within the County. The re-use and recycling of suitable materials will be further encouraged and will help continue to offset the requirements for primary aggregates.

The Council will continue to monitor the level of production, demand and imports alongside the aggregate reserves in neighbouring authorities throughout the lifetime of the LDP and revise the allocation requirements if necessary. In order to ensure the sustainable development of mineral resources the Plan ensures that society's needs for mineral's are met during the lifetime of the Plan and that aggregate and coal resources will be safeguarded to ensure they are not unnecessarily sterilised by non-mineral development in order to ensure society's future needs are met.

KEY POLICY

Key Policy X: Minerals

Provision for the sustainable development of mineral resources will be made by:

- a) Safeguarding resources of hard rock, sand and gravel, and coal, where these occur outside settlements, from permanent development to ensure that potential resources are not sterilised;
- b) Encouraging the efficient and appropriate use of minerals;
- c) Encouraging the re-use and recycling of suitable minerals as an alternative to primary won aggregates;
- d) Safeguarding the wharves in Swansea Docks for the unloading of marine dredged sand and gravel.

Detailed Policies

M1 DEVELOPMENT OF MINERAL RESOURCES

Proposals for the extraction of mineral resources will be permitted where they satisfy the following criteria:

- (i) It can be demonstrated that there is a requirement for the mineral to meet the need of society either nationally, regionally or locally, and the need cannot be met from secondary or recycled materials or existing reserves,
- (ii) The proposed end use of the mineral resource is appropriate and represents an efficient use of the resource,
- (iii) The development would not cause demonstrable harm to the amenities of local communities, in particular with regard to access, traffic generation, noise, vibration, dust, air quality and odour,
- (iv) The proposal would not result in any significant adverse impacts upon public health and wellbeing,
- (v) There is no significant adverse impact, including visual impact, on the landscape, natural heritage, cultural and historic environments,
- (vi) There would be no significant adverse impact on the quality and quantity of controlled waters,
- (vii) It can be demonstrated that no significant danger, damage or disruption would arise from subsidence or ground instability. The minerals will be transported by rail or waterways wherever feasible,
- (viii) Appropriate and progressive restoration and aftercare measures have been submitted, including post closure management of the site and the provision of other appropriate compensatory enhancements.

Within the Gower AONB mineral development will be strongly resisted.

The Council will not support the development of land based **unconventional oil or gas** operations, including the exploration, appraisal and extraction of oil and gas by **unconventional methods** (including the making of exploratory boreholes).

National Planning Guidance: Planning Policy Wales (MPPW) 2016; MTAN1: Aggregates, MTAN2: Coal

Reasoned Justification

The policy sets out criteria against which all proposals for mineral development will be assessed, including new development proposals (including borrow pits), the reworking of mineral tips for their mineral content and the development of land based **unconventional oil and gas** (i.e. coal-bed methane, shale gas and underground coal gasification).

Following the Town and Country Planning (Notification) (Unconventional Oil and Gas) (Wales) Direction 2015 the Council is required to refer any application it is minded to approve for the exploration, appraisal or commercial extraction of onshore oil or gas by unconventional methods to the Welsh Government. **Unconventional methods** refers to the use of hydraulic fracturing technology. Notwithstanding the Direction, the Council passed a Motion of Motion on the 28th January 2016 to adopt a policy of a presumption of **not supporting** proposals for exploration and development of land based unconventional oil and gas within the County, including applications for exploratory boreholes.

MTANs 1 and 2 provide clear guidance on reducing the impacts of mineral extraction, including dust, blasting, noise, visual intrusion and traffic generation as well as the restoration and aftercare of sites. When considering proposals for aggregate extraction reference should be made to the RTS.

In accordance with the recommendations contained within the RTS 1st Review, no future provision for land-won primary aggregates, including allocations for future workings have been identified within the LDP. No new mineral development will be permitted within the Gower AONB as it is not considered that the exceptional circumstances test outlined within PPW will apply with the Plan period. Proposed mineral development adjacent to, or close to, the AONB will be carefully assessed to ensure the environmental and amenity impact is acceptable. PPW sets out the criteria by which to assess proposals that are likely to affect the integrity of an internationally designated site (SPA, SAC or Ramsar Site).

The requirement for mineral resources will be viewed as being limited to that which is necessary to meet the needs of the present generation for economic growth and maintenance of standards of living. Where the end use of mineral resource is not consistent with the quality and significance of the resource it will be viewed as being misused and therefore wasteful.

In accordance with PPW, agricultural land of grades 1, 2 and 3a should only be used for mineral development if there is an overriding national (UK) need for the development and sufficient land in lower grades is either unavailable or available lower grade land has statutory environmental designations, unless clear evidence is submitted demonstrating that the land can be restored to a standard equivalent to its original Agricultural Land Classification. Any adverse effects on agriculture as a result of mineral development must be minimised as far as possible.

Proposals to develop secondary aggregate resources or recycling centres for construction, excavation and demolition waste will most usually be appropriate within construction sites, followed by B2 employment land allocations, if compatible with surrounding land uses (refer to Waste Policy XXX).

Borrow pits are temporary mineral working operations to supply particular construction projects. Borrow pits ought to be located within or close to a construction site and wherever possible the mineral should be supplied direct without using public roads.

Mineral development will not normally be acceptable within 200m of settlements identified on the Proposals Map (in the case of hard rock where blasting is necessary), 100 metres (in the case of sand and gravel and hard rock sites where blasting is not necessary) and 500m (in the case of coal).

Mineral developers should endeavour to minimise environmental disturbance. Compensatory measures will be sought from mineral developers with respect to loss of biodiversity as a result of any proposed mineral development. Where planning permission is granted for coal mining, the Council under the terms of the West Glamorgan County Council Act 1987, will attach a condition requiring the deposit of a financial bond or other means of financial security capable of securing satisfactory landscaping, restoration and aftercare requirements. In all other cases where the Council is minded to grant planning permission, the Council will, where appropriate, seek agreements to secure satisfactory restoration, aftercare and beneficial re-use through Section 106 Agreements.

Where appropriate a Health Impact Assessment will be required in support of applications for mineral development, in accordance with national planning policy (MIMPPS 01/2009, MTAN1: Aggregates and MTAN2:Coal).