

# REPORT FOR DECISION

**MEETING:** COUNCIL

**DATE:** 4<sup>th</sup> JULY 2012

**SUBJECT:** GREATER MANCHESTER JOINT MINERALS  
DEVELOPMENT PLAN DOCUMENT: FURTHER  
ADDITIONAL MODIFICATIONS

**REPORT FROM:** CABINET MEMBER - NEIGHBOURHOODS AND  
REGENERATION

**CONTACT OFFICER:** Paul Allen – Head of Planning Policy and Projects

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**TYPE OF DECISION:** COUNCIL

**FREEDOM OF  
INFORMATION/STATUS:** THIS PAPER IS WITHIN THE PUBLIC DOMAIN

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**SUMMARY:** In November 2009 the ten Greater Manchester Authorities agreed to produce a joint Development Plan Document (DPD) covering minerals issues in Greater Manchester (the Minerals Plan). Since then the document has undergone a series of consultations to identify locations for future minerals development and to develop a suite of minerals planning policies.

The Plan was Published between 22<sup>nd</sup> July until the 2<sup>nd</sup> September 2011, then Submitted to the Secretary of State on the 11<sup>th</sup> November 2011 for its Public Examination before an independent inspector. The purpose of this examination was to assess the soundness of the plan and whether its preparation had complied with legal processes. Hearing sessions commenced on Wednesday 22<sup>nd</sup> February 2012 and have been adjourned following the close of the session on Thursday 23<sup>rd</sup> February.

The adjournment is required to allow public consultation to take place on proposed **Main Modifications** to the

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Plan which were identified during the hearing sessions. Since approval of these Main Modifications is required by the Full Council of each of the 10 districts this cannot take place till the last GM council has approved them. At this stage consultation is likely to take place during August and September. Following the close of this consultation, the Inspector will need to consider any representations received and this may require a further hearing session which has been planned for early October 2012.

**Members may recall that Council previously approved modification to the Plan at its meeting of 28<sup>th</sup> March 2012. However, further modifications to the Plan have now become necessary and, therefore, this report brings this matter back to Council with the inclusion of the further modifications.**

**The Joint Minerals DPD, together with the documentation concerning Main Modifications and Minor Modifications, is available at the Members' Information Point and has been made available in electronic format to all Members. The documentation is also available via the Council's website at [www.bury.gov.uk](http://www.bury.gov.uk).**

## **OPTIONS & RECOMMENDED OPTION**

### **Recommended Options**

It is recommended that the Council:

1. Approve the Main Modifications to the Joint Minerals Development Plan Document and subsequent period of public consultation; and
2. Note the additional minor modifications.

### **Other Options:**

That Members seek revisions to the proposed modifications to the Joint Minerals Plan DPD prior to further consultations and participation – Members to specify the nature of any revisions to be sought.

### **Reasons:**

The production of a Joint Minerals Plan is considered necessary to provide an up to date and sustainable planning framework to guide and control mineral development within Greater Manchester, together with the movement and use of mineral resources to meet development needs.

The approval of the main modifications to the Minerals Plan DPD for further consultation is an important stage

in the production of the GM Joint Minerals Plan, and a further major element in the production of Bury's Local Development Framework (LDF), and it is necessary to ensure that all interested parties have an opportunity to play a part in this process.

**IMPLICATIONS:**

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework?      Yes                      No

The existing Bury UDP forms part of the Council's Policy Framework (being one of the statutory plans listed under Article 4) and will be replaced eventually by Development Plan Documents to be produced under the arrangements of the Planning and Compulsory Purchase Act 2004. The GM Joint Minerals Plan DPD is one such document.

**Statement by the S151 Officer: Financial Implications and Risk Considerations:**

The consideration of the main modifications to the Minerals Plan DPD is a further key stage in the production of the GM Joint Minerals Plan and will, when adopted, form a significant element of Bury's Local Development Framework.

The production of the GM Joint Minerals Plan is being carried out on behalf of the ten Greater Manchester districts by the Greater Manchester Geological Unit (GMGU). Finance for this work is being provided by the ten Greater Manchester districts and existing budget provision has, and continues to be made, to cover all costs involved. See statement by Executive Director of Resources below.

**Statement by Executive Director of Resources:**

Bury Council's contributions to the financing of the production of the GM Joint Minerals Plan have been made from existing revenue budgets.

Existing revenue budgets continue to include provision for the production of the GM Joint Minerals Plan and sufficient budget is available to meet the estimated costs in 2012/13.

**Equality/Diversity implications:**

Yes                      No

An initial screening has been undertaken and as there are no negative impacts identified for affected groups there is no requirement to proceed to a Full Impact Assessment.

**Considered by Monitoring Officer:** Yes      JH      Comments

The Monitoring Officer is satisfied that the proposals set out in this report are within the Council's Policy Framework and within the legal powers of the Council.

**Wards Affected:** All

**Scrutiny Interest:** Scrutiny Committee (Internal)

**TRACKING/PROCESS**

**DIRECTOR: K.G. Atkinson - EDS**

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
	Portfolio - 2/7/12		
Scrutiny Commission	Executive	Committee	Council
			4/7/12

**1.0 BACKGROUND**

- 1.1 The ten Districts constituting the Association of Greater Manchester Authorities (AGMA) agreed to produce a Joint Minerals Development Plan Document (JMDDP) in 2009. The Minerals Plan was approved by Bury Council in March 2011 for Publication and Submission to Secretary of State.
- 1.2 Once adopted, the Minerals Plan will provide a planning framework covering land-use planning matters in relation to minerals development for the Greater Manchester area. The Plan will set out the policy approach to each mineral found here: construction aggregates; brick clay; natural building stone; coal; unconventional gas resources; and peat. It will also include a set of development management policies which will assist in the consideration of planning applications relating to the working and winning of minerals.
- 1.3 In addition, the Minerals Plan will identify Areas of Search for future mineral development. These are broad areas within which there may be particular sites that could meet any shortfall in future minerals supply. It also sets out how Greater Manchester's mineral resources will be protected from sterilisation through Mineral Safeguarding Areas (MSAs). The Areas of Search and Minerals Safeguarding Areas will also need to be added to each District's Local Development Framework Proposals Map.

**2.0 ISSUES**

- 2.1 This report is to inform Members of the **Main Modifications (Appendix 1)** and additional **Minor Modifications (Appendix 2)** required to the Minerals Plan following Submission to Secretary of State and the Hearing Sessions held during February 2012. It seeks Full Council approval for the Main Modifications to the Plan to be made available for public consultation during August and September 2012.
- 2.2 Inspector Andrew Mead was appointed to undertake the Examination into the soundness of the Minerals Plan, and the Hearing sessions were held on the 22<sup>nd</sup> and 23<sup>rd</sup> of February 2012. During the hearing sessions three changes were proposed which the Inspector has indicated constitute Main Modifications to the Plan and these were approved by Council on 28<sup>th</sup> March 2012. **The need for two further Main Modifications has arisen as a result of the publication of the National Planning Policy Framework on the 27<sup>th</sup> March 2012 and, as such, approval for all these changes is required from each of the Full Councils in Greater Manchester.**
- 2.3 It is essential to note that these "Main Modifications" address matters that the Inspector considers raise soundness issues with the Plan. Without these changes there is a real risk that the Inspector will be unable to recommend that the Plan is sound and authorities will not be able to adopt the plan.
- 2.4 The **Main Modifications** proposed (listed in **Appendix 1**) **relate to Policies 2, 7 and 12** of the Submitted Plan and also include the insertion of an additional policy (**new Policy 1**). It is important to note that the modifications proposed do not alter the purpose of the Plan and will have no impact on the way the Plan is to be used in guiding minerals development in future.

### **Previously Approved Modifications**

- 2.5 The most significant change is to **Policy 7** Mineral Safeguarding Areas (MSAs). This change has been introduced in response to concerns from objectors to the Plan that the non-identification of MSAs within the urban area could lead to the unnecessary sterilisation of minerals and missed opportunities for the extraction of important resources. The change, therefore, sets out a policy approach for areas outside identified MSAs, i.e. for the urban area, and indicates that there would be support for the prior extraction of minerals where the potential for prior extraction has been identified either through development plans or by a developer. The acceptability of prior extraction would of course need to comply fully with the key planning and environmental criteria in the plan. This change is necessary to ensure that areas suitable for extraction of mineral resources prior to non minerals development outside the current MSA receive support within the Policy in line with the requirements of National Planning Policy.
- 2.6 The change proposed to **Policy 2** ensures that the requirement to make provision for a landbank of at least 7 years for sand and gravel and at least 10 years for crushed rock is explicitly included within the policy. In this context, a landbank is a stock of planning permissions for the winning and working of minerals and is necessary to enable the aggregates supply industry to respond speedily to fluctuations in demand. This modification to Policy 2 has been required to demonstrate the GM Authorities commitment to delivering the landbanks in line with National Planning Policy.

- 2.7 The change to **Policy 12** sees the removal of the third bullet point on financial provision which was incorrectly included in this policy. The change is essential to ensure the Plan conforms with national policy. The National Planning Policy Framework only allows local authorities to seek financial guarantees in exceptional circumstances, whereas Policy 12 previously sought details of financial provisions in all cases. This change to Policy 12 does not prevent local authorities from seeking financial provisions in exceptional circumstances, as set out in national policy.

### **Further Modifications**

- 2.8 Following the publication of the National Planning Policy Framework in March 2012, the Inspector has indicated that there is a need to include a policy within the Plan specifically referring to the presumption in favour of sustainable development. This has been included as a **new Policy 1** at the start of the Plan. In the final plan all other policies will be re-numbered as a consequence but for the purposes of this report, policy numbers are as in the Submitted Plan.
- 2.9 A further Main Modification is proposed to **Maps 11-20** to remove the Minerals Safeguarding Area for peat. Under the National Planning Policy Framework there is no longer any need to safeguard peat for future minerals extraction. It is, therefore, proposed to remove the Minerals Safeguarding Areas for peat from the Plan. Modification to the supporting text to Policy 6 – Peat are also proposed. These can be found in Appendix 2 – Minor Modifications together with other Minor Modifications.

### **Next Steps**

- 2.10 It is proposed that following approval from each of the ten Authorities, a **consultation on the Main Modifications will take place during August and September 2012 for a period of 6 weeks**. At the end of the consultation period any representations received on the modifications will be provided to the Inspector. Should the Inspector decide that an additional hearing is required to examine the representations a further hearing session will be held on 3<sup>rd</sup> October 2012.
- 2.11 Following the close of the hearing sessions in October, the Inspector's report into soundness will be received during November 2012. Provided the Minerals Plan is found sound, the Plan will then need to be adopted by each of the ten Authorities. This process is likely to commence from December 2012 with a common adoption date of 1<sup>st</sup> April 2013.

## **3.0 CONCLUSION**

- 3.1 This report has drawn Members' attention to the Main Modifications and Minor Modifications to the emerging GM Joint Minerals Plan. These modifications have been largely developed through an extensive programme of ongoing consultation with key stakeholders, interested parties and the general public.
- 3.2 Members are requested to approve the Main Modifications to the Joint Minerals Plan DPD for further consultation and to note the Minor Modifications.

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## **List of Background Papers:-**

Copies of the Joint Minerals Plan DPD (JMPDPD), previous JMPDPD consultation documents and Sustainability Appraisal Reports are available to download from the JMPDPD website at [www.gmineralsplan.co.uk](http://www.gmineralsplan.co.uk).

Background documents include:

- GM Joint Minerals Plan DPD – Submitted for Examination November 2011.
- National Planning Policy Framework.
- Sustainability Appraisal of the Joint Minerals Plan DPD.
- Habitats Regulation Assessment of the Joint Minerals Plan DPD.

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