

Development and Allocations Plan

Matters, Issues and Questions

Matter 6

Matter 6: Minerals, Waste and Infrastructure

Issue

Whether the approach to minerals, waste and infrastructure is positively prepared, justified, effective and consistent with national policy and in general conformity with the CSUCP.

Questions

Minerals Extraction and Reclamation (Policy DM33)

6.1 *Is Policy DM33 positively prepared, justified, effective and consistent with national policy and guidance and with the CSUCP?*

CSUCP Policy CS20 – Minerals, together with DAP Policy DM33 - Mineral extraction and reclamation, sets out how mineral resources will be managed and safeguarded in Newcastle upon Tyne.

Policy DM33 ensures that there are measures in place to mitigate any negative impacts arising from mineral extraction by requiring operations to have no unacceptable adverse impacts on the natural and historic environment or human health and to take into account the cumulative effects of multiple impacts from sites in the locality, as required by paragraph 204 of the NPPF. The policy lists fifteen matters to be assessed to demonstrate no unacceptable adverse impact will arise from the mineral operation.

Policy DM33 sets out criteria against which applications will be assessed and supported where it can demonstrate that any impact that would cause demonstrable harm can be eliminated or acceptably mitigated.

Policies DM33 and DM34, together with CSUCP Policy CS20, meet the requirements of paragraph 204 of the NPPF in terms of planning policy requirements for facilitating the sustainable use of minerals.

NPPF paragraph 204 sets out eight areas which mineral planning policy should cover. The following areas of paragraph 204 are covered in CSUCP Policy CS20 and DAP Policies DM33 and DM34.

- a) Provide for the extraction of mineral resources by identifying the whole of the plan area as being a minerals safeguarding area (CS20 – Part 1) and Policy DM33 which supports mineral operations where the harmful impacts are removed or mitigated;
- b) The contribution that substitute of secondary and recycled minerals for non-energy mineral extraction is covered by Policy CS20 – Part 3;
- c) Safeguarding minerals resources is achieved by Policy CS20(1) and (2) and DM34 of the DAP;
- d) Policy CS20(6) sets out how consideration of prior extraction of mineral resources on non-mineral development should be encouraged;

- e) There are no identified sites required for safeguarding
- f) Criteria to ensure mineral operations do not have unacceptable adverse impacts on the natural, historic environment or human health, taking into account cumulative effects are set out in Policy DM33. Mineral Operations are required to demonstrate that it would not have unacceptable impact on 15 listed criteria, including cumulative impacts in a locality;
- g) The need to demonstrate no unacceptable impact upon human health and local amenity, including noise, is covered in criteria (vi) of Policy DM33. Acceptable levels of noise arising from a mineral extraction site are not defined in Policy DM33. Part 4 of Policy CS20 requires proposal for energy minerals to be determined in accordance with national policy. PPG Minerals defines appropriate noise levels from minerals sites for both normal operations and the need to take into account short-term activities which may otherwise be unacceptable. The PPG would be used for assessing unacceptable noise levels as part of criteria (vi). There is therefore no need to replicate national guidance on this subject in DM 33 policy;
- h) Early site restoration, taking account of aviation safety and that high-quality restoration and aftercare must take place is secured in CS20 Part 7, and criteria (ix) of DM33 and Part 2 of DM33.

The PPG section on minerals sets out the steps mineral planning authorities should take to safeguard mineral resources. Newcastle City Council has carried out a systematic approach for safeguarding having:

- Used best available information on the local mineral resources and identified Dewley Hill has having coal at extractable depths;
- Carried out a call-out for sites to the minerals industry to define a Minerals Safeguarding Area in the CSUCP;
- Set out Minerals Safeguarding Area in the CSUCP;
- Policy DM33 sets out clear development management policy which sets out how proposals for non-mineral developments in Mineral Safeguarding Areas will be handled.

Taking all of the above together, Policy DM33 is considered to be consistent both with Chapter 17 of the NPPF and CSUCP, by providing for the extraction of minerals where no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety is identified. Restoration and aftercare at the earliest opportunity to high environmental standards is also secured by Policy DM33 and CS20. This approach is consistent with achieving sustainable development with all social, economic and environmental impacts eliminated or acceptably mitigated.

Paragraphs 207 to 208 of the NPPF covers maintaining a supply of minerals. Newcastle City participates in the Regional Local Aggregates Assessments and Aggregates Working Party and co-operates with neighbouring authorities to ensure a steady and adequate supply of industrial minerals (see library documents 155 and 157 of the Evidence Base), which sets out how the regional supply of aggregates is met.

Paragraph 209 (d) requires mineral planning authorities to indicate an area where coal extraction may be acceptable. This is covered by DM34 where an area of search is identified at Dewley Hill.

The Schedule of Representations document contains the Council's response to representation 47 by S Provan of the Banks Group in relation to the wording of Policy DM33. Paragraph 211 of the NPPF sets out how the extraction of coal should be considered. Policy CS20 (4) of the CSUCP requires proposals for energy mineral developments to be determined in accordance with national policy. There is therefore not considered necessary to replicate paragraph 211 of the NPPF within the DAP.

No significant cross-boundary or strategic issues have been raised in relation to the approach to the management of minerals extraction and reclamation during the plan preparation process.

Area of Search (Policy DM34)

6.2 Is Policy DM34 positively prepared, justified, effective and consistent with national policy and guidance and with the CSUCP?

The NPPF states that planning policies should provide for the extraction of locally or nationally important mineral resources, and PPG specifies that mineral planning authorities should plan for the steady and adequate supply of minerals. Paragraph 209 d) requires mineral planning authorities to indicate areas where coal extraction may be acceptable.

The CSUCP Policy CS20 (2) sets out that Areas of Search will be defined in subsequent local development plan documents. A call-out for sites was carried out in 2015 and this identified Dewley Hill as a potential site for coal and secondary minerals extraction. Policy DM34 therefore identifies Dewley Hill site, as identified on the proposal map, as an Area of Search for the extraction of coal and other secondary minerals. PPG on Minerals defines an area of search as where there is knowledge of a mineral resource may be less certain, but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

Policy DM34 therefore aligns with national planning policy by identifying a site where there is known reserves of coal and fireclay that have been identified by a mineral operator as having the potential for extraction during the plan period. The acceptability of working this area would need to be assessed in line with national and local plan policy, including paragraph 211 of the NPPF and other material planning policies. Policy DM34 prevents the sterilisation of the Dewley Hill site by non-mineral development, whilst not creating a presumption that the resource will be worked, in accordance with NPPF Chapter 7 and CSUCP Policy CS20.

The whole of the Dewley Hill site falls within the Tyne and Wear Green Belt. Paragraph 146 of the NPPF sets out that mineral extraction is not inappropriate development in the Green Belt provided it can preserve its openness and does not conflict with the purpose of including land within it. The impacts of mineral extraction on this site upon Green Belt openness and the purposes of including the land within the Green Belt would need to be tested as part of any planning application.

Recycling and Refuse Storage Provision (Policy DM35)

6.3 Are all developments expected to demonstrate innovative design of waste facilities?

DM35 seeks to improve the sustainability of waste management by requiring all new development to include recycling and refuse provision of adequate quantity and quality, and to ensure that the visual appearance, amenity and safety of areas is maintained.

In terms of the design of waste facilities the council has considered this point further and propose the following modification to the wording of the policy to replace the word innovative with the term high quality to provide clarification and to align with the approach taken towards design in the Policy DM20. Supporting text has been amended to reflect this policy change. The proposed modification is set out in Council Examination Modifications table.

Telecommunications and Digital Infrastructure (Policy DM36)

6.4 Would criterion 2 of Policy DM36 be positively prepared, justified, effective and consistent with national policy? How would major developments demonstrate compliance with criterion 2 of Policy DM36?

The soundness criteria for Policy DM36 has been set out in the SD7 Compliance Statement (page 299-304). The purpose of this policy is to guide development on new or upgraded telecommunications infrastructure.

In accordance with the NPPF (paragraph 112, 113 and 114), this policy has been positively prepared based on ensuring policies make sufficient provision for telecommunications infrastructure. The NPPF recognises the importance of high-quality communications infrastructure for economic growth and social well-being. The policy is considered to be effective as this policy approach requires telecommunication and digital infrastructure as part of new developments.

Criterion 2 of this policy will be delivered through the Development Management process, and submission requirements will be set out in the Development Management Validation Checklist. The requirement relates to access to electronic communications networks within the site's boundary. The checklist will be amended to reflect changes in telecommunications infrastructure and the latest technologies.