

**PUBLIC EXAMINATION:
Hearing Session 7 – Minerals and Waste**



CYNGOR SIR
YNYNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Action Point 1 (S7/PG1) – Strategic Policy PS19

Matters Arising Change in order to:

- amend the wording of criterion 2 to refer to the need to maintain a 'minimum' landbank.
- amend the wording of the policy to include a reference to mineral resources of the highest grade. Consider doing this by either amending the current criteria or by including a new criterion.
- amend the wording of the policy to ensure that it is consistent with the intended changes to policy MWYN1.

Councils Response:-

STRATEGIC POLICY PS19: MINERALS

The Council(s) will contribute to regional and local demand for a continuous, ~~secure and sustainable~~ supply of minerals ~~by~~ in accordance with the key objectives and principles of sustainable development by:

- 1 Safeguarding known / potential mineral resources from permanent development that would sterilize them or hinder extraction **in accordance with MWYN1.**
- 2 Maintaining **a minimum** 7 year land bank of Sand and Gravel and 10 year land bank of crushed rock aggregate reserves in line with national guidance.
- 3 Maximise the use of secondary and recycled materials and mineral wastes.
- 4 **Providing for the maintenance of the aggregate landbank including adequate provision and productive capacity for higher quality aggregates.**
- 5 Acknowledge that where the principles of sustainable development can be achieved, the extension of existing quarries and/or new quarries is likely to be appropriate.
- 6 Where there is a need for new capacity of minerals, these should come from locations of low environmental constraint and take into account transport implications.
- 7 Protect maritime wharf and railhead facilities as a means of encouraging sustainable transport of aggregates.
- 8 Ensuring good restoration and aftercare.
- 9 Minimising potential conflict between mineral and non-mineral land uses.

10. All Dormant and long-inactive minerals sites identified on the proposals map will be reviewed to assess their potential to contribute to the land bank and the likelihood of their re-opening. Where appropriate, Prohibition Orders will be served.

Action Point 2 & 3 (i) S7/PG2 & (ii)S7/PG3 – Policy MWYN1

Matters Arising Change in order to:

- (i) amend the wording of the policy to provide further explanation of the policy. Propose to use the wording of a similar policy in the Newport Local Development Plan (the example referred to by the Welsh Government).
- (ii) correct the text of the policy to note that the mineral safeguarding areas will be shown on the proposal maps not the constraints maps. Further the preferred areas or areas of search need to be shown on the proposal maps not the constraints.

Upon reviewing Policy MWYN1 and suggesting Matters Arising Change to the policy it became evident that the reference made to the metalliferous mineral deposit in Parys Mountain needed to be clarified and shown on the proposal map. The text within the policy has therefore been amended accordingly.

Please see Appendix 1 for a map of the Metalliferous Safeguarding Area.

Councils Response:-

POLICY MWYN1: SAFEGUARDING MINERAL RESOURCES

Mineral Safeguarding Areas have been identified and are shown on the ~~Proposals~~ **Constraints Proposal** Map to ensure that known mineral resources are safeguarded for the future. Mineral resources will be safeguarded from non-mineral development which would sterilise or hinder their extraction. Proposals for non-mineral development will only be granted within Mineral Safeguarding Areas where:-

- ~~1. Such development would not have a significant impact on the viability of future exploitation of the mineral; or extraction of the mineral is undertaken prior to the carrying out of the development.~~
- ~~2. It can be demonstrated that the need for the development outweighs the need to protect the mineral resource and, where feasible, extraction of the mineral is undertaken prior to the carrying out of the development.~~
1. The developer can demonstrate that working the resource is economically or physically impractical or would be environmentally unacceptable; or
2. The mineral resource will be extracted satisfactorily before the development is undertaken; or
3. The development is of a temporary nature and can be completed and the site returned to a state that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
4. There is an overriding need for the proposed development; or

5. The development constitutes householder development or would constitute limited infilling within an existing built up area.

Explanation:

7.5.62 **The mineral safeguarding area designation is an indication of potential mineral resource only. Further work is required to assess whether the area is suitable for mineral workings to be undertaken.** As Mineral resources **are limited to a specific location** finite and are not evenly distributed, knowledge about their whereabouts is essential for making effective and sustainable planning decisions and to consider the needs of future generations. Access to mineral resources can be prevented or restricted (sterilised) by non-mineral development and the process of mineral safeguarding ensures that this does not occur unnecessarily when planning applications are determined. An effective safeguarding system requires the adoption of 'mineral safeguarding areas and the adoption of suitable policies.

7.5.62a Where there is an overriding need for a development, that would otherwise sterilise resource, a condition will be attached to the planning permission requiring the extraction of that resource prior to the commencement of the development unless the developer satisfactorily demonstrates that it is impracticable or environmentally unacceptable.

7.5.63 Anglesey and Gwynedd have metalliferous and industrial minerals such as copper, zinc, manganese, gold and silver. Significant proven deposits of copper and zinc are located in Anglesey around Parys Mountain which should be afforded particular protection from other development and to acknowledge the potential for future exploitation, **the Parys Mountain Metalliferous Safeguarding Area is shown on the Proposal Map.** Although prices have fluctuated in recent years, the **world global** demand for these minerals has increased.

7.5.63a In accordance with National Planning Policy Guidance the mineral resource areas are identified on the Proposal Map. The identified mineral resource areas as shown on the Proposal Maps are subdivided into three groups:-

- **hardrock,**
- **limestone**
- **sand and gravel**

The mineral resource areas are based on the British Geological Survey Aggregates Safeguarding Map for Wales (2012) and 'The Sand and Gravel Resources of North Wales (2003) study by Liverpool University .

~~7.5.64 A special safeguarding area or area of search preferred areas would be justifiable, given the likelihood of the metalliferous resource around Parys Mountain, but also in consideration of the infrastructure requirements to recommence working.~~

7.5.65 A decision to safeguard a particular mineral resource does not imply that planning permission will be granted for its working. In instances where ~~there has~~ need for the development outweighs the need to protect the mineral resource the developer would be encouraged to secure the prior removal of the mineral, wherever appropriate in terms of economic feasibility and environmental and other planning considerations, prior to the commencement of the development.

Action Point 4 (S7/PG4) – Policy MWYN3

Matters Arising Change in order to:

Correct the policy to refer only to 'Preferred Areas' for consistency.

Councils Response:-

POLICY MWYN32: PREFERRED AREAS ~~OF SEARCH~~

To maintain future provision to meet the demonstrated need of the industry concerned, 'Preferred Areas ~~of Search~~' for future supplies of sand and gravel have been identified on the ~~Proposals~~ **Constraints Proposal** Map in the following areas:-

Cae Efa Lwyd, Penygroes

Tan y Bryn, Penygroes

Bodychain, Llanllyfni

Derwyn Fawr, Bryncir

Llecheiddior Uchaf, Bryncir

To maintain future provision to meet the demonstrated need of the industry concerned, 'Preferred **Areas** ~~Areas of Search~~' for future supplies of crushed rock have been identified on the ~~Proposals~~ Maps in the following areas:-

Rhuddlan Bach

Cae'r Glaw

Gwyndy

Bwlch Gwyn

Hengae

Explanation:

- 7.5.67 The above policy aims to facilitate the additional provision of sand and gravel, and crushed rock reserves to meet the identified shortfalls highlighted by the First Review of the North Wales Regional Technical Statement. By comparing existing land banks (December 2010) and the apportionment for sand and gravel and crushed rock Tables 5. 2 and 5.3 of the First Review of the North Wales Regional Technical Statement highlights a 3.7 million tonne shortfall for sand and gravel in Gwynedd and a 131 shortfall of crushed rock in Anglesey.
- 7.5.68 However, the Councils not have sufficient information to allocate specific sites for sand and gravel but considers that Preferred ~~Broad Areas of Search~~ for sand and gravel and crushed rock can be identified on information derived from BGS published data and the National Assembly for Wales commissioned report The Sand and Gravel Resources of North Wales, produced by the University of Liverpool and Enviro (2003) together with the previous study, 'Assessment of Sand and Gravel Resources in the Eastern Llyn Peninsula', undertaken by Liverpool University in 1988.
- 7.5.69 The preferred areas ~~of search~~ identified above provide the potential for the release of new reserves which are far greater than the minimum allocation of 3 million tonnes recommended by the RTS in order to allow for the uncertainties involved, to provide choice to the Minerals Industry and to encourage local supply to minimise transport distances.

Action Point 5 (S7/PG5) – Policy MWYN4

Matters Arising Change in order to:

Amend the policy text to refer to 'new' development proposals.

Councils Response:-

POLICY MWYN4: MINERAL DEVELOPMENTS

Mineral exploration, new working or extensions to existing operations will be granted to maintain the Plan area's landbank of aggregates, or to meet a demonstrated need for other minerals provided the following criteria are met:

Action Point 6 (S7/PG6) – Policy MWYN6

Matters Arising Change in order to:

Revisit the policy in its entirety and consider either restructuring it or splitting it into two policies, in relation to safeguarding mineral resources and safeguarding local amenities.

Upon reviewing Policy MWYN6 and suggesting Matters Arising Change to the policy it became evident that the reference made to the Coal Referral Areas needed to be clarified and shown on the constraint map. The text within the policy has therefore been amended accordingly.

Please see Appendix 2 for a map of the Coal Referral Area

Councils Response:-

POLICY MWYN6: BUFFER ZONES AROUND MINERAL SITES

Planning applications for mineral extraction within the buffer zones identified on the Proposals Map will not normally be permitted unless a new buffer zone can be provided to reflect the minimum distances referred to in MTAN 1 : Aggregates, unless there are clear and justifiable reasons for reducing the distance, i.e. where there is limited impact from the mineral extraction site. ~~A notional buffer zone will be applied to all new planning applications for mineral working in accordance with the minimum distances referred to in MTAN 1 : Aggregates and MTAN 2: Coal, and in cases where the notional buffer zones can not achieve the minimum distances required, developments will be refused.~~

~~Extensions to existing mineral workings will only be granted where a suitable buffer can be maintained between mineral development and sensitive development.~~

Proposals for sensitive developments (in particular housing, hospitals and schools) as defined by MTAN 1 : Aggregates, within the buffer zones identified on the Proposals Map and within any notional buffer zones will be refused. ~~Development within a buffer zone which is less than the recommended distance will only be refused~~ unless clear and justifiable reason are ~~is~~ provided, and it can be demonstrated that there will be no adverse impacts or conflicts with the mineral operation.

Within the Referral Areas for Coal (Development High Risk Areas) ~~for Coal~~ identified on the Proposals Constraints Map, development shall only be granted within settlement boundaries where it can be demonstrated that the potential for subsidence has been the subject of geotechnical investigation and that appropriate measures to minimise the impact of subsidence by ensuring best practice to design and control of development may be applied including mitigation in the form of remediation and prior extraction where appropriate.

Action Point 7 (S7/PG7) – Policy MWYN9

Matters Arising Change in order to:

Include reference to restoration and after-care, either by amending the policy wording or by cross-referencing to Policy MWYN10. Need to further consider if the policy should include justification for the need for the borrow pits, i.e. no appropriate resource available or the quantity of resource available within the local vicinity.

Councils Response:-

POLICY MWYN9: BORROW PITS

Proposals for the development of borrow pits will be granted provided that:

- 1. There are demonstrable environmental benefits to be gained**
- 2. They can be developed in accordance with other relevant policies of the plan and in particular other mineral policies.**
- 3. They are a temporary use of land linked to the timescale of the development proposed**

Explanation:

7.5.81 Borrow pits are temporary mineral workings developed to supply a particular construction project. Borrow pits can offer significant environmental benefits over mineral supply from existing reserves by reducing transport distances. **Major contracts may require the supply of large quantities of minerals over a short timescale which may cause significant environmental impact and disturbance to local communities. Borrow pits** They should be located **within or** near to the project and preferably supply material direct without the use of public roads. There needs to be clear environmental benefits for the use of a borrow pit **as opposed to supply from secondary or recycled aggregates, or from established mineral working sites identified in the development plan.** and Restoration **and aftercare** works should be to **the** a high standards **expected on mineral sites in accordance with Policy MWYN10.**

Action Point 8 & 9 S7 (i) S7/PG8 & (ii) S7/PG9 – Policy GWA1

Matters Arising Change in order to:

- (i) Include a reference to the need for a Waste Management Assessment to accompany planning applications in GWA1, GWA2 and GWA3.
- (ii) Amend the policy wording to be more explicit in relation to what sites could be suitable for urban quarries.

Councils Response:-

POLICY GWA1: PROVISION OF WASTE MANAGEMENT AND RECYCLING INFRASTRUCTURE

Land and property listed below **and** shown on the Proposals Maps, is allocated for the provision of infrastructure that could sustain or add to the range of suitable waste management facilities.

	Site name	Location
Gwynedd	Land at Cibyn Industrial Estate*	Caernarfon
	Llwyn Isaf Site	Clynnog Fawr
	Coed Belyn Mawr*	Near Bethel
	Penygroes Industrial Estate*	Penygroes
	Williams & Williams	Pencaenewydd
	H Parry Composting*	Chwilog
	Cookes	Penrhyndeudraeth
	Cefn Graianog*	Llanllyfni
	Bryncir Quarry*	Bryncir
	Nanhoron Granite Quarry*	Nanhoron, Pwllheli
	Part of Peblig	Caernarfon
	Penrhyn Quarry*	Bethesda
	Griffiths Crossing	Caernarfon
	Cefn Bychan	Blaenau Ffestiniog
	Manod Quarry*	Blaenau Ffestiniog
Anglesey	Penhesgyn	Penmynydd
	Recycling Centre	Gwalchmai
	Mona Industrial Estate	Mona
	Former Anglesey Aluminium Site*	Holyhead
	Rhuddlan Bach Quarry*	Brynteg

	Cae'r Glaw Quarry*	Gwalchmai
	Nant Newydd Quarry*	Brynteg
	Bwlch Gwyn Quarry*	Holland Arms

***Sites suitable for urban quarries as defined by TAN21: Waste**

In addition to the above allocated sites, waste management and recycling infrastructure, excluding landfill and open windrow composting, may be acceptable on existing industrial estates, quarries and brownfield sites. Proposals for waste management and recycling infrastructure (which are not proposed on the above allocated sites) will be assessed on their own merit provided that there is a justifiable need for the development. The justifiable need should refer to the local need as specified within the Municipal Sector Plan and Collections Infrastructure and Markets Sector Plan (CIMSP).

Any new development must be suitable in terms of size and scale and must not have an adverse impact upon the landscape, the natural environment or the amenity and health of the local population. **All new proposals for Waste Management facilities should be accompanied by a Waste Planning Assessment (as defined by Annex B of TAN21, Waste).**

Explanation:

- 7.5.49 In order to deal with waste sustainably, it is essential that the Plan area has an adequate integrated network of waste facilities. TAN 21 aims to ensure that the right facilities are located in the right place and at the right time to meet environmental, economic and social needs.
- 7.5.50 The sites have been allocated to direct developers to locations that are considered suitable for waste management and recycling facilities. The policy acknowledges that there may be other suitable sites on existing industrial estates, quarries and sites allocated for employment uses where B2 & B8 uses are acceptable in principle. The suitability of a site will depend on a variety of different factors, including the nature and scale of the waste facility and any site constraints such as flood risk, sensitive landscape and ecological sensitivity. Annex C of TAN 21 sets out the detailed planning issues which are necessary for applicants and planning authorities to have regard to whilst preparing and determining applications for waste management proposals. Any proposal that will need planning permission will be required to comply with all the other relevant policies in the Plan.

7.5.51 In accordance with the waste hierarchy set out in TAN 21, a sustainable approach to waste management will require greater emphasis on reduction, re-use and recovery and less reliance on disposal without recovery.

7.5.52 TAN 21 states that the resultant materials from the demolition of buildings may be recycled on site using temporary plant and machinery where it would be appropriate and would not cause a detrimental impact on neighbours in terms of noise and dust. The guidance explains that where there are longer term prospects for a sufficient and economic supply of demolition and construction waste within an appropriate catchment area, it may be appropriate to identify a permanent repository or urban quarry for this purpose. It is considered that the criteria referred to in the above policy should be used to guide the determination of planning applications for storage repositories of construction and demolition waste to avoid unnecessary landfilling of inert waste.

7.5.53 Some of the denoted sites as listed within the policy may be appropriate for urban quarries or recycling repository for the purpose of storing construction and demolition waste as a means of avoiding unnecessary landfilling of inert waste in accordance with TAN21: Waste.

Action Point 8,10 & 11 S7 (i) S7/PG8, (ii) S7/PG10 & (iii) S7/PG11–Policy GWA2

Matters Arising Change in order to:

- (i) Include a reference to the need for a Waste Management Assessment to accompany planning applications in GWA1, GWA2 and GWA3.
- (ii) Consider amending the policy wording with the aim of adding clarity and making it more robust.
- (iii) Include an additional criterion which refers to the local transport infrastructure in accordance with the policy explanation.

Councils Response:-

It is proposed to amend policy GWA3 in order to make it more relevant to dealing with radioactive waste arising from a Nuclear Power Station as opposed to a general policy covering radioactive waste. Therefore, it is considered that sites which produce low level or very low levels of radioactive waste are to be dealt with under policy GWA2. The existing criterion should be incorporated into Policy GWA2. Furthermore, it is proposed that the policy is not limited to locations outside development boundaries.

POLICY GWA2: WASTE MANAGEMENT OUTSIDE DEVELOPMENT BOUNDARIES AND ALLOCATED SITES

Proposals for the management of waste outside development boundaries and allocated sites (in

accordance with Policy GWA1) (including biodegradable municipal waste by means of composting, including anaerobic digestion and in vessel composting and specialist waste facilities (e.g. low level radioactive waste, clinical waste and hazardous waste)) will be granted in accordance with the waste hierarchy provided there is a demonstrable need for the development, that the development is supported by a Waste Planning Assessment (as defined by TAN21: Waste) and that all the following criteria can be met:-

1. Allocated sites are either unavailable or unsuitable for the proposed activity.
2. There are no suitable sites within the development boundary.
3. The proposal will have incorporated measures to mitigate impact upon the environment and the health and amenity of the local population.
4. The proposal is of an appropriate scale and nature in terms of the site and its surroundings.
5. The proposal wouldn't have an adverse impact upon the natural environment and heritage value of the area.
6. The development and any associated traffic does not result in unacceptable disturbance to local communities, through noise, smell, vibration, smoke or air pollution.

Each proposal will be considered on a case by case basis, taking account of factors including the nature, type, size, need and location of the development.

Action Point 12 (S7/PG12) – Para 7.5.54

Matters Arising Change in order to:

Refine the wording to ensure that it conforms to other aspects of the Plan, e.g. ecological matters.

Councils Response:-

7.5.54 Proposals will have to show that appropriate consideration has been given to sites of international, national, regional and local biodiversity or landscape value in accordance with national planning policy guidance as well as the relevant policies within the Plan. ~~within or directly adjacent to landscape designated areas such as Areas of Outstanding Natural Beauty, the National Park and Special Landscape Areas will be rigorously tested to ensure that there isn't any adverse impact upon the designation or it's setting.~~

Action Point 8 & 13 (i) S7/PG8 & S7/PG13 - GWA3

Matters Arising Change in order to:

- (i) Include a reference to the need for a Waste Management Assessment to accompany planning applications in GWA1, GWA2 and GWA3.
- (ii) Further consider the need to amend the policy wording in accordance with the suggestion in Magnox's observations:-

- What would be the implications of amending the wording?
- Why is amending the wording necessary?
- What would be the implications in relation to the SA/HRA?

Council's Response

It is recommended that the policy is amended to make it more relevant to the management of radioactive waste which will derive from the decommissioning of both the Wylfa Nuclear Power Station and the Wylfa Newydd Proposal.

The wording of the policy derives from further consultation with GVA whom have been appointed as property advisors for the Nuclear Decommissioning Authority (NDA) and its Site License Companies (SLCs) (including Magnox Limited).

The Proposed changes to the wording are considered necessary in order to ensure consistency with National Strategies for Radioactive Waste Management as well as the decommissioning plans for the current Wylfa site. The amendment sought to the Plan are considered to be consistent with the policy approach taken by other authorities who provide a provision for radioactive waste management and is consistent with National Strategies.

Please see Appendix 3 for a detailed assessment of the implication of the proposed Matters Arising Change in relation to the SA/HRA.

POLICY GWA3: ~~LOW¹ AND VERY LOW² LEVEL RADIOACTIVE WASTE~~ MANAGEMENT TREATMENT AND STORAGE

Facilities for the ~~treatment~~ storage and/or management disposal of ~~Low and Very Low Level~~ radioactive waste generated ~~on-site within the nuclear licensed area at Wylfa/Wylfa Newydd to facilitate an existing business~~ will be granted, provided that all the following criteria can be met:

1. It is consistent with the national strategies and policies for ~~y for~~ managing ~~Low and Very Low Level~~ radioactive waste and discharges ~~and/or the decommissioning plans for the Wylfa Nuclear Power Station.~~
2. The outcome of social economic and environmental health assessments justify it being dealt with ~~on-site or appropriate locations outside the main nuclear site~~ at the proposed location.
3. Facilities are sited and designed in order to minimise adverse impacts on the environment and appropriate environmental restoration measures are available.
4. Proposals shall comply with the general considerations set out in Policy GWA1

¹ ~~Low level waste (LLW) is radioactive waste having a radioactive content not exceeding 4 GBq/te (gigabecquerels per tonne) of alpha or 12 GBq/te of beta/gamma activity. LLW makes up more than 90% of the UK's radioactive waste legacy by volume but contains less than 0.1% of the total radioactivity.~~

² ~~Very low level waste (VLLW) is a sub-category of LLW and is defined as either low volume VLLW or high volume VLLW. The principal difference between the two definitions is the need for controls on the total volumes of high volume VLLW being deposited at any one particular landfill or other waste facilities.~~

5. The proposal is supported by a Waste Planning Assessment (as defined by TAN21: Waste)

Explanation:

- 7.5.56 ~~Within the Plan area there are businesses, research establishments as well as health care establishments which produce low and very low radioactive waste. A more notable low and very low level producer of radioactive waste is the existing nuclear power station at Wylfa which is due to stop producing electricity in 2015. The process of decommissioning will then start. The Wylfa Nuclear Power Station is currently being decommissioned.~~ The decommissioning process is likely to give rise to a large quantity of Low and Very Low Level radioactive waste.
- 7.5.57 The national policy for handling such waste is to deal with them as far up the waste hierarchy as possible. However it is likely that some of this waste will need to be disposed of either on or adjacent to licensed nuclear sites or to landfill sites elsewhere.
- 7.5.58 Current NRW guidance is that some Low and Very Low Level radioactive wastes may be suitable for disposal at existing non-hazardous landfill sites. Planning permission may be required for such disposal depending on the conditions attached to any existing planning permission. An appropriate consent /permit from the NRW would also be required.
- 7.5.59 This Policy provides for the implementation of such facilities within the confines of the Nuclear Licensed Site., ~~This Policy applies solely to the storage of Low and Very Low Level radioactive wastes and would not permit the disposal of intermediate Level Waste at the site.~~