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| Part 1Open to the public | ITEM NO.8 |

Report of the Assistant Mayor for Strategic Planning

TO COUNCIL ON 18 JULY 2012

TITLE: GREATER MANCHESTER JOINT MINERALS DEVELOPMENT PLAN DOCUMENT (JMDPD): ADDITIONAL MAIN MODIFICATIONS

RECOMMENDATIONS:

It is recommended that 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

EXECUTIVE 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 22nd July until the 2nd September 2011 then submitted to the Secretary of State on the 11th November 2011 for its Public Examination before an independent inspector. The purpose of this examination is to assess the soundness of the plan and whether its preparation has complied with legal processes. Hearing sessions commenced on Wednesday 22nd February 2012 and have been adjourned following the close of the session on Thursday 23rd February.

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

BACKGROUND DOCUMENTS:

* Greater Manchester Joint Minerals Plan Development Plan Document: Submitted for Examination November 2011
* National Planning Policy Framework
* Sustainability Appraisal of the Joint Minerals Plan Development Plan Document
* Habitats Regulations Assessment of the Joint Minerals Plan Development Plan Document

(Available for public inspection)

KEY DECISION: NO

The Joint Minerals Development Plan will have implications for Salford at a citywide level and will therefore impact on two or more wards. Notwithstanding this, as the decision will be made by full Council it is not a Key Decision that needs to be published on the Forward Plan.

DETAILS:

# **1 Purpose of the Report**

* 1. This report is to inform Members of the Main and additional Minor Modifications 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 Background**

* 1. The ten Districts constituting the Association of Greater Manchester Authorities (AGMA) agreed to produce a Joint Minerals Development Plan Document (JMDPD) in 2009. The Minerals Plan was approved by Salford City Council in May 2011 for Publication and Submission to Secretary of State.
  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 polices which will assist in the consideration of planning applications relating to the working and winning of minerals. 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. The Areas of Search and Minerals Safeguarding Areas will also need to be added to each District’s Local Development Framework Proposals Map.
  3. Inspector Andrew Mead was appointed to undertake the Examination into the soundness of the Minerals Plan, and the Hearing sessions were held on the 22nd and 23rd of February 2012. During the hearing sessions three changes were proposed which the Inspector has indicated constitute Main Modifications to the Plan. The need for two further Main Modifications has arisen as a result of the publication of the National Planning Policy Framework on the 27th March 2012. Approval for any changes classed as Main Modifications is required from each of the Full Councils in Greater Manchester.
  4. 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.

**3 Main Modifications**

* 1. The Main Modifications proposed (listed in Schedule 1) relate to Policies 2, 7 and 12 of the Submitted Plan and also include the insertion of an additional policy. 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.
  2. The most significant change is to Policy 7 Mineral Safeguarding Areas. 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 outside identified MSAs i.e. for the urban area that would support 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.
  3. 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 the Policy 2 has been required to demonstrate the Greater Manchester Authorities’ commitment to delivering the landbank in line with National Planning Policy.
  4. The change to Policy 12 sees the removal 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 provision in all cases. This change to the policy does not prevent the local authorities from seeking financial provision in exceptional circumstances, as set out in national policy.
  5. 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 the other policies will be re-numbered as a consequence but for the purposes of this report, policy numbers are as in the Submitted Plan.

**4 Peat**

* 1. 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. Modifications to the supporting text to Policy 6 Peat are also proposed. These can be found within Schedule 2, together with other Minor Modifications.

**5 Next Steps**

* 1. 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 3rd October 2012.
  2. 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 1st April 2013.

KEY COUNCIL POLICIES: Local Development Framework

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: Greater Manchester Geological Unit undertook an Equality Impact Assessment in February 2011 in advance of the issue of the Publication Joint Minerals Development Plan Document. The assessment found that the Plan strategy would have no differential or negative impact on any of the identified equality strands. As the initial assessment identified no differential or negative impacts, a full Equality Impact Assessment was not required.

ASSESSMENT OF RISK: Medium – approval by full Council is required from each of the ten Greater Manchester districts to the main modifications to the Joint Minerals Development Plan Document. In the event that any one of the ten districts does not approve the main modifications, the timescale for production of the document would be jeopardised and there would be associated financial implications in terms of the additional work needed to be undertaken by Greater Manchester Geological Unit on behalf of the ten districts.

SOURCE OF FUNDING: The ten Greater Manchester authorities have funded Greater Manchester Geological Unit to prepare the Joint Minerals Development Plan Document on their behalf. The funding for production of the plan has been agreed and represents committed expenditure. It is anticipated that the process can be concluded within the existing budget.

LEGAL IMPLICATIONS - Supplied on 23rd April 2012 by Richard Lester, Locum Solicitor  0161 793 2129

The consequence of not approving the Main Modifications would be to prevent, or at least to delay, the public consultation proposed for August/September 2012. Ultimately this could lead to the Inspector's not approving the Plan at all.

FINANCIAL IMPLICATIONS - Supplied on 17th April 2012 by Stephen Bayley, Group Accountant (T: 0161 793 2584).

The funding for the production of the document has been outlined above. There are no further financial implications for the City Council as a result of this report.

OTHER DIRECTORATES CONSULTED:

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WARD(S) TO WHICH REPORT RELATE(S): The Greater Manchester Joint Minerals Development Plan Document covers the administrative area of the ten Greater Manchester districts. In relation to Salford its scope is therefore citywide. The document does however have particular importance to the wards of Irlam and Cadishead, due to the presence of peat and gravel in those wards.