Consultation on safeguarding of minerals and minerals infrastructure Outcomes report

September 2012
1 Introduction .................................................................................................................................................. 2

2 What minerals should be safeguarded ........................................................................................................... 4

   Sand and gravel ............................................................................................................................................ 4
   Hard rock .................................................................................................................................................... 5
   Building stone ............................................................................................................................................ 5
   Silica sand .................................................................................................................................................. 6
   Salt .............................................................................................................................................................. 6
   Deep coal and coal bed methane .................................................................................................................. 6
   Shallow coal ................................................................................................................................................ 7
   Brick clay .................................................................................................................................................... 8
   Peat ............................................................................................................................................................ 8

3 How should economic minerals be safeguarded ............................................................................................. 9

4 Minerals infrastructure ....................................................................................................................................... 10

   Rail ............................................................................................................................................................ 11
   Wharf ....................................................................................................................................................... 11
   Associated facilities ................................................................................................................................... 12
   Recycled aggregates ................................................................................................................................. 13

Appendices

A Maps .......................................................................................................................................................... ?
1 Introduction

1.1 An informal targeted consultation: Consultation on safeguarding of minerals and mineral infrastructure (from here on referred to as the consultation) set out to establish which minerals within Cheshire West and Chester should be safeguarded, the geographical limits to those areas and which if any minerals infrastructure should also be safeguarded.

1.2 Due to the nature of minerals, being a finite resource and being location specific, it is important to provide protection from unnecessary sterilisation by surface development. The information obtained from this consultation will be incorporated into the evidence base and taken account of in preparing the future policies for minerals in the Local Plan.

Background

1.3 The document was issued for consultation on 1 June 2011. It was made available online via our Local Plan consultation portal and the Council’s web page, and ran for a period of six weeks. Consultees were able to respond on line using the consultation system, by email or by written response.

1.4 As this was an informal consultation of a specialist nature it was targeted at the minerals industry, their trade associations, agents acting for mineral companies and landowners and government organisations with an interest in the exploitation of mineral assets.

1.5 All parish councils were informed that the consultation was taking place for information only and that they were not expected to respond at this stage, although some did take the opportunity to respond.

1.6 The organisations which responded were as follows:

- English Heritage
- Environment Agency
- Dart Energy
- Delamere Parish Council
- The Peel Group
- Cheshire West and Chester Property Services
- The Coal Authority
- Natural England
- Mineral Products Association
- Tarmac
- Civitas Planning Ltd
- Cheshire Gardens Trust
- Salt Union
- TATA Chemicals Europe Ltd
- INEOS Enterprises Ltd
- United Utilities
- Guilden Sutton Parish Council
1.7 Responses to the consultation raised a number of issues which are outside the scope of mineral safeguarding and will be addressed elsewhere. The list below provides an overview of the generic issue raised by respondents to the consultation:

- Only minerals currently being worked should be included
- Built up areas should be excluded
- Separate mineral safeguarding areas [MSAs] should be provided for each mineral.
- Significant groundwater resources should take precedence over mineral extraction.
- Water abstraction rights and biological heritage sites [BHSs] should take precedence over mineral extraction.
- Appropriate weight should be given to the role performed by the areas soils.
- Mineral policies should aim to protect and enhance the natural landscape and environment and historic woodlands which should be excluded from safeguarding areas.
- In respect of peat, it would be beneficial to await guidance from Defra on peat protection.
- Account should be taken of links to transport infrastructure.
- Infrastructure such as rail sidings and wharves should not be safeguarded for single uses as this could potentially be restrictive.
- Aerodrome safeguarding should be taken into account in respect of Liverpool John Lennon Airport, and referenced in Local Plan.
- Specific safeguarding should be provided for materials that provide materials for maintenance of historic buildings and/or buildings within conservation areas.
- Policy should encourage the reuse, recycling and storage of building and roofing stones.
2 What minerals should be safeguarded

Consultation findings and conclusions

2.1 This section provides a brief overview of the mineral resources in Cheshire West and Chester and details of those minerals that have been or continue to be worked in Cheshire West and Chester.

2.2 The consultation asked a number of questions relating to which minerals should be subject to a safeguarding policy. For each of the minerals listed below the consultation document asked questions on the need to identify a mineral safeguarding area [MSA], the results of which have been incorporated into this document and influenced the selection of mineral safeguarding areas. From these responses the following views on mineral safeguarding were expressed.

2.3 MSAs should be made in respect of:

- Sand and gravel - a single mineral safeguarding area for all sand and gravel deposits.
- Salt - a separate safeguarding areas for underground mining and solution mining.
- Shallow coal - mineral safeguarding area.
- Peat - should be safeguarded not for working but for its ability to store carbon and for its biodiversity and archaeological interest.

2.4 No MSAs are required in respect of:

- Hard rock - no hard rock resources within Cheshire West and Chester.
- Building stone - no mineral safeguarding area can currently be delineated, although extent of possible outcrop will be shown on the proposals map.
- Silica sand - no deposits of silica sand within Cheshire West and Chester.
- Deep coal and coal bed methane - no mineral safeguarding area required but Petroleum Exploration Development Licences [PEDL] areas will be shown on the policies map.
- Brick clay - no mineral safeguarding area required.

Sand and gravel

2.5 The consultation document proposed that the whole resource of sand and gravel as depicted on the British Geological Survey maps should be safeguarded. However, several respondents asked for specific sites to be offered protection over and above the safeguarding designation.

2.6 Such requests may be more suitable to two tier authorities were a system of both mineral safeguarding areas and mineral consultation areas operate to enable suitable safeguards to be incorporated into the Local Plans of both authorities. As a single tier authority this is unnecessary as all the suggested sites would be within the MSAs and thus no additional designation is necessary.

2.7 All respondents supported the production of an MSA for sand and gravel, to be shown on the proposals map, encompassing all the known sand and gravel reserves as delineated by the British Geological Survey.
Hard rock

2.8 All respondents agreed that as no known economic resources of hard rock are indicated by the British Geological Survey [BGS] within Cheshire West and Chester and there being no additional information available, there will be no necessity to have an MSA for hard rock.

Building stone

2.9 The safeguarding of building stones is likely to present a particularly difficult task for Cheshire West and Chester. Although the area has a varied architectural landscape, there are three kinds of building materials in evidence; red or buff coloured sandstone, brick and timber with plaster infill resulting in the iconic black and white buildings throughout the area.

2.10 The stone buildings of note that reflect the local geology are Chester Cathedral, Beeston Castle and numerous parish churches, with only occasional residential or industrial buildings. Stone was not extensively used for domestic purposes; with only a very few wealthy homes constructed with this material.

2.11 Whilst the BGS identifies no stone resources within Cheshire West and Chester, it is accepted that several sandstone formations including the Helsby sandstone and the Kinnerton sandstone from within the Sherwood Sandstone Group have been worked in the past. The reason that they do not represent resource is due to the varying but substantial overlying drift deposits.

2.12 The Historic Environment Records highlights three quarries which are now protected as ancient monuments and whilst the Historic Landscape Characterisation dataset found a number of references to historic quarry sites none of these sites are now visible in the landscape.

2.13 The use of brick developed late in Cheshire, being first used as a substitute for stone in the chimneys of houses that were otherwise of half timber construction. The clay deposits, although abundant, do not yield bricks of a visual quality comparable with many produced from other parts of the country, particularly the southern and eastern parts of England.

2.14 English Heritage continue to undertake a Strategic Stone Study and is currently finalising work on the Building Stone Atlas of Cheshire. They made representation that it is too early to suggest that mineral safeguarding areas for building stone are not required, but are not yet in a position to advise where or how such a safeguarding area can be delineated.

2.15 Cheshire West and Chester would therefore propose that as an interim measure the outcrop of the Sherwood Sandstone indicated in a study into the Natural Quality of Groundwater in England and Wales [a joint programme of research by the BGS and Environment Agency] be delineated on the proposals map as an indication of where building stone may exist. As a single tier authority, whilst this is not strictly a mineral safeguarding area it would have the same effect.

2.16 A map delineating this outcrop is shown as Map 1 in Appendix A.
Silica sand

2.17 Responses to the consultation have not brought about any indications that deposits of silica sand are within the boundary of Cheshire West and Chester. There are no known resources of silica sand shown on the BGS map. Silica sands are difficult to define without detailed exploration surveys and evaluation of the properties, although there are indications that resources may exist to the east of Middlewich.

2.18 Subject to any further submissions before the Local Plan is finalised, it would not be our intention to have an MSA for silica sand.

Salt

2.19 Although all respondents agreed that the salt deposit within Cheshire West and Chester should be safeguarded there was a difference of opinion as to the respective merits of a single MSA or separate safeguarding areas for underground mining and for solution mining.

2.20 On the basis that the resource is available for both extractive methods and it is the planning permission that dictates the mining method employed to remove the salt, a single MSA is preferred but with the various planning permissions indicated to clearly differentiate the different extraction methods employed.

2.21 There were equally divergent views on the necessity or even the legality of defining a separate safeguarding area for gas storage within the overall resource.

2.22 Where the salt is solution mined solely for gas storage purposes and the brine produced is merely disposed of as waste and not used as a resource then the mineral deposit within that area consented for such uses are denied to the industry and represent a depletion of the overall resource.

2.23 Under such circumstances rather than safeguarding such areas it would seem more appropriate to exclude such areas from the mineral safeguarding area proposed.

2.24 Map 2 in Appendix A shows the MSA for salt together with the current areas benefiting from the planning permissions for both solution mining and underground extraction.

Deep coal and coal bed methane

2.25 Most respondents including the Coal Authority agreed that there is no specific requirement to safeguard deep coal resources as they are not generally at risk of sterilisation from non-mineral surface development. Where there are active underground workings it is possible for highly sensitive surface development to effectively sterilise deep workings, however there are no active or licenced underground workings in the area.
2.26 With the exception of one respondent it was also considered unnecessary to safeguard deep coal resources for potential use by new technologies such as coal bed methane. These activities have flexibility in where their surface operations can be located such that non-mineral surface development is unlikely to prejudice access to the potential resource.

2.27 Coal bed methane is a clean coal technology that has the potential to make an important contribution to the UK energy production. There are currently six Petroleum Exploration & Development Licences [PEDL] covering some part of Cheshire West and Chester and exploration is currently taking place in the north of the Plan area.

2.28 The exception to this stance was a representation from Dart Energy (Europe) Ltd who requested that

- the whole of the PEDL areas should be safeguarded and that the minerals planning authority should consult the PEDL holder on any applications for surface development within this area.
- that a policy is included to deal with the contribution unconventional oil and gas can make to energy supply.

2.29 The counter to this stance is that PEDL Licence areas are based on Ordnance Survey grid blocks which bear no relationship to any known geology, the mineral resource or to other planning factors.

2.30 Whilst the Government's energy policy seeks to encourage the exploitation of the full range of onshore oil and gas resources and may well have a place within the Local Plan's other policy areas there is no justification that a safeguarding designation is necessary provided that PEDL areas are shown on the proposals map.

2.31 A PEDL does not create any automatic development rights and site specific consent is required for all exploration, appraisal and production activities. Planning permission for either exploration or appraisal wells does not carry any presumption for long term production from those wells.

2.32 Under all the circumstances it is proposed that all current PEDL areas should be shown on the proposals map together with an acknowledgement that any future licences will be added if and when issued by DECC but that they will not be designated as mineral safeguarding areas.

2.33 Map 3 in Appendix A shows the PEDL licenced areas within Cheshire West and Chester.

**Shallow coal**

2.34 Within the consultation document it was the Council's view that no MSA should be be shown for shallow coal deposits.

2.35 The Coal Authority were the only respondent to oppose this view. Their view was that: "a Mineral Safeguarding Area for the whole of the surface coal resource should be defined. If the Core Strategy [now Local Plan] does not define an MSA for surface coal resources The Coal Authority will object to issue and will pursue the matter through examination seeking the Core Strategy to be found unsound".


2.36 The Coal Authority go on to state "the Coal Authority consistently takes this view", the implication being that this is a principled view irrespective of the location of the deposits or any assessment of the economic viability or harm to the environment.

2.37 The known shallow coal resources, representing the eastern most extent of the Flintshire Coalfield lie off the coast at Parkgate and Neston although it is obscured by glacial till and esturine alluvium, inundated at high tides and within the Dee Estuary SSSI, which is also a Ramsar site and a Special Protection Area.

2.38 Notwithstanding the fact that the shallow coal deposits are within major national and international environmental designations, government guidance is that MSAs should not be precluded by such designations and defining an MSA will ensure that the impact of any development however unlikely will take account of the mineral resource.

2.39 Map 4 in Appendix A shows the extent of the MSA shallow coal.

**Brick clay**

2.40 Whilst it is accepted that clay deposits have in the past been used for brick making, they have been on a small and localised scale. No representations were made requesting a MSA. There is an area of clay at the planned but not yet operational Kinderton Lodge Landfill Site that will need to be extracted prior to land filling. Whilst some of this material will be used on site, in engineering and restoration, the surplus will most likely be disposed of for other purposes which could include brick making if suitable.

2.41 No MSA for brick clay will be proposed in Cheshire West and Chester.

**Peat**

2.42 There were no representations seeking to have a mineral safeguarding area designated for peat as a mineral in Cheshire West and Chester.

2.43 There were divergent views on the safeguarding of peat for its ability to store carbon, in that it was suggested that it should be safeguarded for its vital importance for local distinctiveness as well as biodiversity, heritage value and its contribution to landscape.

2.44 As there is no current workings of peat in Cheshire West and Chester and the current thrust of national policy is to severely restrict any further working of this 'mineral' it would not be appropriate to safeguard peat for mineral working. Should it be necessary to safeguard the remaining peat deposits then this would be more appropriate in other parts of the Local Plan such as climate change, protection of biodiversity and geodiversity or landscape character.
3 How should economic minerals be safeguarded

3.1 The consultation suggested four options as to how the mineral safeguarding areas [MSAs] should be shown on the proposals map.

- Option 1 was a single MSA combining the areas covered for sand and gravel, salt, shallow coal and peat.
- Option 2 was to have a separate MSA for each mineral.
- Option 3 was to have a single MSA but exclude the urban areas.
- Option 4 was to safeguard only those areas that could be worked as extensions to existing sites and any area requested by English Heritage for building stones.

3.2 There was a clear preference for option 2 showing the mineral safeguarding area for each mineral type as a separate area with no exclusions for environmental designations or urban areas. Given the limited number of mineral safeguarding areas that are proposed this can be accommodated.

3.3 A separate plan is shown in Appendix A which delineates the mineral safeguarding area for each of the minerals (sand and gravel, and salt).

Buffer zones

3.4 The boundaries of the MSAs are those indicated on the BGS Mineral Resource Maps with no additional buffer zones. The consultation responses showed a divergent view on the need for additional buffer zones, but the majority who suggested they were necessary were doing so on grounds other than mineral safeguarding. These included for health and safety, or protection of access and haulage routes.

3.5 Whilst it has to be accepted that some minerals due to their geological configuration (steeply dipping strata) need additional buffer zones beyond the outcrop, this situation does not present itself in Cheshire West and Chester and therefore no buffer zones are proposed.
4 Minerals infrastructure

4.1 There was an overwhelming consensus that existing mineral infrastructure facilities such as rail sidings, wharves, concrete batching plants, coated stone plants outside of operational extraction sites should be safeguarded together with permanent sites that are capable of producing recycled aggregate.

4.2 The sites identified below will therefore be identified on the proposals map as mineral infrastructure and safeguarded against alternative forms of development.

Table 4.1 Mineral infrastructure sites to be safeguarded

<table>
<thead>
<tr>
<th>Facility type</th>
<th>Site</th>
<th>Planning status</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rail sidings</td>
<td>Freight Terminal Ellesmere Port</td>
<td>Operational</td>
<td>Quality Freight Ltd</td>
</tr>
<tr>
<td></td>
<td>Resource Recovery Park Ince</td>
<td>Planned/non operational</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lostock Works Rail Sidings</td>
<td>Non operational former mineral sidings</td>
<td></td>
</tr>
<tr>
<td>Wharves</td>
<td>Resource Recovery Park Ince</td>
<td>Planned/non operational</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Manisty Wharf Ellesmere Port</td>
<td>Operational</td>
<td>Quality Freight Ltd</td>
</tr>
<tr>
<td>Asphalt plant</td>
<td>Stanlow</td>
<td>Operational</td>
<td>Cemex</td>
</tr>
<tr>
<td></td>
<td>Brook Lane Ind.Est. Middlewich</td>
<td>Operational</td>
<td>Tarmac</td>
</tr>
<tr>
<td></td>
<td>Wincham Lane Northwich</td>
<td>Operational</td>
<td>Bardon</td>
</tr>
<tr>
<td></td>
<td>Hobb Hill Malpas</td>
<td>Operational</td>
<td>Quarry Plant Ltd</td>
</tr>
<tr>
<td>Concrete batching plant</td>
<td>Deakins Lane Winsford</td>
<td>Operational</td>
<td>Hanson</td>
</tr>
</tbody>
</table>
4.3 The consultation did not elicit any additional sites that should be safeguarded as potential sites for any of the categories identified in the National Planning Policy Framework.

### Rail

4.4 Rail transportation has the opportunity to play an increasing role in the movement of minerals as the materials needed to build new infrastructure will increasingly need to come from outside the area.

4.5 Current rail facilities are operational at Rail Freight Depot, Ellesmere Port where with the reopening of the railhead for the importation of sand to be used for the manufacture of glass containers pending the construction of new sidings at the manufacturing plant at Quinn Glass.

4.6 New rail facilities are planned at the Resource Recovery Park, Ince, primarily for waste uses. Whilst it may not be appropriate to safeguard for mineral transportation it should be acknowledged that the utilisation of the facility could be enhanced rather than restricted to the primary use of waste shipment.

### Wharf

4.7 Within the plan area there are a number of wharves with operational berths or former berth facilities that have potential for a range of port related activities, such as bulk commodities, including coal and aggregates as well as other bulk cargoes such as waste and recyclates.

4.8 All of the facilities are on the Manchester Ship Canal, all owned by a single company which has been carrying out a review of the existing port infrastructure along the whole length of the canal including the upper reaches within Cheshire West and Chester. The conclusion reached was that there is a need to replace outdated facilities at Ellesmere Port Docks with new facilities at Port Wirral at the entrance to the Ship Canal. However these are outside the Cheshire West and Chester plan area.

<table>
<thead>
<tr>
<th>Facility type</th>
<th>Site</th>
<th>Planning status</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sealand Trading Est. Chester</td>
<td>Operational</td>
<td>Hanson</td>
</tr>
<tr>
<td></td>
<td>Bridges Road Ellesmere Port</td>
<td>Operational</td>
<td>Hanson</td>
</tr>
<tr>
<td></td>
<td>Backford Hill Chester</td>
<td>Operational</td>
<td>Holcim</td>
</tr>
<tr>
<td></td>
<td>Oil Sites Road Ellesmere Port</td>
<td>Operational</td>
<td>Holcim</td>
</tr>
<tr>
<td></td>
<td>Wharton Ind Est Winsford</td>
<td>Operational</td>
<td>Cemex</td>
</tr>
<tr>
<td></td>
<td>Liverpool Road Chester</td>
<td>Operational</td>
<td>Bardon</td>
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<td></td>
<td>Riverside Ind Estate Chester</td>
<td>Operational</td>
<td>Lafarge</td>
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<tr>
<td></td>
<td>Tattenhall Road Tattenhall</td>
<td>Operational</td>
<td>T G Group</td>
</tr>
</tbody>
</table>
4.9  The existing and new facilities that are in the pipeline, considered to have potential to handle a wider range of aggregate materials are:

- Manisty Wharf (Port Bridgewater) - an existing operational berth and rail connection, handling bulk commodities such as coal and recyclates. This site is considered suitable for an extended range of port related activities particularly as it has multi-modal transport connections.
- Port Ince - the site of the former Ince B berth within the larger Ince Resource Recovery Park being developed to provide energy from waste facilities, waste recycling and reprocessing facilities. The site also has planning consent for a rail connection, thereby encouraging multi-modal transport solutions. Whilst it is important not to prejudice the use of the site for waste, it does have the potential to be utilised for minerals either by ship and/or barge.

4.10  Whilst these facilities may have permitted development rights as ports they should never the less acknowledge the ability to accommodate mineral infrastructure in the future.

Associated facilities

4.11  There are no known existing facilities, nor were representations made on proposals for any future proposals or requirement to safeguard any associated activities such as handling and processing facilities, brickworks or concrete block making facilities.
Recycled aggregates

4.12 Recycled aggregates now account for approx 20 per cent of the total aggregate market. Whilst volumes have declined in the recession due to the decline in end use markets, static plants continue to provide an increasing amount of recycled aggregate with quality improvements giving the industry the confidence to use the products in an increasing range of applications.

4.13 The survey undertaken by Cheshire West and Chester of all transfer stations and other facilities having the potential to support recycled aggregate production showed that no permanent facilities are operational in Cheshire West and Chester. Previous surveys have indicated a need to provide a site to accommodate a capacity of 166,000 tonnes per annum.

4.14 However, three sites identified below all have planning consent but none are currently operational. Whilst the need previously identified remains unfulfilled the, any future site allocation document prepared under the Local Plan should take the opportunity to review the sites if they have not been developed and brought into operational use.

Table 4.2 Recycled aggregate sites

<table>
<thead>
<tr>
<th>Site</th>
<th>Planning status</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource Recovery Park, Ince</td>
<td>Planned / Non Operational</td>
<td>Peel / Covanta Energy Joint Venture</td>
</tr>
<tr>
<td>Kinderton Lodge Landfill Site, Middlewich</td>
<td>Planned / Non Operational</td>
<td>Cory Environmental Limited</td>
</tr>
<tr>
<td>Waste Recycling Centre</td>
<td>Planned / Non Operational</td>
<td>Broadthorn Construction Ltd</td>
</tr>
<tr>
<td>Lostock Works Griffiths Rd, Northwich</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.15 The Resource Recovery Park, Ince also has planning permission to process up to 250,000 tonnes per annum of IBA, consisting of heavy incineration residue, including glass, brick, metal, ash and slag produced from the proposed 95MW RDF generating station. The secondary aggregate produced is intended to be used in a proposed block making facility within the Resource Recovery Park.

4.16 Chester West and Chester has no other resources that would be suitable for the production of secondary aggregate.
Accessing Cheshire West and Chester Council information and services

Council information is also available in Audio, Braille, Large Print or other formats. If you would like a copy in a different format, in another language or require a BSL interpreter, please email us at equalities@cheshirewestandchester.gov.uk

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泰语如有需要，可以向我们提出。

如欲索取以另一语言印制或另一格式製作的资料，請與我們聯絡。

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