

Cardiff Replacement LDP Examination

Minerals and Waste

Action Point HS13.1

Council to review Policies MW2, MW5, MW7 and MW8:-

MW2

- *Is the policy intent that proposals would be acceptable if they satisfied i, ii or iii?*
- *Would a proposal that failed against e.g. ii and iii be acceptable if it met i?*
- *Is iv meant to be a criterion or is it a paragraph of policy text that would apply in all cases?*
- *What is the sequential test approach referred to in para 7.539? Are the criteria sequential? Is the sequential test deepening over lateral extension?*
- *Having considered these questions, make appropriate amendments to MW2 as necessary.*

MW5

- *The phrasing “In drawing up restoration proposals, mineral operators will be encouraged to:” to be reviewed and strengthened with a stronger phrasing to make clear what proposals must/should do & as a consequence, what the effect of failing to meet individual criteria would be.*
- *The phrasing “firm proposals are included” can be strengthened to give a clearer requirement.*
- *Council to consider the different type, extent and progression of restoration at different sites, and whether policy or supporting text needs to reference that different sites will require different types of progressive restoration, and if so, to suggest suitable amendments to policy/text.*
- *Consider whether criterion iv is meant to be a criterion or is a paragraph of policy text.*

MW7

- *Council to review the ‘or’ at the end of criteria i, ii and iii.*
- *Can meeting any individual criterion mean a scheme is acceptable? Council to confirm.*

MW8

- *Council to consider whether ‘or’ at end of criterion i is required, and as a consequence the ‘and’ at the end of ii.*

- *The phrasing “will generally be encouraged” in the final paragraph can be strengthened to give a clearer direction.*

Council Response

Policy MW2

Policy amended to read as follows:

MW2: PREFERRED ORDER OF MINERAL RESOURCE RELEASE

When considering applications for mineral resource release the preferred order of release will be:

- i. The deepening of mineral workings at existing sites;**
- ii. The lateral extension of mineral workings at existing sites;**
- iii. The release of resources at new sites.**

Applications to deepen or extend mineral workings will be permitted where it can be demonstrated that one or more of the following criteria would be met:

- a. The release of new reserves enables Cardiff to meet its sub-regional apportionment commitments;**
- b. There would be environmental benefits which can justify the addition of new reserves, or the exchange of existing reserves;**
- c. There would be operational benefits that would lead to more efficient exploitation of the resource.**

The purpose of this policy is to set out the approach which would be used to guide the future release of mineral resources, should this be necessary.

This policy expands on Policy SP11 and promotes the efficient use of minerals. The policy accords with guidance contained in PPW which recognises that extensions to minerals workings are generally more acceptable than new greenfield sites.

The continuation of quarrying at existing sites is preferable to the environmental and financial upheaval of shifting production to new sites. In addition, the deepening of sites is preferred to lateral extension (with the exception of the lateral extension to Ton Mawr Quarry referred to in Policy MW1), as it minimises the area of land given over to working and ensures the best use of existing reserves. However, in determining the best option, consideration will need to be given to potential environmental and restoration implications.

The life of any reserves released will be restricted to enable new working methods and technology to be utilised and current environmental controls to be imposed, without compromising the ability of operators to amortise their investment in plant.

In addition, reserves will not be released prematurely to avoid sterilisation of land, and to ensure operators maximise the use of existing sites before moving to new areas. This will also help ensure that older sites can be restored earlier.

In determining the best option, consideration will need to be given to the possible impact upon the environment, natural heritage and built heritage.

The Council confirms that it is intended that proposals for mineral resource release would be considered acceptable if they satisfy any of criteria a to c listed in the policy. It is not necessary for a proposal to satisfy all three criteria.

The original criteria iv. relating to environmental harm has been removed from the policy wording as it is considered unnecessary, given that these matters are covered by other policies and legislation.

Paragraph 7.539 has been removed from the reasoned justification. The policy wording has been amended to provide clarity on the preferred order of mineral resource release.

Policy MW5

Policy amended to read as follows:

Proposals for mineral working, mineral related plant and buildings or the review of existing mineral permissions will be permitted only where they are accompanied by plans for restoration of the site, including appropriate after-use and after-care arrangements. Applications should include proposals for the reinstatement of the site to a condition suitable for an appropriate after-use, supported by adequate after-care proposals.

Plans for restoration, after-use and after-care should:

- i. Demonstrate that restoration proposals are appropriate given the type, extent and lifespan of the mineral workings;**
- ii. Undertake progressive restoration;**
- iii. Make beneficial use of mineral waste generated by mineral working;**
- iv. Demonstrate that any proposed after-use is appropriate for the site's location;**
- v. Set out after-care arrangements where this is necessary;**
- vi. Demonstrate how proposals contribute to the Nature Recovery Action Plan and requirements of the Biodiversity and Resilience of Ecosystems Duty (Environment (Wales) Act 2016).**

The aim of this policy is to ensure that all proposals for mineral working or related development are accompanied by plans for the restoration and suitable after-use of the site, or after-care where appropriate.

This policy expands on Policy SP11. The policy accords with objectives contained in PPW and MTAN1:Aggregates which aim to achieve a high standard of restoration and aftercare, and provide for beneficial after-uses when mineral working has ceased.

This policy will be applied in order to avoid dereliction and uncertainty by requiring all applications for mineral working to be accompanied by effective proposals to ensure restoration and after-care of the site once mineral working finishes. It applies to proposals for mineral working, as well as reviews of existing permissions, proposals for ancillary plant and buildings and applications for secondary industry.

All applications should be accompanied by restoration, after-use and after-care plans to ensure that the site is left in a safe and usable condition once mineral working ends. The proposed restoration scheme and any proposed after-use should be appropriate for the site and its location. The suitability of the proposed scheme will be dependent on the type and method of mineral working and the site's individual characteristics.

Sites should be restored to a high standard suitable for an agreed after-use. The suitability of a proposed after-use will depend on many factors, including the site's location, adjacent land uses, the final landform, and the availability and quality of soils and other restoration materials. Uses other than those typically found in a rural area, such as agriculture, nature conservation, forestry or informal recreation may require a separate planning permission. New uses of mineral workings other than those appropriate to a rural area will not be permitted without special justification.

Proposals should also set out plans for after-care, where this is necessary. If the proposed restoration scheme is to agricultural, recreational or amenity use then appropriate after-care proposals should accompany the application.

Mineral operators should agree the aims of the restoration scheme at the outset, keep those aims under regular review throughout the life of the permission and implement the restoration scheme without delay. In most cases, progressive and phased restoration throughout the life of the permission will be the most appropriate restoration strategy.

Policy wording strengthened and amended to provide clearer guidance.

Greater emphasis placed on different sites having different types of restoration.

Original criterion iv removed and elements of the previous wording introduced into the policy wording and the reasoned justification.

Policy MW7: SAFEGUARDING OF SAND AND GRAVEL, LIMESTONE RESOURCES AND HIGH SPECIFICATION AGGREGATES

No changes proposed to the criteria of Policy MW7. The Council can confirm that proposals would be acceptable if they meet any of the four individual criteria as outlined in the existing policy.

Policy MW8

Policy amended to read as follows:

MW8: SITES FOR WASTE MANAGEMENT FACILITIES

Proposals for the development of waste management facilities will be permitted where:

- i. There is a demonstrable need assessed against regional requirements; or**
- ii. The proposed waste facility would move the management of existing waste streams further up the waste hierarchy.**

Facilities for the handling, treatment and transfer of waste will generally be acceptably located on existing use class B2 general industrial land, subject to considerations of locational constraints and environmental factors.

Applications should be accompanied by a Waste Planning Assessment containing sufficient information to enable an assessment of the proposal.

The purpose of this policy is to provide guidance on the assessment of planning applications for waste management facilities. This policy expands on Policy SP22. The policy accords with Towards Zero Waste (2010), The Collections, Infrastructure and Markets Sector Plan (2012), TAN 21: Waste (2014) and Beyond Recycling (2021).

It is anticipated that applications for a variety of waste management facilities will be submitted during the Plan period. With the aspirations to move to a more circular economy and the need to move the management of waste further up the waste hierarchy, proposals for waste management are likely to cover a wide range of

facilities with differing impacts. Proposals may include facilities for the checking and cleaning of waste; preparation for reuse; processing, refurbishment and recovery of waste; waste transfer; recycling; energy from waste proposals; and disposal. The policy supports the provision of a wide ranging and diverse waste infrastructure which meets identified needs, subject to the suitability of the proposed location.

The need for waste proposals will be assessed against the Collections, Infrastructure and Markets Sector Plan and the capacity requirements established through regional monitoring, as set out in TAN 21.

Waste facilities will generally be encouraged towards existing general industrial areas (use class B2), unless it can be demonstrated that the proposal could be acceptably located elsewhere, or unless an assessment of the proposal indicates that more onerous locational standards should apply.

Planning applications for waste management facilities should be accompanied by a Waste Planning Assessment containing sufficient information to enable an assessment of the proposal and its contribution to meeting the requirements set out in the Collections, Infrastructure and Markets Sector Plan. Further details are contained in Annex B of TAN 21.

Where appropriate, proposals should be accompanied by an Environmental Impact Assessment and Health Impact Assessment. It is likely that conditions will be attached to any permissions and/or legal agreements sought to ensure adequate environmental safeguards and controls.

Further guidance on the application of the Policy will be set out in the Locating Waste Management Facilities SPG.

Policy wording amended to give greater emphasis to criteria against which waste proposals would be considered acceptable.

Previous criteria iii to x removed as these factors are largely covered by other policies within the plan or by other legislation, so seems unnecessary to repeat them at length here.

Phrasing in relation to B2 land altered to be more direct.