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1 Introduction

1.1 The Inspector has requested further information relating to Minerals and waste in respect of the CS and Cinderford Northern Quarter AAP Examination. The request is reproduced below:

“This is to confirm the Inspector’s request at the PHM on 6th Sep 2011 for the Council to please prepare three further Keynote Papers (along the same lines as those already provided) on the following matters:

Minerals and Waste - acknowledging that in a two tier local authority situation, this is mainly the responsibility of the County Council, it is nevertheless necessary to understand how these matters have been taken into account in the formulation of the CS and its policies and proposals, including in relation to new housing and employment developments. Therefore, a further keynote paper dealing with the inter-relationships between these matters and the contents of both the CS and AAP as they have emerged over time would be potentially useful, including in terms of providing clear and robust evidence of consistency with the adopted County Structure Plan.”

Document INSP 001.

1.2 Minerals and waste are two areas where in the case of a two tier local government, plan making and development control are the responsibility of the County Council. In Gloucestershire there is an ageing Structure Plan (Second Review, 1999), a Minerals Local Plan, 1997- 2006 adopted in 2003, a Waste Local Plan, 2002-12, adopted in 2004 and there are emerging Ldf documents. The most advanced of these is a Waste Core Strategy submitted in September 2011. The older documents are still in force as part of the development plan, the two Local Plans having been saved under the relevant regulations so that they provide a policy context until replacement by LDF or other material.

1.3 There is in addition to the County level policies a raft of national guidance which still applies although it is likely to be at least partially replaced by the National Planning Policy Framework.

2 Waste

2.1 The situation regarding waste policies is that a Waste Core Strategy (WCS) has now been submitted for examination (5/9/11). Notwithstanding this the current Plans which are in force are the Waste Local Plan of 2004 and the Structure Plan of 1999. These, together with the national guidance need to be taken into account in the Forest of Dean CS (FoDCS).

2.2 The submitted WCS deals only with the strategy and does not suggest any major (strategic) sites in the Forest of Dean. This follows from an earlier discussion draft where the possibility of a strategic waste site in the district was referred to. There are not considered to be any major conflicts between the WCS and the FoDCS.

2.3 The policy context in the SP is very generalised and does not impinge of the FoDCS. It is in fact likely that much of the SP is regarded as out of date due to its references to the BPEO (best practicable environmental option) which is a term and concept understood to be superseded by national guidance (PPS 10). The removal of the term BPEO is also apparent when the saved waste policies from the Local Plan are considered. In this case the Plan did make a number of allocations which could have had an effect on some of the CS and NQAAP proposals. These “allocations” were in effect areas within which certain waste management facilities would be permitted subject to specified criteria. Policies making them were not saved due to their inclusion of the term BPEO. In the case of the FoD such areas were identified in Lydney and Cinderford. These were within established employment areas or on land yet to be developed but allocated in the FoD LP. There was some potential for conflict with the previous FoDLP. This potential would have remained under the proposed AAPs because of the possible conflict between some waste uses and the AAPs’ intentions of allocating land and bringing about new forms of mixed development.

2.4 It is fully recognised that there will be a need for waste related development within the FoD and that it is often best located in the towns. Such development needs to be compatible with its surroundings and may be well suited to locations where there are already similar uses. This may not however always be the case as changing circumstances and the need to realise the full potential of certain areas may justify a re-assessment of their potential for certain uses. A clear example of this is in the re assessment of the Cinderford NQ and its potential for change which is likely to mean that certain existing waste related uses will cease.

2.5 As the policies which identified sites in the WLP are not saved, there is no conflict between the AAP/ FoDCS and the now current Waste policies (which contain more general principles).

2.6 It is essential that any forthcoming allocation documents dealing with waste are compatible with the FoDCS and the AAPs. Within the relatively small area of the NQ there is scope for a variety of uses, but there is also a need to define these and

ensure that they make a positive contribution to the AAP. Elsewhere it is recognised that there may be a need to make other allocations and it is expected that these may identify land at the towns for suitable waste related uses. In the case of Lydney, the issue will be addressed in the AAP, or reference will be made in the forthcoming allocations DPD.

2.7 Waste policies that set the principles of minimisation and re cycling are generally supported as part of the FoDCS and the AAP's sustainability agenda.

3 Minerals

3.1 Minerals present in the Forest of Dean include limestone used as a crushed rock (aggregate) and building stone; sandstone for building stone; clay for brick-making and coal for energy production.

3.2 The Minerals Local Plan, 2003 has as its strategic context the 1999 SP for Gloucestershire. While the SP contains some very general policies, the MLP is more detailed and its saved policies provide the current suite of local mineral policies. There is also an emerging Minerals Core Strategy (MCS) which reached the Preferred Options stage in 2008. Mineral extraction is a significant issue in the Forest of Dean, with the area contributing something of the order of 70% of the counties' crushed rock, and having active workings for building stone as well as small scale coal and clay extraction.

3.3 The SP contains some very general principles and it is 12 years since its adoption. The policies are therefore at least this old. Generally they have been replaced by the MLP which has been saved and which also contains greater detail. Some of the SP policies such as the safeguarding policy (M6) and specific policies for particular minerals- aggregates and coal are not completely compatible with the MLP as it now is. The SP does refer to building stone but does not specifically consider brick clay.

Crushed Rock

3.4 The draft MCS proposed several options in respect of the future supply of aggregates from crushed rock, which is the main mineral product from and hence the main issue for the Forest of Dean.

3.5 If the areas' contribution to the County total is assumed to remain at the current percentage and scale (70% of the county's needs), then there will be a need for the expansion of existing sites and possibly a new site. Other options such as the use of material from neighbouring areas were also explored in the MCS Preferred options document, including a greater share being provided from the Cotswolds but the likelihood is that the sites providing crushed rock in the Forest of Dean will continue to do so. It may be that there is a need for the MCS or its allocation document to identify an additional site even with a revised share.

3.6 Although there are important issues for the future supply of crushed rock in the Forest of Dean, the identification of this and the selection of sites is capable of providing it can take place alongside the FoDCS.

3.7 The current MLP identifies extensions to the three major quarries in the district and these, now partly implemented are able to meet the requirements of that Plan. The development of these areas is compatible with the FoDCS.

Brick Clay

3.8 Other minerals considered in the County's plans include brick clay where the preferred approach as set out in the MCS preferred Option is quite similar to the saved policy of the MLP which is reproduced below:

Policy NE2

Proposals for the working of clay will be permitted where its use for a specific purpose

outweighs any adverse environmental, local amenity, or other impacts that the development would be likely to have, and would not prejudice the other policies of this Plan.

(2003 GCC MLP)

3.9 In effect the two policies identify the need to balance the need for extraction to serve the brick making industry against the potential adverse impacts of any scheme. The likelihood is that a new policy in the emerging mineral allocations DPD would contain a criteria based policy like the MLP, rather than being able to identify and allocate potential reserves, so no safeguarding areas would be required.

3.10 Brick making in the Cinderford area is carried out at one location within the NQAAP (Northern Quarter AAP) and at another (presently dormant) factory close by but not directly affected by the NQ proposals. The brickworks in the NQ uses clay extracted from within that area and the latest pits have now been restored or are awaiting redevelopment under the AAP (one to provide the area of parking for the College, the other has been restored for its natural and amenity value, including a newly created pond). Areas of stockpiling remain and the usable resource and the works itself is protected and allocated in the AAP for continued employment, with the presumption that it would remain (AAP 5.10, 5.11). Other land use proposals (AAP fig 23) are compatible with this and land outside the AAP area is accessible and has potential for the working of clay. There are resources present in this wider area.

3.11 The FoDCS and the NQAAP are therefore compatible with the present MLP and are likely to remain so with emerging minerals DPDs.

Building Stone

3.12 The extraction of building stone has long been a traditional part of the forest of Dean and the continuation of this is expected under any future minerals plan. The principle of allowing small scale extraction of locally distinctive stone for use as building material is compatible with the aims of the FoDCS in promoting local distinctiveness.

Coal

3.13 Coal is still present in the Forest of Dean in workable amounts. There are two main issues with regard to coal extraction in the district. The first is that of the potential for commercial extraction by opencast methods and the second is the traditional mining of coal through small scale enterprises that is an integral part of the historic and cultural heritage. The latter is supported by the MLP and is expected to continue. It is broadly compatible with the FoDCS and its aims and objectives. The potential for larger scale coal extraction remains, though the MLP and the preferred options of the MCS carry the intention of a presumption against such development, with the exceptions of providing environmental, amenity or economic benefits.

3.14 Generally it is not considered that it is likely that there will be cases where acceptable proposals can be made for opencast extraction of coal, with much of the area of theoretical reserves being within the statutory forest. Much of the NQAAP area has been worked by opencast means and there is little or no scope for additional working. The possibility of proposals for opencast working is considered remote and it is unlikely that any would be environmentally acceptable.

3.15 The MLP has an additional policy which safeguards colliery spoil tips where they contribute to landscape quality, wildlife or heritage interests. This applies to their working for coal and secondary materials. Although there are instances where such working has taken place in recent years, the policies of the MLP are considered to provide appropriate safeguards and are compatible with the aims and objectives of the FoD CS.

Mineral safeguarding generally

3.16 The MLP identifies preferred areas for crushed rock aggregate provision in the form of extensions to three existing quarries. These areas are allocated in the MLP so that they have potential as reserves. The preferred areas are associated with the three largest quarries in the district (one has seen a period of recent inactivity due to prevailing economic conditions). There are no other delineated areas in the MLP. The previous safeguarding policy in the MLP was not requested to be saved and is no longer part of the MLP.

3.17 In the Preferred option of the MCS, the concept of Mineral safeguarding areas (to protect resources- areas within which workable mineral may be present) is discussed. If these were to be proposed would be brought forward under a document (DPD) yet to be prepared. Any discussion about the principle or the proposed safeguarding areas themselves will therefore take place if and when additional DPDs are prepared.

3.18 The present policy which identifies land for the continued production of crushed rock is compatible with the FoDCS. The MLP does not contain a safeguarding policy (ie one which seeks to protect mineral resources), and there are therefore no compatibility issues.

4 Conclusions

4.1 Most of the known minerals interests in the district are unaffected by the FoDCS' development proposals. There are potentially more local impacts in the Cinderford NQ, but they are able to be reconciled, and they are already recognised in the relevant DPD (for example the NQAAP). As the MCS and allocation DPDs progress there will be continued dialogue between the authorities concerned, and this it is hoped will take place against the background of an adopted FoDCS and NQAAP.

4.2 In addition there are some changes proposed for the FoDCS which are considered appropriate and have been suggested by persons making representations following publication. These make clear the need to consider the legacy of past mining and also the possibility of the sterilisation of land.

4.3 As proposed for examination both the FoDCS and the NQAAP are considered consistent with the minerals and waste planning context within the County Council's SP and MLP and WLP. They are also compatible with the emerging Idf, though that at present is in its early stages.

