POLICY MI1 - THE CONTROL OF CLAY EXTRACTION

OBJECTIONS: 127/24 Wirral Wildlife 215/19 Wirral Green Belt Council

Summary of Objections

18.1 Policy MI1 should contain better safeguards for nature conservation interests, which cannot be recreated (127/24). Environmental considerations should take precedence in the Green Belt and in sites with a special environmental designations (215/19).

Assessment and Conclusions

18.2 General guidance on the extraction of minerals may be found in MPG1 *General Considerations and the Development Plan System*. The MPG recognises that minerals can only be worked where they occur; but it also acknowledges that in the light of the growing public concern for the protection of the environment, a balance has to be struck between the case for mineral extraction and environmental protection[1]. The Reasoned Justification for Policy MI1 identifies existing clay workings in the Borough and reserves within the Green Belt and the North Wirral Coastal Park. The text specifies environmental effects to which particular attention will be paid when clay workings are monitored and reviewed. Although these do not include nature conservation interests, other Policies exist to ensure that important nature conservation interests are safeguarded when planning applications for clay extraction are considered[2].

18.3 Mineral extraction in the Green Belt need not be inappropriate development; planning permissions there should by conditions ensure suitable environmental standards and restoration[3]. So far as Areas of Special Landscape Value are concerned, Policy LA1[4] lays down specific criteria to be met by new development, and does not rule out the working of minerals where they would not cause unacceptable impact. The prescribed precedence of environmental considerations would therefore be inappropriate to Policy MI1; the balance between the economic benefits of clay extraction and its environmental effects should be considered in the circumstances of each case. I therefore consider Policy MI1 to be acceptable as drafted.

Inspector's Recommendation

18.4 **I recommend that no modification be made to the UDP in response to Objections 127/24 and 215/19.**

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[1] MPG1, paragraphs 2 and 3.

[2] These include NC1 - The protection of Sites of International Importance for Nature Conservation; NC3 - The Protection of Sites of National Importance for Nature Conservation and NC5 - The Protection of Sites of Local Importance for Nature Conservation.

[3] See PPG2 *Green Belts*, paragraph 3.11.

[4] Policy LA1 - Protection of Areas of Great Landscape Value, as proposed to be amended by ALT/LANDSCAPE/003 (CD056, page 184).

POLICY MI2 - THE CONTROL OF OIL AND GAS FACILITIES

OBJECTIONS: 070/23, 070/121 GO-M
119/11 National Museums and Arts Galleries in Merseyside
127/25 Wirral Wildlife 215/28 Wirral Green Belt Council

Summary of Objections

18.5 Policy MI2 should omit reference to the 'normal' presumption in favour of development and indicate a balance of considerations (070/23, 070/121). The Policy should consider national fuel needs and the requirement to reduce pollution (127/25). Criterion (iii) should refer to areas of nature and archaeological conservation value and the Coastal Zone (119/11). Criterion (iii) should be deleted; there should be no presumption in favour of oil and gas installations in the areas mentioned (215/28).

Assessment and Conclusions

18.6 It is proposed to amend Policy MI2[1] in the manner suggested in Objections 070/23 and 070/121. It is not in my view essential for the Policy to refer to nature conservation and archaeological interests; they are covered by other UDP policies[2]. The amendments remove the general 'presumption in favour' and thus appear to satisfy Objection 215/28, although there remains the presumption in favour of development in accord with the development plan[3]. It would be difficult for the Council to assess 'national fuel needs' when considering oil and gas applications. National policy is to ensure the maximum economic exploitation of 'home produced' resources, consistent with good oilfield practice and environmental protection[4]. Environmental matters are the subject of several criteria in the Policy. In addition, pollution control is fully addressed in Policies PO1 and PO2[5], and through the separate licensing system[6]. In my view therefore no further amendment needs to be made to Policy MI2.

Inspector's Recommendation

18.7 **I recommend that the UDP be modified by the amendment of the preamble to Policy MI2 in accordance with ALT/MINERALS/004, but that no further modification be made in response to Objections 119/11, 127/25 or 215/28.**

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[1] ALT/MINERALS/004 (CD056, page 278).

[2] Policy CH24 - Development affecting Scheduled Ancient Monuments; Policy CH25 - Development affecting Non-Scheduled Remains; Policies NC1, NC3 and NC5 (relating to Sites of International, National and Local Importance for Nature Conservation).

[3] See PPG1 (1997) *General Policy and Principles*, Introduction paragraph 2.

[4] MPG1 *General Considerations and the Development Plan System*, paragraph 50.

[5] Policy PO1 - Potentially Polluting Development; Policy PO2 - Development Near Existing Sources of Pollution.

[6] See MPG1, paragraph 51 and Circular 2/85 *Planning Control over Oil and Gas Operations*.

POLICY MI4 - SAND, GRAVEL AND SANDSTONE EXTRACTION
POLICY OMISSIONS:
Criteria for (Non-Energy) Mineral Extraction
Secondary and Recycled Aggregates

OBJECTIONS: 052/5 Manchester Ship Canal Company 070/24 to 070/26 GO-M
119/5 National Museums and Arts Galleries in Merseyside

Summary of Objections

18.8 Policy MI4 does not accord with guidance in MPG6 *Guidelines for Aggregates Provision in England*[1], in that it applies a uniform level of protection to areas of both national and local constraint (070/24). The Policy should contain criteria against which proposals can be assessed. The Reasoned Justification is inaccurate and misleading in its reference to the 'highly contaminated' sands in the Mersey Estuary (052/5). The Policy should refer to archaeological interests, as well as other matters such as nature conservation and geology (119/5).

18.9 The UDP should contain a policy setting out the development control criteria by which applications for (non-energy) minerals development could be assessed (070/25). The UDP contains no policies which aim to facilitate the use of secondary and recycled aggregates, as advised in MPG6[2]. This omission should be justified (070/26).

Summary and Conclusions

18.10 A published change to Policy MI4[3] confines the reference to 'the most rigorous' examination to sites of national and international, rather than local, importance[4]. Although sites with local designations are to be the subject of 'the most special scrutiny', Objector (070) has expressed satisfaction with the proposed amendment, and I recommend no further amendment. It is also proposed to amend Paragraph 18.13 of the Reasoned Justification to modify the reference to the contamination of sands in the Mersey Estuary in a manner which appears to reflect the comments in Objection 052/5. It is not in my view essential for Policy MI4 to refer

[1] MPG6 (1994), paragraph 50.

[2] MPG6 (1994), paragraphs 38-39.

[3] ALT/MINERALS/005 (CD056, page 279).

[4] The Council have pointed out a typographical error in ALT/MINERALS/005 - 'vigorous' in the fifth line of Policy MI4 should be 'rigorous'.

to archaeological interests, even if express reference is made to nature conservation; the protection of archaeology is fully covered in Policies CH24 and CH25[5].

18.11 The Council have also published two further changes in response to Objection 070/25, inserting a new Policy and Reasoned Justification setting out development control criteria for non-energy minerals developments[6]. Whilst this policy deals with a wider range of potential operations than just sand, gravel and sandstone extraction, it would also appear to satisfy criticism made in Objection 052/5 concerning the need to establish criteria for such operations. The Council have also come to the view that a policy on secondary and recycled aggregates should be inserted into the UDP[7]. I support the inclusion of both new policies.

Inspector's Recommendation

18.12 **I recommend that the UDP be modified:**

(a) by the amendment of Policy MI4 and its Reasoned Justification in accordance with ALT/MINERALS/005 and 006 (subject to the replacement of 'vigorous' by 'rigorous' in the fifth line of the Policy),

(b) by the insertion of a new Policy MI5 with its Reasoned Justification, in accordance with ALT/MINERALS/007 and 008 and

(c) by the insertion of a new Policy MI6 with its Reasoned Justification, in accordance with ALT/MINERALS/009 and 010,

but that no modification be made in response to Objection 119/5.

[5] Policy CH24 - Development affecting Schedules Ancient Monuments; Policy CH25 - Development affecting Non-Scheduled Remains.

[6] Policy MI5 - Development Control Criteria for Mineral Extraction, ALT/MINERALS/007 (CD056, page 281) and ALT/MINERALS/008 (CD056, page 282).

[7] This has been published under ALT/MINERALS/009 (CD056, page 283), with Reasoned Justification under ALT/MINERALS/010 (CD056, page 284).