

## **Environment & Communities Committee**

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<b>Date of Meeting:</b>	01 July 2022
<b>Report Title:</b>	Draft Minerals & Waste Plan
<b>Report of:</b>	Jayne Traverse, Executive Director of Place
<b>Report Reference No:</b>	EC/10/21-22
<b>Ward(s) Affected:</b>	All Wards

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### **1. Purpose of Report**

- 1.1.** The report seeks approval to publish the draft Minerals and Waste Plan as well as supporting documentation and interactive mapping on the Council's website for public consultation.

### **2. Executive Summary**

- 2.1.** The Cheshire East Minerals and Waste Plan (MWP) details the Council's planning policies on minerals and waste matters. It is part of the suite of planning policy documents that once all approved will together form the Council's Local Plan. The other documents being the Local Plan Strategy (LPS) and the Site Allocations and Development Policies Document (SADPD). Unlike the LPS which contains strategic policies and the SADPD non-strategic policies, the MWP contains a mixture of both strategic and non-strategic policies and so will operate to a different Plan period than the other two plans (i.e. 2021-2041).
- 2.2.** The MWP focuses on issues that are specific to minerals and waste matters with the overall aim of achieving the sustainable provision of minerals and the sustainable management of waste within the borough. Once adopted it will replace saved policies in the separate Cheshire County Council Minerals and Waste Local Plans, adopted in 1999 and 2007 respectively. This will mean that the Council's statutory development plan used to help determine planning applications in the borough will be made up entirely of policies that have been developed by this Council, with the exception of relevant made Neighbourhood Plans developed by town and parish councils.
- 2.3.** The draft MWP meets national planning guidance by containing policies that will help deliver a steady and adequate supply of the minerals found in

Cheshire East over the Plan period. These include silica sand and salt, both of which are considered to be nationally significant minerals due to their relative rarity within the UK. It will also help to fill current gaps in the saved mineral policies inherited from the County Council including around the safeguarding of mineral resources and infrastructure, and the determining of any proposals for unconventional hydrocarbon extraction (i.e. fracking).

- 2.4.** The draft MWP also contains policies that will help manage all the waste generated within the borough over the Plan period to meet national objectives of less waste being produced and wherever possible for waste to be used as a resource. As a guide to the amounts involved, the Council's Waste Needs Assessment (WNA) refresh (2019) estimated that some 1.2 million tonnes of waste arose in Cheshire East in 2017 and that this represents a reasonable value for the Council to plan for through its MWP for the period to 2030. The WNA refresh also found that while there appears to be sufficient existing consented capacity to meet recycling and organic waste treatment management requirements to 2030, there is a predicted shortfall in capacity to manage Residual Waste (black bin) and Inert Waste to 2030. This capacity shortfall will need to be addressed through the MWP. An updated WNA will be required to cover the full plan period to 2041.
- 2.5.** The report seeks Committee approval to publish the draft MWP, as well as supporting documentation and interactive mapping on the Council's website for (Regulation 18) public consultation. This will provide an opportunity for the minerals and waste industry, as well as other interested organisations and individuals to contribute to the development of this area of planning policy and will assist the Council in finalising its MWP prior to further consultation and its subsequent submission to the Secretary of State.

### **3. Recommendations**

- 3.1.** That the Environment and Communities committee:
  - 3.1.1.** Approve the draft version of the Minerals and Waste Plan (Appendix 1) for public consultation together with its associated documents, call for sites exercise and mapping (via the Council's website). This includes the Sustainability Assessment, Habitats Regulation Assessment and the current supporting evidence base for the MWP;
  - 3.1.2.** Authorise the Head of Planning to finalise the Sustainability Appraisal and Habitats Regulation Assessment and to make any necessary changes required to the draft Minerals and Waste Plan as a result of their findings;
  - 3.1.3.** Authorise the Head of Planning to make any other non-material changes to the consultation documents or supporting information ahead of the consultation and prepare any additional explanatory information to support the consultation.

#### **4. Reasons for Recommendations**

- 4.1. To enable a Preferred Option (Regulation 18) public consultation to take place on the draft version of the MWP. The Council can then consider the responses received and make amendments, where appropriate, before progressing the plan through further public consultation (subject to future Committee approval).

#### **5. Other Options Considered**

- 5.1. There is no realistic alternative to the proposed course of action. The Council has already expressed its clear intention through its Local Development Scheme that it intends to put in place a comprehensive set of up-to-date planning policies for the borough including those for minerals and waste through a MWP.

#### **6. Background**

##### **6.1. Plan Period**

- 6.2. The MWP covers the Plan period 2021-2041. This differs from but overlaps with the 2010-2030 Plan period of the LPS (adopted 2017) and SADPD (at main modification stage). This amended Plan period is required as the MWP will contain new strategic policies replacing those on minerals and waste in the LPS e.g. Policies SE 10 (Sustainable Provision of Minerals) and SE 11 (Sustainable Management of Waste). This means the MWP must have at least a 15 year plan period remaining at the time of adoption to satisfy national planning policy requirements. The new plan period will require the updating of key evidence, particularly the WNA, prior to the Council embarking on the more formal subsequent (Regulation 19) stage of public consultation.

##### **6.3. Minerals**

- 6.4. The existing Minerals Local Plan, which the MWP will replace, contains 54 policies and was prepared by Cheshire County Council and adopted in June 1999.
- 6.5. As a Minerals Planning Authority (MPA), the Council is responsible for ensuring that policies are in place that will provide for the minerals of local and national importance found in the borough. This requires the protection of the minerals resource through safeguarding and prior extraction, as well as the protection of the related mineral supply infrastructure required to extract, process and transport the resource. It also means that supply options should be prioritised to maximise the sustainable use of existing minerals by promoting alternative or substitute sources, such as recycled and secondary aggregates, in preference to primary material extracted by quarrying on land or dredging at sea. However, there will inevitably be a requirement for primary won resources.
- 6.6. There are a range of mineral resources in Cheshire East. These can be divided into those which are currently extracted and those which are not. Silica

sand, construction sand and gravel, sandstone, salt and peat are the resources extracted from a number of sites located across the borough. Clay and coal can also be found in the borough but are no longer commercially worked. In addition, it is likely that forms of hydrocarbons (oils and gas) are present but further exploration is required to understand the extent of the resource and whether it can be commercially extracted. In total there are currently 16 permitted mineral extraction sites in Cheshire East comprising 5 sand, 9 rock (sandstone) and 2 peat workings, as well as 1 salt brinefield, although not all sites are currently active<sup>1</sup>.

- 6.7.** High quality non-aggregate (silica) sands are relatively scarce and the Cheshire resource has been identified by the British Geological Survey (BGS) as one of the most important in the country. The Council is required by national guidance to prepare plans that will assist in maintaining stocks of permitted reserves of at least 10 years for individual silica sand sites (based on average sales data over the last 10 years) or at least 15 years where significant new capital is required, such as investment in an on-site processing plant to wash, dry, grade, blend and bag the sand to meet customer requirements.
- 6.8.** The draft MWP estimates that of the four operational sand quarries in the borough only one (Bent Farm near Congleton), at 9.53 years of reserve, fell slightly short of this requirement at the start of the Plan period in January 2021. The proposed strategy of the draft MWP is to prioritise meeting identified non-aggregate (silica) sand needs through extensions to the existing sand quarries. This is done through the allocation of 'Areas of Preferred Extension' or 'Area of Search' designations at or close to these sites. This approach will be sufficient to maintain the overall landbank requirements for non-aggregate (silica) sand at the existing quarries for the remainder of the plan period.
- 6.9.** The draft MWP proposes two non-aggregate (silica) sand allocations (one at Eaton Hall Quarry, Congleton and the other at Arclid Quarry, Sandbach) providing an estimated 13 million tonnes (Mt) in total of new non-aggregate (silica) sand reserve. The Council is also proposing to undertake a Call for Sites exercise alongside the consultation on the draft MWP to provide an opportunity for site operators to put forward other suitably detailed proposals for extensions to existing quarries, particularly Rudheath Lodge (Goostry) and Bent Farm Quarries, where the MWP does not currently show the Council's preference for those areas where any potential extension to these quarries should take place.
- 6.10.** The Council is a member of the North West Regional Aggregates Working Party which reviews the extent to which mineral planning authorities in the North West are meeting their aggregate (construction) sand and gravel supply requirements based on agreed 7 year average sales requirements and other considerations [such as 3 year average sales (a proxy for recent demand), the regional apportionment figure (based on Government aggregate forecasts from 2009) and other local information which may impact on the need for

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<sup>1</sup> White Moss Quarry in Alsager has permission to extract both sand and peat

aggregates in the future (such as planned housing growth and large infrastructure projects like HS2 or new roads)].

- 6.11.** The Council's latest Local Aggregates Assessment (LAA) was published in December 2021 and identifies a total permitted sand reserve for the borough, excluding the area within the Peak District National Park, of 14.30 Mt (million tonnes). This is estimated to comprises 2.60 Mt of aggregate (construction) sand and 11.70 Mt of non-aggregate (silica) sand. The Council has used the 2021 LAA as the basis for calculating aggregate sand resource needs within the draft MWP. This shows that there is forecast to be an aggregate sand shortfall of at least 6.94 Mt by the end of the Plan period. The MWP will need to plan to provide for this shortfall if it is to maintain the required aggregate sand landbanks to the end of the Plan period.
- 6.12.** Aggregate sand extraction in Cheshire East is currently dependent upon (or is an inevitable by-product of) silica sand extraction at all four of the active sand quarries in the borough. The Council does not consider it is possible to meet all the aggregate sand needs (of at least 6.94Mt) over the Plan period from the existing quarries. Therefore, the proposed strategy of the draft MWP is to prioritise meeting the identified aggregate sand needs through the allocation of new aggregate extraction sites and/or through the use of 'Preferred Area' / 'Area of Search' designations, where this will bring forward quarries where aggregate sand is produced as the main output. The draft MWP proposes the allocation of a new site at Astle Farm East (near Chelford) that is estimated to deliver some 5.2 Mt of aggregate sand. The proposal for a further call for sites exercise to be undertaken alongside the consultation on the draft MWP will provide an opportunity for further aggregate sand sites to be put forward for consideration to assist with meeting the remaining shortfall.
- 6.13.** Only 6 of the 9 permitted sandstone (hard rock) quarries are currently active. The active quarries almost entirely supply the building stone rather than crushed rock market. There are sufficient permitted reserves to meet current building stone requirements for the Plan period. However, the Cheshire sub-region consumes a large quantity of crushed rock (limestone), almost all of which is imported from elsewhere in the UK (principally Derbyshire). The draft MWP is supportive of proposals that will provide a more sustainable approach to meeting aggregate crushed rock needs within the borough, where this will not result in any unacceptable adverse impacts on the wider area. This will require significant investment either to establish a new quarry or to refocus operations at an existing hard rock quarry.
- 6.14.** Salt is a nationally significant resource that occurs in its solid form as rock salt or in solution as brine, both are present in extensive areas underlying the borough. The Cheshire salt resource is one of the most significant resources in the country and accounts for some 85% of UK production. Whilst rock salt is extracted in neighbouring Cheshire West and Chester (and used for gritting roads), controlled solution brine mining takes place at the Warmingham Brinefields below Cheshire East and is piped directly to the British Salt works

at Cledford Lane, Middlewich. This salt is used as an essential raw material in both chemical manufacturing and food production and is supplied to end users nationwide. The needs of this industry are addressed by policies in the plan including considerations around the after use of salt cavities.

- 6.15.** No sites in Cheshire East have planning permission to explore, appraise or extract hydrocarbons. However, the issuing of PEDLS (Petroleum Exploration and Development Licences) in December 2015 through the 14th Onshore Licensing round resulted in the issuing of 6 PEDL areas covering 10 grids of land within or partly within Cheshire East. The licences convey no permission for operations on land but give exclusivity for exploration operations against other oil and gas exploration companies within a defined area. The PEDLS issued in Cheshire East all have extant status, meaning that they are not time limited. No applications have been made to date within the borough as a result of the issuing of these licences and no sites in Cheshire East have planning permission to explore, appraise or extract unconventional hydrocarbons such as shale gas. Cheshire East is likely to have reserves of shale gas and coalbed methane, with the former being extracted by a technique commonly referred to as “fracking”. The draft Plan includes a policy showing how the Council will determine any applications it receives for hydrocarbon exploration, appraisal and extraction. The policy ensures that any such applications consider the impact on the environment (including climate change) and the amenity of local communities.
- 6.16.** Peat deposits can be found in areas across Cheshire East. There are currently two long standing sites located in the borough that have extracted peat, although their production is relatively small in scale. The government has publicised its intention to phase out peat production in the UK by 2030. National planning practice indicates that no new sites or extensions to existing sites should be identified for peat extraction. Therefore, there is a policy to this affect in the draft MWP. Applications for time extensions to existing peat extraction sites will be considered on a case-by-case basis and should demonstrate that the proposal is necessary to enable the proper restoration of the land or to secure biodiversity, climate change or other appropriate objectives of the Plan.
- 6.17.** While coal and clay extraction no longer take place in the borough, the draft Plan shows how any applications for such extraction will be dealt with by the Council. The draft Plan also contains policies on other mineral activities such as borrow pits, mineral processing and blasting.
- 6.18.** A significant omission from the current Minerals Local Plan is the failure to designate geographical areas of the borough where the mineral resource is “safeguarded” from other forms of development which could sterilise it from being used in the future. Safeguarding covers not just the resource in the ground but a buffer area around it (to enable potential extraction without impacting on the amenity or operation of any proposed new uses in the buffer area) and any mineral processing infrastructure present in the borough, such

as asphalt and concrete batching plants and railways sidings used for its transportation. The draft MWP contains two policies relating to safeguarding.

**6.19. Waste**

**6.20.** The existing Waste Local Plan, which the MWP will replace, contains 36 policies and was prepared by Cheshire County Council and adopted in July 2007.

**6.21.** The draft MWP contains a suite of strategic policies that are intended to help the government achieve its overall objectives of less waste being produced and wherever possible for waste to be used as a resource. This means prioritising the management of waste in accordance with the waste hierarchy identified in national planning guidance. This gives the highest priority to reducing the amount of waste that is produced in the first place through prevention and minimisation. When waste is created, priority for its managements is as follows: preparing it for re-use, then recycling (including composting), then recovery (including energy generation), and last of all disposal (for example to landfill).

**6.22.** The draft Plan aims for Cheshire East to be net self-sufficient in managing its own waste. This does not mean that every tonne of waste produced in the borough must be managed within it, rather that the borough has sufficient waste management capacity overall to meet the forecasted volume of waste arisings during the plan period. The assumption is that waste will be imported to and exported from the borough but that this will be in general balance when considered in the round. The reason for this is that different types of facility are required to manage different types of waste streams and some facilities, due to their specialist nature (such as hazardous waste facilities), require inputs from a wide geographical area to be economically viable. Also, some areas already have more waste management capacity for handling individual waste streams than is generated within their area and so require imports from other areas to maintain these facilities.

**6.23.** The draft MWP estimates the amount and type of waste that will be generated in Cheshire East over the plan period, the existing waste management capacity and the extent to which further facilities are required to manage this waste (taking account of available capacity outside of the borough). The Waste Needs Assessment (WNA) is a key evidence document that the Council has prepared to enable such considerations to take place.

**6.24.** The current WNA was originally published in 2017 and then refreshed in 2019 (principally using 2017 data from the Environment Agency). It was prepared for the Council by BPP Consulting and covered the period to 2030. It considered the following waste streams:

- Local Authority collected Waste (Municipal / household);
- Commercial & Industrial;

- Construction, demolition & excavation;
  - Hazardous;
  - Low Level Radioactive;
  - Agricultural; and
  - Waste water
- 6.25.** The 2019 WNA found that just over 1.2 million tonnes of waste arose within Cheshire East in 2017 and that this represents a reasonable value for the Council to plan for through its MWP for the period to 2030. Also, while there appears to be sufficient capacity to meet recycling and organic waste treatment management requirements, there is a predicted shortfall in capacity to manage residual waste (black bin) and inert waste over the period to 2030. However, these findings will need to be reviewed in due course to cover an extended plan period to 2041. This may result in the need to provide for greater waste management capacity in the MWP.
- 6.26.** The 2019 WNA findings mean that the MWP should seek to make provision for a landfill site and an energy from waste (EFW) facility (either a single, larger facility or a number of smaller community facilities), unless appropriate additional capacity can be identified for the plan period in nearby areas outside of Cheshire East with the agreement of the relevant planning authorities through Duty to Co-operate discussions. This draft Plan will act as a starting point for such discussions but the findings of the updated WNA will be required before the Council is in a position to determine the appropriate strategy for managing waste in the MWP to 2041.
- 6.27.** There is also a need to safeguard waste management facilities from other forms of development. The draft Plan includes a policy to protect existing facilities from other forms of development. This includes the redevelopment of existing waste management sites to a non-waste use and the introduction of non-waste development in the vicinity of waste management sites that may prejudice their operation.
- 6.28.** Other strategic policy areas covered by the draft MWP include a spatial strategy for waste and how waste management facilities, in both the Green Belt and open countryside, will be considered by the Council as the waste planning authority. The plan also includes some specific policy areas on: wastewater and sewage treatment facilities; on-farm anaerobic digestion plants; sites for energy recovery; ancillary development at landfill, land raise and open organic waste management sites; and the deposit of inert waste to land for restoration and land improvement.
- 6.29. Other Matters**
- 6.30.** The draft MWP also contains 18 Development Management policies to help deliver the vision, strategic policies and objectives of the plan by providing the criteria against which future minerals and waste management development proposals will be assessed.



- 6.31.** Duty to Co-operate (DtC) is an important requirement in plan making generally but this is particularly so with minerals and waste, as it generates cross boundary strategic issues on a national basis rather than just with neighbouring authorities as is normally the case with other parts of the Local Plan. This is because of the presence of nationally important minerals (silica sand and salt) and the need to use waste facilities elsewhere, that can be some distance away, to manage some of the waste generated in Cheshire East. As already indicated, the Council will resume DtC discussions on the basis of the draft policies contained in the MWP with the eventual aim of agreeing statements of common ground with relevant planning authorities across the country, on mineral supply and waste management capacity, so that it is able to satisfy an Inspector at Examination that the MWP has been “soundly” prepared.
- 6.32.** The preparation of the draft MWP for public consultation represents an early stage in the Plan’s development to final adoption. The table below outlines the remaining stages and gives an indicative timetable to adoption.

<b>Stage / Task</b>	<b>Date</b>
Committee sign off for consultation on Draft M&W Plan	Q3 2022
Public consultation on Draft MWP including call for sites exercise	Q3 2022
Review of comments received and amendments, where appropriate, to the policies and proposals in the MWP. Decision on whether to consult on a second draft or to proceed to publication version.	Q4 2022
Update evidence base for new plan period (WNA) including updated new site assessments following call for sites exercise and update SA/HRA	Q4 2022
Completion of Publication version of MWDPD and internal sign off	Q2 2023
Public consultation on Publication version of MWDPD and accompanying SA and HRA. Review of the comments received and decision on whether to proceed to submission or make amendments and reconsult.	Q3 2023
Submission of MWP to Secretary of State	Q2 2024
Examination of MWP	Q3 2024
Modifications and Inspector’s report	Q4 2024
Adoption of MWP	Q1 2025

## **7. Consultation and Engagement**

- 7.1.** Consultation on a Minerals and Waste DPD Issues Paper was undertaken in April 2017 to understand what the key issues were for minerals and waste in the borough. In total, 240 responses were received to the questions in the

issues paper during the consultation period. These were from 77 different individuals or organisations. Further details can be found in the report of consultation which can be viewed on the Council's website.

- 7.2.** A 'call for sites' exercise was also undertaken at the same time as the issues consultation. This enabled interested parties to submit sites or areas for potential allocation for minerals and waste uses. A total of 26 minerals and 20 waste sites or areas were submitted for consideration. An initial assessment of these sites has been undertaken, together with the other sites that have been considered for allocation in the MWP, and the report of findings forms part of the evidence base and can also be found on the Council's website.

## **8. Implications**

### **8.1. Legal**

- 8.1.1.** In accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan.
- 8.1.2.** Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The proposed consultation on the draft MWP will be carried out in the stage of the plan making process governed by Regulation 18. Regulation 18 requires councils to notify particular bodies and groups on the published Plan, and to ensure they are able to make representations on it. The Council must also take into account any representations received.

### **8.2. Finance**

- 8.2.1.** The preparation of the Draft Plan, including public consultation on it, is included in existing budgets of the Planning Service. The particular resources involved in carrying out public consultation comprise officer time and some internal printing costs.

### **8.3. Policy**

- 8.3.1.** The MWP forms part of the Council's Local Plan which is a key policy document, central to the achievement of sustainable development in Cheshire East. It will therefore assist the Council in meeting its green agenda priorities as set out in the Council's Corporate Plan.

### **8.4. Equality**

- 8.4.1.** The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a "relevant protected characteristic" and persons who do not share it; foster good relations between persons who share a "relevant protected characteristic" and persons who do not share it.

**8.4.2.** An Equality Impact Assessment is incorporated into the integrated Sustainability Appraisal of the Draft MWP. This will consider how development proposals and planning policies will impact on different groups within the community.

## **8.5. Human Resources**

**8.5.1.** There are no implications for human resources arising from this report.

## **8.6. Risk Management**

**8.6.1.** The Draft MWP has been prepared taking account of the need to demonstrate the Plan's legal compliance and soundness at examination. Critical friend and legal advice has been sought resulting in a number of changes to the plan, most notably the amendment to the Plan period and for the plan to contain its own strategic policies that will replace some policies in the LPS once adopted.

**8.6.2.** Publication of the draft Plan is at an early stage in the progression of the MWP to adoption. Currently the Council still relies for many planning decisions on detailed mineral and waste planning policies adopted by the former Cheshire County Council. There is hence a significant advantage in securing the timely progression of the Plan.

**8.6.3.** In a similar vein, the MWP addresses a number of contemporary policy agendas not covered within the older plans – and such policies can only be applied with full weight once the plan is adopted. With these considerations in mind, there is a sound rationale for progressing the MWP without delay. The progress and detail of Government's announced planning reforms will need to be closely monitored to gauge their impact on the MWP.

## **8.7. Rural Communities**

**8.7.1.** The Local Plan has implications for rural communities across a range of policies. The Draft Plan has been informed by a Rural Proofing Assessment as part of an integrated Sustainability Appraisal.

## **8.8. Children and Young People/Cared for Children**

**8.8.1.** There are no implications for children, young people and cared for children arising from this report.

## **8.9. Public Health**

**8.9.1.** A Health Impact Assessment is incorporated into the integrated Sustainability Appraisal of the MWP. Any health issues raised through the consultation will be considered and the HIA updated accordingly if required.

## **8.10. Climate Change**

- 8.10.1.** The draft MWP includes detailed policies to manage the impact of minerals and waste development with the overall aim of achieving the sustainable provision of minerals and the sustainable management of waste within the borough.

<b>Access to Information</b>	
Contact Officer:	Stuart Penny, Planning Policy & CIL Manager Stuart.penny@ cheshireeast.gov.uk Tel: 07794429711
Appendices:	Appendix 1 – The draft Cheshire East Minerals and Waste Plan
Background Papers:	The draft Minerals and Waste Plan consultation will be supported by a Sustainability Appraisal, Habitats Regulation Assessment and a range of other background evidence documents.