



**Powys Replacement
Local Development Plan (LDP)
2022-2037**

Minerals

Background Paper

April 2024



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1. Introduction

This background paper has been prepared to support the development of the Powys Replacement Local Development Plan (RLDP) 2022-2037. The purpose of the paper is to review the evidence base upon which the Powys Adopted LDP (2011-2026) was developed and to provide any additional evidence with respect to minerals to inform the development of the Replacement Plan. The Powys Adopted Local Development Plan (2011 – 2026) was written in the context of PPW Edition 5 (2012) and policy guidance which has since been revised or superseded.

The following sections summarises the relevant national, regional and local policy context which needs to be considered and taken account of when formulating the RLDP and an assessment of the policies in Powys Adopted LDP with recommendations.

2. National Policy and Legislative Context

2.1. Future Wales: the National Plan 2040

Future Wales (published 2021) is the National Development Framework for Wales, forming the highest tier of Development Planning in Wales. It recognises that aggregates underpin economic growth, providing construction related products essential to the delivery of placemaking, housing and infrastructure. Effective planning ensures that a reliable source of minerals is capable of meeting demand in all regions of Wales at the same time.

2.2. Planning Policy Wales Edition 12 (2024)

Planning Policy Wales Edition 12 (PPW12) sets out the land use planning policies of the Welsh Government. Specific minerals planning policies are now incorporated within PPW (in paragraphs 5.14.1 to 5.14.57), rather than being in the separate Minerals Planning Policy Wales document, as had previously been the case (before 2016). Although the sequence and structure of these policies has been modified, not least to embrace certain aspects of the cultural environment now included within the definition of sustainable development, there are no significant changes in policy requirements.

Important principles which should be addressed through the LDP are:

- Ensure sustainable supply;
- Safeguard for future generations;
- Minimise conflict between mineral and non-mineral development;
- Secure suitable restoration;
- Encourage the use of alternatives to primary resources.

It is worth noting that one change, which had been introduced in editions 8 and 9 of PPW, had been reversed in the edition 10. This relates to the treatment of Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs). In editions 8 and 9 of PPW, these areas were included, along with National Parks and Areas of Outstanding Natural Beauty, as locations where

minerals development should not take place, save in exceptional circumstances (whereas previously, in MPPW, that had not been the case). Edition 12 now includes SSSIs and NNRs (along with SPAs, SACs and Ramsar sites) within para. 5.14.37, where it is recognised that minerals extraction should not take place except in “exceptional circumstances” and that extraction in non-statutory sites should be “carefully assessed””. In National Parks and National Landscape Areas (AONBs) para. 5.14.35, retains the ‘very exceptional circumstances’ test to meet over-riding public interest.

PPW12 is supplemented by a series of Mineral Technical Advice Notes (MTAN) discussed later.

2.3. Well-being of Future Generations Act (2015)

On 29th April 2015, the Welsh Government signed into law the Well-being of Future Generations (Wales) Act. This legislation aims to improve the economic, social, environmental and cultural well-being of Wales by strengthening institutional governance structures in accordance with Wales ‘Sustainable Development Framework.’ The legislation places a duty on public bodies to implement sustainable development by incorporating seven well-being goals into their work, as well as outlining the establishment of a Future Generations Commissioner and providing for a range of national indicators.

Sustainable Development (in Wales) is now defined, by the 2015 Act, as meaning: *“the process of improving the economic, social, environmental and cultural wellbeing of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals”*.

Of particular relevance is the well-being goal of:

“A prosperous Wales “An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.”

The Planning (Wales) Act 2015 s.2(2) sets out that the planning function must be exercised in accordance with the act for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

2.4. Environment (Wales) Act (2016)

The Environment (Wales) Act 2016 introduced the Sustainable Management of Natural Resources (SNMR) and set out a framework to achieve this as part decision making. The main objective is to maintain and enhance the resilience of ecosystems and the benefits they provide.

The Act requires the Welsh Government to prepare, publish and implement a statutory Natural Resources Policy (NRP) setting out its priorities in relation to the sustainable management of natural resources, while Natural Resources Wales (NRW) is required to produce a ‘State of Natural Resources Report’ and to prepare ‘Area Statements’ to inform place-based action.

The NRP sets out three National Priorities, linked directly to achieving goals within the Well-being of Future Generations (Wales) Act. These are: delivering nature-based solutions; increasing renewable energy and resource efficiency; and taking a place-based approach.

Minerals are more explicitly noted in relation to the second priority (resource efficiency), both in relation to the promotion of recycled and secondary aggregates and the optimal utilisation of primary aggregates. The third priority – taking a place-based approach – can also be very applicable to mineral development (e.g. through community involvement in planning decisions and restoration proposals).

2.5. Mineral Technical Advice Notes

Minerals Technical Advice Note (MTAN) 1: Aggregates provides advice about how the land use planning system should contribute to the sustainable supply of aggregates and sets out detailed advice on aggregates, such as limestone, sand and gravel.

Paragraph 7 of MTAN1 is necessary:

“to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance”.

Paragraph 49 requires a minimum 10-year land bank of crushed rock and minimum 7-year land bank of sand and gravel to be maintained throughout the LDP period. Where a land bank can provide for over 20 years of extraction, new allocations will not be necessary and proposals for further extraction should not be permitted apart from in exceptional circumstances. The Welsh Government has since published Policy Clarification Letter CL-05-14 which advises that given the length of LDPs it would be prudent to come to this conclusion only if there was in place a landbank of 25 years or more. The Letter also advises that a revised methodology using a 10 years' sales average as opposed to 3 years to calculate the landbank is appropriate given the economic recession. This methodology has been used to identify the level of need within the Regional Technical Statements which are discussed below.

In order to reduce the impact of aggregate production, local authorities are required to identify buffer zones around permitted and allocated mineral extraction sites (in line with Planning Policy Wales). MTAN 1 identifies the minimum distance that should be maintained for sand and gravel (100m) and hard rock quarries (200m).

Minerals Technical Advice Note (MTAN) 2: Coal provides advice about how the land use planning system should contribute to the sustainable supply of coal and requires local authorities to direct coal working away from sensitive locations and indicate those areas where coal should not be worked. It states that buffer zones of 500m around existing and proposed coal working sites and areas to be safeguarded should be shown on the proposals maps unless there are exceptional circumstances as set out in the MTAN. The MTAN sets out that where coal working would destroy or degrade mature landscapes, ancient woodlands, important hedgerows or vulnerable trees it should only be permitted if reclamation benefits outweigh the demonstrable

harm of working a site. There is no forecast of need or landbank of permitted reserves for coal, as there is for aggregates.

On the 26th of October 2017 the Welsh Government issued a letter regarding decarbonisation of the energy system and an intention to consult on whether national policy should no longer be supportive of certain forms of fossil fuel extraction, including coal. Planning Policy Wales 12 reaffirms this approach and in particular, removes support for coal extraction or the need to safeguard secondary coal. It is therefore considered highly likely that there will be no need to safeguard secondary coal or to require its extraction where non-mineral development is proposed. This matter will be kept under review and will be addressed through the LDP where necessary.

2.6. Coal Authority – Development High Risk Areas

Whilst PPW removes the need to safeguard secondary coal, legacy coal mining issues remain and the Coal Authority issue Development High Risk Area maps which should continue to be considered during preparation of the RLDP.

2.7. Onshore Oil and Gas

From October 2018 licensing functions for onshore oil and gas have been transferred from the Oil and Gas Authority to the Welsh Ministers. In December 2018 in a written statement Welsh Government announced its policy '*To not undertake any new petroleum licensing in Wales, or support applications for hydraulic fracturing petroleum licence consents.*' Notwithstanding this stance, there is a degree of flexibility as to where surface drilling and associated equipment can be located which reduces the requirement to consider this type of extraction when considering the sterilising impact of any non-mineral development.

3. Regional Policy

3.1. Regional Technical Statement (RTS)

Minerals Technical Advice Note 1: Aggregates – March 2004 (MTAN1) requires the preparation of Regional Technical Statements (RTS) for the areas covered by the North Wales and South Wales Aggregates Working Parties and for these to be reviewed every five years. Regional Technical Statements identify the level of aggregate provision that needs to be made in each local authority area.

The original RTS for South Wales 9 of which Powys is part) was issued in October 2008, followed by a First Review in August 2014. The latest, Second Review (RTS2) was published in September 2020 and sets out a new approach that is being taken for the prediction of future demand which is based on housing growth and completions within development plans. There is a very close correlation between housing completions and demand for construction aggregates. It is accepted that demand for construction aggregates is not entirely for housing, which is modest at around 30% of total aggregates consumption, but it is the wider demand for the infrastructure which housing growth brings, such as new roads, commercial and business development, schools, hospitals, power plants, maintenance works and so on which accounts for the demand for aggregates.

RTS2 serves to provide a strategy for the future supply of construction aggregates across defined regions, taking account of the latest available information regarding the balance of supply and demand. It aims to ensure that an adequate and steady supply of aggregates can be maintained throughout Wales and beyond (for those minerals which are exported to wider markets), taking into account the key objectives of sustainable supply outlined in MTAN1.

The statement (RTS 2) outlines annualised apportionment for all aggregates for Powys and has calculated provision of 3.52 million tonnes of hard rock per annum. The levels of permitted aggregates reserves in Powys are relatively high at around 51 million tonnes based on a 2016 baseline date and is adequate to cover the annualised apportionment for the duration of the proposed plan period. There is no requirement for land won sand and gravel within RTS2. Any further review of the RTS and will be taken into account through the RLDP preparation process.

4. Contextual Changes

The mineral industry has been affected by the economic crash of 2008. Regional monitoring has confirmed that sales across the region had, by 2018, still not fully recovered and still remain below pre-2007 levels. This recovery has been further impacted by the Coronavirus pandemic, with reductions in output seen over this time. The active sites within Powys supply mineral for a range of different uses. Demand for mineral naturally fluctuates over time in response to the location of significant building and infrastructure projects, however, the general decline in construction as a consequence of a weaker economy will have impacted these sites in a similar way to others across the country. There has been significant consolidation within the minerals industry over the last two decades which has resulted in a smaller number of operators controlling a number of different quarries within a region. In Wales, this has led to a number of quarries being mothballed whilst extraction is concentrated at a smaller number of sites which leaves uncertainty to the affected communities.

The biggest change since the adoption of the existing local plan is the approach to energy minerals as originally published Planning Policy Wales 11 in February 2021. PPW11 stated that at the UK level coal powered generation is being phased out. This means moving away from the extraction of fossil fuel for use in energy generation., and PPW 12 maintains this approach.

The main coal resource in the Powys is in the Upper Swansea Valley around Ystradgynlais which has historically been worked at depth and at surface. In addition, a small area of non-safeguarded tertiary Shallow Coal Resource occurs near Coedway in Montgomeryshire, where past mining activities have left a legacy.

There are a number of Welsh and UK national infrastructure projects which are likely to come into being during the Powys LDP period notwithstanding the current economic and political situation, and it is conceivable that uptake of aggregates from quarries elsewhere will exceed productive capacity. Such projects are HS2 rail link London to Birmingham and upgrading of the West Coast Mainline to Preston. All of which will place a new demand for aggregates for fill, concrete and possibly rail ballast. It is conceivable that in the light of Brexit there may be a greater reliance on home produced aggregates due to the possibility of import tariffs increasing commodity prices sourced from outside of Wales and the UK.

The ongoing appetite for windfarms and the possibility for new flood defence works as the frequency of adverse weather and sea level rises may result in uptake of aggregates towards the end of the plan period, and beyond.

5. Cross Border Issues

The Regional Technical Statement (RTS) ensures that, with respect to minerals, there is a collaborative approach in meeting need. The RTS does not require that Powys allocate sites for sand and gravel extraction because, despite the fact that there are sand and gravel deposits present within the County Council, it is generally lower quality and in locations which are remote from the markets with no commercial interest in extracting it. Conversely, the County is a significant producer of crushed rock, helping balance the need for other authorities to make allocations within their LDPs. This regional approach helps ensure that allocations are genuinely necessary and in less environmentally constrained areas.

6. Assessment and Recommendations

With the changes in policy context, including MPPW being merged into PPW and the adoption of RTS2, some revision from the position in the Powys Adopted LDP (2011-2026) is considered appropriate to ensure minerals policies within the RLDP adhere to the current policy context and remain applicable throughout the Plan Period should the RTS requirements change in the future.

The following section assesses the Adopted LDP policies and makes recommendations (full policy working is shown in Appendix 2)

6.1 Powys Adopted LDP Minerals Policy Approach

6.1.1. Safeguarding

Policy DM8 Mineral Safeguarding (see Appendix 2) sets out that certain minerals are safeguarded, including sand and gravel, sandstone, limestone, igneous rocks and surface coal. Policy SP7 is a more strategic policy which seeks to protect the County's strategically important resources and assets and their operation (including, where applicable, the use and enjoyment of the asset) by avoiding sterilisation, providing for the future winning / working of resources, and in general protecting assets and resources from unacceptable development so as to protect the economic, environmental and social well-being of Powys.

In accordance with the new policy position in PPW12 regarding safeguarding coal resources, it is recommended that the wording of DM8 Minerals Safeguarding is amended to remove the reference to surface coal.

Beyond aggregates minerals, consideration may need to be given to safeguarding the location of identified Critical Minerals, which although uneconomic to work at the present time, may be of value for future generations. These are primarily metalliferous minerals, such as Lithium, which are known to present in parts of Powys.

6.1.2. Mineral Supply

There are extensive reserves remaining at the consented crushed rock quarries and, notwithstanding the time limits attached to the different planning permissions, at current rates of production they would enable the County Council to meet identified needs over the RLDP Plan Period and well beyond.

It is considered highly likely that the existing sites will continue to be worked and that applications to extend the lives of the quarries would, in principle, be acceptable. Policy M1 Existing Mineral Sites provides a table of existing mineral activities which has been updated for the RLDP and is shown in Appendix 1. This table must be kept under review to provide the County's current contribution to the regional supply of hard rock.

Policy M2 New Minerals Sites (see Appendix 2) provides for new minerals sites in terms of building stone, coal and borrow pits. The provision of coal is in terms of removing the mining legacy is considered appropriate however in accordance with PPW12 new coal sites are not deemed acceptable.

In addition, there are facilities and resources required for processing, handling, and distribution of minerals, including railheads, batching and coating plants. Ready mixed concrete and coated roadstone plant are present at a number of the existing quarries, but plant of this nature may also be located in a number of industrial estates close to the local markets. Policies should ensure that provision is made for such facilities, or where prudent, afforded protection for potential future use.

6.1.3. Buffer Zones

Policy DM9 Existing Mineral Workings (see Appendix 2) ensures that there are buffers around each of the quarries which helps minimise conflict between sensitive development and the quarrying operations. These buffer zones vary in extent due to the proximity of existing sensitive development and would depend, on a number of factors: the size, type, and location of workings, the topography, of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures. In general 200m is in line with MTAN 1.

Buffer zones must be clearly defined and indicated on development plan proposals maps. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and to ensure that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. It is considered that these buffers are an appropriate means of not only protecting sensitive development but also protecting strategically important quarries and should remain in place.

6.2. Monitoring

The monitoring indicators and triggers will need to be considered as part of the preparation of the Replacement LDP. In relation to minerals, the Core Indicator is: The extent of primary land-won aggregates permitted in accordance with the Regional Technical Statement for Aggregates expressed as a percentage of the total capacity required as identified in the Regional Technical Statement. It is considered unlikely that this Indicator will change given the policy framework

contained within Planning Policy Wales and MTAN 1. Nevertheless, this matter will need to be kept under review and the monitoring amended if necessary.

6.3. Draft Strategic Policy for Replacement Local Development Plan

It is recommended that a Strategic Policy to inform mineral resource management is included in the emerging RLDP.

The following Strategic Policy wording is proposed:

Strategic Policy – Mineral Resource Management

To facilitate the sustainable management of minerals resources and provide for a continuous supply for local and regional need, provision will be made to:

- **Safeguard known / potential land won sand and gravel and crushed rock resources for future possible use (protecting them from permanent development that would unnecessarily sterilise them or hinder their future extraction).**
- **Maintain an adequate landbank of permitted aggregate reserves throughout the Plan period.**
- **Use buffer zones to reduce the conflict between mineral development and sensitive development.**
- **Secure appropriate restoration which can deliver specific environmental and community benefits.**

Encourage the efficient and appropriate use of high-quality minerals and maximise the potential for the use of secondary and recycled aggregates as an alternative to primary land won resources.

Appendix 1 - Table of Minerals Sites with Active Planning Permissions

Site Name	Mineral Type	Mineral Extraction End Date	Review of Mineral Permission (ROMP) Date	Buffer Zone (m)
Cribarth	Sandstone	20 May 2023	N/A	200
Gore	Sandstone	21 Feb 2042	31 Mar 2024	200
Dolyhir ** / Strinds	Sandstone /Limestone	21 Feb 2042	20 Mar 2027	200
Tan y Foel	Sandstone	31 Dec 2063	16 Sep 2028	200
Tredomen ¹	Sandstone	30 Sept 2026	N/A – missed	200
Rhayader	Sandstone	21 Feb 2042	29 Nov 2029	200
Criggion **	Igneous	21 Feb 2042	31 Jan 2027	200
Llanelwedd **	Igneous	21 Feb 2042	N/A – Missed	200
Little Wernwilla	Sandstone	02 Dec 2018	N/A	200
Buttington Brickworks **	Clay and Shale	22 Feb 2042	19 Apr 2026	200
Middletown	Igneous	22 Aug 2060	22 Aug 2030	200
Berwyn Granite (Pen-y-Parc Quarry & Pen-y-Graig Quarry)	Igneous	21 Feb 2042	Dormant - Prohibition order being progressed	200
Garreg **	Igneous	21 Feb 2042	Dormant – N/A	200
Caerfagu	Sand & Gravel	21 Feb 2042	20 June 2013	100
Ystradgynlais ²	Coal		N/A	100

Sites marked ** in Table M1 contain or are in close proximity to SSSI or SAC environmental designations and may require consents for any potentially damaging operations.

1. Tredomen sandstone quarry subject of Section 73 Extension of Time application.
2. Ystradgynlais is a small site working coal tips for residual coal.

Appendix 2 - Policies in the Powys Adopted Local Development Plan 2011-2026

Policy DM8 - Minerals Safeguarding

Mineral Safeguarding Areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal and these are shown on the Proposals Map.

Non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that:

1. The mineral resource is not of potential future value; or
2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or
3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or
4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or
5. There is an over-riding need in the public interest for the development; or
6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property.

Policy DM9 - Existing Mineral Workings

Within the defined mineral working buffer zones, development proposals will only be permitted where it is demonstrated that:

1. The proposal would not constrain the operations of the mineral site;
2. The proposal would not be unacceptably affected by the mineral extraction operations at the site; and
3. The proposal can demonstrate the appropriate mitigation measures.

Policy M1 – Existing Minerals Sites

1. Extensions (working area, depth and duration) to existing Minerals / Coal sites (Table M1) will be permitted where they would:
 - i. In the case of crushed rock aggregate minerals help to maintain a steady and adequate supply; or
 - ii. In the case of non-energy minerals address a shortage of high specification material that is of limited availability nationally; or
 - iii. For all minerals - bring clear environmental, economic or social benefits.
2. Development proposals that enable a higher proportion of secondary aggregate or recycled material to substitute for the consumption of primary aggregates will be supported on existing sites

Policy M2 – New Minerals Sites

Development proposals for new sites for the winning of hard rock, sand and gravel, or coal will be permitted where these meet the requirements of National Policy, and in particular:

1. To provide a supply of distinct building stone or dimension stone to fulfil a recognised local need/requirement; or
2. For coal where it would:
 - i. remove a mining legacy; or
 - ii. prepare land for future development of employment and economic benefit; or
- 3 A borrow pit under Policy M3 below.

Policy M3 – Borrow Pits

Development proposals for temporary mineral workings to supply a particular construction project, remote from an authorised quarry, will be permitted where they meet the requirements set out in National Policy / Guidance.

Policy M4 – Minerals Proposals

Development proposals for mineral extraction will be permitted where they would not result in any significant adverse impacts upon public health, the environment, local amenity and the local transport network and where they meet the following criteria:

1. Suitable access and transport routes have been identified.
2. Noise is demonstrated to be within acceptable levels.
3. The best practicable means are identified to control dust, smoke, fumes and to ensure that operations do not cause a deterioration in local air quality.
4. Blasting is controlled within acceptable levels.
5. Potential impacts on groundwater resources, surface water resources and water supplies are identified and demonstrated to be within acceptable levels.
6. Sites of nature conservation, historic, cultural and landscape importance are identified and any adverse impacts are demonstrated to be acceptable.
7. Effective mitigation measures proposed to minimise any potential effects from subsidence or land instability have been identified and demonstrated to the Council's satisfaction.
8. Landscape and visual impact is minimised in accordance with Policy DM4 - Landscape.
9. Satisfactory proposals have been submitted for landscaping, after use and after care of the site in accordance with Policy M5.

Policy M5 – Restoration and Aftercare

Proposals for mineral working will be required to make provision for the restoration and after-care of the land and for its beneficial re-use and enhancement.

Financial bonds included in a Planning Obligation will be sought to secure the necessary works for restoration and aftercare.