

## 9: MINERAL WORKING, WASTE MANAGEMENT AND POLLUTION CONTROL

### POLICY MW 1

#### Protection of Mineral Resources

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Trustees of Mrs E Bissill's Fund & Stayley Developments Ltd	807	91	O	
Government Office for the North West	327	681	O (rd)	Yes
OBJ NO	SUMMARY OF OBJECTION			
91	The policy should be amended to refer to Buckton Vale Quarry as an existing mineral resource.			
681	The text accompanying the policy should clarify whether "reserves" means permitted reserves or unexploited mineral resources.			

#### Main Issues

- 9.1.1 (i) Whether the term "reserves" in the reasoned justification refers to permitted reserves or unexploited mineral resources.  
(ii) Whether Buckton Quarry should be referred to specifically in policy MW1

#### Conclusions

- 9.1.2 **Insofar as the first issue** and the objection by GONW is concerned, the Council, as part of their proposed changes put forward in the summer of 2002, propose substituting the word *resources* for *reserves* at the beginning of the penultimate sentence of the reasoned justification for policy MW1. This clarifies the position using terminology consistent with national policy guidance. The objector has indicated this minor change is sufficient to meet the objection.
- 9.1.3 **The second issue**. In the revised deposit version of the plan the Council has added a reference to Buckton Vale Quarry and the proposed change in the paragraph above makes it clear that gritstone is a resource at the Quarry. I consider the proposed wording of the text accompanying the policy sets out the position satisfactorily and see no reason for further changes.

#### Recommendation

- 9.1.4 I recommend that the text accompanying the policy be changed by the substitution of *Resources* for *Reserves* at the beginning of the penultimate sentence.

### POLICY MW 2

#### Supply of Aggregate Minerals

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
J A & J I Dyson	262	642	O (rd)	Yes
OBJ NO	SUMMARY OF OBJECTION			
642	Changes incorporated into the revised deposit plan mean that permission would have to be granted for any proposal meeting the requirements of policy MW2.			

## Main Issue

- 9.2.1 Whether the policy as written means that if criteria (a) and (b) are met the Council will be compelled to grant planning permission for aggregate mineral workings.

## Conclusions

- 9.2.2 As set out policy MW2 requires applications to be tested against not only criteria (a) and (b), but also the extensive checklist in MW9 which covers a wide range of environmental and amenity concerns. The wording of the revised deposit version of the policy does not therefore compel the Council to grant permission for all proposals if they only comply with (a) and (b).
- 9.2.3 However in an attempt to clarify the position further the Council propose changing the policy by inserting the word *only* in the first sentence. The objectors consider this amendment would meet their objection and I agree it makes the Council's position clear in respect of such applications.

## Recommendation

- 9.2.4 I recommend that the beginning of the first sentence of the policy be modified in the following way – *The Council will only permit proposals for new workings.....*

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## POLICY MW 3

### Reclamation of Derelict Land

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Action Against Kingswater Park (Waterside Park)	8	437	O	
Greater Manchester Ecology Unit	335	353	S	
English Nature	277	666	S (rd)	
OBJ NO	SUMMARY OF OBJECTION			
437	The policy should be adjusted to represent the precautionary principle.			
353	Welcomes reference to the ecological value of derelict sites.			
666	Support for the policy as consideration given to existing ecological value of naturally regenerating sites.			

## Main Issue

- 9.3.1 Insofar as this objection refers to the Waterside Park area, I have no information or details about tipping on that site. Therefore I have looked at the objection in a general way with regard to the objectives of policy MW3. Consequently I consider the issue to be whether it is necessary for the policy to be changed to represent the precautionary principle.

## Conclusions

- 9.3.2 The precautionary principle can be defined as where there are threats of damage, the lack of scientific certainty should not be used as a reason to postpone cost effective measures to prevent environmental degradation. Policy MW3 as written takes account of the landscape and ecological value of derelict sites and says in addition that any

proposals brought forward must comply with policy MW9. The policy therefore provides safeguards against threats or irreversible damage.

9.3.3 Policy MW3 is a general policy which recognises that the reclamation of derelict land can on occasions be assisted by mineral working and/or disposal of waste. It does not specifically relate to landfill/contaminated land. Policies MW10 and MW11 deal with these matters. In my view when read together the combination of all these policies should ensure that adequate precautions are put in place where development is proposed on sites that may be contaminated and the potential impact is not fully known at the time of submitting an application.

9.3.4 It follows from this that I do not consider the policy should be modified to take account of the objection.

### Recommendation

9.3.5 I recommend no modification to the plan as a result of this objection.

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## POLICY MW 6

### Waste Management Facilities

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
J A & J I Dyson	262	644	O (rd)	Yes
Environment Agency	279	240	S	
OBJ NO	SUMMARY OF OBJECTION			
644	Changes to the policy mean that permission would have to be granted for any proposal meeting the requirements.			
240	Support the principle of the policy where it promotes or protects Environment Agency interests.			

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### Main Issue

9.4.1 Whether the policy as written means that the Council will be compelled to grant permission for any proposal meeting the listed requirements.

### Conclusions

9.4.2 I consider the wording of the policy in the revised deposit version of policy MW6 to be more acceptable than that previously set out in the draft deposit version of the plan as it replaces the vagueness of *The Council will have regard to* with *The Council will permit*. The policy sets out a number of criteria that applications for waste management facilities will be tested against. These accord with the principles to be found in national policy guidance PPG10. It also requires compliance with the numerous criteria of policy MW9 which address a wide range of environmental and amenity measures. It follows from this that if an application can meet these criteria permission will be granted. This is not an unusual situation.

9.4.3 In an attempt to clarify the position further the Council propose changing the policy by inserting the word *only* in the first sentence. The objectors consider this amendment would meet their objection and I agree it makes the Council's position clearer still with regard to such applications.

## Recommendation

- 9.4.4 I recommend that the beginning of the policy be modified to say – The Council will *only* permit proposals for new.....

## POLICY MW 9

### Control of Minerals and Waste Developments

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Government Office for the North West	327	324	O	
J A & J I Dyson	262	645	O (rd)	
English Nature	277	667	O (rd)	Yes
English Nature	277	207	S	
Environment Agency	279	241	S	
OBJ NO	SUMMARY OF OBJECTION			
324	Criterion (e) lacks clarity.			
645	Object to criteria now being limited to "unacceptable" adverse impact. This should be defined.			
667	Support criteria (g) and (l) but object to the omission of mention of international nature conservation interests.			
207	Particular support for criteria on restoration and aftercare including nature conservation potential.			
241	Support the principle of the policy where it promotes or protects Environment Agency interests.			

## Main Issues

- 9.5.1 (i) Whether criterion (e) of the policy lacks clarity.  
(ii) Whether it is reasonable to qualify the impact of proposals by the use of *unacceptable*.  
(iii) Whether criterion (g) should include reference to international designations.

## Conclusions

- 9.5.2 **With regard to the first issue** and objection 324, GONW propose a change to criterion (e) which is largely accepted by the Council. As reworded it reflects the advice in PPG7 that seeks to protect the best agricultural land. In addition however the Council would still like to see the criterion refer to the quality of restoration works. I believe this is a relevant matter to be taken into account when considering proposals affecting agricultural land. I therefore support the change proposed by the Council and have changed only the terminology rather than the general tenor of the suggested revised criterion.
- 9.5.3 **The second issue.** In the first deposit draft of the policy the requirement of several of the criteria was for *no harm* or *no adverse impact*. If the policy had continued to require no harm from proposals it would in my view have been practically impossible to meet the criteria, as inevitably the resultant change from such developments is often regarded as having an adverse impact or harming the environment/amenity. In the revised deposit draft the introduction of the word *unacceptable* and the qualification of the degree of harm/impact is to my mind a sensible alteration.
- 9.5.4 I appreciate that there is no definition of unacceptable, but the degree of acceptability of a proposal will inevitably change with each application and be dependent on such things as the nature, location and scale of development proposed. Ultimately whether a proposal is deemed to be acceptable when tested against the criteria must be left to the

judgement of the decision maker. This is normal practice in determining planning applications. It follows from this that I consider it is reasonable for the criteria to be qualified by *unacceptable*.

- 9.5.5 **I now turn to the third issue.** It is clearly an omission, accepted by the Council, that criterion (g) should also refer to international sites. I support the change proposed by the Council to rectify this omission.
- 9.5.6 Finally, the EA play an important role in controlling waste management as such operations may cause pollution/contamination if not undertaken with care. They issue waste management licences for individual sites with the objective of preventing pollution to the environment and harm to human health. Whilst a waste management license has a complementary function to a planning permission - it generally deals with best operational practice - there can be instances when considerations are material to both and there is a degree of overlap. The reasoned justification to policy MW9 does not refer to the role of the EA in regulating waste sites and I consider this to be an omission to the plan.

## Recommendation

### 9.5.7 I recommend that:

- i) **Criterion (e) be deleted and replaced by - *where development of agricultural land is unavoidable, poorer quality land should be used in preference to higher quality land, except where other sustainability considerations suggest otherwise, and taking account of the quality of restoration likely to be achieved following completion of the operations.***
- ii) **criterion (g) of the policy be modified to read “ no unacceptable impact on any site or area designated *internationally*, nationally or locally for.....**
- iii) **reference be made in the reasoned justification to the policy of the role of the Environment Agency in regulating waste sites.**

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## NON POLICY SPECIFIC OBJECTIONS

### Mineral Working, Waste Management and Pollution Control

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Aggregate Industries	13	4	O	
OBJ NO	SUMMARY OF OBJECTION			
4	The plan should support the extension of the planning permission at Buckton Vale Quarry			

### Main Issue

- 9.6.1 Whether the UDP should support the extension of the planning permission for Buckton Vale Quarry.

### Conclusions

- 9.6.2 Whilst the UDP recognises that Buckton Vale Quarry is a source of gritstone, I have seen no substantive evidence from any party to support the view that an extension of the

planning permission at Buckton Vale Quarry is needed to ensure either a continuity of supply of aggregates for Tameside developments or to meet Greater Manchester's share of aggregate production.

- 9.6.3 One of the purposes of UDP policies is provide a basis for determining planning applications. It is not intended to pre-empt decisions on individual applications. In this case policies MW2 and MW9 list the criteria against which planning applications for minerals development will be assessed. If or when an application for the extension of the Buckton Vale Quarry is submitted, the application will be determined on its merits against this UDP policy background. Given these circumstances I conclude that the UDP should not include specific support for the extension of the Buckton Vale Quarry.

## Recommendation

- 9.6.4 I recommend no modification to the plan as a result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Environment Agency	279	256	O	
OBJ NO	SUMMARY OF OBJECTION			
256	A policy to protect the capacity and flow of surface water and groundwater resources is required.			

## Main Issue

- 9.6.5 Whether the plan should include a policy for the protection of surface and groundwater flows.

## Conclusions

- 9.6.6 The objection was submitted at the deposit draft stage. Subsequently at the revised deposit stage the Council incorporated policy MW15 into the plan which seeks to preclude development which would pose an unacceptable risk to the capacity and flow of groundwater and surface water systems. Although the objection has not been formally withdrawn I consider the new policy addresses the concerns raised in the objection. It is also in line with government policy which seeks to protect water resources. The objector has now confirmed that the EA's previous comments were in the way of an informative, in particular about the flood plain in the Mossley Mills area.

## Recommendation

- 9.6.7 I recommend no modification to the plan as a result of this objection.

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Trustees of Mrs E Bissill's Fund & Stayley Developments Ltd	807	90	O	
OBJ NO	SUMMARY OF OBJECTION			
90	Buckton Vale Quarry should be identified on the proposals map as an existing mineral resource.			

## Main Issue

- 9.6.8 Whether Buckton Vale Quarry should be identified on the proposals map.

## **Conclusions**

- 9.6.9 There is no dispute that Buckton Vale Quarry continues to operate nor that it supplies gritstone for construction works. This is recognised in part 1 policy 1.13 and policy MW1. Moreover MW1 provides protection for mineral resources at the quarry.
- 9.6.10 The quarry is in an area of green belt where policies generally preclude building and there is no land allocated for development in the vicinity. This means it is extremely unlikely that mineral resources would be sterilised by surface development or the working of the quarry would be affected by new development. There are no other mineral resources or quarries identified on the proposals map. In the light of my conclusions above the inclusion of Buckton Vale Quarry on the proposals map would serve little purpose.

## **Recommendation**

- 9.6.11 I recommend no modification to the plan as a result of this objection.**