

Planning Services, City Futures

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Officer: Chris Hanson
Date: 18th July 2024

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For the attention of Inspectors:
K Childs
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R Morgan

Dear Madams/Sir

R.E. Inspectors' Letter: Minerals and Waste (EXAM 23)

You wrote to us on 20 March 2024 requesting further information and evidence relating to the topics of Minerals and Waste. Your letter is published within the list of Examination Documents under reference EXAM 23. You requested that the additional information should be supplied to you by the 19 July 2024.

We are pleased to provide the following information to the points raised in your letter. For clarity, we have duplicated the wording from your letter (in blue text) and then provided our additional information following each relevant paragraph.

Mineral safeguarding

2. Paragraph 210 c) of the September 2023 version of the National Planning Policy Framework (the Framework) requires that planning policies safeguard mineral resources through the identification of Mineral Safeguarding Areas. Even if it is not anticipated that mineral extraction will take place during the Plan Period, mineral resources within the Plan area which are of local or national importance (listed in the Framework's glossary) should be identified on the policies map. Such minerals may be needed in the future, and to prevent them from being sterilised by development, they should be subject to a specific safeguarding policy. If a mineral is widespread throughout the Plan area, such as coal, this can be explained rather than shown on the Policies Map, as was done in the adopted Unitary Development Plan.

The Unitary Development Plan (AP16) identified two main mineral reserves within the Sheffield Mineral Planning Authority (MPA) boundary (For Sheffield, The MPA

and Local Planning Authority boundaries are identical); pot clay Reserves and coal reserves.

Pot clay reserves are limited to two small sites near Oughtibridge. They both fall within the Green Belt. The Council has not received any applications for extraction upon either site since adoption of the UDP in 1998. The Council does not consider that these reserves are of local or national importance and therefore specific safeguarding of the reserves is no longer justified. As both sites reside within the Green Belt, it is considered unlikely that they would be sterilised by any development proposals that would be appropriate under wider Green Belt policy.

Surface coal reserves exist across the majority of the Sheffield MPA. Whilst extraction of coal could be feasible in some circumstances, the Council does not consider it is appropriate to safeguard these reserves due to the existing built-up nature of much of the area, a policy approach that enables extraction in certain circumstances and the impact of fossil fuel usage upon climate change.

Sheffield's MPA area includes the main urban area, which is largely built up, and the Green Belt which is effectively protected by national planning policy. Development that will take place within the existing urban area, including through proposed site allocations in the Plan, would not have the effect of sterilising mineral reserves for future use that could require safeguarding, as these locations would not typically be appropriate for mineral extraction.

Policy ES7 (Safeguarding of Mineral Resources and the Exploration, Appraisal and Production of Fossil Fuels) in Part 2 of the Plan (Pages 19-20, CD02) requires applicants to investigate the economic potential of a site for extraction of mineral resources before development. Extraction of non-fossil fuel mineral resources is permitted via this policy where it is practicable, where it would not have unacceptable environmental impacts and where appropriate plans are made for the restoration of the site. The Council does not consider the safeguarding of fossil fuels as justified. Whilst having regard to the provisions of the Framework, the Council does not consider that the provisions outweigh the legal duty placed on the Council under Section 19 of the Planning and Compulsory Purchase Act 2004. The Council does not consider that facilitating extraction of coal reserves, when taking into account their full scope of emissions (Including Type 3 ("Downstream") emissions) will contribute to the mitigation of, and adaptation to, climate change.

3. Framework paragraph 210 e) is concerned with safeguarding of existing, planned or potential sites for bulk transport, handling and processing of minerals, manufacture of concrete and concrete products, and recycled and secondary aggregates. If any such sites exist or are proposed within the Plan area, they should also be identified and safeguarded.

Upon reflection of the requirements within paragraph 210 e) of the framework, the Council would like to suggest to the Inspectors that the following main modification is considered to Policy ES7 within Part 2 of the Plan (Pages 19-20, CD02), for reasons

of soundness and consistency with the Framework (Additional proposed text in red). Safeguarded site locations would also be indicated on the Policies Map

POLICY ES7: SAFEGUARDING OF MINERAL RESOURCES, INFRASTRUCTURE AND THE EXPLORATION, APPRAISAL AND PRODUCTION OF FOSSIL FUELS

Where a site is likely to have surface mineral resources, applicants should investigate the economic potential of the site for extraction of these resources before development. Extraction of non-fossil fuel mineral resources will be permitted where it is practicable, where it would not have unacceptable environmental impacts and where appropriate plans are made for the restoration of the site.

The following sites have been identified as providing facilities associated with the bulk transport, handling and processing of minerals, concrete and recycled or secondary aggregates within the City and should therefore be safeguarded from development which would otherwise result in the loss of such facilities:

- Cement blending plant, Wharncliffe Industrial Estate, Deepcar Works, Station Road, Stocksbridge, S36 2UZ
- Cement blending plant, Carlisle Road, Sheffield, S4 8DQ
- Cement blending plant, 14 Carlisle Street East, Sheffield, S4 2LJ
- Cement blending plant, Unit 6, Coleford Road, Sheffield, S9 5PH
- Concrete batching plant, 301 Coleford Road, Sheffield, S9 5PH
- Cement blending plant, Asphalt plant and associated rail head, Stevenson Road, Sheffield, S9 3XG
- Cement blending plant, Asphalt plant and associated rail head, Unit 3, SIRFT, Europa Link, Sheffield, S9 1QT
- Asphalt plant, Woodside Depot, Rutland Street, Sheffield, S3 9PA
- Incinerator Bottom Ash processing facility, Beeley Wood Recycling Village, 2 Beeley Wood Lane, Sheffield, S6 1QT

Development on safeguarded sites (or potential future sites providing comparable facilities) will be acceptable if it can be demonstrated:

- a) that use of the mineral infrastructure site is no longer economically viable, or there is already adequate provision meeting the need elsewhere; or
- b) the new development will result in the provision of alternative facilities of equal or better quality; or
- c) there is an overriding need for the development; or
- d) the development will be of a temporary nature that would not preclude a site being brought back into use for mineral infrastructure purposes; or
- e) the development would involve the extension of existing buildings or the erection of ancillary buildings within their curtilages.

Development proposals for the exploration, appraisal or production of oil and gas must:

- a) locate well sites and associated facilities in the least sensitive areas from which the target reservoir can be accessed; and
- b) demonstrate that any adverse impact can be avoided or mitigated to the satisfaction of the City Council, with safeguards to protect environmental and amenity interests put in place, as necessary; and
- c) demonstrate that there would no adverse impact on the underlying integrity of the geological structure; and
- d) provide an indication of the extent of the reservoir and the extent of the area of search within the reservoir; and
- e) be for an agreed, temporary length of time; and
- f) make provision for the restoration of well sites and associated facilities at the earliest practical opportunity if oil and gas is not found in economically viable volumes, or if they are developed within an agreed time-frame; and
- g) demonstrate that, following public consultation, the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

Mineral extraction

4. Framework paragraph 210 f) requires policies to set out criteria to ensure that proposed operations do not have unacceptable adverse impacts on the natural and historic environment, and on human health. The Plan needs to clearly set out how any proposals for mineral extraction (including the limited extraction of building stone for the repair of historic buildings) would be assessed. Please can you consider whether the Plan currently meets this requirement, and if not, whether any modifications are necessary.

Sheffield has received no significant applications for mineral extraction since the adoption of the UDP in 1998. The Council considers that the Plan would protect any future applications from unacceptable adverse impacts on the natural and historic environment, and on human health through the range of Development Management policies within Part 2 of the Plan (CD02). Primarily policies relating to this are:

Policy ES7: Safeguarding of Mineral Resources and the Exploration, Appraisal and Production of Fossil Fuels

Policy ES5: Managing Air Quality

Policy ES6: Contaminated and Unstable Land

Policy NC14: Safeguarding Sensitive Uses from Noise, Odours and other Nuisance

Policy GS2: Development in the Green Belt

Policy GS3: Landscape Character

Policy GS4: Safeguarding the Best and Most Versatile Agricultural Land

Policy GS5: Development and Biodiversity

Policy GS8: Safeguarding Geodiversity

Policy GS9: Managing Flood Risk

Policy GS10: Protection and Enhancement of Water Resources

Policy DE1: Local Context and Development Character

Policy DE9: Development and Heritage Assets

Aggregates supply and demand

5. As a minerals planning authority, the Council is required by Framework paragraph 213 to prepare an annual Local Aggregates Assessment (LAA), which can be a joint document. This requirement is also set out in the Planning Practice Guidance (PPG), which says that an LAA is required if an area produces, imports or exports aggregate (paragraph: 067 Reference ID: 27-067-20140306).

6. We note that the Council does not have an up-to-date LAA. For the purposes of examining the Plan, we need to be satisfied that there is likely to be a continuous supply of aggregates to meet demand. If not, the level of development proposed by the Plan (or the plans of neighbouring areas) may not be achievable.

7. To support the minerals policies in the Plan and meet the requirements of national policy, the Council should therefore produce an LAA in advance of the Stage 3 hearing sessions. This does not need to be a long document, but should be sufficient to meet the guidance on LAAs contained in the PPG. In particular, it should identify the anticipated demand for aggregates which the Plan is likely to generate, and the likely sources of supply. If any potential shortages, or impediments to supply, are identified, information should be provided as to how this can be addressed.

The Council can confirm that it is in the process of producing an up-to-date LAA and that it intends to submit the completed LAA in advance of the Stage 3 hearings and by 6 September 2024.

Waste

8. We note that the issue of waste is to be dealt with in a separate joint waste plan, to be produced with the other South Yorkshire authorities. According to the submission Plan, progress on the joint waste plan was due to start in 2022. Please can you provide an update on progress with

this joint waste plan - is it on track? What is the anticipated adoption date?

An update on the progress of the South Yorkshire Waste Plan was presented as part of the Matter 1 (Procedural/legal requirements) hearings on 26 June 2024, as part of the Councils' response to question 1.3. For completeness, a summary of that response is included here:

The Joint Waste Needs Assessment produced by 4 South Yorkshire authorities (Sheffield City Council, Barnsley Metropolitan Borough Council, City of Doncaster Council and Rotherham Metropolitan Borough Council) was completed in April 2022.

A Memorandum of Understanding (EXAM 4D) was agreed in December 2023 by the four local authorities to progress a Joint Waste Plan.

The four authorities are now working through their individual approval processes to publish Local Development Schemes for the Joint Waste Plan. The current intention is for all four to be published by the end of July 2024.

In advance of the Local Development Schemes being published, an indicative project plan can be provided:

- Procure consultants - August 2024
- Call for Sites - Autumn 2024
- Reg 18/Issues and Options - Summer 2025
- Reg 19/Publication - Spring 2026
- Examination - Late 2026/Early 2027
- Adoption - Summer 2027

9. Whilst waste policies will not form part of the formal examination of the Sheffield Plan, we need to be sure that the waste policies in the adopted Core Strategy, intended to be 'saved' until replaced by the new waste plan, stand up on their own once other Core Strategy policies have been replaced. We also need to ensure that they are consistent with policies in the Sheffield Plan. To address this issue, the Council may wish to include additional text in the Plan to explain the what the waste policies cover, and how they relate to the wider Plan strategy.

Upon reflection of this issue, the Council would like to suggest to the Inspectors that addition of the following paragraph is considered as a main modification within Part 1 of the Plan (Page 6, CD01), for reasons of soundness and consistency with the Framework:

1.28 The three saved Core Strategy policies set out overarching objectives for sustainably managing the City's waste (CS68), Safeguarding of major waste facilities (CS69) and enabling increased recycling and composting (CS70). The Core Strategy policies embrace the overall objectives set out in national policy of making

better use of waste through the reduction and re-use of materials and align with the aims and objectives set out within the Sheffield Plan, particularly around delivering a healthy and environmentally sustainable city.

10. On a more detailed note, the supporting text to Policies CS 68, CS 69 and CS 70 all refer to additional detail provided in the City Policies document – what is the status of that, both now and once the Sheffield Plan has been adopted?

The City Policies and Sites document was intended to be the second part of the Council's Local Development Framework (of which the Core Strategy formed the first part). A Regulation 19 consultation of the Pre-submission version of the City Policies and Sites document was undertaken in Summer 2013. However, this document was not submitted to the Government for public examination because the Council took the decision in December 2013 to produce an entirely new Local Plan (The Sheffield Plan). The document therefore has had little to no material weight in the planning application process since it was published in 2013 and waste applications have been successfully determined on the basis of Core Strategy policies CS68, CS69 and CS70 alone, with no reference to the City Policies and Sites document.

Once the Sheffield Plan has been adopted, the City Policies and Sites document will have no material planning weight. The Council is confident that this will have no impact on its ability to apply the saved Core Strategy to planning matters, until the adoption of the South Yorkshire Waste Plan.

We hope the above update is helpful but please let us know if you have any further queries.

Yours sincerely

A solid black rectangular box used to redact the signature of Michael Johnson.

Michael Johnson

Head of Planning