



Minerals
Planning
Conference

The Minerals Planning Conference

Priorities for a New Government





**PCAC
PEDW**

Penderfyniadau Cynllunio
ac Amgylchedd **Cymru**
Planning & Environment
Decisions **Wales**

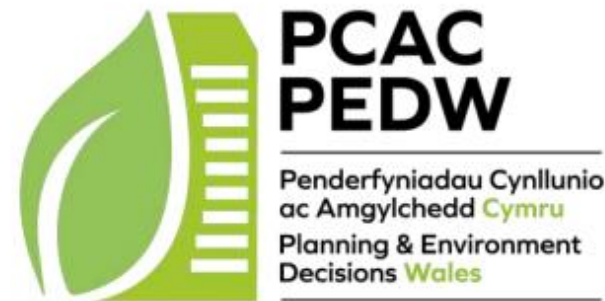
Presentation to 2024 Minerals Planning Conference

Vicky Robinson, Chief Planning Inspector

Who are PEDW and what do we do?

- Formerly Wales Directorate of Planning Inspectorate for England and Wales (PINS)
 - PEDW established on 1st October 2021 in response to increasing divergence in Planning across England and Wales
 - Part of Corporate Services and Inspectorates Directorate in Welsh Government
 - Team of 25 Planning Inspectors and 30 support staff - home working and Pan-Wales offices
 - Deal with Planning and Environmental casework in Wales on behalf of the Welsh Ministers
-

To deal with casework in a timely, fair, impartial, and open way to deliver for our stakeholders and enable good planning outcomes



Planning appeals

Environmental Permitting

Drought Orders

Enforcement Appeals

Listed Building Consent Appeals

Listed Building Enforcement

Developments of National Significance (DNS)

High Hedges

Appeals against listing

LDP Examinations

Rights of Way

Marine Licences

Common Land

Harbour Revision Orders

SuDs

Non validity appeals

Compulsory Purchase

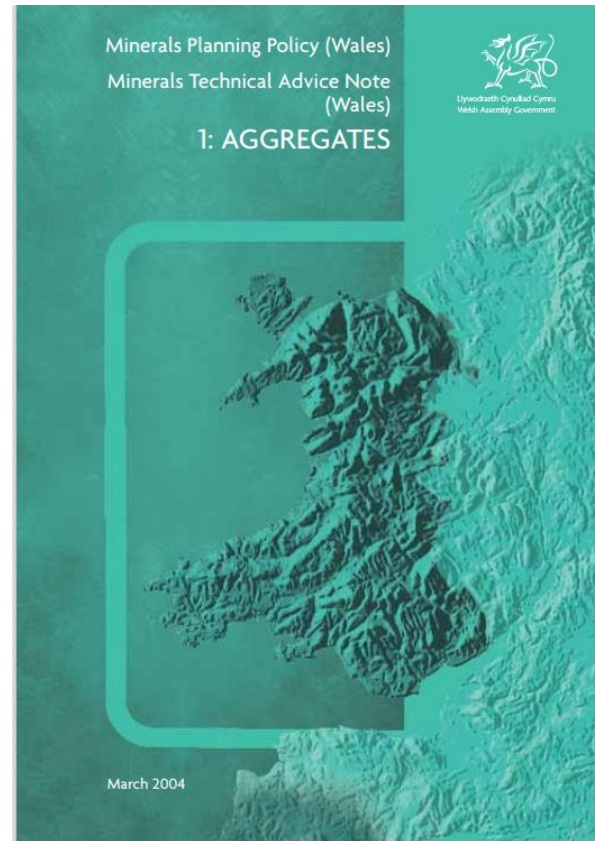
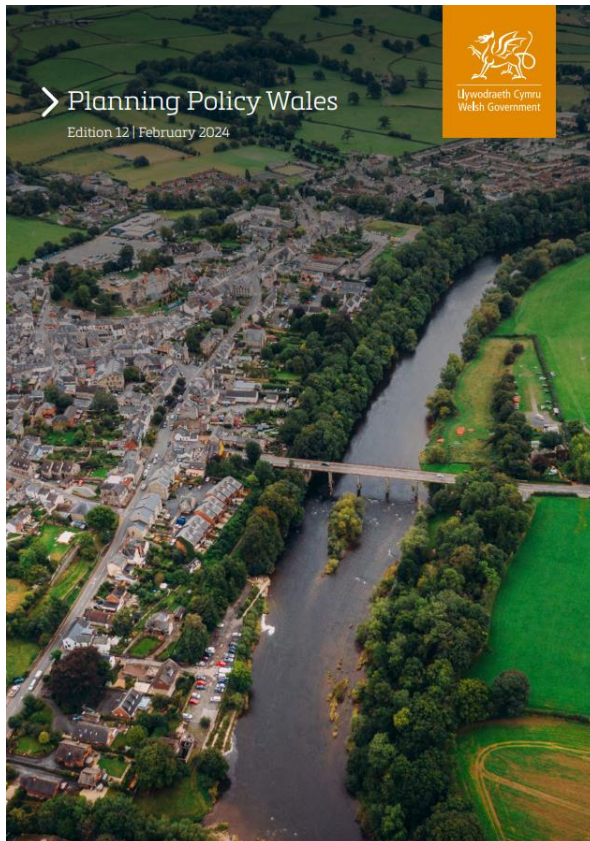
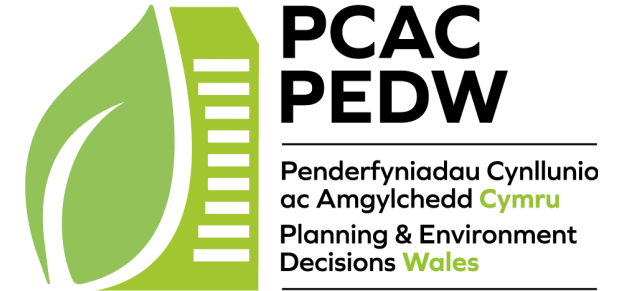
Transport and Works Act

Wayleaves

Electricity Act

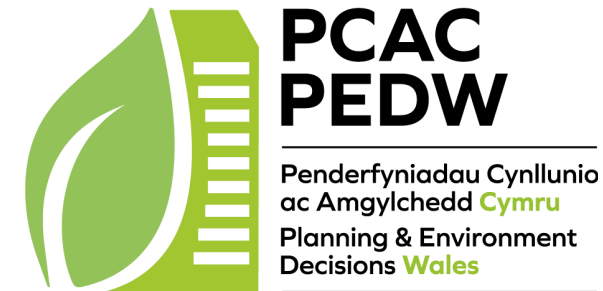


Welsh Planning Policy Framework for Minerals



Future Wales

The value of mineral and material resources and the industry this supports is important at the local, regional and UK levels. In 2015 the minerals products industry supported **3,800 jobs directly**, almost £650 million of sales/turnover and over £220 million of GVA in Wales. The industry plays a vital role in **supporting the Welsh construction** sector, which represents 6% of the Welsh economy, provides 88,000 jobs and has a turnover of £3 billion.



Our Mineral Resources

Welsh coal, steel and iron drove the industrial revolution, and our wind, solar and tidal resources point forward to a clean, sustainable future.

We depend on high quality natural resources to fuel our industries, provide our food, clean air and water and create jobs and wealth. We must carefully manage the use of our natural resources and ensure that through a strong circular economy, we maximise their use and contribution to society.

National Mineral Resources Map

Superficial resources

- Sub-alluvial sand and gravel
- River terrace sand and gravel
- Glaciofluvial sand and gravel
- Glacigenic, poorly sorted and locally clayey sand and gravel
- Blown sand, sand and gravel
- Tidal flat sand and gravel
- Peat, generally more than 1 metre thick

Bedrock resources

- Dolerite intrusions with potential for high specification aggregate
- Other igneous rocks including basalts, felsites, gabbros, tuffs and granites
- Sandstone with potential for high specification aggregate
- Quartzitic sandstone with potential for silica sand and silica rock
- Other sandstone
- Sandstone and conglomerate beneath overburden less than 10 metres
- High purity limestone (>97% CaCO₃): carboniferous
- Limestone other carboniferous
- Other limestone
- Slate
- Brick clay
- Brick clay beneath overburden less than 5 metres
- Salt (wet-rockhead)

Slate waste resources

- Slate waste

Mudstone and sandstone resources

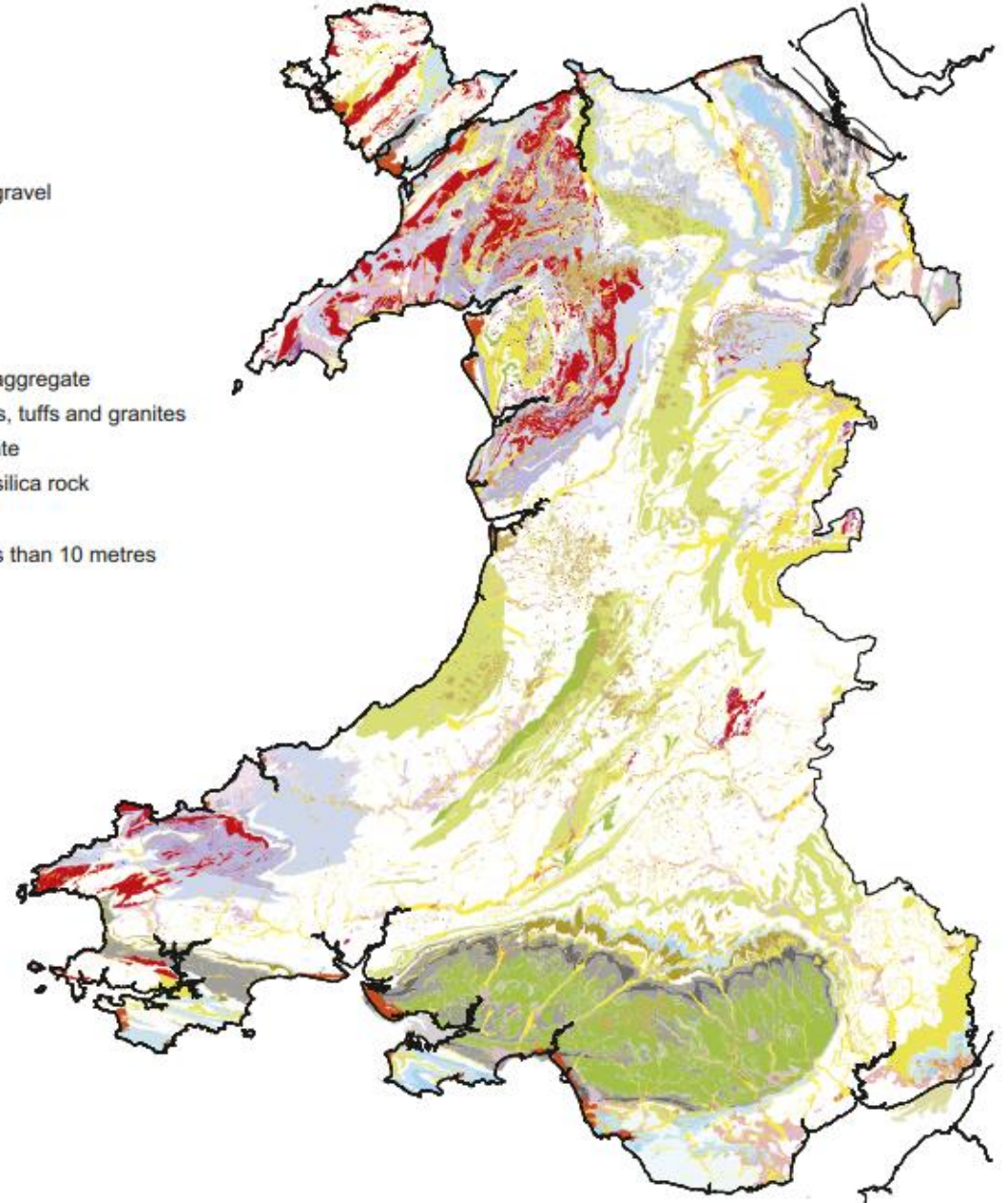
- Interbedded sandstones and mudstones

Mudstone and slate resources

- Potential slate resource with recorded workings

Coal resources

- Primary shallow coal resource
- Secondary shallow coal resource
- Tertiary shallow coal resource





Future Wales

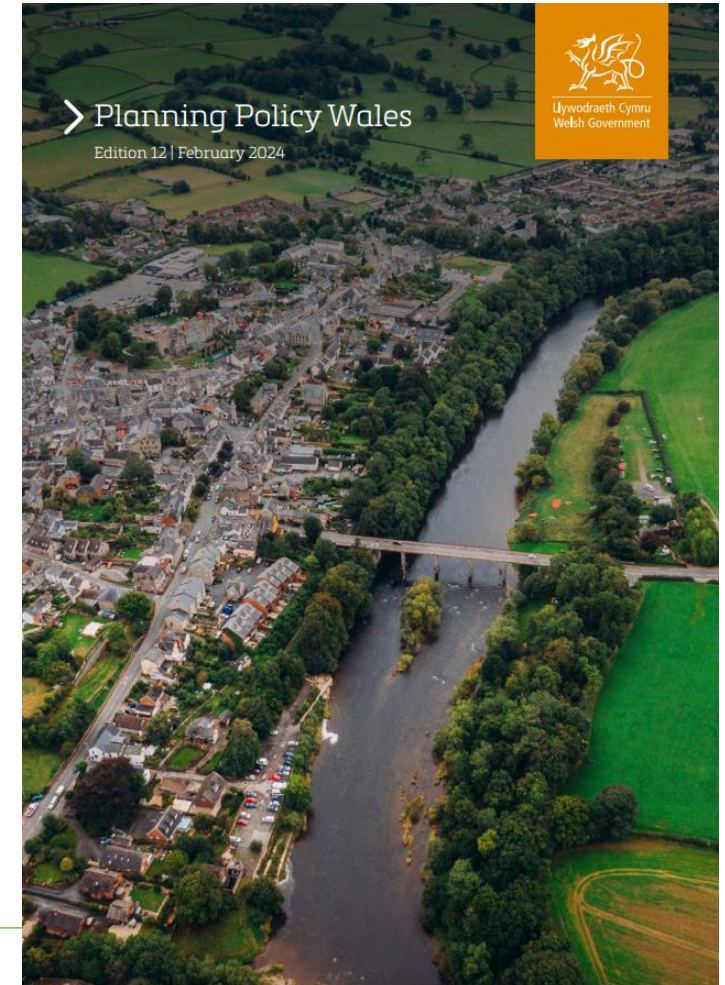
“Effective planning ensures that a reliable supply of minerals, which is capable of simultaneously meeting demand in all regions of Wales, is always available. This is vital for our economy and future growth.”

“Whilst Wales will still depend on the sustainable use of primary mineral resources, more will need to be done to increase the use of secondary and recycled materials.”

Planning Policy Wales (Ed. 12)

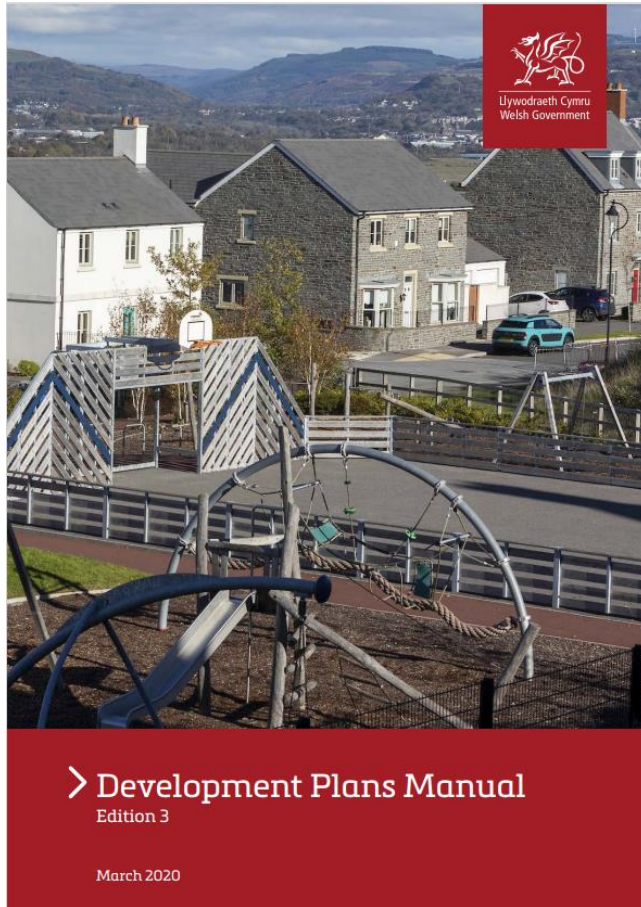
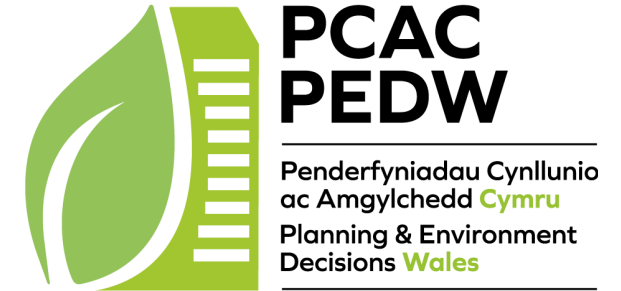
Section 5.14 - balance the adequate supply of minerals with the protection of amenity and the environment, key principles:

- provide for the safeguarding and working of mineral resources to meet society's needs
- protect environmental and cultural characteristic of places and to protect human health and safety and general well-being
- a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities



PEDW's role in Minerals Planning

PEDW – Examination of Development Plans: Strategic Development Plan (SDP) and Local Development Plan (LDP)



Future Wales: Policy 19

SDPs should establish for the region a co-ordinated framework for minerals extraction and the circular economy, including waste treatment and disposal.

- Soundness tests: Does the plan fit? Is the plan appropriate? Will the plan deliver?
- Strategy
- Allocations / need - Regional Aggregates Working Parties (RAWPs) and Regional Technical Statements (RTS)
- Development Management policies
- Evidence base to justify policies

PEDW in Development Management: Call in applications and appeals including enforcement notices and Orders

- Promote policy compliant sites
- Understand and meet mineral needs
- Engage in meaningful pre-application consultation with LPA and stakeholders
- Adapt if you can to address local concerns
- Supporting technical documents and evidence
- Shout about the positives
- Reduce / Manage / Mitigate the impacts



Call-in by Welsh Ministers

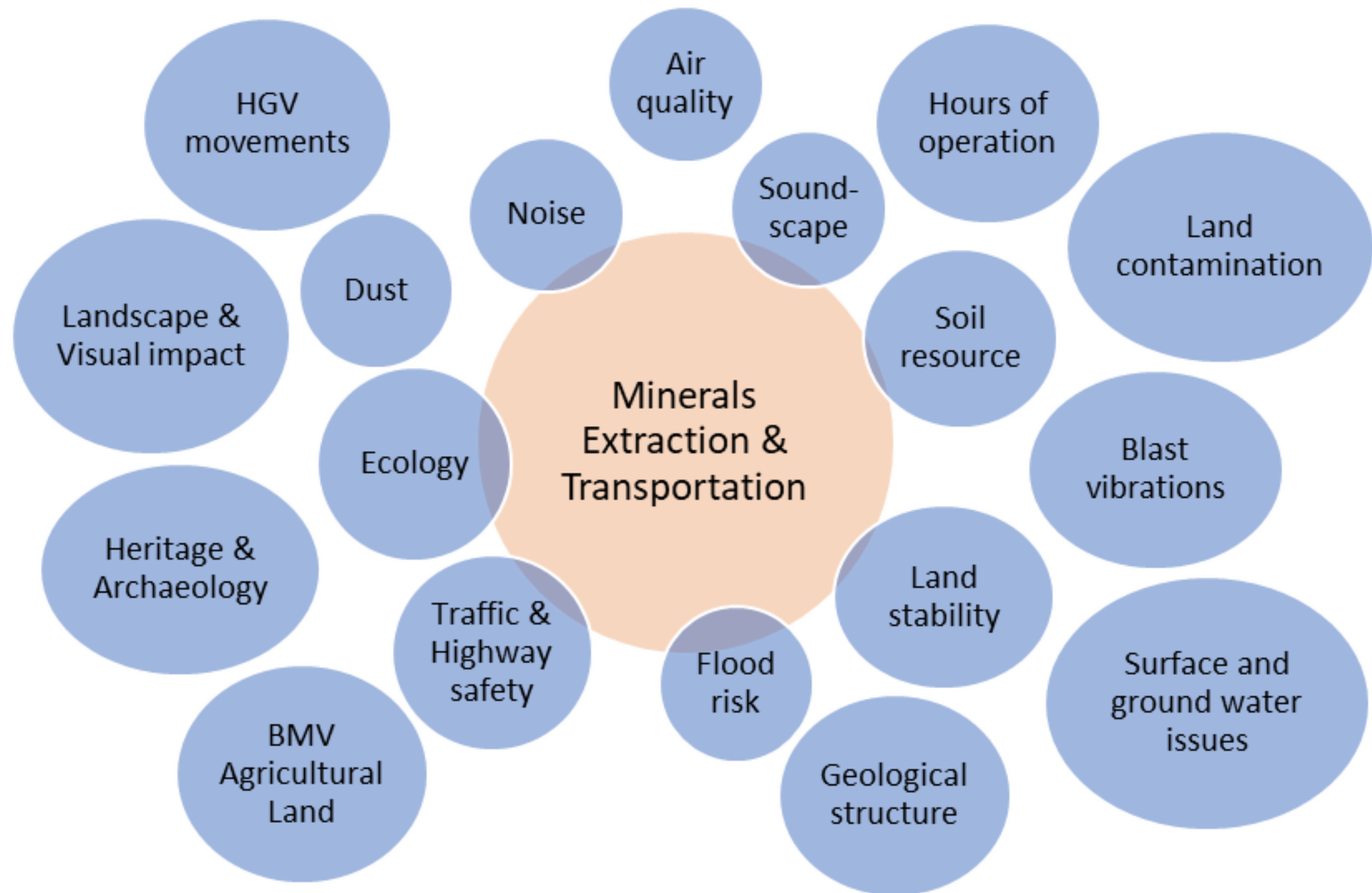
LPA's must refer to the Welsh Ministers applications which they **do not propose to refuse** for: [...]

Minerals Development – development consisting of or including the winning and working of minerals on new sites or extensions to existing sites, **not in accordance with** the provisions of **the development plan** in force in the area; and

Aggregates Development on new sites or extensions in **National Parks and Areas of Outstanding Natural Beauty**



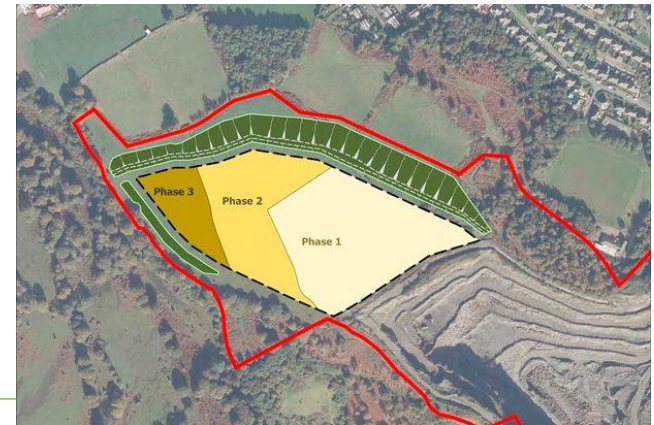
Julie James – Cabinet Secretary for
Housing, Local Government and Planning



Craig Yr Hesg Quarry (APP/L6940/A/20/3265358)

Western extension to existing quarry to include the phased extraction of an additional 10 million tonnes of pennant sandstone, and associated works

Planning Committee overturned officer recommendation to Approve. In refusing planning permission, Members gave little weight to factual technical statements and assessments underpinning the application, giving greater weight instead to the representation of local residents, which whilst important, were underpinned by little evidence.





Craig Yr Hesg Quarry (APP/L6940/A/20/3265358)

The Inspector noted where Members set aside the advice of the Planning Officers in coming to a decision, they must set out clear planning reasons for doing so. The LPA failed to do so.

The Inspector also noted the decision notice also failed to set out all planning policies which were relevant to the decision to refuse.

Craig Yr Hesg Quarry (APP/L6940/A/20/3265358)

Inspector recommended
Approval:

- No significant harm on road safety, blasting and vibration. Limited harm to local amenity (noise, air quality)
- Benefit for biodiversity and countryside access, national mineral need and economic benefits

Minister agreed, granted planning permission and awarded costs against the Council.

Controversial quarry extension plans given the go-ahead



Recovered appeal: Quarry to extend despite residents' concerns



W News ▶ Local News ▶ Pontypridd

Pontypridd quarry to get bigger and operate for six years longer despite public and council opposition

The council had rejected both plans for Craig yr Hesg quarry in Glyncoch but Planning and Environment Decisions Wales and a Welsh Government minister have approved them after an appeal

Award of Costs

In planning and enforcement appeals the parties are normally expected to meet their own expenses. Costs are awarded only when **unreasonable behaviour** is held to have occurred and this has caused the party seeking costs to waste or incur expense unnecessarily.

Annex 12 to the Welsh Government's Development Management Manual - an LPA may be at risk of an award of costs against it for:

“Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations”.

“Failure to produce evidence to substantiate the impact of the proposal, or each reason, or proposed reason for refusal (i.e. taking a decision contrary to professional or technical advice without there being reasonable planning grounds to do so)”.

“Failing to grant or support a further permission for a scheme that is the subject of an extant or recently expired permission, where there has been no material change in circumstances”.

Planning Appeals: Useful tips

- ✓ Fully explain grounds of appeal – address all reasons for refusal with reference to policy and other material considerations
- ✓ Adapt and concede when necessary
- ✓ Provide your supporting evidence early
- ✓ Secure statements of Common Ground
- ✓ Demonstrate your case with bespoke, case specific evidence e.g. up to date minerals demand
- ✓ Submit a completed Section 106 Unilateral Undertaking



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