

EXAMINATION OF NEWCASTLE UPON TYNE DEVELOPMENT AND ALLOCATIONS PLAN 2015-2030

WRITTEN REPRESENTATIONS

MIN/ADM/CORRES

Introduction

- 1 The Banks Group is a family owned, Durham based business which has successfully operated for the last 43 years across surface mining, renewable energy generation and property development. We employ over 300 skilled and capable people across the North East and Southern Scotland generating an average annual turnover of £100m. *Development with Care* is our guiding philosophy across all of our businesses and we work incredibly hard to ensure that communities in the areas where we have projects enjoy a positive experience through community engagement, responsible operating and community support. This approach is embedded within our culture and has been a key component of our long term planning success rate of over 85%.
- 2 As a business we mine and supply some one million tonnes of coal per annum from our UK operations into the power generation, industrial sectors and also the domestic house coal markets. Banks Mining is the only European operator to be fully accredited with Bettercoal (an international operating standard), see: <https://bettercoal.org/>, and is the first surface mine company to be awarded PRIME (Professional Recognition in Materials Extraction) status from the Institute of Quarrying, see: <http://www.quarrying.org/iq-news/prime-recognising-the-true-professionals-in-our-industry>.
- 3 Banks Mining welcome the opportunity to make written representations for the Examination of Newcastle Upon Tyne Development and Allocations Plan 2015-2030, hereafter referred to as the DAP. We would also like to confirm our wish to speak at the Hearing on Wednesday 10 July with regard to Matter 6: Minerals, Waste and Infrastructure.
- 4 Banks Mining previously made reps on the pre-submission Draft DAP on 16 November 2018. The content of those reps remain wholly relevant to this examination.
- 5 Our representations have been prepared by studying the DAP in conjunction with National Policy (NPPF2.1) and Guidance (NPPG) and the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP).

Matter 6: Minerals, Waste and Infrastructure

Policy DM33 – Minerals Extraction and Reclamation

- 6 In Banks Mining's previous consultation response to the pre-submission draft DAP, we suggested additional wording to the policy to account for and give great weight to the benefits of mineral extraction. In doing so, the policy would have aligned with paragraph 205 of NPPF2.1 (paragraph unchanged from NPPF2 at the time of previous response). Following our previous comments, this policy remains unchanged and subsequently so does our position, in that Policy DM33 is not positively worded or prepared, with the policy test for all mineral developments focussing on developments having to avoid unacceptable effects across a range of subject headings.

- 7 While the minerals industry, and Banks Mining in particular, has considerable experience and success in minimising the inevitable effects of quarrying and mining operations, the expectation in the policy that such effects can be eliminated is admirable. It is the aspiration of all developers including Banks Mining to eliminate any effects that may result from development. However, the reference to eliminating effects within Policy DM33 is simply a moot point, because this does not provide for the actual policy test of DM33. The policy test is in fact *“Proposals will need to demonstrate no unacceptable adverse impact on:”* and then continues to list a whole host of environmental criteria. Banks Mining therefore recommends that the reference to effects being eliminated in Policy DM33 is deleted because it is unnecessary and bears no relevance to the actual policy test.
- 8 The reference in the policy to effects being mitigated such that there are no *“unacceptable adverse effects”*, while welcome, inevitably introduces uncertainty as to what is meant by an unacceptable level of effect. The DAP document would therefore benefit from a reference to the section of the online NPPG which contains a wide range of guidance on the assessment of a number of the criteria listed in Policy DM33. Notwithstanding the above, Policy DM33 remains negatively worded as drafted.
- 9 Additionally, NPPF2.1 clearly states that the Framework should be read as a whole, and so in applying this, the wording of Policy DM33 needs to make provisions for the economic, social and environmental benefits from mineral extraction to accord with section 3 (Plan-making) of NPPF 3. In doing so, the policy and therefore the overall plan would *“be prepared positively, in a way that is aspirational but deliverable”*. We therefore propose the additional following wording:
- 10 When determining proposals for minerals extraction, great weight will be given to the benefits of minerals extraction. In assessing the benefits of individual proposals for minerals extraction, the following matters will also be considered:
- 10.1 The economic benefits of the proposal both nationally and locally, including contribution to the wider economy and the maintenance of employment and the creation of new employment opportunities.
 - 10.2 The contribution the extraction of the mineral will make to a steady and adequate supply of that material both locally and nationally
 - 10.3 Environmental enhancements, including those delivered through the restoration of the site following extraction and the after-use of the site and outside of the operational area
 - 10.4 The avoidance of a mineral resource being sterilised by non-mineral development

Policy DM34 – Mineral Area of Search

- 11 Banks Mining strongly support and welcome the inclusion of Land at Dewley Hill, Ponteland Road, north of Throckley as an area of search for mineral extraction. This accords with Policy CS20 of the CSUCP which sets out the policies that will ensure an adequate and steady supply of minerals to meet the region’s needs and support the Council’s social, environmental and economic objectives, with defining areas of search for minerals extraction in subsequent LDD’s as a mechanism for achieving this supply. Furthermore, Policy CS20 of the CSUCP allocates the entire Core Strategy plan area as

a mineral safeguarding area, and so it is correct for the DAP to go on and allocate land at Dewley Hill as an area of search.

- 12 This positive and pro-active approach in facilitating the sustainable use of minerals by the Council is recognition of the importance and value of indigenous resources of minerals, such as coal and fireclay on both a national and local scale. The plan correctly acknowledges that there is 800,000 tonnes of exceptionally high-quality coal on the Dewley Hill site. This high quality coal has a chemical make-up that is particularly suited for industrial uses such as steel manufacturing and cement works, and therefore the extraction of this mineral from Dewley Hill will provide economic sustainability to these industries on both a local and national scale. Secondly, the plan is correct to acknowledge an extensive fireclay reserve at Dewley Hill, but understates the level of fireclay by half as there is in fact 400,000 tonnes of fireclay contained within Dewley Hill, as opposed to the 200,000 tonnes stated in the plan. The winning of fireclay from the site will provide economically sustainable support to the local brick making industry.
- 13 The importance of this allocation is increased given that housing sites have been allocated nearby. Therefore, with the inevitable urban expansion of the city, it is vitally important that the coal and fireclay reserve at Dewley Hill is extracted in this plan period, otherwise it will be sterilised. Once the housing allocations have been built out then there will be greater risks of having unacceptable adverse impacts on surrounding properties, so it is imperative that the winning and working of the fireclay and coal reserve happens now.
- 14 To further contextualise the strategic importance of this allocation with particular regard to the extensive fireclay reserve on site, The National Association of Estate Agents (NAEA) stated in 2016 that a shortage of brick supply has been a contributing factor in rising house prices over the past decade, as growing demand for bricks is slowing down the supply of housing. Brick production in the UK currently runs at about 1.8 billion bricks per annum, and has been at around this level, or slightly below, for the last few years. For this reason, the level of annual housebuilding averages at around 150,000 new homes, which is far short of the 300,000 that was stated by Philip Hammond in the Autumn 2017 Budget. Given that the average house contains approximately 10,000 bricks, this suggests that brick production needs to increase by a further 1.4 billion bricks per annum (NAEA, 2016). To put this in the context of clay (approximately 3 tonnes of fireclay per thousand bricks), each articulated lorry load of material that leaves the site represents one house-worth.
- 15 Therefore, the allocation of Dewley Hill as an area of search for mineral extraction should be welcomed by all parties that are involved in ensuring housing need is met in an attempt to fix the UK housing market.

Concluding Remarks

- 16 Once again, Banks Mining would like to express their gratitude for being given the opportunity to make written representations for the Examination of the DAP and would hope to discuss these at the Hearing on Wednesday 10 July.
- 17 The allocation of land at Dewley Hill as an area of search for mineral extraction is encouraging, as it demonstrates a recognition of the importance of extracting indigenous resources of minerals, which allows local operators to cater for the demand that is created by the housing and industrial markets.

- 18 The overarching minerals policy has not been positively prepared, and therefore does not meet the requirements of policy-making as set out in NPPF2.1. It is imperative that wording is included to give great weight to the economic, environmental and social benefits of minerals development to accord with the different objectives of achieving sustainable development, where presumption in favour of sustainable development is at the very heart of National Planning Policy.

G Oldroyd/JB
6 June 2019