

Mineral Safeguarding Background paper

Appendices

Appendix 1 - National policy and guidance

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APPENDIX 1

National Policy and Guidance - Minerals Planning Statement 1

Government Policy on minerals safeguarding is set out in **Minerals Policy Statement 1 (MPS1) Minerals and Planning** published in November 2006. This is accompanied by a 'Good Practice Guide' to help planning Authorities and other interested parties interpret Government policy at the more local level. The relevant elements are set out below: All documents referred to are available on the internet.

National Objectives and Policies for Minerals Planning

Paragraph 9 states that one of the Government's objectives for minerals planning is to safeguard mineral resources as far as possible. Paragraph 10 goes on to state that to achieve this objective, Regional Planning Boards and Mineral and Local Planning Authorities should carry out their planning functions in accordance with the national policies for minerals safeguarding set out in Paragraph 13 which is reproduced below

- *define Mineral Safeguarding Areas (MSAs) in LDDs¹, in order that proven resources are not needlessly sterilised by non-mineral development, although there is no presumption that resources defined in MSAs will be worked;*
- *encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in MSAs;*
- *in unitary planning areas, define MSAs in LDDs to alert prospective applicants for non-minerals development to the existence of valuable mineral resources;*
- *in two-tier planning areas, include policies and proposals to safeguard mineral resources within MSAs in county LDDs and show MSAs in district LDDs. Counties should define Mineral Consultation Areas (MCAs) based on their MSAs. MCAs should also be reflected in district LDDs. Where a planning application is made for non-mineral development within a MCA, the district should consult the county on the application;*
- *district councils responsible for spatial planning of land defined in MSAs should not normally include policies and proposals in their LDDs for non-minerals development in those areas, or sensitive development*

¹ An LDD is a Local Development Document which includes all documents that make up the local or minerals and waste development framework).

around safeguarded mineral areas, where such policies would affect the potential for future extraction of minerals;

- *safeguard existing, planned and potential rail heads, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, particularly coal and aggregates, including recycled, secondary and marine-dredged materials;*
- *identify future sites to accommodate the above facilities and reflect any such allocations in the LDDs of district councils in two-tier planning areas. District councils in these areas should not normally permit other development proposals near such safeguarded sites where they might constrain future use for these purposes;*
- *safeguard existing, planned and potential sites including rail and water-served, for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. Where appropriate, identify future sites for these uses and reflect any such allocations in the LDDs of district councils in two-tier planning areas.*

MPS1 - Good Practice Guide

Guidance on minerals safeguarding is set out in Paragraphs 32 -35 which are reproduced below. This includes consideration of minerals storage, handling and transport sites.

- 32 *The planning system has an important role to play in safeguarding proven deposits of minerals which are, or may become, of economic importance within the foreseeable future, from unnecessary sterilisation by surface development. It is therefore important that mineral safeguarding areas (MSAs) are identified and that appropriate safeguarding policies are incorporated in DPDs. MSAs can be defined objectively using the best available geological and minerals resource information, including that published or held by the British Geological Survey or made available by the industry. However initially defined, areas will generally need to be refined in discussion with the industry and other stakeholders. It should be kept in mind that, in addition to proposed development within a MSA, incompatible development that is allowed close to a MSA may also lead to sterilisation of part of the reserves. It may be appropriate to develop policies for prior extraction of minerals, where practicable, within safeguarded areas.*
- 33 *In two-tier planning areas, safeguarding of mineral resources can be achieved only through county and district councils co-operating in the exercise of their respective planning powers over land with potential for mineral extraction. This can be facilitated by defining all, parts of, or*

marginally more than a MSA as a minerals consultation area (MCA). These provide the mechanism for district councils to consult county councils before granting planning permission, on any planning applications they receive for non-mineral developments which fall within the boundary of a MCA, and which would be likely to affect the winning and working of minerals. This arrangement should also be used by county councils to consult district councils before granting planning permission for mineral working which could affect other existing or proposed land uses. MPAs should seek advice from the minerals industries operating in their areas when they are considering the delineation of MCAs. However there is no presumption that resources safeguarded through MSAs or MCAs will actually be worked for minerals. Planning and minerals: Practice Guide 10 5 DETR Circular 2/99: Environmental Impact Assessment (1999), available at www.communities.gov.uk/index.asp?id=1144396

Safeguarding of potential storage, handling and transport sites

- 34 *The transport of minerals, particularly aggregates, cement materials and coal often requires storage and handling facilities. Safeguarding existing facilities, identifying future sites, including wharves, ports and depots, and establishing suitable transport links for bulk materials can be important to promote movement of material by rail, inland waterway and by sea, and thereby contribute to sustainable development. This will be particularly so in London and other metropolitan areas that rely on the importation of significant quantities of aggregate materials.*
- 35 *MPAs should be alert to the possibilities of combining such sites with those for the processing and distribution of recycled and alternative aggregate material. MPAs will also need to take account of the possibility that future use of such sites may be constrained if sensitive developments such as housing are permitted nearby. Therefore the safeguarding of such areas needs to be considered within the wider framework of spatial planning for the surroundings.*

A Guide to Mineral Safeguarding in England - British Geological Survey (October 2007).

This provides detailed information on how MPS1 can be complied with and is the main reference for this background paper.