Staffordshire County Council's Statement

Day 2

Safeguarding Minerals of local and national importance and important infrastructure

Issue: Whether the safeguarding policy is effective
1. Are the objectives of safeguarding sufficiently clear in the Plan so that the policy is effective?

1.1 Yes. Strategic objective 1 highlights that as part of making provision for minerals there is a need to ensure that important economic mineral resources are not sterilised. Policy 3 sets out how mineral resource safeguarding will be achieved as well as safeguarding infrastructure necessary for development and utilisation of mineral resources in accordance with national policy and best practice guidance.

1.2 Policy 3 defines mineral safeguarding areas which cover known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development. These mineral safeguarding areas are shown on the Policies and Proposals Map and can be viewed in more detail using the Council’s online mapping facility. The mapping will alert prospective applicants seeking planning permission for non-mineral development to the existence of economic mineral resources and indicate where the District Council’s need to consult the Mineral Planning Authority in relation to the consideration of the safeguarding policy. Similarly, the policy also aims to safeguard mineral infrastructure sites from constraint caused by non-mineral development proposals and these sites together with a consultation zone for each site, are also shown on the Policies and Proposals Map and can be viewed in more detail using the Council’s online mapping facility.

1.3 In accordance with national guidance the policy sets how proposals for non-mineral development within mineral safeguarding areas and mineral site infrastructure consultation zones should be considered. The mapping shows that minerals safeguarding areas affect urban areas within the county but a list of development exemptions has been drafted to ensure that implementation of the policy remains practical.

2. Are the respective roles of the planning authorities in Staffordshire sufficiently well understood and accepted so that the policy can be successfully implemented?

2.1 Yes. Staffordshire is a two-tier planning area meaning that safeguarding of mineral resources can only be achieved through the co-operation of both Staffordshire County Council and the District Councils when considering planning applications for non-mineral development affecting mineral resource areas as well as development proposals for inclusion in local plans.

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1 Refer to paragraph 143 of the NPPF
2 Refer to ‘Mineral safeguarding in England: good practice advice’ (2011) BGS/ Coal Authority
3 Refer to paragraph 003 Reference ID: 27-003-20140306 of PPG
The new Minerals Local Plan for Staffordshire 2015 to 2030
Response to Inspector’s Questions – Safeguarding Minerals of local and national importance and important infrastructure

2.2 The policy has been drafted with the co-operation of District Planning officers
and taking into account good practice as outlined in the BGS/ Coal Authority report, particularly information provided in a flowchart as shown below.¹

³ Refer to CD7 Duty to Cooperate Statement - June 2015
⁴ Refer to figure 4 of Mineral safeguarding in England: good practice advice (2011) BGS/ Coal Authority
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2.3 In relation to safeguarding mineral site infrastructure sites that have been permitted by the District Planning Authority, paragraph 7.24 indicates that the responsibility for safeguarding these sites rests with the District Planning Authority. This will be a matter for ongoing co-operation between the planning authorities.

2.4 The Council and the relevant District Planning Authorities have been co-operating for many years on mineral safeguarding issues. Examples include mineral safeguarding in relation to a major employment proposal at Chatterley Valley, Newcastle under Lyme that involves the prior excavation of Etruria Marl as part of the development (refer to N.04/11/2008M-218M) and proposals for a major housing extension for Burton-on-Trent known as Lawns Farm (refer to ES. 2012/01467 MCA) where the Council negotiated an approach to prior extraction of mineral.

3. Is the need for prior extraction of the mineral in appropriate cases recognised with sufficient clarity to enable the policy to be effective and to be consistent with national guidance?

3.1 National policy encourages the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place.

3.2 Policy 3.3 sets the criteria whereby non-mineral development can take place within a mineral safeguarding area. Where those criteria do not apply in determining a non-mineral development proposal within a mineral safeguarding area, Policy 3.4 would encourage prior extraction of the mineral before that development could be favourably considered.

3.3 It is accepted, however, that prior extraction should be also encouraged, where there is an overriding need for the non-mineral development, and the extraction would be practicable and environmentally feasible.  

4. Is Policy 3.3 c) consistent with national guidance?

4.1 Yes. Policy 3.3 c) is consistent with national guidance.  

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6 Refer to Council’s response to Lawns Farm housing proposal (refer to ES. 2012/01467 MCA).
7 Refer to paragraph 003 Reference ID: 27-003-20140306
8 Refer to paragraph 32 of Practice Guide to MPS1 (2006)
5. Appendix 6 lists exemption criteria for mineral safeguarding. Is the table sufficiently clear to enable the policy of safeguarding to be effective? This applies especially to criterion 13 “Within urban areas….”

5.1 Best practice advises that some types of development should be exempt so that implementation of the safeguarding policy is practical, particularly in circumstances where the mineral safeguarding areas are found within urban areas.

5.2 Appendix 6 is based on a list of exemptions included in the BGS/Coal Authority guide and in drafting the policy, an informal consultation was undertaken with the District Planning Authorities and the Coal Authority. Within urban areas, development which is not considered ‘major development’ is exempt and this exemption is based on correspondence with the Coal Authority and concerns about the use of size thresholds greater than one hectare (noting that a 5-hectare threshold is used in the Black Country Core Strategy). It is contended by the Coal Authority that prior extraction can be viable on sites as small as 0.03ha and there is not a minimum site size under which prior extraction of surface coal becomes unviable. Whilst urban areas in Newcastle under Lyme, Biddulph, Cheadle and Cannock are situated on coalfields, the proposed exemption is considered appropriate on a county wide basis.

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9 Refer to paragraph 5.2.6 of ‘Mineral safeguarding in England: good practice advice’ BGS/Coal Authority