Further Proposed Changes to:

- Policy 3 Safeguarding Minerals of Local and National Importance and Important Infrastructure; and,
- Appendix 6: Supporting Information for Policy 3 Safeguarding Minerals of Local and National Importance and Important Infrastructure

15 April 2016
Introduction
When the Final Draft – June 2015 version of our new Plan was submitted for Examination in January 2016, ‘proposed changes’ were also submitted for consideration by the Inspector.

In response to discussions at the Examination hearings, which started on 30 March 2016 and end on 13 April 2016, we now wish to make ‘further proposed changes’. The ‘proposed changes’ already submitted, together with the ‘further proposed changes’ taken together will represent the ‘main modifications’ and ‘additional modifications’ to the new Plan.

Main modifications are being made to address soundness issues, i.e. to ensure that the new Plan is ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’ (ref. National Planning Policy Framework – paragraph 182).

Additional modifications are being made to improve the new Plan e.g. to provide further clarification or to update the new Plan.

A schedule of main and additional modifications will be prepared and made available for public comment before the Examination closes and the Inspector completes his report, albeit that the Inspector will only consider representations on the main modifications at this stage (ref. Planning Practice Guidance – Local Plans – paragraph 024).

The further proposed changes
On Day 2 of the Examination, it was suggested by the Mineral Products Association (MPA) that where mineral safeguarding areas wash under urban areas that the safeguarding area for minerals other than coal and clay should be limited to a buffer of 250m inside the urban area and that all proposed non-mineral development within this buffer zone should be considered in terms of their potential to unduly restrict the development of mineral resources close to urban areas. This matter was not previously raised by the MPA and having given it careful consideration we are of the view that such a change would over complicate the application of the safeguarding policy.

Notwithstanding the above, we wish to make further proposed changes to Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure and appendix 6 for the reasons set out below:

1. To clarify that the exemptions in appendix 6 that apply to mineral sites and mineral site allocations in mineral safeguarding areas (ref. Policy 3.2 (b)), should also apply to mineral infrastructure sites, we wish to make further proposed changes to Policy 3.5 and to the supporting text at paragraph 7.24.

2. To clarify that the relevant sites, with a 250 metre consultation zone drawn around them, will be made publically available via our internet based mapping service and the data will be shared with the district planning authorities for their use, we wish to make a further proposed change to the supporting text at paragraph 7.24.
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3. To update the list of exemptions in appendix 6, we wish to make a further proposed change by deleting the fourth exemption to remove ‘applications for minor development’ as ‘minor development’ is no longer defined in the Town and Country Planning (General Development Management Procedure) (England) Order 2015.

4. To clarify the exempt applications that fall within the development boundary of urban areas and rural settlements, we wish to make a further proposed change to add a new exemption in appendix 6.

5. Finally, to clarify that the exemption applies to urban areas within the coal and fireclay safeguarding areas only, we wish to make a further proposed change to exemption 13 in appendix 6.

Explanatory note: Extracts from the Final Draft – June 2015 (with tracked proposed changes) version of the new Plan are provided below. The ‘proposed changes’ are shown tracked in red and the ‘further proposed changes’ are shown tracked in blue.
Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure

Safeguarding important mineral infrastructure sites

3.5 Where there are mineral infrastructure sites used for mineral processing, handling, and transportation, except for those types of development set out in appendix 6, non-mineral development should not be permitted unless it has been demonstrated that:

a) the non-mineral development would not unduly restrict the use of the mineral infrastructure site; or

b) the material planning benefits of the non-mineral development would outweigh the material planning benefits of the mineral infrastructure site; or,

c) the mineral infrastructure can be relocated; or

d) alternative capacity can be provided elsewhere.

Reasons for the Policy

7.24 Policy 3 also aims to safeguard: mineral sites and mineral site allocations (Policy 3.2 (b)); and, mineral infrastructure sites used for mineral processing, handling, and transportation (Policy 3.5); from non-mineral development which would unduly restrict the use of those sites. A list of the existing mineral infrastructure sites associated with existing quarries is provided in appendix 6 and these sites are also shown on the Policies and Proposals Map. Responsibility for these sites rests with the County Council. Whereas responsibility for safeguarding other mineral infrastructure sites including To assist developers and district planning authorities in applying this policy relevant sites, permitted by the County Council, together with a 250 metre consultation zone drawn around each site, will be made publically available via our internet based mapping service and the data will be shared with the district planning authorities for their. We will also expect the district planning authorities to apply this policy to mineral infrastructure sites that they permit in their areas e.g. stand alone concrete batching plants and coating plants, rests with the district planning authorities and detailed online mapping of the mineral infrastructure sites shows a 250 metre consultation zone which is intended to assist Local Planning Authorities when considering nearby non-mineral development. In relation to the disused railway that connects with the Cauldon quarries, the district local plan safeguards the route and supports the reuse for commercial purposes.

1 Refer to paragraph 006 Reference ID: 27-006-20140306 of the PPG
2 Refer to Policy T2 of the Staffordshire Moorlands Core Strategy – March 2014
Appendix 6: Supporting Information for Policy 3 Safeguarding Minerals of Local and National Importance and Important Infrastructure

Table 7: Exemptions Criteria for Mineral Safeguarding

1. Applications for householder development;

2. Applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;

3. Applications that are in accordance with the development plan where the assessment of site options took account of potential mineral sterilisation;

4. Applications for minor development. Applications that fall within the development boundary of urban areas and rural settlements identified in an adopted development plan document, other than:
   a) non-exempt applications that fall within the mineral consultation zones around mineral sites, mineral site allocations and mineral infrastructure sites; and,
   b) non-exempt applications that fall within the coal and fireclay safeguarding areas (see 12 below);

5. Applications for advertisement consent;

6. Applications for reserved matters after outline consent has been granted;

7. Prior notifications (telecoms, forestry, agriculture, demolition);

8. Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);

9. Applications for works to trees;

10. Applications for temporary planning permission;

11. Applications for listed building consent;

12. Applications for non-compliance of conditions where this relates to non-mineral issues;

13. Applications within urban areas affected by the coal and fireclay safeguarding areas, where the development does not constitute ‘major development’ as defined by the Town and Country Planning (General Development Management Procedure) (England) Order 2015 (Article 2).