

MINERALS SAFEGUARDING

PRACTICE GUIDANCE

**THE MINERAL PRODUCTS ASSOCIATION
AND
THE PLANNING OFFICERS' SOCIETY**



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1. INTRODUCTION

- 1.1 Minerals provide the main constituents for most construction materials, such as asphalt, cement, concrete, bricks, mortar, glass, plaster, ceramics, and for uses as diverse as chemicals manufacture, pharmaceutical products, agriculture, and the production of paper and steel. The largest tonnages extracted and supplied are construction aggregates (crushed rock, sand and gravel, and products like concrete, cement, and asphalt) and industrial materials. Manufacturing and energy industries also require a wide range of minerals.
- 1.2 National planning policy¹ makes it clear that *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs'*. To help achieve this it requires that minerals and minerals infrastructure are safeguarded (protected) for the long-term.
- 1.3 Safeguarding aims to **avoid the un-necessary sterilisation** of mineral resources, where non-mineral development effectively prevents surface extraction of underlying mineral. It also aims to **avoid loss of key minerals infrastructure or unreasonable constraint** on their operation, or of **active or proposed extraction sites**, that may result from the introduction of proximate sensitive development.
- 1.4 Local Planning Authorities (district & borough/city councils in 2-tier areas) as well as Mineral Planning Authorities (counties, unitaries and London Boroughs) have responsibility for implementing mineral safeguarding, principally considering the potential effect on mineral resources and supply infrastructure (and so compliance with minerals policies) when allocating sites in plans and considering applications for non-minerals development.
- 1.5 Mineral resources are not evenly distributed and can only be worked where they occur naturally. They are also essentially finite – once extracted they will not be replaced – although construction minerals can remain in use for decades or centuries in the structures from which they are built.
- 1.6 The movement of minerals requires the right facilities – rail depots, sidings, and wharves – of the right size, in the right place. Transport by water and rail makes movement of these low value bulk materials economically viable and reduces carbon dioxide and other emissions, as well as congestion. Such facilities are also important for import and export of industrial minerals. Many areas are increasingly reliant on imports of these raw materials as their own economic mineral resources are heavily constrained or becoming depleted.
- 1.7 Loss of capacity through direct loss or closure of sites or constraints posed on their operation through proximate sensitive development may threaten the sustainable supply of these essential raw materials.

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 1.8 Sterilisation of mineral resources and loss or constraint of minerals infrastructure can be both direct and indirect:
- Direct: Built development constructed on land bearing a mineral resource preventing its current or future extraction. Development on minerals infrastructure sites results in loss of capacity to supply materials from that site.
 - Indirect: Development in proximity to an existing quarry and/or mineral resource or minerals infrastructure site may be sensitive to impacts, especially noise, and lead to constraints on extraction or operation. It can also constrain accessibility of sites and constrain productivity.
- 1.9 **Safeguarding of mineral resources, minerals transport, processing and supply infrastructure is, therefore, essential to help ensure that resources and infrastructure are not un-necessarily sterilised or constrained, and are available for use now and, importantly, for future generations.**

2. SCOPE & PURPOSE OF THIS GUIDANCE

- 2.1 This Guidance is intended to provide practical advice on the **implementation of policy for safeguarding** mineral resources and infrastructure through plan-making and development management.
- 2.2 Section 3 provides a brief overview of national policy and guidance. This primarily relates to England, although similar national planning policies providing for safeguarding of resources and infrastructure apply in Scotland and Wales.
- 2.3 Section 4 provides detailed guidance on the implementation of safeguarding policies **and the safeguarding process for Local Planning Authorities and to non-minerals applicants/developers**. This section is also relevant to landowners or owners of mineral rights.
- 2.4 Section 5 provides guidance to **Mineral Planning Authorities** on developing and implementing planning policies for safeguarding of minerals resources and mineral supply infrastructure, drawing on good practice including Supplementary Planning Documents (SPDs) and development plan documents – see **Annex 3** for examples.
- 2.5 There is existing detailed guidance on minerals safeguarding policy² - known as the *BGS Practice Guide*. Although published in 2011 just prior to the publication of the original National Planning Policy Framework (NPPF, 2012) it remains valid and is widely used by minerals planning authorities in defining Mineral Safeguarding Areas (MSAs) and developing minerals planning policies. This Guidance does not attempt to reproduce or supersede the existing *BGS Practice Guide* or that included in Planning Practice Guidance (PPG), but aims to provide additional detail particularly on implementation.

² Wrighton CE, McEnvoy FM, and Bust R (2011) Mineral safeguarding in England: good practice advice (OR/11/046) <http://pubs.bgs.ac.uk/publications.html?pubID=OR11046>

- 2.6 This guidance addresses safeguarding of mineral resources and infrastructure, but many of the principles will relate to safeguarding of other types of essential infrastructure, including waste facilities³.

3. NATIONAL POLICY & GUIDANCE

- 3.1 The National Planning Policy Framework (NPPF) sets out the requirements for the safeguarding of both mineral resources and infrastructure:
- 3.2 Paragraph 204 requires that planning policies should:
- c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);*
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;*
- 3.3 Paragraph 206 makes it clear that:
- ‘Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.’*
- 3.4 Further guidance on safeguarding is set out in Planning Practice Guidance⁴ (PPG), which includes the purposes of safeguarding, the steps that should be taken by Mineral Planning Authorities to define appropriate MSAs, and the responsibilities for safeguarding.
- 3.5 PPG clearly identifies **the role of Local Planning Authorities** (District/Borough/City councils in two-tier areas) in delivering safeguarding:
- *having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District/Borough/City councils should show Mineral Safeguarding Areas on their policy maps;*
 - *in those areas where a mineral planning authority has defined a [Minerals Consultation Area](#), consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
 - *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.*⁵

³ National Planning Policy for Waste (Paragraph 8):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

⁴ <https://www.gov.uk/guidance/minerals#minerals-safeguarding>

⁵ Paragraph: 005 Reference ID: 27-005-20140306

3.6 PPG also advises that:

Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:

- *ensure that sites for these purposes are available should they be needed; and*
- *prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.*

In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority.⁶

3.7 Also of relevance to safeguarding of minerals infrastructure is paragraph 182 of the NPPF that introduces the ‘agent of change principle’ and requires that:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

3.8 While this Guide is principally aimed at English planning authorities, it could also be applied in Scotland and Wales, where national planning policies⁷⁸ also provide for safeguarding of mineral resources and infrastructure.

⁶ Paragraph: 006 Reference ID: 27-006-20140306

⁷ Scottish Government (2014) [Scottish Planning Policy](#)

⁸ Welsh Government (2018) [Planning Policy Wales Edition 10](#)

4. GUIDANCE FOR LOCAL PLANNING AUTHORITIES & NON-MINERALS DEVELOPERS - IMPLEMENTING SAFEGUARDING

Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs)

- 4.1 Minerals Plans prepared by Mineral Planning Authorities are part of the development plan. Minerals Plans define **Minerals Safeguarding Areas (MSAs)** that include areas of known resources, existing permitted reserves⁹ and quarries including access roads. Minerals Plans also safeguard existing and allocate and subsequently safeguard sites for minerals infrastructure development.
- 4.2 MSAs are identified and delineated in the Policy Map of minerals local plans, often supported by interactive detailed maps and GIS layers with clear boundaries to enable interrogation and use by developers and Local Planning Authorities.
- 4.3 **Minerals Consultation Areas (MCAs)** may also be designated by Mineral Planning Authorities and delineated in the minerals local plan, identifying the area in which the Local Planning Authority should consult with the Mineral Planning Authority on local plan site allocations and planning applications. MCAs are based on MSAs but often extend beyond these in the form of a 'buffer' (generally between 100m and 500m, and commonly 100-250m) around MSAs or mineral infrastructure sites.
- 4.4 MCAs and MSAs form the basis for **triggering consultation** between local planning authorities and mineral planning authorities in two tier areas, and allow for the consideration of:
- the potential sterilising effects on mineral resources; or
 - the potential constraint on operation of mineral supply infrastructure;
 - The consistency of the non-mineral development proposal with minerals policies.

The Role of Local Planning Authorities

- 4.5 As described in Section 1, non-mineral related land use decisions have the potential to impact on the working and winning of minerals and operation of minerals infrastructure.
- 4.6 Local Planning Authorities (Unitary/Metropolitan, District/Borough/City councils and National Park Authorities) are the planning authority responsible for the majority of non-mineral planning decisions (e.g. housing, industrial and commercial developments), and allocate sites in Local Plans for such developments. It is crucial, therefore, that they are fully aware of the wider responsibility of ensuring that minerals resources and infrastructure safeguarding is taken into account properly and fully when making decisions.

⁹ In land use planning terms, reserves are those minerals that have planning permission for extraction – for definition of 'resources' and 'reserves' see <https://www.bgs.ac.uk/mineralsUK/mineralsYou/resourcesReserves.html>

- 4.7 Early engagement in plan-making and considering relevant planning applications (in MCAs) between Local Planning Authorities and Mineral Planning Authorities, as well as with developers is essential, so that safeguarding requirements can be identified and addressed alongside other development considerations.

Local Plans – Site Allocations

- 4.8 Local Planning Authorities should take account of minerals safeguarding when preparing their local plans, as should bodies preparing neighbourhood plans. **Consultation with the Mineral Planning Authority as early as possible** will help identify potential issues and conflicts with minerals policies.
- 4.9 Allocation of sites for non-minerals development within MSAs and proximate to safeguarded minerals infrastructure sites should be avoided where possible. Proposed site allocations within an MCA should trigger consideration of the potential sterilising effect of local plan policies and allocations on mineral resources and reserves, and potential effects on operation of proximate minerals infrastructure.
- 4.10 However, safeguarding is not absolute. Where other considerations indicate that a proposed site allocation within an MSA is appropriate, or the allocation for development is of overriding importance to safeguarding, mitigation measures to reduce the area and amount of resource sterilised should be considered.
- 4.11 The potential for prior extraction of mineral should be explored and maximised. The presence of safeguarded resources should be identified in the Local Plan in order that developers take these considerations into account at the earliest stage. This should be specified in site allocation policy and subsequently discussed at pre-application stage. Where prior extraction is found to be acceptable, consideration should be given to potential for phasing of development to enable this as part of the delivery programme.
- 4.12 Where proposed development allocations are proximate to minerals infrastructure, in accordance with the ‘agent of change’ principle, it will need to be demonstrated that mitigation would reduce the sensitivity of the development to an acceptable level, and this should be specified in site allocation policy and subsequently discussed at pre-application stage.

Development Proposals

- 4.13 Local Planning Authorities should consult the Mineral Planning Authority on planning applications¹⁰ within an MCA as soon as possible, as part of **pre-application** discussions/advice. This will enable initial advice to be provided on safeguarding, the degree of potential impact/sterilisation to be considered, along with potential measures to avoid or mitigate impacts, and potential for prior extraction of minerals.

¹⁰ This should include Prior Approval notifications under the GPDO, unless the Mineral Planning Authority has adopted policies specifying what size/type of development proposals that are included in its bespoke consultation requirements .

- 4.14 The presence of safeguarded minerals can be used to influence master plans to exclude areas of resource from development or be considered in the phasing of development to allow for prior extraction.
- 4.15 For minerals infrastructure, pre-application discussions and advice will enable explanation of the operation, potential issues affecting proximate development, and discussion of measures that could be incorporated to mitigate their sensitivity.
- 4.16 Pre-application advice should identify whether the application site is within an MSA/MCA. If it is and it meets any defined scale thresholds, advice should highlight the need for **Mineral Resource Assessment** or **Minerals Infrastructure Assessment** to accompany an application¹¹.
- 4.17 Where applications are submitted that are within MSAs/MCAs, the Mineral Planning Authority should be consulted as soon as possible to enable a response within the consultation period. Such consultation is a statutory requirement by reason of Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990. Local Planning Authorities should ensure that a Minerals Resource Assessment or Mineral Infrastructure Assessment is submitted as part of the application details.
- 4.18 Certain types of development are very unlikely to have an impact on safeguarding, including householder applications, minor extensions, and reserved matters (unless relating to mitigation measures to make the development acceptable in line with safeguarding policies), and these should generally be specifically excluded from the safeguarding and consultation process (under the provisions of Paragraph 7 of Schedule 1 of the Town and Country Planning Act 1990). Types of development exempt from safeguarding should be articulated in the Minerals Local Plan.
- 4.19 In order to make the process manageable, some Mineral Planning Authorities may apply size criteria to developments so that consultation only occurs where there is likely to be a significant risk to safeguarding. Some have applied this to restrict mineral resource safeguarding only to 'major' development, or to area thresholds¹². However, applying such thresholds rigidly may exclude small developments that can sterilise a large amount of mineral, or a mineral of national importance, due to their location.
- 4.20 It is not likely to be appropriate to apply size thresholds to development in MCAs proximate to minerals infrastructure, as all development may be sensitive to noise and result in nuisance being experienced, that may lead to constraints on site operations.
- 4.21 Table 1 below summarises responsibilities for consultation on planning applications or site allocations within MSAs and MCAs.

¹¹ Local Validation Checklists may be used to establish the minimum requirements for and MRA or MIA (see Annex 1 and 2)

¹² For example, Hampshire County Council apply a 3 ha threshold and Essex County Council apply a 5 ha threshold

Table 1: Responsibilities for Safeguarding

Organisation	Role
Applicant/developer	Consult MSA and MCA maps. If within MSA/MCA, seek advice at pre-application stage from the local Planning Authority on the need to prepare a Minerals Resource/Infrastructure Assessment to demonstrate compliance with any safeguarding policy. Local Planning Authority or developer may also need specific advice from Minerals Planning Authority on scope.
Local Planning Authority (District/Borough/City in 2-tier areas)	<p><u>Local Plan and Site Allocations:</u></p> <p>Consult the Mineral Planning Authority and MSA/MCA maps and at the earliest opportunity in the plan-making and site allocation process.</p> <p>Assess effect of plan options on mineral resources as part of SA / SEA process associated with Plan.</p> <p>Avoid allocations in MSAs where possible.</p> <p>If an allocation is proposed within MSA, identify minerals as an issue for development of the site and consider opportunities for mitigating sterilisation, including extraction of mineral prior to/as part of/requirement of development. Require Minerals Resources Assessment in site allocation policy.</p> <p>Avoid allocations proximate to safeguarded infrastructure where possible.</p> <p>If allocation is proposed proximate to safeguarded quarry or infrastructure, consider sensitivity of development and potential constraining impact on minerals operations, and require that mitigation measures are included to reduce the potential sensitivity of the proposed non-minerals development which avoid constraining the operation in line with the ‘agent of change’ principle (see para 3.7 and NPPF para 204e). The Local Plan can refer to the Minerals Local Plan and include safeguarding requirements in site allocation policy.</p> <hr/> <p><u>Development Management/Applications</u></p> <p>Consult the Mineral Planning Authority on applications in MSAs/MCAs at the earliest opportunity.</p> <p>Alert applicants to minerals safeguarding policies and the need for Minerals Resource/Infrastructure Assessment as early as possible including pre-application.</p> <p>Include the requirement for a Minerals Resource/Infrastructure Assessment in the Local Validation List.</p>
Minerals Planning Authority	Provide advice to District Planning Authorities on: <ol style="list-style-type: none"> 1) proposed Local Plan allocations for built development – on level of mineral resource assessments required from developers; 2) pre application discussions; and 3) planning applications in MSAs

Minerals Resource Assessments

- 4.22 In order to demonstrate compliance with mineral safeguarding policies (see Section 5), developers will be required to provide sufficient information to enable the Minerals Planning Authority and Local Planning Authority to consider the potential effect of non-exempt development in MSAs/MCAs on mineral safeguarding, and the viability of prior extraction of mineral ahead or in conjunction with the non-mineral development.
- 4.23 Such information should be in the form of a **Minerals Resource Assessment**.
- 4.24 The Minerals Resource Assessment should provide the following information (as further detailed in **Annex 1**):
- The type of mineral resource(s) thought to be present;
 - the potential extent of sterilisation which could occur as a result of the development in terms of tonnage;
 - Economic value and viability of the mineral, i.e. the market interest.
 - Site specific considerations that may affect feasibility or acceptability of extraction from the Site;
 - Potential options for prior extraction including the amount that could be extracted, nearby operators that could extract and process the material, or opportunities for on-site use
- 4.25 The Minerals Resource Assessment must be to a standard acceptable to the Minerals Planning Authority, which may mean being carried out by a competent person with the appropriate qualifications/professional background e.g. minerals surveyor. It should demonstrate compliance with safeguarding policy. An inadequate Minerals Resource Assessment, or failure to demonstrate compliance with policy could lead to an objection to the development by the Minerals Planning Authority, which will be a material consideration in determination of the application by the Local Planning Authority.
- 4.26 Basic information can be provided through desk-based appraisal of existing information including reference to existing geological maps, borehole data and previous site investigations, existing geological information, key constraints on extraction from the Site, and through site walk-over and discussion with mineral operators in the area. However, information must be representative of the whole site as reliance on limited data, for example from one existing borehole sample, is likely to be misleading.
- 4.27 Minerals Planning Authorities should be prepared to support the LPA in its determination of applications including drafting reasons for refusal or for conditions to be attached to avoid or mitigate potential effects on safeguarding, and any subsequent appeal where permission has been refused on safeguarding grounds.

- 4.28 While desk-based assessments can provide some of the information required for Mineral Resource Assessments, particularly where it can be clearly demonstrated that the site would be unlikely to ever be suitable for minerals extraction or sterilisation would be minimal, it is likely that additional information will be required.
- 4.29 Additional information should be obtained through site ground investigations sampling of the underlying mineral through boreholes and/or trial pits. This would enable quantification of the amount of mineral that may be sterilised, and through assessing its quality, estimate the value of that mineral. Such investigation may be undertaken in association with other assessments involving ground investigation, including archaeological or flood risk and hydrological assessments.
- 4.30 Again, early discussions are encouraged with the Mineral Planning Authority to agree a trial pit/borehole sampling plan to ensure that investigations will be likely to obtain sufficient information for the site as a whole.
- 4.31 Site assessment, including exploratory ground investigations and subsequent analysis of samples to ascertain quality against accepted mineral specifications, should be undertaken by professional geologists and/or mineral surveyors. Often this can be done at the same time as archaeological investigations on certain shallower mineral deposits.
- 4.32 In preparing the Minerals Resource Assessment, consultation with mineral operators may be helpful to provide an indication of the likely quality and extent of the resource (reflecting local market knowledge and experience), local market demand, and ability and willingness to extract and process the material (commercial viability).
- 4.33 Having ascertained the presence, quantity and quality of mineral that may be sterilised, the other components of a Minerals Resource Assessment (reflecting Minerals Local Plan safeguarding policy criteria) also need to be addressed in order to satisfy the Mineral Planning Authority. It may be that it is immediately evident that mineral extraction is neither viable nor environmentally acceptable and so the Assessment will only need to be relatively simple.
- 4.34 The Mineral Resource Assessment needs to set out clear conclusions as to the viability of extraction of mineral from the proposed development site, taking account of the presence or absence of constraints, the amount (tonnage) and economic value of the mineral that will be sterilised. It must be borne in mind that safeguarding is about the long-term conservation of finite resources, and so current economic value and viability is only one consideration.

Prior Extraction

- 4.35 The Minerals Resource Assessment may conclude that extraction of all or some of the mineral on site prior to or during construction may be possible. This can be a means of reducing the amount of sterilisation resulting from a development for which an over-riding need has been demonstrated. It is likely to be an option for relatively

shallow deposits (for example sand and gravel, building sand, silica sand) rather than for rock.

- 4.36 Consultation by an applicant with local mineral operators can help to determine commercial interest in undertaking extraction, and proximity to suitable processing plant. The interest of and value to a local operator is likely to depend on local circumstances including the amount of material available, arrangements with land or mineral owners, consent for extraction being secured, acceptability of working the site, local market and uses for the material, its relative scarcity and value, proximity to existing processing plant and constraints on use of this plant eg restricting import of material.
- 4.37 The maximum amount of extraction should be encouraged to minimise the amount of resource sterilised and with associated potential financial benefits to the site owner and developer.
- 4.38 A ‘Minerals Recovery Plan’ may be a useful means of setting out the quantity of material to be extracted, proportion proposed for on-site use, and timescale over which extraction will take place.
- 4.39 Where any working of minerals is considered incidental to that of the main non-minerals development, extraction should be considered by the Local Planning Authority as part of the main application. In this scenario, the mineral working is likely to be considered as ‘enabling development’. It may be concluded that only a portion of material may be extracted, prior to and during the development, through site preparation and incidental to groundworks. This may be suitable for on-site use but also some may require to be exported. Incidental extraction of small amounts of mineral, for example as part of site preparation or digging of foundations, is likely to be considered as ancillary to or even enabling of the non-minerals development and not normally require separate/standalone planning permission for mineral extraction. Use of materials on-site, and export of excess, could be addressed through the terms of the permission and associated conditions or legal agreements. The County Council, as Mineral Planning Authority, would act as a consultee for such applications and it would be for the determining Local Planning Authority to oversee that the incidental mineral extraction is carried out in accordance with the planning permission.
- 4.40 Nonetheless, there may be occasions when large-scale built developments, such as garden towns, may not be planned to come forward for a number of years, providing the opportunity for mineral extraction to take place well in advance of such development. Such extraction proposals are likely to be County matters in two-tier areas given that any application would need to be a standalone minerals application – not being linked to any primary built development proposal. As with any planning applications, such applications may be refused or granted permission. In addition, consideration should be given to whether planning permission is required for the acceptance of the mineral at a processing plant should this be located at an existing quarry as receipt of this material may extend the life of the quarry.

- 4.41 It is for the developer or site proposer to demonstrate whether prior extraction is viable. The Minerals Resource Assessment may conclude that prior extraction is not practicable due to site constraints and location, delay to construction timetable, and effect on landform making the site not viable for the proposed development.
- 4.42 The Mineral Planning Authority will consider the conclusions of the Minerals Resource Assessment, including on prior extraction, in forming its view on the proposed development and provide advice to the Local Planning Authority.

Minerals Infrastructure Assessments

- 4.43 Proposals affecting safeguarded mineral infrastructure sites or within MCAs around these, including rail depots, wharves, concrete batching and asphalt plants, and aggregate recycling sites should be supported by a **Minerals Infrastructure Assessment**. This should provide sufficient evidence to enable the Mineral Planning Authority to assess whether the proposed development is likely to have an adverse effect on the facility including its capacity.
- 4.44 As with minerals resources, development can result in direct loss (through site re-development) or introduce uses proximate to the facilities that may be sensitive to impacts from their operation and potentially constrain existing or future activities. Wharves and rail depots in particular are site-specific (given the need for access to rail and water) and are essential for the sustainable transport of minerals and for maintaining a steady and adequate supply. These may need to operate 24/7 reflecting access to rail pathways and tides, which can result in impacts from, for example, noise from ship and train engines, machinery and unloading, and lighting throughout the night.
- 4.45 Minerals Infrastructure Assessments should identify the potential sensitivity of the proposed development and address the issues identified in **Annex 2**. A key role is to demonstrate that the proposed non-mineral development will not be sensitive to effects arising from the operation of the infrastructure.
- 4.46 Mitigation measures may be incorporated into development design and layout to mitigate potential effects, reflecting the 'agent of change' principle.
- 4.47 Early consultation with the Mineral Planning Authority and operator(s) of the facilities in the MCA is essential to ensure that any sensitivity issues are considered at the beginning of the process and so can adequately be incorporated into planned development.

4.48 Where facilities are likely to be adversely affected, through partial or total loss or constraint on capacity, the lack of need for the facility and ability to provide equivalent replacement capacity elsewhere will need to be demonstrated.

5. GUIDANCE FOR MINERALS PLANNING AUTHORITIES - MINERALS SAFEGUARDING POLICIES

Minerals Safeguarding Areas and Minerals Consultation Areas

- 5.1 Minerals and relevant Plans should designate **Minerals Safeguarding Areas (MSAs)** that include areas of known resources, existing permitted reserves¹³ and quarries. The starting point for identifying MSAs for mineral resources is usually the data held by the British Geological Survey (BGS).
- 5.2 These should be identified and delineated in maps, ideally supported by interactive detailed maps and GIS layers with clear boundaries to enable interrogation and use by developers and LPAs. These should be provided to Local Planning Authorities in 2-tier areas so that MSA boundaries can be clearly identified.
- 5.3 **Minerals Consultation Areas (MCAs)** identify the area in which the LPA should consult with the Mineral Planning Authority on local plan site allocations and planning applications. MCAs should be defined based on MSAs but often extending beyond these, in the form of a 'buffer' (often between 100 and 500m) around mineral resource, depending on the type of resource and extraction activity and may include access roads, and existing and potential minerals infrastructure sites. This helps to ensure that consideration is taken of the potential sterilisation by proximate development, for example by restricting accessibility or introducing sensitive receptors that would preclude minerals development or constrain operations.
- 5.4 MSAs and MCAs around minerals infrastructure should be of an appropriate size to reflect a 'buffer' zone in which the development could be sensitive to the effects of the ongoing operation or expansion of a facility, particularly of noise. For example, the 'buffer' for a wharf may extend to the opposite side of a river due to the nature of the infrastructure operations. It is also important to recognise that some facilities may need to operate outside of normal hours or 24/7, due to tides (wharves) or rail slots/pathways (rail depots). Unlike for mineral resources, applications for minor developments including change of use may have a major effect on safeguarding of minerals infrastructure as they can introduce a sensitive use proximate to the facility e.g. change from industrial to residential, and so should not be exempt.
- 5.5 Mitigation may be possible, through sound insulation, orientation and layout. The 'agent of change' principle introduced in the NPPF (and London Plan) requires such mitigation to be incorporated into development that may affect existing operations based on the principle that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. However, a main principle of mineral safeguarding is to avoid such conflict and the potential for legal conflicts around competing land uses.

¹³ In land use planning terms, reserves are those minerals that have planning permission for extraction – for definition of 'resources' and 'reserves' see <https://www.bgs.ac.uk/mineralsUK/mineralsYou/resourcesReserves.html>

Minerals Plans - Policy Content & Criteria

- 5.6 Minerals policies should include clear criteria against which non-minerals development that may needlessly sterilise resources or affect the operation of infrastructure are considered.
- 5.7 Table 2 below sets out typical criteria for use in mineral resource and infrastructure safeguarding policy for developments that are not identified as ‘exempt’ from the policy eg temporary, householder, minor extensions:

Table 2 Example Policy content and evidence requirements

Safeguarding of Mineral Resources	
Criteria	Matters to address in Mineral Resource Assessment (MRA)
Minerals are not of current or potential economic or heritage value or would not be sterilised, or	Resource quality, quantity, economic and/or heritage value, sterilising effect of development on safeguarded minerals.
It would be inappropriate/not viable to extract mineral at this location, or	Constraints (environmental, amenity, transport/accessibility) & policy.
It would not conflict with mineral extraction at this site, or	Site assessment of sensitivity of development and mitigation measures.
Minerals can be extracted prior to the development proceeding, without adversely affecting the viability of the development, or	Site-specific assessment of viability of prior extraction taking account of constraints & opportunities; evidence of market for the material and proximate processing.
Safeguarding of Minerals Infrastructure	
Criteria	Matters to address in Minerals Infrastructure Assessment (MIA)
Development will not involve loss of site or capacity, and not have an unacceptable detrimental effect on operations; or	Nature of safeguarded facility/operation; proximity & screening; sensitivity of proposed development, mitigation measures including noise insulation, orientation and aspect, layout to avoid sleeping and living areas overlooking the site.
The safeguarded facility affected is not viable or required; or	Evidence from site operator and assessment of throughput and capacity.
The capacity of the infrastructure can be satisfactorily re-located elsewhere prior to its loss.	Availability of alternative sites, their suitability and deliverability.

- 5.8 Where non-minerals development meets one or more of the safeguarding criteria, and where prior extraction is considered viable through the MRA, the safeguarding policy should require that prior extraction be incorporated within the proposals submitted for determination where practicable.

- 5.9 The merits of the proposed development and its effects on minerals safeguarding and sterilisation (taking into account prior extraction) will then be subject to consideration and application of planning balance in the normal way.

ANNEX 1**Minerals Resources Assessments - components**

Minerals Assessment components	Information requirements & sources
Site location, boundaries and area	<ul style="list-style-type: none"> • Red line area in relation to MSA/MCA • Description of development including layout & phasing • Timescale for development
Mineral Resource	<ul style="list-style-type: none"> • Type of mineral • Existing mineral exploration data (e.g. previous boreholes in area) • Results of further intrusive investigation if undertaken • Extent of mineral – depth & variability • Overburden – depth & variability, overburden:mineral ratio • Mineral quality – including silt %/content • Estimated tonnage of resource potentially affected • Estimated economic/market value of resource affected
Potential constraints on mineral extraction at location	<ul style="list-style-type: none"> • Site location, proximate receptors, infrastructure/utilities, accessibility • Landscape, biodiversity & heritage designations
Potential opportunities for mineral extraction at location	<ul style="list-style-type: none"> • Proximity to existing mineral sites or processing plant • Previous consideration of site or adjacent land in preparation of Minerals Local Plan • Context of site and mineral within wider resource area • Proximity to viable transport links for mineral haulage • Potential benefits through mineral restoration e.g. land reclamation, landscape enhancement
Conclusions	<ul style="list-style-type: none"> • Amount of mineral at risk of sterilisation • Current and future economic or heritage importance of mineral • Viability of extraction from Site, taking account of existing reserves and potential resources elsewhere • Importance of the proposed non-minerals development
Prior Extraction	
Commercial & market considerations	<ul style="list-style-type: none"> • Interested operators/local market demand • Processing needs • Proximity to processor or market • Potential for on-site use of some or all of the mineral • Accessibility
Practicability & acceptability	<ul style="list-style-type: none"> • Effect on viability of non-minerals development including through delays and changes to landform and character • Site location, setting & proximity to receptors • Accessibility/transport • Hydrology/hydrogeology/drainage • Effect on designations or interests

Minerals Infrastructure Assessments - components

Minerals Infrastructure Assessment components	Information requirements & sources
Site location, boundaries and area	<ul style="list-style-type: none"> • Red line area in relation to safeguarded site/MCA • Description of development • Timescale for development
Description of minerals infrastructure potentially affected	<ul style="list-style-type: none"> • Type of facility eg wharf, rail depot, concrete batching plant; asphalt plant; recycled aggregate site • Type of mineral handled/processed/supplied • Throughput/capacity
Potential sensitivity of proposed non-mineral development to operation of infrastructure on non-minerals development and its significance	<ul style="list-style-type: none"> • Noise • Dust • Traffic • Visual • Light
Potential impact of non-mineral development on safeguarded infrastructure/facility	<ul style="list-style-type: none"> • Loss of capacity – none, partial or total • Potential constraint on operation of facility – none or partial
Measures to mitigate potential impacts of operation of infrastructure on non-minerals development	<ul style="list-style-type: none"> • External and internal design & orientation eg landscaping; living & sleeping areas facing away from facility. • Fabric and features eg acoustic screening & insulation; non-opening windows; active ventilation
Conclusions	<ul style="list-style-type: none"> • Safeguarded facility will not be lost • Sensitivity of proposed development to effects of operation of safeguarded infrastructure/facility can be mitigated satisfactorily; or • If loss of site or capacity, or constraint on operation, evidence it is not required or can be re-located or provided elsewhere

ANNEX 3

Examples of Safeguarding Supplementary Planning Documents and Development Plan Documents:

Central Bedfordshire Mineral and Waste Safeguarding – Technical Advice Note (2016)
<http://www.centralbedfordshire.gov.uk/planning/minerals-waste/framework/mineral-safeguarding-areas.aspx>

Cornwall Council Minerals Safeguarding Development Plan Document (Adopted 2018)
<https://www.cornwall.gov.uk/media/36180980/minerals-safeguarding-dpd-adoption-december-2018e.pdf>

Devon Mineral Safeguarding Supplementary Planning Document (Adopted 2018)
<https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/mineral-safeguarding-spd>

Hampshire: Minerals and Waste Safeguarding in Hampshire, Supplementary Planning Document (Adopted 2016) <http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home/hmwp-spds.htm>
<https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/safeguarding-resources>

Kent Safeguarding Supplementary Planning Document (Adopted 2017)
<http://consult.kent.gov.uk/file/4489858>

GLOSSARY

Agent of Change principle: Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Minerals Consultation Area (MCA): A geographical area, based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

Mineral safeguarding Area (MSA): An area designated by a Mineral Planning Authority which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

Mineral Reserves: In land use planning terms, reserves are those minerals that have planning permission for extraction.

Mineral Resources: Natural concentrations of minerals or, in the case of aggregates, bodies of rock that are, or may become, of potential economic interest due to their inherent properties (for example the high crushing strength of a rock or its suitability for use as an aggregate). The mineral will also be present in sufficient quantity to make it of intrinsic economic interest.

Minerals Infrastructure: Sites and facilities for bulk transport, handling and processing and associated storage of minerals, including wharves, rail depots and rail links. Facilities for the manufacture of concrete and concrete products eg concrete batching plants; asphalt plants; and facilities for handling, processing and distribution of substitute, recycled and secondary aggregate material.

Minerals Resources Assessment: Systematic assessment of the potential effects of a non-minerals development on safeguarded mineral resources, including measures to mitigate potential effects such as extraction of mineral prior to development.

Minerals Infrastructure Assessment: Systematic assessment of the potential effects of a non-minerals development on safeguarded minerals infrastructure including loss of the site/facility or constraint on its operation and capacity, and measures to mitigate any effects.