

FD.EVR5

Cambridgeshire and Peterborough Minerals and Waste Local Plan

Policy 5: Mineral Safeguarding Areas (MSAs)

(was part of Policy 7: Mineral Allocation Areas, Mineral Allocation Consultation Areas and Mineral Safeguarding Areas at the preliminary draft stage)

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Introduction and National Policy Context	2
Introduction	2
National policy	2
Local Context in Relation to Policy 5: Mineral Safeguarding Areas (MSAs)	3
Minerals & Waste Local Plan Policy	3
Alternative Reasonable Options	4
Conclusion	4

1. Introduction and National Policy Context

Introduction

- 1.1. Cambridgeshire County Council and Peterborough City Council are reviewing their joint adopted Minerals and Waste Development Plan and supporting documents. These comprise the following documents (with adoption date):
 - Core Strategy Development Plan Document (DPD) (July 2011)
 - Site Allocations DPD (February 2012)
 - Block Fen and Langwood SPD (July 2011)
 - Location and Design of Waste Management Facilities SPD (July 2011)
 - RECAP Waste Management Design Guide SPD (February 2012)
- 1.2. The above Local Development Documents are to be replaced by a single Minerals and Waste Local Plan covering the period to 2036. The new Local Plan will set the overall spatial framework and development management policies for sustainable mineral and waste management development across the plan area.
- 1.3. This Evidence Report provides a narrative on the development of and justification for Policy 5: Mineral Safeguarding Areas (MSAs) in the emerging new Local Plan.

National policy

- 1.4. The National Planning Policy Framework (NPPF 2019) and National Planning Practice Guidance (NPPG) provide the basis of national planning policy. Of specific relevance to Policy 5 are the following areas of the NPPF:
 - Paragraph 204 - *“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);*
- 1.5. A number of Paragraphs from the NPPG are also relevant, as follows:

“Since minerals are a non-renewable resource, minerals safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance.” (Paragraph: 002 Reference ID: 27-002-20140306)

“Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:

 - *uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources;*

- *consults with the minerals industry, other local authorities (especially district authorities in 2-tier areas), local communities and other relevant interests to define Minerals Safeguarding Areas;*
- *sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and*
- *adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals.*

Detailed advice on mineral safeguarding may be found in the British Geological Survey report Mineral safeguarding in England: good practice advice.” (Paragraph: 003 Reference ID: 27-003-20140306)

“Safeguarding mineral resources should be defined in designated areas and urban areas where necessary to do so. For example, safeguarding of minerals beneath large regeneration projects in brownfield land areas can enable suitable use of the mineral and stabilisation of any potentially unstable land before any non-minerals development takes place.” (Paragraph: 004 Reference ID: 27-004-20140306)

2. Local Context in Relation to Policy 5: Mineral Safeguarding Areas (MSAs)

- 2.1. The current Minerals and Waste Development Plan sets MSAs within the plan area.
- 2.2. As part of their review, the Councils published at the Preliminary Draft stage a ‘Minerals Safeguarding Area Methodology’ statement. This statement has been updated for the Further Draft stage, and is available on the website.

3. Minerals & Waste Local Plan Policy

- 3.1. The Preliminary Draft Plan was published on 16 May 2018 and consulted on over a six week period to 26 June 2018.
- 3.2. Within the Preliminary Draft was Policy 7: Mineral Allocation Areas, Mineral Allocation Consultation Areas and Mineral Safeguarding Areas
- 3.3. During the Preliminary Draft Consultation, there were 2 representations made on this policy, which were broadly in support. In summary, the main issue raised did not relate to mineral safeguarding areas.

- 3.4. As a consequence of representations, as well considering any new evidence which may have emerged, the policy has not, with one exception, been amended for the Further Draft Local Plan.
- 3.5. The only change is the addition of a new 'exception' bullet point, that being to exclude the necessity to consult the MPA on any application falling within a settlement boundary (sometimes referred to as 'village/development envelopes'). This addition is in the interest of minimising consultation to proposals whereby the MPA might meaningfully raises issues or suggestions.

4. Alternative Reasonable Options

- 4.1. The following alternative options have been considered (including in the Sustainability Appraisal Report):
 - Option 1: Identify MSAs on the Policies Map and have criteria which determine when the MPAs must be consulted. This is the preferred option, as it meets the NPPF requirement to define MSAs, and provides sufficient flexibility to allow certain development which would not prejudice future mineral working.
 - Option 2: A less restrictive policy, potentially allowing more development without the need to consult the MPAs. This has been rejected because it may result in inappropriate development which could prejudice and/or sterilise mineral which otherwise could have been worked
 - Option 3: A more restrictive policy. This has been rejected due to the fact that many forms of development can take place which would not prejudice future working of mineral or which would not be affected by it. It could also prove too burdensome on the MPA as they would need to be consulted on a broader range of planning applications, most of which the MPA would most likely not object to.
- 4.2. It should be noted that the National Planning Policy Framework requires MPAs to define MSAs, therefore having no policy on the matter is not a reasonable alternative option and was immediately discounted.

5. Conclusion

- 5.1. This evidence report demonstrates the rationale for the inclusion of this policy in the Further Draft Plan, and also demonstrates a summary of the issues raised at the earlier Preliminary Draft stage, and how the Councils have considered those issues raised.
- 5.2. Any representations received at the Further Draft consultation stage will be carefully considered, and this Evidence Report will be updated prior to the third and final consultation stage due in late 2019.