

Brecon Beacons National Park
Local Development Plan

Supplementary Planning Guidance
Policy 65: Minerals Safeguarding

March 2015

Prior Extraction within Mineral Safeguarding Zones

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1.0 Introduction

- 1.1 This Supplementary Planning Guidance provides information to assist with the consideration of planning applications on minerals safeguarding areas within the National Park.
- 1.2 Prior extraction refers to the removal of mineral resources that are winnable by surface mining methods from development sites, prior to the commencement of construction work. There is no requirement to consider removal of mineral resources that lie at a greater depth beneath a development site, which can only be extracted by underground working.
- 1.3 Prior extraction of surface mineral resources prevents the unnecessary sterilisation of potentially valuable mineral resources and can also assist in remediating legacy issues on previously developed land. However, prior extraction will not always be appropriate.

2.0 Policy Context

- 2.1 Minerals Planning Policy Wales (MPPW) introduces the principle of safeguarding access to mineral resources that may be needed by future generations and provides for consideration of the potential for extraction of economic mineral resources prior to other forms of development taking place. This is the basis for LDP policy 65 and the mineral safeguarding information included on the associated Proposals Map.
- 2.2 Policy 65 sets the context for decision making on prior extraction but when considering possible prior extraction requirements under policy 65, it will be necessary to also consider the requirements of other relevant LDP policies. Evaluation of a development proposal in this context will be important both in reaching a view on whether the proposal is acceptable and on whether prior extraction is appropriate.
- 2.3 Minerals Technical Advice Note (Wales) 2 on Coal (MTAN2), paragraph 42, also references the need to consider pre-extraction, where development is proposed on the coal resource.
- 2.4 The Local Development Plan Proposals Map shows the spatial extent of the safeguarded mineral resource.
- 2.5 This guidance sets out the issues which need to be addressed when applications are submitted on mineral safeguarding zones. The attached flow chart in Appendix I sets out this process.

3.0 Detailed Considerations

- 3.1 A series of stages will need to be gone through to establish whether there is a need for the development to take place within a mineral safeguarding area, and if need is established, whether the mineral can be extracted prior to development.
- 3.2 The attached flow chart provides an indication of the process and questions which should be answered. The following notes should help with this. In the first instance, where insufficient information is provided, the Authority will seek the necessary information. A proportionate approach will be taken; the level of information required will depend on the specific details of the proposed development. If this is not provided, the application is likely to be refused on the ground of lack of proper justification.

A MINERAL STERILISATION

A1 Is this a householder application or within an existing curtilage?

Any mineral resource beneath such sites is already likely to have been sterilised by permanent development and prior extraction is not considered to be feasible or appropriate. These types of applications will therefore not require consideration of prior extraction.

A2 Is this a temporary development?

Temporary development proposals, even those that will run for many years, will not permanently sterilize an economic mineral resource and therefore consideration of prior extraction is not required. However, it may be sensible to use planning conditions or planning obligations to ensure removal of buildings / infrastructure at the end of the consent period and to ensure restoration of the land to its former condition. This already happens in some cases, e.g. where temporary permissions are granted for renewable energy installations.

A3 Is this a non-sensitive agricultural or forestry related development?

A significant amount of agricultural and forestry development is 'permitted development' under the provisions of Part 6 and Part 7 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995. However, agricultural and forestry related developments requiring a specific grant of planning permission tend to be for sheds, slurry tanks and lagoons, hardstandings and tracks which are 'reversible' relatively easily and therefore do not have the effect of permanently sterilising economic mineral resources. This does not apply to agricultural or forestry dwellings as these would amount to 'sensitive'¹ development which would not only sterilise the resource at the site itself but would also sterilise resource within a potential buffer zone around the dwelling.

A4 Is the site allocated within the Local Development Plan?

¹ 'Sensitive' development is any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected. Minerals Technical Advice Note (Wales) 1: Aggregates (2004), paragraph 70

Need has already been established for allocations within the Local Development Plan and the issue of safeguarding has already been considered. Prior extraction still needs to be considered even on allocated sites.

A5 Is an alternative suitable location available outside the Mineral Safeguarding Area?

As far as possible, proposals should avoid development on minerals safeguarding areas. Applicants will need to demonstrate why this is the only suitable location for the proposal, and must make a case for the development to be located within a mineral safeguarding area. If an alternative suitable location outside the Mineral Safeguarding Area is available then the development should be relocated.

A6 Is there an overriding need for the development?

The developer will be required to establish the need for new development within a mineral safeguarding area which will sterilise the resource beneath the site or in the case of new 'sensitive development'², where the effect would be extending the buffer zone into the mineral safeguarding area. Developers will also be required to establish the effect of incremental cumulative sterilisation where new development takes place adjacent to settlement boundaries.

The permission can be granted if need is established. This can include the needs of the community, affordable housing need, and the functional need for an existing business or enterprise to expand onto adjacent land. If there is no need for the development to take place on mineral safeguarding areas then permission is likely to be refused. Applications which are acceptable under this part of the Policy must go on to consider whether prior extraction of the resource is possible.

B PRIOR EXTRACTION

B1 Would landscape impact of prior extraction be detrimental to the special qualities of the National Park?

The landscape character of the site and its landscape context will be a relevant consideration. Prior extraction could have a significant adverse visual impact as well as significant adverse visual impact on landscape character. The applicant must provide relevant information to the Authority in relation to the landscape impact of prior extraction from a site. On the basis of the information available to it, the Authority will consider whether landscape considerations outweigh the need for prior extraction.

B2 Are there recognised historic features which must be retained?

Historic features and their settings on the site will also be a relevant consideration. Prior extraction can destroy these features and/or alter their setting so the applicant must provide relevant information to the Authority in relation to the impact of prior extraction on historic features. Information must also be provided on the impacts on historic landscapes. The Authority will consider whether any adverse impact on historic features, their setting, or an historic landscape outweighs the need for prior extraction.

B3 Are there ecologically important habitats, trees and hedgerows / hedge banks which must be retained?

The ecological and biodiversity features of the site will be an important consideration. Prior extraction can destroy these features so the applicant must provide relevant information to the Authority in relation to the ecological impact of prior extraction. The Authority will consider whether ecological and biodiversity considerations outweigh the need for prior extraction.

B4 Would prior extraction be detrimental to groundwater resources?

There may be potential for prior extraction to have an adverse impact on a local water table or a protected groundwater aquifer. The applicant must provide relevant information to the Authority in relation to groundwater impact of prior extraction. The Authority will consider whether these considerations outweigh the need for prior extraction.

B5 Is the resource hard rock and within 200metres of existing sensitive development?

Hard rock normally requires blasting to extract it. National planning guidance states that blasting should not take place within a 200m buffer zone around existing 'sensitive' development. The applicant will be required to demonstrate that the resource cannot be extracted because of existing sensitive uses within the relevant buffer zone of the proposed development and that mineral working would have a significant adverse impact on persons living, visiting or working within that sensitive development.

B6 Is the resource sand and gravel (or other resources where no blasting is required) and within 100metres of existing sensitive development?

On sand and gravel sites and hard rock sites where no blasting is required, the buffer zone is 100m around existing 'sensitive' development. The applicant will be required to demonstrate that the resource cannot be extracted because of existing sensitive uses within the relevant buffer zone of the proposed development and that the mineral resource is already sterilised.

B7 Are there reasons why prior extraction cannot take place?

Prior extraction may not be appropriate for any number of reasons. It could prejudice the development, delay the development beyond a reasonable timescale, not be technically feasible, the quantity and quality of the mineral, or there may be no local market for the material. The developer will be required to demonstrate why it is not practical or feasible to extract the material. The developer will also be required to demonstrate why it would not be possible to modify the proposal to avoid sterilisation and that there is no significant incremental sterilisation of resources in combination with other developments in the vicinity of the application site.

Where there are no justifiable reasons why prior extraction cannot take place a separate planning application is required to assess the working of the mineral. The Authority will determine a planning application for prior extraction of the mineral before built permanent development can take place

4.0 Useful contacts

Further information available from

Planning Department
Brecon Beacons National Park Authority
Plas y Ffynnon
Cambrian Way
Brecon
Powys
LD3 7HP

5.0 Glossary

Aggregates	Sand, gravel, crushed rock and other bulk materials used by the construction industry
Mineral	Rock or other material that has a commercial value when extracted
Mineral Development	Any activity related to the exploration for or winning and working of minerals, including tipping of spoil and ancillary operations such as the use of processing plant.
Mineral Planning Authority (MPA)	The planning authority responsible for planning control of minerals development. In this instance the National Park Authority is the Mineral Planning Authority for the area.
Mineral Planning Policy Wales (MPPW) (2001)	Policy document produced by the Welsh Government which sets out the land use planning policy guidance in relation to mineral extraction and related development in Wales, which includes all minerals and substances in, on, or under land extracted either by underground or surface working.
Mineral Resource	A potential mineral deposit where the quality and quantity of material present has not been tested
Minerals Reserves	Mineral deposits which have been tested to establish the quality and quantity of material present and which could be economically and technically exploited.
Minerals Safeguarding area	Areas of known mineral resource which are protected from sterilisation for future use.
Prior Extraction	the removal of mineral resources that are winnable by surface mining methods from development sites, prior to the commencement of construction work.
Serialisation	When development or land use changes prevent possible mineral exploitation in the foreseeable future

Planning Application within a Minerals Safeguarding Area

