

Minerals Safeguarding – SPG responses

Respondent	Comment	Recommended Response	Officer Recommended Change
NRW	<p>We agree with the requirement for applicants to identify any ecological and biodiversity features of sites proposed for prior extraction. This should include legally protected species, and proposals should include measures to mitigate damage likely to arise from the proposals, or where mitigation is not possible, compensation for impacts.</p> <p>We welcome the recognition of the need to take into account the effects on groundwater and landscape from prior extraction.</p> <p>We note that extraction operations may affect interest located within and/ or outside of the application site, and suitable type and level of impact assessment will be required. Applicants should contact the Local Planning Authority’s ecologist for advice on the level of assessment necessary.</p> <p>The Policy Context section may benefit from a statement which reiterates that the safeguarding of minerals does not indicate that extraction will be acceptable in those locations, but rather reflects the location of known resource.</p>	<p>The National Park Authority welcomes the general support for the SPG.</p> <p>The Policy Context is set by Policy 65. This SPG is intended to assist with the consideration of planning applications received within mineral safeguarding areas rather than setting out the policy position.</p>	No change
NRW	<p>We recommend the following additions to the section titled ‘Prior extraction’:</p> <p><i>‘Would the landscape impact of prior extraction be detrimental to the special qualities of the National Park?’</i></p> <p><i>...Prior extraction could have a <b>significant adverse visual impact as well as significant adverse impact on landscape character...</b></i>’</p> <p><i>‘Are there recognised historic features which must be retained?’</i></p>	The proposed changes would add clarity and therefore they should be accepted	Sections to be changed as requested.

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	<p><i>Historic features <b>and their settings</b> on the site will also be a relevant consideration. Prior extraction can destroy these features <b>and/ or alter their setting</b> so the applicant must provide relevant information to the Authority in relation to the impact of prior extraction on historic features. <b>Information must also be provided on the impacts on historic landscapes.</b> The Authority will consider whether any adverse impact on historic features, <b>their setting, or on historic landscapes outweighs the need for prior extraction.</b>'</i></p>		
<p>The Coal Authority</p>	<p>The specific comments and/or changes which The Coal Authority would like to make or see in relation to the above document are:</p> <p>The Coal Authority supports the production of the SPG in principle and considers that in broad terms the content of the SPG is appropriate. The SPG rightly recognises the need to consider prior extraction of surface coal resources irrespective of whether these are safeguarded in an MSA or not. This complies with paragraph 42 of MTAN2.</p> <p>The Coal Authority recognises the sensitivity that can occur with mineral development of any scale in the National Park context; however it is important to recognise that some prior extraction amounts to effectively no more than normal groundwork activity. Prior extraction can take place at the micro scale, the SPG appears to take a presumption that any prior extraction may result in an adverse impact.</p> <p>In relation to surface coal in particular in many circumstances the most economically advantageous method of remediating mining legacy can be through removal of the remnant surface coal. MTAN2 recognises this in paragraphs' 49 to 54. This is likely to be the most common potential reason for considering prior extraction of the surface coal resource within the National</p>	<p>The support of the Coal Authority is welcomed.</p> <p>Reference is already made in the 'Introduction' to prior extraction possibly assisting with the remediation of legacy issues on previously developed land.</p>	<p>No change</p>

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	Park. We consider that the SPG should recognise the beneficial element that prior extraction can have in sustainably addressing historic mining legacy features.		
Mineral Products Association	The proposed SPG is a short and logically presented document of potential value to prospective developers, and in general we support it However we do have a few comments of clarification and detail	The National Park Authority welcomes the general support for the SPG	No change
Mineral Products Association	Introduction We believe the Introduction should make clear that prior extraction is very much a last resort and that it is preferable to avoid mineral sterilisation was far as possible by locating development outside of mineral safeguarding areas. This is alluded to later in the text, but we believe a more explicit reference is needed in the opening section to make the point clearer	The SPG must be read in conjunction with the policies contained in the LDP. Policy 65 already sets the context for mineral safeguarding. This SPG is intended to assist with the consideration of planning applications received within mineral safeguarding areas rather than setting out the policy position.	No change
Mineral Products Association	Mineral Sterilisation This section, 'Is an alternative suitable location available outside the Mineral Safeguarding Area?' should logically come first in a list of considerations.	The SPG considers that householder development, temporary development and non-sensitive agricultural development does not sterilise the resource. In addition, sites allocated in the LDP have already considered the impact of sterilisation. Therefore, consideration of alternative locations for such development is not necessary. Consideration of alternative sites should logically come after such considerations.	No change
Mineral Products Association	Prior Extraction We are puzzled as to why it is necessary to examine impacts on landscape, historic features, nature conservation features, etc. in isolation. Surely, these aspects will already be affected by the development whose need has already been established and is the reason for prior extraction in the first place. Should not examination be limited to additional impacts which will only arise from the mineral extraction	Prior extraction could have impacts on landscape, historic features, ecological habitats, groundwater resources and local amenity over and above those associated with the proposed development. Where such impacts are evident and are considered by the National Park Authority to be unacceptable then prior extraction cannot take place. The National Park Authority has statutory purposes and duties of conserving and enhancing	No change

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		the natural beauty, wildlife and cultural heritage of the National Park. The impacts to be examined reflect those statutory duties and purposes.	
Mineral Products Association	Secondly, the whole section is cast in negative terms which practically invite a developer to multiply or exaggerate the impacts of prior extraction as a way of avoiding it. Rather than giving a list of things which would indicate that prior extraction cannot take place, we would rather see the section explicitly say that prior extraction will be expected unless there are overriding reasons why this should not take place, which must be fully justified by cogent evidence.	Prior extraction is the default position provided in Policy 65 and does not need to be replicated in the SPG. This section highlights the issues and the information that will need to be submitted by any applicant if they consider that prior extraction is not appropriate. If a developer exaggerates any impacts then this will be assessed, highlighted, and rectified if necessary, during the processing of the planning application. The SPG also states in the second paragraph of Section 3 –Detailed Considerations’ that a proportionate approach will be taken and the level of information required will depend on 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.	No change
Mineral Products Association	<p>We believe the following criteria should be implemented</p> <ul style="list-style-type: none"> <li>- The mineral quantity and quality should be assessed by a competent and experienced professional and tested using standard BSI methods. Even small quantities of mineral are useful in avoiding the undue sterilisation and maximising the sustainability of the non-mineral development.</li> <li>- Economic mineral should be offered to the open market at realistic gate price for a period of not less than six months. Evidence of marketing and of inquiries will be required.</li> <li>- Economic mineral will be expected to be used on site in the proposed development as much as possible</li> <li>- Where the site is close to sensitive land uses measures shall be taken to minimise environmental impact.</li> </ul>	<p>The prior extraction considerations are already covered within the existing flow chart – primarily in the section entitled ‘Are there any reasons why prior extraction cannot take place?’ This could include any number of reasons and the ones specified are only some of the potential reasons. The quantity and quality of mineral could be added to that paragraph as it is clearly a major consideration. Proximity to sensitive land uses is considered within an existing box, groundwater resources and landscape impacts are already covered.</p> <p>There is no reason why economic mineral should be expected to be used on site as a matter of</p>	‘the quantity and quality of the mineral’ be added after the words ‘technically feasible’ to the first paragraph entitled ‘Are there any reasons why prior extraction cannot take place?’

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	<p>Account should only be taken of predicted effects which arise in addition to the impact of the proposed non-mineral development.</p> <ul style="list-style-type: none"> <li>- An assessment should be made of the potential for flooding and for unacceptable landscape effects, and for traffic impacts in addition to those expected as a result of the non-mineral development</li> <li>- Account shall also be taken of the benefits of mineral extraction to the environment and to the development. For example, lowering ground levels to mitigate landscape and visual impact of development, the use of voids for SUDS or for amenity improvements to the sites and for habitat creation, or the use of stone for walling and building.</li> <li>- If delay to the development is offered as a reason not to extract mineral prior to development, evidence will be required to demonstrate that mineral extraction was considered as part of the development design process and properly evaluated at the design stage. AS such, it should form part of the Environmental Impact Assessment, if one is required</li> </ul> <p>We therefore request that the flow diagram be amended in the first box dealing with prior extraction to reflect the above points.</p>	<p>principle.</p>	
MPA	<p>Much more could be said in the SPG about the validation requirements for development located in MSAs and of the expectations for mineral assessments of a professional standard</p> <p>We suggest something along the following lines  <b>Mineral Assessments Principal</b>  Sufficient information on mineral resources is necessary for local authorities to determine planning applications for non-mineral development within an MSA. The level of detail</p>	<p>The intention of the SPG is to provide a guide as to when prior extraction should be considered. It is not the intention of the SPG to cover validation requirements for development located in Mineral Safeguarding Areas – the National Park Authority has published its validation requirements in a separate document. The SPG states in the second paragraph of Section 3 –Detailed Considerations’ that the flow chart provides an indication of the process and questions which should be answered.</p>	<p>No change</p>

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	<p>provided should be appropriate to the scale and nature of the proposed development. An assessment needs to be carried out by a suitably qualified professional. The minerals resource assessment should specify whether there are minerals present and, if so , whether it is feasible to extract the mineral(s)</p> <ol style="list-style-type: none"> <li>1. Presentation of geological data. This could take the form of: <ol style="list-style-type: none"> <li>a. Desk top study of existing surface and solid geological and mineral resource information; and/or</li> <li>b. Borehole investigations</li> </ol> </li> <li>2. Assessment of the economic value (quantity and quality) of any mineral present</li> <li>3. Assessment of the mineral recovery potential: <ol style="list-style-type: none"> <li>a. Acceptability <ol style="list-style-type: none"> <li>i. Site surroundings and neighbours, and their sensitivity to impacts associated with working minerals</li> <li>ii/ Depth of overburden</li> <li>iii. Whether it has an unacceptable impact on the development's viability</li> <li>iv. Markets for the mineral, including on site.</li> <li>v. Does the developer hold the mineral rights</li> </ol> </li> </ol> </li> </ol> <p>It should also consider the surrounding mineral resources or mineral reserves.</p> <ol style="list-style-type: none"> <li>1. Potential for proximal sterilisation <ol style="list-style-type: none"> <li>a. Extent of MSA around development and its development potential, and/or</li> <li>b. Impact of the proposed development on current working of any nearby quarry and the impact of the quarry on the proposed development.</li> </ol> </li> </ol>	<p>In addition, it states that a proportionate approach will be taken and the level of information required will depend on 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. As such it is considered that the SPG achieves the right balance in terms of highlighting the proportionate level of detail it requires depending on the circumstances of the individual application.</p>	
MPA	Please refer to the BGS document, <i>Mineral Safeguarding in England: good practice advice</i> CE Wrighton, F M McEvoy and R Bust Mineral s and Waste Programme: Open Report	This document is based on the legislation as it applies in England rather than to the legislation as it applies to Wales. The National Park Authority	No change

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	OR/11/046: NERC 2011., in particular, Sections 6&7 for more detailed guidance.	has published its own validation requirements.	